- **UNIT VIII –**
- **MODERN CRIMES & INTERNATIONAL CRIMES**

- **Contents –**
- Computer
- Cyber crimes & terrorism
- Hijacking
- Crimes relating to human organs
- foeticide

- **Computer –**
- *Acronym* -Common Operating Machine Purposely Used for Technological and Educational Research.
- A computer is basically derived from the word "compute" which basically means "calculate".
- A computer is a general purpose electronic device that is used to perform arithmetic and logical operations automatically.

- **Cyber Crime –**
- Definition of cyber crime – not defined.
- **Meaning of Cyber Crime –**
- Cyber crime is an unlawful act wherein the computer is either a tool or a target or both.
- It covers a wide variety of criminal activities including acts against the confidentiality, integrity and availability of computer data or systems, computer related offences, content related offences, copyright related offences etc.


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- **Classification of Cyber Crimes –**
- A) Cyber crime where computer is itself a target of the crime
- B) Cyber crime where computer is an instrument of the crime

- **1) Computer as a target of the crime –**
- 1) Sabotage of computer systems or computer networks
- 2) Sabotage of operating systems & programmes
- 3) Theft of data/information
- 4) Theft of intellectual property
- 5) Theft of marketing information
- 6) Blackmailing based on information gained from computerised files such as personal history, sexual preferences, financial data, medical information etc.

- **II) Computer as an instrument aiding crime –**
- In these crimes, computer programmes are manipulated to facilitate the offence.
- Eg. Fraudulent use of ATM cards & accounts, frauds related to e-banking or e- commerce, electronic data interchange, cyber pornography, software piracy, online gambling, copyright infringement, trademark violations etc.

- **General Classification of Cyber Crimes –**
- **1) Cyber Crimes against Persons -**
- **Eg.** Harassment via e-mail, e-mail spoofing, pornography, fraud, defamation, unauhorised access to computer systems, etc.
- **2) Cyber Crimes against all forms of Property -**
- **Eg.** Computer vandalism, transmission of virus, intellectual property violations, transmission of virus, etc.
- **3) Cyber Crimes against State or Society -**
- **Eg**. Cyber terrorism, online gambling, piracy, forgery, indecent exposure, financial scams, etc.


CLASSIFICATION OF CYBER CRIME
Cyber crime against individual
Email spoofing
Spamming
Cyber Defamation
Harassment & Cyber stalking
Cyber crime against Property
Credit Card Fraud
Intellectual Property crimes
Internet time theft
Cyber crime Against Organisation
Email Bombing
Salami Attack
Logic Bomb
Trojan Horse
Data diddling
Cyber crime Against Society
Forgery
Cyber Terrorism
Web Jacking

