

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (PIL) No.4900 of 2024**

Manoj Kumar Singh, son of Rajdeo Singh, resident of Flat No.1-D, Block-E, Satyabhama Grand Apartment, Kusai, Ranchi, Jharkhand. Petitioner.

-Versus-

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, Dhurwa, Ranchi.
2. Secretary, Information Technology & E-Governance, Government of Jharkhand, Dhurwa, Ranchi.
3. Union of India, through the Secretary Ministry of Electronics and Information Technology, Government of India, New Delhi. Respondents.

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner : Mr. Utkarsh Singh, Advocate
[Through V.C.]
For the State : Mr. Sahbaj Akhtar, A.C. to AAG-III

Order No.17

Date: 08.04.2026

1. The petitioner by instituting this petition in public interest seeks the following reliefs:

- I. For issuance of writ/s, order/s, or direction/s particularly the Prerogative Writ of 'Mandamus' to Respondent No. 1 & 2 to operationalize and ensure the proper functioning of the Office of the Adjudicating Officer under Section 46 of the Information Technology Act, 2000, in compliance with the statutory mandate and as per Gazette Notification No. 220(E) dated 17-03-2003 and Gazette Notification No. 240(E) dated 25-03-2003;*
- II. Direct the Respondents to establish and implement clear procedures for the filing of complaints, payment of court fees, and adjudication of proceedings under the IT Act, ensuring these mechanisms are fully operational and accessible within a timeframe specified by this Hon'ble Court;*
- III. Invoke principles of 'Continuing Mandamus' to establish judicial oversight to monitor the progress of the*

operationalization of the Adjudicating Officer's office and ensure compliance with statutory obligations under the IT Act.

IV. Award the costs of this petition to the petitioner.

2. We have heard the learned counsel for the parties and evaluated the pleadings on record. Upon doing so, we proceed to dispose of this petition.
3. The Information Technology Act, 2000 (I.T. Act) was enacted by the Parliament to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as 'electronic commerce', which involves the use of alternatives to paper based methods of communication and storage of information, to facilitate electronic filing of documents with the government agencies and further to amend the Indian Penal Code, Indian Evidence Act, 1872, the Bankers' Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto.
4. The said Act was amended in 2009. The statement of objects and reasons, *inter alia*, refers to the rapid increase in use of computer and internet giving rise to new forms of crimes like publishing sexually explicit materials in electronic form, video voyeurism, and breach of confidentiality and leakage of data by intermediary, e-commerce frauds like personation commonly known as phishing, identity theft and offensive messages through communication services. So penal provisions have been included in the Information Technology Act, Indian Penal Code, India

Evidence Act and the Code of Criminal Procedure to prevent such crimes.

5. Section 46 of the I.T. Act refers to the power to adjudicate and the same reads as follows:

"46. Power to adjudicate.—(1) *For the purpose of adjudging under this Chapter whether any person has committed a contravention of any of the provisions of this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation, the Central Government shall, subject to the provisions of sub-section (3), appoint any officer not below the rank of a Director to the Government of India or an equivalent officer of a State Government to be an adjudicating officer for holding an inquiry in the manner prescribed by the Central Government.*

(1-A) The adjudicating officer appointed under sub-section (1) shall exercise jurisdiction to adjudicate matters in which the claim for damage does not exceed rupees five crore:

Provided that the jurisdiction in respect of the claim for damage exceeding rupees five crores shall vest with the competent court.

(2) The adjudicating officer shall, after giving the person referred to in sub-section (1) a reasonable opportunity for making representation in the matter and if, on such inquiry, he is satisfied that the person has committed the contravention, he may impose such penalty or award such compensation as he thinks fit in accordance with the provisions of that section.

(3) No person shall be appointed as an adjudicating officer unless he possesses such experience in the field of Information Technology and legal or judicial experience as may be prescribed by the Central Government.

(4) Where more than one adjudicating officers are appointed, the Central Government shall specify by order the

matters and places with respect to which such officers shall exercise their jurisdiction.

(5) Every adjudicating officer shall have the powers of a civil court which are conferred on the Appellate Tribunal under sub-section (2) of section 58 and-

(a) all proceedings before it shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860);

(b) shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974);

(c) shall be deemed to be a civil court for purposes of Order XXI of the Civil Procedure Code, 1908 (5 of 1908)."

