CHAPTER – IV

CYBER CRIME IN INDIA

The major cyber crimes reported in India are denial of services, defacement of websites, spam, computer virus and worms, pornography, cyber squatting, cyber stalking and cyber phishing. Given the fact that nearly $120 million worth of mobiles are being lost or stolen in our country every year, the users have to protect information, contact details and telephone numbers as these could be misused. Nearly 69% of information theft is carried out by current and ex-employees and 31% by hackers. India has to go a long way in protecting the vital information.

Over 86% of all attacks, mostly via ‘bots’ were aimed at lay surfers with Mumbai and Delhi emerging as the top two cities for such vulnerability.\(^1\) For the above, there is a need for controlling the cyber space in India.

‘Critical Information Infrastructure Protection Agency’ has been formed by the Government of India. A Cyber Command in the defence forces to harness defensive and offensive cyber capabilities for the national security is to be set up.

Ongoing efforts to establish a ‘National Cyber Coordination Centre’ will certainly bring about better coordination and synergy in the efforts being made by government and private organisations.\(^2\)

**INDIAN COMPUTER EMERGENCY RESPONSE TEAM (CERT-IN)**

CERT-In is the most important constituent of India's cyber community. Its mandate states, ‘ensure security of cyber space in the country by enhancing the

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security communications and information infrastructure, through proactive action and effective collaboration aimed at security incident prevention, response and security assurance.\(^3\)

It was established by Department of Information and Technology, Government of India in January 2004. It has been designated as Nodal Agency for co-ordinating all matters related to cyber space for enhancing cyber protection, enabling security compliance and assurance in Government and critical sectors and facilitating early warning and response as well as information sharing and co-operation.

As per the Information Technology (Amendment) Act, 2008, CERT-IN has been to serve as the national agency to perform the following functions in the area of cyber security:

- Collection, analysis and dissemination of information on cyber incidents.
- Forecast and alerts of cyber security incidents.
- Emergency measures for handling cyber security incidents.
- Co-ordination of cyber incidents activities.
- Co-ordination of cyber incident activities.
- Issue guidelines, advisories, vulnerability notes and such other functions.\(^4\)

Section 70 of the Act provides to declare any computer resource which directly or indirectly affects the facility of Critical Information Infrastructure, to be a protected system. Further, Section 70B of I.T. Act has empowered Indian

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\(^3\) www.cert-in.org.in browsed on 21st February 2016.
Computer Emergency Response Team to serve as national nodal agency in the area of cyber security.

The Department of Financial Services, Ministry of Finance has reported online banking frauds worth Rs.590.49 Lakhs in the year 2009.5

**Centre for Development of Advanced Computing (C-DAC)**

C-DAC was created in 1988 which is the premier Research & Development (R&D) organization of the Department of Electronics and Technology (Deity), Ministry of Communication & Information Technology (MCIT) for carrying the R&D in IT, Electronics and associated areas. Different areas of C-DAC, had organised at different time, many of which came out as a result of identification of opportunities. It is working on strengthening national technological capabilities in the context of global development in the field and responding to change in the market need in selected foundation areas. It has been at the forefront of the IT revolution, constantly building capacities in emerging/enabling technologies and innovating and leveraging its expertise.6

**Data Security Council of India (DSCI)**

DSCI is a non-profit division established by NASSCOM, as a Self Regulatory Organisation (SRO) since August 2008 to promote data protection through best practices and standards, in line with the evolving global regulatory landscape.

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6 http://cdac.in browsed on 21st February 2016.
DSCI awareness programme includes the following:

- Seminar, Workshops and Events (national and international) in Delhi, Mumbai, Bangalore, Chennai, Hyderabad, Kolkata, Chandigarh, Jaipur, Ahmedabad.
- Lectures in academic and research (training institutions).
- Cyber labs programme specifically for Police, Law Enforcement Agencies, Judiciary.

Central Bureau of Investigation

The Central Bureau of Investigation (CBI) is the nodal agency of our nation in obtaining the details on cyber crime from other countries. CBI has Cyber Crime Cell which conducts the enquiry of the inter-state and important cyber crime cases in connection with computer-related crime with increased use of computers in home and offices. It has Cyber and High Tech Crime Investigation and Training Centre at CBI Academy.

To combat computer related crimes, the CBI has the following specialized structure:

(i) Cyber Crimes Research and Development Unit (CCRDU);
(ii) Cyber Crime Investigation Cell (CCIC);
(iii) Cyber Forensics Laboratory; and
(iv) Network Monitoring Centre.

