



JUDICIAL INTERVENTIONS AND POLICIES IN SAFEGUARDING CHILDREN FROM NARCOTIC DRUG ADDICTION IN INDIA

¹Dr. Sanjay Jadhav

Associate Professor, Dept. of Law, University of Mumbai

²Ms. Jyoti Tiwari

Research Scholar, University of Mumbai, Mumbai – 400 097.

Abstract:

The predicament of narcotic drug addiction among children in India is a distressing reality that confronts not only families but society at large. This critical issue has compelled the Indian judiciary to intervene with dedicated policies to safeguard the vulnerable young populace from the perils of substance abuse. In a country where the future lies in the hands of its youth, the judiciary plays a pivotal role in formulating and executing measures aimed at preventing and addressing drug addiction among children. Despite the country's stringent laws and policies aimed at curbing drug abuse, children remain vulnerable to this societal scourge. Judicial activism has emerged as a crucial mechanism in addressing this pressing issue, catalyzing the formulation and implementation of robust policies. The judiciary, cognizant of the grave implications of drug addiction on the younger generation, has embarked on proactive measures to protect children's rights and well-being. Through landmark judgments and directives, the judiciary has compelled stakeholders to take proactive steps in preventing and addressing drug addiction among children. Additionally, the judiciary has played a pivotal role in enhancing access to rehabilitation and treatment facilities for affected children. The research highlights the significance of legal frameworks, preventive measures, rehabilitation initiatives, law enforcement strategies, public awareness campaigns, and socioeconomic considerations in addressing this critical issue. It emphasizes the multifaceted approach required to mitigate drug abuse among children and underscores the importance of international collaboration. Through a comprehensive examination of the current legal landscape and policy initiatives, the research aims to contribute to a better understanding of the efforts undertaken to safeguard the well-being of children in the context of narcotic drug addiction in India.

Key words: narcotics, drugs, addiction, judicial interventions, policies, child safeguarding

Introduction:

Drug addiction poses a multifaceted and pervasive health challenge in India and globally. Notwithstanding the escalating efforts of law enforcement agencies to combat drug cartels in India, the prevalence of drug use and the number of cases reported under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, continue to increase. The NDPS Act of 1985 categorizes both the 'possession of drugs for personal use/consumption' and 'possession of drugs for trafficking' as criminal offenses, treating both drug consumers and peddlers as offenders¹. Agarwal and Agarwal (2020) drug abuse have been a longstanding phenomenon, traditionally perceived as a crime without direct victims, resulting in societal and legal stigmatization of drug abusers that detrimentally affects their well-being and health. In India, the Narcotic Drugs and Psychotropic Substances Act (NDPS) of 1985 criminalizes the trafficking, storage, and consumption of drugs, categorizing the drug abuser both as a victim of substance abuse and an offender against the law. The research aims to challenge this perspective by shedding light on the adverse consequences of criminalizing drug abusers and advocates for an alternative approach that views them as survivors of substance abuse².

This approach overlooks the fact that drug addiction is a medical condition necessitating treatment and rehabilitation rather than punitive measures. Additionally, crime data indicates a disproportionate emphasis by law enforcement on cases of individual drug consumption rather than addressing the underlying problem of drug trafficking. Of greater concern is the persistently low priority given to treatment and rehabilitation efforts despite an increase in drug busts³. Avasthi and Ghosh (2019) India have initiated prompt and decisive measures to tackle drug-related issues. While the government possesses a comprehensive plan, a dedicated workforce, and numerous specialized programs and policies, there is a requirement to enhance existing initiatives to address unmet needs. This involves fostering coordinated efforts between Ministries to establish policy uniformity, making scientifically informed decisions, and reinforcing the chains of supply reduction.

