

Appoint authorities under IT act: HC

Mumbai: Taking a serious view of the Union government's failure to appoint appropriate authorities to enforce the right of remedy under the Information Technology Act, the Bombay high court has directed the Centre to expedite the process of setting up enforcement agencies.

Justices Ajit Shah and Ranjana Desai, hearing a public interest litigation on Thursday, also ordered the Centre to file an affidavit by August 14. "It is shocking that even after two years of the enactment of the law, the authorities have not been appointed," the judges said. This amounts to a violation of fundamental rights.

The petition was filed by Arvind Avahad and Nupur Jain, students of Pune-based Asian School of Cyber Laws.

The petitioners said that the Centre has not appointed the adjudicating officer and cyber regulation appellate tribunal under the IT Act.

They said that the IT Act

defines some acts and omissions as "offences and contraventions". As far as offences were concerned, criminal courts were authorised to try complaints in accordance with the criminal procedure code.

However, in respect to the contraventions, section 46 of the IT Act provided for the establishment of an adjudicating officer to adjudicate the contravention and determine the amount of compensation.

As the adjudicating officer has not been appointed since the Act came into force two years ago, aggrieved parties have been deprived of their rights to have remedy in case of injury that was caused to them, the petitioners said.

Section 48 of the IT Act provides for the constitution of a cyber regulation appellate tribunal, which is empowered to hear appeals arising out of orders passed by the controlling and adjudicating officer. The tribunal had not been set up, the petition pleaded. PTI

High court orders Centre to ensure quick redressal of cyber grievances

TIMES NEWS NETWORK

Pune: The Bombay high court has directed the Union government to expedite the process of appointing enforcement authorities as per the information technology (IT) Act, 2000, so that aggrieved persons can get their grievances settled. The court also asked the government to file an affidavit in the matter within two weeks.

The high court bench comprising chief justice A.P. Shah and justice Ranjana Desai gave this order

on Wednesday while hearing a public interest litigation (PIL) filed by Nupur Jain, a student of Pune-based Asian School of Cyber Laws, and Arvind Avahad.

The PIL was filed to highlight the violation of the right of remedy under the information technology Act due to the inaction and negligence of the Union government, which has not appointed appropriate authorities to enforce the rights guaranteed by the Act.

The PIL pointed out that while criminal courts have been autho-

rised to try cases/complaints in accordance with the Act, the adjudicating officer has not been appointed as yet. In respect of contravention, the adjudicating authority determines the quantum of compensation.

The PIL stated that the Act provides for a cyber regulation appellate tribunal, which is empowered to hear appeals arising out of orders from the controller and adjudicating officer. The matter has been kept for final order on August 14.