

## 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)

**Table 18(A)**  
**Cyber Crimes/Cases Registered and Persons Arrested under IT Act during 2007 - 2010**

SL. NO.	Crime Heads	Cases Registered				% Variation in 2010 over 2009	Persons Arrested				% Variation in 2010 over 2009
		2007	2008	2009	2010		2007	2008	2009	2010	
1	Tampering computer source documents	11	26	21	64	204.7	2	26	6	79	1216.7
2	Hacking with Computer System										
	i) Loss/damage to computer resource/utility	30	56	115	346	200.8	25	41	63	233	269.8
	ii) Hacking	46	82	118	164	38.9	23	15	44	61	38.6
3	Obscene publication/transmission in electronic form	99	105	139	328	135.9	86	90	141	361	156.0
4	Failure										
	i) Of compliance/orders of Certifying Authority	2	1	3	2	-33.0	1	2	6	5	-16.6
	ii) To assist in decrypting the information intercepted by Govt. Agency	2	0	0	0	@	0	0	0	0	@
5	Un-authorized access/attempt to access to protected computer system	4	3	7	3	57.1	0	1	16	6	-62.5
6	Obtaining licence or Digital Signature Certificate by misrepresentation/suppression of fact	11	0	1	9	800.0	11	0	1	4	300
7	Publishing false Digital Signature Certificate	0	0	1	2	100.0	0	0	0	2	@
8	Fraud Digital Signature Certificate	3	3	4	3	-25	3	0	6	4	33.3
9	Breach of confidentiality/privacy	9	8	10	15	50.0	3	3	5	27	440.0
10	Other	0	4	1	30	2900	0	0	0	17	@
	<b>Total</b>	<b>217</b>	<b>288</b>	<b>420</b>	<b>966</b>	<b>128.4</b>	<b>154</b>	<b>178</b>	<b>288</b>	<b>799</b>	<b>177.4</b>

Note: @ denotes infinite percentage variation because of division by zero

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

966 cases were registered under IT Act during the year 2010 as compared to 420 cases during the previous year (2009) thereby reporting an increase of 130.0% in 2010 over 2009. 15.8% cases (153 out of 966 cases) were reported from Karnataka followed by Kerala (148), Maharashtra (142), Andhra Pradesh (105) and Rajasthan and Punjab (52 each).

35.8% (346 cases) of the total 966 cases registered under IT Act 2000 were related to Loss/damage to computer resource/utility reported under hacking with computer systems. 233 persons were arrested for committing such offences during 2010. There were 328 cases of Obscene publications/transmission in electronic form during the year wherein 361 persons were arrested. Out of the total (510) Hacking cases, the cases relating to Loss / Damage of computer resource/utility under Sec 66(1) of the IT Act were 67.8% (346 cases) whereas the cases related to Hacking under Section 66(2) of IT Act were 32.2% (164 cases). Karnataka (65), Andhra Pradesh (49) and West Bengal (38) registered maximum cases under Sec 66(1) of the IT Act out of total 346 such cases at the National level. Out of the total 164 cases relating to Hacking under Sec. 66(2), most of the cases (39 cases) were reported from Andhra Pradesh followed by Tamil Nadu & Karnataka (26 each) and Rajasthan (17 cases).

17.9% of the 799 persons arrested in cases relating to IT Act, 2000 were from Maharashtra (143) followed by Kerala (105). The age-wise profile of persons arrested in Cyber Crime cases under IT Act, 2000 showed that *54.2% of the offenders were in the age group 18 – 30 years (433 out of 799) and 37.3% of the offenders were in the age group 30 - 45 years (298 out of 799)*. Uttar Pradesh (7), Maharashtra (5), Karnataka (2), Madhya Pradesh & Kerala (1 each) reported 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) reveals that 45.2% (361 out of 799) of the offenders arrested were under 'Obscene publication / transmission in electronic form' of which 59.2% (214 out of 361 were in the age-group 18 –30 years. 51.0% (150 out of 294) of the total persons arrested for 'Hacking with Computer Systems' were in the age-group of 18 - 30 years.

