



STATUS OF A SOCIO LEGAL STUDY OF CYBER CRIMES – WITH REFERENCE TO EAST GODAVARI ZONE OF ANDHRA PRADESH

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Cybercrime refers to illegal activities in which a computer is used as a tool, a target, or both.

The internet has created a channel that has made communication and sharing of data easier. Social media platforms allow people to connect with each other and access each other & information with a single click. However, on the flip side, technology has certain loopholes which allow criminals to misuse this liberty of access, leading to a rise in cyber crimes.

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With increasing internet penetration, cyber crimes have also increased in the last few years. Between 2011 and 2015, the number of cyber crimes registered in the country has gone up 5 times. Maharashtra & Uttar Pradesh alone accounted for 1/3rd of these crimes. With increasing mobile and internet penetration in the country, cyber crimes have also increased proportionately. Between 2011 and 2015, more than 32000 cyber crimes were reported across the country. More than 24000 of these cases are registered under the IT Act and the remaining under the

various sections of IPC and other State Level Legislations (SLL). The [numbers of cases registered](#) under the IT Act and IPC have been growing continuously. The cases registered under the IT act grew by more than 350% from 2011 to 2015. There was almost a 70% increase in the number of cyber crimes under the IT act between 2013 and 2014. The cases registered under the IPC increased by more than 7 times during the period between 2011 and 2015. Similar trend is observed in the number of persons arrested. The government also acknowledges the increase in the number of such crimes and that the introduction of technologies, devices including smart phones and complex applications, and rise in usage of cyber space for businesses has resulted in such an increase. The list of states with the highest incidence of cyber crime for the period 2011 to 2015 throws no surprises. Maharashtra tops the list with more than 5900 cases in the 5 years followed by Uttar Pradesh with close to 5000 such cases. Karnataka is third with more than 3500 cases. According to the latest government data, India has recorded a massive increase of 63.5% in cybercrime cases in the year 2019.

The National Crime Record Bureau's (NCRB) data stated that 44,546 cases of cyber crimes were registered in 2019 as compared to 28,248 in 2018. Cybercrimes in Bharat almost doubled to those in 2017, according to [statistics released by the](#)



National Crime Record Bureau (NCRB)¹.

Cybercrime accounted for less than a percentage (0.43%) or 21,796 cases of a total of 50 lakh cognizable crimes in India. Karnataka had the highest rate of cybercrime, followed by Assam, Telangana, Maharashtra, and Uttar Pradesh. India recorded over 9,500, 11,500 and 12,000 cases of cybercrime in 2014, 2015 and 2016 respectively. The data for 2017 comes after a two-year delay, with the Centre blaming states in providing statistics for compilation.

With the expansion of internet and more and more Indians coming online, the incidents of cyber crimes had also been increasing. The challenges of cyber space are many which flow from its vastness and borderless character. That is why the government is committed to policies and actions that ensure that Internet in India is always Open, Safe, Trusted and Accountable for all Indians. The National Crime Records Bureau (NCRB) compiles and publishes statistical data on crimes in its publication "Crime in India". The latest published report is for the year 2020. As per data published by NCRB, a total of 305 and 1102 cases of cyber crime against children were registered during the year 2019 and 2020 respectively.

During the same period, the cyber crimes against women have been registered as 8379 and 10405.

The data for 2020 has been obtained from the report & Crime in India, 2020 of the NCRB. A total of 50,035 cases in 2020 were registered under cyber crimes, showing an increase of 11.8 per cent in registration over 2019 (44,735 cases). The crime rate under this category increased from 3.3 in 2019 to 3.7 in 2020.

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63.5% in cybercrime cases in the year 2019. The National Crime Record Bureau's (NCRB) data stated that 44,546 cases of cyber crimes were registered in 2019 as compared to 28,248 in 2018. The highest number of cybercrime cases were registered in Karnataka (12,020) closely followed by Uttar Pradesh (11,416), Maharashtra (4,967), Telangana (2,691) and Assam (2,231). Among the Union Territories, Delhi accounted for 78% of cybercrime. According to the data, in 60.4% of cases, registered fraud was the motive followed by sexual exploitation (5.1%) and causing disrepute (4.2%). As per the data, in metropolitan cities, a total of 18,372 cases were registered, showing an increase of 81.9%.

