



## JUVENILE DELIQUENCY AND CYBER CRIMES

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### CHAPTER 1 -INTRODUCTION:

Technology is changing fast. We sight phones in hands of the children these days. Cybercrimes are increasing and this time it's the juveniles who are committing the cyber crimes. Cyber crimes by juveniles include drug trafficking, bullying, defamation, harassment and cyber pornography as well. The main problem is the sites do not differentiate between adults and children. Juvenile can access the same thing that an adult person access. Juvenile just for the pleasure, entertainment commit cybercrimes but they don't know that the repercussions are bad and it's a crime in the eyes of law. These days it's very simple to access a computer from unauthorised sources and juveniles feels that it's risk-free and we should do that. There are many factors that contribute to juvenile delinquency in cybercrime, Like sociological factors, personal factors include failure, peer pressures. In India, there is a lack of sex education so juvenile commits crime these days, for example, they are involved in cyber pornography, bullying, stalking, Addiction is one of the greatest threats to children these days and parents are worried about the internet addiction of children. Due to the availability of pornographic material on the internet these days' children are also sexually addicted. The repercussions are the increase in sexually transmitted diseases.

## CHAPTER 2- THEORIES TO UNDERSTAND THE CAUSE OF JUVENILE DELINQUENCY

### **Rational Choice Theory:**

This theory says that the offender is solely responsible for the crime he commits and the cause for the doing the crime lies in the offender. There is always self-interests when a juvenile commits a crime. Rational choice theory is the clearest example of this approach. Juveniles find the positive and negative effects of doing the crime. If there are more positive results in doing the crime they commit the crime. This theory can explain the place of doing the crime but it cannot explain the circumstances in which a juvenile commits the crime. That's the big flaw in this theory. This theory also doesn't tell us whether the group has committed the crime or the individual is solely responsible. Researchers who support this theory said that parental control and consciousness is very important when juveniles commit the crime. Rational choice does not explain why crime should be committed disproportionately by young people, males, city dwellers, and the poor. In India, some youth isn't able to see the consequences of cybercrime as others well. Rational choice theory does not detect the propensity of a juvenile to commit the crime. It also doesn't correlate with the social conditions responsible for the juvenile to commit the crime.

### **Social Disorganization Theory:**

Criminality lies in society. This theory says that there are social and environmental factors that are responsible for the crime committed by the juvenile. There are factors that are not in Control of the juveniles that are responsible for the commission of crimes. Norms are being violated by the juveniles. In



urban areas there is a transitional population, due to breakdown in the family atmosphere, there is a chance of juvenile delinquency.

### Strain theory:

This theory was discovered by sir Robert Merton. In society there is an institution with the help of that child who wants to achieve legitimate goals. Juveniles who have a poor background or are in a poor family and cannot achieve the social goal by legitimate means commit crimes due to living in poor conditions. If the juveniles are poor in academics and are living in low income they find ways to commit the crime and these days juveniles find cybercrime Merton's suggests five adaptations to this dilemma:

1. Development: These are cases of juveniles where they know the social norms but do not follow
2. Retreats. These are cases of juveniles who understand the social phenomena but they reject it
3. Formality: These are the youth who do not take care of society like drug pedlar
4. Similarity: the individuals who adjust to the framework's methods and objectives.
5. Insubordination:

This is the case where the youth are involved in making their objective and there is no sign of the financial condition of a family.

### Sub-Cultural Theory:

It says that youth want to attain societal goals so they form groups and make their culture. Groups are responsible for the criminal behaviour. Delinquency in subculture do not have any monitory objective just for the fighting spirit of the group juveniles learns criminal behaviour subcultural theory only gives distinction about the juvenile who is deviant and who is normal it does not tell

about what young people are not able to attain goals in society.

