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Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

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Assistant professor of Law

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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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CYBER CRIMES BY JUVENILE DELINQUENTS

AUTHORED BY - MS. PRACHI RANJAN,

Student BBA LLB 3rd year,

Bharati Vidyapeeth (Deemed to be University) New Law College, Pune

CO-AUTHOR - MS. SHIVANGI SINHA,

Assistant Professor,

Bharati Vidyapeeth (Deemed to be University) New Law College, Pune.

ABSTRACT

In a country, the future is mostly dependent on their children. They should be given proper guidance with right teaching of living. This paper aims at discussing the reason why minors are rapidly involving themselves into committing cybercrimes. If technology is not used in the right way then it will end up being a curse or say disadvantage. The paper focuses on various types of cyber crimes committed by juveniles, reasons responsible for cyber crimes by juvenile, laws related to these cyber crimes and recent data related to cyber delinquencies.

KEYWORDS

Cyber delinquency, cyber space, juvenile, cyber crime, Information technology Act, 2000

INTRODUCTION

A criminal conduct is any behavior that has an adverse effect on society as a whole. Every wrongdoing has this quality, which distinguishes it as a crime. Cybercrimes are defined as any illegal activity carried out through the use of computer and internet. Every day new technologies are being developed. Our society is rapidly turning into technology driven society. With new technologies being developed daily, modern civilization is increasingly getting used to it. Nowadays, everyone has a spike in our technologically advanced world. Thanks to modern system- accelerating software, our communications are faster, our financial transactions are simpler, and our businesses are growing. We are becoming more susceptible to different risks

as we develop into an electronic society, which goes along with the technical progress. We are getting closer to living in an electronic world, means that as technology advances, so do the hazards that come with it. The concept of cybercrimes was developed in response to this threat that comes with the advancement of the technologies. There is no definition of cybercrime in India; nevertheless, the Although the situation is getting bad with every increasing day, what's even more concerning is the fact that the kids who are doing these kind of acts are not even versed with the fact that the things which are done by them is not just a casual or informal act, it constitutes a criminal offense, that carries harsh penalties. The main reason for this is the unawareness of the result of these acts.

WHAT IS JUVENILE DELINQUENCY?

A person who disobeys Information Technology Act of 2000¹ and the Information Technology Amendment Act of 2008 address different types of cybercrimes and the regulations that regulate them. Young people often misuse technology for their own advantage and commit cyber fraud and other types of cybercrimes. Various kinds of cybercrimes that have been committed by minors are online frauds, harassment, and stalking, etc. Besides these well known crimes, there is cyber theft, hacking, etc. a legal requirement, duty, is considered delinquent. The incidence of cyber delinquency has been rising annually. There appears to be a growing trend in cyber delinquency when we concentrate on the statistics released by the National Crime Bureau. Kids are becoming more and more vulnerable as a result of their increased daily exposure to the social media platforms. Lately, adolescent offenders in India have been committing new types of cybercrimes, which involve using computers or the internet for illicit purposes.

The Juvenile Justice and Delinquency Prevention Act of 1974, defines a juvenile as “a person who has not attained his age of majority that is eighteen years”. In the US, the term “juvenile delinquent” was coined in 1800s to characterize adolescent offenders. A person who has not reached the age of eighteen and engages in behavior that would be deemed illegal if committed by an adult is classified as a juvenile delinquent. Under the Juvenile Justice And Delinquency Prevention Act of 1974², section 2(a) defines “juvenile delinquency” as “the act or procedure of violating the law committed by a person who has not reached his or her age of majority”.

¹ Information Technology Act, 2000, § 66, (India).

² Juvenile Justice and Delinquency Prevention Act of 1974, § 2(a), India.

WHAT IS CYBERSPACE?

