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Safe Seniors in Cyber Space: Understanding and Addressing Cyber Threats against Elderly People in India

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ABSTRACT

We are living in the era of technology. Human life has changed rapidly owing to the superfast development in today's time. In recent years the human kind has faced severe threats in various forms of cybercrimes. Thus, Cyber Law is also a relatively new field which originated from the traditional laws. In the modern technological world, it is becoming an increasingly important field. Cyber Crime is extreme threat to individuals' data privacy, including any kind of data stored virtually stored, whether sensitive or insensitive. Impact of cyber-crime on senior citizens can be multifaceted, which affect them socially, emotionally, financially. This research work is an attempt to identify the existing patterns of cyber-crimes committed against elderly people and its impact on them. What is the protection available under the exiting legal framework and what are probable measures which can be adopted to provide a safe cyber space to the senior citizens of our country.

Keywords: Senior Citizens, Financial Fraud, Cyber Security, Preventive measures, Digital Literacy.

I. INTRODUCTION

> *"Technological progress is like an axe in the hands of the Pathological criminals"*
>
> *- Albert Einstein[2]*

Cyber Crime is a crime combination of crime and Computer resources. This crime is committed using the cyber space and they include - hacking, theft of information, internet fraud, online sexual abuse, privacy breach, identity theft, financial fraud, theft of information etc.

Cyber-crime has been emerged as a serious threat in the digital era and mainly impacting the vulnerable category of citizens, such as senior citizens. Owing to the limited digital literacy the elderly people or the senior citizens are the easy targets for the notorious cyber criminals.

India is a Middle income country (LMIC) with world's second largest older population, which

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[2] https://www.brainyquote.com/quotes/albert_einstein_164554 (last visited on May27.2024).

is apprehended to grow to 179 million in 2031 and 327 million in 2050[3]. As a part of rapidly growing economy Penetration of broadband and internet services have increased and it is bringing more people online, especially in the metropolitan cities[4].

The number of aged people (above 60 years) have increased rapidly in the last few years. Senior citizens are also the fast-growing group of internet users, who are using the cyber space for banking, shopping, healthcare management, entertainment, social media, and other activities[5].

Dynamic nature of cyber technology has led to marginalization and social exclusion of certain groups of society (i.e elderly people, children), who are vulnerable for cyber crime, owing to several factors like lack of awareness, access to rights, opportunities, poverty, health issues, recourses etc. Thus, less knowledge, unfamiliarity with technology[6] and possibly a greater level of trust in others, makes older people easy targets for the motivated offenders.

Since the time of lockdown and from the time of pandemic, older people like their younger counter parts, are spending more time[7] in the digital medium, creating a huge opportunity for exploitation. Historically also, it has been found that the older people or senior citizens are the prime target for the criminals, owing to their relative higher wealth, loneliness, memory loss and being a generation with high levels of trust and hesitancy to report crime, before the concerned authorities[8].

II. CYBER CRIME IN INDIA AND ITS VARIOUS TYPES

Internet and computer facilities are today used for a wide range of regular activities, like entertainment, financial transactions, shopping, education etc. The expansion of technology and internet globally have also increased the internet related crimes. In this relatively new domain of human activity elderly people (senior citizens) are in the extremely state of vulnerability. Cyber crime against seniors have severe impact on them, specially on their mental health, privacy, control and access are the main areas of concern.

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[3] Rajan, S. I., Sarma, P. S., & Mishra, U. S. (2003). Demography of Indian aging, 2001- 2051. *Journal of aging & social policy*, 15(2-3), 11-30.
[4] The Economic Times. (2016) Here's why senior citizens are becoming heavy e-commerce & social media users. 2016 Nov 1. Also available at: https://tech.economictimes.indiatimes.com/news/internet/how-senior-citizens-are-becoming-heavy-e-commerce-users/55257833?redirect=1 (last visited on May27d2024).
[5] Hart T.A., Chaparro BS, Halcomb CG. (2008). *Evaluating websites for older adults: adherence to 'senior-friendly' guidelines and end-user performance.* Behaviour & Information Technology. May 1, 2008 ;27(3):1919.
[6] https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/cybercrime_0.pdf (last visited on May 27th. 2024).
[7] Tripathi K.(2020), *Cybercrime against older people during COVID19 Pandemic*, UCL JDI Special Series on COVID-19: No.4.available at : https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/cybercrime_0.pdf (last visited on May 27th.2024).
[8] *Ibid.*

