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To

The Honourable President of India
Rashtrapati Bhavan
New Delhi

Sub: Kindly Prevent Void in Cyber Judiciary in India

Madam

I wish to bring to your notice that immediate action is required by the Government of India to ensure that there is no void in Cyber Judiciary in India. The action is primarily required to be initiated by the Ministry of Communications and Information Technology (MCIT) in consultation with the Chief Justice of India if necessary.

Information Technology Act 2000 (present amended version referred to as ITA 2008) had envisaged that the contraventions under the Act, viz, Cyber Crimes resulting in claims of compensation shall be handled through a Fast Court mechanism of “Adjudication” at State level and an appellate authority called Cyber Appellate Tribunal (CAT). Presently CAT functions from Delhi under a Presiding Officer appointed by the MCIT in consultation with the Chief Justice of India. There is an adjudicating office in each of the States and the Union Territory and only one CAT as the appeal authority.

The term of the current Presiding officer of CAT will be ending on June 30 2011 and as of now there has been no announcement about the new incumbent. In the event no person is appointed by 30th June 2011, the CAT will become dysfunctional.

At present there are several pending cases at the CAT and also several pending cases in different adjudicating offices which may mature into a CAT appeal. All these cases will go into a limbo if the Government does not either appoint a new Presiding officer or extend the office of the current Presiding officer. The adverse impact of this would be on the victims of Cyber crimes who are waiting for a relief from the Cyber Judiciary system. Such a situation would reflect badly on the current Government and will be termed as a “Governance Failure”.

Since the Ministry is preoccupied with other issues at present, and the time available for action is less than 9 days, it appears that an intervention from your office may be necessary to avoid the crisis of judicial void.

I therefore humbly request that you may kindly pass necessary advise to the MCIT for immediate action to either appoint a new Presiding officer or for extending the term of the existing Presiding officer until such time as the new Presiding Officer is appointed.

Regards

Yours faithfully



Na. Vijayashankar

P.S: Na. Vijayashankar, also known as Naavi is the founder of www.naavi.org the premier Cyber Law Portal in India and a pioneer in Cyber Law Education. He is involved in training of Police in some states. He is a well known Netizen activist and provides support of Cyber Crime investigations to seek justice.