### Differential Association Theory:

This theory is very interesting it talks about practicality. It says that due to peer pressure the juveniles are involved in crime. Young people have been guided by their peers in the group to commit criminal activity these days. When a young person has a criminal friend there is the possibility that he may be involved in criminal activity. Sometimes they depend on each other to commit the crime.

Labelling Theory: It talks about the label that young people has which means criminal label on them. Person who is not labelled as criminal may take criminal label after seeing the label person in the group who has a criminal label...Poor families children are sometimes labelled as criminals.

## CHAPTER 3 –CYBERBULLYING AMONG JUVENILES

The reason why Juveniles are committing crime these days are due to lack of emotional stability, there is very low self-control. In India, peer pressure plays an important role. Cyber bullying is simply the act of bullying in cyberspace. Today confession pages are being made where anybody can bully any person and there is no content verification. generally, people age 17-24 are more prone to cyber bullying.

There is no particular enactment that accommodates the particular digital harassing laws in India anyway arrangements, for example, Section 67 of the Information Technology Act manages digital tormenting as it were. Segment 67 of the demonstration recommends discipline for distributing or communicating revolting



material in electronic structure for a term which may stretch out to five years and fine of about 10 lakh Rupees.

Other than Section 67 of the IT Act following are the arrangements of the digital tormenting laws in India:

**Sec 507 IPC** - The segment expresses that if anybody gets criminal terrorizing by the method of an unknown correspondence, at that point the individual giving dangers will be rebuffed with detainment for as long as two years. By ideals of word unknown the offence of hostile to harassing and digital tormenting is remembered for this part.

**SEC 66 E of IT Act** - The part recommends discipline for infringement of protection. The segment expresses that any individual who purposefully disregards the security by sending, catching or distributing private pictures of others will be rebuffed with as long as three years detainment or a fine of up to three lakhs. To shield yourself from cybercriminals counsel the top digital wrongdoing attorneys and record digital wrongdoing protests. Against tormenting or Cyberbullying laws in India for harassment in Schools and Colleges.

To manage tormenting at school there is no different enactment in India except for there is a desperate need to quit harassing. Tormenting in schools and particularly in life experience schools is generally common in India. To quit harassing in schools HRD service has additionally dispatched against ragging advisory groups in schools to rebuff understudies engaged with the counter tormenting exercises. The discipline can be up to rustication of the understudy in the uncommon of the most extraordinary case.

Essentially, the University Grants Commission (UGC) has additionally settled the enemy of ragging advisory groups in the UGC affirmed schools and colleges. Schools and colleges in the country are there to take care of counter ragging rules and should follow them in their college to stop online bullying and ragging quit tormenting at the advanced education level (schools and colleges) "UGC Regulations on Curbing the Menace of Ragging in Higher Education Institutions, 2009" has been established. Additionally, a college student who is the offender of cyberbullying can also be made criminally liable under the provisions of the Code of Criminal Procedure, 1973. But no provision of either the Indian Penal Code or Code of Criminal Procedure applies to the school students for bullying at school.

Now the question is why are school students exempted from penal provisions for anti-bullying or cyber bullying? To have a clear understanding of the meaning of bullying and how to stop bullying it is necessary that Government shall establish a cell in every school related to cyber crime that comprises of teachers and cyber experts.

#### **Measure to stop online bullying**

Cyber Bullying can be stopped if proper rules and safeguards as user we can follow Following are the steps that one can take to stop bullying:

**Do not respond to any unknown person text-** Sometimes all the perpetrators are looking for is a reply to the text as according to them by responding to them you are giving them power over and you and if you don't respond or retaliate you are curbing their power. The solution to problem is to ignore



the person completely who is bullying and complain to cyber cell immediately If the problem persists victim should consult the famous cyber crime lawyers and law enforcement agencies for your protection.

**Keep the evidence save in records** - In the cases of cyber bullying the victim should save the evidence in their device like nay recording so that when they go to the police they can show it as a piece of strong evidence it will help the cyber cell. Social media companies and the cyber cell can be contacted in the case a person is bullying and complaints can be registered against the bullying messages and images sent by the offender.

