CHAPTER—9

COMBATING DRUG ABUSE AND JUVENILE DELINQUENCY THROUGH SPECIAL MEASURES

The rampant abuse of drugs and rising trend in delinquent behaviour/activities of young men and women represents the existing faulty social conditions. It cannot be fought on legal plane alone. Law is only a vehicle for bringing about social changes and the progress of a society is measured by the nature of its law. Therefore, in order to be effective, laws have to work in harmony with social factors and agencies. Drug addicts and juvenile delinquents are mere victims. They need sympathetic treatment more than punishment. Punishment, the severest, should be spared for drug pushers, peddlers and for all those who are engaged in the dangerous game.

With this objective in view, the respective role of various agencies engaged in this formidable task are redefined as under:

(A) COMBATING OF DRUG ABUSE:

(1) ROLE OF GOVERNMENT AND ITS AGENCIES

It is very much evident that the major sources of supply of most of the narcotic drugs and psychotropic substances are the traffickers, peddlers as well as the Drug-Barons who are engaged in smuggling of the same from across the border. It is believed that there is a nexus between the Drug-Barons and the politicians and enforcement high ups. It is, therefore, necessary that this nexus be broken down and effective vigil is kept on the international borders of our country. The government must seal the trans-border drug routes and other vulnerable points. Another important point
that needs special attention of the government is the free-trade zone existing in the Indo-Myanmar border where people living on both sides are allowed to have free intercourse in trade and commerce. Now this facility is being misused by unscrupulous element on both sides to carry on their illegal trade. Therefore, the government should interfere immediately and stop this practice.

What ever approach is adopted, the measures that are used to combat, control and curtail drug abuse are "supply reduction" and "demand reduction". Improving the drug control system and eradicating the supply of drugs from illicit sources, supply reduction can be achieved. There should also be a balance between demand for and supply of narcotic drugs and psychotropic substances for legitimate purposes. Demand reduction must be carried out at two different levels. On the one hand, awareness that the drug-abuse is a social ill detrimental to the individual user as well as to the society is to be increased. On the other hand, programmes to alleviate the plight of the individual abuser should be initiated simultaneously.

The main responsibility of the police and other enforcement agencies is to check and restrict the easy availability of various kinds of drugs. For this purpose, an effective action to detect the drug offender is called for. Since the problem of drugs has already assumed a menacing proportions, the enforcement agencies would have to reorient and modernize their approach and methods of operation. They will also need a kind of special training and awareness to fight drug-menace. As the control of drug trade involves several agencies, it is essential that a combined and concerted task force perform this task of checking the illicit drug-trafficking. The enforcement personnel have naturally to face great odds in tackling the prob-
lems as powerful criminal elements are involved in it. The government should provide the enforcement agencies with all the infrastructure required to fight this new challenge to the society.

Another area of concern is that the enforcement officials are concerned more with big seizures and are not so much concerned with drug peddling on the streets. This attitude needs to be changed and priority should equally be given to check drug peddling in the streets. The treatment centre -- de-addiction cum rehabilitation/counseling centres should gather informations from the addicts who come for treatment regarding the sources of procuring drugs and pass it to the enforcement agencies for follow up actions. However, utmost secrecy has to be maintained about the sources of such informations.

Yet another area which needs attentions of the enforcement agencies and the government is the possibility of the drugs seized by them re-entering the market through back doors. With the conivance of corrupt officials, the illicit dealers might try to bring the seized drugs back to the market again. In order to prevent such eventualities, pre-trial disposal of the seized drugs should be resorted to in all cases as contemplated in section 52 (A) of the NDPS Act, 1985.

Many of the drugs sold in medical stores have harmful effects when misused or abused and they are often sold without proper prescriptions. Stringent action should be meted out to persons who sell harmful drugs such as cough syrups, tranquillisers, etc. Similarly, a viable system should also be introduced whereby the medical shops can report to the police about the persons who are misusing or abusing drugs.

When the World Health Organization formulates a plan for banning the cultivation of tobacco, the national and international companies try to
expand their production. The government is keen only to earn revenue and taxes from the tobacco products and is not giving sufficient attention to educate the people about its harmful effects. A mere statutory warning on the packet that “Cigarette smoking is injurious to health” is a mockery in the face of wider public campaign by cigarette companies. The same kind of inducements/campaigns are also restored to by the liquor companies to induce people to use their products. In case of liquor companies also the government is keen only in earning revenues. Thus, the general public should be sensitized about the harmful effects of such advertisements and strict action should be taken by the government at appropriate level to curb them.

