

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

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Social Media Influence on Juvenile Crime Rates: An Indian Perspective

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ABSTRACT

The study explores the psychology behind the growing trend in India of juvenile crimes triggered through social media, where digital platforms either act as tools for sociability as well as catalyst in crimes. It examines the micro- and macro-level factors associated with social learning (differential association and social isolation) and strain theory (negative life events and differential socialization), which can pave the way for juveniles to be involved in criminal activities, as a result of their social media exposure, especially on platforms such as Instagram, Facebook and earlier TikTok. The study examines the crimes committed by juveniles mostly through social media, such as cyberbullying, digital thefts, and attack through morphed videos/objectionable pictures/pornography. The Indian legal framework, including the Indian Juvenile Justice (Care and Protection of Children) Act 2015 and the IT Act 2000, is analyzed to trace the shortcomings of the legal system in dealing with these contemporary issues. With juveniles involved in crimes through social media platforms increasing, the study suggests an integrated approach blend of legal reforms, technological interventions and extensive educational programmes to curtail the trend.

Keywords: Juvenile Delinquency, Social Media, Digital Criminology, Technological Surveillance, Crime Prevention.

I. INTRODUCTION

Juvenile crime is changing radically in India — in a fascinating and disturbing fashion Today, our pockets and bedrooms act as play rooms of a sort that have freely adopted the world at large, illuminating vividly the new realities of our times Juvenile crime is changing radically in India — in a fascinating and disturbing fashion. Until recently, juvenile crime in India was seen as the result of broad and obvious social reasons, such as poverty, lack of education and a lack of families functioning as crucial stabilizers for children. Digital technology and social media have turbocharged the trend into an entirely new plane. Greater access to smartphones and the internet confers upon the alienated and dour youth of today an entirely novel common resource;

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one that not only augments the manner in which they participate in a wider world, but in which they come into direct confrontation with many of the same evils that have afflicted far older populations before them.³

The rate of juvenile offences rose by an average of 1 per cent between 2012 and 2015, before dipping in 2016. However, convictions for some categories of crime, particularly cybercrimes (which includes cyberbullying, hacking or accessing or distributing sexually abusive content), appear to be in a more upward trajectory. The picture that emerges from the statistics from the National Crime Records Bureau (NCRB) are complicated and nuanced. Being more demographically and geographically representative, these indicate that the digital landscape has emerged as a serious space for juvenile crimes. One visible factor has been a spike in cases of sexual offences being reported by girls or boys on social media.

This legal provision itself evolved from social science research, which suggests that Juvenile Justice (Care and Protection of Children) Act, 2015 be guided by rehabilitation for the young juveniles and a punitive approach for the older ones. Since a significant number of juveniles offenders in India are live off the streets rather than living with their parents, and the majority of them hail from impoverished, semi-urban or rural areas, a focus on social media to understand juvenile crime is correlated with their involvement in social media. If we recognize that youth are heavily engaged in social media, social media is also seen as a channel to be pursued with caution.

(A) Social Learning Theory: How juveniles may learn behaviors from social media.

One of these, Social Learning Theory, was developed by the Canadian psychologist Albert Bandura in the 1970s. It states that children and adolescents learn by observing others perform a behaviour, and then copying it. Viewing these enticing digital ‘characters’ hundreds of times a day is just one part of it. Social media allows children and teenagers to not only observe others’ behaviour but to go one step further, to perform it themselves. On Instagram and other platforms such as TikTok and Facebook, behaviour that might be antisocial or even illegal become not only glamorized but encouraged and rewarded.

Drivers whose cognitive capacities, including judgment and impulse control, are still developing – three-quarters of whom are juveniles – are particularly susceptible to such influences; they’re more likely to copy actions they perceive to bring rewards and no immediate apparent costs, more so if the actions in question are modelled by sundry ‘Adolescents’ and/or

³ Jacob Wood, Social Media & Youth Crime (May 16, 2021), <https://networkconference.netstudies.org/2021/2021/05/16/social-media-youth-crime/>.

celebrities held in high esteem in one's social orbit. 'Likes', shares and positive comments are among the reinforcers that might further entice such folks to engage in the same or similar ambulant feats.⁴

One good example is the cult of 'challenge' videos that sometimes inspire dangerous or illegal behaviour. While the most extreme and perhaps controversial example is the Blue Whale Challenge – supposedly associated with a large number of self-harm and suicide incidents worldwide among young people – it's no secret that viral videos can have widespread and sometimes pernicious power.

Moreover, the digital arena blurs the lines between observer and 'doer' as users not only watch, but can interact with the content creator dynamically, thereby reinforcing the learned behaviour. The dynamic interaction can further lead to the normalization of behaviour that is deviant or criminal, and desensitize juveniles into the seriousness of certain actions.

(B) Strain Theory: Examining the pressures social media can create and their potential to lead to criminal behavior.

For example, Robert Merton's Strain Theory as a critical sociological lens can be used to explain the consequences of social media on juvenile delinquency, which suggests that crime emerges because of anomie – perceived discrepancies between culturally challenged goals and the structurally given means to achieve those goals. In the age of social media, these culturally framed goals often relate to monetary wealth, recognition and a particular lifestyle, reachable but at the same time unrealistic for the ordinary youth.

Since juveniles are at a particular developmental 'sensitive spot' in their lives, when their sense of identity and self-worth are emerging, they might be especially prone to psychological strain from being inundated with these unrealistic images. It's not hard to imagine that the gap between their real-life experience and the experience conveyed through the screen is likely to induce feelings of inferiority, frustration and anger in some juveniles. This strain might induce some juveniles to commit crimes as a way of getting whatever they take to be the trappings of success and acceptance in their communities or among their peers.⁵

Notably, the influence of strain arising from social media is quite visible in cases of minor crimes such as theft, burglary and cybercrimes like hacking, which is also a form of burglary. These crimes could be a way of garnering money or status quickly to reach otherwise

⁴ Oishika Banerji, Juvenile Crimes in India (Jan. 17, 2022), <https://blog.ipleaders.in/juvenile-crimes-india/>.

