



CYBER JURISPRUDENCE

ROLE OF ADJUDICATING OFFICERS

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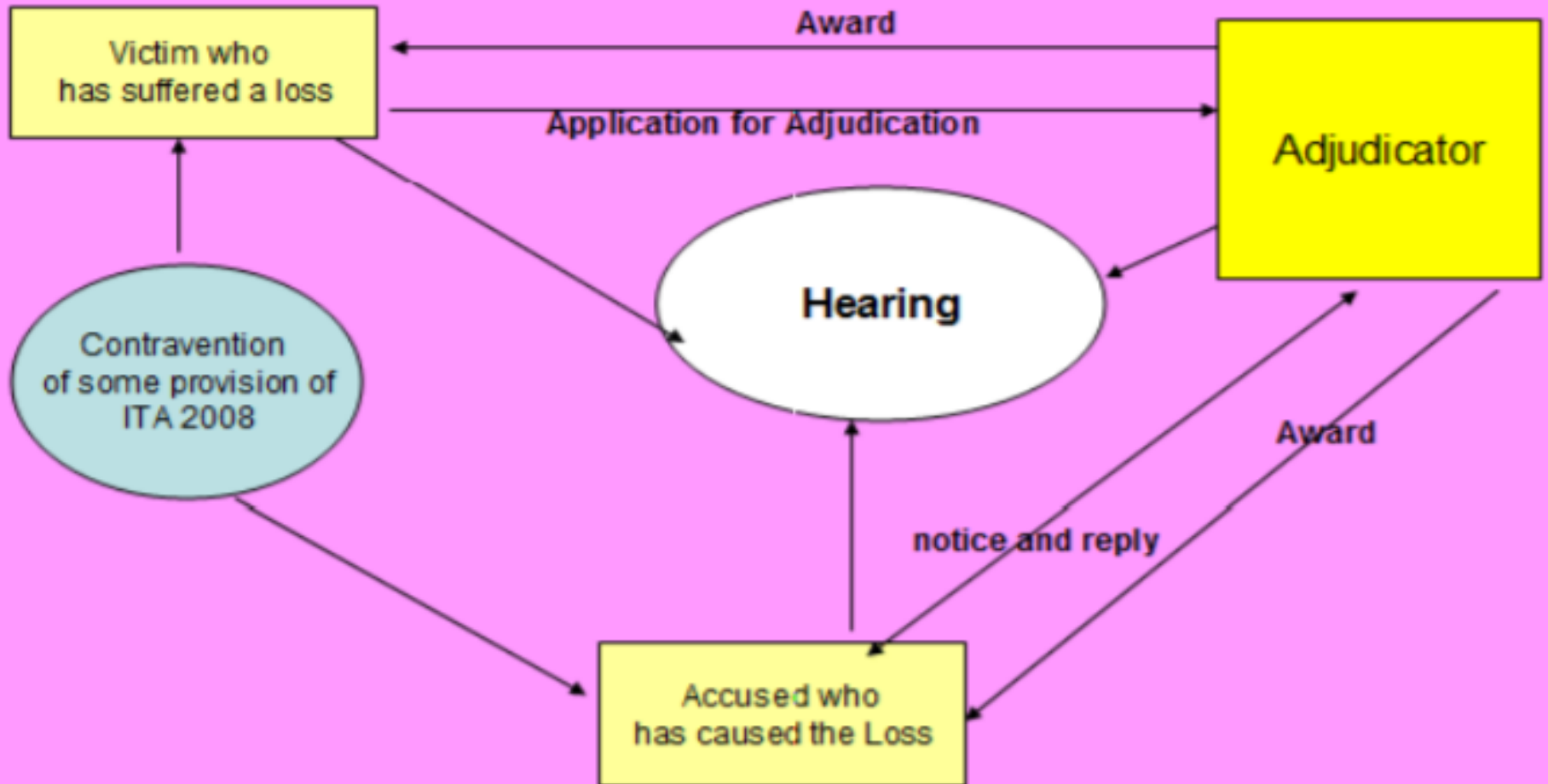
- Population 1.31 billion
- Mobile users 1.18 billion
 - China – 1.32/ usa - 0.32
- 450 million internet
- 265 million active internet
- 100 million online shopping
- 1.171 billion aadhaar
- 27,482 cyber security threats 2017 (June)/ 22,000 websites hacked
CERT – IN
- World wide 3/4th of cyber crime not reported
- 30% reported cases get charge sheeted

Section 46 of IT Act & Adjudicators Role

- **Section 46 of the IT Act 2000 grants the Central Government the power:**
 - To Appoint an Adjudicating Officer (AO)
 - To hold an Enquiry to Adjudge, upon complaints being filed
 - AO may be of the Central Government or of the State Government.
 - **AO must have field Experience with IT and Law (5yrs. As sdm-dm)**
 - **Exercises Jurisdiction over claims for damages up to Rs 5Cr**
 - AO is vested with certain powers of a civil court as per section 46(5) of the Act.
 - **AO appointed under section 46 is a Quasi-Judicial Authority.**



