Chapter 4
Classification of Cybercrimes and Punishments under the Information Technology Act, 2000

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ABSTRACT

Cybercrimes are those crimes which are associated with the latest technology including internet. There are various forms of committing crimes using the internet. As a result newer forms of crimes have emerged in the society. Some of the newer crimes are traditional crimes which are committed through the internet such as defamation, fraud, harassment, trespass etc. It is necessary to understand what the laws in India suggest towards these kind of newer crimes happening in the society. This paper deals with the types of cybercrimes and also provides the offences and punishments under the Information Technology Act, 2000 in India.

INTRODUCTION

Cybercrimes are newer classes of crimes committed using the technology and mainly internet. With the introduction of social media such as facebook, twitter etc., there has been havoc created in the society and the crimes using the internet have risen. Some of the newer crimes are traditional crimes which are committed through the internet such as defamation, fraud, harassment, trespass etc. The Information Technology Act, however, deals with these offences and also provides punishments for the offences committed.

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BACKGROUND

There are various laws which exist in India on the subject of cybercrimes. Various tries to analyse the various provisions of the Indian Penal Code, 1860 and how they are trying to combat the problems created by the cybercrimes in India (Gupta, 2015).

LAWS RELATED TO CYBER CRIMES IN INDIA

Definition of Cyber Crimes

Cybercrime is defined as a crime in which a computer is the object of the crime (hacking, phishing, spamming) or is used as a tool to commit an offense (child pornography, hate crimes). Cybercriminals may use computer technology to access personal information, business trade secrets, or use the Internet for exploitive or malicious purposes. Criminals can also use computers for communication and document or data storage. Criminals who perform these illegal activities are often referred to as hackers. (Techopedia, 2015). The Tech Terms Computer Dictionary defines Cybercrime as a criminal activity done using computers and the Internet. This includes anything from downloading illegal music files to stealing millions of dollars from online bank accounts. Cybercrime also includes non-monetary offenses, such as creating and distributing viruses on other computers or posting confidential business information on the Internet. (The Tech Terms Computer Dictionary, 2015). The Encyclopaedia Britannica defines Cybercrime, also called computer crime, the use of a computer as an instrument to further illegal ends, such as committing fraud, trafficking in child pornography and intellectual property, stealing identities, or violating privacy. Cybercrime, especially through the Internet, has grown in importance as the computer has become central to commerce, entertainment, and government (Encyclopaedia Britannica, 2015).

Classification of Cyber Crimes

1. **Crimes against Individuals:** There are certain offences which affects the personality of individuals can be defined as:
   a. **Harassment:** Harassments could be through wrongful use of social media or photoshopping, emailing etc. It also includes blackmailing and extortion and other kinds of offences under the Indian Penal Code, 1860.
   b. **Cyber-Stalking:** With the introduction of social media such as facebook, twitter etc. cyber stalking has increased day by day. One’s movement can be easily traced and violation of privacy is committed.
   c. **Publishing of Obscene Material:** Applications like coral draw, photoshop is being misused and pictures of females are being edited in an obscene manner and published online.
   d. **Defamation:** The social media has created unlimited number of controversies. Social media has become a platform for individual revenge through defamation.
   e. **Hacking:** Accessing another’s personal computer without the permission of the owner is termed as hacking and it is punishable under the Information Technology Act, 2000.