

**DRUG USAGE AMONG JUVENILES AND THE ROLE OF THE JUSTICE SYSTEM**

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**Vanshika Tyagi\*****ABSTRACT**

*This paper therefore aims to discuss the shift in the role of the judiciary and at the same time discuss all the faces of the increasing issue of substance use among youths in India. Taking into consideration the words of wise statesmen like Jawaharlal Nehru<sup>1</sup> and Dr APJ Abdul Kalam who emphasized the need for the protection of the country's youth, the publication exposes the rather disturbing fact that the nation's young people are gradually becoming more and more enslaved by the deadly vice of substance use. The empirical research methodology of the journal involves an interdisciplinary approach that involves carrying out a literature study on primary and secondary sources as well as legal information. The term "drug" is used in a quite liberal meaning, encompassing all the forms and methods of drug taking. The Juvenile Justice Act has been followed to categorize juveniles under the age of 18 years in the present research. A summary of the types of drug misuse is offered as follows; stimulant usage, cocaine usage, Adderall usage, meth usage, opioids usage, and heroin usage. The study also examines the causes of the increase in drug use among the youths, aspects such as parental desertion, illiteracy, broken homes, and the normal developmental phase of youthful persons cannot be over-emphasized. The consequences to drug addicts especially the youths are highlighted in terms of overall health, education performance, criminal activities, broken family units, and the general impact on the developmental quest of a country. Exploring Drug Laws in India; this research work traces back and forward from the colonial era to the NDPS Act 1985. A critical evaluation of the analysis is made about this country of India, with specific reference to arrangements of the juvenile justice system in some of the special cases including Gopalanachari Makkapati v. State of Andra Pradesh and Salil Bali v. Union of India. The Juvenile Justice Act 2015 has been described positively by the TLC 2018 report; however, it identifies the following limitations, namely problems in infrastructure regarding JJ homes, less focus on the causes and nature of offences, and delay in the disposal of cases. Looking at the Juveniles Justice Act the above-expressed studies are considered as positive change that should be made; however, there's a need to make it even better. Regarding details, the legislation can*

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<sup>1</sup> Wion, <https://www.wionews.com/photos/childrens-day-children-are-the-future-of-the-nation-the-citizens-of-tomorrow-said-jawaharlal-nehru-550>

*enhance the protection of juvenile rights by combating the said defects and implementing the aforementioned reforms to undertake constructive reform. Depending on the further governmental changes in the legislation the legislation could still only provide support to constructive change and rehabilitation and enhance the protection of juveniles' rights.*

**Keywords:** Drug, Justice, Juveniles, Drug Usage.

## **INTRODUCTION**

First of all, I would like to support the words of World known personalities of the present times, now I quote Jawaharlal Nehru, Children should not be treated carelessly like the buds of the garden, for they are the future of the country and the citizens. APJ Abdul Kalam has rightly said that children are the future of the nation, during my student days. They all are correct when saying that the future and our nation`s backbone are gradually degrading and doesn`t take them a long time to support it and learn more about qualitative items like alcohol, cigarettes, marijuana, and other narcotics. Strange enough, it is not a relatively old building although it is very old that I would not hesitate to call it ancient. Some education perversions can be traced back to some religions and cultures but it is not as rampant and as detrimental to the youth`s future as it today; instead it is only confined to a particular segment of the community. It is rather worrisome in India that drug addiction is on the increase. About 12. The current statistics show that 5% of the high school learners in India are dependent on the aforementioned substances which can be categorized as 15%. 1 and 10.7 categories for the urban and rural students respectively. These learners comprise smokers, alcohol, and other drug consumers. Since a large number of people in India reside in slums, population explosion is one of the main concerns of the country. It remains the only area with the highest incidences of drug use among youths. In this article, let us provide more details on some of the other factors that help exaggerate substance addiction.

## **MEANING**

The term “drug refers to any chemical molecule or particle which when ingested affects the physiology and or psychology of an organism in its pure form the term can take any form that is- liquid, solid, powder, smoke, smell, etc. There are several ways through which it can be taken. For instance, if it is in a liquid form, it has to be injected via a syringe; in gaseous or odour form, one can smell or inhale it and if it is solid, the most common technique that is exercised is that the person who is taking it puts it under his tongue. Drugs are of two categories

based on their preparation; they include synthetic drugs which are made by humans or through machines and the other is plant-derived drugs which are extracted from plants.<sup>2</sup>

## **DRUG USAGE TYPE**

To mention a few, there are various forms of drug usage

### **Stimulant Usage**

It means the use of a stimulant which is a substance that increases a person's bodily and mental processes. Some of the stimuli I remember include Ritalin, Concerta, Dexedrine, meth, and so on.

