

Juvenile delinquency in cyber crime

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Abstract

Juvenile is a person who is immature and treat them as a child. In legal the age below 18 years where consider as juvenile in the year 2012 Delhi gang rape case they passed the new bill regarding age limit they reduced from 18-16 years. Juvenile offending is participation of illegal behaviour at statutory age of minor they were analysis in juvenile court. They are rehabilitated by giving education and counselling in juvenile prison (juvenile home). Cyber crime is one of the major contemporary issues that's is criminal activities done in the internet, computer or by mobile phones. Now a days internet, computer and mobile phone plays major and vital role with everyone mostly children's are addict towards it. Juvenile in cyber crime one of the most dangerous issues because juvenile are the one who is going to sustain for the future. So there is a lack of law that's dealing the juveniles in cyber crime. The society is changing rapidly but rules and regulation of the law has some change but not more according to newfangled society. Thus Information technology Act, It is the primary law in India dealing with cybercrime and electronic commerce. Amended act in 2008 it was dealing about cyber crime law in section 66 and 67 with punishments and fine.

Keywords: cyber crime, juvenile, juveniles prison, rehabilitation

Introduction

In the cyber world as the usage of computer become more popular, there was expansion in the growth of technology as well, and the term cyber become more familiar to the people. The evolution of information technology (IT) gave birth to cyber space. Thought the word crime carries its general meaning ad "legal wrong that can be followed by criminal proceedings which may result into punishment" whereas cybercrime means "unlawful acts wherein the computer is either a tool or target or both. The criminal activities in the cyber world and to protect technological advancement system [1]. It is under these circumstances Indian parliament passed it "Information Technology Act,2000" on 17th oct to have its exhaustive law to deal with the technology in the files of commerce, e-governance, e-banking as well as penalties and punishments in the field of cyber crime [2].

Every child (juvenile) access the internet were quickly and easily than elders [3]. Juvenile home computer crimes are as serious as the adult PC criminal offences. Fraud and cyber crimes are becoming more prevalent in our society. Unfortunately our youth is involved in this crime. When a juvenile is found guilty of having used a computer to hack or steal an individuals identity, the possible consequences are probation, fines and incarceration. Cyber crime in juvenile were most occurring offences were defamation, cyber bullying, harassment, drug trafficking and accessing stored communication. The child doing internet offences because

when they are uprising, boredom, ignorance of law and also every one is doing it. But also influenced by peer group, family and other community influences. The major loop hole in the cyber crime is social media even most number of juveniles are actively responding towards it.

History

In India, the first legislation dealing with children in conflict with law or children committing crime was the Apprentices Act, 1850. It provided that children under the age of 15 years found to have committed petty offences will be bounded as apprentices.

Thereafter, the Reformatory Schools Act, 1897 came into effect which provided that children up to the age of 15 years sentenced to imprisonment would be sent to reformatory cell.

After the Independence, with an aim to provide care, protection, development and rehabilitation of neglected or delinquent juveniles, our Parliament enacted the Juvenile Justice Act, 1986. It was an Act which brought uniform system throughout the country.

Section 2(a) of the Act defined the term 'juvenile' as a "boy who has not attained the age of 16 years and a girl who has not attained the age of 18 years".

Later on the Parliament enacted the Juvenile Justice (Care and Protection) Act, 2000 which raised the age bar to 18 years for both girl and boy.

Issues

NEW DELHI [4]: The juvenile board on 1st November 2003 refused to discharge the boy accused of creating a website

¹advocatemagesh.wordpress.com/2013/11/17/offences-penalties-under-the-information-technology-act-2000/

² www.educba.com/cyber-crime-in-india/

³ www.techrepublic.com/blog/it-security/juvenile-cyber-delinquency-laws-that-are-turning-kids-into-criminals/

⁴ timesofindia.indiatimes.com/city/delhi/Juvenile-faces-trial-in-cyber-crime-case

with vulgar remarks about his classmates two years ago. The boy was then a student of Class 11 and the first juvenile accused in a cyber-crime case.

The accused's advocate had sought that his client be discharged on the ground that he was not in a stable state of mind. Seeking discharge, the advocate further said that the trial has been pending for about two years.

While rejecting the accused's application, metropolitan magistrate Santosh Snehi Mann said: "The mental condition under which the juvenile came into conflict with the law shall be taken into consideration during the final order." Mann, however, dropped the sections of Indecent Representation of Women (Prohibition) Act.

The accused would face trial under the Information Technology Act and for intending to outrage the modesty of a woman. She held the inquiry could not be closed on technical ground, especially when the allegations were not denied by the accused.

On April 1, 2001 Vineet Tewari complained to the crime branch regarding the website. Amazing.com, he claimed, carried vulgar remarks about his daughter and a few of her classmates. During the inquiry, print-outs of the site were taken and proceedings initiated.

MUMBAI^[5]: In the first-ever web crime conviction involving a juvenile in Mumbai, a child court held that a 16-year-old student from Ahmedabad who threatened to blow up Andheri railway station in an email message last year, was guilty. The boy said he sent the email for the fun of having his prank flashed as "breaking news" on television.

The boy, a Class XII science student, was arrested on March 22 last year for claiming to be a member of the Dawood Ibrahim gang in his email to a private news channel. "The boy created an account, dgang4blast@yahoo.com, in a cyber cafe in Ahmedabad on March 18, and sent the mail at 5.28 pm on the same day. The email said a bomb would be planted on an unspecified train to blow it up," said inspector Mukund Pawar of the Cyber Crime Investigation Cell (CCIC).