The NCRB, which functions under the Union Home Ministry, is tasked with collecting and analysing crime data as defined by the Indian Penal Code and special and local laws in the country.

Andhra Pradesh being sixth in cyber crime, cases had been increased by 56 per cent, according to statistics released by National Crime Records Bureau (NCRB) for the year 2019.

Perusing the data at 62 Police Stations at East Godavari Zone for the years 2011 to 2021 pertaining to offences under IT, Act (Cyber Crimes) it had been observed that only one Conviction was recorded for the case under Crime No.125/2013 at III Town P.S of Kakinada for offence of Cheating and threatened to upload Obscene photographs on Internet under Sections 506, 420 IPC & Section 66-A ITA-2000-2008.

The major threat to the Cyber world is that of the Virus means any form of malware being a program (or a fragment of code) that replicates and spreads



throughout the network it travels by destroying the valuable data, disrupts programmes also may cause havoc to vast number of Computers. Computer Virus is very common as the public do not practice sufficient cyber-hygiene i.e., by inserting “anti-virus” programs while exchanging files. The Virus today are deployed to attack Internet net works and can be of the types as such as that of – File Infector, Resident Program Infector, Boot Sector Infector, Multi-party Virus, Dropper, Stealth Virus, Companion Virus, Polymorphic Virus and Mutation Engine Dr.R.K.Tewari, et al.,². The ratio of damages caused by induction of these Viruses by legitimate means of e-mail communication cannot be computed as it depends on its speed. The activity of this nature of had been equated to that of the offence of Mischief in the physical world attracting Section 425 under the Indian Penal Code, 1860. However under Information Technology Act, 2000 such a damage had been defined in Section 43 of the said Act computing huge damages to be paid by the offender to the person affected.

Defamation which had been conventionally associated with “Published Materials”, assumes significance over the Internet. In the Cyber World any publication which would include e-mail in today’s context to a third party other than the person defamed would constitute Defamation. Apart from E-mail, newsletter via Internet, mailing lists, news groups, Usenet groups, Bulletin boards, websites private or subscriber based will be under purview of publication and would be liable under the aspects of defamation under Section 499 of the Indian Penal Code, 1860. There are certain exceptions to Section 499 of the Indian Penal Code, 1860 which have been applied to the matters published in World

Wide Web and also to close groups of news groups, chat rooms or bulletin board where there lays every possibility of the third person viewing the material other than the Complainant. In the context of the Internet the Website Owner and the Editor would be liable if they allow their bulletin boards or commissioned articles carrying defamatory article.

Next major threat to the Cyber World is the Cyber Crime otherwise known as Stalking and Spam causing huge mental agony to the Victims. An intrusion in the privacy of a person by sending unsolicited mails amounts to Stalking on the other hand sending of huge quantity of mails with an intent to cause mental agony and also having resulted in the breakdown of the account would amount to the act under Spam.

Smart phone having replaced a personal Computer or a laptop carved a booming path for the cyber criminals to tamper the life of a common man through Computer Crimes or Cyber Crimes such as Ransomware2016-2017 Ransomware Statistics and facts by Sam Cook on Antivirus, Vishing, Smishing³, Lottery Scams, Blue Bugging, Blue Jacking, and Blue Snarfing cialfor⁴ besides Stalking and Spam, and Hacking etc.



Nature of some of the Cyber Crime Offences along with its legislation as has been recorded in the East Godavari Zone are as follows :

Transmitting Obscene video clips to cell phones Under Sections 67, 292(2)(b), 292 IPC & Section 67 ITA-2000-2008, Threatening of inserting video clips of rape on minor in the internet blackmailing her for sexual acts Under Sections 384, 376 IPC, Section 67 ITA-2000-2008 & 109 CrPC, Alleged rape criminal conspiracy teasing criminal intimidation exposure of the Victim woman through video shooting Under Sections 34, 509, 376, 120b, 506 IPC, Sections 67, 67b ITA-2000-2008 & Sections 4,3,6 IRWA, Criminal intimidation through e-mails Under Section 507 IPC & Section 66-A ITA-2000-2008, Cheated and threatened to upload obscene photographs on Internet Under Sections 506, 420 IPC & Section 66-A ITA-2000-2008, Warning message revealing intention to kill Under Section 506(2) IPC & Sections 66-A ITA-2000-2008, Insulting a particular community through Facebook Under Sections 66-A, B ITA-2000, Cheated by online Bank Fraud Under Section 420 IPC & Section 66-A ITA-2008, Cheated the officials by filing of false petitions for removal of Voters through online Under Sections 419,420, 468, 471, 177, 182 IPC., Section 66(D) ITAct-2000-2008 & Section 31 RPA 1950, Removed Voters from voters list through filing false petitions Under Sections 419, 420, 177, 182 IPC., Section 31 RPA, 1950 & Section 66(d) ITAct-2000-2008.,etc.