### **Cocaine Usage**

Cocaine, which is obtained from the coca plant is currently the most popular drug in the United States. If one uses it for about 20 minutes or so, he shall feel a lot of boost in energy, but after some time, the enhancing effect ceases.

### **Adderall Usage**

ADHD or no treatment takes this drug. It may be useful to a person if ingested under the instruction of a doctor or as recommended on the packaging; however, it may prove hazardous if ingested in large amounts to lethal outcomes, such as increased energy and the possible occurrence of the attack.

### **Meth Usage**

This impacts a person who uses this drug because the ends and starts of this drug may make a person go through phases where s/he will feel very happy/paranoid or very sad/ schizophrenic and this may never end.

### **Usage of Opioids**

It is worth noting that this medicine may bring about the destruction of several of the body's vital organs such as the heart liver and lungs among others. This particular medication has been cited as the cause of several needless deaths.

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<sup>2</sup> Wikipedia, <https://en.wikipedia.org/wiki/Drug>

## **Heroin Usage**

Inhaling its vapours, the person attempts to bring their stress level down and this also means physical as well as mental stress. It can be taken in two different ways: The drug can either be smoked or it can be injected intravenously using a syringe. Should it be produced as a syringe may get dangerous products into the human body, negatively impact the veins and the person is likely to suffer from deadly diseases such as hepatitis or HIV.

## **GENERAL CAUSE OF RISING TRENDS OF SUBSTANCE USE AMONG THE JUVENILES**

Asado due to the youth (15 – 18) mentality is usually one that enjoys everything. There exists the aspiration to live through all the pleasures in a relatively short period. They do not even bother to think whether what they are doing is good or bad for them in terms of their physical or psychological well-being; all they copy or yearn to copy their parents. For instance, if there is a family, and the man of the house is a smoker taking cigarettes each morning, the child is likely to emulate the action since it was seen to be acceptable for the father figure to engage in the vice. Therefore, children in the above-specified age need sometimes find their drugs through other untoward activities including stealing, which can be observed in the Afterwards list includes some of the major reasons why juveniles become drug addicts.

### **Lack of Education**

Most of the drug-related problem incidences are reported in low-income areas meeting the needs of most of the residents from whom the majority are either hired employees or earn less than their two daily meals. Some of the essentials that they are denied are safe and clean water to drink, two meals per day, necessary hygienic facilities, and even the belief that education is something that should be strived for. However, many governments have tried in vain to provide basic education to the young slum children as the children of the dwellers of the slum are more willing to assist their parent's decision to work instead of going to school. It thus becomes the case that they are not aware of the adverse impact that the use of hazardous drugs has and by the time they realize, they are half dead or rather damaged significantly.

### **Lack of Direction**

From the same group, most of the people are wage earners and it will not be easy for them to organize meals for themselves and their kids just in case they do not go to work. Consequently, the parents can't even get downtime or sit and talk to the kids. Moreover, a young man's mind is so unmannered and unsteady, and thus it may take the lead without an iteration of an experience from a wise person to distinguish between what is right and wrong. This of course led to the slum youngsters leading lonely lives without any purpose, which made them depressed. To temporarily alleviate the burden of their pain, addicted people resort to narcotics.

### **Family**

As Mc Dougall predicted, he noted that in any society the basic unit of strength is the stable family. A delinquent family is a family that is separated in some way, either one of the parents or both are no longer around to tend to the family, the parents are no longer together because of a divorce or another marital problem, or one of the parents is dead. They will experience psychological and physical implications in their lives resulting from their childhood in dysfunctional homes. They are unmarried men and women and at times are verbally assaulted by their stepmother. The son's behaviour turns so delinquent after the father's death and the girl's stepfather is nearly deadly. Indeed, a step further is that special cause of delinquency in 29.8% of cases. The former is concerned with the perception that children are capable of giving an account for crimes committed because of their parents' misconduct.

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### **Eagerness**

Just like a plant needs constant watering to grow, a child's mind is also vulnerable and to fulfil thirst many a youngster tries out drugs and find them to be stress busters and finally become a drug addict. Listed below is the impact that the use of drugs has on juveniles If this sample paper has inspired you to try our services, kindly proceed to our order page and fill out the order form for your order.