The CCRDU is charged with the responsibility of keeping track of the developments in this ever-growing area. It involved in liaison with the State Police Forces and collection of information on cases of cyber crime reported to them for investigation and to find out about the follow-up action in each case, liaison with software experts to identify areas, which require attention of State
Police Forces for prevention and detection of such crimes with a view to train them for the task; collection of information on the latest cases reported in other countries and innovations employed by Police Forces in those countries to handle such cases; preparation of a monthly Cyber Crime Digest for the benefit of State Police Forces; and maintenance of close rapport with the Ministry of I.T. and other organizations/Institutions and Interpol Headquarters.

The CCIC is a part of Economic Offences Division which has all-India jurisdiction and investigates criminal offences under the I.T. Act, 2000, besides frauds committed fraud committed with the help of computers, credit card etc. It is also a round-the-clock Nodal Point of contact for Interpol to report cyber crimes in India, and also a member of “Cyber Crime Technology Information Network System” of Japan.  

The First Cyber Police Station in India was formed in Bangalore.

The Cyber Crime Cell, Bangalore of Karnataka was declared as a Cyber Crime Police Station on 13th September 2001.

The following four major categories of crimes reported in India as per NCRB constitute nearly 90% of the cyber crimes are 1. Hacking of Computer System, 2. Forgery/counterfeiting using computers, 3. Publication/Transmission of obscene information in electronic form i.e. Pornography, and 4. Breach of Trust/Frauds.

**Fist Juvenile Accused in a Cyber Crime Case**

In April 2001, a person from New Delhi complained to the Crime Branch regarding the website Amazing.com. He claimed it carried vulgar remarks about

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7 www.cbi.nic.in browsed on 2nd January 2016.
8 *Training Manual for Investigators* published by Data Security Council of India p.11.
his daughter and a few of her classmates. During the inquiry, print-outs of the site were taken and proceedings initiated.

After investigation, a student of Class 11 and classmate of the girl was arrested.

The Juvenile Board in November 2003 refused to discharge the boy accused of creating a website with vulgar remarks about his classmate.\footnote{www.alertindian.com}

**Parliament Attack Case**

Bureau of Police Research and Development (BPRD) at Hyderabad handled some of the top cyber cases, including analyzing and retrieving information from the laptop recovered from terrorists, who attacked Parliament. The laptop which was seized form the two terrorist, who were gunned down when Parliament was under siege on 13\textsuperscript{th} December 2001, was sent to Computer Forensics Division of BPRD after computer experts at Delhi failed to trace much out of its contents.

The laptop contained several evidences that confirmed the two motives of terrorists namely the sticker of the Ministry of Home that they had made on the laptop and passed on their ambassador car to gain entry into Parliament House and the fake ID card that one of the two terrorists was carrying with a Government of India emblem and seal.

The Emblems (of the three lions) were carefully scanned and the seal was also craftly made along with residential address of Jammu and Kashmir. But careful detection proved that it was all forged and made on the laptop.
Cyber Crime across India

The statistical data on cyber crimes has been published by National Crime Record Bureau from the year 2002 only and the data for the years 2000 and 2001 was not available. Hence, data of cyber crimes throughout India is discussed for the period from the year 2002 to 2009.

In the year 2002, totally 809 cyber crimes were reported in India. In which, 70 cases were related to IT Act, 2000 and 739 cases were related to IPC sections. Of the total 70 cases registered under IT Act, 2000, around 47% (33 cases) pertains to obscene publication/transmission in electronic form normally known as the cases of cyber pornography. 38 persons were taken into custody for such offences. There were 26 cases of Hacking of computer systems wherein 21 persons were arrested. Of the total (26) hacking cases, the cases relating to Loss/Damage to computer resource/utility under Section 66 (2) of IT Act were 42% (11 cases).

Other cases IT Act were Tampering (6), Breach of confidentiality (3), Fraud Digital Signature Certificate (1), miscellaneous (1). Of the 738 cases registered for cyber crimes under IPC, majority of the crimes fall under 3 categories viz. Criminal Breach of Trust or Fraud (510), Forgery (166) and Counterfeiting (60). Other offences registered under IPC were False electronic evidence (2) and Destruction of electronic evidence (1). Though, these offences fall under the traditional IPC crimes, the cases had the cyber tones wherein computer, Internet or its related aspects were present in the crime and hence they were categorised as Cyber Crimes under IPC. 2 incidents of False Electronic
Evidence have also been reported. The cases relating to counterfeiting of currency/stamps stood at 49 wherein 124 persons were arrested. In 2003, totally 471 cyber crimes were reported. In which, 60 cases were related to IT Act, 2000 and 411 cases were related to IPC sections. Of the total 60 cases registered under IT Act, 2000, 20 were related to cyber pornography. There were 21 cases of Hacking of computer systems. Other IT Act cases were Tampering (8), Unauthorised access (1), Fraud Digital Signature Certificate (1), Failure to assist decrypting the information intercepted by Government Agency (6) and Miscellaneous (3). Of the 411 cases registered for cyber crimes under IPC, majority of the crimes fall under 3 categories viz. Criminal Breach of Trust or Fraud (269), Forgery (89) and Counterfeiting (53).