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Cheating and threatened to upload Obscene photographs on Internet under Sections 506, 420 IPC & Section 66-A ITA-2000-2008.

Those Cases whereby the Accused had been Acquitted are as under:

- i) Crime No.49/2011 at Chintoor P.S of Chinturu SDPO transmitting downloaded Obscene videos to cell phones of customers under Section 292 IPC & Section 67 ITA-2000-2008.
- ii) Crime No.50/2011 at Chintoor P.S of Chinturu SDPO transmitting downloaded Obscene videos to cell phones of customers under Section 292 IPC & Section 67 ITA-2000-2008.
- iii) Crime No.51/2011 at Chintoor P.S of Chinturu SDPO transmitting downloaded Obscene videos to cell phones of customers under Sections 67, 292(2)(b), 292 IPC & Section 67 ITA-2000-2008.
- iv) Crime No.52/2011 at Chintoor P.S of Chinturu SDPO transmitting downloaded Obscene videos to cell phones of customers under Sections 292, 292(2)(b), and 67 IPC & Section 67 ITA-2000-2008.
- v) Crime No.170/2014 at Mandapeta Town P.S of Ramachandrapuram SDPO making fake driving licenses by forged photos and addresses with an intention to illegal gratification under Sections 420,468 IPC & Section 65 ITA-2000.
- vi) Crime No.219/2016 at Kothapeta P.S of Amalapuram SDPO certain amount procured and having forwarded vulgar messages through mobile phone under Secs.420 IPC & Sec.66-A ITA-2000-2008.
- vii) Crime No.77/2017 at Kakinada I Town L&O Kakinada SDPO for forwarding offensive messages through cell phone and transmitted



- morphed obscene photographs through facebook under Section.354(D) IPC & Sections 66(A) & 67 ITAct-2000-2008.
- viii) Crime No.83/2019 at Draksharama P.S of Ramachandrapuram SDPO Adverse political comments through Whatsapp under Section 153(A) IPC & Section 66 ITA-2000-2008.
- ix) Crime No.168/2019 at Ramachandrapuram P.S of Ramachandrapuram SDPO Adverse political comments through Whatsapp under Section 153, 505 IPC & Section 67 ITA-2000-2008.

The rest of the 255 cases were still pending under different aspects such as Pending Trial, Under Investigation for Want of Clues, Under Investigation for FSL report, Expert opinion pending, Under Investigation, Arrest Pending, Under Investigation as some more witnesses have to be examined etc. clearly indicate the deficiency in the investigation which require implementation of intensified technology tools with expertise, navigating staff in the area of social networking being the utmost need of the hour to curb up the Digital wrong doing. Cyber crimes are a very serious threat for the times to come and pose one of the most default challenges before the law enforcement machinery as Information and Communication Technology (ICT) is benefiting billions across the world by bridging certain gaps and multiplying human potential in every walk of life.

It is evident and a belief that forensic evidence is important in normal criminal investigations as well in technological space. On the other hand the collection and presentation of electronic evidence to prove cyber crimes have posed a challenge

to investigation and prosecution agencies also the Judiciary.

Therefore, it should be the relentless efforts of rulers and legislators affording to assure that technology advances in a healthier way and is employed for legal and ethical economic growth rather than criminal activity.

¹[Statistics released by the National Crime Record Bureau \(NCRB\)](#) on October 22, 2020

² Computer crimes and computer forensics select publishers new delhi, 2002

³<http://www.comparitech.com/antivirus>.

⁴ <http://www.cialfor.com>