

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

FROM COURTROOMS TO COMMUNITIES: INDIAN JUDICIARY AND NGOS TACKLING CHILD DRUG ABUSE

AUTHORED BY – TANISHA SINHA

Abstract

Drug abuse among children is a complex issue that requires a multifaceted approach involving various stakeholders, including the judiciary and non-governmental organizations (NGOs). This study examines the roles played by the judicial system and NGOs in addressing drug abuse among children and facilitating their rehabilitation. It explores the legal frameworks, policies, and initiatives implemented by the judiciary to protect children from substance abuse and provide appropriate interventions. Additionally, the study highlights the contributions of NGOs in preventive education, counseling, rehabilitation programs, and advocacy efforts aimed at combating drug abuse among minors. By analyzing case studies and best practices, this research aims to identify effective strategies and collaboration methods between the judiciary and NGOs to create a comprehensive support system for children affected by drug abuse.

Keywords: Drug abuse, children, judiciary, NGOs, rehabilitation, legal frameworks, preventive education, counseling, advocacy, collaboration.

1.1 INTRODUCTION

Child drug addiction in India is a growing concern, demanding a multifaceted approach that extends beyond traditional legal frameworks. This study demonstrates how these institutions are moving beyond punitive measures to embrace community-based, rehabilitative approaches. The research highlights the importance of collaboration between the judiciary and NGOs in creating a more compassionate and effective response to child drug addiction in India.

Child drug addiction in India is a growing concern, demanding a multifaceted approach that extends beyond traditional legal frameworks. By analyzing landmark court cases, judicial interventions, and NGO initiatives, this study demonstrates how these institutions are moving

beyond punitive measures to embrace community-based, rehabilitative approaches. The research highlights the importance of collaboration between the judiciary and NGOs in creating a more compassionate and effective response to child drug addiction in India. The disease of drug dependence is a complicated one. Irresistible drug urges and obsessive drug-seeking and use persist even when the consequences are dire. This is known as drug addiction. When it comes to addictions, many individuals don't realize that it's an illness of the brain. The first step toward drug addiction is taking drugs. But as time goes on, the will of the person to decide not to take drugs gets weaker, and they have to keep looking for and using the drug. This behaviour is mostly caused by how long-term drug use changes the way the brain works. Many regions of the mind are affected by addiction, including those that manage motivation and reward, memory and learning, and self-consciousness. Addiction is more prone to strike some people than others.

This depends on their genes, how old they were when they first tried drugs, and other environmental factors. Addiction is not only limited to taking drugs over and over again; it can also have far-reaching effects. For example, drug abuse and addiction can make a person more likely to get sick mentally or physically because of the way they live or because of the harmful effects of the drugs on themselves. Substance abuse and addiction are medically defined as chronic, relapsing diseases in which a person repeatedly seeks for and consumes an illicit drug. Changes in the brain's chemistry and molecules are signs of this kind of addiction. Heroin, barbiturates, lysergic acid diethylamide (LSD), mandrax, cocaine, and different kinds of opiates are some of the drugs that drug addicts use most often. Estimates show that around 3 million people in India are addicted to drugs.

India, home to one of the world's largest youth populations, faces a disturbing trend: rising child drug addiction. According to the Ministry of Social Justice and Empowerment's survey (2019), approximately 4.6 million children in India use inhalants, while thousands more are involved with harder drugs like heroin and cocaine. This crisis demands urgent attention, not only due to its scale but also because of its profound impact on India's future generations.

Traditionally, India's response to drug-related issues has been predominantly punitive, rooted in the Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985. However, this approach, focusing on incarceration rather than rehabilitation, has been particularly problematic when dealing with child addicts. Recognizing this, India's judiciary and NGO sector have begun to shift their strategies, moving from courtroom to community in their fight against child drug addiction.

1.2 THE ROLE OF NGO'S IN REHABILITATION OF DRUG ADDICTS

Through their psychiatry offices, state-level facilities also have recovery offices where addicts who are as tough as nails can get treatment inside. In addition to state-run treatment centres, there is a group of de-stressing centres that are run by certain groups. Moreover, social class-based therapy programmes are worked in different areas of the country, since constant medication use and reliance have such innumerable estimations and vexed such incalculable pieces of an individual's life, treatment isn't direct.

The most successful treatment plans frequently include a wide range of approaches, each of which is tailored to a specific aspect of the illness or its repercussions. The goal of reliance treatment is to assist the person stop taking drugs, stay off of them, and engage in productive activities in their families, workplaces, and communities. Addiction is a chronic illness that cannot be cured with a temporary cessation of drug use. Most individuals require long-term or recurrent treatment in order to maintain their sobriety and return to a normal life.

