



# **A Critical Analysis On Government Policies And Legal Framework To Curb Drug Use Among Minors In India**

**1R SHARMILA, 2Astrich Rinaldi C A**

**1LLM, INTERNATIONAL LAW AND JUSTICE , 2LLM, Department of Crime and Forensic Law**

**1GOVERNMENT LAW COLLEGE MADURAI ,**

**2The Tamil Nadu Dr.Ambedkar Law University, Chennai**

## **ABSTRACT**

Drug abuse among children is emerging as a serious social and legal concern in India, posing significant threats to physical, psychological, and social development of the children. This research examines the multifaceted causes and consequences of drug use among children, focusing on genetic, psychosocial, and socioeconomic factors that contribute to substance dependence. In India Despite the existence of stringent legal frameworks, children remain vulnerable to drug addiction due to peer influence, social instability, and inadequate preventive mechanisms. The study highlights the growing link between drug abuse and juvenile delinquency, as affected children often become entrapped in cycles of crime and problematic behaviour. Furthermore, the paper explores the pivotal role of the Indian judiciary in combating this issue through judicial activism, landmark judgments, and policy interventions aimed at safeguarding the rights of the children. It evaluates the effectiveness of existing laws, rehabilitation programs, and awareness initiatives while emphasizing the need for stronger enforcement and inter-sectoral collaboration. By adopting a socio-legal perspective, this research seeks to provide a comprehensive understanding of the drug abuse crisis among children in India and proposes strategic measures to mitigate its long-term impact on the nation's youth and society.

**Key words:** Drug abuse, socio-economic, juvenile delinquency, rehabilitation, safeguarding

## INTRODUCTION

“Children are our Greatest Treasure. They are our future.”- Nelson Mandela. Children are not only a source of pride but also the cornerstone of our nation's future. India's population in 2025 is estimated to be around 1.46 billion. In 2025, India's minor population (under 15) is estimated to be approximately 433.8 million. According to estimates from the National Commission. For the Protection of Child Rights, a significant portion, Ranging from 40% to 70%, of India's homeless children, which amounts to 18 million individuals, face the grim reality of drug addiction. <sup>1</sup>Several states in India, including Punjab, Haryana, Rajasthan, Gujarat, Hyderabad, and Andhra Pradesh, have witnessed a stark increase in drug abuse among children, as reported by the UNDCP's World Drug Report for 2022. A drug addict is a person who has developed a physiological or psychological dependence on narcotic or psychotropic substances. Under the Narcotic Drugs and Psychotropic Substances Act, any individual who knowingly assists a narcotics trafficker or conceals substances on behalf of another is criminally liable for the act done. In the case of R.V. Jackson 1977 the court held that mens rea may be inferred where the aider possessed knowledge of, or was wilfully blind to, the criminal enterprise, thereby justifying prosecution for complicity. Drugs are defined as substances or chemicals that can create a habitual dependence, directly impacting the brain, consciousness, nervous system, and overall bodily functions, with the potential for misuse. Regular and improper use of drugs poses significant dangers to the human body. Drugs like Cannabis, Marijuana, Cocaine, Ganja, Cocaine, Crystal Meth, Opium etc. are illegitimate and illicit drugs. The origins of drug abuse can vary, with factors such as economic, social, and physiological influences playing a role.<sup>2</sup> It is crucial to note that drug use is not only detrimental to individual health but is also considered anti-social and is in violation of the laws of India. This paper highlight valuable insights into the prevalence, patterns, and profiles of children involved in substance drug abuse, emphasizing the urgent need for preventive and intervention strategies.<sup>3</sup> The research contributes significantly to understanding the multifaceted issue of drug abuse among children and provides essential recommendations for addressing this critical public health concern in India.

<sup>1</sup> UNDCP World Drug Report 2022 (Jun 27, 2022), available at <http://www.unodc.org/unode/en/data-and-analysis/world-drug-report-2022.html> (visited on September 29, 2022).