Following the receipt of the email, a case of criminal intimidation under Section 506 (ii) was registered with the Andheri police. It was transferred to the CCIC the next day for further investigation.

"We traced the Internet Protocol (IP) address to a cyber cafe in Ahmedabad," said Pawar, and added that although the cybercafe had seven or eight computers, the one used for sending the email was used by only one customer on March 18, 2008.

The cyber cafe owner told the police that his friends had come on that day and one of them may have used the computer. "We summoned seven or eight people who had visited the cybercafe on March 18.

Juvenile Delinquency

Juvenile delinquency⁷ has occupied an important place in the discussions regarding criminal law in the country^[6]. Juvenile delinquency is a gateway to adult crime, since a large percentage of criminal careers have their roots in childhood

causing serious problems all over the world^[7].

The term juvenile delinquency applies to violation of criminal code and certain patterns of behavior that are not approved for children and young adolescents. It may be grouped as individual delinquency (in which only one individual is involved and the cause of delinquent act is traced to individual delinquent), group supported delinquency (committed in companionship and the cause is attributed not to the personality of the individual but to the culture of the individual's home and neighborhood), organized delinquency and situational delinquency^[8].

Cyber Bullying

Cyber bullying is use of technology to bully a person or group with the intent to hurt them socially, psychologically or even physically. Cyber bullying occur in many ways, like abusive text and emails, hurtful messages, image or videos, imitating others online, excluding others online, humiliating others online, nasty online gossip and chats^[9]. Prevention of the cyber bullying that parents and kids can prevent cyber bullying together by the ways of safe exploring^[10].

In the case of University of Kerala vs. Council, Principal's colleges, Kerala and others, the supreme court of India opined as per the Raghavan Committee report that concerted action is required at the level of school itself to prevent ragging by students in future. Thus it can be seen there is an urgent need to make laws preventing school bullying and specially cyber bullying in India. But the problems to deal with this issue are numerous:

- The IT Act, 2000 does not include any provisions relating to prevention /punishment /judicial procedure for crimes like cyber bullying by school students. The IT Act, 2000 mentions only two kinds of offences in this regard, namely i) publishing of information which is obscene (section 67 of IT Act) and ii) breach of confidentiality and privacy (section 72 of IT Act). The issue of bullying, teasing, hazing are not mentioned properly.
- There is no law mentioning the proper age to use cell phones. Students who are under 18 use mobile phones more as a fashion than as an essential commodity and thus make it a means to have fun by sending offending messages to their fellow school mates.
- There are no uniform regulations for schools preventing school bullying, especially cyber bullying like the Anti Ragging Acts prevalent in many states in India.
- The issue of cyber bullying by the school students has to be dealt with as per the Juvenile Justice Act as the offenders and victims are mostly not fully adults or young adults. But such a delicate issue has to be handled by counselors and cyber experts as well as parents and not through the usual judicial procedure.
- The IT Act 2000 needs to be stricter with the public cyber cafes. Just a simple notification preventing the users to visit the porno sites is not enough. The It Act should mention creation of public cyber cafes for children only.

⁵ timesofindia.indiatimes.com/city/mumbai/Abad-boy-1st-juvenile-cyber-crime-convict/articleshow/4393251

⁶ lex-warrier.in/2014/08/juvenile-delinquency-laws-india-emerging-issues/

⁷ www.legalservicesindia.com/article/article/juvenile-delinquency-626-1.html

⁸ medind.nic.in/jal/t09/i1/jalt09i1p68.pdf

⁹ www.esafety.gov.au/esafety-information/esafety-issues/cyberbullying

¹⁰ www.stopbullying.gov/cyberbullying/index.html

- Cyber pornography and child abuse in the net have to be addressed.
- Regulations should be made for each school to have a counselor who can address the cyber crime related issues as well.
- The need of the day is cyber savvy judges and cyber help line cells for children.
- The IT Act 2000 does not mention any specific provision for safeguarding the children ^[11].

Suggestions

- The current system of the law must evolve to deal with it.
- The reform law to deal specifically with juveniles computer related offences
- They must add education about the cybercrime and other forms of negative online behaviour to the public school curriculum.
- Creating awareness among juveniles (child) and to their parents.

Conclusion

Because of quick globalization, modest cell phones, simple access to web and for all intents and purposes no law to quit mishandling school youngsters by their kindred cohorts, the issue of digital wrongdoing among kids and youthful grown-ups are on the high. In the western culture, even schools are brought under strict vigil of law and administration. India does not have the legitimate framework to battle the centre issues of digital violations. Kids are the gentlest focuses of the dangerous impacts of electronic media. Generally, in India, it is not the guardians but rather the schools which have a noteworthy influence to patch a tyke. Subsequently stricter laws ought to be made to forestall school harassing and for guaranteeing the security of school youngsters in the digital world. Consequently stricter laws ought to be made to avert school tormenting and for guaranteeing the web wellbeing of school kids in the digital world

The adolescent equity framework rather than the customary criminal framework. The objective of the adolescent equity framework is recovery instead of discipline. Courts may enable minors to be attempted as grown-ups in circumstances, for example, a particularly genuine offence like murder, or when a minor is a rehash wrongdoer. Adolescent digital wrongdoing must be clarified by the criminology. Adolescent are with the solid social bond and part of conviction of associate gathering are less likely to confers digital related offence. They were social confinement and associated with offences doing peer group. To decrease this sort of offences in the adolescent enactment, both focus and state have energy to establish appropriate enactment.

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¹¹ www.cyberlawtimes.com/articles/105.html