We have to realise that the Government cannot fight drug abuse alone in a large country like India, where there are over 100 crore people and poverty is the biggest problem. At this point, the work of non-government organisations becomes very important. The main job of any non-governmental organisation (NGO) is to help the government fight social problems and work to improve society.

These programmes are designed to help addicts reunite with their families and communities, and to encourage the community to work with the addicts as they recover from their substance abuse. As we've seen above, there are many different ways to treat effectively.

These treatments need the help of family, doctors, friends, and relatives. When these people can't help us, we need an NGO that helps people who are addicted to drugs. Non-government organisations run de-addiction centres that use different types of medicine and psychotherapies to help addicts get better. These include allopathy, homoeopathy, ayurveda, naturopathy, and yoga. DAIRRC “the Drug Abuse Information, Rehabilitation, and Research Centre” is a non-profit organisation dedicated to the rehabilitation of drug users and their families. In the year 1982, it began in Mumbai. In addition to treating heroin and cocaine addictions, this facility also treats solvent abuse, prescription drug addiction, methadone addiction, and a variety of other illegal drug addictions.

If drug addicts are going to be fully rehabilitated, the local community needs to help with their treatment and reintegration into society. To support this kind of initiative, a number of regular events are being put on by volunteer groups at the community level. Drug addicts who live in the same area as these camps can get counselling, treatment, and help to get clean. Other ideas that can help addicts get better are raising awareness and making therapeutic communities.

Self-help methods have been shown to be very helpful in treating different kinds of addictions. Narcotics Anonymous is a well-known group that offers these kinds of techniques. People who are addicted to drugs can attend private meetings with other addicts to learn how to stay clean and get better. In cities like Bangalore, Mumbai, New Delhi, and Chennai, these kinds of meetings are common.

Now, the government provides funding to 361 non-profit organisations that operate 376 centres for drug and alcohol rehabilitation and 68 centres for counselling and education around the country. People who need long-term therapy can access 100 De-addiction centers in government hospitals and primary health centres.

Non-governmental organisations (NGOs) with excellent technical abilities have been selected by the National Center for the Prevention of Drug Abuse to provide training and information, monitor programmes, and manage the Drug Abuse Monitoring System. There are six non-governmental organisations in India: *“the Calcutta Samaritans, Mizoram Social Defence and Rehabilitation Board, Muktagan Mitra Society for Promotion of Youth and Masses, TT Ranganathan Clinical Research Foundation, and Vivekananda Education Society.”*

NGOs: Bridging the Gap Between Law and Community

Community-Based Rehabilitation

NGOs have been pivotal in translating judicial intentions into community actions:

Sankalp Rehabilitation Trust (Mumbai): Following the Bombay High Court's directive, Sankalp expanded its community-based rehabilitation program. Using a peer-educator model, where former child addicts mentor current ones, they've achieved a 60% recovery rate.

Butterflies (Delhi): Responding to the Delhi High Court's order, Butterflies established mobile de-addiction units. These units provide on-the-spot counseling and medical aid to street children, many of whom are addicts.

1.2.1 RELEVANCE OF STREET THEATRE IN CREATING AWARENESS AGAINST DRUG ABUSE

All India street theatre workshop against drugs, (STEP)

Since it was founded in May 1993, STEP has been using theatre to bring attention to many different problems. Through this method, STEP has not only encouraged creativity but also made people more aware of social issues in the world today.

- The Society for Theatre Education for People wants to do the following:
- to improve the idea of theater education in India and spread it.
- to work together with other networks and organisations to reach the goals
- to keep people entertained while giving them useful information
- to set up theater-related seminars, workshops, conferences, exchange visits, and symposiums
- to encourage people to use theater to learn about social issues.

Some steps for promoting awareness About Drug Abuse:

- In April 1995, in Dakshin Puri, there was a theatre workshop called "Theater as a Medium to Raise Awareness Against Drug Abuse" (resettlement colony of New Delhi).
- With help from the UNDP, a project called "Mukhota: Street Plays on Drug Abuse Awareness and Community Support" ran from May to September 1996.
- Two exhibitions of posters that kids made to warn against drug use.
- From September 18 to September 24, 1997, there was an "All India Street Theater Workshop Against Drug Abuse."