In recent decades, drug consumption has emerged as a significant challenge affecting both young people and adults on a massive scale. Although numerous factors contribute to drug use, it is crucial to acknowledge that a substantial number of youths are marginalized from society due to the activities of drug trafficking and peddling⁴. If you've experienced illness, you're likely acquainted with a specific type of substance known as medicines, which are legal drugs. When a doctor prescribes medications, their consumption is lawful and crucial for human health. Another classification of substances includes cigarettes and alcohol. While the use of these is not endorsed, once an individual reaches the legal age, their consumption

¹ <https://timesofindia.indiatimes.com/city/patna/drug-abuse-by-children-on-the-rise-in-city-says-expert/articleshow/101265613.cms> (visited on October 25, 2023)

² <https://blog.ipleaders.in/ndps-act-narcotic-drugs-and-psychotropic-substances-act-1985/> (visited on November 02, 2023)

³ <https://thewire.in/government/india-drug-policy-public-health-harm-reduction> (visited on October 10, 2023)

⁴ <https://timesofindia.indiatimes.com/city/patna/drug-abuse-by-children-on-the-rise-in-city-says-expert/articleshow/101265613.cms> (visited on October 25, 2023)

becomes permissible. Therefore, when one encounters the terms 'drug abuse' or 'drug addict,' it generally refers to the misuse of illegal or harmful substances⁵.

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, with the worst-case scenario being fatal. 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 India⁶. Sahu et al. (2022) The misuse of substances among medical students can lead to adverse outcomes such as diminished academic performance and compromised patient care. An increasing body of literature explores the prevalence of substance use among medical students in India. This systematic review and meta-analysis aim to consolidate the findings from existing literature on substance use within the context of medical education in India.

Drugs like Cannabis, Marijuana, Cocaine, Ganjam 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. Notably, peer pressure, particularly among young individuals, stands out as a significant factor. Youngsters may be influenced to engage in drug use due to negative elements present in the society they inhabit⁷.

Aims and Objectives:

The following aims and objectives provide a structured approach to investigating the issue of child drug addiction in India and the role of the judiciary.

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.
4. To examine the impact of legal interventions on child welfare and rehabilitation.
5. To examine the socio-economic factors in children's susceptibility to drug addiction in India.

Research Question:

To what extent do judicial interventions, policies and decisions effectively prevent and address narcotic drug addiction among children in India and what are the key factors impacting their efficacy?

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. Specific cases of children affected by drug addiction are taken into

⁵ <https://blog.ipleaders.in/indian-laws-relating-to-drugs-and-poisons/> (visited on October 22, 2023)

⁶ <https://www.fairplanet.org/editors-pick/what-is-behind-the-rise-in-drug-abuse-in-indias-youth/> (visited on October, 2023)

⁷ Ibid

consideration to analyze the judicial process, interventions and outcomes. This will provide a detailed insights into the effectiveness of the judiciary's role. Apart from this, the Indian judicial system and its approaches with other countries will be compared that have successfully addressed child drug addiction. This will offer valuable insights into best practices.

Legal Framework and Preventive Measures:

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 activities⁸. Sahu and Sahu (2021) the research revealed that 14.6 percent of Indians engage in alcohol consumption, with 5.2 percent expressing a desire for assistance. In Uttar Pradesh, approximately 1.6 crore individuals exhibit alcohol dependence or engage in harmful consumption. Bengal records 27 lakh alcohol consumers, while Odisha reports 21 lakhs. These state-specific figures are extrapolated to align with each state's population share, highlighting Uttar Pradesh as having the highest prevalence of harmful and dependent alcohol and substance users.

The NDPS Act is the primary legislation in India that deals with the control and regulation of operations relating to narcotic drugs and psychotropic substances. The Act includes provisions for the prevention of illicit trafficking and abuse of drugs and it outlines penalties for offenses. Additionally, the Juvenile Justice (Care and Protection of Children) Act emphasizes the rehabilitation and reintegration of children involved in drug abuse while prioritizing their protection and best interests. 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 interests⁹. Kumar (2022) The study assessed the efficiency of current policies and initiatives, pinpointing areas requiring enhancement. This underscores the significance of promoting awareness, minimizing stigma, and advocating for preventive measures and rehabilitation services to address drug abuse in India. The research aspired to contribute to fostering a society wherein individuals contending with drug abuse can access essential support and resources, fostering healthier and more fulfilling lives.

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 rehabilitation¹⁰. The National Drug Demand Reduction Policy 2014 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

⁸ <https://blog.iplayers.in/ndps-act-narcotic-drugs-and-psychotropic-substances-act-1985/> (visited on October 29, 2023)

⁹ <https://www.legalserviceindia.com/legal/article-13293-ndps-act-1985-loopholes-and-misuse.html> (visited on October 29, 2023)

¹⁰ <https://pib.gov.in/newsite/PrintRelease.aspx?relid=118660> (visited on October 26, 2023)

services. Another program, Rashtriya Kishor Swasthya Karyakram recognizes substance abuse as a significant health concern among adolescents. It aims to address the issues through awareness, counseling and access to healthcare services¹¹.