The term “cyberspace” describes the online communication-facilitating virtual world of computers, and more precisely, an electronic medium or we can say an online networked environment is called cyberspace. With the growth of the internet technologies, this kind of virtual environment has become more common. A vast computer network made up of numerous global computer sub networks that use the IP protocol to facilitate communication and data exchange is usually what cyberspace is all about. It includes virtual areas where people communicate and share information, as well as online platforms and the internet. One method to discuss cyberspace is to refer to the various uses of the worldwide internet, ranging from business to enjoyment. We observe the existence of the cyberspace whenever participants establish virtual meeting spaces. You could say that wherever the internet is used, a cyberspace is created. The increasing number of internet-connected devices, including smartphones and desktop computers, indicates that the cyberspace is expanding in a theoretically grounded but practically applicable sense.

CYBER DELINQUENCIES

The number of cybercrimes has been rising annually. Cyber delinquency has been rising daily in a similar manner. Based on data released by the National Crime Bureau, it appears that there is a growing trend in cyber delinquency. There are several factors at play here, but the problem hasn't been fixed. Internet vulnerability is growing daily, making our children more exposed in the process. Given below are various types of cyber crimes committed by juveniles³:

❖ Cyber Pornography-

The term “cyber pornography” describes explicit sexual content that is accessible or transmitted via websites, social media, chat rooms, and other social media platforms. It entails using technology to produce, distribute, or consume graphic sexual content. Technology exists to benefit and progress humankind. Children typically utilize technology to engage in illegal activities, the use of cyber pornography is one of such act. Although the IT Act of 2000 does not expressly list cyber pornography as a crime, section 67 of the act punishes and fines anyone who publishes, transmits, or causes to be published or transferred any data that is considered offensive have a tendency to act

³ Astha Srivastava & Shivangi Sinha, Cyber Delinquency: Issues and Challenges Under Indian Legal System, International Journal of Engineering and Advanced Technology (IJEAT), May 2019

in ways that are against the moral interests of society. The juvenile justice system in India rehabilitates and does not penalize misbehaving youth. It is the act of sought to turn the offender around such that a young person who acted improperly without having the ability to being aware of the act's nature does not transform it into a fierce criminal.

❖ **Cyber Suicides-**

One of the leading causes of death for young people worldwide is suicide. A new phrase called “cyber suicide” was created to describe suicides that have been occurred in some kind by the use of technology. Individuals document their suicide or broadcast it live utilizing online. Lately, a game named Blue Whale challenge appeared on social media platforms. In this game, the goal was to end one's life. Numerous other suicides were happened due to this. It was a 21-year old Russian boy who acknowledged that he made this game so kids could kill themselves, and society is purified.

❖ **Cyber Bullying-**

Cyber bullying is defined as the use of technology to harass, threaten, embarrass, stalk or target another person and often persists among young people. Teenagers can learn more about and develop deeper relationships with new acquaintances to social media. Although teenagers are accustomed to using new communication channels, this does not mean that they are computer experts or network experts, particularly when it comes to the potential harm that can result from careless use of the network. The term “cyber bullying”, which was coined in 2006 by Peter K. Smith⁴ and colleagues and defined as “an aggressive and intentional act, conducted by an individual or group of individuals, using various forms of electronic contact, repeated over time against a victim who has difficulty defending himself”, is often used by young people to conceal themselves behind technological means in order to carry out new forms of bullying that have emerged alongside the traditional forms of bullying. Also, the students who experienced cyber bullying are more likely to engage in delinquency as those students have developed negative emotions from those experiences.

⁴ Smith, 2006, p. 83.

❖ Digital Piracy-

The act of stealing software, movies, music, or other digital content without the owner's consent or payment is known as digital piracy. The actions of piracy are fairly easy to complete, perhaps clarifying what makes a large number of these pirates are under 21. Young people like to hear music, and viewing movies, and they want to get them for free. For convenience, young people typically pirate music or films and not for the thrill of stealing.

❖ Cyber Stalking-

Cyber stalking, which often refers to a pattern of menacing or malevolent acts, is the use of the Internet, email, or other electronic communications for stalking purposes. One may argue that cyber stalking is the most of the riskiest forms of online harassment, predicated on assuming a danger of injury. Sanctions apply to both convictions and offences. The majorities of stalkers who target their victims in person are known to them, either through former romantic partners or avoided acquaintances. However, cyber stalkers—online stalkers—may prey on total strangers. Cyber stalking refers to the observation or online intimidation directed at another individual. Cybercriminals could have access to their victims' using social media and email accounts without authorization. This cyberstalking is rapidly indulging into the juveniles as they are not aware of the fact that what they are doing and what will be the consequences of these acts.

