



DISPUTE RESOLUTION UNDER INFORMATION TECHNOLOGY ACT

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A BRIEF INTRODUCTION

- Cyber laws are essential in nations like India where the internet is widely used. Cyber laws regulate all aspects of digital exchanges of information, including software, information security, e-commerce, and financial activities

- India's cyber laws have paved the way for electronic commerce and electronic government in the nation and increased the scope and consumption of digital media by ensuring optimal connectivity and removing cybersecurity concerns

- A framework for dealing with cyber-attacks like hacking, data theft, and phishing is established under the **Information Technology Act of 2000**. (hereinafter referred to as “IT Act”)

- The Information Technology Act, 2000 establishes quasi-judicial bodies, such as adjudicating officials, to resolve disputes (offences of a **civil nature as well as criminal offences**).

- The legislation also described procedures for filing complaints and seeking compensation through a body named "Adjudication" with an appeals process through the Cyber Appellate Tribunal (CyAT; it has now merged with TDSAT and changed its name to Appellate Tribunal or AT). The IT Act applies to individuals and businesses both inside and outside of India.



CYBER LAWS IN INDIA: AN INSIGHT

Information Technology Act, 2000

- The major purpose of this Act is to offer reliable legal protection for eCommerce by making it easier to register real-time data with the government. (Section 84A) IT ACT, 2000

Companies Act, 2013

- The law covers all regulatory compliances, including cyber forensics, e-discovery, and cybersecurity diligence. The Companies (Management and Administration) Rules, 2014 specifies stringent cybersecurity standards and responsibilities for company directors and executives.

Indian Penal Code (IPC), 1860

- The primary sections of the IPC that deal with cyber scams include false documentation (Section 464), forgery (Section 465), forging pre-planned for deceiving (Section 468), reputation injury (Section 469), and presenting a fabricated document as real (Section 471)

Cybersecurity Framework (NCFS)

The National Institute of Standards and Technology (NIST), the world's most trusted certifying authority, has certified the Cybersecurity Framework (NCFS), which provides a systematic approach to cybersecurity. All required regulations, standards, and best practices for efficiently managing cyber-related risks are included in the NIST Cybersecurity Framework

TYPES OF VIOLATIONS UNDER IT ACT

CONTRAVENTIONS

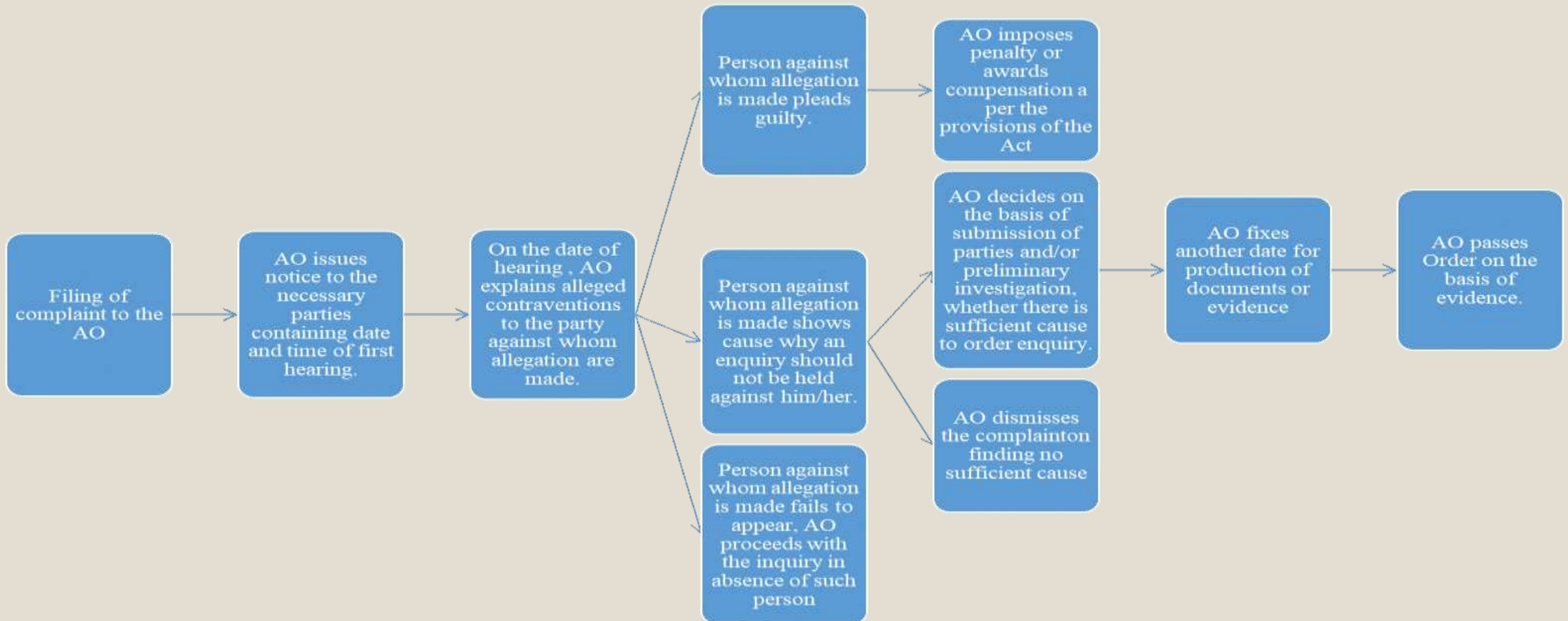
**Section 43-44,
CHAPTER- IX,
IT ACT, 2000**

- It relates to damage to the computer, computer systems; protection of data; failure to furnish information, violation of any provision, rule, regulation, or direction under the Act.

OFFENCES
**SECTION 61, IT
ACT 2000**

- It includes cyber terrorism, violation of privacy and cheating. Only disputes relating to contraventions can be resolved through the dispute resolution framework.

ADJUDICATION MECHANISM



APPEAL TO TDSAT

ADJUDICATING
AUTHORITY
SECTION 46
IT ACT, 2000

- The AO has jurisdiction over cases in which the claim for compensation or harm is less than INR 5 crore. In case the claim for compensation goes beyond the Rs 5 crores, the jurisdiction shall vest with a competent or Higher court. Within 45 days of obtaining the AO's order, a party can file an appeal with the TDSAT. If the adjudication order was made with the parties' permission, the parties do not have the right to appeal.

FIRST APPEAL
SECTION 58(2),
IT ACT, 2000

- Cyber Appellate Tribunal/Telecom Disputes Settlement Appellate Tribunal, which consists of a Chairperson and any additional members are chosen by the Central Government. the TDSAT has the same authorities as a civil court.

SECOND
APPEAL
SECTION 62
IT ACT, 2000

- Within 60 days of the Cyber Appellate Tribunal's verdict being conveyed, a second appeal may be filed with a High Court with jurisdiction

SUGGESTIONS

The AOs' capacity must be enhanced

Easy Accessibility of orders passed by AOs' to the parties concerned

Effective guidelines should be developed and applied in India to promote better complaint management



THANK YOU