

INFORMATION TECHNOLOGY
ACT, 2000
UNIT 3
“CYBER APPELLATE TRIBUNAL”

By

Rounak Shrivastava

SOS LAW

Jiwaji university

INTRODUCTION

- Cyber Appellate Tribunal has been established under the Information Technology Act under the aegis of Controller of Certifying Authorities (C.C.A.).
- The first and the only Cyber Appellate Tribunal in the country has been established by the Central Government in accordance with the provisions contained under Section 48(1) of the Information Technology Act, 2000.
- The Central Government shall also specify, in the notification referred to in sub-section (1), the matters and places in relation to which the Cyber Appellate Tribunal may exercise jurisdiction.



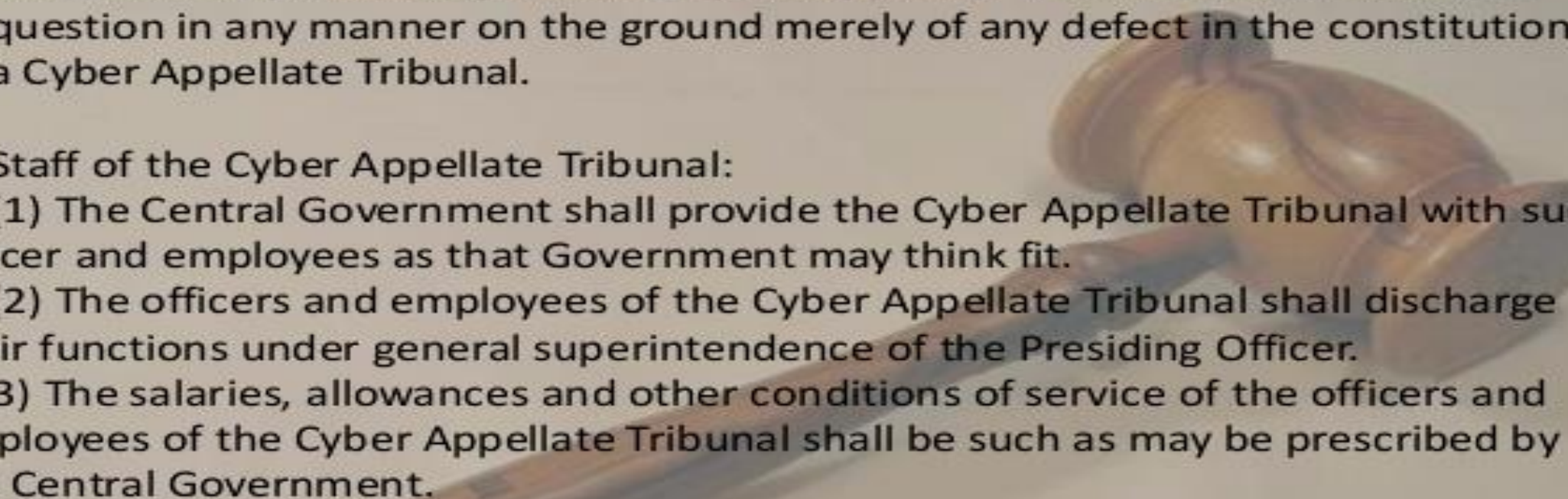
CONSTITUTION

JURISDICTION

**PROCEDURE &
POWERS**

CONSTITUTION

- A Cyber Appellate Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer of the Cyber Appellate Tribunal) to be appointed, by notification, by the Central Government.
- A person shall not be qualified for appointment as the Presiding Officer of a Cyber Appellate Tribunal unless he-(a) is, or has been, or is qualified to be, a Judge of a High Court; or; is or has been a member of the Indian Legal Service and is holding or has held a post in Grade I of that Service for at least three years.

- 
- No order of the Central Government appointing any person as the Presiding Officer of a Cyber Appellate Tribunal shall be called in question in any manner and no act or proceeding before a Cyber Appellate Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of a Cyber Appellate Tribunal.
 - Staff of the Cyber Appellate Tribunal:
 - (1) The Central Government shall provide the Cyber Appellate Tribunal with such officer and employees as that Government may think fit.
 - (2) The officers and employees of the Cyber Appellate Tribunal shall discharge their functions under general superintendence of the Presiding Officer.
 - (3) The salaries, allowances and other conditions of service of the officers and employees of the Cyber Appellate Tribunal shall be such as may be prescribed by the Central Government.

JURISDICTION

➤ Appeal to Cyber Appellate Tribunal :

(1) Save as provided in sub-section (2), any person aggrieved by an order made by Controller or an adjudicating officer under this Act may prefer an appeal to a Cyber Appellate Tribunal jurisdiction in the matter.

(2) No appeal shall lie to the Cyber Appellate Tribunal from an order made by an adjudicating officer with the consent of the parties.

(3) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order made by the Controller or the adjudicating officer is received by the person aggrieved and it shall be in such form as prescribed.

➤ Appeal to High Court:

Any person aggrieved by any decision or order of the Cyber Appellate Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Cyber Appellate Tribunal to him on any question of fact or law arising out of such order : Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

➤ The appellant may either appear in person or authorise one or more legal practitioners or any of its officers to present his or its case before the Cyber Appellate Tribunal.

➤ No court shall have jurisdictions to entertain any suit or proceeding in respect of any matter which an adjudicating officer appointed under this Act or the Cyber Appellate Tribunal constituted under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

PROCEDURE & POWER

- (1) The Cyber Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules, the Cyber Appellate Tribunal shall have powers to regulate its own procedure including the place at which it shall have its sitting.
- (2) The Cyber Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely : -
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents or other electronic records;

- **(c) receiving evidence on affidavits;**
- **(d) issuing commissions for the examination of witnesses of documents;**
- **(e) reviewing its decisions;**
- **(f) dismissing an application for default or deciding it ex parte;**
- **(g) any other matter which may be prescribed.**

- **Every proceeding before the Cyber Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196 of the Indian Penal Code and the Cyber Appellate Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.**

SUMMARY

- To encourage people to transact through electronic commerce.
- To consider and decide the validity/legal propriety of the orders passed by the Adjudicating officers.
- To spread awareness about the Cyber Appellate Tribunal mechanism for redressing the grievances of the aggrieved party against the orders of the adjudicating officers appointed under IT Act 2000 and 2008.

THANK YOU!