

Aid to Drugs Abuse Victims: Role of Society & State

Damini Dixit¹

Abstract

Drug abuse nowadays has become a common lifestyle among the youngsters and a serious peril. People often use drugs as a means to escape the reality and often commit crimes in their illusionary world. This illusionary world is the world they create and imagine while they are under the influence of these drugs but the crimes they commit are the real and their commission attracts penalty but generally it is too late till the drug addicts understand and regret their actions. This addiction and its after effects not only adversely affect our national health but also lead to an unsafe society for coming generations. Article 39A of the constitution which is a directive principle of state policy states that equal justice and free legal aid for all citizens equally. Sometimes when the question of drug addicts comes up we get biased against them. There is a preconceived notion that a drug abuse victim is a person of bad character and so he should be punished for the same but the fact is that these people are the victims of their circumstances and they are in dire need of help and a chance to improve and this help and chance to a drug abuse victim who has come into contact with our criminal justice system can be given only through an efficient legal service and also through implementation of article 47 of our constitution that states that State shall endeavour to bring about prohibition of consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

The author in this paper will be dealing with an aspect of it that is legal services to the victim of drug abuse. The author will also be dealing with the role of state and society in providing legal service to the victims of drug abuse. The author will be covering the ill effects of the drugs which our youngsters have been suffering throughout these years dealing with the present legal framework of our existing society and how these are covering the society. The focus of the author will be mainly on the societal perspective (i.e.) how the society look down on the drug addicts and how the state fails to provide them legal help. The paper would briefly deal with the current laws and role of the state and society in helping these addicts to get aid through these laws and finally the paper would conclude by suggesting some means how the state should approach these people.

¹LLM (1st Semester), Gujarat National Law University.

Introduction: Drug Abuse in India

Almost all of us will acknowledge the fact that drug addiction and abuse has become a menace in India. Drug abuse also known as substance abuse is the extensive use of specific chemicals for creating pleasurable effect on mind, these people generally have extreme desire for these chemicals such that they lose their cognitive abilities to differentiate between right and wrong and often leads to commission of crimes if not always. More pertinent problem is that this evil is growing its roots among the youth ie. Our nation's future. To begin with here is the data from the ministry of social justice and empowerment which would first put light on the extent of the menace we are concerned of "a National Survey conducted by United Nations Office on Drugs and Crime (UNODC) and Ministry of Social Justice and Empowerment, for the year 2000-2001(report published in 2004), it was estimated that about 732 lakh persons in India were users of alcohol and drugs. Of these 87 lakh used Cannabis, 20 lakh used opiates and 625 lakh were users of Alcohol. About 26%, 22% and 17% of the users of the three types respectively were found to be dependent on/addicted to them."

This is a report of 2004 but the issue is that the condition extent of the issue since then till date has only worsened. There are several reports depicting the changing pervasiveness of the problem and how it is not only restricted to adult males but is also prevailing among women and children especially the street children who do not get proper care and attention. And the issue is not restricted to one or two states rather are equally pertinent across our nation. Drug abuse has become one of the most dreadful organised crimes in the world today. As India is located golden crescent and golden triangle India is highly vulnerable to this issue. About 7 crore Indian are said to be involved in drugs and substance abuse and about 17% of it are addict, the threshold of age of children to try drugs has come down to 9 years.

Research Methodology

The author has done her research on the basis of doctrinal method of research and she has relied on various news articles, journals, guidelines, rules, regulations and book. Analytical, Critical and comparative methods are used as major tools of study in support of the arguments. Researcher has tried to imbibe new ideas to justify the title of the research paper.

Objective of Research Paper

The researcher while writing this research paper has the objective to find out the increasing drug abuse in India, the impact it has on the society and the children and how they react to it. To find out the rate of crime that has increased due to this drug abuse and the role of the state in preventing or combating the crimes and the drug abuse in India. The researcher wants to

analyse the legal aid which is available to the victims of these drug abuse. Finally the researcher while concluding the research wants to provide some suggestions to the increasing problem of drug abuse in India.

Drug Abuse: Society & Children

Our country is now caught in vicious cycle of drug abuse. The drug abuse is the result of societal change where joint family structures have diminished and there is a decrease in love and care given to young children as now generally both parents are working and are too busy to notice minute changes and mood swings which occur to a child in growing age, due to which the child searches for support in peer group and external world exposing himself to such evil as drugs. Our modernized and urbanized world is such that pressure, tension, competition is almost omnipresent and there are strong urges to escape these conditions and usually drugs become a means for such escape.

