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INTERNATIONAL VIEW ON CHILD OFFENCE WITH SPECIAL PREFERENCE TO CYBER CRIME

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ABSTRACT

Children are the future of each Nation, protection of their rights is an essential part of the development of that nation. Living in a such situation where even a small child can access mobile phone make children more vulnerable to indulge in criminal activities and also there are much more chances to get effected by the online traps. Studies shows that nearly more than 90 percentage of youngsters are using social media and out of that 60 percent are children from the age of 12 to 17 and they spend nearly 2 hours in social media. And this technological advancement gave them easy access to whatever information they want from internet. Number of sexual predators and offenders have doubled than before stated by several leading criminal lawyers out of that more laws relating to juvenile are not only weak but also does not give proper end for justice. Here in this paper authors will be discussing about different ways children being misused and effected in social media and other networking sites. The author will also be substantiating his view based on suitable case laws. The paper will also be attached with authors view on criminal offences committed by children in social media.

Key words: Child rights, cybercrime, social networking , mass media.

1.INTRODUCTION

Crime is not a modern concept for people it exists from time immemorial. But with the change in time the nature of defining and act as crime has also changed. With the same thing their definition also changes. With the investigation of new technologies the mode of comition of crime also changed from conversational mode to computer based mode. The first cyber crime was noted in the year 1820. Indian legal system has developed in increasing number which is adequate for the developing cyber crimes around the country. Cyber law is the law which is relating to cyber crimes. Cyber crime takes place in an imaginary space called cyber space. In this developing situations of information technology, people are in need of cyber law for the protection and control of the offences committed.

1.1 CYBER CRIME

There is no definite definition for cyber crime but are explained through different concepts. The major difference between a normal crime and a cyber crime is the difference in method adopted for committing the crime. Information technology is a vast subject and from day to day with improvement in technology the range and types of crime keep on changes. With is continuing change giving a proper definition for cyber crime is quite difficult. But all this urged the country to enact different laws which includes information technology act 2000.¹

The term cyber law deals with all the issues or offences relating to any electronic communications or regulatory aspects of the internet. This digital world is enhanced with more advancements which includes paper less contracts, digital signatures and another most important use is online transactions. All this for no boundaries between people or places. The conventional procedures used for the offences committed in the natural space does not any validity for the crimes committed in cyber space. Hence the core subject of cyber law are the offences committed in cyber space.

Till 1999 there was no special act for cypher crimes. But with the increased usage of technology, communication and e-commerce mandates the formation of such laws for the protection of an individual's rights. The concept of cyber crime is not entirely different front hat of Normal crime but with some new regulations and policies for controlling the cyber space or cyber world.

1.2 CHILD OFFENCE AND CYBER CRIME

National policy of ICT in schools,2012²gives more importance for children to access information technology in educational institutions and in the field of teaching. This also highlights the need for the protection of children from online scams and other cyber crimes relating to internet. It is been noted that using internet may show the children inappropriate contents and may lead to compromise child's privacy and individuality. In this heads of the school should teach children about the importance of privacy and security while accessing internet.

National educational policy which was developed by MHRD³ plays least importance in safeguarding children from committing an offence or from any online threats. **The National Cyber Security Policy,2013**⁴deals with investigation, prevention and prosecution of cybercrimes and cyber crimes relating to cyber crimes relating to children.

2. DEFINITION

Cyber crime is a world wide issue and various nationals are trying to define cyber crime. According to Oxford reference cyber crime is defined as any offence committed over internet. Another definition by The Encyclopedia Britannica defines cyber crime as any criminal act committed in internet by means of special knowledge of computer technology.

In general cyber crime can be defined as any distributing, altering, misusing, destroying any personal information manipulation of computer in cyber space with out using physical force.

¹Information technology act 2000 available at <https://meity.gov.in/content/information-technology-act-2000>(last accessed on 7 march 2020)

²National policy of ICT in schools,2012 available at :<https://ictschools.ncert.gov.in/index.php/policy/national-policy> (last visited march 6,2020).

³MHRD:Ministry of Human Resource and Rural Development. The essence of Human Resource Development is education, which plays a significant and remedial role in balancing the socio-economic fabric of the Country. Since citizens of India are its most valuable resource, our billion-strong nation needs the nurture and care in the form of basic education to achieve a better quality of life.