Various State Governments and non-governmental organizations (NGOs) implement school-based programs to educate children about the dangers of drug abuse. These programs often focus on building life skills and resilience. As for the National Action Plan for Drug Demand Reduction (2018-2023), it outlines strategies for demand reduction, including awareness campaigns, treatment facilities and rehabilitation services. It acknowledges the vulnerability of youth, including children, to drug abuse. There are also government and NGO-run rehabilitation programs aimed at providing support and treatment for individuals, including children, struggling with drug addiction. These programs often include counseling, medical treatment and skill development¹².

Community-based initiatives and awareness campaigns play a crucial role in preventing drug abuse among children. These programs often involve local communities, parents and schools in creating a supportive environment. India has also collaborated with international organizations and neighbouring countries to address issues related to drug trafficking and abuse. International co-operation is crucial in combating transnational drug networks¹³.

Protection and Rehabilitation:

The courts in India have been instrumental in ensuring the protection and rehabilitation of children affected by narcotic drug addiction. The judiciary often mandates rehabilitation programs and counseling for juvenile offenders, aiming to divert them away from the cycle of addiction. Judges have also emphasized the importance of ensuring that children are not criminalized for their addiction but rather recognized as victims in need of support and guidance. As for the protection measures, India has various Laws and Acts in place to protect children from drug abuse, such as the Narcotic Drugs and Psychotropic Substances Act, 1985¹⁴. Government and non-governmental organizations (NGOs) conduct awareness campaigns in schools and communities to educate children about the risks of drug abuse¹⁵. Prevention programs focus on building life skills, resilience and providing support networks for at-risk children. School counselors and educators also play a crucial role in identifying early signs of drug abuse and providing support¹⁶. On the other hand, rehabilitation measures include the Juvenile Justice (Care and Protection of Children) Act, 2015 addressing the rehabilitation and social reintegration of children in conflict with the law, including those involved in drug-related offenses. Rehabilitation centers and treatment facilities are established to address the specific needs of children with drug addiction issues¹⁷. Counseling services and medical interventions are provided

¹¹ <https://www.mha.gov.in/sites/default/files/2022-07/RevScheme-IS-iiDiv%20.pdf> (visited on October 23, 2023)

¹² <https://www.legalserviceindia.com/legal/article-13293-ndps-act-1985-loopholes-and-misuse.html> (visited on October 29, 2023)

¹³ <https://www.samhsa.gov/faith-based-initiatives> (visited on October 23, 2023)

¹⁴ https://www.nisd.gov.in/drug_abuse_prevention.html#:~:text=NAPDDR%20aims%20to%20focus%20on,Governments%20and%20Non%20Governmental%20Organizations (visited on October 29, 2023)

¹⁵ <https://socialjustice.gov.in/schemes/42> (visited on October 23, 2023)

¹⁶ <https://socialwelfare.assam.gov.in/information-services/list-of-ngos-for-drug-abuse-rehabilitation> (visited on October 22, 2023)

¹⁷ <https://vikaspedia.in/social-welfare/social-awareness/schemes/scheme-of-prevention-of-alcoholism-and-substance-drug-abuse-2015> (visited on September 21, 2023)

to support the recovery process. Involvement of local communities in the rehabilitation process, including family support and community programs is also crucial. Community-based rehabilitation focuses on creating a supportive environment for the child's recovery and reintegration. Psycho-social support through counseling and therapy sessions to address the underlying issues too help in recovery process. Even mental health professionals work with children to develop coping mechanisms and resilience. Rehabilitation programs often include vocational training and educational opportunities to help children reintegrate into society. Skill-building programs aim to provide sustainable alternatives and prevent relapse. Some of the initiatives taken are:

