IT Act Notification No 221

THE GAZETTE OF INDIA

EXTRAORDINARY

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

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Electronics and Information Technology)

NOTIFICATION

New Delhi, the 17th March, 2003
G.S.R.221(E)

In exercise of the powers conferred by clauses (r) of sub-section (2) of Section 87 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules regulating the terms and conditions of the service of the Presiding Officer, namely: -

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1. Short title and commencement:-

1. These rules may be called the Cyber Regulations Appellate Tribunal (Salary, Allowances and other terms and conditions of service of Presiding Officer) Rules, 2003.
2. They shall come into force on the date of their publications in the Official Gazette.

2. Definitions: -

In these rules, unless the context otherwise requires-

1. "Cyber Appellate Tribunal" means Cyber Regulations Appellate Tribunal established under sub-section (1) of section 48.
2. "Presiding Officer" means a person appointed as Presiding Officer of a Cyber Appellate Tribunal under section 49 of the Act.
3. Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Salary and Allowances: -

The Presiding Officer shall be paid such salary and allowances, as admissible to a Secretary to the Government of India, including all the benefits that a Secretary is entitled to. The Presiding Officer shall be deemed to be public servant as per the Section 82 of Information Technology Act 2000 (21 of 2000).

Provided that in the case of appointment of a person as Presiding Officer, who has retired as a Judge of a High Court or who has retired from service under the Central Government or a State Government and who is in receipt of, or has received, or has become entitled to receive any retirement benefits by way of pension, gratuity, employer's contribution to the Provident Fund or other forms of retirement benefits, the pay of such Presiding Officer shall be reduced by the gross amount of pension or employer's contribution to the Provident Fund or any other form of retirement benefit, if any, drawn or to be drawn by him.

Provided further that in case a retired Judge of a High Court is appointed as Presiding Officer, the terms and conditions of service of such Presiding Officer shall be in accordance with the instructions issued by the Ministry of Finance in respect of appointment of Judges to various Tribunals and in consultation with that Ministry.

4. Leave: -

A person, on appointment as a Presiding Officer in a Cyber Appellate Tribunal shall be entitled to leave as applicable to the Secretary to the Government of India in respect of Earned Leave, Half Pay Leave, Extra Ordinary Leave, Commutation of Leave, Casual Leave etc.

5. Leave Sanctioning Authority: -

The Secretary, Department of Electronics and Information Technology, Government of India, shall be the authority competent to sanction leave to the Presiding Officer.

6. Pension or Provident Fund: -

(i) In case a serving Judge of a High Court or a member of the Indian Legal Service is holding the post of Presiding Officer, the service rendered in the Cyber Appellate Tribunal shall count for pension, to be drawn in accordance with the rules of the service to which he belongs, and he shall also be governed by the provisions of the Provident Fund (Central Services) Rules, 1960.
(ii) In all other cases, the Presiding Officer shall be governed by the provision of the Provident Fund (India) Rules, 1962.

7. Travelling Allowances: -

The Presiding Officer while on tour (including the journey undertaken on the expiry of his term with the Cyber Appellate Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same scales and at the same rates as are applicable to Secretary to the Government of India.

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8. Leave Travel Concession: -

The Presiding Officer shall be entitled to avail leave travel concession as admissible to the Secretary to the Government of India.

9. Facility of Conveyance: -

The Presiding Officer shall be entitled to hire a Taxi on whole time basis in accordance with the rules or orders for the time being in force for hire of taxi by a Secretary to the Government of India.

10. Accommodation: -

1. The Presiding Officer shall be eligible, subject to availability, allotment of Government Quarter from the general pool accommodation of the type admissible to a Group 'A' officer of the Central Government, who is working at the place where the Cyber Appellate Tribunal is located and drawing an equivalent pay, on payment of license fee at the rates specified by the Central Government from time to time.
2. Where the Presiding Officer occupies a Government accommodation beyond permissible period, he shall be liable to pay additional license fee or penal rent, as the case may be, and he shall be liable to eviction in accordance with the rules applicable to Central Government Servants.
3. Where the Presiding Officer does not avail of facility of Government accommodation under sub-rule (a), he shall be entitled to House Rent Allowance as admissible to Group 'A' officers of the Central Government drawing equivalent pay.

11. Facilities for medical treatment: -

The Presiding Officer shall be entitled to medical treatment and hospital facilities, as provided in the Central Government Health Scheme Rules, 1954 and in places where the Central Government Health Scheme is not in operation, the said Presiding Officer shall be entitled to the facilities as provided in the Central Services (Medical Attendance) Rules, 1944.

12. Residuary Provision: -

Matters relating to the conditions of service of the Presiding Officer with respect to which no express provision has been made in these rules shall be as per the rules applicable to Group 'A' officers of Central Government.

[No.2 (8)/2000-Pers.I]

(S. Lakshminarayanan), Additional Secretary

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