In 2004, totally 347 cyber crimes were reported. In which, 68 cases were related to IT Act, 2000 and 279 cases were related to IPC sections. Of the total 68 cases registered under IT Act, 2000, 34 were related to cyber pornography. There were 26 cases of Hacking of computer systems. Other IT Act cases were Tampering (2) and Fraud Digital Signature Certificate (6). Of the 279 cases registered for cyber crimes under IPC, 173 cases were related to Criminal Breach of Trust or Fraud, Forgery (77) and Counterfeiting (29).

In 2005, totally 481 cyber crimes were reported. In which, 179 cases were related to IT Act, 2000 and 302 cases were related to IPC sections. Of the total 481 cases registered under IT Act, 2000, 88 were related to cyber pornography. There were 74 cases of Hacking of computer systems. Other IT Act cases were

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12 Ibid., for the year 2004.
Tampering (10), Breach of Confidentiality (5), Fraud Digital Signature Certificate (6) and Failure of compliance/order of Certifying Authority (1). Of the 302 cases registered for cyber crimes under IPC, 186 cases were related to Criminal Breach of Trust or Fraud, Forgery (48) and Counterfeiting (68).\textsuperscript{13}

In 2006, totally 453 cyber crimes were reported. In which, 142 cases were related to IT Act, 2000 and 311 cases were related to IPC sections. Of the total 68 cases registered under IT Act, 2000, 69 were related to cyber pornography and 74 cases were related to Hacking of computer systems. Other IT Act cases were Tampering (10), Breach of confidentiality (3) and Fraud Digital Signature Certificate (1). Of the 311 cases registered for cyber crimes under IPC, 160 cases were related to Hacking, Criminal Breach of Trust or Fraud (90) and Counterfeiting (61).\textsuperscript{14}

In 2007, totally 556 cyber crimes were reported. In which, 217 cases were related to IT Act, 2000 and 339 cases were related to IPC sections. Of the total 217 cases registered under IT Act, 2000, 99 were related to cyber pornography. There were 76 cases of Hacking of computer systems. Other IT Act cases were Tampering (11), Unauthorised access (4), Breach of confidentiality (9), Fraud Digital Signature Certificate (3), Obtaining Digital Certificate by misrepresentation (11), Publishing false digital signature certificate (2) and Failure of compliance/order of Certifying Authority (2). Of the 339 cases registered for cyber crimes under IPC, 217 cases were related to Forgery, Criminal Breach of Trust or Fraud (73) and Counterfeiting (69).\textsuperscript{15}

\textsuperscript{13} Ibid., for the year 2005.
\textsuperscript{15} Ibid., for the year 2007.
In 2008, totally 464 cyber crimes were reported. In which, 288 cases were related to IT Act, 2000 and 176 cases were related to IPC sections. Of the total 288 cases registered under IT Act, 2000, 138 were related to hacking. There were 105 cases of cyber pornography. Other IT Act cases were Tampering (26), Unauthorised access (3), Breach of confidentiality (8), Fraud Digital Signature Certificate (3), Failure of compliance/order of Certifying Authority (1) and Miscellaneous (4). Of the 176 cases registered for cyber crimes under IPC, 79 cases were related to Criminal Breach of Trust or Fruad, Forgery (55), Counterfeiting (41) and False electronic evidence (1).16

In 2009, totally 696 cyber crimes were reported. In which, 420 cases were related to IT Act, 2000 and 276 cases were related to IPC sections. Of the total 420 cases registered under IT Act, 2000, 233 were related to hacking. There were 139 cases of cyber pornography. Other IT Act cases were Tampering (21), Unauthorised access (7), Breach of confidentiality (10), Fraud Digital Signature Certificate (4), Obtaining Digital Certificate by misrepresentation (1), Publishing false digital certificate (1), Failure of compliance/order of Certifying Authority (3) and Miscellaneous (1). Of the 276 cases registered for cyber crimes under IPC, 58 cases were related to Criminal Breach of Trust or Fruad, Forgery (3), Counterfeiting (25) and Destruction of electronic evidence (3).17

