

# Tackling cyber crime

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Aishwarya Chaturvedi | New Delhi | June 7, 2023 7:29 am



Cyber crime is a reality. May this year saw a sudden surge in bank-fraud-cases/internet banking-fraud cases. Thousands of people in India get scammed every day and lose money to internet banking fraud or mobile banking fraud.

Typically, scammers call bank customers pretending to be authorised representatives of the bank and then extract personal details from them. Despite Reserve Bank of India (RBI)'s guidelines to not share One Time Passwords (OTPs), many people continue to

fall prey to such scams. This not only indicates lack of awareness amongst customers but also potential breach of security/data compromise by banks. Social media platforms such as Twitter, Facebook et cetera continue to host fake accounts that facilitate such scams.

Before delving deeper into what can be done to stop such scams, let us first understand what cyber crime is. Different types of cyber crimes and penalties for the same are provided under the Information and Technology Act, 2000 and Indian Penal Code, 1860. In simple words it can be understood as an act that violates the law, and is perpetrated using information and communication technology (ICT) to either target networks, systems, data, websites and/or technology or facilitate a crime. Cybercrime is different from traditional crime in that it “knows no physical or geographic boundaries”.

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The following steps can be taken to report a bank/financial fraud

**A.** File a complaint online with the National Cyber Crime Reporting Portal. A complaint for a financial fraud can be filed at <https://cybercrime.gov.in/> in the following manner:

A complaint for reporting a financial fraud is easy to file and free of cost. It is advisable to file the complaint on the same day of the incident if not immediately.

The complainant or victim is required to select the type of financial fraud committed from the drop-down menu such as mobile banking fraud, internet banking fraud, social media fraud, et cetera.

Thereafter, the complainant is required to provide their personal details such as name, email address, phone number, residential address and furnish relevant evidence such as photos, screenshots, emails, et cetera.

It is also advisable to draft and upload a complaint explaining full details of the incident.

Lastly, the complainant is required to upload their identity proof- Aadhaar card, PAN card et cetera.

**B.** Call cyber crime helpline number 1930 and report the crime. A complaint can be registered on call and the complainant will thereafter receive a link to complete the application on the Cyber Crime portal as mentioned above.

**C.** Write to your bank and register your complaint on the same day. Per RBI’s limited liability policy banks must ask their customers to mandatorily register for SMS alerts and wherever available register for e-mail alerts for electronic banking transactions. Further,

the customers must notify their bank of any unauthorised electronic banking transaction at the earliest after the incident as the longer the time taken to notify the bank, the higher will be the risk of loss to the bank/ customer.

**D.** Write to RBI and register your complaint. Per RBI's policy, it is advisable to report the crime within three days of the incident.

**E.** If you find fake accounts/social media handles of such scammers on social media platforms such as Twitter, Facebook et cetera, file a takedown complaint/report that account on that portal.

**F.** File a complaint in the Consumer Forum as it is the appropriate authority and forum to deal with such cases.

It is pertinent to note that in case of a netbanking fraud, a customer shall have zero liability where the unauthorised transaction occurs in the following events:

**(i)** Contributory fraud/ negligence/ deficiency on the part of the bank (irrespective of whether or not the transaction is reported by the customer).

**(ii)** Third party breach where the deficiency lies neither with the bank nor with the customer but lies elsewhere in the system, and the customer notifies the bank within three working days of receiving the communication from the bank regarding the unauthorised transaction.

A customer shall be liable for the loss occurring due to unauthorised transactions in the following cases:

**(i)** In case where the loss is due to negligence by a customer, such as where they have shared the payment credentials. The customers will bear the entire loss until they report the unauthorised transaction to the bank.

**(ii)** In case where the responsibility for the unauthorised electronic banking transaction lies neither with the bank nor with the customer, but lies elsewhere in the system and when there is a delay (of four to seven working days after receiving the communication from the bank) on the part of the customer in notifying the bank of such a transaction, the per transaction liability of the customer shall be limited to the transaction value or the amount mentioned in the limited liability policy, whichever is less.

It is unfortunate that even though these mechanisms are in place to report cyber crime, very few people actually get relief and justice. In a survey conducted by LocalCircles around 39 per cent of families reported having experienced financial fraud in the last three years and only 24 per cent of them got their funds back. The survey revealed that 13 per cent were defrauded by websites taking money for products that were not delivered, 10 per cent were ATM card fraud, another 10 per cent were bank account frauds and 16 per cent were other frauds.

Only 24 per cent of 11,305 respondents reported that they were able to get back their funds while 70 per cent could not get any resolution to their complaint. The data revealed that 18 per cent filed a complaint with the designated platform or entity and got back the money while 6 per cent filed a complaint with authorities and got back the funds. The report added:

“However, 41 per cent indicated that the ‘matter is still pending’, 17 per cent feel helpless stating ‘there was nowhere to go’, 12 per cent of those surveyed admitted that they decided to not even file a complaint and 6 per cent gave no clear response”.

One can only imagine the plight of victims of even graver cyber crimes. Cyber crime needs to be taken more seriously and complaints need to be pursued actively.