**Reach out for help to cyber cell:** The first thing is to do that is reach the nearest cyber cell when the person is continuously bulling. The police help a lot to get out of the cyber bullying by capturing the perpetrators through the IP address or the fake accounts made by the perpetrator.

**Use of the feature in technology** - There are features in Facebook and Whatsaap to block the perpetrator by blocking them they will not come again, It is the instant solution to the problem of cyber bullying.

**Protect the user account safely-** We should not share our passwords and username with any person so that account can be safe.

**Guard our social profile and connection** – Guard your social profile and connection - Social media presence has become an integral part of everyone's life except while posting and cooperating with individuals on social stages remember following things -

We should be constantly aware of what we post online. Being caring to others online will assist with protecting you. Try not to share whatever could hurt or humiliate anybody. Try not to open messages from sources you don't have a clue about and don't download connections except if you are anticipating a connection from somebody.

When should download free media download programming that isn't legitimately endorsed and subsequently, not directed by the computer? When there is no download permission we should refrain from doing so.

#### CHAPTER 4- CYBER TERRORISM BY JUVENILES IN INDIA

On account of the Kashmir years back, we have seen that after Hizbul Mujahideen administrator Burhan Wani was gunned somewhere near the Indian powers, the 'Burhanwali Aazadi' assessment spread by his supporters has added fuel to local insurrection in Kashmir. Charmed by their deity, the new local type of fear mongers who are adolescents get into selling weapons on the web. Adolescents are utilized by the Terrorist association to make compassion toward their gathering and perpetrate wrongdoings on the internet by taking steps to bomb impact in a territory. Juveniles engender Jihad in Kashmir by the utilization of Whatsaap Group and online media. Rampant utilization of web-based media stages overseeing a deadly portion of revolutionary substance has given 30 years of fanaticism in Kashmir a precise movement, where, similar to parasites, extremist philosophy, dread gatherings and their lords make due on the wounded Kashmiri mentality and their social, political and monetary weaknesses. Used to lethal impact first by Burhan, web-based media stages like



Facebook, YouTube, WhatsApp, Twitter, Viber, Skype, Telegram, and so forth have been additionally utilized by Hizbul Mujahideen and Lashkar-e-Toiba. Their enemies of India promulgation incorporate recordings of fear monger instructional courses and asserted badgering of local people by the security powers to chafe the weak youth. 'Digital jihad' has set up firm roots in the Valley, producing new-age aggressors to keep the fear plot bubbling.

Following a six-month test into episodes of distress in Kashmir in 2017, a group of National Investigation Agency (NIA) distinguished 79 WhatsApp gatherings, having 6,386 telephone numbers, used to publicly support young men for stone-pelting. Of them, around 1,000 numbers were discovered dynamically in Pakistan and Gulf countries. The leftover 5,386 numbers were discovered dynamically in different pieces of the Valley and neighbouring States. A considerable lot of these gatherings had directors situated in Pakistan. As per a media report, more than 300 WhatsApp bunches worked to publicly support hordes to disturb against fear tasks in 2017. This is what Data shows

Affected by online purposeful publicity, Juveniles in the Valley step by step transform into enormous groups, which are assembled to pelt stones, set schools ablaze and go about as human shield for fear mongers to escape from experience destinations. Since 2014, there has been a consistent ascent in the quantity of nearby young men joining illegal intimidation. During 2010-13, the figures remained at 54, 23, 21 and six in separate years. In 2014, this figure leapt to 53, while in 2015, 66 young men joined illegal intimidation. Following