16 Ibid., for the year 2008.
The totaling from the year 2002 to 2009, 4277 cyber crimes were reported. In which, 1444 cases were related to IT Act, 2000 and 2833 cases were related to IPC sections. Of the total 4277 cases registered under IT Act, 2000, 653 were related to hacking. There were 587 cases of cyber pornography. Other IT Act cases were Tampering (94), Unauthorised access (15), Breach of confidentiality (38), Fraud Digital Signature Certificate (20), Obtaining Digital Certificate by misrepresentation (12), Publishing false digital certificate (3), Failure of compliance/order of Certifying Authority (7), Failure to assist decrypting the information intercepted by Government agency (6) and Miscellaneous (9). Of the 2833 cases registered for cyber crimes under IPC, 1470 cases were related to Criminal Breach of Trust or Fraud, Forgery (970), Counterfeiting (386), Destruction of electronic evidence (3) and False electronic evidence (3).
From the above, the total number of cases registered under IT Act in India by way of Hacking during the period from 2002 to 2009 was 653, followed by Obscene Publication (587 cases) and Tampering (94). These are major crimes under IT Act.

**Hacking under IT Act**

![Graph showing the number of cases registered under IT Act year-wise](image)

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
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<tbody>
<tr>
<td>2002</td>
<td>653</td>
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<td>2003</td>
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<td>2008</td>
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</table>
Out of 653 cases of hacking for the above period, 289 cases were registered by Karnataka. When comparing Metropolitan cities of India, 56 cases were registered in Mumbai. Likewise among Mega cities other than metropolitan cities, Bengaluru registered 289 cases.
There were ups and downs for the offence under Hacking from the year 2002 to 2006 [i.e. 2002 (26), 2003 (21), 2004 (26), 2005 (74) and 2006 (59)]. But from the year 2007 to 2009, it increased from 2007 (76), 2008 (138) and 2009 (233).

But in the cases under Obscene publication/cyber pornography, the number of cases also increased 2002 (33), 2003 (20), 2004 (34), 2005 (88), 2006 (69), 2007 (99), 2008 (105) and 2009 (139).

**COMPARISON OF CASES REGISTERED UNDER IPC – YEARWISE**

![Graph of cases registered under IPC](image)

The total number of cases registered under IPC in India by way of Criminal breach of trust during the above period was 1470 followed by Forgery through computer (970).
Forgery under IPC

Criminal Breach of Trust Under IPC

Criminal Breach of trust
It came to be known from the above data that particularly in 2002 as highest as 510 cases were registered under Criminal breach of trust. Likewise in the year 2007, 217 cases were registered under Forgery. Out of 2833 cyber crime cases registered under IPC, 863 cases were registered in Andhra Pradesh. Among the Metropolitan cities, 44 cases were registered in Delhi. Likewise among the Mega Cities other than Metropolitan cities, 96 cases were registered in Surat.

There were decreases in case of Criminal breach of trust under IPC from the year 2002 to 2009 except in the years 2005 and 2008 [2002 (510), 2003 (269), 2004 (173), 2005 (186), 2006 (90), 2007 (73), 2008 (79) and 2009 (58)].

But in the cases under Forgery of IPC, from the year 2002 to 2005, it decreased. In the years 2006 and 2007, it increased. Against 2008 and 2009, it decreased [2002 (166), 2003 (89), 2004 (77), 2005 (48), 2006 (160), 2007 (217), 2008 (55) and 2009 (3)].

Overall 4277 cases of cyber crimes from 2002 to 2009, six offences took major role under IT Act and IPC by occurring 4160 cases with a percentile of 97.25. They are Hacking (653 cases with a percentile of 15.26), Obscene publication/cyber pornography (587 – 13.72%), Tampering (94 – 2.19%), Criminal breach of trust (1470 – 34.37%), Forgery (970 – 22.68%) and Counterfeiting (386 – 9.03%).

The cases registered under IT Act in the above period was 1444. In which, Hacking, Obscene publication/cyber pornography and Tampering alone totaled 1334 with a percentile of 92.38. Likewise the cases registered under IPC in the above period was 2833. In which, Criminal breach of trust, Forgery and
Counterfeiting alone totaled 2826 with a percentile of 99.75%. Hence, in the above six heads, the 97.25% of the cyber crimes were occurred.

**Persons Arrested on Cyber Crimes in India**

The numbers of persons arrested on cyber crimes in India has been obtained from the data of National Crime Record Bureau, in which, from the year 2002 to 2009 are only available. The data for the years 2000 and 2001 could not be obtained. Hence, the number of persons arrested has been discussed for the year from 2002 to 2009 are discussed below:

In the year 2002, 65 persons were arrested under I.T. Act in India. In which, one person was arrested below the age of 18 years, 46 persons between 18 and 30 years, 14 persons between 30 and 45 years, 3 persons between 45 and 60 years, one person was arrested above the age of 60 years. In this year, 1310 persons were arrested under IPC sections, in which, 3 persons were arrested below the age of 18 years, 352 persons between 18 and 30 years, 713 persons between 30 and 45 years, 210 persons between 45 and 60 years, 32 persons were arrested above the age of 60 years. Totally under IT Act and IPC sections, 1375 persons were arrested under IPC sections, in which, 4 persons were arrested below the age of 18 years, 398 persons between 18 and 30 years, 727 persons between 30 and 45 years, 213 persons between 45 and 60 years, 33 persons were arrested above the age of 60 years.