❖ Cyber Crime Against Children-

Children typically adjust to computers faster and more effortlessly than adults. Children of today are raised with computers that are connected to the internet and the rest of the world. Many of them enjoy experimentation and exploration. Unfortunately, without them realizing it, their research and exploration might take children to “places” online that are illegal, turning them into criminals unknowingly. Also in movies and animations, some things are shown which influences the young children and they get stuck in these kind of acts. Cybercriminals coerce children into online relationships with one or more of their peers in order to engage in sexually explicit behavior, and they also portray youngsters in inappropriate, indecent explicit images.

REASONS RESPONSIBLE FOR CYBER DELINQUENCY

Cybercriminals are always searching for a simple approach to earn a lot of money. They target wealthy individuals or wealthy institutions, such as banks and financial businesses, where vast sums of money are transacted on a daily basis, and steal confidential data. Because computers are susceptible, laws are needed to safeguard and protect them.

- **Capacity to store data in comparatively small space** – One special feature of the computer is its ability to store data in a very tiny amount of space. People can now very easily steal data from storage device and utilize it for their own gain.
- **Easy to access** – Hackers can take enhanced voice, retinal images, and have access codes. Many security mechanisms can be circumvented by using devices like recorders, etc., that can easily trick biometric systems and get past firewalls.
- **Complex** – Operating systems, which power computers, are composed of millions of code instructions. Because of the limitations of the human mind, errors can occur at any point, cybercriminals exploit these weaknesses.
- **Negligence** – One of the traits of human behavior is negligence. Therefore, there's a chance that in our haste to defend the computer system, we could do something that gives cybercriminals access to and control over the whole system.
- **Loss of evidence** – It is simple to destroy the information connected to the crime. Thus, the infrastructure that underpins the investigation of cybercrime is paralyzed by the evident and widespread problem of evidence loss.

LEGISLATIVE FRAMEWORK

The swift advancement of computer technology and the internet worldwide has given rise to new types of international crime that could have an impact on the country across the globe. Therefore, awareness and implementation are required across national limits of the essential laws for the avoidance of crimes involving computers. But none of them of the law when expressly considered discusses how young people are involved in these kind of crimes causes and solutions. For example, in India as of right now, there no agreement in place with any other nation regarding extradition any culprits of cybercrime. The majority of cybercrimes in India are enumerated in accordance with the Information Technology Act, 2000, which was subsequently revised in 2008. The other regulations are the Indian Penal Code 1860, the Evidence Act 1872, the Code of Criminal Procedure, and the Negotiable Instrument Act of 1881, but none

of the laws mentioned above specifically discusses the offences performed by the juvenile in the online environment. We need strict laws that could stop these delinquencies because cybercrime is growing rapidly, on a daily basis. Following the 2013 revision to the Indian Penal Code 1860, many new provisions were added to combat cybercrimes in India. These sections include section 292A, which deals with printing material intended for blackmail, section 354A, which deals with sexual harassment, and section 354D, which deals with stalking. Section 66A of the **Information Technology Act** stipulates penalties for transmitting inappropriate content any form of communication device, and offers remedies for cyberbullying as well. Invasion of privacy is also subject to harsher penalties under Section 66E⁵, and publishing pornographic images is punishable under Section 67⁶. Accepting any stolen computer resource or communication dishonestly is punishable under Section 66B of the IT Act. The Information Technology Act's Section 66C lays out the penalties for identity theft. It states that anyone caught using someone else's electronic signature, password, or other unique identifying include deceitfully or dishonestly faces up to three years in prison and a fine up to Rs. one million.