Burhan Wani's experience, this number hopped by 55 per cent, with almost 90 young men joining illegal intimidation in only a couple of weeks. In 2017, almost 120 new young men held onto aggressiveness as against more than 200 slaughtered. In the current year, almost 90 young men are accounted for to have gotten arms. While online radicalisation doesn't demonstrate their guiltiness, fanatic philosophy and enemies of India purposeful publicity, combined with a developing feeling of hatred brought about by his administration and nepotism by the decision world-class, drives them further towards the tipping point. Displaying Kalashnikov rifles and transferring their photos online turns into the revelation of their aim. The 'us versus them' account is unmistakably imparted, making a groundswell of help for illegal intimidation. While trying to control this endless loop of radicalisation and enrollment energizing further savagery in the Valley, almost 10,000 young men associated with stone-pelting occurrences somewhere in the range of 2008 and 2017 have been given a reprieve. In any case, this is no respite for the wounded Kashmiri outlook.

A generalist mentality towards psychological militant publicity via web-based media won't work. A key account conveying the opposite side of the story should be introduced before the Valley. A committed 'digital protection complex' (CDC) it should have been set up to shield the 'computerized country' and it must turn into an essential piece of the Kashmir strategy. Before the battle of accounts was battled from the mosques and mohallas (town squares). In any case, today it is done from the digital stages as they utilize each enemy of India occurrence to gouge the nation's



picture in Kashmir. While the paramilitary powers, police and the military must be the essential parts in such of our country, After the abrogation of Article 370 4G services are suspended in Jammu And Kashmir so that Juveniles who are in Terrorist organisations cannot misuse it against India.

### CHAPTER 5-THE CASE OF BOIS LOCKER ROOM IN INDIA

The realities are that a couple of students who were in their eleventh and twelfth classes with a Whatsaap group named Bois Locker Room purportedly offered certain comments on underage young girls which were misogynist and typified them. Some even went to the degree of talking about assaulting them. According to the news reports, not many of them have been captured under 66A of the IT Act for cyber bullying.

The laws in different resolutions confining discourse which is ensured under Indian Constitution and global rules like ICCPR, 1966 and UDHR are intra vires constitution aside from when they don't satisfy the measures set down in Article 19(2) of the Constitution or the tests set somewhere near the courts in resulting understandings. Taking a gander at such arrangements will help us in investigating the current case as there is no immediate law tending to the issue, for example, doxing, which is identified with releasing or unveiling the private recognizable data about a person. It is managed without the assent or information on the person. Under A.21 of the Indian constitution and ongoing judgment of the court in Justice K. S. Puttaswamy v. Association of India, the security privilege is an indispensable piece of the privilege to live

and is ensured under part-III of the constitution.

### CHAPTER 6- LAWS TO PREVENT CYBERCRIME BY JUVENILES IN INDIA

#### The Law of Obscenity

Sec 292 Of IPC deals with obscene content. In Ranjit D Udeshi v. the State of Maharashtra<sup>1</sup> this section was held to be intra vires Article 19(2). The ingredients of this section are, the matter is obscene accused has sold or distributed or imported or printed or exhibited or attempted or offer to do so.

The word obscene is open-ended and not defined. And Merriam Webster dictionary defines it as disgusting to the senses or abhorrent to morality or virtue. The requirement is that it should excite impure thoughts in the minds of a reasonable or an ordinary person (reasonable person test).

So again, the facts and circumstances become relevant in deciding upon obscenity as was laid down in Sreeram Saksena v. Emperor<sup>2</sup>.

In Sukanta Halder v. State of W.B <sup>3</sup>it was observed for it to be obscene it should rouse immoral sex. It was also held in R v. Hicklin 1968that test for obscenity is to see whether it depraves and corrupts those whose minds are open to such immoral influences.

In the present scenario, the accused has perhaps distributed the photos in the group and also aroused the feelings by passing lewd comments with his friends on the photo. Sec 293 mentions the punishment corresponding to the preceding section for a period

<sup>1</sup> 1965 AIR 881, 1965 SCR (1) 65

<sup>2</sup> AIR 1940 Cal 290

<sup>3</sup> AIR 1952 Cal 214



extending to 3 years and a fine on a first conviction, broadly speaking. The requirement here is that the accused should be under the age of 20 years and should have distributed as in the present scenario (if it passes the test of the preceding section).