In 2003, 55 persons were arrested under I.T. Act in India. In which, 4 persons were arrested below the age of 18 years, 31 persons between 18 and 30 years, 13 persons between 30 and 45 years, 7 persons were arrested between the age of 45 and 60 years. In this year, 475 persons were arrested under IPC sections,
in which, 2 persons were arrested below the age of 18 years, 113 persons between 18 and 30 years, 214 persons between 30 and 45 years, 135 persons between 45 and 60 years, 11 persons were arrested above the age of 60 years. Totally under IT Act and IPC sections, 530 persons were arrested under IPC sections, in which, 6 persons were arrested below the age of 18 years, 144 persons between 18 and 30 years, 227 persons between 30 and 45 years, 142 persons between 45 and 60 years, 11 persons were arrested above the age of 60 years.

In 2004, 60 persons were arrested under I.T. Act in India. In which, two persons were arrested below the age of 18 years, 37 persons between 18 and 30 years, 18 persons between 30 and 45 years, 3 persons between the age of 45 and 60 years. In this year, 329 persons were arrested under IPC sections, in which, 15 persons were arrested below the age of 18 years, 123 persons between 18 and 30 years, 141 persons between 30 and 45 years, 45 persons between 45 and 60 years, 5 persons were arrested above the age of 60 years. Totally under IT Act and IPC sections, 389 persons were arrested under IPC sections, in which, 17 persons were arrested below the age of 18 years, 160 persons between 18 and 30 years, 159 persons between 30 and 45 years, 48 persons between 45 and 60 years, 5 persons were arrested above the age of 60 years.

In 2005, 192 persons were arrested under I.T. Act in India. In which, one person was arrested below the age of 18 years, 131 persons between 18 and 30 years, 53 persons between 30 and 45 years, 6 persons between 45 and 60 years, one person was arrested above the age of 60 years. In this year, 377 persons were arrested under IPC sections, in which, 2 persons were arrested below the age of 18 years, 148 persons between 18 and 30 years, 161 persons between 30 and 45 years.
years, 63 persons between 45 and 60 years, 3 persons were arrested above the age of 60 years. Totally under IT Act and IPC sections, 569 persons were arrested under IPC sections, in which, 3 persons were arrested below the age of 18 years, 279 persons between 18 and 30 years, 214 persons between 30 and 45 years, 69 persons between 45 and 60 years, 4 persons were arrested above the age of 60 years.

In 2006, 154 persons were arrested under I.T. Act in India. In which, 2 persons was arrested below the age of 18 years, 109 persons between 18 and 30 years, 39 persons between 30 and 45 years, 3 persons between 45 and 60 years, one person was arrested above the age of 60 years. In this year, 411 persons were arrested under IPC sections, in which, 4 persons were arrested below the age of 18 years, 113 persons between 18 and 30 years, 221 persons between 30 and 45 years, 70 persons between 45 and 60 years, 3 persons were arrested above the age of 60 years. Totally under IT Act and IPC sections, 565 persons were arrested under IPC sections, in which, 6 persons were arrested below the age of 18 years, 221 persons between 18 and 30 years, 260 persons between 30 and 45 years, 73 persons between 45 and 60 years, 4 persons were arrested above the age of 60 years.

In 2007, 154 persons were arrested under I.T. Act in India. In which, 2 persons was arrested below the age of 18 years, 97 persons between 18 and 30 years, 46 persons between 30 and 45 years, 9 persons were arrested between the age of 45 and 60 years. In this year, 429 persons were arrested under IPC sections, in which, 4 persons were arrested below the age of 18 years, 126 persons between 18 and 30 years, 237 persons between 30 and 45 years, 61 persons
between 45 and 60 years, one person was arrested above the age of 60 years. Totally under IT Act and IPC sections, 583 persons were arrested under IPC sections, in which, 6 persons were arrested below the age of 18 years, 223 persons between 18 and 30 years, 283 persons between 30 and 45 years, 70 persons between 45 and 60 years, one person was arrested above the age of 60 years.

In 2008, 178 persons were arrested under I.T. Act in India. In which, 4 persons were arrested below the age of 18 years, 109 persons between 18 and 30 years, 57 persons between 30 and 45 years, 7 persons between 45 and 60 years, one person was arrested above the age of 60 years. In this year, 195 persons were arrested under IPC sections, in which, 2 persons were arrested below the age of 18 years, 60 persons between 18 and 30 years, 111 persons between 30 and 45 years, 22 persons between 45 and 60 years. Totally under IT Act and IPC sections, 373 persons were arrested under IPC sections, in which, 6 persons were arrested below the age of 18 years, 169 persons between 18 and 30 years, 168 persons between 30 and 45 years, 29 persons between 45 and 60 years, one person was arrested above the age of 60 years.

