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. Considering the increasing trends of the crimes the Bureau has collected comprehensive data on cyber crimes in 2014 using revised proformae of ‘Crime in India’.

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 been included in the amended Act in 2008. 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:

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Crime heads</th>
<th>Cases Registered</th>
<th>% Variation in 2014 over 2013</th>
<th>Persons Arrested</th>
<th>% Variation in 2014 over 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>IT - Tampering computer source documents</td>
<td>161</td>
<td>137</td>
<td>89</td>
<td>-35.0</td>
</tr>
<tr>
<td>2</td>
<td>IT - Computer related offences</td>
<td>1875</td>
<td>2516</td>
<td>5548</td>
<td>120.5</td>
</tr>
<tr>
<td>3</td>
<td>IT - Cyber Terrorism@</td>
<td>-</td>
<td>5</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>IT - Publication/transmission of obscene/sexually explicit content</td>
<td>589</td>
<td>1203</td>
<td>758</td>
<td>-37.0</td>
</tr>
<tr>
<td>5</td>
<td>IT - Intentionally not complying with the order of controller</td>
<td>6</td>
<td>13</td>
<td>3</td>
<td>-76.9</td>
</tr>
<tr>
<td>6</td>
<td>IT - Failure to provide or monitor or intercept or decrypt information</td>
<td>3</td>
<td>6</td>
<td>2</td>
<td>-66.7</td>
</tr>
<tr>
<td>7</td>
<td>IT - Failure to block access any information hosted etc.@</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>IT - Not providing technical assistance to Govt. to enable online access@</td>
<td>-</td>
<td>0</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>IT - Un-authorized access/attempt to access to protected computer system</td>
<td>3</td>
<td>27</td>
<td>0</td>
<td>-100.0</td>
</tr>
<tr>
<td>10</td>
<td>IT - Misrepresentation/suppression of fact for obtaining license etc.</td>
<td>6</td>
<td>12</td>
<td>5</td>
<td>-58.3</td>
</tr>
<tr>
<td>11</td>
<td>IT - Breach of confidentiality/privacy</td>
<td>46</td>
<td>93</td>
<td>16</td>
<td>-82.8</td>
</tr>
<tr>
<td>12</td>
<td>IT - Disclosure of information in breach of lawful contract@</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>13</td>
<td>IT - Publishing/making available false elect. Signature Certificate</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>-100.0</td>
</tr>
<tr>
<td>14</td>
<td>IT - Create/publish/make available Elec. Signature Certificate for unlawful purpose</td>
<td>10</td>
<td>71</td>
<td>3</td>
<td>-95.8</td>
</tr>
<tr>
<td>15</td>
<td>IT - Others</td>
<td>176</td>
<td>274</td>
<td>769</td>
<td>180.7</td>
</tr>
</tbody>
</table>

Total Offences under IT Act

2876                 4356                 7201                 65.3                 1522                 2098                 4246                 102.4

Note: '-' implies zero value in previous year.
"@" implies data collected in 2014 for the first time

The Information Technology 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 been included in the amended Act in 2008. 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 related to cyber crimes

iii) Offences under the Special and Local Laws (SLL) related to cyber crimes
Cyber Crimes
(Incidence: 9,622  Persons Arrested: 5,752)

A total of 9,622 cases were reported under the cyber crimes (which includes Information Technology Act, offences under related sections of IPC and offences under Special and Local Laws (SLL)) as compared to 5,693 cases registered during the previous year (2013) which shows an increase of 69.0% over the previous year. In 2014, data on SLL cases related to cyber crimes have also been collected. Maharashtra (1,879 cases out of 9,622 cases) has reported the highest number of such crimes accounting for 19.5% of total cyber crimes followed by Uttar Pradesh (1,737 cases out of 9,622 cases) accounting for 18.1% and Karnataka (1,020 cases out of 9,622 cases i.e. 10.6%).

Furthermore, a total of 5,752 persons were arrested under such crimes during 2014 as compared to 3,301 persons arrested during the previous year (2013), registering 74.3% increase over the previous year. Uttar Pradesh (1,223) has reported the maximum number of persons arrested under such crimes.

The details of cases reported and persons arrested under cyber crimes during 2014 can be seen under Table – 18.1.

Cyber crimes – cases of various categories under IT Act, 2000

Information on the cases registered under IT Act which was considered as cyber crimes at all-India level is presented in Table – 18(A).

