IT Act Notifications GSR 901

THE GAZETTE OF INDIA

EXTRAORDINARY

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

PUBLISHED BY AUTHORITY

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Information Technology)

Notification

New Delhi, the 21st November, 2004

G.S.R.901(E)

IndiaCode

1. In exercise of the powers conferred by clause (s) of sub section (2) of section 87, read with subsection (3) of section 54 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules, namely -

1. These rules may be called the Cyber Regulations Appellate Tribunal (Procedure for Investigation of misbehaviour or Incapacity of Presiding Officer) Rules, 2003.
2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires

1. "Act" means the Information Technology Act, 2000 (21 of 2000).
2. "Committee" means a Committee constituted under sub" rule (2) of rule 3.
3. "Presiding Officer" means Presiding Officer of the Tribunal appointed under section 49 of the Act.
4. "Tribunal" means the Cyber Regulations Appellate Tribunal established under sub-section (1) of section 48 of the Act.
5. words and expressions used herein and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Committee for investigation of complaints

1. If a written complaint, alleging any definite charges of misbehaviour or incapacity to perform the functions of the offices in respect of a Presiding Officer, is received by the Central Government, it shall make a preliminary scrutiny of such complaint.
2. If on preliminary scrutiny, the Central Government considers it necessary to investigate into the allegation, it shall place the complaint together with supporting material as may be available, before a Committee consisting of the following officers to investigate the charges of allegations made in the complaint:-
    1. Secretary (Co-ordination and Public Grievances) Cabinet Secretariat - Chairman.
    2. Secretary, Department of Information Technology - Member.
    3. Secretary, Department of Legal Affairs, Ministry of Law and Justice -- Member.
3. The Committee shall devise its own procedure and method of investigation, which may include recording of evidence of the complainant and collection of material relevant to the inquiry which may be conducted by a Judge of the Supreme Court under these rules.
4. The Committee shall submit its findings to the President as early as possible within a period that may be specified by the President in this behalf.