In 2009, 288 persons were arrested under I.T. Act in India. In which, 10 persons were arrested below the age of 18 years, 186 persons between 18 and 30 years, 83 persons between 30 and 45 years, 8 persons between 45 and 60 years, one person was arrested above the age of 60 years. In this year, 263 persons were arrested under IPC sections, in which, 110 persons were arrested between the age of 18 and 30 years, 119 persons between 30 and 45 years, 33 persons between 45 and 60 years, one person was arrested above the age of 60 years. Totally under IT Act and IPC sections, 551 persons were arrested under IPC sections, in which, 10
persons were arrested below the age of 18 years, 296 persons between 18 and 30 years, 202 persons between 30 and 45 years, 41 persons between 45 and 60 years, 2 persons were arrested above the age of 60 years.

From the year 2002 to 2009, 1146 persons were arrested under I.T. Act in India. In which, 26 persons were arrested below the age of 18 years, 746 persons between 18 and 30 years, 323 persons between 30 and 45 years, 46 persons between 45 and 60 years, 5 persons were arrested above the age of 60 years.
From the year 2002 to 2009, 3789 persons were arrested under IPC sections, in which, 32 persons were arrested below the age of 18 years, 1145 persons between 18 and 30 years, 1917 persons between 30 and 45 years, 639 persons between 45 and 60 years, 56 persons were arrested above the age of 60 years.

PERSONS ARRESTED IN II
UNDER I.T. ACT AND I.P.C. SE
From the year 2002 to 2009 under IT Act and IPC sections, 4935 persons were arrested under IPC sections, in which, 58 persons were arrested below the age of 18 years, 1891 persons between 18 and 30 years, 2240 persons between 30 and 45 years, 685 persons between 45 and 60 years, 61 persons were arrested above the age of 60 years.

From the above, from the age 18 to 45, 4131 persons were arrested out of the 4935 overall arrested. Hence, 83% of persons have committed cyber crimes in India between the age of 18 and 45.

Cyber Crime: Certain Important Cases

In the year 2002, Mrs.Sonia Gandhi received threatening e-mails from the e-mail addresses of ‘missonrevenge84@kkhalsa.com’ and ‘missionrevenge84@hotmail.com’. The case was referred and the accused was arrested who lost his parents during 1984 riots.

Baazee.com Case

The Chief Executive Officer of Baazee.com was arrested in December 2004 because a CD with objectionable material was being sold on the website. The CD was also being sold in the markets in Delhi. The Mumbai city police and the Delhi police got into action.\(^{18}\)

On 26\(^{th}\) October 2006, an e-mail was sent from a cyber café in Kochi with a threat to kill the Prime Minister and the President. The e-mail was deliberately sent in the name of SIMI. Police finally traced the culprit. Wreaking vengeance as

\(^{18}\) www.cyberlawclinic.org
tit for tat for jilted love turned out to be the motive and the suspense with regard to PM’s Security gave way to partial relief.  

First Conviction under IPC in India

A complaint was lodged by Sony India Private Limited which runs a website called sony-sambandh.com, targeting Non Resident Indians. The website enables NRIs to send Sony products to their friends and relatives in India after they pay for it online. The company undertakes to deliver the products to the concerned recipients. In May 2002, someone logged onto the website under the identity of Barbara Campa and ordered a Sony Colour Television set and a cordless head phone. A lady gave her credit card number for payment and requested that the products be delivered to Arif Azim in Noida. The payment was duly cleared by the credit card agency and the transaction processed. After following the relevant procedures of due diligence and checking, the company delivered the items to Arif Azim. At the time of delivery, the company took digital photographs showing the delivery being accepted by Arif Azim. The transaction closed at that, but after one and a half months, the credit card agency informed the company that this was an unauthorized transaction as the real owner had denied having made the transaction. The company lodged a complaint for online cheating at the Central Bureau of Investigation which registered a case under Section 418, 419 and 420 of the Indian Penal Code. The matter was investigated into and Arif Azim was arrested. Investigations revealed that Arif Azim, while working at a call centre in Noida gained access to the credit card number of an American national
which he misused on the company’s site. The CBI recovered the colour television and the cordless head phone. The accused admitted his guilt and the Metropolitan Magistrate, New Delhi, convicted Arif Azim under Section 418, 419 and 420 of Indian Penal Code – this being the first time in India that a cyber crime has been convicted. The court, however, felt that as the accused was 24 years old and a first-time convict, a lenient view needed to be taken. The court therefore released the accused on probation for one year.20

