CHAPTER – 10

CONCLUSION

Despite the stringent penal provisions and collective efforts at national and international levels to combat the spread of drug-abuse and the consequent delinquent activities of children/adolescents, the problem still remains as widespread as ever. This is partly because of man’s craze for pleasure and primarily because of the illegal activities of a large group of criminals and anti-social elements who are trying to infect the society with this deadly poison in order to create and maintain a steady market for their illegal products. They are merely concerned with the enormous profits they derive from this illegal trade and are less bothered about its social costs. Concepts like morality, decency, health and social welfare have no place in their minds. As a result the problem is increasing very fast.

Children and youths all over the world are fast becoming the victims of this dreaded drug-culture. It may be noted that there are many drug-users who are unaware of the dangerous ill effects of these drugs. Addict’s health and material propriety is very much undermined. They become good for nothing. They loose connections with the general public and become members of the drug-sub-culture. Their whole life degenerate into living human embodiments, devoid of any meaning or purpose. Although they are not violent in nature, in order to procure their regular doses of drugs, they frequently indulge in petty offences like cheating,
stealing, shop-lifting, burglary, etc. In the case of girls and women addicts, they very often indulge in promiscuity. The most unfortunate aspect of the problem of drug abuse has been the involvement of young people and consequent rise in their criminal/delinquent activities. A large percentage of young men and young women of our country are under the grip of drugs. Apart from this, drug abuse also affects the peace and tranquility of the society; there is a heavy drain of our national resources and tremendous pressure on the law and order machinery.

Above all, the people engaged in this illegal trade are becoming financially very sound even to destabilize the government. Black money generated by such transactions is not only eroding public morality and national economy, but also jeopardising the political stability and security of the country. Another area of concern is “the Narco-Terrorism” i.e. the dependence of the terrorist/insurgent groups on narco-money for procuring arms and ammunitions to perpetrate their barbarous design. Let us fervently hope that on the face of such increasing threat the sovereignty, unity and integrity of our country is not comprised.

When we examine the causation of juvenile delinquency thoroughly, we find that most of them are caused due to family background and social environment. In this world no body is a born criminal. They become so due to environmental condition. A family in which use of alcohol and other drugs are common, a number of evil habits like quarreling, gambling and illicit relationship with other, etc. are generally found. These evil habits encourage child to learn and to do criminal/delinquent acts since childhood. So steps should be taken to rectify the parents first than children. Likewise, the social environment should also be conducive - free from pollutants like alcohol and other drugs, for healthy physical and intellectual development of the children.
Thus, the multifaceted problem of drug abuse and juvenile delinquency calls for a multi-pronged strategy aimed at public education, streamlining law enforcement agencies, providing treatment and rehabilitation services to the victims, etc. For effective control of drug abuse and juvenile delinquency requires the co-operation of all the criminal and juvenile justice institutions. This is best accomplished when each state and local government evaluate its criminal and juvenile justice activities, determine whether its programmes or projects accomplished its objectives in terms of either preventing, controlling or reducing crimes or delinquencies. Such evaluation shall include, whenever possible, the impact of the projects or programmes upon other component of the criminal and juvenile justice system.

The measures for the treatment, rehabilitation and aftercare of drug victims in our country has not received proper attention so far. Success in such endeavour can be best achieved only with the co-ordinated efforts of all concerned agencies. In this regard, integrated approach of the state administration, police and other law enforcement agencies, educational institutions, psychiatrists, psychologists, voluntary organisations, parents, teachers and friends of the abusers, all have to play a very important role. With this objective in view, the following short term measures may be considered for curbing the menace of drug abuse and juvenile delinquencies of children/adolescents on a time bound programme in India:

1) Inter-disciplinary training and seminars are to be organised on a local, regional, national, and international basis on all aspects of drug abuse and its control. Such training facilities should be opened on a government to government basis. Such training programme should evaluate coordinated action plan for combating the menace of drug abuse and consequent rise in the delinquent activities of children/adolescents.

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(2) All countries must become parties to the existing conventions on Narcotic Drugs and Psychotropic Substances under the global programme envisaged by the United Nations and give full effect to its recommendations made from time to time.

(3) Awareness about the baneful effects of drugs has to be created through proper education of the youths, students, slum-dwellers, industrial workers and the general public at large. Awareness education should be initiated through lectures, community participation programmes, press, radio, TVs, etc.

(4) Prevention and control of drug abuse by instituting services of voluntary organisations for identification of drug addicts and institutionalisation of treatment centres. De-addiction and counseling centres as well as moral treatment clinics are to be established in all important cities and towns of the country for providing necessary treatment, after care and moral counselling services to the victims of drug addiction.