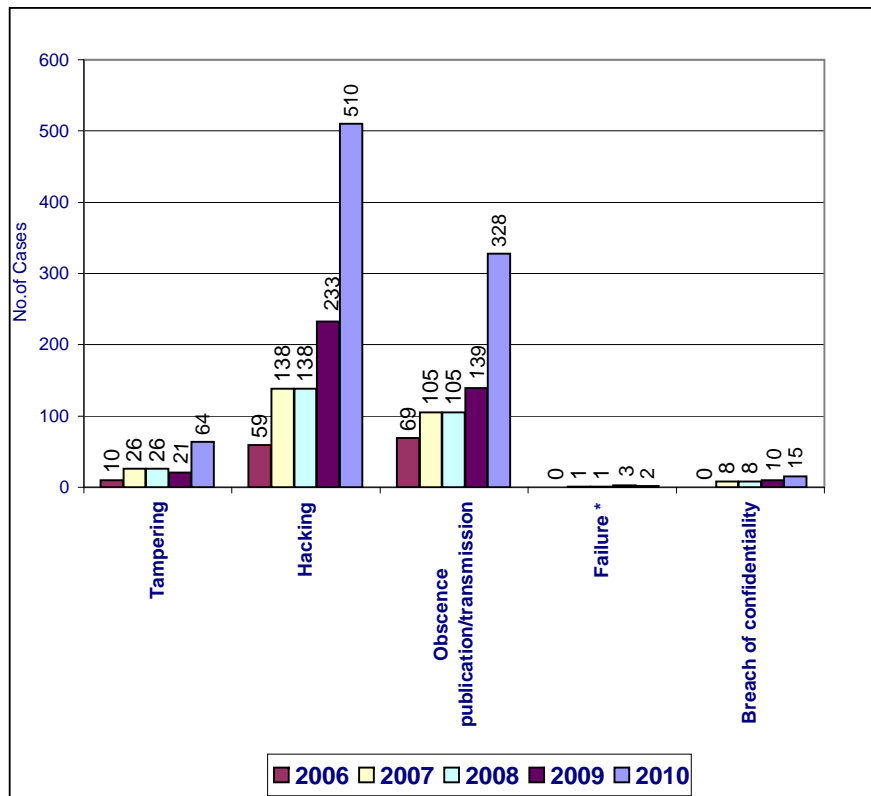
## **Incidents of Cyber Crimes registered under IPC**

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).