**Father and Son Convicted in Kerala**

This cyber case dates back to January-February 2002 and the priest and his son became the first to be convicted of committing a cyber crime. The two were found guilty of morphing, web-hosting and e-mailing nude pictures of Pastor Abraham and his family. Balan had worked with the pastor until he fell out with him and was shown the door by the latter. Balan joined the Sharon Pentecostal Church later. The prosecution said the duo had morphed photographs of Abraham, his son, Valsan Abraham, and daughter, Starla Luke, and e-mailed them from fake mail IDs with captions. The morphed pictures were put on the web and the accused, who edited a local magazine called The Defender, wrote about these photos in his publication. Valsan received the pictures on the Internet and asked his father to file a complaint to the police. A police party raided the house of Balan and his son at Perumbavoor and collected evidences. After a trial of four years, the Chief Judicial Magistrate pronounced the judgment that sentencing the two to three-year Rigorous Imprisonment (RI) and imposing a fine of Rs.25,000/- under Section 67 of Information Technology Act, awarding six months RI under

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20 www.alertindian.com Case No.1 – browsed on 22nd January 2016.
Section 120(B) of the Indian Penal Code (IPC), and one year RI and imposing a fine of Rs.10,000/- under Section 469 of IPC.21

**First Juvenile Accused in a Cyber Crime Case**

In April 2001, a person from New Delhi complained to the Crime Branch regarding the website, Amazing.com, he claimed, carried vulgar remarks about his daughter and a few of her classmates. During the enquiry, print-outs of the site were taken and proceedings were initiated. After investigation, a student of Class 11 and classmate of the girl were arrested. The Juvenile Board in November 2003 refused to discharge the boy accused of creating a website with vulgar remarks about his classmate.22

**E-mailing of Obscene Pictures of a Woman to Take Revenge**

An ex-employee of a computer center wanted to settle scores with his boss and, therefore, took some obscene photographs of his wife and forwarded it to his business clients, describing her as a call-girl. The accused tactfully used the dial-up Internet connection of a reputed High School in order to mislead perverted criminal, who was bent on tarnishing the image of a woman, the Cyber Crime Cell immediately responded. A case was registered under IT Act, IPC and Section 4 of T.N. Prevention of Harassment of Women Act, 1998. On the basis of the Internet access phone number, which was found to be the residential phone number of the accused, he was arrested and remanded. A chargesheet was filed against the accused on 28th January 2008.23

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23 *Crime Branch CID – A Retrospect (1906-2010)* published by CBCID, Tamil Nadu.
Case of Frios v/s State of Kerala

In this case, it was declared that the FRIENDS application software as protected system. The author of the application challenged the notification and the constitutional validity of software under Section 70 of Information Technology Act, 2000. It included with source code. Computer source code the electronic form, it can be printed on paper. The court upheld the validity of both that Tampering with Source code are punishable with three years imprisonment or two lakh rupees, fine of rupees two lakh rupees for altering, concealing and destroying the source code.24

Posting of Obscene Profile of Estranged Wife of Net

The divorced husband had posted an obscene profile of the wife in a website, as a result of which she had received several offending phone calls. A case was registered and was investigated. The user details and IP address of the computer system used for uploading the obscene profile were obtained from the Internet Service Provider. The accused was identified and arrested. A chargesheet was filed by the CB-CID against him.25

E-mailing of Objectionable Pictures of a Woman

The complaint against the accused was that he had stealthily taken obscene photos of the victim woman through his mobile phone’s camera, uploaded these in certain websites and transmitted them to a group of people so as to embarrass her. The accused was arrested and remanded. A chargesheet was filed against him on 11th February 2008.26

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26 Crime Branch CID – A Retrospect (1906-2010) published by CBCID, Tamil Nadu
Youth Arrested for Hacking and Sending Obscene Messages to a Girl Student

An aggrieved brother lodged a complaint about the hacking of the e-mail account of his sister, a student of a reputed college in Coimbatore. The accused, after hacking her email account, was sending obscene messages about her to her contacts. A case was registered in the Cyber Crime Cell on 08-09-2009 under IT Act, IPC and under Section 4 of T.N. Prevention of Harassment of Women Act 1998. Investigation by the CB-CID Cyber Crime Cell disclosed that the e-mails had been sent from a system used by one 24-year-old man of Tuticorin. By then, he had left the country and joined a shipping company at Sharjah. Therefore, a ‘Look Out Notice’ was issued for him and the accused was detained at Thiruvananthapuram Airport on 19th December 2009. He was brought to Chennai and remanded. The case was charge sheeted on 29th July 2010.27