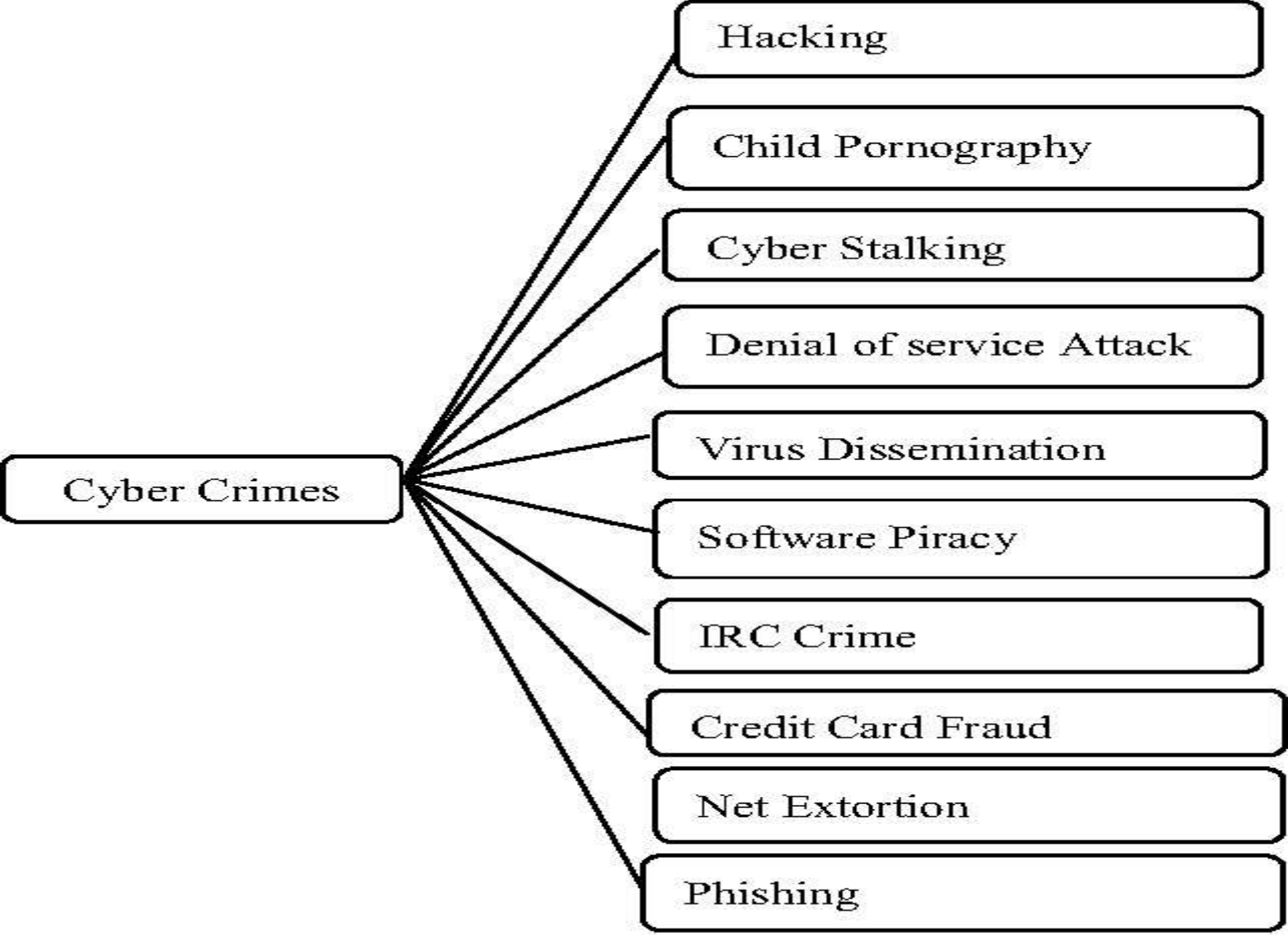


Figure 1: Classification of Cyber Crimes

- **Various Cyber Crimes –**
- **1) Stalking** – (Mental torture via e-mails)
- **2) Hacking –** It includes e-mail spoofing & e-mail bombing.
- **A) Email Spoofing –** It is a fraudulent e-mail activity hiding e-mail origins. It has malicious motives such as virus spreading or attempts to gain personal banking information.
- **B) Email Bombing –** It is sending of large volumes of email to a specific email address.

- **3) Web - Hijacking-** It is a form of unwanted software that modifies a web browsers settings without a users permission to inject unwanted advertising into the users browser.
- **4) Trojan Attack -** It is a type of malicious software developed by hackers to disguise as legitimate software to gain access to target users systems.
- **5) Computer Vandalism –** It is a process wherein there is a programme that performs malicious functions such as extracting a users passwords or other data or erasing the hard disc.

- **6) Cyber Terrorism –** It is the politically motivated use of computers and information technology to cause severe disruption or widespread fear in society.
- **7) Cyber Pornography –** It is the act of using cyberspace to create, display, distribute, import, or publish pornography or obscene materials, especially materials depicting children engaged in sexual acts with adults.
- **8) Cyber Defamation –** It is the act of publishing of defamatory material against another person with the help of computers or internet.

- **9) E- mail Frauds (Spam)/ Phishing –** It is the fraudulent attempt to obtain sensitive information such as usernames, passwords and credit card details by disguising oneself as a trustworthy entity in an electronic communication.
- **10) Data Diddling -** It is an unauthorised altering of data before or during entry into a computer system, and then changing it back after processing is done.
- **11) Software Piracy-** It is the unauthorised copying of software/ illegal copying of software

- **12) Salami Attacks-** It is illegal deduction of very little amounts by using an online database to seize the information of customers that is bank/ credit card details/ small attacks add up to one major attack.
- **13) Sale of Illegal Articles –** It selling of illegal articles by using cyberspace.
- **14) Online Gambling-** It is any kind of gambling conducted on internet.

