

INTERNET CRIMES

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INTRODUCTION

The modern era of technology makes a tremendous societal change. One of the invention made by the use of technology is the computer and this further leads to the invention of internet. Internet has a dramatic impact on almost every aspect of individual. It opens the doors to connect with the whole new communities of world. Internet makes it easy for everyone to have access to new ideas with unlimited possibilities. With it man's way of interacting, learning, conducting, business and many more is changed. These inventions basically internet connects the people to each other not only at the local or national level but also to the international level.

What is Internet?

Internet is defined as an electronic communications network that connects computer networks and organizational computer facilities around the world.¹ It is a massive network of networks making a networking infrastructure. It connects millions of computers together globally, forming a network in which any computer can communicate with any other computer as long as they are both connected to the internet.² It is also described as a mode of communication either through the use of wire or wireless methods for connecting the various networks which can be used for transmitting information.

But this invention of technology not only brings the changes in the communication, the conducting of business but also makes changes in the style of committing the crime. The new method of committing the crime with the use of this technology replaced the old style. Now, it is done not only at the local or national level but now it is committed at the international level and now the crime is not committed with any kind of weapon but through the wires or wireless

¹ Dictionary Merriam Webster, <https://www.merriam-webster.com>

² Beal, V., *The Difference Between The Internet and World Wide Web*, 22nd Dec., 2016; www.webopedia.com

technology of internet. The crime through it can be committed not only against a single person but by it the whole world becomes the victim at a moment.

INTERNET CRIMES

Any unlawful activity completed through the use of a computer or device connected to the World Wide Web or the internet, is considered to be an internet crime. This could be done by the person who can access a computer, computer network an intranet or another area that changes, disturbs, destroys, erases or alter information within.

An internet crime is an illegal act that takes place on the internet. Any person who commits an unlawful act on the internet can be charged with an internet crime.³ Internet crime is any crime or illegal online activity committed on the internet, through the internet or using internet.⁴

Types of Internet Crime

By the use of internet technology different types of crimes are committed and some of these internet crimes are:

1. Credit Card Theft and Fraud

Prime Minister of India Sh. Narendra Modi on Sunday 31st July, 2016 in *Maan ki baat* cautioned citizens against falling victim to frauds perpetrated through the use of mobile phones and internet. Hon'able Prime Minister further added that *a new way of digital crime is where criminals falsely get your bank, credit card details and soon find their accounts emptied of money. People should become aware and not fall into the trap of such tempting offers.* This type of internet crime is the unlawful use of a credit or debit card to falsely attain money or belongings. Credit or debit card numbers can be stolen from leaky web sites, or can be obtained in an identity theft scheme.⁵

2. Virus Spreading

³ Ansara, Richard, *Internet Crimes: Fort Lauderdale Internet Crime*, The Ansara Law firm, 2017

⁴ P.T. Joseph, S. J., *E- Commerce: An Indian Perspective*, (2015), 5th edn, Pg. 518

⁵ Elena Paryag & Ashre Griffin, *What You Need To Know About Cybercrimes, IT Capstone - Research Paper*, Pg. 12

A virus is a self-replicating program that modifies other computer programs and it spreads by inserting copies into other executable code or document.⁶ Viruses are very dangerous as they are spreading faster than they are being stopped and even the least harmful of viruses could be fatal, even the creator of a virus cannot stop it once it is 'in the wild'.⁷ The virus requires someone to knowingly or unknowingly spread the infection without the knowledge or permission of a user or system administrator and it can be spread by opening an email attachment, clicking on a executable file, visiting an infected website or viewing an infected website advertisement, even though infected removable storage devices such as USB drives.⁸ The original program (the analogue to a healthy cell) is changed by the virus so that the virus can multiply. Once infected, the program secretly requests the computer's operating system to add a copy of the virus code to the target program.⁹

3. Password Trafficking

We have a password to access our computer or online accounts and these passwords are restricted to us only the users of the computer and its technology. But some hackers or scammers stole these passwords and then use them for their personal gain or sell them to third parties. This act of sharing, selling or buying of stolen passwords is called a password trafficking. Password thieves typically use either scamming or hacking techniques to steal passwords, scamming is the act of deceiving someone into voluntarily revealing his password.¹⁰ Everyone knows about the dangers caused by hackers or scammers stealing passwords over the internet that is why it becomes a criminal offence under most jurisdictions.