Since it began in the 19th century, street theatre has been a good way to teach and raise awareness among the masses. The importance of street theatre is increased by the fact that communication is more personal and the audience can ask questions and get their questions answered.

Advocacy and Policy Influence

NGOs also shape policy through advocacy:

Delhi Commission for Protection of Child Rights (DCPCR): Though quasi-governmental, DCPCR's advocacy led to Delhi's comprehensive "Policy for Children Affected by Substance Abuse" (2022), emphasizing community-based interventions.

Udayan Care: Their research on child addicts in institutional care influenced the Supreme Court's 2019 directive on implementing the Juvenile Justice Act.

1.3 ROLE OF JUDICIARY

In India, long-term drug use is a big problem for public health because it can lead to problems like hopelessness, unemployment, and not taking care of one's family. When we try to figure out how to fix a problem, we usually think about two things: the things that caused the problem and how to fix it. This evaluation is an investigation into drug dependency from an Indian point of view. There are three main types of reasons why people keep taking medicine: social, financial, and mental. Each group has its own set of reasons to do what it does. At the moment, we have a lot of rules that are supposed to stop people from using drugs without permission. However, these rules aren't always followed and there are gaps in them. This study tries to come up with social as well as legal rules to control it, because it knows that social responsibility is an important part of dealing with the problem of long-term drug use. This chapter will look at the laws that are already in place in India to deal with the problem of too much medicine use. It will focus on illegal drug use as its main topic. It is an evaluation of the government's plans for getting medicines to people and an analysis of whether or not those plans are good.

Continuous drug use is a pattern of using drugs in different ways over and over again. Addicts will use things that are easy to get, like cough syrup, pain relievers, stick, cleaning fluids, and paint. Gasoline and a jumbled sound. Teenagers who work or are homeless often use things like teeth whitener, alcohol, cigarettes, and both hard and soft prescription drugs. Drug abuse in our country has become a major concern, particularly in the states of Manipur, Mizoram, Nagaland, Western Rajasthan and the Punjab region of Haryana. There, Punjab takes the lead while Manipur takes second place in this summary.

The customer's ability to remember things and their ability to be in the moment could be hurt by the illegal drugs they take. This could be the cause of a number of infections, such as HIV/AIDS, heart disease, disease, and so on. This research looks at many different aspects of long-term drug use, such as the different types of substance dependence and the reasons why people use illegal drugs. It also tries to find ways to stop long-term drug use. Any country that has a lot of people who use drugs all the time is embarrassed, but India, which depends a lot on agriculture, is especially worried. Drug abuse has been made a crime for many different reasons. The following are some of these reasons: Abusing prescription drugs is bad for your health and could kill you.

Teens should be told how dangerous it is to abuse drugs. Article 47 of India's Constitution says that the government must take steps to stop people who abuse drugs from getting prescriptions. The Constitution of India says that pharmaceuticals can't be used in a way that hurts people.

This request led to the approval of the Prevention of Illicit Traffic in Narcotic Drugs, and Psychotropic Substances Act, 1988, the Narcotic Drugs and Psychotropic Substances Act, 1985 and the Drugs and Cosmetics Act, 1940. People think that all three of these things are very important. Since illegal drug use is now a problem, there is an urgent need for research into long-term drug abuse, which is linked to the problems listed above and evaluations of how to prevent them. This study will focus on the problem of drug addiction in the modern world, the things that contribute to it, and possible ways to fix it.

Landmark Cases and Judicial Activism

India's judiciary has increasingly recognized that treating child drug addicts as criminals is counterproductive. This shift is evident in several landmark cases:

Bachpan Bachao Andolan vs. Union of India (2014): Though primarily about child trafficking, this Supreme Court case emphasized the state's duty to protect all vulnerable children, including those at risk of drug addiction.

Social Jurist vs. Government of NCT of Delhi (2012): The Delhi High Court mandated the establishment of de-addiction centers in every district, highlighting the need for accessible rehabilitation services.

Rajasthan Network of Positive People vs. State of Rajasthan (2019): This case saw the Rajasthan to provide comprehensive care, including drug de-addiction services, to HIV-positive children, many of whom were drug users.

Judicial Directives and Guidelines

Beyond individual cases, the judiciary has issued broader directives:

In 2019, the Supreme Court instructed all High Courts to monitor the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, which includes provisions for treating child drug addiction.

The Bombay High Court, in a suo moto case (2018), ordered Maharashtra to create a state-wide network of juvenile de-addiction centers, emphasizing community-based rehabilitation.