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

Role of Judiciary

The judiciary plays a crucial role in tackling narcotic drug addiction among children in India through various means. The judiciary contributes to the development and interpretation of laws related to drug abuse, ensuring that there are specific provisions addressing the unique challenges faced by children. This includes prescribing penalties for offenders and establishing the legal framework for rehabilitation. Courts interpret and clarify legal provisions related to drug offenses, ensuring that the law is applied consistently and in a manner that aligns with the best interests of children¹⁸. This may involve distinguishing between cases involving minors and adults. The judiciary ensures the protection of the rights of children, including their right to protection from substance abuse¹⁹. Courts can intervene to safeguard the welfare of children affected by drug addiction, emphasizing the principles outlined in international conventions and domestic laws. The judiciary's role extends to oversight and enforcement, ensuring the effective implementation of laws and policies related to child drug addiction²⁰. The courts have been actively involved in monitoring and regulating the execution of these policies to safeguard the rights and well-being of children. Regular review and amendments in existing laws are considered, reflecting an ongoing commitment to adapt to the evolving challenges posed by drug addiction among children²¹.

Courts have the authority to review and monitor the effectiveness of existing policies and programs aimed at tackling drug addiction among children. If policies are found lacking or poorly implemented, the judiciary may issue directives to address deficiencies. The judiciary in India contributes significantly to the efforts to tackle narcotic drug addiction among children by interpreting and applying laws, safeguarding child

¹⁸ <https://www.legalserviceindia.com/legal/article-7170-role-of-judiciary-in-protection-of-child-rights-in-india.html> (visited on July 22, 2023)

¹⁹ <https://www.drishtiiias.com/daily-news-analysis/fighting-drug-addiction> (visited on September 12, 2023)

²⁰ <https://www.childwelfare.gov/topics/responding/collabresponse/courts-responding/> (visited on July 22, 2023)

²¹ <https://blog.ipleaders.in/indian-laws-relating-to-drugs-and-poisons/> (visited on October 29, 2023)

rights, and actively participating in the development and oversight of policies and programs. Their role extends beyond punishment to encompass rehabilitation and protection of the well-being of children affected by drug abuse²².

In the case of Bachpan Bachao Andaolan, established in 1980 by Noble Peace Kaureate Kailash Satyarthi, India's trailblazing grassroots initiative for the rights of children, Chief Justice T.S. Thakur and Justice D.Y. Chandrachud, in a groundbreaking decision, issued a directive to the government to develop a national policy on drug and substance abuse within six months. Additionally, the government was instructed to establish de-addiction centers in each district and initiate a nationwide survey to compile a database on drug and substance abuse among children in the country²³.

Socio-economic Factors:

Socioeconomic factors play a crucial role in contributing to the vulnerability of children affected by drug addiction in India. These factors are often interconnected and can create an environment where children are at a higher risk of substance abuse. Socio-economic factors such as poverty and lack of educational opportunities can contribute to drug abuse among children. For example, families living in impoverished conditions may struggle to meet basic needs such as food, shelter, and education²⁴. Children from such families may be more susceptible to engaging in drug abuse as a coping mechanism or due to the lack of alternative recreational activities. Similarly, children who do not have access to quality education may face limited prospects for the future. The frustration and despair resulting from a lack of educational opportunities can make them more susceptible to drug abuse. On the other hand, families facing unemployment or underemployment may experience financial stress, leading to an unstable environment for children. In some cases, children may turn to drugs as a way to escape the challenges posed by their family's economic situation. Rapid urbanization and migration can disrupt social support systems²⁵. Children who move to urban areas or experience migration may face challenges in adapting to new environments, leading to a higher risk of substance abuse as a way to cope with stress and isolation. Children from broken families or those lacking proper parental guidance may be more vulnerable to peer influence and external pressures. The absence of a stable family structure can contribute to a lack of emotional support, making children more susceptible to drug abuse. Children from marginalized communities may face social discrimination and stigma, limiting their access to opportunities and resources²⁶. This social exclusion can contribute to a sense of hopelessness, increasing the likelihood of turning to substance abuse. Cultural norms and practices in some communities may indirectly contribute to drug abuse among children. For instance, in certain settings, the acceptance or

²² <https://timesofindia.indiatimes.com/city/patna/drug-abuse-by-children-on-the-rise-in-city-says-expert/articleshow/101265613.cms> (visited on September 25, 2023)

²³ <https://www.soolegal.com/roar/court-passes-landmark-judgement-to-combat-drug-abuse-among-children> (visited on October 28, 2023)

