
FROM VICTIM TO OFFENDER: RETHINKING JUVENILE NARCOTIC INVOLVEMENT UNDER INDIA'S CRIMINAL JUSTICE FRAMEWORK

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ABSTRACT

Juvenile's participation in narcotic activities presents significant legal and developmental challenges to social stability and national progress, particularly due to India's geographic location between the Golden Triangle and the Golden Crescent, which are major global drug-producing areas, making it easier for narcotic substances to be accessed. Among other things, substance abuse has emerged as a significant but little-studied problem that facilitates young people's engagement in criminal conduct.

Considering the Juvenile Justice (Care and Protection) Act of 2015 and the Narcotic Drugs and Psychotropic Substances Act of 1985, this study examines the legal implications of juvenile drug use. The study examines how socioeconomic vulnerabilities, inadequate law enforcement, and a lack of rehabilitation facilities increase adolescents' susceptibility to drug trafficking and narcotic substance misuse, which ultimately drives them into criminality.

Keywords: Juveniles, Narcotic substances, Drug addiction, Criminality, Rehabilitation.

INTRODUCTION

“Children are our Greatest Treasure; they are our future” – Nelson Mandela¹

Children are the foundation of our country's future, not only a source of pride for their families. Adolescence is a favourable time for drug usage since the brain is still maturing throughout this period, according to the World Drug Report from 2024.² Three hundred sixteen million people used a drug (excluding alcohol and tobacco) in 2023, or six percent of the population aged between 15 and 64, compared to 5.2 percent of the population in 2013. Which is shockingly too high, and with 244 million users, cannabis remains the most widely used drug, followed by opioids (61 million), amphetamines (30.7 million), cocaine (25 million), and ecstasy (21 million)³. By analysing the usage of drugs, we can infer the amount of circulation of drugs worldwide despite legal restrictions. The issue has received more attention in India because of the growth in adolescent crime. Narcotic substances are one of the factors for youth criminal behaviour. Peer pressure, broken households or a lack of parental control, a lack of support and care from elders, socioeconomic instability, and easy access to narcotic substances all add to a probable environment that makes young minds more predisposed to engage in deviant activities or behaviour⁴.

India's Geographical position is sandwiched between the Golden Crescent (comprising Afghanistan, Iran, and Pakistan) and the Golden Triangle (northeastern Myanmar, Northern Thailand, and Laos), which are the world's largest drug producers.⁵ And India's drug circulation and trafficking are significantly larger. Drugs and various Narcotic substances reach the juveniles through urban slums, rural pockets, educational institutions, online websites, the dark net, and through illegal markets posing as legal.⁶ The Psychotropic substances are any chemical agents affecting the mind or mental processes that alter decision-making. The initial use may begin as a desire to experience it, but later spirals into addiction, which often pushes

¹Ankita Khamari, *A Critical Analysis of Drugs Abuse Among Children in India*, 8 IJISRT 1599 (2023).

²United Nations Office on Drugs and Crime (UNODC), *WORLD DRUG REPORT 2024: HARMS OF WORLD DRUG PROBLEM CONTINUE TO MOUNT AMID EXPANSIONS IN DRUG USE AND MARKETS*, 26 Jun 2024, <https://unis.unvienna.org/unis/pressrels/2024/uniscp1177.html>.

³United Nations Office on Drugs and Crime, *UNODC WORLD DRUG REPORT 2025: GLOBAL INSTABILITY COMPOUNDING SOCIAL, ECONOMIC AND SECURITY COSTS OF THE WORLD DRUG PROBLEM*, 26 Jun 2025, <https://unis.unvienna.org/unis/en/pressrels/2025/unisnar1499.html>.

⁴Dr. Smritikana Ghosh, *Causes and Prevention of Juvenile Delinquency*, 9 Issue 10, GIIRJ, (2021).

⁵Tharanidaran. I, *Narcotics and Juvenile Delinquency: Exploring the Role of Drugs in the Formation of Youth Criminals in India*, 26 No.1, Medico-Legal Update, 1 (2025).

⁶Mr. Tarun Garg, *Juvenile Delinquency Causes and Prevention*, 11 Issue 3, CASIRJ, 47, 2020.

them into theft, pocketing, assault, trafficking, causing accidents while driving, and heinous crimes under the influence of drugs. Substance abuse has a detrimental impact on an individual, families, and communities, posing major public health challenges.⁷ This study investigates how poor rehabilitative infrastructure and socioeconomic vulnerabilities contribute to children's increased susceptibility to substance misuse, which leads to criminal activity.