System of Adjudication under ITA 2000/2008



Procedure to file a complaint before adjudicating officer

- 1. Serve a legal notice to the party (Respondent or Defendant).** This is optional, however is in syn
- 2. Fill in the Proforma of Complaint Details.** The file can be downloaded from http://www.deity.gov.in/sites/upload_files/dit/files/downloads/itact2000/performaforcomplaint.pdf.
- 3. Prepare the Complaint and affix court fees of Rs. 50** along with proforma.
- 4. Based on the damages or compensation, the Court Fees are to be prepared in the form of a Demand Draft.** Minimum fees and rates (**damages by way of compensation fee**) are as follows:Up to Rs.10,000/- 10% ad valorem rounded off to nearest next hundred.
 - 1. From Rs.10001/- to Rs. 50000/- Rs. 1000 plus 5% of the amount exceeding Rs. 10,000**
 - 2. From Rs. 50001/- to Rs. 100000/- Rs. 3000/- plus 4% of the amount exceeding Rs. 50,000/-**
 - 3. More than Rs. 100000/- Rs.5000/- plus 2% of the amount exceeding Rs. 100,000/-**
- 5. Give an additional copy of the complaint filed with legitimate photocopies of the Annexure to the Adjudicating Officer's Office.**
- 6. Notice is sent by the Adjudicating Office to the concerned parties for 1st hearing.** All the concerned parties appear before the Adjudicating Officer and point out the facts and issues.
- 7. After the initial hearing, the procedure and action items are discussed and conveyed to the parties.**
- 8. Notice for Second date is conveyed to all the parties and the details/information required are to be furnished.**
- 9. Depending on the nature of the incident, an Interim Order/Relief may be passed.**
- 10. If required, an additional hearing may be called or the matter is put for final order after detailed reading of the details and documents is furnished by all the concerned parties and with the principles of Natural Justice.**

Factors considered by Adjudicating Officer

- **Factors to be Taken into Account by the Adjudicating Officer**
- “While adjudging the quantum of compensation, the adjudicating officer will have due regard to the following factors.
- These factors are:
 - **The amount of gain of unfair advantage, wherever quantifiable, made as a result of the default.**
 - **The amount of loss caused to any person as a result of the default.**
 - **The repetitive nature of the default”.**



Matters Which can be admitted by the adjudicator

- 1. Credit Card fraud
- 2. Illegal Online Bank Transfer
- 3. Data Theft
- 4. Hacking
- 5. Defamation
- 6. Privacy
- 7. Denial of Service
- 8. Domain Theft
- 9. Spreading of Virus
- 10. Source Code Theft
- 11. Computer Theft
- 12. Identity Theft
- 13. Data Deletion
- 14. Stealing of database/Database Theft etc



The offences under the Information Technology Act are as under:

Powers have been given to the Adjudicating Officer vide Sections 46 and 47 of the Information Technology Act,2000.

- Tampering computer source documents & Computer offences (Sect 65 & 66)
- Offences with messages etc. (Section 66A)
- Punishment for dishonestly receiving stolen computer etc(Section 66B)
- Punishment for identity theft and Impersonation (Section 66C and 66D)
- Punishment for violation of privacy. (Section 66E)
- Punishment of Cyber terrorism(Section 66F)
- Publishing obscene information etc (Section 67, 67A and 67B)
- Preservation and retention of information by Intermediaries.(Section 67C)
- Un-authorized access to protected system.(Section.70)
- Breach of Confidentiality and Privacy (Section 72 and 72A)
- Offences related to Digital Certificates (Sections 71,73 and 74)