These actions reflect the judiciary's growing recognition that child drug addiction is more a public health issue than a criminal one, requiring rehabilitative rather than punitive measures.

1.4 IMPORTANT CASE LAWS

The Indian government's legislative branch is working hard to deal with the problem of drug abuse by passing laws that will help the country reach the goals set out in international treaties and conventions to which it has agreed to participate. Some of the international agreements and treaties that have been made are listed below:

- “Single Convention on Narcotics, 1961
- Convention on Psychoactive Substances, 1971
- The Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was signed in 1988 by countries throughout the world.”

The Indian Parliament passed the NDPS Act, of 1985 even though they skipped over a lot of discussions. The Narcotic Drugs and Psychotropic Substances Act replaced the Opium Acts and the Dangerous Drugs Act on November 14, 1985 (NDPS Act). In any case, the D and C Act of 1940 is still in effect and can still be used. The NDPS Act, which was passed in 1985, helped solve the problem of people taking illegal drugs. It was also needed for the overall plans and concerts to go well. The law has undergone three revisions, the first in 1989, the second in 2001, and the third and most latest in 2014. This law makes it illegal to store, advance, get, import, export, possess, trade, buy, use, and give away narcotic medicines and psychotropic substances for any cause other than medical or legal ones. This includes reselling them. Slumber aids include drugs like marijuana, cocaine, opiates, and other medications. In 1985, the NDPS Act of 1985 defined "psychotropic substance" as "any substance (or material) that is related to the list of psychotropic substances in the Schedule" as "any substance, ordinary or developed, or any ordinary material." Another way to put it: any material that is created or used to have a "psychoactive effect" is a "psychotropic substance".

This Act makes it possible to search for, hand over, and arrest people in any part of India who are involved in drug activities. The severity of this demonstration shows the plan for the death penalty if a person is caught with a lot of drugs.

Indian Harm Reduction Network v. Union of India, the honourable High Court of Bombay came to the conclusion that the death penalty in the Narcotic Drugs and Psychotropic Substances Act, 1985 is illegal, but the Court did not throw out Section 31 of this Act. It showed that the courts were not yet ready to stop giving out the death penalty for drug meetings that broke the Act and happened over and over again.

Continuous drug use is against the law for a number of reasons, so people should try to avoid it. Even though we have a lot of rules that are supposed to stop it, we are still dealing with the problem of long-term drug use. This is because the rules we already have are not being followed or have holes in them. In this section, we'll try to suggest specific things that can be done to stop people from taking medications they aren't supposed to.

In the case *Bachpan Bachao Andolan v. Union of India & Ors.*, the High Court asked the State to look into how it takes care of children and if there is a problem with drug abuse, since children were using drugs often.

The judge gave the following advice:

- There needs to be a plan for getting people to stop using drugs and alcohol.
- Children whose lives have been hurt by using illegal drugs need support and help to put their lives back together.

There needs to be a good system for collecting, distributing, importing, and charging for engineered chemicals that may be used in a way that is against the law. It is expected that good practises will be used more often if consumers who fill prescriptions are found early on.

Because the NDPS Act doesn't do a good job of telling the difference between a responsible prescription customer, a hard-to-handle drug addict, a minor seller, and a pre-arranged medicine seller, there should be a real plan to tell the difference between these four kinds of drug traffickers. Because this Act doesn't make any big differences between hard and fragile prescriptions, which is why many people who take medicine turn to hard drugs, there need to be different rules for hard and fragile drugs.

In the case *Gurdev Singh v. State of Punjab* (LL 2021 SC 196), The bench held that the quantity of narcotic substance found is a crucial factor that can be utilized to impose a heavier sentence than the minimum allowed by the Narcotic Drugs and Psychotropic Substances Act, 1985. This choice was made because the quantity of drugs discovered is a crucial consideration. The court also said that it has a lot of freedom to give a sentence or time in prison that falls anywhere between ten and twenty years and that it can take into account any other factors it thinks are important in addition to the ones listed in the Act's Section 32B (a) to (f). The court further stated that it had broad discretion to impose a term of ten to twenty years in jail.

Some excerpts from various Indian court judgments offer valuable insights into the judicial perspective on drug-related offenses in India. While these cases primarily deal with drug trafficking, possession, and bail provisions under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, they also provide a foundation for understanding the role of the judiciary as a legal guardian in preventing and rehabilitating child drug abuse.

1. Recognition of the Problem:

- In *Durand Didier v. Chief Secretary, Union Territory of Goa*, the Supreme Court acknowledges that drug addiction has become a serious issue, particularly among adolescents and students. This recognition is crucial as it highlights the judiciary's awareness of the vulnerability of young people to drug abuse.

