

Adjudicating Officer

Role, Responsibilities & Challenges

by Rajesh Aggarwal

**(PPT adapted from Adv. Vakul Sharma's presentation)*

Believe it or not!

The Information Technology Act, 2000 is the second technology related legislation in India in the last 115 years.

The first one was the Indian Telegraph Act, 1885

The Information Technology Act, 2000

- **Enabling** – it enables use of electronic records & digital signatures
- **Facilitating** – it facilitates e-Governance & e-commerce
- **Regulatory** – it imposes civil and criminal sanctions

Adjudicating Officers

- A quasi-judicial authority* [section 46]
- Subject matter jurisdiction: 43, 43A, 44 & 45
- Powers of a civil court [section 46(5) & 58]
- Pecuniary jurisdiction upto Rs. 5 crores [section 46(1A)]

* Scope and manner of holding enquiry under The IT (Qualification of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003

From litigant's perspective

- First court of adjudication for cyber crime(s)
- Faster justice delivery framework
- Speedier police investigation [Rule 4(i)]
- Cost effective in terms of legal cost
- Appreciation of electronic evidence

Case Study

Poona Auto v PNB

Case Study

Sanjay Dhande v ICICI Bank & Ors.

Case Study

Nagpur Petrol Pump

Case Study

*Information Technology (Reasonable security practices and procedures and **sensitive personal data** or information) Rules, 2011*

Case Study

Vinod Kaushik & Anr. v Madhvika Joshi & Ors.

Case Study

PreventiNi Life Care v Dr. Rishi Dixit & Ors

Challenges

- Rendering a techno-legal judgment within the parameters of law.
- Effective & time bound adjudication.
- Appreciation of digital forensic evidence.
- Bring awareness among people/users about the regulatory aspects of IT law.

Thanks

rajeshaggarwal.ias@gmail.com