4. Cyber Terrorism

By knowing the name of electronic terrorism or information wars cyber terrorism is defined as any act of internet terrorism which includes deliberate and large – scale attacks and disruptions of computer networks using computer viruses or physical

⁶ Virus definition, Cybercrime.org.za

⁷ Cyber Crime, Cybercrime.planetindia.net

⁸ Margaret Rouse, Virus (Computer Virus), TechTarget; searchsecurity.techtarget.com

⁹ P.G. Diploma In Cyber Law, Chapter - 1, Pg. 8, Nalsar University of Law, Nalsar Proximate Education, Hyderabad; www.nalsapro.org

¹⁰ Paul Higgins, *What Is Password Trafficking?*, It Still Works, 2017; Itstillworks.com

attacks using malware, to attack individuals, government and organizations.¹¹ Crimes that were done and were committed electronically against government, individuals, businesses, organizations are cyber terrorism. It can occur over the public internet, over private computer servers, or even through secured government networks.¹² By the use of electronic means criminal create fear and violence among persons. Through, this bomb could be detonated or dismantled private data could be leaked, secret communication could be given to our enemies.¹³

5. Cyber Harassment

Use of Information and Communications Technology (ICT) to harass, control, manipulate or habitually disparage a child, adult, business or group without a direct or implied threat of physical harm is cyber harassment.¹⁴ If any person wants to physical harass someone that person has to come in face to face contact with that person but cyber harassment i.e. sexual, emotional or social abuse of a person, group organization requires only the use of Information and Communication Technology not a face to face contact. The Cyber Harasser's primary goal is to exert power and control over the targeted victim.¹⁵ It involves an act or behavior that torments, annoys, terrorizes, offends or threatens and individual through the use of electronic means. Harassing communications encompass all of the events of traditional harassment, but extends the crime into use of electronic devices to communicate messages that cause a person to feel personally targeted for harm.¹⁶ Sending of inappropriate text messages, creating a facebook account in the name of victim and post disturbed pictures on it like that of nude involve in sexual acts and using that profile to insult people would be a form of cyber harassment.

6. Cyberstalking

¹¹ Paul Curran, *Cyber Terrorism - How real Is The Threat?*, Checkmarx, 4th May, 2016; available at <https://www.checkmarx.com>

¹² Erin Krcatovich, *What is cyber terrorism? – Definition , Cases & Examples*, Study.com

¹³ /bid

¹⁴ Michael Nuccitelli, *Cyber Harassment – Internet Defamation & Internet Trolls*, iPredator Inc

¹⁵ /bid

¹⁶ Steven D. Hazelwood & Sarah Koon-Magnin, "Cyber Stalking and Cyber Harassment Legislation in the United States; A Qualitative Analysis", *International Journal of Cyber Criminology*, (2014), Vol.7(2), Pg. 157

National Institute of Justice¹⁷ define stalking as is a course of conduct directed at a specific person that involves repeated visual or physical proximity, non-consensual communication, verbal, written or implied threat or a combination thereof that would cause a reasonable person fear. Using of electronic means like internet to stalk or harass a person or group of people is cyberstalking. It includes many things like false accusations libel, defamation, threats, solicitation for sex and vandalism etc. It is a form of emotional assault. In it, cyberstalker is monitoring victim activities by tracing the IP address of victim and then hack his or her social media accounts, emails and have a watch on the victim's online activities and also encourages the third person to harass the victim. It involves torturing other individuals, false accusations, transmission of threats and damage to data and equipment, using communication technology, primarily the Internet, cyber stalkers frequently target the users by means of chat rooms, online forums and social networking websites to collect user information and harass the users on the basis of the information gathered.¹⁸

7. Online Child Pornography

The International Criminal Police Organization (INTERPOL) standing working group on offences against minors defines Child Pornography as 'the consequences of the exploitation or sexual abuse perpetrated against a child. It can be defined as any means of depicting or promoting sexual abuse of a child, including print and/ or audio, centred on sex acts or the genital organs of children'.¹⁹ A form of child exploitation is child pornography. Federal law defines child pornography as any visual depiction of sexually explicit conduct involving a minor (person less than 18 years old).²⁰ With the development of the internet now it is the easy to have access at international ground and this further aggravated these phenomena. Through internet it is easy for the child