## **HERE ARE SOME OF THE MAIN DRAWBACKS ASSOCIATED WITH JUVENILES USING DRUGS**

### **Declining Health**

Due to this some of the drugs can only be taken in the form of injections and that has led to an increase in diseases such as HIV and AIDS because of increased use of these drugs. As a result, there are cases where friends administer drugs by injecting them into their bodies using the same needle and syringe hence extending the life cycle of the instrument thereby exposing themselves to blood-borne diseases. Severe side effects may include severe medical risks like ataxia, severe anoxic encephalopathy, tachyarrhythmias, congestive heart failure, acute hepatitis, etc.

### **Effect on Education**

In some cases, it is also manifested that the intake of narcotics is connected with the lower educational performance of a consumer or its decrease. Drugs make the youngsters miss school and when in school, they do not concentrate. This may lead to a blur in the growth of the educational ladder which in turn hinders opportunity and possibilities in the future.

### **An Increase in Crime**

Drugging negatively impacts the whole society, aside from the person who takes it. First of all chemical dependency reduces the individual to a state where they are consumed by the need for drugs so much that in a two-position choice, they will always choose drugs over food. He or she will do anything to purchase the drugs including stealing, or in some cases, even murdering someone for a few dollars.

### **Effects on Relationship with Family**

Drug users always have bad relations with their family and friends a person with issues of loneliness or family issues will develop little desire for socializing. They continue to use drugs in a bid to reduce this depression.

### **Reduce National Growth**

Drug dependencies are some of the most dreaded social ailments as they slow down a nation's development when a significant chunk of the youthful population is involved. This is because

these are youths that join the workforce after some time, they are more involved in drug abuse, illiteracy levels are high, they cannot undertake certain tasks for they possess weak physiques, rehabilitation of juveniles costs more money, and they exert pressure on the health sector.

### **THERE IS THE ACT OF 1985 ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES<sup>3</sup>**

According to the Indian Constitution, "The State shall endeavour to bring about prohibition of the consumption of intoxicating drinks and drugs which are injurious to health, except for medicinal purposes. " India is also party to three United Nations conventions about drug use: The main international conventions are the new United Nations Convention against Illicit Traffic in Narcotics and Psychotropic Substances signed in Vienna, in 1988, the Single Convention on Narcotics Drugs of 1961 and the Convention on Psychotropic Substances of 1971.

A person cannot "grow, prepare, and/or have in his or her possession; sell or buy; transport and/or store; and/or consume" any narcotic drug and or psychotropic substance as stated on the NDPS that was enacted in India. This act covers all nationals irrespective of where they are located either in India or in any other country.

### **SYSTEM OF JUVENILE JUSTICE**

That, we need to understand, dates back to the times of British rule in India. The form of the system which is based on the concept of the welfare of the child is known as juvenile justice. In India, the system provides for the children the proper care and protection as well as rehabilitation instead of punishment for the minor offenders. *The Juvenile Justice Act* entered into force in 2000 and was replaced by the new *Juvenile Justice Act in 2015*. India was able to plug the loopholes of the earlier legislation and give a fill-up to the standards set in the international markets with the help of the new legislation.

### **NOTABLE CASES**

A better justice system for minors who are in trouble with the law has been developed and shaped by several cases, some of which are included below: A better justice system for minors

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<sup>3</sup> Narcotics Drug and Psychotropic Substances Act, 1985.

who are in trouble with the law has been developed and shaped by several cases, some of which are included below:

#### **Gopalanachari Makkapati v. Andhra Pradesh<sup>4</sup>**

In the current case, the Supreme Court approved the punishment of the law-breaking youngster. The Supreme Court observed that the object of the Act was to 'reform' the juvenile who had offended and that the 'penalty' that is inflicted on him should have the same avowed purpose. The court also annulled the provisions stating that the juvenile justice board had to consider the age and general demeanour of the kid. Presumably, when deciding on the penalty for that minor, it takes into account the conditions in which the offence was committed.

#### **Salil Bali v. Union of India<sup>5</sup>**

In this decision, the Supreme Court in essence decided that a child has the right to an attorney from start to finish of the legal process. Thus, in the case of Jitendra Singh v. State of Uttar Pradesh, the court held that to ensure that the accused is dealt with according to the laws applicable to juveniles, the age of the accused should be ascertained through a medical test and must be done as early as possible.