²⁴ <https://www.drishtiiias.com/daily-news-editorials/policy-action-against-drug-abuse#:~:text=The%20basic%20legislative%20instrument%20of,narcotic%20drugs%20and%20psychotropic%20substances> (visited on October 26, 2023)

²⁵ <https://blog.ipleaders.in/indian-laws-relating-to-drugs-and-poisons/> (visited on November 29, 2023)

²⁶ <https://childsafety.losangelescriminallawyer.pro/juvenile-crime-and-substance-abuse.html> (visited on October 23, 2023)

normalization of substance use may influence children to experiment with drugs at an early age²⁷. Socioeconomic disparities can impact the availability and accessibility of drugs. In economically deprived areas, there may be limited law enforcement, making it easier for children to access and experiment with drugs²⁸.

Analysis of Research Question:

To what extent do judicial interventions, policies and decisions effectively prevent and address narcotic drug addiction among children in India and what are the key factors impacting their efficacy?

Judicial interventions, policies, and decisions play a crucial role in addressing narcotic drug addiction among children in any country, including India. 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 effectiveness²⁹.

However, despite these interventions, challenges persist. Accessibility to rehabilitation facilities, societal stigmatization, and the need for more nuanced approaches in dealing with juvenile offenders are areas that require attention. The judiciary faces the challenge of balancing punitive measures with rehabilitative efforts, ensuring that the focus remains on the child's welfare and holistic development³⁰.

Within the framework of the NDPS Act, confusion arises concerning two crucial aspects of deterrence: the severity of punishment and the certainty of punishment. Regrettably, in the three decades since the enactment of the law, neither of these questions has been adequately addressed. The legislation has not clarified what its primary focus is in terms of deterrence and in what manner. The ambiguity persists regarding whether the NDPS Act aims solely to combat drug trafficking or if it intends to prohibit all forms of drug consumption. The Act hastily incorporated the issue of addiction into the criminal law framework, overlooking the evident socio-economic contexts that foster drug trade and the creation of a market. These aspects, which extend beyond the fundamental elements of law and enforcement, have been neglected. Consequently, the drug menace persists unabated in various regions of India, evident in both the escalating number of arrests and drug seizures and the hardships faced by individuals in need of healthcare. While high conviction rates serve as a deterrent, they do not necessarily signify the success of a legislation. Take the NDPS Act, for example, where a plethora of statistics is available³¹.

The NDPS Act is a comprehensively designed Act in-line with international conventions. The problem is not with the Act, but with its implementation. A robust enforcement framework is essential, encompassing the police, infrastructure, courts, community awareness, social institutions, and routine

²⁷ <https://www.legalserviceindia.com/legal/article-11899-can-society-break-free-from-drug-abuse-and-crime-in-india-.html> (visited on December 29, 2023)

²⁸ <https://timesofindia.indiatimes.com/city/kochi/set-up-drug-treatment-centres-for-kids-judicial-colloquium-tells-union-government/articleshow/98254767.cms> (visited on January 10, 2024)

²⁹ <https://thewire.in/law/deterrence-as-justification-for-punishments> (visited on January 25, 2024)

³⁰ <https://www.childlineindia.org/a/issues/addiction> (visited on January 23, 2024)

³¹ <https://thewire.in/law/deterrence-as-justification-for-punishments> (visited on October 29, 2023)

evaluations supported by adjustments as seen in numerous progressive nations³². Dua (2022) Drug addiction poses a profound challenge in the Indian region, impacting all facets of society. Recently, this issue has garnered increased attention due to its escalating prevalence and shifting patterns of drug use, especially among the youth. A distinctive sub-culture has emerged around drug consumption, complete with its own norms, values, behaviors, and symbols. This problem not only compromises an individual's health and happiness but also has far-reaching consequences for families, communities, and society at large. The scourge of drug trafficking and addiction knows no geographical or demographic bounds; it transcends age, gender, ethnicity, social class, and religion. Indeed, the tendrils of drug addiction have extended globally, affecting every corner of the world. Contributing factors such as peer pressure, heightened societal aspirations, unemployment, and evolving social structures continually exacerbate this pervasive menace.