⁵ Sukriti Chauhan & Shireen Yachu, Mental Health in India: Impact of Social Media on Young Indians, *The Indian Express* (Feb. 18, 2022, 11:30 IST), <https://indianexpress.com/article/lifestyle/health/mental-health-in-india-impact-of-social-media-on-young-indians-facebook-instagram-youtube-twitter-7778499/>.

unattainable goals projected through social media. Some cases of youth indulging in cyber fraud could arise from seeing lives lived through social media and wanting to emulate these life styles within a shorter span of time.

Furthermore, the dynamic nature of social media often means that youths are not just passive targets of such messages but can, through comparisons and competitions with peers, receive similar messages directly, amplifying the strain even more.

II. SOCIAL MEDIA LANDSCAPE IN INDIA

Social media has become an inescapable part of life for most urban youth in India, following modes established on an international scale but with some locally specific sub-texts that affect how this technology affects juvenile behaviour worldwide. According to reports from digital insights firms, India is among the top countries in the world for use of social media, and a significant portion of this cohort are under the age of 18. Current statistics show that more than 400 million Indians regularly use social media, with the 10-24 demographic making up a large percentage of this user base.

Much of this penetration is due to the dropping prices of cheap smartphones and data packages, and also the rise in digital literacy among young people. The pandemic drastically accelerated this trend as education and social activities moved online and increased our digital engagement. Social media is used by young people to connect with friends, but more importantly, today a social life increasingly exists on social media for entertainment, learning and expression.⁶

(A) Platforms Overview: Most popular social media platforms among Indian juveniles and features that might influence behavior (e.g., anonymity, peer interactions).

Social media in this country is multi-pronged. A large number of young people are engaged with WhatsApp, Instagram, Facebook and a whole host of other apps, with TikTok (before it got banned) witnessing massive engagement with students and children. Every medium of social media has its own features, which perhaps might play a role in determining the kind of social behaviour they evoke, and possibly a role in the commission of offences by youngsters.

Used by 1.5 billion of active users, what makes WhatsApp useful is its instant messaging, a closed-off, presumably safer space for adolescents to send messages in their own privacy and in a secure environment. Its use of end-to-end encryption also allows small groups of users to chat and private settings are developed specifically with the intent of closing youths off in a

⁶ Aditi Anand & Mohini Taneja, *The Influence of Media on Public Perception of Crime*, *International Journal for Media Research*, 2024, at 2, <https://www.ijfmr.com/papers/2024/2/15227.pdf>.

group chat setting (like classmates) that can sometimes turn into cyberbullying or a space where unhealthy or illicit content can be shared without oversight.

Instagram is one of the most popular social media applications among teenagers. Its photo and video capabilities used in various formats are quite entertaining; as a result, many social trends related to teenager individualism and false loyalty are now related to this social media. For example, Instagram stories, reels and the ability to use private accounts that don't show your real name can foster creativity but also can be create an environment for serious problems such as the spreading of harmful content or involvement in dangerous challenges.⁷

We might see a slight decline in adoption among these same youngsters, but 'Facebook is the one service that still has every social network feature'. It retains its dominant position as a means of shaping the opinions and behaviour of its users, disseminating news via groups, pages and so on.

Now the banned TikTok was for many Indian youths a first glimpse into popular culture beyond anything they had encountered before – a source of snappy short videos, which, if successful, could lead to having more videos shown on users' social-media feeds. The very ease of using the app and the algorithm that allowed content to go viral made it easy to appeal to youth in ways that often had positive but also negative effects. The banned TikTok arguably has survived the ban in new formats as Instagram Reels and YouTube Shorts, the short video functions embedded into those platforms.

Some of their features, such as the anonymity available, the ability to interact with peers from all over the world, etc, act to magnify the problems of peer pressure, cyberbullying, exposure to criminals and pornography, among many others. In particular, anonymity empowers juveniles not to shy away, as they normally would in real person-to-person interaction, due to the fear of being identified and punished for their behaviour.

Also, since all activity on the platforms can generate likes, shares and comments, the gamification elements may compel adolescents to behave in more extreme ways to get such reinforcements. Social media elements that might work differently with respect to juveniles' brain development can include a sense of community, as well as isolation or competition, which can work in opposite ways to solidify criminal tendencies.⁸

⁷ Vk Muthu, Violence In Social Media And Its Negative Impact, Times of India Blog (Mar. 30, 2021, 22:45 IST), <https://timesofindia.indiatimes.com/readersblog/ezhil/violence-in-social-media-and-its-negative-impact-30702/>.

⁸ D. R. Sahu, A Study of Media Violence and Its Impact on Youth in India, *International Journal of Media Research and Technology* 13, no. 1 (2019): 17-28, https://serialsjournals.com/abstract/66904_ch-2-_dr._sahu.pdf.

(B) Recent Statistics: Overview of juvenile crime rates, focusing on changes coinciding with the rise of social media.

In India, the pattern of juvenile crime has changed in the last one decade. Both the crime rate and type of crimes committed by youth are now quite different from earlier times. As per the data released by an Indian government agency, the National Crime Records Bureau (NCRB), the trend of juvenile crime rates continues to fluctuate, but crimes committed using technology and social media show increasing tendency.

This growing trend follows the penetration of internet services and the increasing use of social media platforms among Indian teenagers.

For example, records of cybercrimes from 2010-2020 from NCRB reveal that crimes such as cyberbullying, cyberstalking, digital theft and so on committed by juveniles have seen a sharp rise during that period that coincides with the rapid proliferation of use of social media by the youth of this country. Easy availability of smartphones and the degree of anonymity they offer can be attributed to be the chief reasons for this new brand of juvenile delinquency.