The tern" Cyber" is derived from the word" Cybernetics" which means science of communication and control over machine and man. Comparatively cyber law is a relatively new field of law. In the modern technological era to deal with the upcoming challenges, it is becoming a important field. It is a multidisciplinary area of law, which covers civil and criminal issues ranging from identity theft, cyber bullying, financial scams, sexual abuse etc.

As per the latest National Crime Records Bureau (NCRB) Report[9] a total no of65,893 cases were registered in the year 2022 under cyber crime, showing an increase of 24.4% reporting than the previous year i.e 2021, (52,974). Crime under this category have increased from 3.9% in 2021 to 4.8% in 2022.

CYBER CRIME REGISTERED CASES IN INDIA 2021 & 2022

Cyber Crime registered cases year wise	Year 2021	Year 2022
	52974	65893

■ Year 2021 ■ Year 2022

III. CYBER CRIME AGAINST ELDERLY PEOPLE OR SENIOR CITIZENS

Generally elderly people are less aware of risks in the cyber space's, and in many cases lack of tools and experience to identify the attacks and fraudulent attempts. Even elderly people with no access to computers or smart phones can become victim of cyber crimes, such as, in the case where their personal details have been leaked from a database and sold to criminals who can then exploit the same. In total number of reported cyber crime cases against aged people, identity theft comprises 33% of the total number and virtual impersonation contributes 62% of the total cases[10]. Lack of digital awareness is one of the biggest reasons for the victimization of several elderly people in India.

The senior citizens are targeted by the cyber criminal offender, with the main motive to gain monetary benefits rather than content based, which has sexual abuse connections, as seen in cases of child or women victims.

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[9] https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf(last visited May.27th 2024).
[10] https://cisomag.com/cybercrimes-older-adults/ (last visited on May. 27th.2024).

As per the brief report on *" Older people's experience of cybercrime victimization in Mumbai, India"* conducted in 2017 interviewed six residents of Mumbai aged about 60 and over who have victim of cyber-crime. They were all males aged about 62yrs to 77 years. They have lost around been 30k to 2000k rupees through telephone, bank card hacking or social engineering fraud[11].

Generally it has been found that, senior citizens are victims of phishing frauds, romance scams, financial scams, financial schemes, tech support, tele caller frauds(posing as service representative to resolve the issue of the bank accounts/ emails or virus / license renewal advisor), fake charity contributions, lottery, sweepstake scams, identity theft, life insurance/savings with higher return schemes, Non-payment/ Non-delivery, impersonation as government agent threatening arrest on alleged crime demanding in clearing the name or help in Investigation.[12]

Various Types of cyber crimes that are committed against senior citizens in India:

- Phishing Scams:

The cyber criminal try to trick the senior citizens, with fake and fraudulent massage and emails, which primarily appears to from the legitimate sources, such as government agencies or banks. by this phishing scams the offenders try to get access to the personal information's like passwords or credit card numbers.

- Identity Theft:

By way of hacking or any other ways the cyber criminals steals the personal information's, such as social security numbers, bank account details, medical records and commit theft or fraud.

- Financial Fraud:

Using technological tools and to have unauthorised accesses to seniors bank accounts or credit cards, for conducting unauthorised financial transactions.

- Tech supports Scams:

Cyber criminals often poses themselves as technical support representatives and falsely state that there is the issue in the elderly people computer or mobile and by manipulation they charges money for the solving the problems, which were not even in existence.