#### **State of Bihar v. International Association of Human Rights<sup>6</sup>**

This case mainly focused on the poor state of affairs of Bihar's juvenile homes. In this case, the Supreme Court directed the respective state government at the time to improve and upgrade the housing's characteristics, ensure its inhabitants have improved living conditions, and avail even the minimum necessities. The state government was also ordered by the Supreme Court to provide innocent incoming necessities for life consisting of food contaminated with electricity, potable water, and water. in those houses meant for young people.

#### **Smt. State of Haryana and Anr. v. Jarnail Singh<sup>7</sup>**

The court ruled that the age determination of the accused and the victim should be under equal criteria of the Juvenile Justice Act providing for a medical procedure.

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<sup>4</sup> Gopalanachari Makkapati v. State of Andhra Pradesh, (1981) 2 S.C.C. 770 (India).

<sup>5</sup> Salil Bali v. Union of India, (2013) 6 S.C.C. 770 (India).

<sup>6</sup> International Association of Human Rights v. State of Bihar, (2013) 13 S.C.C. 406 (India).

<sup>7</sup> Jarnail Singh v. State of Haryana, (2021) 4 S.C.C. 369 (India).



## **THESE ARE SOME OF THE LIMITATIONS HAVE BEEN MADE UNDER JUVENILES JUSTICE ACT 2015<sup>8</sup>**

Of course, the current act has raised the effective capacity of the judiciary and improved the general productivity of the justice system. However, everything in our society is not without its shortcomings, and some of this act's limits are listed below:

### **Infrastructure Availability**

Among the challenges to this act, the scarcity of resources and infrastructure hinders the proper implementation; however, the issue is more noticed in the rural areas than the urban areas of the country. Some states are not endowed with the basic attributes critical in nurturing and rehabilitation of these children. Even if they are available in some states, they are not adequate.

### **Postponement of Cases**

The procedure in handling cases is time-consuming despite the existence of procedures regarding full case handling bearing all the indications of cases. This results in the kids spending most of their time in care or custody and this isolates them since they cannot get what they need to 'heal' and reintegrate back into society easily.

### **Absence Of Focus On The Underlying Cause**

It can only state some existing policies that cover non-violent punishment, non-restrictive rehabilitation, and helping young people cope with their status. They do not focus on the root causes of drug abuse such as poverty, illiteracy, and others as highlighted on the previous pages.

### **Lack Of Similarity**

The final critical process of the undertaking of putting together a law is the implementation of that specified law. Some states are special in the manner that they have better facilities to deal with children who have some involvement in legal matters.

## **SUGGESTION**

Of course, any law including the one that existed in India in the form of the Juvenile Justice Act was required, and hence even if the amended bill was much needed there is always room

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<sup>8</sup> Juvenile Justice ( Care and Protection of Children) Act,2015, (India).

for corrections. Some of the changes I would suggest are listed below. Some of the changes I would suggest are listed below:

To sum it up, I believe the process of age identification should be less arbitrary to enhance the results' credibility. This is because birth certificates and mark sheets that are normally used to confirm a person's true age are at times manipulated, fake, or unreliable most of the time.

More legislative work should focus on preventing factors that contribute to substance dependence, as such laws would not exist if these conditions were not present in society.

Applying the statute needs to be done better, and it should ensure that its stipulations are complied with to the letter for the desired outcome to be achieved. Every state government must ensure that there is adequate provision in his or her state about children in conflict with the law.

There is also a need to make separate facilities for kids who are disabled or are suffering from certain diseases.

In other words, it is legislation that is beneficial and provides proper constitutional recognition and protection of children's rights if they are offenders and their treatment necessarily leads to the child's rehabilitation. More must be done to get the better, however, if the above-mentioned criteria are considered, this legislation will get stronger.

## CONCLUSION

The aforementioned mechanism is a win-win approach in as much as it plays a vital role in protecting the rights of troubled young persons. The main purpose of enactment of this act was planned to reform the personality of the child and in other words, to effect a general change for the better without using physical force. The Juvenile Justice Act of 2015 is a common-referenced piece of law that provides the care and safekeeping of youths/children in legal dilemmas. Also, this legislation defines the law and lays down a systematic procedure for addressing juvenile delinquents. However, since this method has some constraints, it can limit its usage to the extent that one cannot fully take advantage of it. However, it is also clearly apparent that the age estimation procedure is also questionable. However, despite these barriers, the juvenile justice system has experienced some changes for the better. India's juvenile homes are far from improving and becoming comfortable for children, even though

all the state governments and several social organizations are active in doing so to a certain extent. To sum up, I would like to underline that still more work needs to be done to enhance the efficiency of this act. I want to leave you with this quote: “Be addicted to improving yourself.”