### Forgery

With new technology in place, it is very easy today to morph any photograph and with super-fast internet, it has become handy to disseminate the same within a fraction of seconds. 463 of IPC is perhaps the most appropriate provision to deal with fake photos and alteration under criminal law. Chapter XVIII deals with offences related to documents and property marks. 463 of IPC deals with forgery. In *Chunky v. Emperor*<sup>4</sup> the court while explaining dishonestly observed that criminal intention to cause wrongful loss or wrongful gain to another person is necessary. Also, actual loss or gain is not necessary but the intention.

In the impugned scenario the accused allegedly used the photos of victim without explicit permission or their knowledge and went to the extent of modifying them. Along with this, there was perhaps a clear intention to belittle the reputation of the victim by modifying the photos dishonestly. Punishment for this offence is stipulated in 465.

### Information Technology Act, 2000

Section 66 Of IT Act 2000, punishes offenders for sending grossly offensive information through communication service for a period extending to three years with a fine. However, in *Shreya Singhal v. UoI*<sup>5</sup> the

supreme court applied clear and present danger test and held the section ultra vires constitution using *Brandenburg v. Ohio*<sup>6</sup> (considered to be of persuasive value). But the police still use it to date because there has been no amendment by the parliament to give effect to the Supreme Court decision. Sec 67, 67A, 67B of this Act punishes a person for transmitting or publishing material that is: obscene (or) contains sexually explicit act (or) depicts children in sexual/obscene act via electronic medium respectively. The punishment on conviction for the first time is for period extending to 3 years with fine vide 67 and punishment on first time conviction is imprisonment for a term which may extend to 5 years with fine vide section 67A, 67B IT Act. The proviso grants exceptions to these sections only on grounds of public good and knowledge of the masses, neither of which is the scenario here (even remotely).

*State of Uttar Pradesh vs. Aman Mittal*<sup>7</sup> says Section 67 read with Sections 67-A and 67-B is a complete code relating to the offences that are covered under the IT Act. The Court in *Sharat Babu Digumarti v. Government (NCT of Delhi)*<sup>8</sup> struck down the offences Under Sections 292 and 294 of the Indian Penal Code given the provisions of Section 67 of the IT Act. This highlights the importance and purpose for which special legislation has been enacted.

### Intimidation

Section 503 IPC deals with criminal intimidation and two primary requirements for the section are the threat of injury and causing alarm and the inherent intent. In

<sup>4</sup> 174 ind cas 524

<sup>5</sup> writ petition (criminal) no.167 of 2012

<sup>6</sup> 395 u.s. 444 (1969)

<sup>7</sup> criminal appeal nos. 1328-1329 of 2019

<sup>8</sup> criminal appeal no. 1222 of 2016



Amulya Kumar Behera v. Nabhganga Behera<sup>9</sup>.

The High Court of Orissa stated that intention to cause alarm is the sine qua non for an offence under this section. However, it is immaterial whether the other person is alarmed or not. The intention of the legislature for incorporating this Section is that mental injury in some cases is more painful than physical injury. Also, it should be illegal and in impugned cases, the alleged threat was rape which is completely unacceptable and illegal. It was observed in the case of Raghubar Dayal v. Emperor<sup>10</sup> that inhibiting the businessman from his right to trade was a criminally intimidating act. Punishment for criminal intimidation is stipulated in 506. However, 507 is an aggravated form since the punishment is increased by two more years because intimidation, in this case, is done anonymously or the person impersonates himself as someone else.

