Adjudication of IT/Cyber Incidents – Challenges & Road Ahead

Dept. of IT&E, Govt. of West Bengal

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Agenda



Public Unawareness about Adjudicating Authority

Identifying the Nodal Complaint Officer

Appointment of Technical Expert

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Online Hearing





With the widespread use of the internet and digital devices, the risk of cybercrime has increased substantially. A majority of the population is unaware of the presence of adjudicating authorities tasked with investigating and resolving loss and injury caused due to IT/Cyber incidents such as phishing, identity theft, ransomware, and hacking, to name a few.

Challenges:

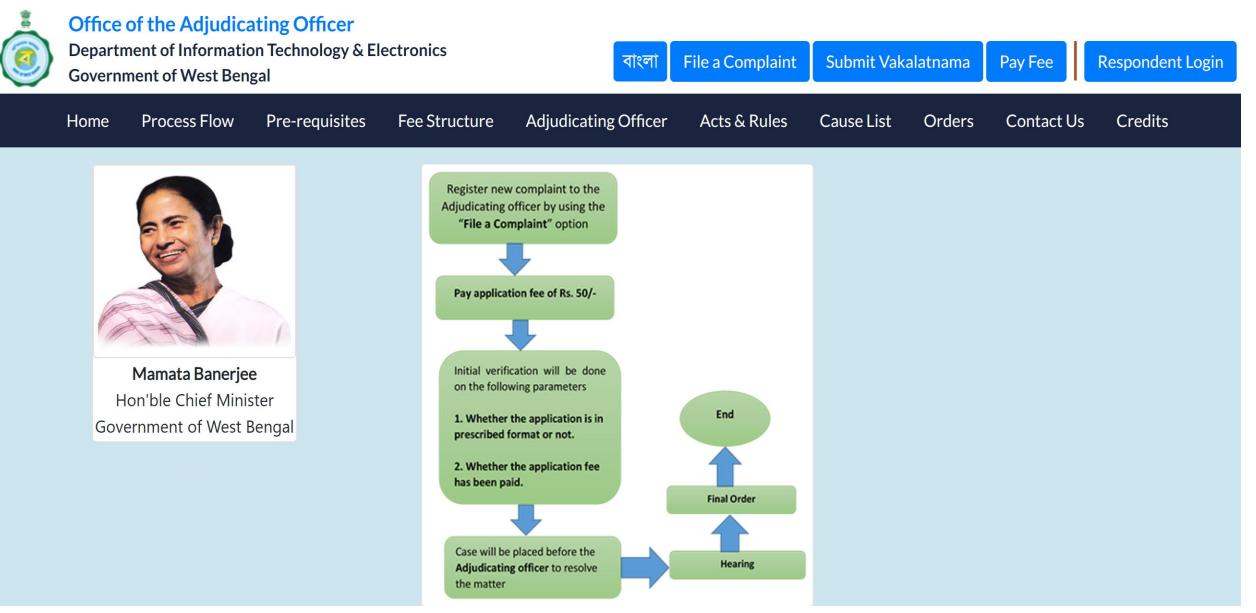
- Citizens are largely unaware about existence of adjudicating authority
- Process to register their complaints needs simplification

Action taken by West Bengal:

Development of a web portal <u>https://nirasan.itewb.gov.in</u> to provide a single window solution.

Public Unawareness of Adjudicating Authority of IT/Cyber Incidents....Contd.







At times, multiple stakeholder involvement is necessary for the resolution of an IT/Cyber incident that causes financial injury or loss to the aggrieved party. An online debit card fraud may involve multiple independent stakeholders like Banks, Telecom Operators, Internet Service Providers, Online Stores etc.

Challenges:

- In the absence of a single notified authority for each of these stakeholders, it often becomes difficult for the Adjudicating Authority to identify and contact the nodal grievance officer.
- Delay in eliciting a response from the respondents or stakeholders.
- Absence of punitive clauses for non-responders lead to delay in justice delivery.

Possible Solution:

• Issuance of Notification by the appropriate authority empowering the Adjudicating Officers to deliver justice swiftly and decisively.



The investigating officer of an IT/Cyber incident causing loss or financial injury to a citizen, is at times ill-equipped or lacks the technical knowledge to un-earth the sequence of events leading to the incident among other requirements.

Challenges:

- Investigating officer is unable to check the veracity of the complaint.
- Difficulty in understanding the technical aspects of the complaint.
- Lack of support in conducting digital forensics to follow the trail of events leading to the incident.

Possible Solution:

- Amendment required to the IT Act to enhance the power of the Adjudicating Authority to employ personnel to inquire and adjudicate.
- Authority to appoint Technical Expert(s) to assist the investigating officer to ascertain culpability as well as to corroborate claims.
- The authority of investigation needs to be delegated to the Police Officers in the rank of Sub-Inspector instead of Inspector.



At times the unavailability and unwillingness of involved entities/parties to an IT/Cyber incident, to appear physically before the adjudicating authority hinders progress and prevents a speedy resolution. Locational problems can be overcome by online hearings/proceedings.

Challenges:

- The COVID pandemic had necessitated social distancing and remote working.
- Involved parties or their representatives were at times averse to attend physically due to personal/medical reasons.
- Non-appearance of a party crucial to the adjudication proceedings created delays as well as backlog.

Possible Solution:

- Online/virtual hearings were conducted during the entire duration of the pandemic addressed these challenges.
- Even post pandemic, the hearings of those who are incapable of attending the hearing owing to pressing needs, are now taken online without hampering the justice delivery.

THANK YOU.