

# Cyber Crimes in the State of Tamilnadu with Special Reference to Investigation Process

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**Abstract:** The society and its needs changes with the time therefore the criminal law is required as per the situation. Thus the prime object of criminal law is the protection of the public by the maintenance of law and order in every situation even in the age of information technology. The progress of civilization is evidenced by the everchanging information technology, which is easily accessible by use of computers and no doubt, put to use for improvement in the living of Human Beings. Information Technology has made improvements in every aspect of human life such as education, industry, commerce, governance, personal lifestyle, and social life around the world. Crime is a social and economic phenomenon and is also old as human society. Crime is a legal concept and has the sanction of the law Crime or an Offence is a wrong that can be followed by criminal proceedings which may result in punishments. The hallmark of criminality is that it is a breach of criminal law. As per Lord Atkin “the criminal quality of an act cannot be discovered by reference to any standard but one: is the act prohibited with penal consequences”. Many of the cyber-crimes penalized by the IPC and the IT Act have the same ingredients and even nomenclature. The punishment prescribed for offenses under sections 67A and 67B of the IT Act is on first conviction, imprisonment of either description for a term which may extend to 5 (five) years, to be accompanied by a fine which may extend to Rs. 10,00,000 (Rupees ten lac) and in the event of second or subsequent conviction, imprisonment of either description for a term which may extend to 7 (seven) years and also with fine which may extend to Rs. 10,00,000 (Rupees ten lac).

**Keywords-** Information Technology, Cyber Crime, Indian Penal Code, Penalization, Criminal Behaviour.

## I. INTRODUCTION

Human being is a social animal, the inherent nature of the human being is that he needs personal safety. It includes security of life liberty and property, which is of most importance to any individual. Maintenance of peace and order is a need for every developed society. It is possible only in the states where the penal laws are strong and effective and enough to deal with every situation. The society and its needs changes with the time therefore the criminal law is required as per the situation. Thus the prime object of criminal law is the protection of the public by the maintenance of law and order in every situation even in the age of information technology. Information Technology has brought a drastic change in human life. Human intelligence has advanced life by easy ways of communication, commerce, business and banking. The progress of civilization is evidenced by the ever-changing information technology, which is easily accessible by use of computers and no doubt, put to use for improvement in the

living of Human Beings. Information Technology has made improvements in every aspect of human life such as education, industry, commerce, governance, personal lifestyle, and social life around the world. Information Technology has made the impact on the social structure of the society. Especially the Indian culture is quite different but the information technology has connected the people. The social site makes the platform nonprofessional to share their view, but along with the good impacts of it, certain adverse effects have been seen by Information Technology. The privacy is going to be violated by the cyber criminals; it creates a certain new mode to commit the existing crime, when the cyberspace is used for committing the crime.

Development changes the lifestyle of Human Beings but human nature did not change. Human ingenuity has also used technology for committing crimes. Crime is a social and economic phenomenon and is also old as human society. Crime is a legal concept and has the sanction of the law Crime or an Offence is a wrong that can be followed by criminal

proceedings which may result in punishments. The hallmark of criminality is that it is a breach of criminal law. As per Lord Atkin “ the criminal quality of an act cannot be discovered by reference to any standard but one: is the act prohibited with penal consequences”. A crime may be said to be any conduct accompanied by an act or omission prohibited by law and consequential breach of which is visited by penal consequences.

## II. OBJECTIVES OF THE STUDY

1. To observe the provision of Indian penal codes and the relevant provisions which cover the offences like cyber-crimes.
2. To make the study of cyber law including IT Act and the relevant Penal provisions pertaining to cyber-crime.
3. To make the comparative study of conventional Criminal law of Indian and cyber-crime and laws relating to cyber-crime to find out the shortcoming of the laws pertaining to cyber-crime including the procedural laws i.e. The Code of Criminal Procedure and Indian Evidence Act.

### A. Scope of Study

This study aims to find out the awareness among the general public about the cyber crimes in the state of Tamilnadu. The law changes from time to time. The criminal law of India has also developed with the changing of the time. The law is subject to the changing situation of the society. Recently the amendment takes place in the Indian Penal Code in 2013, which drastically changed the definition of certain crimes. Somewhere the provisions that are suitable to prevent the crime, which is going to be committed by using the technology, such as the Indian Penal Code sec 354(D) which deals with Stalking. The research intends to do comparative study of cyber crime and Indian criminal law. i.e., in recent times most of the criminal activities like murder and sexual abuse are initially starting with the help of virtual world only, so both the criminal laws and cyber laws should be interlinked with each other to prevent the society. for that only I did a comparison with both. Whether conventional criminal law having sufficient provision to control and prohibit cyber and new technical crime, Indian Penal Code is well recognized universal code, which covers almost all kinds of crime and criminal acts, then which are the provisions in Indian Penal code that cover the aspect of cyber crime. What is the relation of cyber crime and criminal law of India, is it needs certain amendment along with the Information Technology Act. Cyber crime is technical crime it need not require other aspects of crime as, like the conventional, the culprit can commit such crime from any place at any time. Due to this aspect whether the present criminal law of India including the procedural and substantive law is sufficient to curb and control cyber crime. However, so far the investigation whether the present laws are sufficient or certain special investigation machinery is required is the object of the research. It is intend to find out the present laws and it utility to control the cyber crime as well as to see the nexus between the conventional criminal law and Cyber law and make the comparative study.