<sup>2</sup> (<https://www.fairplanet.org/editors-pick/what-is-behind-the-rise-in-drug-abuse-in-indias-youth/> (visited on October, 2023)

<sup>3</sup> (A Dhawan, Rd Pattanayak, A Chopra, Vk Tikoo, R Kumar." Pattern and profile of children using substances in India: Insights and recommendations", Natl Med J India (2017)

## 1. Economic factors

## 2. Social factors

## 3. Physiological influences

### OBJECTIVES

1. To understand the scope of narcotic drug addiction among children in India.
2. To analyze the role of the judiciary in addressing child drug addiction.
3. To identify the challenges and gaps in the legal framework concerning children and narcotic drug addiction in India.

### RESEARCH QUESTION

How effective are judicial interventions & legal frameworks in managing narcotic drug addiction among children in India, and what are the primary factors influencing their success or limitations?

### RESEARCH METHODOLOGY

The author has indulged in doctrinal research wherein the legal documents, court rulings, policy frameworks and reports on child drug addiction are examined to assess the existing legal landscape and its application in addressing the issue.

### REVIEW OF LITERATURE

<sup>4</sup>The research article "Substance Abuse among the children: A Rising Problem in India" by B.S. Rathore, U. Joshi, and A. Pareek, provides valuable insights into the escalating issue of drug abuse among children in India. The authors conduct a thorough examination of the factors contributing to this problem, its prevalence, and its consequences on the young population. They also explore potential preventive measures and interventions. This

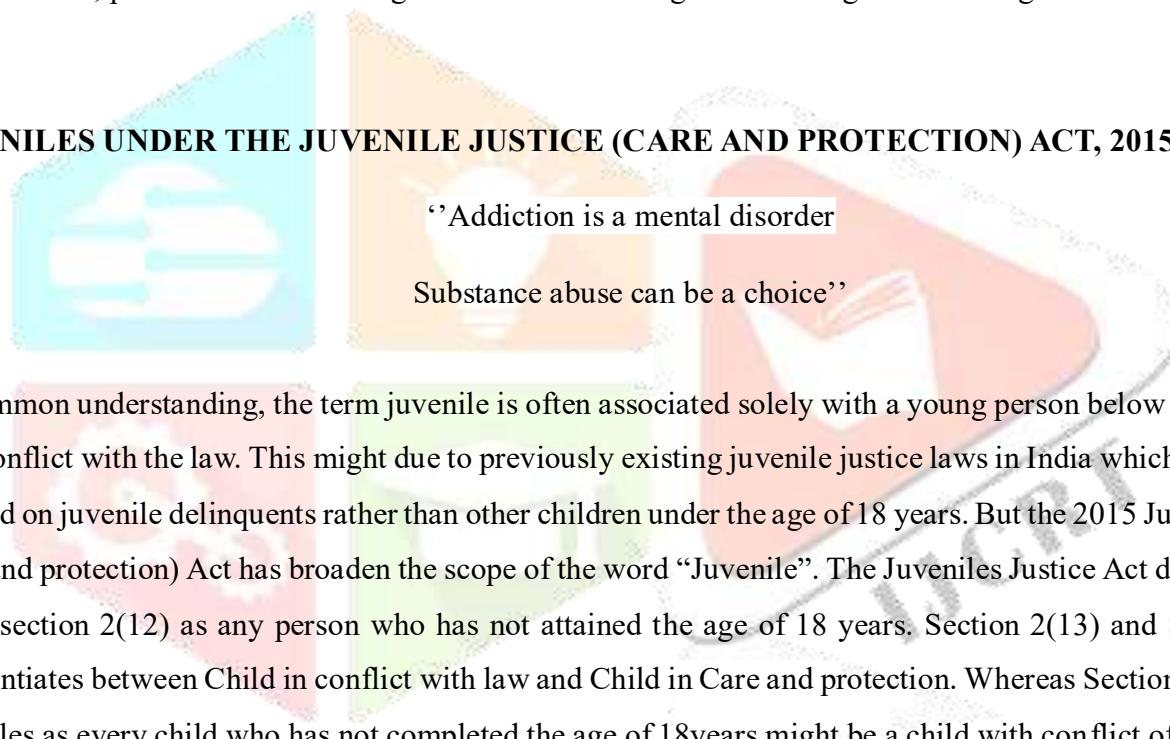
<sup>4</sup> (BS Rathore, U Joshi, & A Pareek "Substance Abuse among Children: A Rising Problem in India". International Journal of Indian Psychology, Vol. 5, (2017).