6. Section 47 of the I.T. Act refers to the factors to be taken into account by the adjudicating officer and the same reads as follows:

"47. Factors to be taken into account by the adjudicating officer.—*While adjudging the quantum of compensation under this Chapter, the adjudicating officer shall have due regard to the following factors, namely:—*

(a) the amount of gain of unfair advantage, wherever quantifiable, made as a result of the default;

(b) the amount of loss caused to any person as a result of the default;

(c) the repetitive nature of the default."

7. Chapter-X is concerned with the Appellate Tribunal under the I.T. Act. This chapter also deals with compounding of contraventions and recovery of penalty or compensation.
8. The Central Government, in exercise of powers conferred by Clauses (p) and (q) of sub-section (2) of Section 87 of the I.T. Act, has made the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003 (said Rules).

9. The grievance in the petition was that in the State of Jharkhand, the provisions of Section 46 of the I.T. Act and the said Rules continued to remain a dead letter because no cognizance was being taken of the notifications dated 17th March, 2003 and 25th March, 2003 issued by the Central Government on the issue of appointment of adjudicating officers under Section 46 of the I.T. Act and the said Rules. Accordingly, appropriate writ is prayed to basically operationalise the functioning of adjudicating officers *inter alia* by establishing clear procedures for filing complaints, payment of court fees and adjudication of proceedings under the I.T. Act.
10. The Gazette Notification No.220 (E) dated 17th March, 2003 is nothing but the notification publishing the said Rules of 2003. These Rules, apart from providing the eligibility conditions for appointment of an adjudicating officer, make detailed provisions outlining the scope and manner of holding enquiry by such adjudicating officer, service of notices and orders, fees payable, compounding of contraventions etc. Even the proforma for the complaint to adjudicating officers is annexed to the said Rules.
11. The Gazette Notification No.240(E) dated 25th March, 2003 is an order issued by the Central Government appointing the Secretary of the Department of Information Technology of each of the States or the Union territories not below the rank of Director and possessing requisite experience in the field of information technology and also possessing legal/judicial experience as required, as adjudicating officers for the purposes of the I.T. Act

12. The contents of the notification dated 25th March, 2003 are transcribed below for the convenience of reference:

*MINISTRY OF COMMUNICATIONS AND INFORMATION
TECHNOLOGY*

(Department of Information Technology)

ORDER

New Delhi, the 25th March, 2003

G.S.R.240(E)—In exercise of the powers conferred by Sub-section (I) of Section 46 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following order/appointments viz—

- 1. Whereas Sub-section (1) of the Section 46 makes provision for appointment of one or more Adjudicating Officers not below the rank of Director to the Central Government and Sub-section (3) requires that such an officer should possess experience in the field of Information Technology and legal or judicial experience as may be prescribed by the Central Government and whereas such experience necessary for appointment as Adjudicating Officer has been notified by the Central Government as per the Gazette Notification for Information Technology Rules, 2003 under the short title Qualification and Experience of Adjudicating Officer and Manner of Holding Enquiry vide Gazette Notification G.S.R. 220(E) dated 17th March, 2003.*
- 2. Further, whereas the Secretary of the Department of Information Technology of each of the States or Union Territories are normally not below the rank of Director and possess the requisite experience in the field of Information Technology and also possess legal/judicial experience as required, therefore the Secretary of Department of Information Technology of each of the States or of Union Territories is hereby appointed as Adjudicating Officer for the purpose of the Information Technology Act, 2000.*

3. The Department of Information Technology of each of the States or of Union Territories shall provide the infrastructure and maintain the records of the matters handled by Adjudicating Officer functioning in the States/Union Territories.

[F. No. 2(8)/2000-Pers.I]

(S. Lakshminarayanan), Addl. Secy.

13. With the issuance of Gazette Notification/order dated 25th March, 2003, the Secretary of the Department of Information Technology, normally not below the rank of Director and possessing the requisite experience in the field of information technology, law/ judiciary, is appointed as the adjudicating officer under Section 46 of the I.T. Act. In addition to this, the State of Jharkhand, has, by notification dated 2nd September, 2025, specifying Smt. Pooja Singhal, Secretary, Department of Information and Technology and E-Governance, Government of Jharkhand, as adjudicating officer under Section 46 of the I.T. Act.
14. The contents of the notification dated 2nd September, 2025 issued by the Government of Jharkhand, are transcribed below for the convenience of reference:

Government of Jharkhand

*Department of Information Technology & e-Governance
Jharkhand Mantralaya, 3rd Floor, Dharwa, Ranchi-834004*

Notification

By virtue of Notification-GSR 240(E) dated 25.03.2003, in terms of section 46 of "The Information Technology Act, 2000", Smt. Pooja Singhal, Secretary, Department of Information Technology & e-Gov., Govt. of Jharkhand is being appointed as the Adjudicating Officer with her office located at:

*Department of Information Technology & e-Gov.,
Project Bhawan, 3rd Floor, Dhurwa, Ranchi-834004*

Accordingly, any matter or case or dispute can be placed before the authority for hearing/perusal and getting justice as per the relevant sections of The Information Technology Act, 2000.