Furthermore, the COVID-19 pandemic saw an even faster transition to a nearly fully digital lifestyle, with education, recreation and leisure, and socialization almost always mediated through screens, which coincides with the increased incidence of youth digital crimes and misdemeanors (especially as they were now spending more of their time online, without adult supervision).

(C) Types of Crimes: Categories of crimes most prevalent among juveniles, highlighting those linked to social media use.

Indian juveniles commit both traditional and new crimes related to social media. Juvenile crimes in India has only been divided into two categories: Traditional crimes associated with conventional offences, such as theft, vandalism and assault, and new kind of crimes, associated with technology, especially social media. Traditional form of crimes continues to constitute the major share of juvenile offences, but latest form of crimes committee is of serious concern.⁹

- **Cyberbullying and Harassment:** Among juveniles, cyberbullying and harassment is by far one of the most prevalent cybercrimes. The anonymous or pseudo-anonymous nature of use on social media sites facilitates a juvenile's ability to send threatening, embarrassing or hostile messages to their peer without fear of immediate repercussion.

⁹ Shalini Gupta, Mithilesh Verma & Anamika Singh, Effect of Media on Youth Crime, *International Journal of Home Science Extension And Communication Management* 2, no. 1 (Jan. 2015): 71-73, <https://www.researchjournal.co.in/>.

The psychological effects on the victim of cyberbullying can be profound and, at times, fatal – sometimes provoking mental health issues and even suicide.

- The abuse of sexting and distribution of explicit content is a problem: With the easy availability of social media and messaging apps, a juvenile may end up facing prosecution for distribution of explicit photos or videos, which can be considered illegal in terms of the laws governing child pornography in India. Apart from the legal hazards, the children risk becoming victims of blackmail, extortion, and further exploitation.
- Digital Theft and Fraud: Online – in the case of activities such as phishing attacks, identity theft and so forth – juveniles are often reported as being the perpetrators, attracted by the apparent ease of the cyber-money, along with a lack of complete understanding of the legal consequences of what they are doing. Reports of teenagers using phishing to steal online credentials, financial fraud, and other types of cyber hacking are not uncommon.
- Incitement and Hate Speech: Although platforms for user-generated content can be used for benevolent communication, they are also mediums by which juveniles spread hate speech and incitement. Communal and societal tensions sometimes find expression online, and juveniles can both consume such content and participate in its creation and circulation.¹⁰

This law treats juveniles differently from adult offenders (even though their crimes are still prosecuted under the adult criminal code) and prioritizes their rehabilitation over punishment, as enforced by the Juvenile Justice (Care and Protection of Children) Act, 2015. Digital crimes present new problems for this legal structure, and sometimes new loopholes that need to be updated and reformed to deal with new issues.

A quantitative and qualitative assessment of these trends, change, and the new crimes committed by the juvenile offenders, would help in framing legal avenues for preventive measures. It calls for the inclusion of digital education and cyber ethics into the schooling curricula to check the current escalating trend of cyber hate crimes among the youths.

III. IMPACT OF SOCIAL MEDIA ON JUVENILE BEHAVIOR

The example of juvenile crime and the role of social media can be supported by case studies where digital platforms act as an influencing factor in shaping the behavior of young people,

¹⁰ Nandini Chakraborty, *Articulation of Media on Juvenile Delinquency with Special Reference to India*, *International Journal of Social Sciences and Humanities* 5, no. 1 (Apr. 2021): 32-44, <https://doi.org/10.29332/ijssh.v5n1.850>.

and sometimes, go as far as to serve as an incitement to commit a crime.

- **The Blue Whale Challenge:** Perhaps the most well-known example of social media affecting youth behaviour is the Blue Whale Challenge phenomenon. In this game, it was speculated that players received a number of tasks over 50 days across a social media platform from pairs of administrators before the final task would be to ‘jump from a high place’. Although an organised game of this type is disputed, there have been a number of reported cases in India where youths participated in online discussions and dare-style games as a prelude to self-harm and suicide. This case demonstrates the potential for social media to escalate dangerous behaviour in youth groups.
- **Cyberbullying leading to suicide:** In another case, a 16-year-old Mumbai girl took her life after being harassed by a string of messages on a social media platform. The incident highlighted the vicious role of cyberbullying using social media which enables hate speech, abuse and bullying through its accelerated reach as well as the anonymity it provides. It had also called upon the social media platforms to enforce tighter control, while pointing towards effective police action under relevant statutes including the Information Technology Act, 2000, which deals with cybercrimes and their penalties.¹¹
- **Heinous violence targeting children:** Rumor on social media ignites mob lynching Artifacts: Juveniles as both perpetrators and victims of mob violence incited by viral rumors on social media (e.g.: See the full article here: Facebook post inciting vigilante jungle justice mission against alleged child abductors Jungle Justice in Nigeria: The Fear of Evil Spirits Entry on 4 June 2012: Attacks on Children: Ongoing Intimidation of At Risk Children Media report on the murder of Saliah Abdullah, age 11, and injury to 15-year old Habibat Junaid in Jos on 19 May 2012).
- The viral nature of social media content (whether authentic or fake) is illustrated by these cases.

That these cases demonstrate how social media is becoming an incubator for juvenile criminality, setting the tone for young people’s behaviour and in some instances even contributing to their deaths, is a separate point. Like some of the cyber grieving literature mentioned above, they highlight the urgent need for more robust social monitoring mechanisms on social platforms and for schools and professionals to provide a proactive educational programme for young users to make them aware of the consequences of what they are

¹¹ Sadiq Md, Role of Media in Boosting Violence in Adolescent Youth: An Indian Viewpoint, *International Journal of Multidisciplinary Educational Research* 10, no. 6(8) (June 2021), <https://ijmer.in/doi/2021/10.06.143>.

uploading.

(A) Psychological Impacts: Effects of social media on juvenile psychology and subsequent behavior.