article serves as a pertinent resource for understanding the complexities of drug abuse among children in India, offering a foundation for further research and policy development in this critical area.

<sup>5</sup>The research article titled "Pattern and Profile of Children Using Substances in India: Insights and Recommendations" by A. Dhawan, R.D. Pattanayak, A. Chopra, V.K. Tikoo, and R. Kumar, offers a comprehensive examination of substance abuse among children in India. This study presents valuable insights into the prevalence, patterns, and profiles of children involved in substance abuse, emphasizing the urgent need for preventive and intervention strategies. The research contributes significantly to understanding the multifaceted issue of drug abuse among children and provides essential recommendations for addressing this critical public health concern in India.

<sup>6</sup>The research article "Substance Abuse among Children: A Rising Problem in India" by B.S. Rathore, U. Joshi, and A. Pareek, provides valuable insights into the escalating issue of drug abuse among children in India

## JUVENILES UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2015



In common understanding, the term juvenile is often associated solely with a young person below 18 years who is in conflict with the law. This might be due to previously existing juvenile justice laws in India which were mainly focused on juvenile delinquents rather than other children under the age of 18 years. But the 2015 Juvenile Justice (care and protection) Act has broadened the scope of the word "Juvenile". The Juvenile Justice Act defines 'Child' under section 2(12) as any person who has not attained the age of 18 years. Section 2(13) and Section 2(14) differentiates between Child in conflict with law and Child in Care and protection. Whereas Section 2(35) defines Juveniles as every child who has not completed the age of 18 years might be a child with conflict of law or might be a child in need of care and protection. This study focused on Government policies and legal framework to curb drug abuse among minors in India.

<sup>5</sup> (A Dhawan, Rd Pattanayak, A Chopra, Vk Tikoo, R Kumar. "Pattern and profile of children using substances in India: Insights and recommendations", Natl Med J India (2017)

<sup>6</sup> (BS Rathore, U Joshi, & A Pareek "Substance Abuse among Children: A Rising Problem in India". International Journal of Indian Psychology, Vol. 5, (2017).

## 1. Peer Influence

Peer pressure plays a pivotal role in the initiation of tobacco and drug use, and interestingly, it can also influence drug abstinence.<sup>7</sup> Adolescents commonly form distinct peer groups, wherein the influence of friends becomes a determining factor in behaviours associated with substance use. Empirical studies indicate that the initiation of tobacco consumption frequently occurs in situations where an adolescent is exposed to or accompanied by peers who engage in smoking. Significantly, female adolescents who have a close friend who smokes exhibit nearly a nine fold higher likelihood of initiating tobacco use, underscoring the substantial role of peer influence as a contributing factor in substance abuse among minors.<sup>8</sup> In 2024, multi-centric primary care-based study revealed that across 15 states with 1,630 youngsters with age group 10–24 years. 32.8% reported drug use, 75% of them initiate drugs before 18 years. Tobacco (26.4%), cannabis (9.5%), alcohol (26.1%). Peer pressure and family history of substance abuse are emerged as key determinant.

## 2. Family Structure

Within the legal and criminological framework, childhood abuse is recognised as a significant risk factor contributing to subsequent substance abuse. Moreover, parental education levels and socioeconomic conditions display an inverse correlation with the use of psychoactive substances among adolescents, thereby indicating that diminished educational and economic status within a family increases vulnerability to substance dependence.