OBJECTIVES

- To determine the psychological, social, and socioeconomic aspects that contribute to substance misuse in Juveniles.
- To examine the Legal framework on Juveniles regarding narcotic substances.
- To derive the possible inferences to prevent and rehabilitate Juveniles from drug usage and narcotic involvement.

REVIEW OF LITERATURE

Prof. N.V. Paranjape, in his book, "Criminology & Penology including Victimology", discusses juvenile delinquency as antisocial acts executed by minors. It is crucial to understand that biophysical factors alone do not account for the significant incidence of crime among children. Population growth, social, economic, and political changes, educational trends, and other variables all play a role in the increasing rates of delinquency, particularly in developing countries. The author examines delinquency, the Juvenile Justice (Care and Protection) Act of 2015, Juvenile Justice Movements, the underlying causes, and the distinctions between the juvenile and adult justice systems.⁸

M. Ponnian, in his Book, "Criminology & Penology", states that juveniles are the lifeblood of society; any unacceptable behaviour of the society by the Juveniles is covered under delinquency. The delinquent behaviour and anti-social attitudes don't surface abruptly; it gradually grows and develop in the socio-economic and cultural conglomerative milieu and

⁷Madhur Katoch et. al, *A Cross Sectional Study into Drug Abuse among Youth and It Association with Socio-demographic and Risk Factors in District Kangra of Himachal Pradesh, India*, 41 (Issue 4), AJAEES, 141, 142, (2023).

⁸PROF. N.V. PARANJAPE, *CRIMINOLOGY & PENOLOGY INCLUDING VICTIMOLOGY*, 665-670, (Central Law Publications, 18th ed. 2022).

extends its tentacles with inflictitious malady on mankind.⁹

Louis A. Pagliaro et. al, in their book “Handbook of Child and Adolescent Drug and Substance Abuse: Pharmacological, Developmental, and Clinical Considerations”, stated that more than 90% of individuals who consume drugs started using before the age of 18, and engaged in activities that interfere with normal psychological and neurological development. The authors examine the immediate consequences for the affected individual's health, safety, and well-being, as well as those of their family and community. This book will assist mental health specialists, students, and lawmakers in developing effective prevention and treatment programs for children and teens battling substance abuse.

Jaggi Pooja et. al, in their research article, “The Drug Addiction in Juvenile Delinquents,” The Substance abuse and criminal behaviour are intimately linked. The extent of drug addiction is associated with severe criminal behaviour and violence. There is a link between addiction and delinquency with ramifications for the psychological, socio-cultural, and policy domains. It was discovered that a variety of variables contribute to the onset, maintenance, and progression of drug use, abuse, and criminal conduct.¹⁰

S. Fathima Fameetha, in his research article, “A Study on Drug Abuse among Juveniles and Its Impact in Society, Drug use among young individuals has become fashionable in recent years because we are glued to Western society and feel that it reflects our Indian Constitution, which can be witnessed at clubs and pubs. This study explores adolescent drug users and how far they are protected under the law. Drug abusers frequently face infringement of their human rights due to stigma and prejudice. Drugs can include a wide range of compounds with a Place in daily existence.¹¹

Prof. Krishna Reddy et. al, in their research article, “A Study on the Implications of Addiction on Youth of India”, substance misuse, including alcohol and tobacco, continues to be a major issue. However, new tendencies like internet addiction and gambling are rising, especially among adolescents. Addiction susceptibility is significantly influenced by socioeconomic circumstances, cultural norms, and peer influence. Barriers to recovery include stigma and a lack of access to therapy and support. Addressing the varied nature of addiction

⁹M. PONNIAN, CRIMINOLOGY & PENOLOGY, 68-71, (Allahabad Law Agency, 3rd ed. 2013).

¹⁰Jaggi Pooja et. al, *The Drug Addiction in Juvenile Delinquents*, 3, Haryana Police Journal, 67, (2020).

¹¹S. Fathima Fameetha, *A Study on Drug Abuse among Juveniles and Its Impact in Society*, 7 Issue 1, IJLMH, (2024).

in India might help healthcare providers establish evidence-based interventions to reduce its impact on people and society.¹².

