

CHAPTER-18

CYBER CRIMES

Cyber Crimes are a new class of crimes rapidly increasing due to extensive use of Internet and I.T. enabled services.

The Information Technology (IT) Act, 2000, specifies the acts which are punishable. Since the primary objective of this Act is to create an enabling environment for commercial use of I.T., certain omissions and commissions of criminals while using computers have not been included. Several offences having bearing on cyber-arena are also registered under the appropriate sections of the IPC with the legal recognition of Electronic Records and the amendments made

in several sections of the IPC vide the IT Act, 2000.

The statistics on Cyber Crimes are collected under the following heads:

- i) Offences registered under the Information Technology Act 2000.
- ii) Offences under the IPC (with use of Computers)

Cyber Crimes – Cases of Various Categories under IT Act, 2000

217 cases were registered

Table 18(A)
Cyber Crimes/Cases Registered and Persons Arrested under IT Act during 2004-2007

SL. NO.	Crime Heads	Cases Registered				% Variation in 2007 over 2006	Persons Arrested				% Variation in 2007 over 2006
		2004	2005	2006	2007		2004	2005	2006	2007	
1	Tampering computer source documents	2	10	10	11	10.0	0	10	8	2	-75
2	Hacking with Computer System										
	i) Loss/damage to computer resource/utility	14	33	25	30	20.0	31	27	34	25	26.5
	ii)Hacking	12	41	34	46	35.3	1	14	29	23	-20.7
3	Obscene publication/transmission in electronic form	34	88	69	99	43.5	21	125	81	86	6.2
4	Failure										
	i) Of compliance/orders of Certifying Authority	0	1	0	2	-	0	0	0	1	-
	ii) To assist in decrypting the information intercepted by Govt. Agency	0	0	0	2	-	0	0	0	0	-
5	Un-authorized access/attempt to access to protected computer system	0	0	0	4	-	0	0	0	0	-
6	Obtaining licence or Digital Signature Certificate by misrepresentation/suppression of fact	0	0	0	11	-	0	0	0	11	-
7	Publishing false Digital Signature Certificate	0	0	0	0	-	0	0	0	0	-
8	Fraud Digital Signature Certificate	0	1	1	3	200.0	0	3	0	3	-
9	Breach of confidentiality/privacy	6	3	3	9	200.0	7	13	2	3	50.0
10	Other	0	0	0	0	-	0	0	0	0	-
	Total	68	179	142	217	52.8	60	192	154	154	0.0

under IT Act during the year 2007 as compared to 142 cases during the previous year (2006) thereby reporting an increase of 52.8% in 2007 over 2006. 22.3% cases (49 out of 217 cases) were reported from Maharashtra followed by Karnataka (40), Kerala (38) and Andhra Pradesh and Rajasthan (16 each).

45.6% (99 cases) of the total 217 cases registered under IT Act 2000 were related to Obscene publication / transmission in electronic form, normally known as cyber pornography. 86 persons were arrested for committing such offences during 2007. There were 76 cases of Hacking with Computer System during the year wherein 48 persons were arrested. Out of the total (76) Hacking cases, the cases relating to Loss/Damage of computer resource/utility under Sec 66(1) of the IT Act were 39.5% (30 cases) whereas the cases related to Hacking under Section 66(2) of IT Act were 60.5% (46 cases). Maharashtra (19) and Kerala (4) registered maximum cases under Sec 66(1) of the IT Act out of total 30 such cases at the National level. Out of the total 46 cases relating to Hacking under Sec. 66(2), most of the cases (31 cases) were reported from Karnataka followed by Kerala (7) and Andhra Pradesh (3).

29.9% of the 154 persons arrested in cases relating to IT Act, 2000 were from Maharashtra (46) followed by Karnataka and Madhya Pradesh (16 each). The age-wise profile of persons arrested in Cyber Crime cases under IT Act, 2000 showed that *63.0% of the offenders were in the age group 18 – 30 years (97 out of 154) and 29.9% of the offenders were in the age group 30 - 45 years (46 out of 154)*. Tamil Nadu reported two offenders whose age was below 18 years. Further details on the State/UT-wise and age-group wise profiles may be seen in Table-18.2.

Crime head-wise and age-group wise profile of the offenders arrested under IT Act, 2000 (Table 18.5) revealed that 55.8% (86 out of 154) of the offenders arrested under 'Obscene publication / transmission in electronic form' of which 70.9% (61 out of 86) were in the age-group 18 – 30 years. 50% (24 out of 48) of the total persons arrested for 'Hacking with Computer Systems' were in the age-group of 18-30 years.

