

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 specific 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 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 2008 - 2011

SL. NO.	Crime Heads	Cases Registered				% Variation in 2011 over 2010	Persons Arrested				% Variation in 2011 over 2010
		2008	2009	2010	2011		2008	2009	2010	2011	
1	Tampering computer source documents	26	21	64	94	46.9	26	6	79	66	-16.5
2	Hacking with Computer System										
	i) Loss/damage to computer resource/utility	56	115	346	826	138.7	41	63	233	487	109.0
	ii) Hacking	82	118	164	157	-4.3	15	44	61	65	6.6
3	Obscene publication/transmission in electronic form	105	139	328	496	51.2	90	141	361	443	22.7
4	Failure										
	i) Of compliance/orders of Certifying Authority	1	3	2	6	200	1	2	6	4	-33.3
	ii) To assist in decrypting the information intercepted by Govt. Agency	0	0	0	3	-	0	0	0	0	@
5	Un-authorised access/attempt to access to protected computer system	3	7	3	5	66.7	0	1	16	15	-6.3
6	Obtaining licence or Digital Signature Certificate by misrepresentation/suppression of fact	0	1	9	6	33.3	11	0	1	0	-100
7	Publishing false Digital Signature Certificate	0	1	2	3	50.0	0	0	0	1	-
8	Fraud Digital Signature Certificate	3	4	3	12	300.0	3	0	6	8	33.3
9	Breach of confidentiality/privacy	8	10	15	26	73.3	3	3	5	27	440.0
10	Other	4	1	30	157	423.3	0	0	0	68	-
	Total	288	420	966	1791	85.4	154	178	288	1184	311.1

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

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

1,791 cases were registered under IT Act during the year 2011 as compared to 966 cases during the previous year (2010) thereby reporting an increase of 85.4% in 2011 over 2010. 19.5% cases (349 out of 1,791 cases) were reported from Andhra Pradesh followed by Maharashtra (306), Kerala (227), Karnataka (151) and Rajasthan (122).

46.1% (826 cases) of the total 1,791 cases registered under IT Act 2000 were related to Loss/damage to computer resource/utility reported under hacking with computer systems. 487 persons were arrested for committing such offences during the year 2011. There were 496 cases of Obscene publications/transmission in electronic form during the year 2011 wherein 443 persons were arrested. Out of total (983) Hacking cases, the cases relating to Loss / Damage of computer resource/utility under Sec 66(1) of the IT Act were 84.0% (826 cases) whereas the cases related to Hacking under Section 66(2) of IT Act were 15.9% (157 cases). Andhra Pradesh (267) followed by Karnataka (87), Rajasthan (69) and Maharashtra (68) registered maximum cases under Sec 66(1) of the IT Act out of total 826 such cases at the National level. Out of total 157 cases relating to Hacking under Sec. 66(2), most of the cases (23 cases) were reported from Karnataka followed by

Kerala (22) and Andhra Pradesh (20 cases).

20.4% of the 1184 persons arrested in cases relating to IT Act, 2000 were from Andhra Pradesh (242) followed by Maharashtra (226). The age-wise profile of persons arrested in Cyber Crime cases under IT Act, 2000 showed that *58.6% of the offenders were in the age group 18 – 30 years (695 out of 1184) and 31.7% of the offenders were in the age group 30 - 45 years (376 out of 1184).* Madhya Pradesh (10), Maharashtra (4), Kerala (3) and Delhi (2) 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 41.1% (487 out of 1184) of the offenders arrested were under 'Loss/damage to computer resource/utility under hacking with computer systems' of which 53.3% (260 out of 487 were in the age-group 18 –30 years. 63.8% (283 out of 443 persons) of the total persons arrested for 'Obscene Publication/ Transmission in Electronic Form' were in the age-group of 18 - 30 years.