Tharanidaran, in his article, “Narcotics and Juvenile Delinquency: Exploring the Role of Drugs in the formation of Youth Criminals in India”, The relationship between drug use and the emergence of delinquent tendencies in young Indians is examined in this study. Using a multidisciplinary approach that combines criminology, psychology, and legal analysis, the study looks at the psychological, family, and socioeconomic factors that make teenagers more likely to take drugs and engage in criminal activity. The study also assesses how well current legislative frameworks, such as the Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985 and the Juvenile Justice (Care and Protection of Children) Act of 2015, handle the connection between substance misuse and juvenile criminality. To reduce drug-induced delinquency, the results highlight the need for all-encompassing intervention programs that include education, community assistance, and mental health treatment.¹³.

RESEARCH QUESTIONS

1. What psychological, social, and socio-economic factors contribute to Juvenile involvement in Narcotic Substance use in India?
2. How does India’s geographical proximity to the Golden Triangle and Golden Crescent facilitate?
3. To what extent does substance abuse influence juvenile delinquency and engagement in criminal activities?
4. How effectively do the Juvenile Justice (Care and Protection of Children) Act, 2015, and the NDPS Act, 1985, address juvenile drug abuse and drug-related offences

PSYCHOLOGICAL, SOCIAL, AND SOCIO-ECONOMIC FACTORS

Family Environment: Children from Broken Homes and those experiencing domestic violence are more prone to substance abuse. Disintegration of family system and laxity in

¹²Prof. Krishna Reddy, A Study on the Implications of Addiction on the Youth of India, 4 Issue 2, IJHSSM, 2024.

¹³Tharanidaran, *Narcotics and Juvenile Delinquency: Exploring the Role of Drugs in the Formation of Youth Criminals in India*, 26 No.1, Medico-Legal Update, 1 (2025).

parental control over children, absence of security, and want of love and affection towards children are contributing factors.¹⁴

Mental Health Issues: Youth experiencing stress, anxiety, depression, or other emotional distress often resort to substances to cope or self-medicate, especially when healthy support systems or professional help are unavailable or stigmatised in society. Feelings of depression or persistent stress can lead to self-medication with drugs. Anxiety and low mood increase vulnerability to substance use as a way to escape emotional discomfort.

Poor Coping Mechanisms: Many adolescents lack effective psychological tools to deal with academic pressure, family conflict, trauma, or life failures/setbacks. Without positive coping skills, drugs may appear as a quick (but harmful) escape from distress.¹⁵

Curiosity, Sensation-Seeking & Development Stage: Adolescence itself involves heightened curiosity and risk-taking due to ongoing brain development, especially in areas that govern impulse control, decision-making, and reward processing. Low self-esteem and identity confusion can predispose young people to drug use to fit in with peer groups where substance use is normalised.

Trauma, Abuse and Childhood Adversity: Adolescents with histories of physical abuse, neglect or traumatic experiences have a significantly heightened risk of substance use later in life as they may seek relief from emotional pain. The reliance on narcotic substances and drugs happens to juveniles when they lack parental care and love, but experience abuse.

Peer Influence: the peer influence overlaps with social factors, from a psychological tool to deal with academic pressure, family conflict, trauma or life setbacks. Without positive coping skills, narcotic substances appeal to them as a remedy for distress.

SOCIAL AND SOCIO-ECONOMIC FACTORS

Those with high economic status who were employed and those with low status who were unemployed reported relapsing. People who are wealthy and employed have a higher chance

¹⁴Dr. Sanjay Jadhav, *The Impact of Narcotic Drugs on Children in India: A Growing Crisis*, 11 Issue 9, JETIR, 123, 127, (2024).

¹⁵M.L. John et. al, *An Overview of Drug Abuse: Causes, Effects and Control Measures*, 21 Issue 11, [AJMAH, 2023].

of relapsing than those who are poor and unemployed. Economic considerations are among the causes of drug use. This is true for both drug users and traffickers since the family's financial situation is out of control, in addition to being impoverished. A household with a high-income level does not care about money difficulties, especially when it comes to teenage children who feel empty and unwanted because they receive no real affection from their parents, and all of their attention is focused on financial things¹⁶.