Section 509 deals with the modesty of women. If the offender utters a word or makes any gesture or any act thereby with the intention that it is heard and more so it intrudes upon the privacy of a woman then it shall come under the ambit of this offence. In the State of Punjab v. Major Singh<sup>11</sup> was observed that:

“The essence of a woman's modesty is her sex and The Judge, in This case, said that when any act is done to or in presence of a woman is suggestive of sex according to common notions of mankind that act must fall within the mischief of the section.

<sup>9</sup> 1995 crij 3559, 1995 ii olr 97

<sup>10</sup> air 1934 all 735, 152 ind cas 120

<sup>11</sup> 1967 AIR 63, 1966 SCR (2) 286

Therefore, in the current scenario, it is perhaps suggestive from the chats that the intention of the accused was to allegedly rape the victim and in the group, the chat was it is imminent that the kind of language used and the comments passed over the morphed pictures of the women outraged the modesty of women.

### Defamation

Sec 499 deals with defamation and requires either making or publishing allegedly defamatory statements about a person in the form of other words or writing or visible representations which have the capability of harming a person's reputation along with the intention for the same.

Reputation, here means not what a person thinks about himself but instead what others think about his standing and the same has been highlighted in several cases. In Valmiki Faleiro v. Mrs. Lauriana Fernandes<sup>12</sup> the court said that it is how a person is held by others. That is to say, it should be done to a third person which lowers the estimation of the victim's character. In criminal law, intention to cause harm to reputation is the sine qua non of defamation offence was held in Sunilakhya v. HM Jadwet<sup>13</sup> However, this case pertains to written defamation in the form of libel which includes pictures too and can come under visible representations.

Note that a defamation suit can be civil also in which the intention is not the requirement which is not the case in a criminal proceeding. However, malice plays a key role in civil disputes related to defamation. In the Palani Asari case though

<sup>12</sup> 2005 CriLJ 2498

<sup>13</sup> AIR 1968 CAL 266



ill-will was absent, the high court held that words were prima facie defamatory and malice may be presumed.

### Counter Allegation

There is a possibility that even the defendant later uses this argument to file a defamation suit against the victim as his reputation was deeply hurt reasons due to transmission of chats containing the stereotype and biased view of the issue. It may be presumed that there was malice to defame the defendant and a suit can be instituted as in Vivek Goenka v. YR Patil. Notwithstanding this, there are exceptions to this rule which include imputation of truth for the public good, which is a justification for being a statement of truth for public benefit (or) caution in good faith which is to protect the interest of self and the public good at large so that it does not happen to someone else again. It is therefore left to the court to analyse in given facts and circumstances

Section 500 is the punishment section for the preceding section on defamation. The imprisonment extends to two years with/without a fine as per the circumstances of the case. when a juvenile defame any person in cyberspace

### Stalking

354D IPC manages the following and Cl.(1)(ii) manages web-based following. These arrangements were presented post Nirbhaya episode through Criminal Law (Amendment) Act, 2013 broadly known as Nirbhaya Act. It is identified with checking the utilization by a lady of the web or some other electronic methods. The stipulations excluded the charge on three grounds that incorporate sensibly and legitimized conduct.

<sup>14</sup> WRIT PETITION (CIVIL) NO. 382 OF 2013

In the current case, it not the slightest bit has all the earmarks of being falling under the exclusions may be. The offence is culpable.

### The POCSO Act 2012

When we study POCSO act, in the preamble it mentioned that it protects children from sexual assault by way of bad touch, sexual harassment, pornography and Act provides for the establishment of special courts in the country with a summary kind of trial with a child-friendly environment

Child in POCSO Act as defined under 2(d) of this Act means any person below the age of 18 years. (In case of of Manjula Krippendorf vs. State Govt. of NCT of Delhi) and Ors. Hon'ble Justice Deepak Misra transferred the case to POCSO Court interpreting that the very purpose of bringing legislation of the present nature is to protect the children from the sexual assault, harassment and exploitation, and to secure the best interest of the child and the protection of the dignity of the child is the spine of the legislation. Which was concurred BY Justice Nariman that 1(v) of this Act deals with sexual harassment and the offence is said to be committed when:

a person who has sexual intent threatens to use real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act Sexual intent here is a matter of fact and up to the court to determine. Sec 12 of this Act mentions punishment for a term extending to three years with a fine.

