

Supreme Court Warns on Digital Arrest Scams, Urges Action on UN Cybercrime Treaty

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Digital Arrest Scam Latest News

- Highlighting the need for global collaboration to tackle cybercrime, the Supreme Court asked the Centre to clarify whether India has ratified the **UN Convention against Cybercrime**.
- During a hearing on a suo motu case related to a '**digital arrest**' scam, Justice Joymalya Bagchi questioned Solicitor General Tushar Mehta on India's status regarding the treaty, stressing its importance in addressing rising online frauds.

Digital Arrest Scam

- A digital arrest scam is a sophisticated cyber fraud in which criminals impersonate law enforcement agencies to intimidate victims into believing they are under "virtual arrest".
- Scammers typically pose as officers from the police, CBI, ED, or even courts, using forged documents, spoofed phone numbers, or video calls to create a sense of urgency and fear.

- Victims are falsely accused of crimes such as money laundering, violating cyber laws, or involvement in illegal parcels.
- They are then coerced into staying on video call “under surveillance” and pressured to transfer money to supposedly secure or investigative accounts.
- Elderly individuals and professionals are frequent targets.

United Nations Convention against Cybercrime

- Adopted by the UN General Assembly in December 2024, the Convention is the world’s first comprehensive global treaty on cybercrime.
- It establishes a unified framework for countries to prevent, investigate, and combat a wide range of cyber offences.
- It recognises that criminals exploit ICT systems across borders—hacking networks, stealing data, committing financial fraud, and engaging in online child exploitation—while law enforcement remains limited by jurisdictional boundaries.
- A key objective of the treaty is to enhance international cooperation, especially in the sharing of electronic evidence across borders for cybercrimes and other serious offences.

The Treaty Structure

- It consists of a Preamble and nine chapters, covering General Provisions, Criminalization, Jurisdiction, Procedural Measures, International Cooperation, Preventive Measures, Technical Assistance, Implementation, and Final Provisions.

Major Provisions

- The Convention requires states to **criminalise core cyber offences**—illegal access, data interference, system interference, online fraud, forgery, child sexual abuse material, grooming, and non-consensual intimate image sharing.
- It obligates countries to align domestic laws and cooperate through extradition, mutual legal assistance, and 24/7 contact points for quick evidence preservation.
- It also empowers authorities to secure electronic evidence through expedited preservation, search and seizure, production orders, and interception, while respecting human rights.

Implementation

- A Conference of States Parties will monitor compliance, review progress, and adopt future protocols.
- The treaty was opened for signature in October 2025 and will become binding once 40 states ratify it.
- The **United Nations Office on Drugs and Crime** serves as the secretariat to the Ad Hoc Committee and to the future Conference of the States Parties.

SC on Digital Arrest Scams

- Emphasising global cooperation in fighting cybercrime, the Supreme Court asked the Centre to consider **ratifying the UN Convention against Cybercrime**.
- SC Judge noted that without worldwide coordination, India cannot effectively trace money trails in cyber frauds.
- The Solicitor General informed the Court that **India has not yet ratified the treaty**.

Bench Passes Extraordinary Order in Digital Arrest Case

- In a rare move, the Court directed that the accused in a 'digital arrest' fraud—where a 72-year-old lawyer lost ₹3.29 crore—must not be granted bail until the investigation is completed.
- The order came after concerns that the accused might be released as the 90-day chargesheet deadline nears.
- Justice Kant remarked that the situation may require unusual orders.

Court Takes Suo Motu Cognisance of Growing Digital Arrest Scams

- Acting on a complaint from an elderly couple in Ambala who were defrauded of ₹1.05 crore, the SC had earlier sought responses from the MHA and CBI.
- The scammers allegedly used forged orders of the SC, Bombay HC, and ED to intimidate victims.

Proposal to Transfer All Digital Arrest Cases to CBI

- Concerned by the **sharp rise in cyber fraud**, the Supreme Court proposed moving all digital arrest cases nationwide to the **CBI**, asking states to submit case details.
- The Supreme Court Advocate-on-Record Association (SCAORA) has also sought to join proceedings to assist the court.

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