¹⁷ Stalking, US Department of Justice, Office of Justice Program, National Institute of Justice, October, 2007

¹⁸ Retich, E. K., Metto, S. K., Siele, L. and Muketha, G. M., "A Survey On Cyber Crime Perpetration And Prevention: A Review And Model For Cybercrime Prevention", *European Journal of Science and Engineering*, (2014), Vol. 2 (1), Pg. 13-28

¹⁹ Max Taylor, Ethel Quayle and Gemma Holland, *Child Pornography - The Internet and Offending, ISUMA*, (2003), Pg. 94

²⁰ Child Exploitation and Obscenity Section (CEOS), *The United States Department of Justice*, 3rd June, 2015

pornographers to sell their material. It is easy for them to trade on the internet the images of children involved in sexual activities around the clock.

Today, the technology has surged all the fields of human activity might be business, communication and style of living. It alters the way the people communicate each other their style of work and study. The internet technology reforms the men way of living, communicating or doing business etc. Now, it is easy to communicate from anywhere in the world at any place through the use of cell phones, tables or computers, emails. It is easy to share photos, videos, text messages to hundreds of thousands of users in a minute. When these technologies are used properly it is beneficial to mankind but when it reaches the hand of ill criminal minded person these tools become weapon to exploit and cause harm to another. Today internet technology has become a new medium for misconduct, threaten, harass, intimidate, fraud, theft, hacking data and many more types of crimes are committed through internet by criminals.

In the *State v. Jayanta Kumar Das* in The Court of The Sub-divisional Judicial Magistrate, Puri, Court while pronouncing the Judgment on 4th August, 2017 comments that crime are as old as men himself and computer crimes are as old as computer themselves. The women find themselves particularly vulnerable in the increasing Cyber Crime become prey of Cyber bullying and Cyber stalking. All the hate materials that the culprit put online disgraced and enraged the victim's family. Being the conscience keeper and the protector of the faith and beliefs of the masses, the court has pious duty to condemn the miscreants of such technology user who are using it as a tool or target or as incidental or as associates for causing annoyance, inconvenience, danger, obstruction, insult, injury criminal intimidation, hatred or ill-will to the person, property and government. In this case one of the charge against accused Jayanta Kumar Das is of committing the offence U/s 465 I.P.C. for forgery by making false electronics record like creating fake profile/Id in the name of the wife of the complainant in porn websites namely Deshi Hunt. Com website and mail accounts in Yahoo website and transmitted the same for fraudulent purpose and U/s 66 (A) Information Technology (Amendment) Act, 2008 he is charged to send false information i.e. grossly offensive or is minancing character like fake electronic mail message by means of a computer or any electronic device which the accessed knew to be false with a purpose for causing annoyance, inconvenience insult and to defame the informant as well as his wife.

U/s 66 (C) of IT Act, 2008, he is charged for fraudulently or dishonestly made use of name and details of the complainant and his wife and opened a fake e-mail account and profile in a porn website like deshi hunt. Com. U/s 465 I.P.C he is sentenced to undergo R. I. for a term of six months and liable to pay the fine of Rs. 500/- in default S.I. for 15 days for the commission of offence. U/s 66 (C) of IT Act, 2008 he is sentenced to undergo R.I. for a term of one year and is liable to pay the fine of Rs. 1000/- in default S.I. for one month.

These days Blue Whale challenge is the main concern of government and court as it is an internet-based suicide game that has been allegedly linked to several deaths of children worldwide on this point the Delhi High Court on 21st August, 2017 sought the response of Facebook, Google and Yahoo on a plea to direct them to take down the links of Blue Whale challenge.²¹ Young Vighnesh in his suicide note wrote *You can enter it, but cannot exit the game* this is the first case of casuality of the dangerous Blue Whale Challenge, a suicide game in India, Vighnesh, the 19 year old college student was found hanging from a ceiling fan in his home at Madurai, Tamil Nadu.²²

