

Adjudication of IT/Cyber Incidents – Challenges & Road Ahead




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



Public
Unawareness
about
Adjudicating
Authority 

Identifying
the Nodal
Complaint
Officer 

Appointment
of Technical
Expert 

Online
Hearing 



Public Unawareness of Adjudicating Authority of IT/Cyber Incidents

Description:

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 <https://nirasan.itewb.gov.in> to provide a single window solution.



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



Office of the Adjudicating Officer

Department of Information Technology & Electronics
Government of West Bengal

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File a Complaint

Submit Vakalatnama

Pay Fee

Respondent Login

Home

Process Flow

Pre-requisites

Fee Structure

Adjudicating Officer

Acts & Rules

Cause List

Orders

Contact Us

Credits



Mamata Banerjee
Hon'ble Chief Minister
Government of West Bengal

Register new complaint to the Adjudicating officer by using the "File a Complaint" option

Pay application fee of Rs. 50/-

Initial verification will be done on the following parameters

1. Whether the application is in prescribed format or not.
2. Whether the application fee has been paid.

Case will be placed before the Adjudicating officer to resolve the matter

End

Final Order

Hearing



Description:

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.



Investigating Officer is at times ill-equipped to deal with IT/Cyber Incidents

Description:

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.



Remoteness of affected parties hinders proceedings

Description:

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.