The psychological impacts of social networks on adolescents are complex and manifold as they are influencing their mental health and behavioral style in a wide spectrum: First, the exposure to violence, anti-social phenomena, frank sensuality and roughness activate psychological defenses across their developing brains leading to a complex mix of emotions such as fear, anxiety, bodily pain, and psychosomatic premonitions.¹²

- **Impulse control and gratification:** social media encourages impulsivity and the immediate satisfaction of primitive impulses, which may hinder the normal development of impulse control. In a world driven by dopamine, the continuous stream of immediate and highly visible rewards (likes, comments) often serves as a trigger for addictive behaviour, in which the primitive need for immediate satisfaction prevails over longer reflected decisions. In turn, this increases the risk of engaging in risky behaviour both online and offline.
- **Self-esteem and identity formation:** Perhaps because identity formation initially comprises perceived deficiencies or weaknesses, young people are especially susceptible to feelings of low self-esteem in adolescent years and this susceptibility is heightened by interaction through social media, in which they are able to compare themselves against others, most of whose depictions – particularly on Facebook – are hugely exaggerated and unrealistic. This comparison results in a number of pathologies, such as inadequacy complexes, envy, and depression, which can, in certain cases, provoke criminal activity or antisocial behaviour as a way of coping or providing compensation.
- **Normalization of Violence:** Publication of weaponized social media as part of the toxic online environment of harassment, bullying and hate provides a normalizing function for violence for young people. They are exposed daily to violent images and language that are salient and can lead to a desensitization to violence more generally. Such desensitization can lower thresholds for violence – making it seem normal and lowering the bar for committing acts of violence themselves, while also lowering perceptions of

¹² Yana Gupta & Ayush Mangal, *Social Media – A Breeding Ground for Juvenile Offenders*, Criminal Law Studies Blog, National Law University, Jodhpur (Aug. 10, 2021), <https://criminallawstudiesnluj.wordpress.com/2021/08/10/social-media-a-breeding-ground-for-juvenile-offenders/>.

the seriousness of violent crimes. This in turn can lead to increased involvement in physical fighting including other types of violence.

- **Cyber Disinhibition:** The anonymity provided by many online platforms and social media sites can provoke ‘cyber disinhibition’, which occur when young people say or do online things they would not in person, such as engage in cyberbullying, send sexts, and/or transmit hate speech that have serious emotional and legal consequences.

These secondary psychological consequences require for early education and monitoring of social media to prevent young people’s behaviour from being harmed by these platforms. And rules and regulations should be modified accordingly to the fast-changing digital environment to protect young people from the potentially

IV. LEGAL FRAMEWORK GOVERNING JUVENILES AND SOCIAL MEDIA USE

Indian legal policy on treating juvenile delinquency has been established by the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) which is a general act regarding the welfare and rights of children. It offers care, protection, and development of children in conflict with law as well as those in need of care and protection. It tries to promote a child-friendly approach, recalling that juveniles are entitled to all fundamental rights under the law and by virtue of being children. The act requires that they be treated in such a manner as would respect their dignity and paramountcy of the welfare of the juveniles throughout the judicial process.¹³

The JJ Act defines juvenile offenders into two categories: children in conflict with law (those who have committed an offence) and children in need of care and protection. The procedures for each group are different, with rehabilitation embraced over retribution, and reintegration taking precedence over punishment. Provisions include:

- **Age of criminal responsibility:** This Act determines that minors (children under 18 years of age) who commit an offence are to be treated as minors.
- **For Heinous Offences:** Special provisions may be made (even by law) for juveniles in the age group of 16-18 years who commit heinous offences to be tried as adults – subject to a preliminary assessment by the Judicial Magistrate First Class (Juvenile Justice Board).
- **Rehabilitative Services:** The Act allows for educational, vocational, and other training

¹³ Jash Raj Gupta, *Social Media And Human Rights Of Juveniles in India: A Study*, Legal Service India (year), <https://www.legalserviceindia.com/legal/article-11087-social-media-and-human-rights-of-juveniles-in-india-a-study.html>.

programmes, socialization services and family therapy, or other rehabilitative services for the correctional and social reintegration of juveniles into society.

- **Diversion Measures:** It advocates for diversionary measures to take place outside of the juvenile justice system, to avert the stigmatization and potentially harmful effects that may come with formal legal action, for youngsters involved in petty offences.

These Articles illustrate the Indian legal system's appreciation of juveniles' different needs and rights and its desire for a correction-based system, rather than one based on coercion.

(A) Information Technology Act: Regulations that impact juveniles' use of social media, including cybercrimes.

Along with the Juvenile Justice Act, Information Technology Act, 2000 (IT Act) plays a key role in shaping how juveniles interact with the digital space and especially the context of committing and being victims of cybercrimes. The IT Act is intended to apply to all kinds of cyber activities with some points keeping specific reference to the misuse of digital space by and against juveniles: 1 Besides this, it is pertinent to mention two amendments made to the IT Act, after the occurrence of Nirbhaya rape case, in 2012. These amendments are: ¹⁴

- **Offence and punishment for sexual assault by using computer resource:** It is a cognizable offence and carries punishment of imprisonment between five years and life, with fine up to Rs100,000 in case of death of victim.
- **Stringent punishment for increasing degree of sexual assault:** The imprisonment ranges between rigorous imprisonment of seven years and life imprisonment, and fine ranging from Rs500,000 to Rs (1) million in case of deteriorating health of victim or being rendered vegetative state.
- **Section 66C: Punishment for identity theft.** Imprisonment up to three years and/or fine which may extend to one lakh rupees.
- **Section 66D: Punishes personation by computer resource with the same punishments as Section 66C.**
- **Section 67B:** Of special interest and relevance, and a threat to juveniles, is this provision expressly targeting the dissemination or transmission in electronic form of material portraying juveniles engaged in sexually explicit conduct and the like. This provision is especially crucial against the backdrop of sexting and distribution by juveniles of images

¹⁴ Anuj Kumar, Influence of Social Media on Juvenile Cyber Crimes and Its Impact on Indian Society, Dr. Yashpal Netragaonkar (Jun. 8, 2018), https://issuu.com/dr.yashpalnetragaonkar/docs/74._anuj_kumar__atarra.

of explicit sexual conduct and similar material.

