

Cybercrimes and Matrimonial fraud

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Abstract - In India, online matrimonial websites play a significant role being trusted by millions of Indians globally. At the same time, these act as the playground for the fraudsters and hoodwinked duping thousands of victims by posting false and fraudulent profiles by the change of time being. All these problems are mainly due to the fact many parents arrange for marriages for their wards - secretly without being let known to their brothers and sisters. Close relatives are informed after betrothal fixed and then they used to invite into the function. At this stage, there is nothing left to take any initiative. This study will provide the data on matrimonial fraud frequently commits in the domain of cybercrime issue. It will also have an outlook in its legal recourse.

Key wards: - matrimonial websites, betrothal, fraudsters, victims

Introduction

In the cyber age, we are about to left the traditional love marriages and arranged marriages because of the replacement of online affairs and digitally arranged marriages. Getting into relationships for a person becomes very easy by the Cyberspace. There are dating websites and matrimonial websites available online where a person simply fills in partner requirements and get a list of prospective compatible matches within a minute. The advent of relationships through the internet has changed the structure, functioning, and sustainability of relationships all over the world. Cyberspace brings many dangers platform like anonymity and lack of personal contact, both of

which are essential ingredients to healthy relationships. That is why it is easy for hoodwinked to cheat and victimize.

There are many instances of fake or misrepresented Facebook/social media profiles and matrimonial profiles on online portals. Posting incorrect information about age, religion, marital status and employment status are the most common problems in online marriage portals. Nearly half of marital breakups involve partners who met online and about seven cases out of every ten that are of marriages arranged through matrimonial websites.

With the advent of online portals cyber personating made very easy to get into relationships. People can write anything on their virtual profiles without scrutiny. In May 2012, two men were arrested for cheating women on online matrimonial websites with the promise of marrying them in Madurai. Most of their victims were well-educated and those who are working in the IT sector, while some were even living abroad. Their method of functioning is to make a good looking online matrimonial profile, and after establishing contact as an imminent bridegroom, they used to succor the girls through social networking chats and the mobile.

Further, they used the magic voice option on the mobile phone to pose as parents of the groom. After gaining their confidence, they used to demand money from the girls and asked them to deposit the cash in bank accounts. After collecting the money, they used to disconnect all communication with the girls and create new profiles to attract further victims. Apparently, they even blackmailed a few victims by taking semi-nude photographs of them through a webcam while chatting, to extract money from the girls.

There are many cases where people realize that they are the victims of this cyber-crime after they are already married to such fraudsters when it turns out that the online matrimonial profiles of their spouse had completely fake details.

However, there is legal recourse for victims of such cheating. Section 66-D of the Information Technology Act, 2000 provides for punishment for cheating by personating by using a computer resource. This legal provision reads as under:

"Whoever, by means for any communication device or computer resource cheats by personating, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees."¹²

This provision envisages that if a person assumes the character or appearance which is not what he is or passes oneself off as someone he is not, especially with fraudulent intent, then the victim can file a complaint before the Adjudicating Officer under this provision. A fine of up to 1 lakh Rupees will award for the victim.

The Rules under the Information Technology Act provide that the Adjudicating Officer is required to hear and decide an application in 4 months, and the whole matter has to decide in 6 months.

The online dating and matrimonial portals can also be held liable under the Information Technology Act as there are certain liabilities associated with "Intermediaries" under the Information Technology Act.

The Online Service Providers being "Intermediaries" can be held liable under Section 79 (3) (a) of the Information Technology Act, 2000 if:

"The intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act."

The matrimonial websites do guarantee suitable matches and keep emailing the same to the registered users, and also at times charge for specialized services of making correct match whereby they are presumed to have verified the credentials of the parties, thereby making them liable under the Information Technology Act, 2000.

Also, along with action under the Information Technology Act, it is advisable to simultaneously file a FIR under Section 415, 416, 417, 419 and 420 of the Indian Penal Code. All these articles deal with cheating and fraud by personating.

If you are a victim of such a cyber-crime, then there is legal recourse available under the Information Technology Act against the fraudster and the Intermediary. One can directly file a

¹² <https://blog.ipleaders.in/online-romance-scammers-legal-recourse-for-a-victim/>, Retrieved on 08-07-2017.

complaint before the Adjudicating Officer, Ministry of Information Technology, Information Technology Act, 2000.

How to avoid matrimonial fraud:-

- i. They can investigate If someone is suspicious about a profile report on the dating website or app so.
- ii. Try doing your detective work – ask them for their full name and look them up on Google and social media.
- iii. Don't be afraid to question their authenticity – if they are genuine, they won't mind you trying to verify them.
- iv. Remember, they may spend months building a relationship with you and will only ask for money once you're emotionally involved.
- v. Ask a friend for advice who are not emotionally involved as you; they may be able to see something which you can't.
- vi. Look out for fake or stolen photographs.
- vii. Never give out too much personal information, such as your home address, phone number or email.
- viii. Consider setting up a new email address to use for online dating and perhaps even get a cheap Pay As You Go phone to use for making phone calls.

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