Software Engineer Arrested for Sending Obscene and Abusive e-mails to a Lady Colleague

A young woman working in a leading software company at Chennai and her brother received several obscene, abusive and intimidating e-mails and SMSs for months together. Unable to take it any longer, the woman preferred a complaint after which a case was registered under IT Act, IPC and under Section 4 of Tamil Nadu Prevention of Harassment of Woman Act, 1998 on 27th September 2009. The investigation revealed that this was the handiwork of one of her colleagues, a 27-year-old software engineer hailing from Krishna District in Andhra Pradesh. The user details obtained from the ISP confirmed it. The mails had been sent from a cyber cafe at Tiruvanmiyur. The accused was arrested and remanded. The case was charge sheeted on 23rd December 2009.

27 Ibid.
First Cyber Case Conviction in Maharashtra

The 37th Metropolitan Magistrate Court in Maharashtra convicted Yogesh Prabhu (Age 36) to four months imprisonment for cyber stalking his women colleague working in a cargo handling firm in Panivel and had sent her pornographic images in videos in February 2009.28

First Cyber Defamation case in India 29

SMC Pneumatics (India) Private Limited Vs. Jogesh Kwatra

India’s first case of cyber defamation was reported when a company’s employee (defendant) started sending derogatory, defamatory and obscene e-mails about its Managing Director in the year 2000 and 2001. The e-mails were anonymous and frequent, and were sent to many of their business associates to tarnish the image and goodwill of the plaintiff company.

The plaintiff was able to identify the defendant with the help of a private computer expert and moved the Delhi High Court. The court granted an ad-interim injunction and restrained the employee from sending, publishing and transmitting e-mails, which were defamatory or derogatory to the plaintiffs.

No Conviction in the Cases of Cyber Crime Cell, CBCID, Bangalore

Since the inception of Cyber Crime Cell, Crime Branch CID, Bangalore in 2001 for 13 years, 509 cases has been registered and filed charge sheets in 144 of them, but none of them ending in conviction. Of the 509, 181 cases were closed under ‘C’ reported (No evidence found) category while 85 have been ‘B’ reported (Faulty complaint).30

First Cyber Stalking Case Registered in India

Ritu Kohli (first lady to register the cyber stalking case) was a victim of cyber-stalking. A friend of her husband gave her phone number and name on a chat site for immoral purposes. A computer expert, Kohli was able to trace the culprit. Now, the latter was being tried for “outraging the modesty of a woman”.  

The Delhi Police registered India’s First Case of Cyber stalking. Mrs.Ritu Kohli complained to the police against a person who was using her identity to chat over the Internet at the website www.mirc.com, mostly in the Delhi channel for four consecutive days. Mrs.Kohli further complained that the person was chatting on the Net, using her name and giving her address and was talking obscene language. The same person was also deliberately giving her telephone number to other chatters encouraging them to call Ritu Kohli at odd hours. Consequently, Mrs.Kohli received almost 40 calls in three days mostly at odd hours from as far way as Kuwait, Cochin, Bombay and Ahmedabad. The said calls created havoc in the personal life and mental peace of Ritu Kohli who decided to report the matter. The accused was tried for “outraging the modesty of a woman”.  

In 2001, the Mumbai High Court appointed a committee under the Chairperson of Mrs.Tyagi on the matter of “Protecting Minors from unsuitable Internet Material” to oversee issues relating to cyber pornography and cyber crime based on the petition filed by Mr.Jayesh Thakker and Sunil Thakker. The committee upon identifying key issues made recommendations such as licensing of cyber cafe, introducing identity cards for cyber cafe visitors. It suggested that

cyber cafe that have cubicles or partitions be required to ensure that minors are not allowed to use machines in cubicles or behind partitions, the maintaining of IP logs by cyber cafe were made mandatory. The committee made several other recommendations such as connectivity and authentication at Internet service provider level which provided that Internet service providers were responsible for time clock coordination and record keeping. The report addressed the issue of protecting minor children from accessing adult sites and made a recommendation that Internet service providers must provide protective parental software with every Internet connection. The report of the Committee dated 30th January 2002 was well accepted by the courts and is being put into practice by the police and cyber cafes jointly.\(^{33}\)

**Some Indian Movies on Cyber Crime**

**16 December**

This is a Hindi action spy thriller film based on a plot to destroy the nation’s capital New Delhi with a nuclear bomb. The hero planned to find out the location of the nuclear bomb by taking the help of Remote Radiation Sensors in Satellites and helped zero in on the location.

**Mickey Virus**

It is a Bollywood comedy thriller film released in 2013. When two hackers are murdered in Delhi, police suspect that case resolves around hacking, they began their search to find a computer hacker who can help them to crack this case and the same was investigated successfully through hacker.