## III. METHODOLOGY

### A. Sample size

In this research the survey has been carried out with the sample size of 209. And in this above conducted survey most of them are educated and especially 39.7% of responders were post graduate degree holders and 34.4% are graduates, and in respect to gender major response has been come from male 64.6% and in this survey most of the responses are from urban areas and the researcher has used age and gender as a independent variables and the crimes in the society as a dependent variables and in the above conducted survey 43.5% of the people who participated in the survey was involved in various business 25.4% of them were lawyers and the third largest was the students there were 21.5% of the peoples are students In this survey 46.6% of the people who gave their response was between the age of 26-35 and the second largest was 32.2% they were at the age of 19-25.

### B. Sample Frame

The researcher took the survey only inside the state of tamilnadu which will be more adequate and relevant to the topic we are dealing with.”.

### C. Research Question

The study whether the cyber-crime investigation and conviction in the state of Tamilnadu is much effective as compared to the whole of India?

- Was it equally effective as the other developed countries like the USA, China, UK, Australia and belgium?

### D. Research Gap

In this research we filled the gap between the technology understandings and the development in the districts of Tamilnadu with the other northern states of India.

### E. Hypothesis

The Criminal procedure code which we are following nowadays is well developed but at the same time the way of committing crimes in modern society has also changed to a greater extent. In recent times most of the crimes are happening with the help of the virtual world, so in case we are investigating with the tedious crimes like murder in any one place the wrong doers are using the electronic devices to commit that crime. So it's necessary for the investigating officer to look into the criminal laws as well as the cyber laws to short out the aspiring issues in the cases.

- a) Null hypothesis (ho): There is not much awareness about the cyber-crime investigation among the people of northern districts of Tamilnadu.
- b) Alternative hypothesis (ha): There is enough awareness about the cyber-crime investigation among the people of northern districts of Tamilnadu.

Tools used:-

Frequency table, pie chart, chi square table, bar graph

ANALYSIS:-

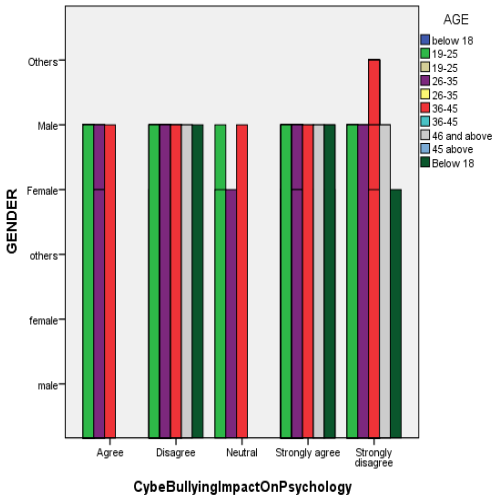
1. Whether there was a cyber-bullying will have an impact in the psychology of the normal citizens

In the below graph we had taken the age factor as an independent variable And the sample size of the study is 209 In the above given bar graph (figure:1) it was clear that the



peoples of age group between the age group of 26 to 35 had strongly disagree that “there was a cyber-bullying will have an impact in the psychology of the normal citizens” and from the above study it was clear that the age had an impact.

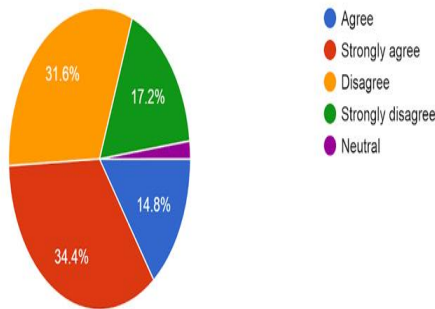
FIGURE - 1



and Tables

2. Intellectual property crimes pose a threat to a country's development.:

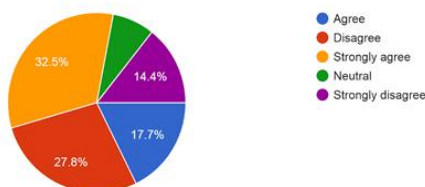
FIGURE - 2



The sample size of the study is 209 In the above given figure:3 it was clear that the 34.4% of the people who contested the survey had agreed that the intellectual property crimes had a pose a threat to the country’s development and nearly equal to that the negative ideas had also got recorded i.e., 31.6% of the people had disagreed that only very minimum amount of people(1.6%) of them were neutral in their ideas.