Now this outcome of change in society is nibbling the roots of society itself. Increase in crime rates, increase in drug addiction, declining health index are all few of the many ill effects of this menace. The society is growing to a future where a huge population will be addicted to one or the other form of drug. "The use of alcohol and drugs can negatively affect all aspects of a person's life, impact their family, friends and community, and place an enormous burden on society."

UNICEF estimates that across the world at least 100 million children live in the streets and also the data mentions that the maximum population of these street dweller kids is in India, the threshold of age of children to try drugs has come down to 9 years and this is frightening. This population is most exposed and vulnerable to drug abuse and also to the crimes related to it and these kids are parts of our society which we often fail to recognize.

Drug Abuse & Crimes

Drug abuse is always linked to crimes and this connection is very reasonable also as these drugs impair a person of his/her cognitive facility to differentiate between right and wrong, acts are done in spur of moment and have deadly consequences for both the person doing it and the person on whom it is done. The crime occurring due this may seem that are not always serious crimes like of Rape or murder but when we give a second thought we realise that even if the crime is breaking of traffic rules it may lead to accident and death of an innocent and this keeps on happening very frequently.

Our country which has the highest no. of street kids in the world should understand the fact that these young children addicted to drugs are more likely to commit violent crimes. "The

review was conducted by the city's Institute of Human Behaviour and Allied Sciences (IHBAS), department of psychiatry at Dr Ram ManoharLohia Hospital and PushpawatiSinghania Research Institute on over 500 inmates at the Prayas observation home for boys."Out of the total juveniles under-enquiry booked under different crimes, over 87 per cent had a history of substance use," said Shridhar Sharma, member, managing committee of Prayas."

Drug abuse and addiction is one of the major factor in cases of domestic violence. Usually when the victim and accused are known to each other alcohol and similar drugs are the underlining cause of violence. As per National council on alcoholism and drug defense its 2/3rd cases where such violence are caused due to alcohol abuse.

This question will always be that whether drugs lead to crime or crime leads to drugs but it is a vicious cycle where one leads to other. So crimes caused due to drugs and drug abuse caused due to crime can be broadly classified under two heads-

1. Economic assistance- these are the crimes done by a drug abuse victim so that he can fund his drugs he may steal and loot so that he can get drugs to which he is addicted.
2. Influence of drugs- these crime are the result of the drugs which a man commits in a subconscious state when under drugs influence and in high probability he would have not committed the same had he been sober.

So these both are like chain reactions one leads to other and then other leads to one.

Drug Abuse and the Role of the State

Our country has equipped itself to fight this evil at various levels be it national or international. Innovative changes are being brought through law and its enforcement so that the thrust of these crimes can be reduced. Laws such as NDPSA, 1985 play a great role in this regard which impose stringent penalties like a minimum of 10 years and so on. Then there is Drug and cosmetic Act, 1940 also to prevent and control the uses of drugs, at international level also India has signed various UN conventions on narcotic drugs, psychotropic substances, Transnational Crime etc. which are positive steps in this direction. There are also various NGO's working in the direction and aiding the government.

Somehow the problem is that these measures are either insufficient or suffer from lack of proper implementation and also a problem is that punitive measures imposition of penalties is not a solution rather the root of the problem has to be approached. That is when problem occurs we take step but we are not taking adequate steps to prevent this from occurring at the first place so rather than punishing, counselling and educating should be the means as there

are cases when addictions have reached a level that punishment is not a deterrent and therefore the remedy is reform and only reform because otherwise the addict finds out ways to evade laws and acquire drugs so the remedy should be such that he should lose the desire to drug rather than oppressing the desire through punishment which may come up again. Legal aid can play a great role to achieve such remedies where accused are drug addicts.