INDIA'S GEOGRAPHICAL PROXIMITY TO THE GOLDEN TRIANGLE AND GOLDEN CRESCENT AND JUVENILE DRUG ADDICTION

Ministry of Social Justice and Empowerment, *"Magnitude of Substance Use in India, 2019"*, *Alcohol is the most common psychoactive substance used by Indians by Indians. Nationally, about 14.6% of the population (between 10 and 75 years of age) uses alcohol. There are about 16 crore persons who consume alcohol in the country.*¹⁷ Use of alcohol is considerably higher among men (27.3%) than among women (1.6%). For every one woman who consumes alcohol, there are 17 alcohol using men.¹⁸

Due to its advantageous location in Asia, particularly its closeness to the vast Indian Ocean and its always rising demand, India is a major participant in the global drug trafficking cycle. "Whoever controls the Indian Ocean dominates Asia. With its location between the Golden Triangle and the Golden Crescent, two of the most infamous drug-producing regions, India has developed into a major hub for the illegal drug trade.

According to Narcotics Control Bureau (NCB) reports, drug tracking through sea routes in the Arabian Sea and the Bay of Bengal accounts for around 70% of the total illegal drugs smuggled in India.¹⁹ Threat to national security, proximity to important drug-producing regions makes it easy to have narcotics supplied regularly into India, fuelling organised crime and violence.

Threat to national security. Proximity to important drug-producing regions makes it easy to

¹⁶Himanshu Kumar chaubey, *Socio-Economic Factors Causing Drug Abuse – A Critical Analysis*, 2 Issue 5, [JTNR, 93, 94, 2024].

¹⁷The Hindu, More than 1.5 crore children aged 10-17 addicted to substances: Centre tells SC, THE HINDU, (Dec 14, 2022), <https://www.thehindu.com/news/national/more-than-15-crore-children-aged-10-17-addicted-to-substances-centre-tells-sc/article66263112.ece>.

¹⁸Ministry of Social Justice and Women Emp, GOVT OF IND., ANNUAL REPORT, 2 (2019), https://www.lgbrimh.gov.in/resources/Addiction_Medicine/elibrary/magnitude_substance_abuse_india.pdf.

¹⁹Ministry of Home Affairs, GOVT OF IND., ANNUAL REPORT, 42, (2023), <https://narcoticsindia.nic.in/Publication/ncb-annual-report-2023-24.pdf>.

have narcotics supplied regularly into India. Gangs engaged in narco-terrorism pose a threat to both innocent bystanders and one another. Public safety would suffer, which would be a breeding ground for lawlessness.

JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2015 AND NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

Juvenile delinquency rates rose by 2% between 2018 and 2019, according to the NCRB, with 75.2% of all juvenile offenders being between the ages of 16 and 18. Delhi is 3rd in terms of juvenile crime in all of India, with an 8.6% share, although having a much smaller projected Children's population (56 lakhs) than the bulk of Indian states (National Crime Records Bureau, 2019)²⁰.

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

The main law in India for the control and regulation of psychotropic substances and narcotic medications is the NDPS Act, 1985. It makes it illegal to create, possess, sell, or use prohibited substances and imposes severe penalties, especially for large-scale activities. The JJ Act and the NDPS Act are used in tandem; nevertheless, when minors are concerned. This implies that a minor under the age of eighteen who is discovered in possession of drugs or engaged in trafficking is not immediately punished under the severe penalties outlined in the NDPS Act. Rather, the JJB hears their case to decide on a rehabilitative course of action. This protection is restricted, nevertheless, in cases of severe or persistent violations.

Section 27: who consumes any narcotic drug or psychotropic substance will be punished: (a) if the drug or substance is cocaine, morphine, diacetyl-morphine, or any other drug or substance that the Central Government may specify in this regard by publishing a notice in the Official Gazette, they will be subject to rigorous imprisonment for a term that could last up to a year, or they will be fined up to twenty thousand rupees, or both; and

(b) If the drug or substance consumed is not one of the ones listed in or under clause (a), they will be punished with a term of up to six months or a fine of up to ten thousand rupees, or both.²¹

²⁰Jaggi Pooja et. al, *The Drug Addiction in Juvenile Delinquents*, 3, Haryana Police Journal, 68, (2020).

²¹Narcotic Drugs and Psychotropic Substances Act, No. 61, S. 27, 1985 (IND).