Incidents of Cyber Crimes registered under IPC

Information on the cases registered under various sections of IPC which were considered as Cyber Crimes at All-India level is presented in Table – 18(B).

Table-18 (B)
Cyber Crimes/Cases Registered and Persons Arrested under IPC during 2004-2007

SL. NO.	Crime Heads	Cases Registered				% Variation in 2007 over 2006	Persons Arrested				% Variation in 2007 over 2006
		2004	2005	2006	2007		2004	2005	2006	2007	
1	Offences by/Against Public Servant	0	0	0	0	-	0	0	0	0	-
2	False electronic evidence	0	0	0	0	-	0	0	0	0	-
3	Destruction of electronic evidence	0	0	0	0	-	0	0	0	0	-
4	Forgery	77	48	160	217	35.6	81	71	194	264	36.1
5	Criminal Breach of Trust/Fraud	173	186	90	73	-18.9	181	215	121	85	-29.8
6	Counterfeiting										
	i) Property/mark	12	0	13	8	-38.5	8	0	7	23	228.6
	ii) Tampering	7	9	0	5	-	16	0	0	8	-
	iii) Currency/Stamps	10	59	48	36	-25.0	43	82	89	49	-44.9
7	Total	279	302	311	339	9.0	329	377	411	429	4.4

Cyber Crimes – Cases of Various Categories under IPC Section

A total of 339 cases were registered under IPC Sections during the year 2007 as compared to 311 such cases during 2006 thereby reporting an increase of 9.0%. Madhya Pradesh reported maximum number of such cases, nearly 46.6% of total cases (158 out of 339) followed by Andhra Pradesh 15.6% (53 cases) and Chhattisgarh 15.3% (52 cases). Majority of the crimes out of total 339 cases registered under IPC fall under 2 categories viz. Forgery (217) and Criminal Breach of Trust or Fraud (73). Although such offences fall under the traditional IPC crimes, these cases had the cyber overtones wherein computer, Internet or its enabled services were present in the crime and hence they were categorised as Cyber Crimes under IPC. The Cyber Forgery (217 cases) accounted for 0.33 % out of the 65,326 cases reported under

Cheating. The Cyber frauds (73) accounted for 0.47% of the total Criminal Breach of Trust cases (15,531).

The Crime head and State/UT-wise analysis of Cyber Crimes under IPC are presented in Table 18.7. The Cyber Forgery cases were the highest in Madhya Pradesh (133) followed by Chhattisgarh (26) and Andhra Pradesh (22). The cases of Cyber Fraud were highest in Madhya Pradesh (20) followed by Punjab (17) and Andhra Pradesh (15).

A total of 429 persons were arrested in the country for Cyber Crimes under IPC during 2007. 61.5% offenders (264) of these were taken into custody for offences under 'Cyber Forgery', 19.8% (85) for 'Criminal Breach of Trust / Fraud' and 11.4% (49) for 'Counterfeiting Currency / Stamps'.

The States such as Madhya

Pradesh (166), Andhra Pradesh (83), Chhattisgarh (82) and Punjab (69) have reported higher arrests for Cyber Crimes registered under IPC. The age group-wise profile of the arrested persons showed that 55.2% (237 out of 429) were in the age-group of 30 - 45 years and 29.4% (126 out of 429) of the offenders were in the age-group of 18-30 years. Only 4 offenders from Chhattisgarh were below 18 years of age. Further details on the State/UT-wise and age group-wise profile of the Offenders are presented in Table-18.3.

Crime head-wise and age-wise profile of the offenders arrested under Cyber Crimes (IPC) (Table 18.5) for the year 2007 revealed that offenders involved in Forgery cases were more in the age-group of 30 - 45 (54.9%) (145 out of 264). 57.6% of the persons arrested under Criminal Breach of Trust/Cyber Fraud offences were in the age group 30-45 years (49 out of 85).

Incidence of Cyber Crimes in Cities

17 out of 35 mega cities did not report any case of Cyber Crime i.e, neither under the IT Act nor under IPC Sections) during the year 2007.

17 mega cities have reported 118 cases under IT Act and 7 mega cities reported 180 cases under various section of IPC. There was an increase of 32.6% (from 89 cases in 2006 to 118 cases in 2007) in cases under IT Act as compared to previous year (2006), and an increase of 26.8% (from 142 cases in 2006 to 180 cases in 2007) of cases registered under various section of IPC (Table 18.1)

Bengaluru (40), Pune (14) and Delhi (10) cities have reported high incidence of cases (64 out of 118 cases) registered under IT Act, accounting for more than half of the cases (54.2%) reported under the Act. Bhopal has reported the highest incidence (158 out of 180 cases) of cases reported under IPC sections accounting for 87.8%.