## 3. Influence of Role Models

Celebrities from the world of film, television, pop music, and fashion often portray smoking as stylish and appealing, leading adolescents to emulate their smoking habits. These influential figures can have a profound impact on the minds of young people, making smoking appear fashionable.

## 4. Advertising and Promotion

Advertising serves as a powerful tool in shaping the decisions of young individuals when it comes to initiating smoking. The effectiveness of advertising bans in reducing the prevalence of cigarette smoking among youth has been well- documented. In response to this, the Indian The government has implemented an Act to prohibit the advertisement of cigarettes and other tobacco products, recognizing the significant role advertising plays in influencing young people's choices regarding smoking initiation.

<sup>7</sup> (SS Robin. EO Johnson Attitude and peer cross pressure: adolescent drug and alcohol use", J Drug Educ 69-99(1996).

<sup>8</sup> (Venkatesh U, Aparnavi P, Mogan KA, Durga R, Pearson J, Kishore S, et al. Determinants of substance use among young people attending primary health centers in India. Glob Ment Health (Camb). 2024;11:e23).

## 5. Accessibility

The accessibility and availability of drugs or alcohol are pivotal factors influencing the initiation and continuation of drug abuse among adolescents.<sup>9</sup> In India, bidi and cigarette smoking are prevalent among adolescents due to factors such as easy accessibility, affordability, and user-friendliness.

## LEGAL FRAMEWORK

<sup>10</sup>The Indian judiciary has taken proactive steps to create a robust legal framework addressing drug addiction among children. Various laws, such as the Narcotic Drugs and Psychotropic Substances Act (NDPS) Act 1985, Juvenile Justice (Care and Protection of Children) Act 2015 (The JJ Act), National Policy for Children 2013, National Drug Demand Reduction Policy 2014, Rashtriya Kishor Swasthya Karyakram, School-Based Programs, National Action Plan for Drug Demand Reduction (2018-2013), Rehabilitation Programs, Community-Based Initiatives, International Collaboration etc. are in place to regulate and control drug-related activities.

### JUVENILE JUSTICE ACT, 2015

<sup>11</sup>The J.J. Act focuses on the care, protection, treatment, development and rehabilitation of children in need of care and protection. It includes provisions for dealing with children in conflict with the law, emphasizing rehabilitation and protection of the child's best interests.

### NARCOTICS DRUGS AND PSYCHOTROPIC SUBSTANCE ACT, 1985

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act): Provides the legal framework for controlling and regulating operations relating to narcotic drugs and psychotropic substances. Juvenile Justice (Care and Protection of Children) Act, 2015: Addresses substance abuse among children and mandates rehabilitation. Mental Healthcare Act, 2017: Ensures rights-based treatment for individuals with substance use disorders.

### NARCOTICS CONTROL BUREAU

Narcotics Control Bureau was established in 1986 as per the NDPS Act, it is the apex body that regulates drug trafficking in India. The headquarters of NCB is at New Delhi, and the zonal office is in Mumbai, Kolkata, Chennai and Varanasi. Drugs and Cosmetics Act, 1940 (with Amendments in 1964 and 2008).

**Purpose:** To regulate the import, manufacture, distribution, and sale of drugs and cosmetics across India.

<sup>9</sup>("A Critical Impact Analysis of Drug Abuse by the Juveniles of Indian Slums International Journal of Line Management & Humanities (2016).

<sup>10</sup> (<https://blog.ipleaders.in/ndps-act-narcotic-drugs-and-psychotropic-substances-act-1985/> (visited on October 29, 2023)

<sup>11</sup> (<https://www.legalserviceindia.com/legal/article-13293-ndps-act-1985-loopholes-and-misuse.html> (visited on October 29, 2023)

**Scope:** Covers allopathic, ayurvedic, unani, siddha, and homeopathic drugs. Applies to cosmetics used for beautification or hygiene.