Further, the IT Act mandates that the protection and wellbeing of children in relation to online material is assured by providing that ‘no person shall publish or transmit through the internet, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it’. The IT Act, therefore, essentially brings within its ambit of legal redress any cybercrime involving juveniles as victims or as perpetrators, complementing the provisions under the JJ Act.

The juvenile Justice Act and adult Information Technology Act are complemented by one another to create a comprehensive legal regime that combines the twin objectives of rehabilitation and reintegration of juvenile offenders and preparing law enforcement systems and judges to handle the digital dilemmas as they arrive. Together, these laws provide an even-handed approach that favor the safety, security and care of juveniles while also holding them accountable in a manner commensurate with their stage of growth and the aims of the juvenile justice system.¹⁵

V. LANDMARK CASES

Social media has magnified the volume of juvenile crime in India, and the judiciary has been forced to chart its response through the riptide without much precedent or jurisprudence; it is an ocean of murky waters. But landmark cases exist that set precedent, and that show the way for the many more boys who are likely to cross the line like the boys who committed these crimes. A brief review.

1. The Kishori case ¹⁶(1 murdered in a hospital in a small coastal town in West Bengal. She was hacked to death. Her 18-year-old murderer belonged to a poor backward schedule tribe. A doctor present in the room said she was killed by nine other people who hid after wielding the deadly axe. The accused said he had been forced to join by an older person.

- *Shreya Singhal v. Union of India*¹⁷, Even though not directly related to juveniles, the benchmark Supreme Court decision striking down Section 66A of the Information Technology Act, 2000, a draconian section misused by police for arrests of people for posting ‘annoying’, ‘offensive’ or ‘menacing’ information on social media, is relevant

¹⁵ Jonathan Intravia et al., *Investigating the Relationship between Social Media Consumption and Fear of Crime: A Partial Analysis of Mostly Young Adults*, 77 *Computers in Hum. Behav.* 158 (2017).

¹⁶ *Kishori v. State (NCT) of Delh*, AIR 2000 SC 562.

¹⁷ AIR 2015 SC 1523.

as it relates to juveniles. The judgment extolled the virtues of free speech by holding that the right under Article 19(1)(a) of the Constitution was important and had to be balanced with the right not to be subject to abuse. Needless to add, young people are busy on these platforms.

- *Jitender Singh v. State of Uttar Pradesh*¹⁸: In keeping with the above discussion, Jitender Singh was a juvenile accused of using a social network for ‘electronic bullying and uploading of defamatory material against the complainant’. The Allahabad High Court recalled prescribing the ambit of the Juvenile Justice Act on matters of digital platforms, re-emphasizing the difference between juveniles and adults, and aspiring to their ultimate rehabilitation.

These cases demonstrate the difficulty that social media poses, and the desire of the judiciary to calibrate legal rules to the challenges they present, while also safeguarding and rehabilitating juveniles.

(A) Technology's Role in Monitoring and Preventing Juvenile Crime

Technological advancement – marked by proliferation of digital surveillance technology – has revolutionized the process of policing and has transformed the manner in which law enforcement agencies register and handle crimes committed by juveniles. The Indian context is an apt example for analyzing the surge in technological policing and surveillance of juvenile crime. This involves not only policing and surveillance technology, but also the expanding usage of data analytics and predictive policing literature and techniques. This piece sheds light on the latter.

- **Social Media Monitoring:** Social media monitoring tools are growing in popularity among law enforcement agencies. These applications are used to patrol social media and to check for potential threats or criminal patterns. For instance, they can identify phrases such as: ‘I’m selling drugs’, or ‘I beat my grandma,’ etc. This type of information disseminated over social networks will alert law enforcement agencies and will allow them to stop these incidents before they turn into major crimes.
- **Cyber Patrols:** Paralleling their counterparts in community policing, cyber patrols are the monitoring of the digital space by personnel of the police department, primarily to interact with potential juvenile offenders or victims of cybercrime. These departments are also instrumental in creating awareness among citizens and school children about

¹⁸ AIR 2010 SC 1851.

cybercrime, especially the dangers of pornography, harassment, securing electronic identities, and the like. Special units, called cyber cells, are set up within police departments to handle these tasks.

- **Digital Forensics:** The use of digital forensics is essential in solving crimes that involve electronic devices and social media. Along with tools for digital forensics, techniques to retrieve deleted data and also trace the digital footprints can now be used. All the evidence collected through digital forensics is extremely useful in the prosecution of juvenile crime.¹⁹

Such technologies are certainly useful in curbing juveniles indulging in crimes and creating a sense of deterrent; however new technologies also raise serious issues of legal and ethical implications especially in respect of the dichotomy between what should be the appropriate balance between security concerns and the right of privacy as an individual. Laws implemented on the use of such technologies must be responsible and in accordance with the Information Technology Act, 2000 and the Indian Penal Code.

(B) Preventive Measures: Technology-driven initiatives to educate and prevent juvenile engagement in criminal activities.

Beyond surveillance, technology is a key factor when it comes to prevention of delinquency in youth through educational and preemptive measures. These technological methods of preventing delinquent behaviour are intended to inform children of the consequences of criminality and to shape them into positively behaved citizens.²⁰

- **Online courses:** Many non-governmental organisations (NGOs) and public sector organisations have launched online courses of content on the legal consequences of some behaviour and the ethics of being and using the internet. Most of the programmes are designed to be gamified to reach the youth. For instance, such programmes teach the scenario of good and bad behaviour that the youth might encounter online and help them identify unwanted online interactions.
- **Social Media Campaigns:** Police departments, private entities and civic community groups run social media campaigns on regular basis. These campaigns focus on juvenile

¹⁹ Pankhuri Thukral & Vanshika Kainya, *How Social Media Influence Crimes* (Apr. 2022), https://www.researchgate.net/publication/360540601_How_Social_Media_Influence_Crimes.