### Independent Thought vs. Union of India <sup>14</sup>

Sec 42 of this Act deals with alternate punishment and holds that the offender found guilty of such offence (which includes 354



offences and 509 IPC) shall be liable to punishment under this Act or the Indian Penal Code as provides for punishment which is greater in degree.

Also, 42A holds that POCSO provisions will be supplementary to the provisions of IPC (or any other law) and in case of any inconsistency the provisions of POCSO will have an overriding effect over any other law.

### Intermediary Liability and Individual Liability

The liability of Instagram which is an intermediary in this case is exempted for hosting third-party content vide 79 of IT Act, 2000. In the stages of crime, the preliminary motive gives a background as to what is the reason behind some acts in question. However, it cannot be used as a basis to convict a person. The current discussion revolves around the stage of contemplation of a crime, which is where the intention is formed. It is rather a popular phrase that one should be punished only to the extent one was involved, i.e., proportionality is the philosophy of punishment.

Chapter IV of the POCSO Act (16, 17 specifically) deals with abetment and attempt stages of crime like in IPC and stipulates punishment for the same. In this scenario prima facie does not appear to transgress the attempt stage but falls within abetment.

107 IPC classifies abatement into three categories viz., instigation, conspiracy or intentional aid and these were held to be essentials to complete abatement as a crime in *Malan v. the State of Maharashtra*<sup>15</sup> As far as liability of the prime accused goes, who

allegedly spoke of rape in the group chat, it falls into the first category perhaps which deals with instigation as was held in the case of *Protima Dutta v. State of West Bengal*<sup>16</sup> that it should provoke, incite, urge or encourage another person to do any act which is prohibited by law. 108 IPC (explanation 2) further supplements this and makes it categorically immaterial that commission of offence should be there, and the kind of effect it has on the person who is instigated by the accused. For instance, in the *State of Maharashtra v. Pandurang Ramji*<sup>17</sup> though the desired result of murder was not accomplished the component of instigation was present.

There are three possible outcomes for any offence. It can either be committed (or) not committed (or) a hurt is caused as a result of abetment. In the impugned scenario the offence is not committed. As per the facts of the case, the court can categorise the abetment into the category of rape or gang rape (later one seems more logical as per facts). The punishment for the same is covered under 115 IPC, which punishes the accused of the term of seven years.

However other persons do not fall into the category of abettor as they were silent spectators [28] and were not active participants in the alleged plan of the commission of the offence. 107(3) IPC further makes it clear that mere non-interference is not sufficient but omission should lead to a breach of a legal obligation that is to say a negligent act despite being in contravention of legal duties does not amount to abetment by illegal omission which was held in the case of *Subash Chandra Bebart*

<sup>15</sup> (1958) 60 BOMLR 428

<sup>16</sup> W.P. No. 12526(W) of 2012

<sup>17</sup> (1971) 73 BOMLR 245

1974 CriLJ 217



v. the State of Orissa<sup>18</sup>This is also supplemented by a plethora of cases where the apex court held that vicarious liability could not be extended to the group admin and the same argument can be forwarded in this case. In Ashish Bhalla vs Suresh Chawdhary<sup>19</sup>, the Delhi High Court had clarified that defamatory comments made by any of the members could not hold other members or the admin of the group liable.

What can be said is that as responsible citizens they should have left the group if they were against the views expressed.

### Defence

However, in the Union of India (UOI) and Ors. vs. Ramesh Bishnoi<sup>20</sup>, Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015, viz., (xiv) Principle of a fresh start: All records of any child under the Juvenile Justice system should be erased except in special circumstances. had an overriding effect over charges framed under 354, 447 and 509 IPC and the accused was acquitted. Taking a cue from it, it would be hard to frame the accused strictly under these sections in this case.