Whenever narcotics or psychotropic is seized from the custody of any individual, he should not be granted bail by any court. Instead all efforts should be made to dispose off the case as early as possible by the special courts contemplated in the NDPS Act. Where a case ends in acquittal, the concerned High Court should examine the case afresh to see how the accused was acquitted. The existing principle of giving benefit of doubt to the accused should be reviewed. Unless such change is brought about in the jurisprudential concept for dealing with cases relating to harmful drugs, it may be difficult to combat the menace of drugs.

The government may also consider for increasing the quantum of punishment to drug offenders by amending the existing laws. The term of punishment provided under the NDPS Act is not sufficiently punitive and deterrent. The drug offenders, particularly traffickers should be awarded rigorous imprisonment for a term not less than 20 years with a large amount of fine. If the offence is repeated, capital punishment may also be awarded, as is the case in Iran, Malaysia, etc.

Political interference should be curbed during the course of law enforcement in drug related offences. This can be achieved by giving more independence and service security to the enforcement agencies and tribunal dealing with drug offenders.
These are the aspects which needs the immediate attention of the government for curbing the menace of drugs from the country.

(2) ROLE OF THE UNITED NATIONS ORGANISATION

The UNO and its allied agencies like the WHO, UNDCP, UNODC, etc are presently doing a commendable job at the international level to eradicate the menace of narcotic drugs and psychotropic substances from the society.

In this direction, the first international conference was held at Shanghai in 1889 and the focal theme centred round the problem of controlling abuse of opium which was very rampant at that time in China. The Hague Convention of 1912 resolved to suppress the use of opium and to manufacture narcotics strictly for medical purpose. The subsequent conventions of 1920, 1924 and the Geneva Convention of 1925 were landmarks in the history of drug control. As a result of these conventions, the international control of the problem became more clearly defined.

On the basis of these conventions and conferences, the Government of India (GOI) took several steps to control production, sale and consumption of various narcotic drugs. In such an effort, the production and export of opium to China was completely stopped in 1913-14. Similarly, production and supply of ganja, bhang and charas (hashish), all are products of cannabis plant and used extensively by the poor class of people, was stopped during 1940-41. Many states in India have also enacted their own laws to suppress the production, sale and consumption of drugs through their excise departments. In 1936, the Narcotic Intelligence Bureau was set up by the GOI on the lines of 1936 Geneva Convention. A Central Prohibition Committee was also set up to monitor the progress of the prohibition policy in India.
Sensing the need for fighting illicit international drug trafficking with a view to control drug abuse, the United Nations new global treaty “UN convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, provides for many stringent measures against drug traffickers. The GOI enacted “the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 in the manner as envisaged in the 1971 UN convention on Psychotropic substances. To implement the declarations of the 1988 UN convention against Illicit Traffic in Narcotic Drug and Psychotropic Substances, the GOI enacted “The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (PIT) Act. 1988. But the problem lies in the proper enforcement of the provisions of these enactments. Lack of co-ordination among the various enforcement agencies like NCB, Customs, Excise, DRI, local police etc, lack of adequately trained and suitably oriented personnel in the enforcement, lack of funds and equipments to carry out preventive and pre-emptive operations in a smooth and efficient manner, delay in judicial process make the problem of curbing drug-trafficking a difficult task in India. The GOI should make all out efforts to remove these discrepencies to enable the enforcement agencies, including judiciary to implement the provisions of NDPS Act, 1985 and PIT Act, 1988, more effectively.

With a view to secure international co-operation in the fight against illicit drugs, the UNO has laid down the following mechineries and procedures for combating drug abuse on a global scale:

(a) A U.N. commission on Narcotic Drugs has been set up to conduct scientific study and to suggest suitable measures for prevention of drug abuse.

(b) The International Narcotic Control Board (INCB) of the U.N. was entrusted with the task of general supervision and co-ordination of
(b) The International Narcotic Control Board (INCB) of the U.N. was entrusted with the task of general supervision and co-ordination of the national efforts in the implementation of various international policies on drug abuse.