## LEGAL PROVISIONS

### Labelling Requirements

Every patented or proprietary medicinal preparation must display either the exact formula, or a list of ingredients on the container label. Penalties Enhanced (Post-2008 Amendment) Selling counterfeit drugs or adulterated cosmetics. Causing hazardous pollution during drug manufacturing. Violations can lead to imprisonment, fines, and license cancellation.

### Regulatory Bodies

Central Drugs Standard Control Organization (CDSCO) State Drug Control Authorities

Drugs Control Act, 1950

Purpose: To regulate the distribution and sale of drugs and ensure fair pricing.

### Price Control

Manufacturers and sellers must adhere to the maximum retail price (MRP) fixed under the law.

### Licensing Requirements

Sale and distribution require proper licensing from state authorities.

### Inspection Powers

Drug Inspectors are empowered to inspect premises, seize samples, and prosecute violators.

<sup>12</sup>On the other hand, the National Policy for Children outlines the government's commitment to the well-being of children and emphasizes the need for a protective environment. It recognizes the impact of drug abuse on children and emphasizes measures for prevention and rehabilitation.

## THE NATIONAL DRUG DEMAND REDUCTION POLICY 2014

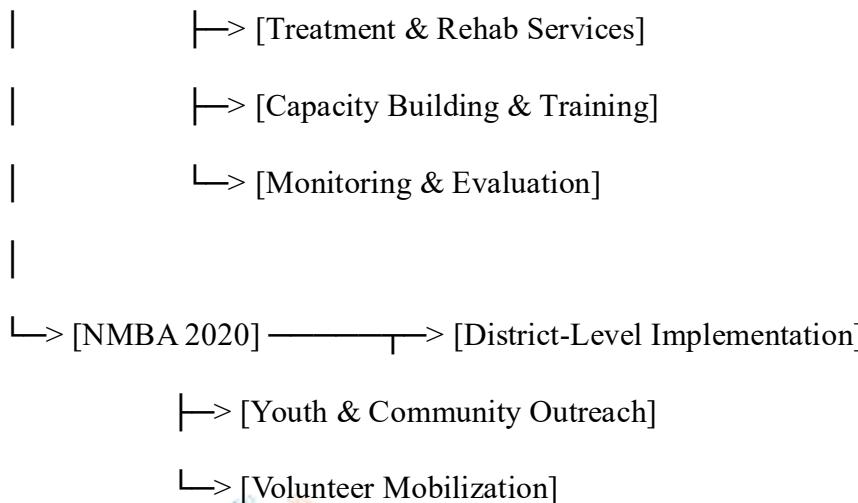
It addresses the demand for drugs, emphasizing prevention, treatment and rehabilitation. It includes strategies to create awareness, promote a healthy lifestyle and provide treatment and support services.

<sup>13</sup>**Rashtriya Kishor Swasthya Karyakram** recognizes substance abuse as a significant health concern among adolescents. It aims to address the issues through awareness, counselling and access to healthcare services.

<sup>12</sup> (<https://pib.gov.in/newsite/PrintRelease.aspx?relid=118660> (visited on October 26, 2023)

<sup>13</sup>(<https://www.mha.gov.in/sites/default/files/2022-07/RevScheme-IS-iiDiv%20.pdf> (visited on October 23, 2023)

[NDPS Act, 1985] → [NAPDDR 2018–25] → [Prevention Programs]



## NATIONAL ACTION PLAN FOR DRUG DEMAND REDUCTION (NAPDDR) 2018–2025

<sup>14</sup>The Ministry of Social Justice and Empowerment commissioned a comprehensive survey in 2018 by the National Drug Dependence Treatment Centre (NDDTC) AIIMS and on the basis of survey a comprehensive Scheme; National Action Plan for Drug Demand Reduction (NAPDDR) was formulated for 2018-25 to tackle the drug menace in the Country. These programs often include counselling, medical treatment and skill development.