²⁰ Feby Anna Kuriakose & Paul Samuel, *Juvenile Offences and Social Work Intervention: A Study on the Influence of Mass Media on Children in Committing Crimes*, *BCM Journal of Social Work* 17, no. 1 (June 2021): 1-24, <https://bcmcollege.ac.in/wp-content/uploads/2022/03/Juvenile-offences-and-social-work-intervention-A-study-on-the-influence-of-mass-media-on-children-in-committing-crimes-by-Feby-Anna-Kuriakose-and-Paul-Samuel.pdf>.

laws, the dangers of cybercrimes and how to seek help if they are involved in or witness to such crimes, leveraging the same platforms that incite juvenile delinquency to becoming legitimate platforms of change.

- **Peer Protection and Reporting Systems:** There are now peer protection and reporting systems available through technology enabling youths to mentor one another but only with the overseeing and supervisory power of those in authority, as well as various online systems granting anonymity to youth on any suspected and strange activity with no fear of reporting.

If technology is not just used for surveillance purposes but is also used as a tool for education and preemptive engagement, there is huge scope for technology to counter the ‘contamination’ that social media can cause in juvenile crime. Such initiatives highlight a holistic approach to juvenile justice, whereby the purposes of enforcement are tempered with empowerment, strengthening tools that enable young people to become responsible digital citizens. They can negotiate the trickiness’s and temptations of the digital environment safely and responsibly. It is this balance that should facilitate the most productive use of technology for security needs as well as the developmental needs of young people in a digital age.

VI. STATISTICS OF RECIDIVISM RATE

Year	IPC Related Crimes Recidivism Rate (Juvenile)	Special & Local Laws Related Crimes Recidivism Rate (Juvenile)	Juveniles Arrested (IPC)	Juveniles Re-arrested (IPC)	Juveniles Arrested (SLL)	Juveniles Re-arrested (SLL)
2018	5.84	5.20	61841	3611	16238	844
2019	7.69	5.27	41809	3215	15536	818
2020	3.71	2.72	30487	1131	3635	99
2021	4.65	15.67	31204	1450	4142	648
2022	5.49	2.50	31530	1731	4409	110

Table 1.3 Trends in Recidivism Rates for Indian Penal Code (IPC) and Special & Local

Laws (SLL) Related Crimes, Data Sourced from National Crime Records Bureau (NCRB)²¹

Looking at table 1 and table 2, we can see all the information we need to assess how the rehabilitation institutional programs in India succeeded to reduce the recidivism of Juveniles between the years 2005 to 2009.

From table, we see that most of the juveniles got involved in the IPC Codes. The recidivism was smaller after the institutional training and the new methods which were used by the government to change the behaviour for juvenile offenders. It seems that in 2005, the group of juveniles caught for the first time and sent to an institution or a rehabilitation center to prevent recidivism was more than double of those caught for a second time. The rates greater than 0.5% are very less, taking into account the number of first and second timers per gang. In conclusion, the by 2009, the government managed to decrease recidivism in juveniles committing IPC crimes.

First, the percentages of juveniles committing SLL crimes are in a higher escalation. At the beginning of 2005, most of the juveniles got caught for the first time for some crimes. After that, the number decreased greatly to the point that there are almost none of them who got caught for a second time. This is very surprising because if we look at table 1, the IPC recidivism almost doubled in 2009. We can also notice a great difference in the number of females in IPC, which is 4.2. While the number of males is almost 3 times more than the females at 12.6. A certain amount of women is caught by the juvenile laws. The percentage was barely noticeable at 0.02 which is 2 females who got caught for a 2nd time during 2005. At the end of 2008, 0.144%(0.14 rounded) which is 14 females got caught for a 2nd time.

IPC Related Crimes Recidivism Rate Analysis:

- 2018-2019 Spike – There was a steep rise in recidivism % from 2018 to 2019 among young offenders arrested for IPC crimes. The surge notes potential deficiencies in rehabilitation programs or structural problems with the resolution of the reasons that lead to criminal offenses. Hence, there is a necessity to introduce improved response mechanisms and address all stakeholders involved such as the availability of personalized rehabilitation plans, pay attention in education and improve access to psychotherapy among others.
- 2019-2020 Decline: It can be said that the subsequent decline in recidivism rates from

²¹ National Crime Records Bureau, *available at*: <https://ncrb.gov.in> (last visited February 8, 2024).

2019 to 2020 can relate to the interventions being implemented during the period. It possibly relates to the targeted rehabilitation activities such as skill-building programmes, vocational work training and community services provided that reduced offenders recidivism rates.

- **2021 Fluctuation:** The fluctuation in recidivism in 2021, with a slightly higher incidence than in the previous year, demonstrates that the effectiveness of reformation programs in these instances may vary significantly from year to year, or even be compromised in maintaining consistent results. Different factors – such as changes in funding for the programs, fluctuations in personnel, or changes in policy priorities – could have caused this effect.
- **2022:** While it is important to understand this decline, the drop-in recidivism rates could potentially be the result of adaptation (i.e., reviews of identified issues) or response (making changes within rehabilitation programmes) to identified problems – adding to the complexity of what needs to be sustained over time. We need to have ongoing monitoring and evaluation of what works and what doesn't, with action to be taken based on these findings, while also not overlooking the gaps for which no easy interventions exist. Ultimately, not knowing is perhaps the biggest challenge for those of us who advocate for rehabilitation and are witnessing the resurgence of rehabilitation for juvenile offenders.