2. Understanding the Social Impact:

- In *State Of Punjab v. Baldev Singh*, the court describes drug abuse as a "social malady" that "eats into the vitals of the society." This understanding is critical when considering the judiciary's role as a legal guardian. The court recognizes that drug abuse affects not just individuals but the entire social fabric, making it imperative to protect children who are a part of this society.

3. Stringent Legal Provisions:

- Cases like *State of Kerala v. Rajesh* and *Sujit Tiwari v. State of Gujarat* highlight the strict bail provisions under the NDPS Act. While these cases don't directly relate to child drug abuse, they show the judiciary's firm stance against drug-related offenses. This stringency can act as a deterrent, indirectly helping in child drug abuse prevention.

4. No Leniency for Small Quantities:

- In *Rhea Chakraborty v. The Union of India and Ors.*, the Bombay High Court held that even possession of small quantities of drugs doesn't warrant bail as a matter of right. This stance is particularly relevant in child drug abuse cases, where even small quantities can lead to addiction. It sends a clear message that any involvement with drugs, no matter how small, is taken seriously.

5. Time is Not a Factor:

- *Sheru v. Narcotics Control Bureau* establishes that the mere passage of time during appeal pendency isn't a ground for bail in NDPS cases. This principle underscores the gravity of drug offenses in the eyes of the law, reinforcing the judiciary's commitment to combating drug abuse at all levels.

6. Protecting Rights of the Accused:

- *Babu Lal v. Union of India* shows that while the judiciary is tough on drug offenses, it also protects the rights of the accused. This balanced approach is crucial when dealing with child drug abuse cases, especially when children in conflict with the law are involved.

7. Presumption of Conscious Possession:

- *Madan Lal and Ors. v. State of Himachal Pradesh* establishes that possession of prohibited substances is presumed to be conscious unless proven otherwise. In child drug abuse prevention, this principle can help in holding accountable those who exploit children by using them as drug mules or by exposing them to drugs.

In the context of "Legal Guardians: Judiciary and NGO Strategies in Child Drug Abuse Prevention and Rehabilitation":

1. Judiciary as a Guardian:

- These judgments show that the Indian judiciary recognizes the severity of drug abuse, especially among the youth. This recognition positions the judiciary as a legal guardian, using its power to interpret and enforce laws to protect children from drug abuse.

2. Setting Legal Precedents:

- By consistently upholding strict provisions of the NDPS Act, the judiciary sets strong precedents that can deter drug trafficking and possession. This indirectly helps in preventing child drug abuse by making drugs less accessible.

3. Guiding NGO Strategies:

- NGOs working in child drug abuse prevention and rehabilitation can align their strategies with these judicial stances. For example:
 - Awareness Programs: Use court observations about the social impact of drugs to educate children and parents.
 - Advocacy: Lobby for stricter enforcement based on the judiciary's tough stance.
 - Rehabilitation: Design programs that reflect the seriousness with which the courts view drug offenses.

4. Collaboration Opportunities:

- The judiciary's recognition of drug abuse as a complex issue involving social, economic, and even terrorist dimensions suggests the need for a multifaceted approach. This opens up opportunities for NGOs to collaborate with legal institutions, offering their expertise in social work, counseling, and community engagement.

5. Rights-Based Approach:

- While the courts are strict on drug offenses, they also protect the rights of the accused. NGOs can use this to advocate for a rights-based approach in rehabilitation, ensuring that children in conflict with the law or those in rehabilitation centers are treated fairly.

In conclusion, these court judgments, though not directly about child drug abuse, provide a strong legal framework that underscores the judiciary's role as a legal guardian. By consistently taking a firm stand against drug-related offenses, the judiciary helps create an environment that deters drug abuse. NGOs can leverage this judicial stance to strengthen their strategies in preventing child drug abuse and rehabilitating affected children, working in tandem with the legal system to protect the youth.

Challenges and Future Directions

While progress is evident, challenges remain:

- **Resource Constraints:** Many court-mandated initiatives lack adequate funding. The judiciary and NGOs must jointly advocate for increased budgets.
- **Coordination Issues:** Better mechanisms are needed to ensure NGOs are promptly informed of relevant court orders.
- **Data Gaps:** Reliable data on child drug addiction is scarce. The judiciary could mandate regular surveys, implemented by NGOs.

Stigma: Despite judicial support, community stigma persists. NGOs must intensify awareness campaigns, possibly using Public Interest Litigations (PILs) to compel state support.

