

**Draft Rules under section 52 of the Information Technology  
(Amendment) Act, 2008**

**THE GAZETTE OF INDIA**

**EXTRAORDINARY**

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

**MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY**

**(Department of Information Technology)**

**NOTIFICATION**

**New Delhi, -----, 2009**

**G.S.R** - In exercise of the powers conferred by clause (r) of sub-section (2) of Section 87, read with section 52 of the Information Technology Act 2000as amended by the Information Technology (Amendment) Act, 2008 (10 of 2009), the Central Government hereby makes the following rules regulating the terms and conditions of the service of the Chairperson and Members of the Cyber Appellate Tribunal, namely: -

**1. Short title and commencement:-**

- (a) These rules may be called the Cyber Appellate Tribunal (Salary, Allowances and other terms and conditions of service of Chairperson and Members) Rules, 2009.
- (b) 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-

- (a) "Act" means Information Technology Act 2000, as amended by the Information Technology (Amendment) Act, 2008;
- (b) "Cyber Appellate Tribunal" means Cyber Appellate Tribunal established under sub-section (1) of section 48 of the Act;
- (c) "Chairperson" means a person appointed as Chairperson of a Cyber Appellate Tribunal under section 49 of the Act;

(d) "Member" means a person appointed as Member of a Cyber Appellate Tribunal under section 49 of the Act;

(e) All other 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:** - (1) The Chairperson and Members 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 Chairperson and Member shall be deemed to be public servant as per the Section 82 of the Act:

Provided that in the case of appointment of a person as Chairperson or Member, who has retired as a Judge of a Supreme Court or 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 contributory Provident Fund or other forms of retirement benefits, the pay of such Chairperson or Member 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 Supreme Court or a High Court is appointed as Chairperson or Member, the terms and conditions of service of such Chairperson or Member 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:** - The Chairperson and Members in 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 Information Technology, Ministry of Communications & Information Technology, Government of

India, shall be the authority competent to sanction leave to the Chairperson and Members.

**6. Pension or Provident Fund:** - (1) In case a serving Judge of a Supreme Court or a High Court or a member of the Indian Legal Service is holding the post of Chairperson or Member, 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.

(2) In all other cases, the Chairperson and Member shall be governed by the provision of the Provident Fund (India) Rules, 1962.

**7. Travelling Allowances:** - The Chairperson or Member 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.

**8. Leave Travel Concession:** - The Chairperson or Member shall be entitled to avail leave travel concession as admissible to the Secretary to the Government of India.

**9. Facility of Conveyance:** - The Chairperson or Member 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. House Rent Allowance:** - The Chairperson and Member shall be entitled to house rent allowance at the same rate as are, for the time being, admissible to Group 'A' officers of the Central Government drawing equivalent pay.

**11. Facilities for medical treatment:** - The Chairperson and Member 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 Chairperson and Member 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 Chairperson and Member 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. 9(16)/2004-ESD]

(R. Chandrashekher)  
Special Secretary