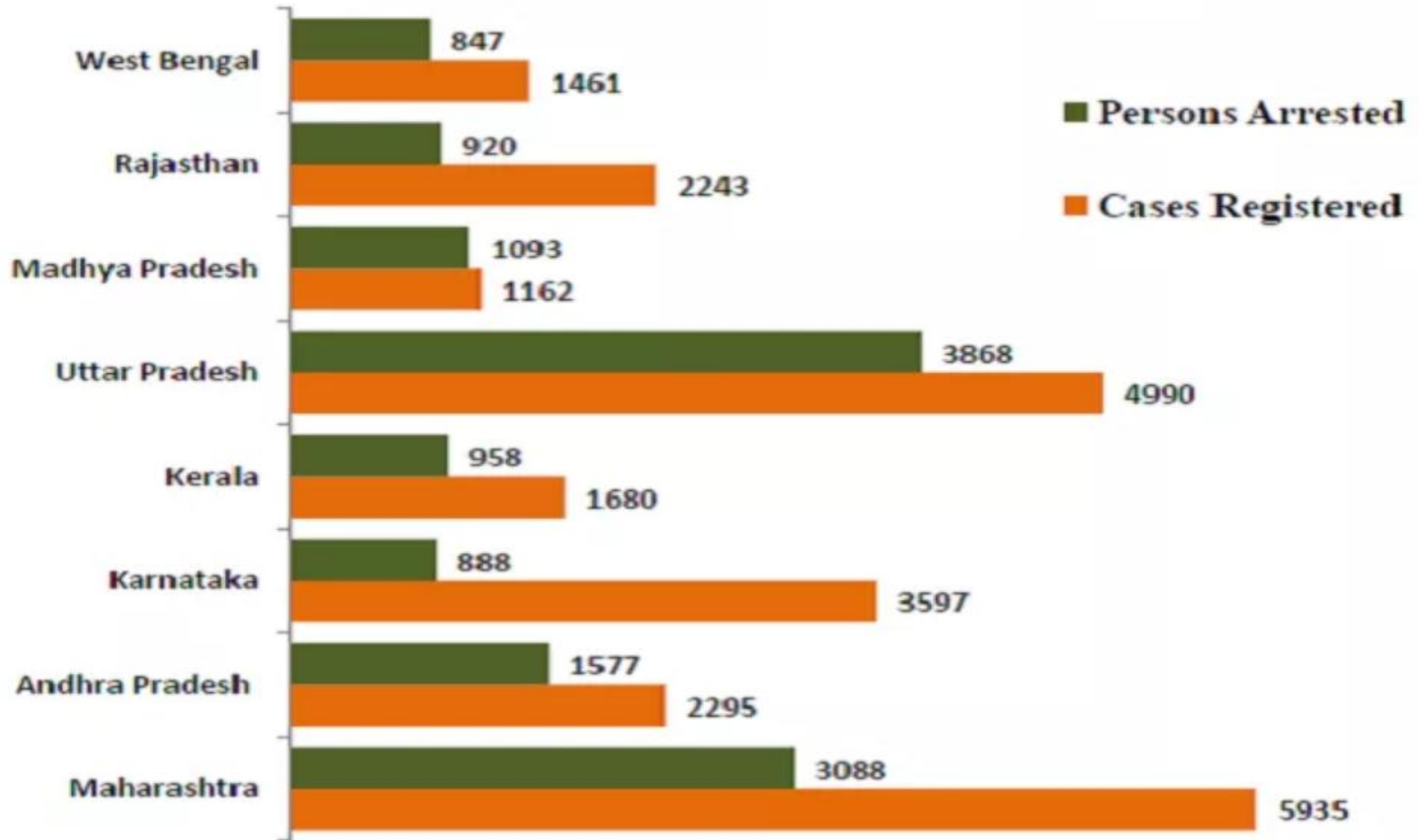
Total Registered Cyber Crime Cases

- Card skimming
- Crazy call
- ATM virus – 32 lakh debit cards – 2016
- WannaCry - 2017 – 5 billion – Haryana electricity board

Type	No of Cases under IT Act	Overall %
Tampering Computer source documents	78	0.91%
Computer Related Offences	6818	79.16%
Cyber Terrorism	12	0.14%
Publication of obscene/sexuality content	957	11.11%
Breach of confidentiality privacy	35	0.41%
Other Cyber Crimes under IT Act	713	8.28%
Total Cyber Crimes under IT Act	8613	100.00%

Cyber Cases Reported and Registered in States under various IT ACT

Cyber Crimes in States (2011 to 2015)



The CIA and N

- **Confidentiality: Safeguards** information from being **accessed** by individuals without the proper clearance, access level, and need to know.
- **Integrity**: Results from the **protection** of unauthorized **modification** or destruction of information.
- **Availability**: Information services are **accessible** when they are needed. Authentication means a security measure that establishes the **validity** of a transmission, message, or originator, or a means of **verifying** an individual's authorization to receive specific categories of information.
- **Non-repudiation**: Assurance the sender of data is provided with **proof of delivery** and the recipient is provided with proof of the sender's **identity**, so neither can later deny having processed the data.

- Cyber awareness
 - Cinema halls/ newspapers/ cable tv/ school education
 - Pin sharing/ otp/ 419 lottery frauds/
- Digital baggage
 - Compromising pics and visiting prohibited sites at young age
- Cyber security act
 - CISA(cybersec info sharing act 2015)/ GDPR(gen data prot
- Huge data breach
 - Aadhaar related/ social security no. USA/
- Ransomware in the cloud
 - RaaS - SaaS/ Philadelphia, stampado, frozr locker, satan, raasberry,
- Data analysis
- Crypto currencies
- Hacking elections
- Weaponization of AI

Thank You