A total of 7,201 cases were registered under IT Act during the year 2014 as compared to 4,356 cases during the previous year (2013), showing an increase of 65.3% in 2014 over 2013. 77.0% (5,548 cases) of the total 7,201 cases under IT Act were related to computer related offences (under section 66A, 66B, 66C, 66D and 66E of IT Act) followed by 10.5% (758 cases out of 7,201 cases) under publication/transmission of obscene/sexually explicit content (under section 67A, 67B and 67C of IT Act). A total of 2,246 cases under IT Act were pending for investigation from previous year out of total cases for investigation (9,401 cases) during 2014. A total of 6,269 cases remained pending for investigation at the end of the year. A total of 1,451 cases were charge-sheets during 2014. A total of 1,097 cases were pending for trial from previous year, in which maximum number of cases were committed under IT-computer related offences (under section 66A to 66D) (770 cases) during 2014. In 198 cases trials were completed, 52 cases were convicted and 2,316 cases remained pending for trial at the end of the year during 2014. The details of disposal of cases of cyber crimes under IT Act are shown under Table - 18.2 and 18.3.

73.8% of the persons arrested (4,246 out of 5,752) are in cases relating to IT Act, 2000. Out of such persons arrested, IT-computer related offences (under section 66A to 66E) shows the maximum number of persons arrested (3,131 out of 4,246 persons) accounting for 73.7% followed by IT-Publication/transmission of obscene/sexually explicit content (under section 67A to 67C) numbering 491 out of 4,246 persons accounting for 11.6% during the year 2014.

The age-wise profile of persons arrested in Cyber Crime cases under IT Act, 2000 showed that 52.7% of the offenders were in the age group 18 yrs. – below 30 years (2,238 out of 4,246 persons) and 39.1% of the offenders were in the age group 30 yrs. – below 45 years (1,660 out of 4,246 persons). 67 juvenile offenders (below 18 years) were apprehended under IT Act during 2014. A total of 1,931 persons were charge sheeted during the year 2014. A total of 65 persons were convicted and 165 persons were acquitted under such cases of cyber crimes under IT Act during 2014. Further details on the age group wise, persons arrested and sex-wise disposal of persons arrested under the IT Act by police and courts may be seen in Table -18.4, 18.5 and 18.6.

Incidences 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).
INCIDENCE OF CYBER CRIME CASES DURING 2014
(All India 9,622)

Crime in India-2014
The figures of SLL offenses involving computer as medium or target have been included with IPC crimes involving computer as medium or target.
Offence wise Cases Reported and Persons Arrested under IT Act, IPC Cognizable Crimes (Computer Related) & SLL Cognizable Offences (Computer Related) during 2014

The figures of Cyber terrorism, Misrepresentation/suppression of fact for obtaining license etc., Intentionally not complying with the order of Controller, Create/publish/make available Elec. Signature Certificate for unlawful purpose, Failure to provide or monitor or intercept or decrypt information, Disclosure of information in breach of lawful contract, Failure to block access any information hosted etc. Not providing technical assistance to Govt. to enable, Publishing/making available false elect. Signature Certificate, online access, Unauthorized access/attempt to access to protected computer system, Counterfeiting, Fabrication/Destruction of electronic records for evidence. Offences by Public Servant and Trade Marks Act, 1999 have been clubbed with Others.
Cyber crimes – cases of various categories under IPC Section

A total of 2,272 cases were registered under various sections of IPC during the year 2014 as compared to 1,337 such cases during 2013, thus showing an increase of 69.9% over the previous year. 49.1% (1,115 cases) of the total 2,272 cases registered under different sections of IPC were related to cheating followed by 2.8% (63 cases out of 2,272 cases) under forgery. A total of 367 cases under different sections of IPC were pending for investigation from previous year out of total cases for investigation (2,632 cases) during 2014. A total of 1,682 cases were pending for investigation at the end of the year. In 558 cases, charge-sheets were submitted during 2014. Data thefts under IPC crimes show highest pendency rate (85.7%) followed by forgery cases (82.7%) during 2014. A total of 423 cases were pending for trial from previous year, in which maximum number of cases were reported under cheating (143 cases) followed by counterfeiting (21 cases) during 2014. In 17 cases trials were completed, 6 cases ended in conviction and 963 cases remained pending for trial at the end of the year during 2014. The details of disposal of cases of cyber crimes under different sections of IPC are shown under Table - 18.2 and 18.3.

