Government of Jharkhand

Department of Information Technology & e-Governance

Jharkhand Mantralaya, Dhurwa, Ranchi-83404

Letter No- Ranchi, Dated: ……..

::*Notification*::

Subject: Regarding the formation of a Standard Operating Procedure (SOP) for the discharge of duties and office operations of the Adjudicating Officer appointed under Section 46 of the Information Technology Act, 2000 (as amended from time to time).

In light of the provisions described in Section 46 of the Information Technology Act, 2000, constituted via Central Government Notification No. GSR 240E dated 25.03.2003, and the judicial directions given by the Hon'ble High Court of Jharkhand, Ranchi, in W.P. (P.I.L.) No. 4600/2024 (Manoj Kumar Singh vs. State of Jharkhand and Others), the Standard Operating Procedure (SOP) for the discharge of duties and office operations of the Adjudicating Officer is hereby formulated as per the attached Annexure.

2. The draft SOP has been approved by the Hon'ble Departmental (Chief) Minister.

3. The draft SOP has been legally vetted by the Law Department, Jharkhand, Ranchi.

By the order of the Governor of Jharkhand,

Sd/-
(Pooja Singhal)
Secretary to the Government.

Memo No. :- IT/Est/1/2025-DoIT-Section-1/...../ Ranchi. Dated .....
Copy to: Superintendent, Government Press, Doranda, Ranchi.
It is requested that this notification should be published in extra ordinary part of Jharkhand Gazette (200 copies) of published gazette should be provided to Department.

Sd/-
(Pooja Singhal)
Secretary to the Government.

Memo No. :- IT/Est/1/2025-DoIT-Section-1/...../ Ranchi. Dated .....
Copy to: Principal Accountant General, Jharkhand, Ranchi.

Sd/-
(Pooja Singhal)
Secretary to the Government.

Memo No. :- IT/Est/1/2025-DoIT-Section-1/...../ Ranchi. Dated .....
Copy to: Advocate General, Jharkhand.

Sd/-
(Pooja Singhal)
Secretary to the Government.

Memo No. :- IT/Est/1/2025-DoIT-Section-1/...565.../ Ranchi. Dated ...10/4/26...
Copy to: Chief Minister, Jharkhand/Chief Secretary, Jharkhand/Member Board of Revenue, Jharkhand/All Additional Secretary/All Principal Secretary/All Secretary, Jharkhand/All Divisional Commissioner, Jharkhand/All Deputy Commissioner, Jharkhand for necessary action.

9/4/2026
(Pooja Singhal)
Secretary to the Government.

Annexure-I

STANDARD OPERATING PROCEDURE (SOP)

1. INTRODUCTION

This Standard Operating Procedure Manual lays down the structured procedure to be followed by the Office of the Adjudicating Officer for adjudication of contraventions under the Information Technology Act, 2000.

The manual establishes a transparent, uniform, and legally compliant mechanism for handling complaints, conducting enquiries, and issuing orders. It is intended for use by departmental officials, stakeholders, and parties involved in adjudication proceedings.

2. OBJECTIVES

The objectives of this SOP Manual are:

1. To provide a transparent and standardized adjudication process.
2. To simplify procedures for citizens, businesses, and government entities.
3. To ensure timely and efficient disposal of complaints.
4. To strengthen trust in digital governance systems.

3. SCOPE AND APPLICABILITY

This Manual applies to:

1. All complaints filed under the IT Act, 2000, where the claim for damage or compensation does not exceed Rs. 5 crores.
2. All contraventions assigned to the Adjudicating Officer under the IT Act.
3. All stakeholders, including complainants, respondents, legal representatives, and officials of the Department of IT & e-Governance.

4. LEGAL FRAMEWORK

This Manual is framed under:

- The Information Technology Act, 2000.
- The Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003.

The following Rules incorporated in the above 'IT Rules, 2003' shall specifically guide the proceedings:

- Rule 4. Scope and manner of holding the enquiry.
- Rule 5. Order of the Adjudicating Officer.
- Rule 6. Copy of the order.
- Rule 7. Service of notices and orders.

