



CYBER LAW

Awakening the Dead Letter: Jharkhand High Court Mandates Functional IT Adjudicating Officers

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PUBLISHED 23 April 2026

The rapid proliferation of e-commerce, digital communications, and internet penetration has invariably led to a corresponding surge in sophisticated cybercrimes. To combat offenses such as phishing, identity theft, data leakage, and the unauthorized publication of explicit content, the Information Technology Act, 2000, was substantially amended in 2009. However, the mere enactment of substantive penal laws is insufficient without a strong, accessible, and functional procedural machinery to enforce them. This fundamental principle of administrative law and public accountability was the focal point in the recent landmark decision delivered by the High Court of Jharkhand in the case of *Manoj Kumar Singh v. State of Jharkhand & Ors.* [W.P. (PIL) No. 4900 of 2024]. Decided on April 8, 2026, by a Division Bench comprising Hon'ble Chief Justice M.S. Sonak and Hon'ble Mr. Justice Rajesh Shankar, the judgment addresses the chronic failure of the State machinery to operationalize the statutory office of the Adjudicating Officer, thereby depriving victims of cybercrimes of a vital quasi-judicial remedy.

The factual background leading to this Public Interest Litigation reveals a staggering two-decade-long administrative vacuum. To enable the adjudication of contraventions under the Information Technology Act, the Central Government had issued two crucial Gazette Notifications in March 2003. The first, Notification No. 220(E) dated March 17, 2003, introduced the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003. These rules laid down a comprehensive framework detailing the requisite qualifications of Adjudicating Officers, the procedural manner of holding inquiries, and the proforma for filing complaints.

Shortly thereafter, the Central Government issued Notification No. 240(E) on March 25, 2003. This notification mandated the appointment of the Secretary of the Department of Information Technology of each State and Union Territory as the Adjudicating Officer under Section 46 of the Information Technology Act. Despite these explicit central mandates, the statutory framework remained a dead letter within the State of Jharkhand. For years, the Office of the Adjudicating Officer was entirely non-functional.

Moved by this systemic failure, the petitioner, Manoj Kumar Singh, approached the High Court of Jharkhand seeking a Writ of Mandamus. The primary issue raised in the writ petition was the State's blatant failure to fulfil its statutory obligation to implement Section 46 of the Information Technology Act. The petitioner emphasized the urgent necessity to operationalize the functioning of the Adjudicating Officer. Furthermore, the petitioner argued for the establishment of a clear, user-friendly, and accessible procedure for the public to file cyber-related complaints, specifically advocating for an online filing mechanism and the application of continuing mandamus to ensure judicial oversight over the State's compliance.

In response to the writ petition, the State authorities submitted that remedial actions had recently been initiated. The respondents relied heavily on a State notification dated September 2, 2025. Through this notification, the Government of Jharkhand finally specified Smt. Pooja Singhal, the Secretary of the Department of Information Technology and e-Governance, as the Adjudicating Officer for the State. The State further contended that this recent notification provided multiple avenues for grievance redressal, permitting the registration of complaints via a dedicated email address, registered post, or through in-person visits to the designated office in Ranchi during working hours.

The legal framework scrutinized by the Court was primarily anchored in Sections 46 and 47 of the Information Technology Act, read alongside the 2003 Rules. Section 46 of the Act is a pivotal provision that empowers the Central Government to appoint an Adjudicating Officer to hold inquiries and impose penalties or award compensation for contraventions of the Act. This officer exercises jurisdiction over matters where the claim for damages does not exceed Rupees Five Crores and is vested with the powers of a Civil Court.

Complementing this, Section 47 of the Act outlines the specific factors the Adjudicating Officer must consider while quantifying compensation. These factors include the amount of unfair gain made as a result of the default, the quantifiable loss caused to the victim, and the repetitive nature of the contravention. The Court noted that the legislative intent behind these provisions was to create a specialized, expeditious, and highly competent forum for cyber dispute resolution, an intent that was entirely frustrated by the State's inaction.

Upon evaluating the rival contentions and the statutory provisions, the Division Bench conducted a stringent analysis of the administrative delays. While the Court acknowledged that the State had finally appointed an Adjudicating Officer via the September 2025 notification, it severely criticized the government's subsequent inertia. The State had attempted to justify the delay in actual adjudication by claiming that Standard Operating Procedures were still being drafted and circulated for administrative approval.

The Court unequivocally rejected this justification. The bench observed that the 2003 Rules promulgated by the Central Government already provided a detailed and legally sound procedural backbone for holding inquiries, serving notices, and

processing complaints. Therefore, the ongoing administrative exercise of drafting internal Standard Operating Procedures could not serve as a valid excuse for the Adjudicating Officer to halt or delay the entertaining and disposal of public complaints. The Court stressed that statutory authorities cannot suspend their mandatory functions under the guise of pending internal administrative guidelines.

Addressing the methodology of filing complaints, the Court expressed deep appreciation for the petitioner's suggestion regarding an online complaint mechanism. While the bench found the State's provision for accepting complaints via email to be a step in the right direction, it identified a critical flaw in the execution. The Court observed that the general public remained largely unaware of this facility. The bench emphasized that a remedy is practically non-existent if the aggrieved demographic does not know how to access it. Consequently, the Court highlighted the indispensable need for wide publicity to ensure that remedy seekers could actually use this quasi-judicial mechanism.

Culminating its analysis, the High Court disposed of the Public Interest Litigation by issuing a Writ of Mandamus accompanied by strict, time-bound directives to the State Government and the Adjudicating Officer. The Court ordered the immediate operationalization of the mechanism, directing that the Adjudicating Officer must commence receiving and deciding complaints under Section 46 without any further hindrance, starting no later than one month from the date of the order.

To cure the lack of public awareness, the Court mandated the State to widely publish the availability of this complaint facility within fifteen days. This publication was ordered to be carried out in local newspapers, specifically including those in regional languages, and through other effective modes. These advertisements must explicitly direct the public to the official websites where the Information Technology Act, the corresponding Rules, and the complaint procedures can be easily accessed.

Furthermore, while the Court dismissed the delay caused by the drafting of Standard Operating Procedures, it directed the State and the Adjudicating Officer to finalize and implement people-friendly procedures within a period of six months. These procedures must not be inconsistent with the central Act and must be made available electronically. Recognizing the vulnerability of specific demographics to cyber fraud, the Court also directed the State to conduct comprehensive workshops and awareness campaigns targeted particularly at students and senior citizens. To ensure strict compliance with these mandates, the Court directed the Adjudicating Officer to file a formal compliance report before the High Court by October 30, 2026.

The judgment in *Manoj Kumar Singh v. State of Jharkhand* stands as a vital judicial intervention against bureaucratic lethargy in cyber law enforcement. By invoking its writ jurisdiction to enforce a two-decade-old statutory mandate, the Jharkhand High Court has operationalized a crucial grievance redressal mechanism and reinforced the principle that the State cannot abandon its statutory duties to the detriment of its citizens. This decision ensures that the comprehensive framework designed to penalize contraventions and compensate victims transitions from a mere statutory illusion into a functional, accessible reality for the people of Jharkhand.

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