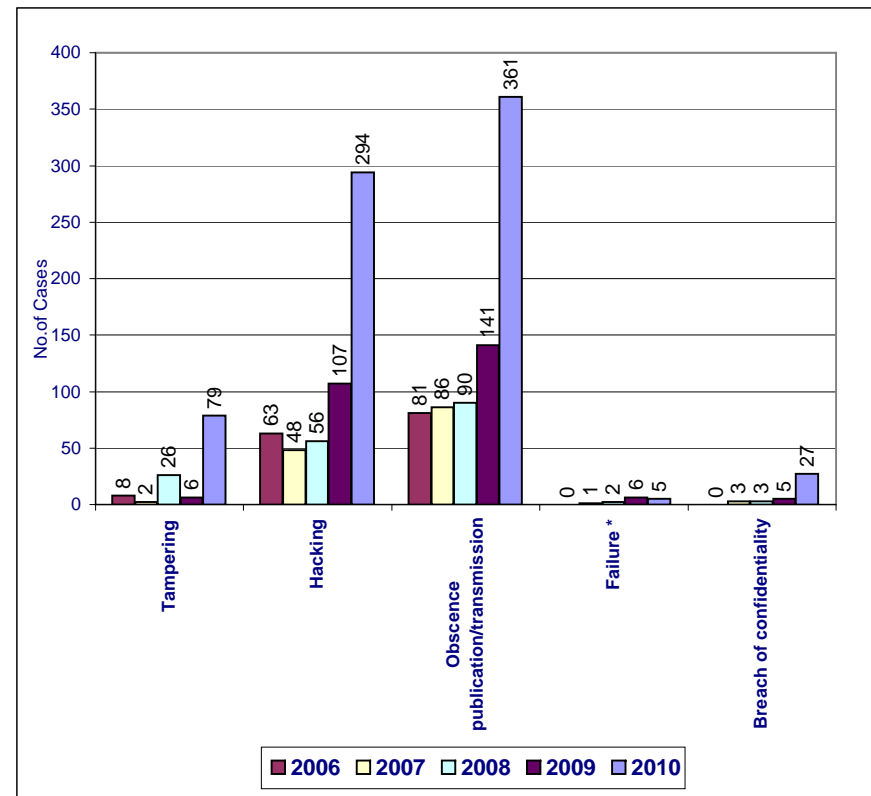
**FIGURE 18.1**

**Cyber Crimes / Cases Registered and Persons Arrested under IT Act during 2006-2010**

**Cases Registered**



**Persons Arrested**

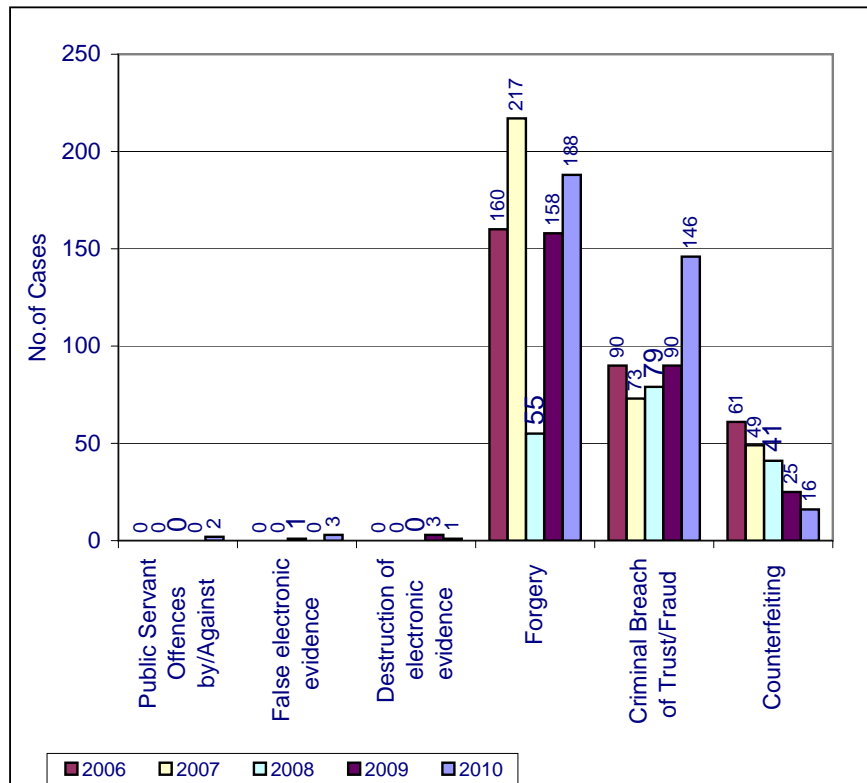


\* Failure includes the data (i) Of Compliance/orders of certifying Authority (ii) To assist in decrypting the information by Govt. Agency