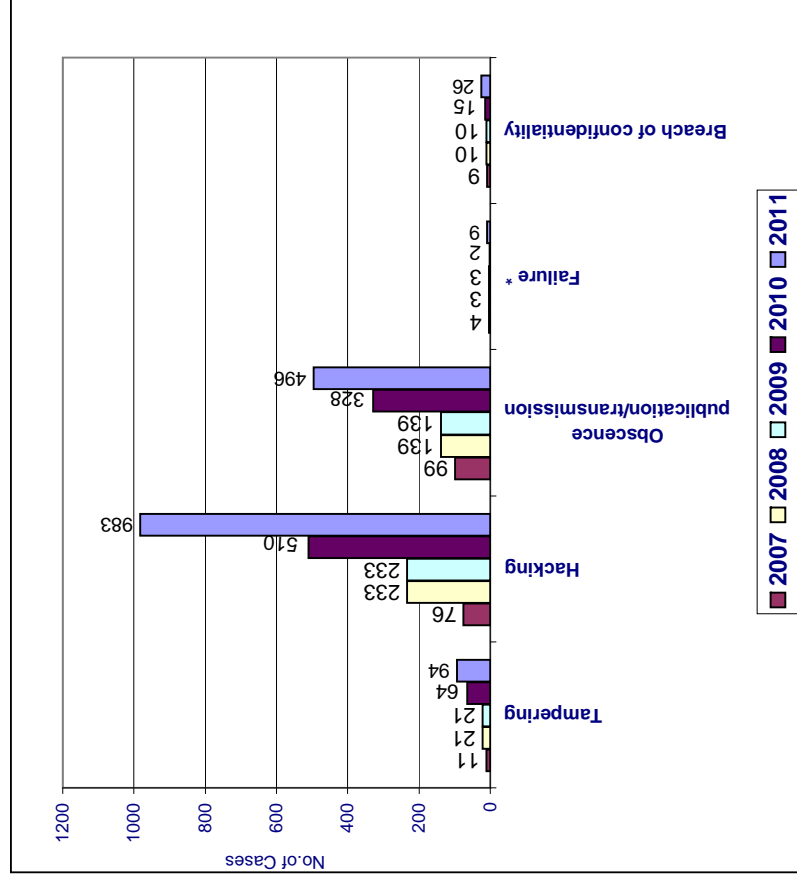
Incidents of Cyber Crimes registered under IPC

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)**.

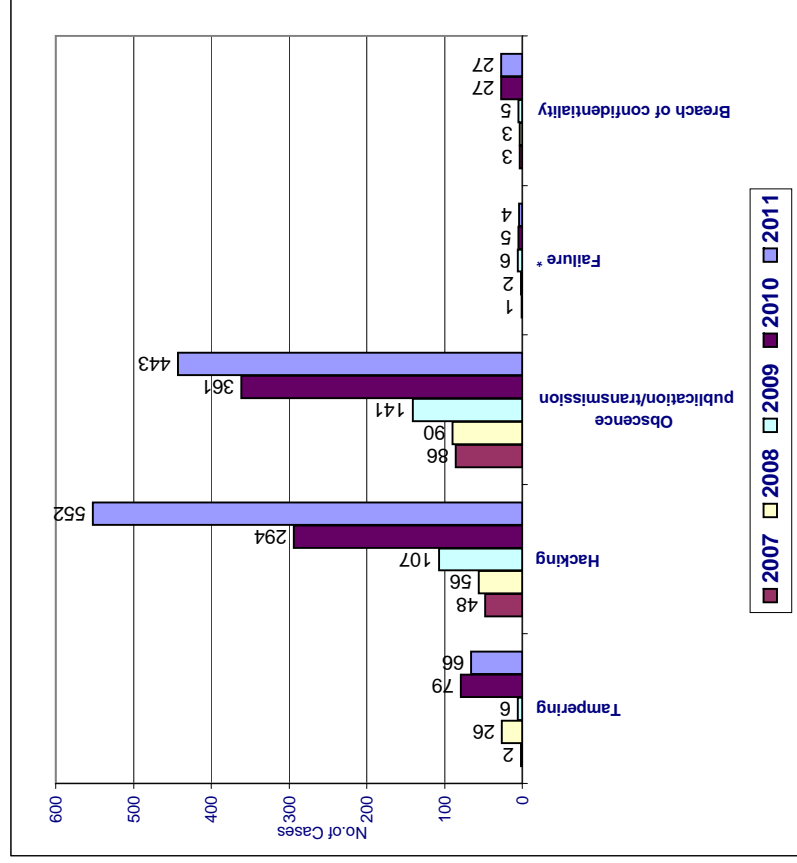
FIGURE 18.1

Cyber Crimes / Cases Registered and Persons Arrested under IT Act during 2007-2011