- **15) Online/digital Forgery-** It is the process of manipulating documents or images for the intent of financial social or political gain by using internet.
- **16) E-Commerce/ Investment Frauds –** It is an illegal or false transaction made in a web shop.

- **Cyber Laws -**
- Cyber crimes are a new class of crimes which are increasing day by day due to extensive use of internet these days.
- To combat the crimes related to internet the Information Technology Act, 2000 was enacted with prime objective to create an enabling environment for commercial use of I.T. The IT Act specifies the acts which have been made punishable. The Indian Penal Code, 1860 has also been amended to take into its purview cyber crimes.

- **Focus of Cyber Laws –**
- Role of cyber law in the cyber world is related with –
- I) Cyber Crimes
- II) Electronic & Digital Signatures
- III) Intellectual Property
- IV) Data Protection & Privacy

- **Cyber Crimes under the IT Act –**
- i) Tampering with Computer source documents - (Sec.65)
- ii) Hacking with Computer systems, Data alteration (Sec.66)
- iii) Publishing obscene information – (Sec.67)
- iv) Un-authorised access to protected system (Sec.70)
- v) Breach of Confidentiality and Privacy – (Sec.72)
- vi) Publishing false digital signature certificates – (Sec.73)

## 2. Cyber Crimes under IPC Special Laws -

- Sending threatening messages by email - Sec 503
- Sending defamatory messages by email - Sec 499
- Forgery of electronic records - Sec 463
- Bogus websites, cyber frauds - Sec 420
- Email spoofing - Sec 463
- Web-Jacking - Sec. 383
- E-Mail Abuse - Sec.500

- **3. Cyber Crimes under the Special Acts-**
- I) Online sale of Drugs under Narcotic Drugs and Psychotropic Substances Act
- II) Online Sale of Arms Act
- **How to File a Complaint -**
- The complaint regarding commission of cyber crime can be made to the in-charge of the cyber crime cells which are present almost in every city.

- **Hijacking –**
- To take control of an aircraft or other vehicle during a journey, especially using violence.
- Use of force to take control of an aircraft or other vehicle.
- Illegal seizure of a land vehicle, ship, or aircraft in transit & its forcible diversion to a new destination against the will of its crew.
- Both the hijacking of a ship ( Piracy ) & of an aircraft are recognized as international crimes .
- Maritime hijacking for the purpose of private gain, and aerial hijacking range from political escape & private gain to terrorism.

- **Causes for Hijacking –**
- 1) Pressing demand for the release of the prisoners, hostages
- 2) Demand of independence
- 3) For facilitating negotiations with the Govt.
- 4) To protest & propaganda by political groups antagonistic to national ideologies.
- 5) Mentally unbalance persons
- 6) Fleeing criminal to avoid prosecution, trial or detention
- 7) Extortion

- **Anti-Hijacking Act, 2016 –**
- It is an Act of the Parliament of India intended to enforce the Hague Hijacking Convention & the 2010 Beijing Protocol Supplementary to the Convention.
- It is an act to give effect to the convention for the suppression of unlawful seizure of aircraft & for matters connected therewith.
- This Act was passed on 9th May 2016 & came into force on 5th July 2017.
- The Act repeals & replaces the Anti-Hijacking Act, 1982.

- This Act broadens the definition of hijacking to include any attempt to seize or gain control of an aircraft using "any technological means", which accounts for the possibility that the hijackers may not be physically present on board the aircraft.
- This Act applies even if the offence is committed outside India but the aircraft is registered in India or leased to Indians, or the offender is Indian, or the offender is stateless but lives in India (such as an illegal Bangladeshi migrant), or the offence is committed against Indians.

- **Definition of Hijacking S. 3(1) of Act –**
- "Whoever unlawfully & intentionally seizes or exercises control of an aircraft in service by force or threat thereof, or by coercion, or by any other form of intimidation, or by any technological means, commits the offence of hijacking".
- The Act aims to punish not only an actual act of hijacking, but even a false threat that may appear genuine.
- The armed possession of an aircraft may not be necessary for hijacking & that it may be hijacked remotely through a technological threat.

- Hijacking attempts, directing others to commit hijacking, being an accomplice & assisting another person to evade investigation are punishable as hijacking & so is the preparation for hijacking.
- **Punishment –**
- If hijacking leads to death of a passenger or a crew member, it is punishable with death. If not, the hijacking is punishable with life imprisonment.