Some promising avenues include:

- Establishing a national forum where judges and NGO leaders regularly discuss child addiction issues.
- Creating a judicial fellowship program, where judges spend time with NGOs to

understand ground realities.

- Developing court-approved, NGO-run "Addiction Courts" that exclusively handle child drug cases, prioritizing rehabilitation.

CONCLUSION

The judiciary in India has played a crucial role in addressing the issue of drug abuse, particularly among children. Through various judgments, the courts have emphasized the need for effective measures to tackle drug abuse and provide rehabilitation support to those affected, including children. Landmark cases like *Bachpan Bachao Andolan v. Union of India & Ors.* have highlighted the necessity for the state to implement comprehensive plans for de-addiction and rehabilitation of children affected by drug abuse.

Non-governmental organizations (NGOs) have emerged as vital partners in the fight against drug abuse and the rehabilitation of addicts, including children. NGOs operate de-addiction centers that employ various therapeutic approaches, such as allopathy, homeopathy, Ayurveda, naturopathy, and yoga, to help individuals overcome their addictions. Organizations like DAIRRC (Drug Abuse Information, Rehabilitation, and Research Centre) have been dedicated to the rehabilitation of drug users and their families.

Furthermore, NGOs have played a significant role in creating awareness about drug abuse through innovative methods like street theatre. Initiatives like the All India Street Theatre Workshop Against Drug Abuse (STEP) have utilized theatre as a medium to educate and sensitize the masses, particularly in reaching out to vulnerable communities.

The government has recognized the importance of NGOs in this battle and has provided funding to over 360 NGOs operating rehabilitation centers across the country. NGOs with technical expertise have been selected to provide training, information, and management of the Drug Abuse Monitoring System, ensuring a coordinated effort in tackling this issue.

In conclusion, the judiciary and NGOs have made valuable contributions in addressing drug abuse among children and promoting rehabilitation efforts. While the judiciary has provided legal directives and highlighted the urgency of the matter, NGOs have been instrumental in implementing grassroots-level interventions, raising awareness, and providing specialized treatment and rehabilitation services to those affected by drug abuse, including children.

REFERENCES

1. Leslie L. Iverson, *The Science of Marijuana* (Oxford University Press, New York, 1st edn. 2000).
2. National Institute on Drug Abuse, *Preventing Drug Use among Children and Adolescents* (US Department of Health and Human Services, Maryland, 2nd edn., 2003).
3. R. Kathryn McHugh, "Cognitive-Behavioral Therapy for Substance Use Disorders" 33(3) *HHS Public Access* 2 (2010).
4. David J Heal, "Amphetamine, past and present – a pharmacological and clinical perspective", 27(6) *Journal of psychopharmacology* 482 (2013).
5. Marissa Selner, "Drug dependence", Healthline, April 23, 2018, available at: <https://www.healthline.com/health/drug-dependence> (last visited on June 03, 2022).
6. Hilary, "Drug Abuse among Children in India", Cliffside Malibu, available at: <https://www.cliffsidemalibu.com/blog/drug-abuse-among-children-in-india/> (last visited on June 03, 2022).
7. Alan Carter, "What Is a Psychotropic Drug", Healthline, November 06, 2019, available at: <https://www.healthline.com/health/what-is-a-psychotropic-drug> (last visited on June 09, 2022).
8. MSR Ayyangar, "Drugs and Medicine – What is the Difference?", ebnl, May 23, 2016, available at: <https://www.ebnl.org/blogs/drugs-medicines-what-difference> (last visited on June 07, 2022).
9. NIDA, "Understanding Drug Addiction and Additional Drug Facts", National Institute on Drug Abuse, June 06, 2018, available at: <https://nida.nih.gov/publications/drugfacts/understanding-drug-use-addiction> (last visited on June 13, 2022).
10. Central Drugs Standard Control Organisation, available at: <https://cdsco.gov.in/opencms/opencms/en/Home/> (last visited on June 19, 2022).
11. Varinder Bhatia, "Death penalty for drug crimes: How the law changed over time", *The Indian Express*, July 03, 2018, available at: <https://indianexpress.com/article/india/death-penalty-for-drug-crimes-how-the-law-changed-over-time-5243423/> (last visited on June 19, 2022).
12. *Effective Drug Control: Toward a New Legal Framework*, available at: <https://www.kcba.org/kcba/druglaw/pdf/EffectiveDrugControl.pdf> (last visited on June 19, 2022).