Complaint(s) may be registered either through E-mail i.e. it-secretary@jharkhandmail.gov.in or registered letter or in person at above mentioned office address on any working days between 10:00 AM to 4:00 PM.

*(Bhim Rabidas)
Joint Secretary to the Govt.*

15. All this indicates that the appointment of the adjudicating officer is in place. Besides, the said Rules, as noted earlier, make detailed provisions for the adjudicating officer's functioning. Therefore, there should have been no difficulty for the adjudicating officer to start entertaining complaints and disposing of them in accordance with the law.
16. At one stage, when some difficulties were raised, we had placed orders suggesting the drafting of standard operating procedures to assist the adjudicating officer in entertaining and disposing of complaints under the I.T. Act in an orderly and people-friendly manner. However, from the affidavits filed before us, we find that this disproportionate time is consumed by the Government in preparing drafts, sending them for approval, and having the approving authorities resend them for the preparation of fresh drafts, etc. While this process can go on, in the meantime there is no justification for the adjudicating officer not to start

functioning in accordance with the notifications referred to hereinabove and the said Rules, which provide detailed procedures regarding the scope and manner of holding enquiries and passing of orders under the I.T. Act. Accordingly, a mandamus to this effect is liable to issue to the Government of Jharkhand and also to the adjudicating officer so appointed to take all steps to operationalise the functioning of adjudicating officers under the I.T. Act. We do so.

17. Mr Utkarsh Singh, the learned counsel for the petitioner, pointed out that there should be a mechanism to accept complaints online. We think that this is a good suggestion. The Government of Jharkhand, together with the adjudicating officer, must devise, within a reasonable time, a methodology for accepting complaints online.
18. Mr Sahbaj Akhtar, learned A.C. to A.A.G.-III, points out that the notification dated 2nd September, 2025, specifying Smt. Pooja Singhal, as the adjudicating officer, specifically provides that complaints can be registered, *inter alia*, by e-mail at it-secretary@jharkhandmail.gov.in.
19. This is proper. However, we still feel that wide publicity is required for this aspect so that any persons who are victims of cyber fraud, etc., are aware of this mechanism under the I.T. Act. Further, all steps must be taken to ensure that this mechanism is fully operational and accessible to those who may have grievances that could be redressed under the provisions of the I.T. Act.

20. Accordingly, we dispose of this petition by issuing the following directions:

- a) The Government of Jharkhand, together with the adjudicating officer already appointed under Section 46 of the I.T. Act, must ensure that complaints are received and adjudicated under Section 46 of the I.T. Act, without any hindrance hereafter. This process must commence within a month from today, at the latest.
- b) Within a period of 15 days from today, the Government of Jharkhand and/or the adjudicating officer appointed under Section 46 of the I.T. Act must widely publish this facility available to all persons for filing complaints under the I.T. Act. Such a publication should appear in local newspapers, including those in regional languages, apart from other available modes. The advertisements can refer to the websites where the I.T. Act and the said Rules can be accessed and the complaints filed.
- c) The Government of Jharkhand and the adjudicating officer are also directed to formulate Standard Operating Procedures (SOPs), not inconsistent with the provisions of the I.T. Act or the said Rules, as expeditiously as possible and in any event within 6 months from today. Such SOP should also be given wide publicity, if necessary, by issuing advertisements that provide access to it in electronic form.
- d) The Government of Jharkhand and the adjudicating officer should consider holding workshops or awareness

campaigns to ensure that people, in particular students, senior citizens, etc., are made aware of the provisions of the I.T. Act and the remedies it provides to deal with cybercrimes, etc.

e) The adjudicating officer must file a compliance report in this Court by furnishing an advance copy to the learned counsel for the petitioner by 30th October, 2026, even though we are disposing of this petition.

21. No costs.

22. Pending I.A., if any, is also disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

8th April, 2026
Sanjay/Rohit
Uploaded on 10.04.2026
A.F.R.