Cases Registered



Persons Arrested

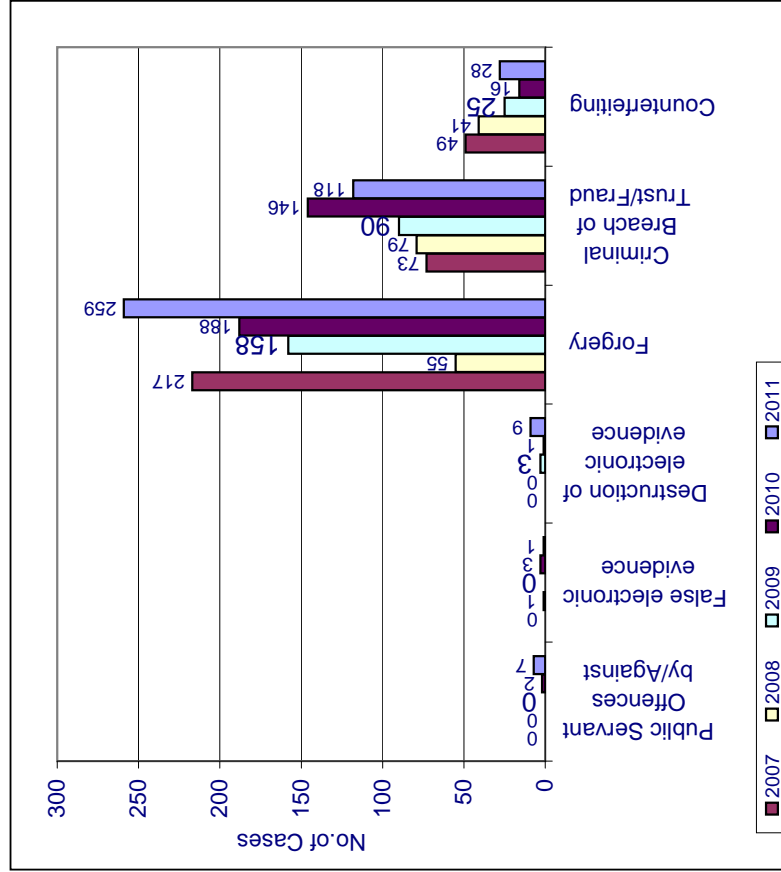


* Failure includes the data (i) Of Compliance/Orders of certifying Authority (ii) To assist in decrypting the information by Govt. Agency

FIGURE 18.2

Cyber Crimes / Cases Registered and Persons Arrested under IPC during 2007 - 2011

Cases Registered



Persons Arrested

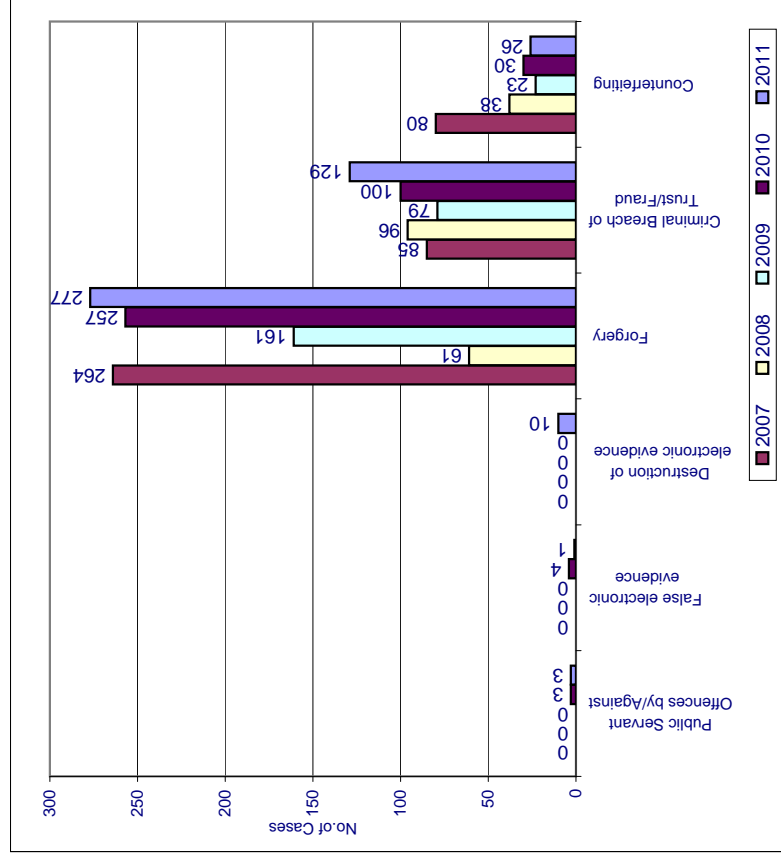


Table-18 (B)
Cyber Crimes/Cases Registered and Persons Arrested under IPC during 2008-2011