- Rule 8. Fee
- Rule 9. Duplicity avoided.
- Rule 10. Frivolous complaints.
- Rule 11. Compounding of contraventions.
- Rule 12. Assistance by Certifying Authorities and Government Agencies.

5. CASE PROCESSING FRAMEWORK

(FORA: Filing, Objection, Registration, and Allocation Procedure)

FORA defines the structured lifecycle of a complaint from submission to final disposal.

6. FILING OF COMPLAINT

6.1 Mode of Filing

Complaints may be filed:

- Physically before the Office of the Adjudicating Officer, or
- Through the prescribed online system.

6.2 Mandatory Requirements

Every complaint shall:

1. Be submitted in the prescribed format, Annexure I.
2. Be accompanied by the prescribed fee under Rule 8.
3. Include supporting documents.
4. Include self-attested copies of documents.
5. Include a duly signed affidavit.
6. Provide complete contact details of the complainant.

6.3 Payment of Fee

Fee shall be paid through Demand Draft or Challan, either online or offline, in favour of:

"Adjudicating Officer, Dept. of IT & e-Governance, GoJ."

6.4 Preliminary Examination

Upon receipt, the Section Officer shall verify the completeness of the complaint and documents.

7. REGISTRATION AND SCRUTINY

1. If the complaint is complete, it shall be registered.
2. A unique Diary Number or Case Number shall be assigned.
3. The Case Number shall be communicated to all concerned parties.
4. Incomplete applications may be returned for rectification as per applicable rules.

8. ISSUE AND SERVICE OF NOTICE

1. Notice shall be issued to the respondent containing details of the complaint.
2. Service shall be effected as per Rule 7 through:
    - Email

- SMS
- Official communication channel
- Physical delivery

9. RESPONSE AND PLEADINGS

1. Respondent shall submit a written reply with supporting documents on the date fixed.
2. Complainant may submit a rejoinder, if necessary.
3. Additional documents may be filed with the permission of the Adjudicating Officer.

10. HEARING PROCEDURE

1. Hearings may be conducted physically or through virtual mode.
2. Parties may present:
   - Documentary evidence
   - Technical records
   - Witnesses
   - Oral and written arguments
3. Proceedings shall be recorded and maintained electronically.

11. EXAMINATION AND EVALUATION

1. The Adjudicating Officer shall evaluate technical, financial, and legal aspects of the case.
2. Expert assistance may be sought from:
   - CERT IN
   - Cyber forensic experts
   - Other competent authorities
3. Enquiry shall be conducted in accordance with Rule 4.

12. FINAL ORDER AND PENALTY

1. The Adjudicating Officer shall pass a reasoned written order as per Rule 5.
2. A copy of the order shall be issued as per Rule 6.
3. The order shall be uploaded on the official department portal.
4. All case records shall also be maintained electronically.

13. REJECTION OF COMPLAINT

A complaint may be rejected where:

1. Prescribed format is not followed.
2. The required fee is not paid.
3. Supporting documents or an affidavit are missing.
4. Information is false or incomplete.
5. Matter falls outside the jurisdiction of the Adjudicating Officer.
6. Complaint is duplicative or frivolous under Rules 9 and 10.

Where permissible, defects may be communicated, and an opportunity for rectification may be provided.

14. COMPOUNDING AND SPECIAL PROVISIONS

1. Compounding of contraventions shall be governed by Rule 11.
2. Assistance from Certifying Authorities and Government Agencies shall be as per Rule 12.

15. RECORD MANAGEMENT

1. All records shall be maintained electronically in compliance with the IT Act, 2000.
2. Orders and proceedings shall be securely archived.
3. Confidentiality and data integrity shall be maintained at all stages.

16. EFFECTIVE DATE

This Standard Operating Procedure Manual shall come into force with immediate effect and shall remain in operation until amended or superseded.

IMPORTANT NOTES

1. The proforma (format) for a complaint to the Adjudicating Officer under the Information Technology Act 2000 is in the Appendix of 'Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003'.