SLL Related Crimes Recidivism Rate Analysis:

- **SLL juveniles:** A consistent downward decrease in recidivism for juveniles during 2018-2020, related to SLL crimes, may further the progress of rehabilitation efforts or change in policies that serve this demographic by improving selected community reintegration programmes, diversionary practices and rehabilitative services in juvenile facilities.
- **2021 Spike:** The substantial increase in recidivism rates in 2021, regarding Crime X but also other SLL related offences, and seemingly slightly concerning court personal, may indicate a bottleneck or obstacle encountered in the depicted rehabilitation programme, which could possibly originate from shortcomings and restrictions in service delivery, access to available resources or systemic factors hampering the process of successful reintegration into society.
- **2022 Recovery:** When recidivism rates have decreased in the following year (2022), we evidential see a recovery from the challenges posed the former year. This shows that the rehabilitation institution made some adaptive measures to rectify the challenges

identified and the policy parameters adjusted for better results of the juvenile offenders involved in SLL related incidents.²²

From the graph we can observe that, after ten years, relapse rates come close for both IPC and SLL crimes. This suggests that, even if there is no connection between them, rehabilitation institutional programmes in India seems to suffer from changes over time. One can see that there are changes in the law of juvenile justice, fluctuation in fund and resources for that programme. All above involve changes in program's strategy, which make it more and more difficult for juveniles to rehabilitate properly. Undoubtedly, our country needs to control juvenile recidivism rate more strictly. Juveniles are the future of our country. However, from practice we can see that there are many youngsters who break the promises they made as well as falling into the wrong path. Any kind of system breaks people, but the key point is how we reform the system to help our youngsters stand up on their own feet. The best way to improve our rehabilitation institutional enhancement programmes after each instance of failure.

(C) Impact of social media: Explore whether social media has affected the rates of reoffending among juveniles.

Recidivism, which is the science of measuring how a convicted criminal reoffends, is a notoriously critical statistic in determining the proper and proportional application of the criminal justice system in the case of minors. The advent of social media which symbolizes today's internet-centric society, is also increasingly associated with juvenile recidivism.

Social media seems to have a stronger impact on juvenile offenders, and researchers and stats are just now starting to shine a light on its effect on behaviour after a jail sentence or other form of intervention by the justice system. Social media can:²³

1. act as a network that fosters rehabilitation, and
 2. cause more antisocial behaviour.
- Painting a rosy picture of life outside: When youngsters are confined, they are kept in their own demographic brackets that assist rehabilitation. Many juvenile facilities conduct studies on delinquent youths' habits so that they can better assist with reformation and rehabilitation. However, it is possible that exposure to the lives of others on social media could exacerbate recidivism, reliably fueling the flame of those negative influences and peer groups that incited the juvenile's criminal actions in the first place.

²² *Ibid.*

²³ Tuhina Sinha, Juvenile Justice and Media Perspective in India: -Analysis, Zenodo (year), <https://zenodo.org/records/6502479>.

Persistent and un-mediated interaction can hinder rehabilitation, and draw a juvenile back into the criminal fold • Relapse: social media can offer an instant means of reversion to an already criminal habit, particularly if this habit is a modern one, such as cyberbullying, cyber theft or identity theft.

- **Social Enabler for Rehabilitation:** On the other hand, social media also provides novel tools that can support the rehabilitation process and potentially decrease recidivism rates. Social media platforms that promote pro-social interactions and offer access to educational and motivational content can help reintegrate juveniles into society. Programmes such as online counselling, peer-support groups and education programmes on digital literacy and responsible internet use have the potential to use the ubiquity of social media for good.

(D) Comparative Analysis: How recidivism rates compare before and after the widespread adoption of social media.

To truly illustrate the tangible influences of social media, a comparative study of juvenile recidivism rates approximately 10 years before and after the social media boom will help clarify how social media has impacted juvenile recidivism. In a world before social media, important traditional factors requiring attention included the family environment, peer groups, and whether or not rehabilitation programmes gave the inmate a sense of belonging and assisted them in staying out of prison. With social media, certain dynamics might be introduced to these traditional factors.

Older studies and reports pointed to immediate, intimate, physical relationships as key to recidivism. Programs that changed such factors had demonstrable effects on the likelihood of reoffending.

After social media the main parameters determining juvenile behaviour have swelled to include digital interactions with peers, creating significant implications for self-esteem, world views and behavioral cues, all of which are prominent issues for recidivism. Some of the newest studies indicate a complex picture of social media as both a deterrent and a risk factor for reoffending, depending upon the context of juvenile usage.²⁴

Statistically, there is a lack of targeted data available to acknowledge the influence of social media in recidivism rates of Indian juveniles, as only limited research has been conducted in this area. However, considering the available preliminary data, social media although can

²⁴ Vijay Singh, Impact of Social Media on Social Life of Teenagers in India: A Case Study, *Journal of Academic Perspective on Social Studies* 2019, no. 1: 13-24 (2019), <https://doi.org/10.35344/japss.529285>.

potentially escalate the risks of reoffending with the negative influences, strategic utilization of social media in reformation centers can provide with a conducive space to effectively bring down recidivism rates.

VII. CHALLENGES AND POLICY SUGGESTIONS

The legislation is more or less there in place to protect against these issues, but there's a lot of grey area – especially when you look at the fast pace of technology and how older laws don't always cater to some of the newer things.

- **Vague Framing of Offences:** Existing laws such as the Information Technology Act, 2000, and the Juvenile Justice (Care and Protection of Children) Act, 2015 do address the broader contours of cybercrimes and juvenile delinquency. However, they fail to address offences specific to social media. It is because of these lacunae that the latest form of cybercrimes, which are either perpetrated through or influenced by social media platforms such as the rise of cyberbullying, revenge porn or viral challenge-induced crimes, go unchecked or even unidentified for that matter.
- **Jurisdictional Issues:** social media is a global marketplace, and many of these sites are hosted outside India. Enforcement is notoriously difficult if the platform itself is not based in India. The international nature of the internet can hinder the legal processes needed to track and prosecute perpetrators of online crimes.
- **Rapid technological change:** the legal system can neither keep up, nor anticipate rapid technological change, which often makes current regulations obsolete. At the time that legislation is introduced or passed, new forms of technology or new social media abuse have already developed.