21.3% of the persons arrested (1,224 out of 5,752) in cases relating to different sections of IPC. Out of 1,224 persons arrested under IPC cases related to cyber crimes, maximum persons have been arrested under cheating (335 out of 1,224 persons) accounting for 27.4% of total such persons arrested under IPC crimes followed by 58 persons arrested under forgery cases accounting for 4.7% during the year 2014.

The age-wise profile of persons arrested in cyber crime cases under different sections of IPC showed that 44.4% of the offenders were in the age group 18 – 30 years (544 out of 1,224 persons) and 41.7% of the offenders were in the age group 30 - 45 years (510 out of 1,224 persons). 76 juvenile (below 18 years) were apprehended under cyber crimes related IPC cases during 2014. A total of 840 persons were charge-sheeted during the year 2014. A total of 7 persons were convicted and 7 persons were acquitted under such cases of cyber crimes under different sections of IPC during 2014. Further details on the age group wise persons arrested and sex-wise disposal of persons arrested under cyber crimes(under different sections of IPC) by police and courts may be seen in Table -18.4, 18.5 and 18.6.
Cyber crimes – cases of various categories under Special and Local Laws (SLL)

Data on cyber crimes related Special and Local Laws (SLL) like the Copyright Act, the Trade Marks Act etc. have been collected in 2014. Section wise data have been collected under these Acts.

A total of 149 cases were registered under various sections of SLL during the year 2014. 79.2% (118 cases) of the total 149 cases registered under different sections of SLL were related to the Copyright Act, 1957. A total of 66 cases under different sections of SLL were pending for investigation from previous year out of total cases for investigation (215 cases) during 2014. A total of 98 cases were pending for investigation at the end of the year. In 107 cases, charge-sheets were submitted during 2014. Cases under section 63 of the Copyright Act has highest pendency rate (50.0%) during 2014. A total of 674 pending cases brought forward for trials during 2014, in which maximum cases were reported under the Copyright Act (671 cases) In 103 cases trials were completed, 18 cases ended in conviction and 678 cases remained pending for trial at the end of the year during 2014. The details of disposal of cases of cyber crimes under different sections of IPC are shown under Table - 18.2 and 18.3.

4.9% of the persons arrested (282 out of 5,752) are in cases relating to different Acts & sections of SLL. Out of such persons arrested, the maximum number of persons arrested numbering 167 out of 282 persons were in cases under the Copyright Act accounting for 59.2% followed by other SLL offences (115 out of 282 persons) during the year 2014.

The age-wise profile of persons arrested in Cyber Crime cases under different sections of SLL showed that 46.5% of the offenders were in the age group 18 – 30 years (131 out of 282 persons) and 43.6% of the offenders were in the age group 30 - 45 years (123 out of 282 persons). 6 juveniles (below 18 years) were apprehended under SLL crimes during 2014. A total of 227 persons were charge sheeted during the year 2014. A total of 23 persons were convicted and 104 persons were acquitted under such cases of cyber crimes under different sections of SLL during 2014. Further details on the age group wise persons arrested and sex-wise disposal of persons arrested under cyber crimes (under different sections of SLL) by police and courts may be seen in Table -18.4, 18.5 and 18.6.

Motives of Cyber Crimes

Most of the cyber crimes were reported for greed/financial gain accounting for 18.0% (1,736 out of 9,622 cases) followed by insult to the modesty of women (6.2%) (599 cases), fraud/illegal gain (5.1%) (495 cases), sexual exploitation (3.7%)(357 cases) and personal revenge/settling scores (3.0%) (285 cases).

State/UT wise and motives wise details of cyber crimes are presented in Table 18.7.

Profile of accused in Cyber Crimes

Data on profiles of persons arrested under cyber crimes have been collected as foreign nationals and Indian citizens. A total of 8 foreign nationals and 5,744 Indian nationals were arrested under cyber crimes. Among foreign nationals, most of the persons (3) were cracker/hacker and have been arrested in West Bengal. Similarly among Indian nationals, most of the persons arrested under cyber crime were 'neighbours / friends & relatives' with 7.4% of total such incidents (427 out of 5,752 persons) followed by students with 5.6% (320 persons), professional computer geeks/hackers/crackers with 3.6% (207 persons) and employees/disgruntled employees 3.3% (191 persons).

State/UT wise details on profile of persons arrested or accused of cyber crime are presented in Table 18.8.
PERSONS ARRESTED UNDER CYBER CRIME DURING 2014
(All India 5,752)

Persons Arrested (Number)

- Upto 10
- 11 to 50
- 51 to 150
- 151 to 250
- 251 to 500
- Above 500

Map powered by DevInfo, UNICEF