2. In the districts of Tamilnadu cyber-crime is less compared to other northern states.

FIGURE - 3

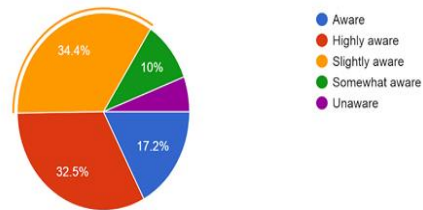


sample size of the study is 209 In the above given figure:4 it was clear that the 32.5% of the people who contested the survey had strongly agreed of that the districts of tamilnadu

cyber crime is less compared to the other northern states and 27.8% of the people had disagreed that only (7.6%) of them were neutral to the above mentioned statement.

3. Are you aware of any preventive measures for cyber-crime in European countries?

FIGURE - 4



The sample size of the study is 209 In the above given figure:5 it was clear that the 34.4% of the people who contested the survey had slightly aware of the preventive measures taken by the various developed European nations and 32.5% of the people had high awareness and ideas about the preventive measures in European nations only (5.7%) of them were unaware of the preventive measures carried out in those countries. Hence it was clear that the people of Tamilnadu are not aware of the prevailing cyber laws in the current society and therefore the null hypothesis is proved.

INTERPRETATION

Figure 1 - deals with the impact of cyber bullying with the comparison of gender and age as a factor.

Figure 2 - says about the ideas of the peoples for the statement Intellectual property crimes pose a threat to a country's development it was calculated in the percentage

Figure 3 - says about the ideas of the peoples for the statement In the districts of Tamilnadu cyber-crime is less compared to other northern states it was calculated in the percentage

Figure 4 - says about the ideas of the peoples for the statement Are you aware of any preventive measures for the cyber-crime in European countries it was calculated in the percentage e).

IV. CONCLUSION

These segments should work in an amicable and strong way with close co-appointment and help so as to create results all the more successfully and rapidly. In addition the victories or disappointment of the organization of criminal judges relies on the productivity of all joins together. In any case, it is a typical recognition that the organization of criminal judges in our nation is weakening step by step and nonprofessionals are losing confidence in the whole framework because of different reasons. It is in this manner that prompt need to survey and change the whole criminal judges framework, particularly examination of wrongdoing by the police and the arranging hardware because of which the conviction rates are extremely low.

The low conviction rate hampers the whole criminal judges framework. This has additionally been credited to the absence of proceeds and successful co-appointment among the law requirement offices. Be that as it may, the police and the arraignment assume the essential job and their work is licking some place, which brings about the low conviction rate and

impliedly on the criminal judges frameworks. Police being an as a matter of first importance wing of the criminal judges framework, police assumes a significant job in giving judges to require people. Police capture guilty parties and help the court to release their legal capacity. The police need to encourage the courts for conviction of the genuine criminal so as to keep up harmony and equity in the public eye. It improves the confidence of the individuals in the organization of criminal judges. The two wings, police and the indictment are the primary base of the created judges framework. The procedural law that criminal method code, 1973 arrangements with the force and capacity of these wings. The arrangements of these Act shows the augmented the hole between two imperative joins together. This has led to the condition of dissatisfaction and uncertainty. Police and the indictment are different sides of indistinguishable coins from the police working have direct bearing on the achievement or disappointment in the arraignment of a criminal case in a court.

#### SUGGESTIONS

- Nowadays especially in Tamilnadu they are trying to implement basic legal studies in schools to prevent the children from the various social evils in combination with that the state should introduce cyber etiquette and cyber safety practices to children to frame the safest technologically developed environment in the future.
- In the same time if we compare the cyber laws of our country (mostly in states like tamilnadu) with the other developed nations like UK and China, one thing clear that even though we amended the IT act 2000 and we enacted the IT act 2008 we need to revisit the provisions periodically to incorporate the new cyber offences because for a dynamic society the dynamic laws are very much important.
- From the survey conducted it is clear that both the cyber laws and criminal laws play a major role in maintaining the peace of the society and from the ideas gathered in the survey, the public wants to evolve the cyber laws as the number of cyber-crimes has increased both in rural and urban areas. At the same time public lack awareness as to the remedies available to them and the type of cyber offences punishable in India. The government of Tamilnadu with the support of NGOs and lawyers can work towards this goal.
- In regard with the punishments for cyber-crime the IT act 2008 is less stringent in comparison to other crimes, this can be considered as one of the reasons for the unawareness about the cyber laws among the peoples in the society. Even though section 66F deals with life imprisonment for cyber terrorism other crimes such as cyber stalking and cyber bullying has menial punishment of three years. These crimes are happening constantly but the punishments are not enough; hence the legislature and judiciary should take required steps to enhance the punishment for the offences under IT Act. Especially cyber-crimes targeting women and children deserve stronger punishment to deter the offenders.
- Lastly the formation of a special court with the required technical team to assist the judges in understanding the complexities of a cyber-crime is the need of the hour.as a footnote.

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