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[11]   https://discovery.ucl.ac.uk/id/eprint/10084093/1/Cooper%20AAM%20Brief%20report.pdf(last   visited May.27,2024).

[12] Srivastava A. and Gautam R,*Cybercrime and senior citizens in India -A Comparative study of legal Frameworks within Cyber Space Globally*. volume ii issue i, Cyber Law Reporter.

- Prize and Lottery Scams:

Several elderly people have been fooled and looted by the fraud stars in the name winning of lottery or competition prize. As a part of the trap they first announces a huge prize money, which is in the name of targeted victim and then they demand some registration fees or processing fees or any form of tax, which is need to be paid to receive those prize. After receiving the processing fees or tax payment from the victims, these criminals just disappears from the reach.

- Romance scams:

These cyber criminals creates fake accounts in the social media platforms and then build up relationship the elderly peoples. Thereafter, they try to obtain money in the name of fake financial emergencies, medical emergencies with fabricated documents, and requirement of travel expenses.

- Investment & charity Scams:

Seniors are considered as cash rich people, they have significant amount of money(whether it is their life savings or retirement benefits) in their bank accounts. Scammers for fake cause solicits donations of behalf of the charitable organizations.

- Medical and Health Related frauds:

For exploitation of elderly people offenders offer fake health insurances, medications and treatments, to steal the money or personal information's.

- Social Engineering attack:

With the help of psychological manipulation, the cyber criminals use to trick the seniors to revel their personal information or to don any work by which the cyber system can be hacked, etc.

In India Information Technology Act, of 2000 is the one and only primary legislation for functions as the regulatory framework for controlling cyberspace and other digital devices. This legislation has touched on varied aspects pertaining to electronic authentication, digital (electronic) signatures, cybercrimes and the liability of network service providers.

Few relevant sections of Indian legislations related Cyber-crime:

SL No.	Name of the Act	Sections
1.	Indian Penal Code 1860.	292, 354C, 354D, 379, 411, 419, 420, 465, 468, 469, 500, 504, 506, 509.etc.

2.	Information Technology Act 2000.	43(a-h), 65, 66(A-F), 67,67A,67B). etc.
3.	Protection of Children from Sexual Offences Act, 2012. (applicable for childrens).	11,12,13,14,15, 20.etc.
4.	Bhartia Naya Sanghita 2024. (To be implemented).	294, 77, 303, 78, 317, 336, 356.etc.

The relevant provisions of *Information Technology Act 2000* for combating cyber crime are discussed as under:

Section 66E of the IT Act[13] has provisions for punishment for "violation of privacy" . Under this section there is a provision of imprisonment up to three years and fine which may extend up to 2lakh. Any form of violation of privacy (obtaining pictures or videos) will be punishable under this section.

Further, *Section 66-C & 66-D* of the IT Act[14] deals with the identity theft cyber crime and provisions for punishment to a person who commit impersonification, respectively.

Relevant sections from Indian Penal Code 1860:

Section -354 A and 354D of the Indian Penal code has the provisions for the punishment regarding Cyber Bullying and Cyber Staking, respectively.

Further, in case of sending offensive massages through communication services, section- 500, 504,506,507,508 will be applicable as per the gravity of the offence[15].

In spite of numerous number of legislations, the issue of cyber crime have been under reported than the actual scenario in India. Besides that, it has been also observed the slow progress of registered cyber crime cases has increased the number of pending cases.[16]

IV. JUDICIAL OBSERVATIONS

In the *Venkata Hanumantha krishna Murthy Sharma v. Pelluri Venkata Lakshmi Narasimha*

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[13] The Information Technology Act,2000, §66E.
[14] The Information Technology Act,2000, §66C &66D.
[15] The Indian Penal Code, 1860.
[16] https://www.hindustantimes.com/pune-news/9k-10k-cases-pending-at-cyber-crime-cell-lack-of-response-from-service-providers-leading-to-delay-say-police/story-kQ8V4AW5TkOs0JppeYlB6M.html (last visited May 27.2024)