### Purpose

Strategies for demand reduction, including awareness campaigns, treatment facilities and rehabilitation services. It acknowledges the vulnerability of youth, including children, to drug abuse. It aimed at providing support and treatment for individuals, including children, struggling with drug addiction.

### Key Components:

**Survey & Evidence Base:** Based on the 2018 national survey by NDDTC-AIIMS.

**Prevalence Data:** 16 crore alcohol users (14.6% of the population aged 10–75) 2.26 crore opioid users (2.1%) 20 lakhs juveniles using cannabis

**Strategic Pillars:** Awareness campaigns, school-based education, and community mobilization. Treatment & Rehabilitation: Holistic care from detox to after-care.

**Capacity Building:** Training of professionals and accreditation of centres.

**Monitoring & Evaluation:** Regular audits and compliance checks.

<sup>14</sup> (<https://www.legalserviceindia.com/legal/article-13293-ndps-act-1985-loopholes-and-misuse.html> (visited on October 29, 2023)

## NASHA MUKT BHARAT ABHIYAAN

The Ministry launched Nasha Mukt Bharat Abhiyaan (NMBA) in 272 identified vulnerable districts on 15 August 2020 based on the findings of first. This is the initiative of the Government of India to address drug addiction issues, including those affecting children. The campaign involves awareness programs, preventive measures and rehabilitation initiative. It focused on Youth Engagement: Outreach in schools, colleges, and universities. Community Participation: Mobilizing volunteers and local institutions.

**Institutional Support:** Coordination with State Social Welfare and Health Departments. The State Government will endeavour to provide all possible medical and psychosocial therapies, treatment to be offered holistically, right from detoxification up to rehabilitation and after care.

**Treatment:** It must ensure the highest level of skill and professionalism with all therapeutic and medical staff equipped with sufficient training and experience.

**Kripa Foundation:** This NGO work on substance abuse treatment and rehabilitation, including services tailored for children and adolescents. They provide counselling, therapy and vocational training to support the recovery and reintegration of affected children.

## BHARATIYA NYAYA SANHITA, 2023

### <sup>15</sup>Section 276 Adulteration of drugs

Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

### Section 277 Sale of adulterated drugs

Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

<sup>15</sup> Bharatiya Nyaya Sanhita, 2023

## Section 278 Sale of drug as a different drug or preparation

Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

## Section 275 Sale of noxious food or drink

Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

## PREVENTIVE MEASURES

- <sup>16</sup>1. Schools and institutions should regularly monitor students' performance, behaviour, attendance, and report any suspicious findings to parents, taking appropriate actions.
2. Society should take a stand against the trade, trafficking, and demand for substances. They should report any illegal activities to the police.
3. The government should initiate awareness campaigns especially in rural and underserved areas, to inform people about substance abuse, its effects, and available treatments.
4. Substance abuse education should be included in school and college curriculums as compulsory topic to raise awareness among students. Preventive strategies are essential to combat substance abuse in children, considering its widespread occurrence and the negative impact it has on their health and performance.

## ANALYSIS OF RESEARCH QUESTIONS

<sup>17</sup>Judicial interventions play a pivotal role in addressing narcotic drug addiction among the children. While the Narcotic Drugs and Psychotropic Substances Act boasts a commendable conviction rate, its apparent inability to effectively address the nation's drug problem prompts inquiries into its overall effectiveness. <sup>18</sup>The judiciary faces the challenge of balancing punitive measures with rehabilitative efforts, ensuring that the focus remains on the child's welfare and holistic development. <sup>19</sup>A robust enforcement framework is essential, encompassing the police, infrastructure, courts, community awareness, social institutions, and routine evaluations supported by

<sup>16</sup> (B S Rathore, U Joshi, & A Pareek "Substance Abuse among Children: A Rising Problem in India". International Journal of Indian Psychology, Vol. 5, (2017)

<sup>17</sup>(<https://thewire.in/law/deterrence-as-justification-for-punishments> (visited on January 25, 2024)

<sup>18</sup> (<https://www.childlineindia.org/a/issues/addiction> (visited on January 23, 2024)

<sup>19</sup> (<https://economictimes.indiatimes.com/are-our-narcotics-laws-effective/articleshow/1637838.cms> (visited on January 22, 2024)

adjustments as seen in numerous progressive nations. Drug addiction poses a profound challenge in the Indian region, impacting all facets of society.