The *State of Tamil Nadu v. Suhas Kutti*²³ case is related to the posting of obscene, defamatory and annoying message about a divorcee woman in Yahoo Messenger Group. In this case emails were sent to the victim through a false email account opened by accused in name of the victim asking for information. This resulted in annoying phone calls to the lady. The accused was a well-known family friend and was interested in marrying her but she married another person and this marriage ended with a divorce. The accused started contacting her once again, on her reluctance to marry him; the accused took up the harassment through the internet. In this case 18 witnesses and 34 documents and material objects were examined. The Court seeks expert advice of NAAVI and other evidences including Cyber Cafe Owners. The accused was found guilty u/s 469, 509 of IPC and 67 of IT Act and was convicted and sentenced for rigorous imprisonment for 2 years u/s 469 of IPC and also to pay a fine of Rs. 4000 /-.

In the last week of January, 2017, the Special Task Force of Uttar Pradesh Police arrested Anubhav Mittal and two of his associates in an online trading scam worth over Rs. 3,700 crores in which around 6.5 lakh people were cheated on the pretext of getting money for clicking on

²¹ The Hindu Business Line, *Blue Whale game: Delhi Court issues notice to internet companies, govt*, 22nd August, 2017

²² The Tribune (Chandigarh Edn.), *The Sunday Tribune – Spectrum: The Gam of Death*, 10th Sept., 2017

²³ 4680 of 2004 Criminal Complaint, lawmantra.co.in

web pages.²⁴ Dubbed as 'social trade' Mittal and his friends convinced people to invest their money into the scheme. A portal named *socialtrade biz* was run by him where investors could register themselves. Once a person become a member with a payment of anything between Rs. 5,750 to Rs. 57,500 /- investors were told that they will be paid Rs. 5 /- per click on links sent to them.

In the State (Cyber Cell) v. Yogisha @ Yogesh Pandurang Prabhu²⁵ one Sonali Asoka Sawai lodged a report in Cyber Cell, Mumbai. She is having email id Sawaisinali@gmail.com. She is having profile orkut. She come in contact of accused Yogesha Prabhu through this site, they become friend. Then they meet face-to-face, but later period, reporter did not like nature of this Yogesha and she unfriend him. After that the woman got, emails from an unknown ID. The emails contained obscene images and videos, displaying nude photographs, pornographic and postures. She took out prints of all these emails and reported this fact to cyber cell. She approached the then joint commissioner of police Rakesh Maria. The Internet Protocol (IP) address of the computer was traced by inspector Mukund Pawar, Prabhu was arrested and additional chief metropolitan magistrate M.R. Natu of Mumbai convicted Yogesh Prabhu under section 509(word, gesture or act intended to insult the modesty of a woman) of the IPC and section 66 (E) (punishment for violation of privacy) of the Information Technology Act, 2008. He was sentenced to three months simple imprisonment and fined Rs.10, 000 for the offence under the IT Act and Rs. 5,000 for intending to insult the modesty of a woman.²⁶

CONCLUSION

Technology, which is today's need, and among them the internet technology is one of the most beneficial tool but only when we used it properly, while surfing on social networking sites, electronic devices and other new technologies. As these technologies are made for the benefit of mankind and makes the various aspects of life easy. Now, with the internet technology we can have easy access to whatever we want, from any place of the world, we can communicate easily, no matter where we reside and where we want to communicate. But, when this

²⁴ The Hindu, *Puruharth Aradhak, Online Fraud Worth Rs. 3,700 Cr Busted*, 3rd Feb. 2017

²⁵ C. C. No. 3700686/PS/2009

²⁶ e-paper Hindustan Times, *Vijay Kumar Yadav and Charul Shah, 35-Yr- Old First Convict In A Cyber- Stalking Case In State*, 4th July, 2015

technology is used by the criminal minded person who wanted to hurt one's reputation, create fear, inconvenience, annoying, defamation, fraud, data theft etc. it became a crime and is known as internet crime. As our Hon'ble Prime Minister Narendra Modi said it is the reality of today that it is a new way of digital crime where criminals are committing the crime in a new way i.e. through internet by falsely getting bank account, credit card details and soon emptied accounts of money. Prime Minister rightly advised that the people should aware and not fall into the trap of such tempting offers and be careful while using the internet services.