RECENT DATA ON CYBER DELINQUENCIES BY JUVENILES IN INDIA

It's not like the issue has suddenly gotten worse in the previous two to three years. Over 13,000 crimes were perpetrated by juveniles between 2017 and 2021, according to data from the National Crime Records Bureau, and over 16,000 of those kids were arrested for their crimes. The report includes a graphic list of crimes, including 314 murders, 412 attempted murders, more than 500 rapes, 982 incidents of causing harm or serious harm, more than 475 cases of assault or use of criminal force against a woman with the intention of upsetting her modesty, 1,401 robberies, and more than 6,600 thefts by minors.

Police and juvenile detention personnel emphasized the necessity for the government to concentrate on reformation and shelter houses in the city when questioned about potential remedies. They claimed that one of the biggest concerns and a significant difficulty facing the police was relapse, or the arrest of young people for repeated offenses.

⁵ Information Technology Act, 2000, § 66E, (India).

⁶ Information Technology Act, 2000, § 67, (India)

- One of the major scam happened in the year 2020 by the juveniles, famously known as “**Bois Locker Room**”⁷. Social media was rocked by this unprecedented scandal. It was discovered that some young ones were posting obscene remarks on and objectifying girls, in an Instagram group. Following the publication of a few screenshots from this group, a heated debate broke out, with well-known figures expressing their opinions on both sides. Even though criminal charges have subsequently been brought, the episode highlights important legal issues about youth cybercrime. The Delhi Commission for Women took suo moto note of the Bois Locker Room case and requested that the police look into the problem. After that, the Delhi Cyber Cell opened a case. However, the investigation might have begun much sooner if a straightforward complaint had been made to the police station rather than participating in the pointless callout culture. If the callout could have at least been postponed until the complaint was actually made.

Trial as Adult- The Board will issue an order recommending that the youngster be tried as an adult if it is determined that he committed a serious crime and possesses the necessary mental capacity. After that, the matter will be transferred to the proper Children's Court. The Court will issue a suitable order as a Board if it decides the trial is not necessary. If authorized, the adult trial will proceed in accordance with standard criminal justice protocol. But no youngster shall be incarcerated until he is twenty-one years of age or older. Rather, he will be transferred to a secure location with rehabilitative resources available.

- Another one, also the 1st ever web crime conviction involving a Juvenile, known as “**A’ bad boy**”⁸, in April 2009 flashed out in Mumbai, in which, a child aged 16 years, Ahmedabad student who threatened to blow up Andheri train station in an email last year was found guilty by a child court. According to the boy, he sent the email for the enjoying his practical joke appeared on TV as "breaking news." The child, a science student in class XII, was detained on March 22 of last year after he sent an email to a private news channel purporting to be a member of the Dawood Ibrahim gang. The young man produced an yahoo email in Ahmedabad cyber cafe on March 18, and submitted the email on the same day at 5:28 PM. According to the email, the entire bomb was planted on the inspector of the

⁷ Budhaditya Ghosh, Bois Locker Room: Cybercrime and Juvenile, LEX INSIDER, May, 2020

⁸ A’ bad boy 1st juvenile cyber crime convict, Mumbai Mirror, April, 2009

cybercrime said, "Unspecified train to blow it up." After receiving the email, a criminal notification under section 506 (ii) was resisted with the Andheri police. The following day, it was changed to the CCIC for further research.

CONCLUSION

Today's internet world has evolved into a parallel reality to life itself. The public can now accomplish things that were unthinkable only a few years ago. There are various factors due to which cyber delinquencies takes place. As an example, the poverty, social isolation, lack of communication with parents are examples of social variables. Lack of sex education is another element that should be taken into account for adolescents, as their ignorance of these truths might result in crimes like transmission of sexually explicit materials and cyber pornography. Children's minds are still developing, which can additionally encouraged them to have friendly trust in everyone, which can also lead kids astray when it comes to using computers and can prompt individuals to commit cybercrimes in the online realm. As we wrap up our discussion, we can state that a variety of circumstances can contribute to cyber delinquency, sometimes purposefully and other times unintentionally. Parents are the most significant primary group in the community and have the power to either prevent or contribute to cyber delinquency.

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