Rao[17], Court held the right to speedy trail is a part of Fundamental right guaranteed under Article 21.[18]

In the instant case the Honorable High Court of Andhra Pradesh[19] held that "It is the duty of court to see early disposal of cases on priority bases whether civil, criminal, services or any type of litigation to enable them to enjoy fruits of litigation during their lifetime. Delay is unreasonable and contrary to procedure contemplated by law. It is not sufficient to respect or honour senior citizens by giving concession in rails, buses, airfare or lower births in trains, comfortable seats in buses. Real respect is to get speedy justice for which they have legitimate expectation. Also, central government is fully committed to it under Article 21 of Constitution"

V. MEASURES WHICH MAY BE TAKEN TO MAKE CYBER SPACE SAFE FOR THE SENIORS

- Enhancement of Digital Literacy:

Worships training programme (both online and offline) can be organised to provide basic education to the elderly peoples, so then they can identify easily the common cyber threats like - OTPS scams, fraudulent websites, Phishing of emails, etc.

- Promotion of Cyber Security awareness:

Updated information's should regularly circulated among the seniors. They should be informed regarding the new and emerging trends of cyber crimes. E.g: Awareness regarding how to create a strong passwords and recognise suspicious activities which using the cyber space.

- Strict Legal Provisions and priority disposal of cyber crime cases:

specific provisions for protection of elderly people from cyber crime should be enacted. Special Insurance schemes for elderly people may be introduced.

- Use of Cyber Security Software:

Government should mandatorily make provisions for providing cyber security soft ware in mobile phones and in laptop or computer.

- Multi factor authentication:

- The seniors should be guided for using multifactor authentication system for using their

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[17] Venkata Hanumantha krishna Murthy Sharma Vs. Pelluri Venkata Lakshmi Narasimha Rao, Civil Revision Petition No : 1217 of 2020.
[18] INDIA CONST. art.21.
19 Pelluri. Venkata Hanumantha Krishna v. Pelluri. Venkata Lakshmi Narasimha, CIVIL REVISION PETITION NO.1217 of 2020

online accounts. This adds an additional layer of security in the system, which can be helpful for elderly peoples.

- Set Up of Fraud alerts:

Seniors may be assisted in setting up of the fraud alerts with their banks, debit and credit card companies. In case of any unusual activity in their accounts, the same will notify, for next cause of action.

- Creation of Support Networks:

Established family members, friends, community organizations can provide their support and networks to help seniors regarding their online activities. Thus potential cyber threats can be mitigated and identified with the help of regular checkups.

- Proper Reporting and Reporting Channels:

Awareness should be made among the senior citizens regarding, how to report the cyber crimes before the appropriate authority. One of the problem regarding cyber crime is that, it is an under reported crime. There is less awareness regarding the process of reporting the crime. There is need dedicated support services for the senior victims of Cyber Crime.

The Cyber Crime Help line number -1930 should be displayed in every public places.

Online Cyber Crime Reporting Website, i.e the Cyber Crime portal: https://www.cybercrime.gov.in/

Using the social media platforms, awareness campaigns should be organised on regular intervals for protecting elderly from the potential cyber threats and to encourage them for reporting the crime, if they are victim of cyber crime.

VI. CONCLUSION

Cyber Crime against senior citizens in India is a pressing issue, which calls for immediate attention. We can significantly reduce the incidence of crime and to avoid the devastating consequences of online fraud and exploitation, by understanding the key factors for the cyber crime and by implementing comprehensive preventive measures.

Despite of every possible efforts 100 percent prevention of cyber crime may not be possible, however with a combined efforts from all the stakeholders, we can spread a good amount of cyber awareness among the elderly people. Reaching the elderly people in rural and less accessible areas will be a challenge for the upcoming days. Therefore, our future strategies should focus on the creation of a robust legal ecosystem and which will include cyber education

for senior and use of artificial intelligence to prevent cyber crime. To protect the seniors of our society multilayer collaboration between government agencies, community organization, technological companies, financial institutions should be encouraged.

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