Conclusion and Suggestions:

Looking ahead, the future of judicial interventions in safeguarding children from narcotic drug addiction in India lies in enhancing collaborative efforts. Integration with healthcare, education, and social welfare sectors is imperative. Creating a comprehensive support system and promoting awareness among parents, schools, and communities will be instrumental in preventing and addressing the issue at its root³³. Prevention programs should target both risk and protective factors, not only to deter substance use but also to promote the overall well-being of young individuals as they transition into adulthood. These efforts aim to empower them to reach their full potential and contribute as productive members of their community and society. Murthy et al. (2010) the dynamics of substance use exhibit a notable capacity for evolution over time. The repercussions of both legal and illegal substance use give rise to significant public health challenges, a reality underscored by available evidence in our nation. While national-level prevalence has been gauged for numerous substances of abuse, discernible regional disparities persist. The deployment of rapid assessment surveys has proven instrumental in comprehending the shifting landscape of usage patterns. 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 dependence³⁴.

The government should seriously contemplate revising the NDPS Act to legalize the possession of "small quantities" of drugs for personal use, as per the definition outlined in the NDPS Act of 1985. It is imperative for the State to ensure that individuals caught with drugs for personal consumption are directed towards mandatory de-addiction treatment or rehabilitation instead of facing legal prosecution and punitive measures. As part of the amendments to the Narcotic Drugs and Psychotropic Substances Act, the government should also explore the possibility of distinguishing between individuals struggling with addiction, first-time drug users, and those who use drugs recreationally³⁵. Srivastava et al. (2021) the consumption of substances

³² <https://economictimes.indiatimes.com/are-our-narcotics-laws-effective/articleshow/1637838.cms> (visited on January 22, 2024)

³³ <https://www.childlineindia.org/a/issues/addiction> (visited on October 23, 2023)

³⁴ <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)

³⁵ <https://thewire.in/government/india-drug-policy-public-health-harm-reduction> (visited on January 22, 2024)

among adolescents poses a notable risk, and this concern is observed in both developed and developing nations. Research indicates that adolescents are more likely to engage in substance use if their immediate family members, including parents, siblings, and grandparents, are also involved in such consumption. However, there is limited literature available on this topic in the Indian context. Consequently, the current study investigates the potential association between substance use among family members and within the community and the substance use behavior of adolescent boys in Uttar Pradesh and Bihar.

Apart from legislative measures, there is a need for comprehensive actions in policy implementation. Initially, beyond law enforcement efforts, it is crucial to optimally leverage the National Fund to Control Drug Abuse for effective execution of de-addiction programs and evidence-based treatment facilities addressing substance use disorders. Despite provisions in the current NDPS Act allowing for rehabilitation, the actual implementation is notably inadequate. Individuals grappling with substance use issues should be able to avail themselves of these services without the looming threat of punitive consequences. Additionally, the government should mandate routine state-level surveys to gauge the prevalence of substance abuse disorders, the extent of drug dependence, and associated health risks such as viral hepatitis and HIV. Regular collection of detailed micro-data through such surveys would identify high-risk districts and vulnerable population segments, thereby enhancing the precision of policy responses³⁶.

Conclusion:

In conclusion, the role of the Indian judiciary in combating narcotic drug addiction among children is not only significant but evolving. Through its interventions and policies, the judiciary stands as a beacon of hope, striving to create a safer, healthier, and more secure environment for the children of India. It's evident that addressing drug addiction among children is a multidimensional challenge that necessitates a collective effort from the government, society, and families. The judiciary's interventions are essential, yet they are just one piece of the larger puzzle that requires collective dedication and collaborative action to ensure a brighter, addiction-free future for the children of India.

It is imperative to give precedence to treatment, education, and rehabilitation over perpetuating the stigma, shame, and silence surrounding drug addiction. Redirecting funds from incarceration towards substantial investment in treatment and rehabilitation is crucial for addressing the root causes of this illness. As a society, we should unite in envisioning and implementing measures to reduce stigma and discrimination associated with drug addiction. 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 addiction³⁷.

³⁶ <https://economictimes.indiatimes.com/are-our-narcotics-laws-effective/articleshow/1637838.cms> (visited on October 22, 2023)

³⁷ <https://thewire.in/government/india-drug-policy-public-health-harm-reduction> (visited on October 23, 2023)

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