(c) The Convention on Psychotropic substances has been formulated in 1971 to deal with the growing misuse or abuse of psychotropic substances.

(d) The U.N. Fund for Drug Abuse Control (UNFDAC) was set up in 1971 for financing implementation of various measures aimed at international control drug abuse.

(e) The World Health Organisation has been engaged in the task of assessment of dangerous effects of drug abuse and to suggest measures for treatment and rehabilitation of addicts.

(f) The UNESCO has been entrusted with the task of formulating educational programmes aimed at reducing the abuse of drugs particularly by the youths.

(g) A special agency—United Nations Office on Drugs and Crime has been created for supervising and implementing various projects aimed at reducing the abuse of drugs by the people around the glob.

(h) The U.N.O. also initiated a project to make survey in the major opium growing areas in the world and to implement the crop-substitution and alternative development programme to substitute the opium cultivation with viable alternative crops.

Deeply concerned with the increasing trend of drug abuse, the U.N. held a special Assembly on 24th Feb. 1990 in which 150 member states of the world body gave a political commitment to use all possible resources, financial and human, in the war against the production, smuggling and use of narcotics.

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1 “150 Nations Declar War on Drugs” : The times of India, Delhi, Feb. 25, 1990.
Besides, the member states also resolved that June 16, 1990 will be observed as “International Day Against Drug Abuse and Illicit Trafficking in Narcotic Drugs and Psychotropic substances”. The Assembly also called for bilateral, regional and multilateral agreements to suppress illicit trafficking of narcotic drugs.

From the above discussion, it is obvious that the UNO has been making all out efforts to contain this menace at the international level since a long time back. The results achieved in this regard are also highly commendable.

(3) DE-ADDICTION AND REHABILITATION OF DRUG VICTIMS

The problem of de-addiction and rehabilitation of recovered addicts needs to be solved through the integrated approach of all concerned agencies. Their medical rehabilitation is the primary concern of the government. The existing facilities for treatment of the victims of drugs abuse in our country are far from satisfactory. Withdrawal and rehabilitation are the two phases of treatment presently existing. The process of withdrawal or de-addiction requires both psychological and psychiatric assistance. Keeping in view the needs of the individual abuser, rehabilitative process has to be scientifically devised.

For withdrawal a sufficiently long spell of hospitalisation is required to diagnose his personality for psychoanalytic treatment. For this purpose, adequate number of withdrawal and de-addiction clinics are to be set up in all the major hospitals in the country. These clinics should provide facilities for medical check-up, psycho-therapy and withdrawal aiding medicines. The Ministry of Health and Family Welfare of the Government of India has already organised a chain of such de-addiction clinics to augment the existing facilities. But for the success of such programmes, proper follow-up action is essential.
ROLE OF SOCIAL AND VOLUNTARY ORGANISATIONS

Drug addiction is a multi-faceted and multi-dimensional problem which cannot be controlled through stringent legal measures alone. A multi-dimensional strategy through a nationwide awareness building programme is imperative for its eradication. Voluntary and collective initiative, involving various population group such as teachers, parents, social workers is required for awareness building among the masses. The media has a major role to play towards awareness building and preventive education. Periodical surveys and researches by social scientist is also essential to assess the progress of such programme.

Experience has shown that even the most well intentioned and the best legislative effort has failed to achieve the desired result, because of lack of dynamic public support. The problem of drug abuse is required to be tackled in its social context. So the psychiatric care of drug dependents within a religious setting seems to have much promise in view of its low cost and the possibility of community participation. As religious sentiments have strong influence over our lives, the potentialities of religion can be best utilised in building a repulsive attitude towards drugs.

The most vulnerable age group for turning to drugs is 15 to 25 years. About sixty percent of the incidence of drugs fall in this age group. Friends from mohalla, educational institutions, work places and even family members initiate these youth into drugs. It is very sensitive period of transition from adolescence to adulthood when the youth can be carried away by the others or by his own momentary emotions. The parents need to be educated to take care of them and to remain vigilant about their activities. They also need to be educated about the indications of addiction on the youths which are:

— poor attendance at school/college—decline in academic performance,
— loss of interest in games and other extra curricular activities,
— demand for more and more pocket money,
— disappearance of articles from home,
— dropping old friends and sudden new friendships,
— erratic behaviour and confused thoughts etc.