(A) Suggestions for policymakers to better manage the influence of social media on juvenile crime.

To fill those gaps in order to improve the legal rules governing the effects of social media on juvenile crime, certain policy suggestions may be made:

- **Legislative reform:** Policymakers should address definitional and legislative gaps that currently prevent effective policing and prosecution of bullying offences. To this end, new laws and regulations would need to be updated and clearly tailored to identify legal issues engendered by social media. An example of such necessary updates includes defining cyberbullying in the statute books. Other legal questions include establishing clearly what would constitute harm to 'the reasonable user' or 'the reasonable victim'.

Likewise, questions surrounding the legal duties of social media platforms, and those sites' interactions with law enforcement agencies need to be addressed in protocols.

- **Improved Collaboration with Tech Companies:** A formal mechanism should facilitate cooperation between government agencies and technology companies on data-sharing, reporting mechanisms and action on complaints, including on crimes carried out by juveniles. Periodic dialogues and partnerships would help ensure policies remain current with respect to technological developments.
- **Education and Awareness Programmes:** We need to create sweeping digital literacy and online safety programmes for schools to educate juveniles about the ways in which they can use social media responsibly. These should include classes on what the law regards as proper or improper conduct online, as well as what constitutes appropriate ethical use of the internet. In addition, they should teach children about the safeguards they can employ to ensure that the internet doesn't pose a threat to them.²⁵

(B) Proposals for using technology to mitigate negative influences while enhancing positive outreach.

Beyond legal and policy countermeasures, for instance, such technological interventions can hold great promise for meaningful avenues of intervention – that is, they can help neutralize the ills of social media on juveniles, while engendering their salubrious uses.

- **Advanced monitoring tools:** Create and distribute sophisticated monitoring tools that can be utilized to identify patterns of criminal behaviour or other signs of distress among youth on social media. The monitoring software may employ machine-learning algorithms to recognize preliminary behavioral indicators of risk, and alert authorities or caregivers to intervene as early as possible.
- **Safe Platforms:** Safe online environments for kids, using technology, to help guide and shield them. By setting up AI-managed safe platforms for juveniles, ensuring strict and age-appropriate privacy controls, filtering out harmful content, developing features to help them connect with like-minded peers, in order to experience and access safe online communities to learn from their experiences, interact in positive environs, benefiting from positive contributions by their peers and well-wishers.
- **Big Data for Prevention:** Collections of big data from juvenile social media use and

²⁵ Jimi John & Sumy John, Role of Media in Augmenting Violence in Adolescent Youth: An Indian Perspective, 2020 Journal of Interdisciplinary Studies 2020, no. 61: 12-19 (Jan. 2020), <https://doi.org/10.18488/journal.91.2020.61.12.19>.

juvenile crime can assist in predicting trends and patterns in crime, and its potential prevention. Big data has the power to help assess policy and intervention outcomes over time.

If they successfully counter these challenges and come up with strong policy and technological suggestions in the process, India will be well-armed to address the interconnected issues emanating from social media and juvenile crimes, and realize its true potential as a true beacon of hope and safety for the younger generation in the emerging 'digital' era. This will, in turn, help in checking the easy manipulation and tapping social media for malicious causes as well as its potential in realizing a positive outcome for the youth.

(C) Conclusion

The relationship between juvenile offences and the explosion of social media use in India gives us a picture of a finely balanced situation where digital media becomes both a strain and support to social norms or legal restrictions. The changing nature of juvenile offences has, once again, prompted innovation in our understanding of juvenile delinquency, and which forms of legal and preventive measures to adopt.

The function of social media in developing children's antisocial behaviour is multilayered. On one hand, platforms such as Instagram and Facebook serve as communication channels between individuals, and as an outlet for expression of self. On the other hand, these online presences potentially entail risks. Exposure to antisocial behaviour being glamorized and the prevalence of anonymity that comes with digital communications contributes into the culture where adolescents perceived greater freedom to commit crimes with less tangible representation of repercussions. The statistics on cyber-crimes among juveniles paint the portrait depicting drastic increase among juvenile cybercrimes, including cyberbullying, sharing nude photos (called sexting) and digital theft. Such crimes gained momentum as most adolescents have access to smartphones and the web.

Indian approach of law, in particular by the Juvenile Justice (Care and Protection of Children) Act 2015, addresses these problems in relative detail, by making rehabilitation rather than retribution the main aim of the law, and by adjusting legal provisions to the effect of age and psychological development in juveniles. But these laws rarely manage to keep pace with technological evolution, and grow increasingly porous and outdated in the face of growing sophistication and innovation. Another law that supports Indian juveniles who commit cybercrimes, as perpetrators or victims, is the Information Technology Act 2000.

The study also highlights some of the path-breaking cases that demonstrate the ways in which

the judiciary in India has dealt with juvenile crime associated with social media and the need for continual legal reform to keep up with and address the complexities of ‘cyber’ – enabled crimes of juveniles.

Further technological developments in the field of surveillance and monitoring also promise some solutions by allowing a more efficient police surveillance over cases of juvenile crimes committed in the cyberspace. Maintaining a balance between the need for security measures and the privacy of the individual, particularly the juvenile, is most essential.

Social media can be preventing with educational programmes, which can encourage young people to demonstrate digital literacy and ethical practices with the internet. Young people should be educated by teachers about the dangers of social media, and tech companies should also contribute. Legal ideologies should be update, when it comes to young people and social media. Measures should be taken in local areas to try and prevent social media from becoming a huge problem for us.

In conclusion, it is important to take a holistic approach that integrates legal, educational and technology strategies to combat the challenges of social media and juvenile delinquency. By creating a proactive and informed community, bolstering existing legal policies and using technology for positive outreach, social media can become a force for good and reduce its role in facilitating juvenile delinquency. Stakeholders from the government, educational institutions, civil society and technology sectors have a role to play in creating a safe digital space for India’s youth.