Section 32 (B): Factors considered for imposing higher than minimum punishment, if minimum term of imprisonment or amount of fine is given for any offence committed: the court needs to take into account the factors relating to juvenile such as minors who are affected or used for the commission of an offence and the offence is committed in an educational institution or social service facility or in the vicinity of such institution or faculty or place where school students resort for educational, sport and social activities.²²

Data from the National Crime Records Bureau (NCRB) shows that the number of minors arrested under the NDPS Act increased steadily between 2018 and 2022. Most of these individuals were first-time offenders or came from socio-economically disadvantaged backgrounds. The employment of minors as go-betweens by adult traffickers, who are usually ignorant of the full scope of the legal consequences of their actions, is a common pattern. The NDPS Act's rigidity prevents it from distinguishing between such compelled participation and consensual criminal activity.

In *Union of India v. Bal Mukund*, the SC reaffirmed that the Act is a comprehensive code in and of itself and establishes severe guidelines that must be adhered to in order to guarantee conviction. Harmonisation of such statutory aims is necessary since, in the case of juveniles, strictness has a propensity to conflict with the juvenile law's rehabilitation theory.²³

According to **Section 19 of the JJ Act**, minors convicted under adult laws cannot be given death sentences or life in jail without the chance of parole. Although this restriction does offer some proportionality, the fact that a minor would be prosecuted as an adult for violations of the NDPS Act is evidence of the conceptual imbalance between the two laws.²⁴

THE JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2015

The Juvenile Justice (Care and Protection) Act, 2015 advocates that Juveniles need special care and protection rather than punishment, because of their age and psychological immaturity. Which was implemented in accordance with international norms such as the Beijing Rules of 1985 and the United Nations Convention on the Rights of the Child, 1989. The Custody serving as an absolute measure of last resort and for a minimum amount of time, the JJ Act has

²²Narcotic Drugs and Psychotropic Substances Act, No. 61, S. 32 (B),1985 (IND).

²³ Union of India v. Bal Mukund, (2009) 12 SCC 161.

²⁴Nehal Sharma, *Juvenile Offenders and Narcotic Crimes in India: A Critical Analysis of Legislative Overlap under the NDPS and JJ Acts*, VII Issue VI, IJLLR, 2444, 2446.

addressed the diversion, rehabilitation and reunion of Children in legal disputes.

The S. 2 (13)²⁵ and (14)²⁶ defines Child in conflict with law as a child who is alleged or found to have committed an offence and who has not completed 18 years of age on the date of commission of such offence, and Children in need of care and protection, respectively.

The Child in conflict with the law will be dealt with by the Juvenile Justice Board, and the Child in need of Care and protection will be dealt with by the Child Welfare Committee. The juveniles who take drugs and traffics it are Children in conflict with the law, and if the JJB discovers them to need care and protection, they transfer the child to the Child Welfare Committee.

- **Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child (Section 77)**

Section 77: Penalties for providing children with psychotropic substances, narcotic drugs, or intoxicated liquor: Anyone who gives or permits the giving of intoxicating alcohol, narcotic drugs, tobacco products, or psychotropic substances to a child, unless a properly qualified medical professional orders it, faces a rigorous seven-year prison sentence and a fine of up to one lakh rupees.²⁷

- **Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance (Section 78)**

Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, *shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine of up to one lakh rupees.*

If any Juvenile who is under the influence of drugs or other psychotropic substances commits an act which is against the law, then he will be proceeded by the Juvenile Justice Board functioning u/s 4 and according to the procedures laid down in s. 10 to 26. If a child is found to be in need of care and protection by JJB, they transfer the child to the Child Welfare

²⁵The Juvenile Justice (Care and Protection) Act, No. 2, 2015, S. 2(13) (IND).

²⁶The Juvenile Justice (Care and Protection) Act, No. 2, 2015, S. 2(14) (IND)

²⁷ The Juvenile Justice (Care and Protection) Act, No. 2, 2015, S. 77 (IND).

Committee functioning u/s 27 and procedures in relation to Child in need of care and Protection dealt u/s 31 to 38.

Umesh Chander v. State of Rajasthan, (1982), 3 SCC 592, the SC in this case laid down that a standalone legislation for the Juveniles was implemented to protect young children from the consequences of their offences on the ground that the juveniles were immature for imputing mens rea (intention) as the same as adults.