PHYSICAL CHANGES:
— reddening of eyes,
— pin-point pupils/gazed, dull eyes,
— puffiness under eyes,
— loss of appetite and loss of weight,
— numerous injection sites,
— poor personal hygiene,
— loss of interest in dress, personal appearance,
— peculiar odour from breath and clothing,
— irregular sleeping pattern, etc.

(B) PREVENTION OF JUVENILE DELINQUENCY

Prevention can be viewed as any activity by an individual or a group, public or private that precludes the incidence of criminal acts. Prevention generally means the whole complex of measures taken by the state bodies, voluntary organisations and individuals to minimise the criminal activities of adolescents. Prevention includes all social, economic, political, punitive and correctional measures undertaken by the concerned state agency, voluntary organisations and individuals which seek to curb, control and contain the propensities, motivations and opportunities of criminal conduct of adolescents.
Marriage is essentially a life-long union, it is not a bare business partnership formed on the basis of convenience or satisfaction of needs. And there should not be separation or divorce. The essential factors that govern the birth of a better child with richer instincts and attributes are comprehensive compatibility, proper eugenic adjustability and the profound love-tensions between husband and wife. The birth of an offspring depends on it. It is, therefore, essential to prevent broken homes, unsuitable marriages and unhappiness in marriages.

The family environment and home discipline play a very important role in the development of personality of a child. So positive interest and the interest in the healthy activities together with restraints should be encouraged by the elders at home. The parents should pay special attention to inculcating good atmosphere at home. The parents should neither be too harsh nor too loose with their children. They should adopt right attitude towards their children. Moreover, parents should have the knowledge of child guidance. Parents should also keep a close watch on the friends of their children.

Moreover, for the development of personality of a child, the social environment should be free from all unhealthy elements. There ought to be close and sympathetic relationship between members of the society. Elders in the society should never exhibit undesirable behaviour towards the youngers. Love, sympathy, enthusiasm and moral conduct should be the basis towards fitting the child to be good citizen. The society has, thus, a major role to play in moulding the personality and character of children. Importance of social environment in preventing social evils like drug abuse and consequent delinquent activities of young people can never be denied.
Educational institutions all over the world have a crucial role to play in eradicating the social scourge of drug abuse and delinquent activities of adolescents. The role of educational institutions in the life of human beings is very prominent because of its unique influence in moulding his personality and developing his creative potential to its optimum level right from his childhood till he matures into an adult and even thereafter. It is, therefore, all the more necessary that the educational institutions in the country should come forward and share the responsibility for eliminating these social menace.

The individual should be so well educated, his sentiments so finely cultured, that he can live really well in the interest of that fabric in which he is an essential thread. Much greater than the importance of vocational and scientifics education is and should be the importance of moral education. Moral education should be the very backbone of an ideal educational system.

The question next is: How should moral education be imparted? The following are the essential points to be marked in chalkout the plan for providing for ideal education:

1. Teachers should be competent and inspiring persons, should encourage introspection with regard to the students under their care. The student must be encouraged to form a habit of thinking over their attainments at school and at home, always analysing their own character, judging themselves and to correct oneself of his own fault is a noble and wiser thing to do than merely to criticise and condemn others.

2. The moral teachers should encourage self help in the students and should see that the habits and modes of behaviour of the students, during school hours and even during recess or at play, are the best and irreproachable.
(3) Visiting teachers should watch the students even at home and if the parents are co-operative a better co-operation between home and the school can be established.

(4) There should be periodical examinations not merely physiological but also psychological and removing the defect, if any, at the very beginning.

There is one thing, above all others, that effects character in future life. The teachers should treat their students with gentleness and affection. The teacher-student relationship should be very much affectionate. Moreover, proper discipline at school is essential for the development of personality of the children.

The importance of mental hygiene in the prevention and treatment of delinquency is very great. To prevent mental conflict and to bring about a proper mental adjustment, the importance of mental hygiene right from the formative period in childhood cannot be denied. Mental hygiene lies in creating in the child noble sentiments and ultimately a "master sentiment" to guide the activities of life.

Moreover, the ignorant should be educated in these matters through mass-media like newspapers, radio, televisions, etc. Adult education should acquaint the adults with the modes of proper and harmonious living.