⁴The National Cyber Security Policy,2013 available at https://www.izito.ws/CyberSecurityPolicy/Quality_Results (last visited march 6,2020).

Information technology act,2000 is called as cyber law in India. But this IT Act,2000 does not gave any proper definition for cyber crime but the bill of information technology,1999 defines cyber crime as whoever knowingly or with prior intention who destroys or misuses any computer documents with criminal intention shall be punished with 2 lakhs fine or with 3 years imprisonment or with both.

3.TYPES OF CYBER CRIME

In this developing world cybercrime have taken a new image which is a threat to the privacy of an individual and economy. This made way for different types of cyber crimes which are explained in detail below.

3.1 CRIME EFFECTING INDIVIDUAL

The origin of cyber crime was first happened while effecting an individuals rights. The major form of cyber crime will also happens to an individual. In this offence the victim will be the user of the computer or the person who unknowingly used the computer and got into trouble or by using the account of other with out the prior permission or intimation to the original user of that account.

3.1.1 CRIME BY CHILDREN

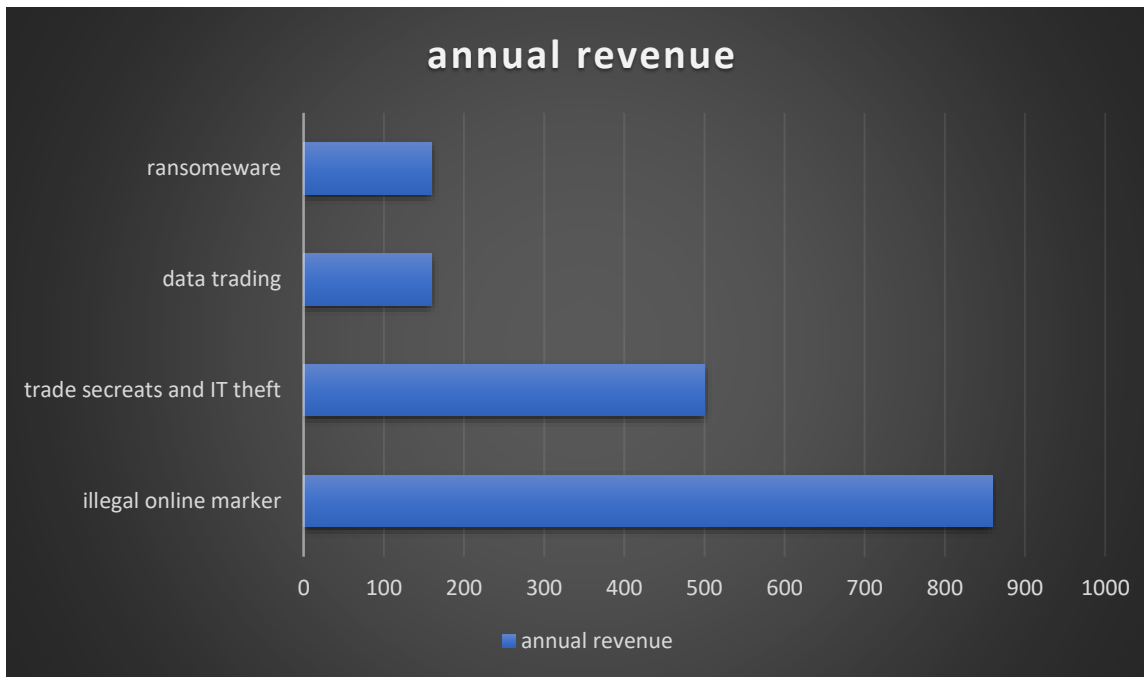
Crime committed by a child or to a child has become a major issue in cyber laws. Hacking, virus dissemination, logic bombs, denial of service attack are some of the cyber stacks committed by minors of juvenile around the world.

3.2 CRIME EFFECTING ECONOMY

Information technology is used in almost every sectors of this developing society. The uses of information technology is even more wider, as we all know every coin has both negative and positive side similarly there is a very dangerous negative side for such technology. As all the information are stored in computers the upcoming hackers can easily Access the private information.