In **Pratap Singh v. State of Jharkhand**, the SC decided that the age of a criminal for the purposes of implementing the juvenile legislation is determined by the date of the offence committed rather than the date of arrest. The ruling upheld the notion that the JJ Act is a welfare law that is open to a liberal interpretation.²⁸

Later, the Court said in **Jitendra Singh alias Babboo Singh v. State of U.P** that if the accused is a juvenile, the JJ Act must take precedence over other penal statutes.

Rule 57: The process for a violation of Section 78 of the Juvenile Justice (Care & Protection) Act states: (1) If a child is discovered selling, vending, supplying or smuggling intoxicating liquor, a narcotic drug, or a psychotropic substance, the police must investigate how and from whom the child obtained the item and immediately file a formal complaint. (2) A child who is accused of violating section 78 of the Act must appear before the Juvenile Justice Board, which has the authority to refer the juvenile to the Child Welfare Committee if the child needs care and protection.²⁹

The JJ Act's status as a beneficial piece of later-enacted law has led to judicial interpretation that favours its supremacy. In **Union of India v. Rattan Mallik**, the Delhi High Court ruled that the JJ Act takes precedence over the NDPS Act in cases involving minors. The court stressed that the JJ Act's legislative goal is to rehabilitate, not punish, children who have entered legal trouble. It further said that a minor who is in legal trouble cannot be denied the JJ Act's protections only because the alleged offence is covered under a different piece of special penal law.

²⁸ Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551.

²⁹ The Juvenile Justice (Care and Protection of Children) Model Rules, 2016, Notification No. G.S.R. 898, Rule 57, 21 Sep. 2016.

- The Bail Provision in NDPS and JJ Act
- (i) Under Section 37 of the **Narcotic Drugs and Psychotropic Substances Act, 1985**, bail is **cognizable and non-bailable** in offences involving commercial quantities of drugs. This regime departs from the general bail provisions of the CrPC and creates a **presumption against bail** for serious narcotics offences, reflecting a legislative imperative to control drug trafficking.
 - (ii) By contrast, Section 12 of the **Juvenile Justice (Care and Protection of Children) Act, 2015** mandates that a juvenile in conflict with law **shall be released on bail** — with or without surety or supervision — “*notwithstanding anything contained in the CrPC or any other law in force.*”³⁰ Section 12 reflects the reformatory and rehabilitative philosophy of the JJ Act: default release on bail, subject only to specific exceptions, such as potential association with criminals, moral/psychological danger, or where release would defeat the ends of justice.

In **State of Kerala v. Rajesh, (2020) 12 SCC 122**³¹ The Supreme Court held that courts must record satisfaction that there are reasonable grounds to believe the accused is not guilty and unlikely to reoffend. Similarly, **Union of India v. Shiv Shanker Kesari, (2007) 7 SCC 798**³² emphasised strict compliance with Section 37 before granting bail. Conversely, Section 12 of the JJ Act makes bail the rule for juveniles, irrespective of offence gravity. In **Shilpa Mittal v. State (NCT of Delhi), (2020) 2 SCC 787**, the SC underscored the reformatory object of

³⁰ 12. Bail to a person who is apparently a child alleged to be in conflict with law.—(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person: Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home [or a place of safety, as the case may be] in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

³¹ (2020) 12 SCC 122.

³² (2007) 7 SCC 798.

juvenile legislation.

In **Om Prakash v. State of Rajasthan, (2012) 5 SCC 201**,³³ the Supreme Court affirmed that juvenility overrides the severity of the offence, and a child cannot be denied statutory protection merely because the offence is grave.

Further, in **Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551**, the Court emphasised that juvenile legislation must be interpreted liberally to advance reformative objectives.³⁴ Additionally, Section 39 of the NDPS Act provides immunity from prosecution to addicts volunteering for de-addiction treatment, reflecting a therapeutic approach.