Various constitution articles that come under directive principles on state policy also impose a duty on state to take steps in this regard like article 47 of constitution of India states that state shall raise the level of nutrition standard of living an public health and it also states that “state shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.”²

Legal Aid to Drug Abuse Victims

National legal service authority of India (NALSA) has claimed that “Legal Services Institutions have a significant role to play in supply and demand reduction and de-addiction and rehabilitation.” Under the NALSA Scheme of 2015 various special units have been established at various levels like at taluka level, district level, state level etc, which conduct research and data analysis every subsequent years to find out rate of the drug abuse victims and the ways through which they can be treated. The scheme further provides for the measures of destruction of illicit cultivation of drugs and other narcotic substances. It ensures the involvement and participation of various local bodies, panchayats at the grass root level so that the menace is curbed from the root itself. It involves the establishment of various special units whose duty would be to spread awareness among the schools, colleges by training the teachers and staff members how to educate children on this issue and how to deal with it. Further awareness would be spread among the families of the victims of the drug abuse, street children, sex workers, jail inmates, chemist and peddlers and among the general public so that everyone can come together help in combating the drug abuse. NALSA even deals with supporting the various NGOs and other social institutions, rehabilitation centres which are working to help the victims of drug abuse. These institutions would be supported by adequate facility of doctors and other necessary resources and their participation would be ensured in policy making process for the drug abuse victims. 26th June of every year would be observed as International Day against Drug Abuse and Illicit Trafficking. Furthermore the scheme provides for the proper anti drugclubs, and the better involvement of the Para legal

²INDIA CONST. art. 47.

volunteers and finally to incentivise the workers of the members with the recognition of the good work done by them.

Non-Governmental Organisations, social institutions and civil societies since long have played an important role to uplift these ignored classes throughout the nation. They have acted as a strong voice for this class of people to raise their concerns and worries in a large scale so that the government and the people across the nation can hear them. Since long the victims of drug abused has been considered as burden by the society and their basic needs and requirements have been constantly neglected by the society as well as the government. These social service institutions have taken this responsibility on their shoulder to ensure that all the basic, economic, political rights that are available to all under the Constitution of India is also available to these victimised people. Various strategies and programmes have been started by these organisations and institutions which have created a great impact on the lives of the people. They provide legal aid to the people and take up matters to the courts through Public Interest Litigation. Through PIL they have proved that it is the most effective tool for getting justice from and in our present day system. Various conferences and meetings are conducted by these social service institutions wherein members from various governmental organisations, NGOs and civil society sit together where they discuss and formulate policies for the drug victimised class of the society so to help them to join the mainstream of the society and equally participate in all the activities concerning the nation and concerning them.

Suggestions & Conclusion

There is a dire need to take this issue of drug abuse with utmost sincerity as it is affecting our youths and upcoming generation, who are gradually becoming weak and helpless. As the drug abuse is spreading in India at an alarming rate, it is necessary that all the sections of the society (i.e.) all the stake holders, including the state, various government officers, NGOs, civil societies, social institutions and the society as a whole should find a way out of it. The government should make stringent laws and impose strict penalties on those are involved in drug abuse or who are administrating such kind of drugs to the youths. Proper law enforcement should be ensured, wherein the officers should be properly trained and sensitised with the issue. The doctors and other medical professions should be strictly asked to report to the concerned authorities whenever they get any case of drug abuse and especially when the victim is a young child. Special institution should be created wherein these victims are assured a safe environment, their requirements pertaining to health, education etc is maintained. Ones they are rehabilitated sometimes it is advisable that they should not be sent

back to the places from where they belonged because there is a high chance that they may again be trapped in the same trap. They should be instead provided a source of income (i.e.) a job where they can peacefully work and earn their living.

The schools and educational institutions should be properly directed to provide drug related education to the youngsters. The teachers and the other staff members should be trained by the drug experts on how to impart education to the students pertaining to the drugs and its abuse, its health benefits and its negative impact on the health and the lifestyle of a person. They should be trained how to deal with the students who are in taking drugs and should strictly deal with those who administer drugs to these students.

The society as whole should be sensitised about the problem and the helplessness of the drug abuse victims so that they can understand the gravity of the problem and help in their upliftment. Awareness campaign should be organised at the regular period and the people should be trained that whenever they witness any of such activity of the drug abuse they immediately react and approach the concerned authority. We cannot always shift the burden on the shoulder of the government, it is us as the society who needs to be vigilant and actively participate in the development of the society. We cannot simply be ignorant and say that as it do not relate to any of our near and dear ones so we are not affected by it. We proudly say VasudhaivaKutumbakam (i.e.) “the world is one family”, so we should practise what we preach.