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Notification of rules for Cyber Regulations Appellate Tribunal

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THE GAZETTE OF INDIA EXTRAORDINARY

Part II- Section 3, Sub-Section (i)

Government of India

Ministry of Information Technology

New Delhi, the 17 th October, 2000

NOTIFICATION

G.S.R.791(E)

In exercise of the powers conferred by section 87 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement -

These rules may be called the Cyber Regulations Appellate Tribunal (Procedure) Rules, 2000.

They shall come into force on the date of publication in the Official Gazette.

2. Definitions-

In these rules, unless the context otherwise requires -

"Act" means the Information Technology Act, 2000; (21 of 2000); "agent" means a person duly authorised by a party to present an application or reply on its behalf before the Tribunal; "application" means an application made to the Tribunal under section 57; "legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1971); "Presiding Officer" means the Presiding Officer of the Tribunal; "Registrar" means the Registrar of the Tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated; "registry" means the Registry of the Tribunal; "section" means a section of the Act; "transferred application" means the suit or other proceeding which has been transferred to the Tribunal under sub-section (1) of section 29.

"Tribunal" means the Cyber Regulations Appellate Tribunal established under section 48.

3. Procedure for filing applications.-

An application to the Tribunal shall be presented in Form-1 annexed to these rules by the applicant in person or by an agent or by a duly authorized legal practitioner, to the Registrar or sent by registered post addressed to the Registrar.

The application under sub-rule (1) shall be presented in six complete sets in a paper-book form along with one empty file size envelope bearing full address of the respondent. Where the number of respondents is more than one, sufficient number of extra paper-books together with required number of empty file size envelopes bearing the full address of each respondent shall be furnished by the applicant.

The applicant may attach to and present with his application a receipt slips as in Form No. 1 which shall be signed by the Registrar or the officer receiving the applications on behalf of-the Registrar in acknowledgement of the receipt of the application.

Notwithstanding anything contained in sub rules (1), (2) and (3), the Tribunal may permit:-

1. more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have the same interest in the service matter; or

2. an Association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the names of all the persons on whose behalf it has been filed.

4. Presentation and scrutiny of applications.-

The Registrar, or the officer authorised by the Registrar shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.

If the application, on scrutiny, is found to be defective, and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence, and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit.

If the applicant fails to rectify the defect within the time allowed under sub rule (3), the Registrar may, by order and for reasons to be recorded in writing, decline to register the application.

An appeal against the order of the Registrar under sub rule (4) shall be made within 15 days of the making of such order to the Tribunal whose decision thereon shall be final.

5. Place of filing application - The applicant shall file application with the Registrar.

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