REFORMS AND NECESSARY REHABILITATIONS FOR JUVENILES

LEGAL REFORMS

- **Harmonisation of the JJ Act, 2015 and NDPS Act, 1985:** A major legal challenge arises from the conflict between the welfare-oriented philosophy of the JJ Act, 2015 and the punitive framework of the NDPS Act, 1985. Although s. 1 (4) of the JJ Act, 2015 gives it an overriding effect, ambiguity persists in practice, particularly where juveniles are involved in serious drug offences.
- **Redefining Heinous Offences in the context of the NDPS Act, 1985:** Under the JJ Act, 2015, “Heinous Offences” are determined based on the minimum punishment of seven years or more. Certain NDPS offences may technically fall within this category, leading to cases dealt with by the JJB; they will be treated as adults if they committed serious offences, which undermines the rehabilitative purpose of juvenile justice. And there is no juvenile rehabilitation provision if they are involved in drug addiction in the NDPS Act, 1985
- **Decriminalisation of Drug Use by Children:** The criminalisation of drug consumption under NDPS disproportionately affects juveniles suffering from addiction. This generation of children is so advanced in taking drugs and other synthetic drugs. They must be rehabilitated if they cannot be streamlined back to the society. If it happens, there will be a maximum level of technology-related crimes such as illegal selling of

³³ (2012) 5 SCC 201.

³⁴ (2005) 3 SCC 551.

drugs online, hacking, morphing, sex-chatting, and other online-related offences and physical crimes also.

INSTITUTIONAL REFORMS

- **Strengthening Juvenile Justice Boards:** Many JJBs lack specialised knowledge of narcotic laws and child psychology. Mandatory training in NDPS law, trauma-informed adjudication for JJB members. Inclusion of Child psychologist and social workers in NDPS-related juvenile cases as mandated by Section 4 of the JJ Act, 2015. Adequate infrastructural support to ensure the privacy and dignity of juveniles during proceedings.
- **Integrated Rehabilitation and De-Addiction Framework:** Observation Homes and Special Homes often lack effective de-addiction facilities. Establishment of **dedicated juvenile de-addiction centres** integrated with JJ Institutions. Collaboration with public health departments, NGOs, and mental health professionals. Periodic review of rehabilitation progress rather than custodial emphasis.
- **Community-Based Preventive Institutions:** Juvenile drug involvement is closely linked to **poverty, school dropouts, and urban marginalisation**. Community-level early warning systems involving schools, local bodies, and child protection committees. Outreach programmes in high-risk areas to prevent recruitment of juveniles by drug networks.

JUDICIAL REFORMS

- **Adoption of a Victim-Centric Judicial Approach:** Courts often treat juveniles as offenders rather than victims of organised drug syndicates. Judicial recognition of juveniles involved in NDPS offences as **victims of criminal exploitation**. Greater reliance on **probation reports and social investigation reports**. Emphasis on reformatory sentencing is consistent with constitutional mandates under Articles 15(3), 21, and 39(e) & (f).
- **Development of Judicial Guidelines:** There is inconsistency across jurisdictions in handling juvenile NDPS cases. The Supreme Court or High Court should issue

sentencing and bail guidelines for juveniles in NDPS cases. Standardisation of procedures for age determination, bail, and rehabilitation orders.

- **Continuous Judicial Training:** Judicial officers often lack exposure to child rights jurisprudence and addiction science. Periodic judicial education programmes on international child rights conventions, comparative juvenile drug policies and restorative justice models.

SUGGESTIONS

1. The NDPS Act, 1985 must be expressly amended to recognise the overriding application of the Juvenile Justice (Care and Protection of Children) Act, 2015 in all cases involving juveniles, irrespective of the nature or quantity of narcotic substances involved.
2. NDPS offences involving juveniles should be excluded from the category of “heinous offences” under the JJ Act to prevent transfer to adult courts and to preserve the rehabilitative objective of juvenile justice.
3. Drug consumption by juveniles should be decriminalised and treated as a public health issue, mandating compulsory de-addiction, counselling, and rehabilitation.
4. Juvenile Justice Boards must be strengthened through specialised training in narcotic laws, child psychology, and addiction science, with mandatory involvement of psychologists and social workers in NDPS-related cases.
5. Observation Homes and Special Homes should be upgraded into therapeutic rehabilitation centres with integrated de-addiction, education, and vocational training facilities.
6. Courts must adopt a victim-centric and reformatory approach by recognising juveniles involved in narcotic offences as victims of exploitation and by relying on social investigation and probation reports while deciding bail and rehabilitation.
7. Community-based preventive mechanisms, including school-level awareness programmes and early intervention systems in high-risk regions, must be strengthened

to prevent juvenile recruitment into drug networks.