3.3 CRIME EFFECTING NATIONAL SECURITY

When any illegal activity which is done in cyber space effects the security of a society or nation can be termed as cyber crime effecting national security. When the knowledge of cyber space is used for distribution of a nation then it will be coming under cyber terrorism. Cyber terrorism is one of the best example for cyber crime which is a threat to national security. Using internet one country can take the information or secrets of the enemy country this act will lead to lots of national and international security issues.

3.4 STATISTICS OF CYBER CRIME COMMITTED AGAINST CHILDREN

The above mentioned graph depicts us about the annual revenue being acquired due to several cyber crimes committed around the world in 2019. The statistics mentioned are revenue money in billions.⁵

4.LAWS GOVERNING CYBER SPACES

There are various laws which govern the cyber space, major of that are Indian Penal Code and Information technology act. Following are the detail study of both the laws.

4.1. Indian Penal Law on cyber crime

The act which deals with criminal offences in India is Indian Penal Code. With change in society criminal offence also gets changed. But the conventional law which deals with criminal offences is IPC hence that is enough for handling any kind of crime weather it is cyber crime or any other crime. The Information Technology Act,2000 handles a wide variety of computer and internet based offences there are much similarities drawn from both IT Act and IPC as follows:

- Sending defamatory messages by email Sec 499 IPC
- Sending threatening messages by email Sec 503 IPC
- Bogus websites, cyber frauds Section 420 IPC
- Forgery of electronic records Section 463 IPC
- Web-jacking Section 383 IPC
- Email spoofing Section 463 IPC
- Online sale of Drugs NDPS Act
- E-Mail Abuse Section 500 IPC
- Pornographic Section 292 IPC
- Online sale of Arms Act

⁵STATISTICS OF CYBER CRIME COMMITTED BY CHILDREN:available at <https://www.thesslstore.com/blog/2018-cybercrime-statistics/> (last accessed on march 7, 2020)

4.2 Information technology act on cyber space.

The Information technology has invented the new world for cyber space. This world is the new creation of the 21st Century. However, it is not like a normal physical world, however, it connected the world which makes it as a global village. Therefore, the work of legal system has increased in and developing rate. Being a welfare state, it is an important duty of the state to protect the citizens in cyber space . Therefore, it is mandatory and essential to regulate the legal system in the cyber space. Thus is not mentioned only for any particular country, but it is a worldwide subject therefore an effective law should be there for protecting People's rights.

5.OTHER CYBER LAWS IN INDIA

Following are some of the laws which gives cyber

- Common Law (governed by general principles of law)
- The Bankers' Book Evidence Act, 1891
- The Reserve Bank of India Act, 1934
- The IT (Amendment) Act, 2008 and 2009
- The IT (Removal of difficulties) Order, 2002
- The IT (Certifying Authorities) Rules, 2000
- The IT (Certifying Authorities) Regulations, 2001
- The IT (Securities Procedure) Rules, 2004
- Various laws relating to IPRs.

6.AUTHORS CRITICS

From the discussion it is clear that there are several laws governing online frauds and online offences but the margin for juvenile is approximately nil. Which is a major drawback in Indian legal system. There are several issues relating to the offences against children but the notable issue is with the easy access to internet even children are having sufficient knowledge to commit a crime which is offensive , there are many more cybercrimes committed by people in day to day life and people are unaware of the offences with out the knowledge of it. And there is no specific law governing any cyber offence committed by a minor or a juvenile. Hence the author will strongly recommend the legislatures to frame an act which is specifically dealing with crimes committed in cyber space and the same committed by a juvenile.

6. CONCLUSION

From this paper the author have clearly portrayed the criminal issues occurring all around the world and especially mentioned about the issues made to and by the children. There are several lawas dealing with cyber crime but Indian legislation lacks a separate law for this in specific way. With increase in technology the positive and negative aspects of cyber security is increasing. Even a child have access to internet in their home and parents are not aware about the time. Child spending in social medias or internet. With allt his drawbacks the offence committed cannot be irradiated completely but can be controlled to some extent. School should provide proper education relating to proper use of information technology and train them to be secured in bad situations when the technology they use itself becomes an offence against them.