Since the accused are juveniles below the age of 18 and this case does not involve a commitment of heinous offences there is the likelihood that the juvenile justice board will look into the mental maturity of the accused and the kind of counselling and correction required as to how they see the society. This aspect plays the key role as the deciding factor when it comes to the sentencing part which is different from the establishing guilt part. The court looks into the background and circumstances of the

accused and all associated factors while granting a sentence.

### CHAPTER 7 -CONCLUSION AND ALTERNATIVE SOLUTIONS

The fundamental inquiry of this Seminar paper the prevailing problems in society that makes the juvenile to commit cyber crimes in this little age when they required getting educated. There should be activeness in the nation. In this Regard The Police of Delhi have done a remarkable work they ran the mindfulness drive against digital wrongdoing in Delhi they instructed the school children, they directed the workshops in school to eliminate the adolescent misconduct digital misconduct. My proposal is that to the public authority just as the guardians of the adolescents is that administration of states where there is an increment in digital wrongdoing by adolescents ought to perform well by assigning the assets to stop digital Prevention administrations incorporate exercises, for example, substance misuse training and treatment, family guiding, youth coaching, nurturing instruction, instructive help, and youth protection. Due to snappy globalization, unassuming phones, basic addiction to the web and in every practical sense, no law to stop misusing school adolescents by their fellow accomplices, the issue of advanced bad behaviour among kids and energetic adults are on the high. In the western culture, even schools are brought under the severe vigil of law and organization. India doesn't have the authentic system to fight the middle issues of computerized infringement. Children are soft targets of the hazardous effects of electronic media. By and large, in India, it isn't the

<sup>18</sup> 1974 CriLJ 217

<sup>19</sup> CS (OS) No. 188/2016

<sup>20</sup> CIVIL APPEAL NO.9109 OF 2019



watchmen yet rather the schools that have a critical impact to fix a kid. Consequently, stricter laws should be made to thwart school pestering and for ensuring the security of school adolescents in the computerized world. Therefore, stricter laws should be made to deflect school torturing and for ensuring the web prosperity of school kids in the computerized world. The young adult value system instead of the standard criminal structure.

The goal of the young adult value structure is recuperation rather than discipline. Courts may empower minors to be endeavoured as adults in conditions, for instance, an especially real offence like homicide, or when a minor is a repeat transgressor. Young adult computerized bad behaviour must be explained by criminology. Juvenile is with a strong social bond and part of the conviction of partner gathering are less inclined to give advanced related offence. They are in social imprisonment and related with offences doing peer gathering. Recommendations of the researcher and proposed alternative solution is that State has to run cyber awareness drives and camps in schools and colleges to make use the positive side of technology. State shall eliminate unemployment by its schemes because unemployment that has increased in COVID-19 Pandemic are the reason why juveniles commit crime these days in cyberspace.

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2. Cybercrime Against Children

<https://i-probono.com/case-study/cybercrimes-against-children/>

3. Boys locker Room Controversy and the law relating to the liability of sharing obscene Material In group Chat by Sparsh Sharma

<http://www.legalserviceindia.com/legal/article-2286-bois-locker-room-controversy-and-the-law-related-to-the-liability-for-sharing-obscene-material-in-a-group-chat.html>

### 2. Books, Research papers And Official Notifications:

1. Hynson E-book On Cybercrime

2. Rockven Ebook On. Juvenile Delinquency in the virtual world: Similarities and differences between cyber-enabled, cyber-dependent and offline delinquents

3. Catherine D Marcum: Hacking in High School: Cybercrime Perpetration by Juveniles

4. The Information Technology Act, 2002, of the Gazette of India (extraordinary) published by Ministry Of Law And Justice (Legislative Department) Government of India, New Delhi

5. The Indian Penal Code 1861

6. The POCSO Act 2012

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