CONCLUSION

Juvenile involvement in narcotic offences in India is not merely a criminal justice concern, but a multidimensional issue rooted in psychological vulnerability, socio-economic deprivation, geographical exposure, and systemic inadequacies in enforcement and rehabilitation. India's proximity to major drug-producing regions, coupled with increasing adolescent substance abuse, has intensified the exploitation of juveniles by organised drug syndicates. While the Juvenile Justice (Care and Protection of Children) Act, 2015, adopts a welfare-oriented and reformative approach, the rigid and punitive framework of the NDPS Act, 1985, often undermines these objectives, leading to inconsistent legal outcomes and inadequate protection for children.

This study concludes that effective control of juvenile narcotic involvement requires a decisive shift from punishment to rehabilitation and reformation through legal harmonisation, institutional strengthening, and judicial sensitisation. Recognising juveniles as victims of addiction and criminal exploitation and children in need of care and protection rather than as juveniles in conflict with the law is essential to fulfilling constitutional mandates and international child rights obligations. Sustainable solutions lie in prevention, de-addiction, and social reintegration, ensuring that juveniles are reclaimed from narcotic dependence and guided towards constructive participation in society.

REFERENCE

BIBLIOGRAPHY

1. Prof. N.V. Paranjape, *Criminology & Penology Including Victimology*, 665-670, (Central Law Publications, 18th Ed. 2022).
2. M. Ponnian, *Criminology & Penology*, 68-71, (Allahabad Law Agency, 3rd Ed. 2013).

WEBLIOGRAPHY

1. Ankita Khamari, *A Critical Analysis of Drug Abuse Among Children in India*, 8 IJISRT 1599 (2023).
2. Dr Smritikana Ghosh, *Causes and Prevention of Juvenile Delinquency*, 9 Issue 10, GIIRJ, (2021).
3. Mr Tarun Garg, *Juvenile Delinquency Causes and Prevention*, 11 Issue 3, CASIRJ, 47, (2020).
4. Madhur Katoch et al., *A Cross-Sectional Study into Drug Abuse among Youth and Its Association with Socio-demographic and Risk Factors in District Kangra of Himachal Pradesh, India*, 41 (Issue 4), AJAEES, 141, 142, (2023).
5. Jaggi Pooja et. al, *The Drug Addiction in Juvenile Delinquents*, 3, Haryana Police Journal, 67, (2020).
6. S. Fathima Fameetha, *A Study on Drug Abuse among Juveniles and Its Impact in Society*, 7 Issue 1, IJLMH, (2024).
7. Prof. Krishna Reddy, *A Study on the Implications of Addiction on the Youth of India*, 4 Issue 2, IJHSSM, 2024.
8. Tharanidaran, *Narcotics and Juvenile Delinquency: Exploring the Role of Drugs in the Formation of Youth Criminals in India*, 26 No.1, Medico-Legal Update, 1 (2025).
9. Dr Sanjay Jadhav, *The Impact of Narcotic Drugs on Children in India: A Growing Crisis*, 11 Issue 9, JETIR, 123, 127, (2024).

10. M.L. John et al., An Overview of Drug Abuse: Causes, Effects and Control Measures, 21 Issue 11, [AJMAH, 2023].

11. Himanshu Kumar Chaubey, Socio-Economic Factors Causing Drug Abuse – A Critical Analysis, 2 Issue 5, [JTNR, 93, 94, 2024].

12. Nehal Sharma, Juvenile Offenders and Narcotic Crimes in India: A Critical Analysis of Legislative Overlap under the NDPS and JJ Acts, VII Issue VI, IJLLR, 2444, 2446.

REPORTS AND STATISTICS

1. United Nations Office on Drugs and Crime, UNODC world drug report 2025: global instability compounding social, economic and security costs of the world drug problem, 26 Jun 2025.

2. United Nations Office on Drugs and Crime (UNODC), World Drug Report 2024: Harms of World Drug Problem Continue to Mount Amid Expansions in Drug Use and Markets, 26 Jun 2024.

3. Ministry of Home Affairs, Govt of India, Annual Report, 42, (2023).

4. Narcotics Control Bureau, Joint Action Plan on Prevention of Drugs and Substance Abuse Among Children and Illicit Trafficking, NCB, NCPCR, 12-17, 2021.

5. Narcotics Control Bureau, Joint Action Plan on Prevention of Drugs and Substance Abuse Among Children and Illicit Trafficking, NCB, NCPCR, 12-17, 2021.