SL. NO.	Crime Heads	Cases Registered				% Variation in 2011 over 2010	Persons Arrested				% Variation in 2011 over 2010
		2008	2009	2010	2011		2008	2009	2010	2011	
1	Offences by/Against Public Servant	0	0	2	7	133.8	0	0	3	3	0.0
2	False electronic evidence	1	0	3	1	-66.7	0	0	4	1	-75
3	Destruction of electronic evidence	0	3	1	9	800	0	0	0	10	@
4	Forgery	55	158	188	259	37.8	61	161	257	277	7.8
5	Criminal Breach of Trust/Fraud	79	90	146	118	19.1	96	79	100	129	29
6	Counterfeiting										
	i) Property/mark	17	1	1	6	500	20	3	2	8	300
	ii) Tampering	3	3	8	5	-37.5	0	0	12	7	-41.6
	iii) Currency/Stamps	21	21	7	17	142.8	18	20	16	11	-31.3
7	Total	176	276	356	422	18.5	195	263	394	446	13.2

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

Cyber Crimes – Cases of Various Categories under IPC Section

A total of 422 cases were registered under IPC Sections during the year 2011 as compared to 356 such cases during 2010 thereby reporting an increase of 18.5%. Maharashtra reported maximum number of such cases (87 out of 422 cases i.e. 20.6%) followed by Chhattisgarh 18.0% (76 cases) and Delhi 11.6% (49 Cases). Majority of the crimes out of total 422 cases registered under IPC fall under 2 categories viz. Forgery (259) and Criminal Breach of Trust or Fraud (118). 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. Cyber Forgery (259 cases) accounted for 0.29% out of the 87,656 cases reported under

Cheating. Cyber Frauds (118) accounted for 0.68% of the total Criminal Breach of Trust cases under IPC (17,457).

The Crime head and State / UT-wise analysis of Cyber Crimes under IPC are presented in **Table 18.7**. Cyber Forgery cases were highest in Maharashtra (67) followed by Chhattisgarh (60), Jharkhand (20) and Punjab & Rajasthan (19 each). The cases of Cyber Fraud were highest in Andhra Pradesh (22) followed by Delhi (21), Jharkhand (20) and Maharashtra (15).

A total of 446 persons were arrested in the country for Cyber Crimes under IPC during 2011. 62.1% offenders (277) of these were taken into custody for offences under 'Cyber Forgery', 30.0% (129) for 'Criminal Breach of Trust/Fraud' and 2.4% (11) for 'Counterfeiting Currency/Stamps'.

The States such as Chhattisgarh (102), Maharashtra (85), Jharkhand (43) and Uttar Pradesh & Delhi (36 each) have reported higher arrests for Cyber Crimes registered under IPC. The age group-wise profile of the arrested persons under this category showed that 42.1% (188 out of 446) were in the age-group of 18 - 30 years and 39.9% (178 out of 446) of the offenders were in the age-group of 30-45 years. Chhattisgarh (13) and Andhra Pradesh (3) reported offenders 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 2011 reveals that offenders involved in Forgery cases were more in the age-group of 18-30 (46.5%) (129 out of 277). 50.4% of the persons arrested under Criminal Breach of Trust / Cyber Fraud offences were in the age group 30-45 years (65 out of 129).

in Cities

9 out of 88 mega cities did not report any case of Cyber Crime i.e., neither under the IT Act nor under IPC Sections during the year 2011.

53 mega cities have reported 858 cases under IT Act and 200 cases under various sections of IPC. There was an increase of 147.3% (from 347 cases in 2009 to 858 cases in 2011) in cases under IT Act as compared to previous year (2010), and an increase of 33.3% (from 150 cases in 2010 to 200 cases in 2011) of cases registered under various sections of IPC (**Table 18.1**)

Bengaluru (117), Vishakhapatnam (107), Pune (83), Jaipur (76), Hyderabad (67) and Delhi (City) (50) have reported high incidence of cases (500 out of 858 cases) registered under IT Act, accounting for more than half of the cases (58.3%) reported under the IT Act. Delhi City has reported the highest incidence (49 out of 200) of cases reported under IPC sections accounting for 24.5% followed by Mumbai (25 or 12.5%).

Incidence of Cyber Crimes