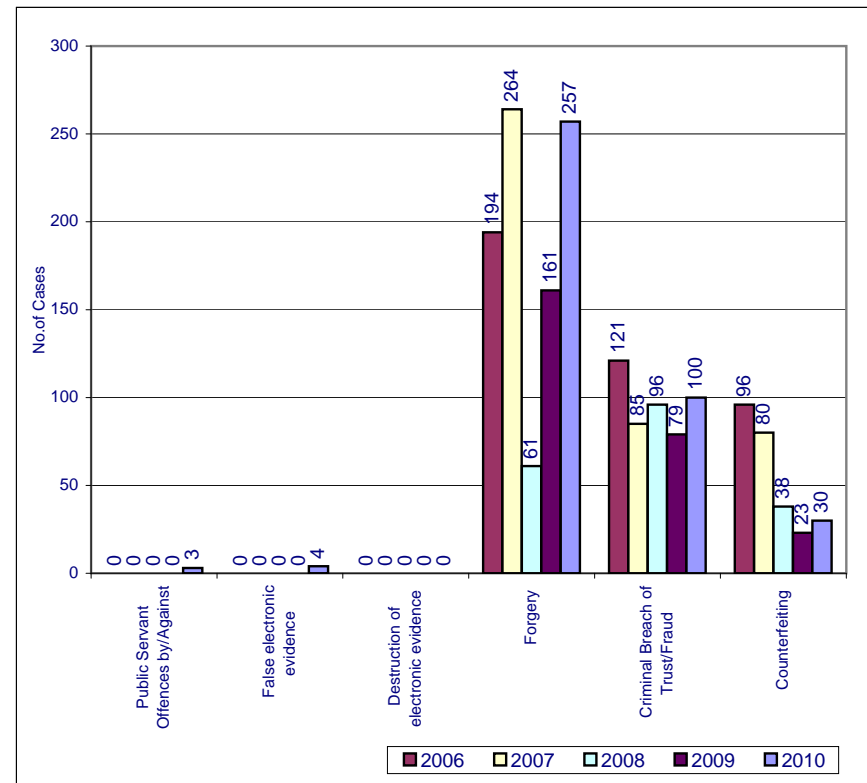
**FIGURE 18.2**

**Cyber Crimes / Cases Registered and Persons Arrested under IPC during 2006 - 2010**

**Cases Registered**



**Persons Arrested**



**Table-18 (B)**  
**Cyber Crimes/Cases Registered and Persons Arrested under IPC during 2007-2010**

SL. NO.	Crime Heads	Cases Registered				% Variation in 2010 over 2009	Persons Arrested				% Variation in 2010 over 2009
		2007	2008	2009	2010		2007	2008	2009	2010	
1	Offences by/Against Public Servant	0	0	0	2	@	0	0	0	3	@
2	False electronic evidence	0	1	0	3	@	0	0	0	4	@
3	Destruction of electronic evidence	0	0	3	1	-66.7	0	0	0	0	0.0
4	Forgery	217	55	158	188	19	264	61	161	257	59.6
5	Criminal Breach of Trust/Fraud	73	79	90	146	62.2	85	96	79	100	26.6
6	Counterfeiting										
	i) Property/mark	8	17	1	1	0	23	20	3	2	-33.3
	ii) Tampering	5	3	3	8	166.7	8	0	0	12	@
	iii) Currency/Stamps	36	21	21	7	-66.7	49	18	20	16	-20.0
7	<b>Total</b>	<b>339</b>	<b>176</b>	<b>276</b>	<b>356</b>	<b>29.0</b>	<b>429</b>	<b>195</b>	<b>263</b>	<b>394</b>	<b>49.8</b>

Note: @ denotes infinite percentage variation because of division by zero

### Cyber Crimes – Cases of Various Categories under IPC Section

A total of 356 cases were registered under IPC Sections during the year 2010 as compared to 276 such cases during 2009 thereby reporting an increase of 29.0%. Maharashtra reported maximum number of such cases (104 out of 356 cases or 29.2%) followed by Andhra Pradesh 18.5% (66 cases) and Chhattisgarh 12.9% (46 cases). Majority of the crimes out of total 356 cases registered under IPC fall under 2 categories viz. Forgery (188) and Criminal Breach of Trust or Fraud (146). 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 (188 cases) accounted for 0.23% out of the

78,999 cases reported under Cheating. The Cyber Frauds (146) accounted for 0.87% of the total Criminal Breach of Trust cases under IPC (16,678).

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 Maharashtra (42) followed by Andhra Pradesh (37) Chhattisgarh (32) and Karnataka (17). The cases of Cyber Fraud were highest in Maharashtra (60) followed by Andhra Pradesh (25) Punjab (15) and Chhattisgarh & Tamil Nadu (11 each).

A total of 394 persons were arrested in the country for Cyber Crimes under IPC during 2010. 65.2% offenders (257) of these were taken into custody for offences under 'Cyber Forgery', 25.2% (100) for 'Criminal Breach of Trust/Fraud' and 4.6% (16) for 'Counterfeiting Currency/Stamps'.

The States such as Andhra Pradesh (126), Maharashtra (64), Chhattisgarh (44) and Punjab (42) have reported higher arrests for Cyber Crimes registered under IPC. The age group-wise profile of the arrested persons under this category showed that 48.9% (193 out of 394) were in the age-group of 30 - 45 years and 32.9% (130 out of 394) of the offenders were in the age-group of 18-30 years. Karnata reported 1 offender 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 2010 reveals that offenders involved in Forgery cases were more in the age-group of 30 - 45 (50.9%) (131 out of 257). 44% of the persons arrested under Criminal Breach of Trust / Cyber Fraud offences were in the age group 30-45 years (44 out of 100).

## **Incidence of Cyber Crimes in Cities**

9 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 2010.

26 mega cities have reported 347 cases under IT Act and 15 mega cities reported 150 cases under various section of IPC. There was an increase of 123.0% (from 178 cases in 2009 to 397 cases in 2010) in cases under IT Act as compared to previous year (2009), and a decrease of 10.7% (from 168 cases in 2009 to 150 cases in 2010) of cases registered under various sections of IPC (Table 18.1)

Hyderabad(51), Delhi(41), Bengaluru (40), Jamshedpur (27), Asansol, Bhopal, Chennai, Madhurai and Varanasi (10 each) have reported high incidence of cases (209 out of 347 cases) registered under IT Act, accounting for more than half of the cases (60.2%) reported under the IT Act. Mumbai has reported the highest incidence (41 out of 150 cases) of cases reported under IPC sections accounting for 27.3% followed by Pune (26 or 17.3%).