- **Major Hijackings in India –**
- **1)** Hijacking by JKLF (1971 January 30)
- 2) Hijacking by Bholanath Pandey & Devendra Pandey (1978)
- 3) Hijacking of Pan AM Flight 73
- 4) Kandahar- Kathmandu Hijacking (1999-2000)
- 5) Jet Airways Plane Hijacking (2017)

- **Remedial Measures against Hijacking –**
- 1) A meticulous & full proof arrangements of searching & frisking.
- 2) Maintenance of the sterile areas in the apron & airport have to be as per security regulations
- 3) Sniffing with full proof arrangements

- 4) Appointing the high qualitative & high integrity staff
- 5) Intensified patrolling in the potential areas
- 6) Toning up Hostage Rescue Force for timely services & appointment of Sykmarshalls & permitting/empowering them to travel/search in every aircraft.

- **Female Foeticide -**
- 1) Aborting a female foetus after sex determination test
- 2) Ultra-Sonography & Foetoscopy, helps determine abnormalities in the foetus.
- 3) Misused to find out sex of the foetus and abort it if it is a girl.

- **Origin of Female Foeticide -**
- This process began in the early 1990’s when ultrasound technique which , was invented to basically check the health of the baby inside the mother & this technique was being used for this crime”.

- **Causes of Female Foeticide -**
- 1) Obsession for Son/ sex discrimination.
- 2) Fear of dowry by many poor class families.
- 3) Girls are considered as financial obligation/liability by many parents
- 4) Advancement in technology
- 5) Some doctors do this for money
- 6) Poverty
- 7) Illiteracy.
- 8) low fertility/ one child policy.

- **Consequences of Female Foeticide -**
- 1) Decrease in female population.
- 2) Adverse effect on women's health physically, mentally& emotionally.
- 3) Sexual exploitation of women.
- 4) Leads to women trafficking .
- 5) Buying & selling of women for marriage etc
- 6) Increase in suicide rates in women

- **Legal Initiatives -**
- 1) The Prenatal Diagnostic Test Act (PNDT Act), 1994
- 2) The Medical Termination Of Pregnancy Act, 1971
- 3) The Dowry Prohibition Act, 1961

- **The Pre-Natal Diagnostic Test Act, 1994 –**
- This Act was enacted in the year 1994 in all of the states in India which came into force in 1996.
- Through this Act, the use of pre-natal diagnostic techniques is prohibited & regulated.
- It was amended in 2003 with its main aim to ban the use of sex-selection techniques as well as the misuse of pre-natal diagnostic techniques for sex- selective abortions.
- More than 21,600 centres conducting pre-natal diagnostic procedure have been registered.

- **The Medical Termination of Pregnancy Act, 1971**
- It was enacted by the Indian Parliament in the year 1971 & came into force in 1972 .
- As per India's abortion laws only qualified doctors under stipulated conditions, can perform abortion on a woman in an approved clinic or hospital.
- The Medical Termination of Pregnancy (MTP) Act of India clearly states the conditions under which a pregnancy can be ended or aborted .

- **The Dowry Prohibition Act, 1961**
- .It prohibits the request, payment or acceptance of a dowry, demanded or given as a precondition for a marriage.
- Asking or giving of dowry can be punished by an imprisonment of up to six months, or a fine of up to Rs. 5000.
- Indian Government has modified property inheritance laws and permitted daughters to claim equal rights to their parental property.

## Proportion of boy & girl Children (0–6yr)

1961 - 976 female/1000 male

1971 - 964 female/1000 male

1981 - 962female/1000 male

1991 - 945female/1000 male

2001 - 927female/1000 male

2011 – 943 female/1000 male

2019 – 930 female/1000 male

State of Kerala – 1084/1000 male

State of Haryana – 879/1000 male

State of Maharashtra – 925/1000 male

- **Suggestions/Recommandations –**
- 1) Strong action against the doctors who facilitate female foeticide.
- 2) More awareness among the classes and masses.
- 3) Implementation of stern policies by government by removing the child sex recognizing centers & banning their licenses.

- 4) Awarding heavy fines to the families who are involved in this act & stringent punishment jail.
- 5) Involvement of women in high profile jobs and including special reservation policies for women.
- 6) Imparting higher education to women so that they can take decisions for themselves.