*Source: Magnitude of Substance Use in India, 2019, by Ministry of Social Justice and Empowerment Government of India*

Substance abuse is one of the major areas of concerns in children & adolescents' health and their behavior.

India has the highest proportion of adolescent's population (22.8%) In spite of such a large risk of substance use in this huge population the problem of substance use is not recognized and underestimated in India.

Substance abuse in most cases has its onset in adolescence and 70% adults addicted to substances initiate use during teenage.

A meta-analysis by Reddy and Chandra shekhar (1998) revealed an overall substance use prevalence of 6.9/1000 for India with urban and rural rates of 5.8 and 7.3/1000 population. The rates among men and women were 11.9 and 1.7% respectively.

In a huge population in India (22.8%) between 10 to 19 years there has been limited data on the prevalence of substance use. A national household survey was done in 2001 and subsequently in 2006. A data of pattern and profile of children on substance use in India was published by Dhawan et al in 2017 in a study by National Drug Dependence Treatment Centre AIIMS along with National Commission for Protection of Child Rights (NCPCR) and Society for Promotion of Youth and Masses (SPYM). The latest is 2019 report by Ministry of Social Justice and Empowerment.

The results over the years from these studies reveal the increased prevalence of substance use over the years and progressively increase in involvement of children and adolescents as well. Cannabis, heroin & Indian produced pharmaceutical drugs are the most frequently abused drugs in India.

This shows: prevalence of various substance use in Indian population according to a data from Ministry Social Justice and Empowerment 2019.

The prevalence of Alcohol use in children 10 to 17 years is 1.3%

The Cannabis use in children 10 to 17 years is 0.9%

The prevalence of Inhalants 10 to 17 years is 1.17% which is more than age group above 18 years (0.58 %).

The prevalence of Opioids use in 10-17 years is 1.8% and at par with age group above (2.1%)

## CONCLUSION

<sup>20</sup>The role of the Indian judiciary in combating narcotic drug addiction among children is not only significant but evolving. Addressing substance abuse among children constitutes a complex socio-legal challenge that demands a harmonized response from all pillars of the State—Legislature, Executive, and Judiciary—alongside active civic and familial engagement. While judicial pronouncements and interventions serve as critical instruments in upholding the rights of children under Articles 21 and 39(e)(f) of the Constitution and enforcing statutory mandates under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Narcotic Drugs and Psychotropic Substances Act, 1985, they alone cannot dismantle the systemic roots of addiction. A coordinated, rights-based, and rehabilitative framework—anchored in constitutional morality and restorative justice—is imperative to secure a future where every child is shielded from the perils of substance dependence and empowered to thrive in a nurturing, addiction-free environment ‘The escalating incidence of substance use among women and children is emerging as a pressing concern. Preliminary neurobiological research is actively engaged in pinpointing individuals with heightened vulnerability to alcohol dependence.<sup>21</sup> Shifting from a criminal justice approach to a human rights and health-led strategy, coupled with legal regulation and control, is essential in addressing the complexities of drug addiction. Mahatma Gandhi once said, "If you want real peace in the world, start with children." It's high time we eliminate the threat to India's greatest strength, our young population.

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<sup>20</sup>(<https://timesofindia.indiatimes.com/city/patna/drug-abuse-by-children-on-the-rise-in-city-says-expert/articleshow/101265613.cms> 1 (visited on January 25, 2024)

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