(5) Stringent national and states laws which are not only deterrent but also uniform, should be enacted and enforced vigorously. If necessary, the existing laws may be further amended with a view to increase the quantum of punishment and simplify the procedure.

(6) Co-ordination among different agencies working in this field of prevention and control of drug abuse must be ensured by creation of a Nodal Agency under the Central Government.

(7) Lastly, the role of judiciary, police, medicologists, psychiatrists, sociologists, criminologists and voluntary organisations have to be redefined and reoriented. Their active involvement for the eradication of drug abuse must be clearly emphasized.
As stated elsewhere in this work, eradication of the menace of drug abuse cannot be accomplished with the help of law alone. Commenting on the large-scale trade and abuse of drugs Donalt Taft has made the following observations:

"Many crime problem in relation to alcoholism and drug addiction are not drug created problems as law created crime problem. After all the harm caused to addicts and their families on account of these ill-habits is far greater than the injury resulting therefrom to the society. Perhaps, some sort of moral education and constructive use of regulatory licensing may help in curbing the problem of alcoholism and drug addiction to a considerable extent. In fact there is a need to re-define the twin problem of alcoholism and drug addiction in a socio-medical perspective rather than considering it as a mere law enforcement problem."

As the observation shows, punishment, however, deterrent, may not be able to solve the problem. If it was so, the society would have been free from it long back, as in almost all the civilised countries law provides for the most deterrent punishments, viz- imprisonment for life or death penalty. If the press reports are any indication, not less than 900 drug-traffickers were executed in Iran since January 1989 under the new anti-drug laws. Malaysia has also provided for death penalty in its statute book for drug offenders. Still the problem of drug trafficking thrives in those parts of the world, there is no indication that the problem of drug-related offences or drug addiction has been diminished in Malaysia or Iran.

The above instances amply demonstrate that a multi-dimensional

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1. Donalt Taft; *Criminology*, quoted by N.V. Paranjape in his *Criminology & Penology*; page-104
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problem like drug abuse and juvenile delinquency cannot be fought on legal plane alone. But as the saying goes, "where there is a will there is a way" and it is equally true of drug abuse. Our efforts should, therefore, aim at building up this "will" not only among the addicts to get rid off their bad habit, but also among the medicologists, socialologists, enforcement agencies, the government and quasi-government agencies, politicians, educational institutions and among the general public to help the addicts to cleanse themselves and to welcome them back to the community fold.

The past approach on combating drug abuse have relied only on the governmental agencies such as the police and government hospitals. But these sources have their own limitations to achieve the desired objectives. Successful approach to the problem lies with the active participation of the voluntary organisations and the public in general. As there are no strings attached to these voluntary organisations, they are relatively independent and they can contribute much more. Apart from the detoxification and counseling, the voluntary organisations should aim at creating an awareness of the problem among the most vulnerable groups.

The role of the educational institutions in combating drug abuse and controlling delinquent activities of children is very important. Schools are the places where the children spend much of their time every day. The environment at school effect very much on the habits and characters of children. Thus, the school environment should be conducive for healthy development of the personality of a child. Besides scientific and vocational education, greater importance should be given in moral education. Moral education should be the very back bone of the educational systems.
Apart from moral education, healthy recreation helps in proper growth of a child and make him active in every respect. The reason is that if the children remain busy in their respective games and sports after study, they hardly get time to get involve in anti-social or delinquent activities. Besides proper recreation, good literature and religious books help in character building. Attachment with religious institutions also helps children in learning the moral or ethical codes as well as social decorum so that they can adjust themselves as all rounded individuals in the society in future. This also helps in the moral or intellectual development of children. In our present study, it has been found that parents who are attached or well acquainted with religious institutions in the society, their children are less involved in anti-social activities and are away from drugs, alcohol etc. Thus, the parents and elders in the society should obey the social norms properly so as to set example for their children. Social norms or religious sentiments has a role to play in keeping children away from drugs.

Economic determinism, which dictates unequal distribution and consumption of goods, has very often been cited as a cause of delinquency, because it creates economic system in which many people are poor. The children belonging to these poor families also possess the same material aspirations as those belonging to rich families. They do not get proper place for living, food, clothes, etc. Thus, their aspirations and basic needs are not fulfilled. Those in need are, thus, inclined to use any means to fulfil their wants and needs, even if it involves the breaking of laws. Thus, children/adolescents who are for one reason or the other are outcasted from the middle class society, school organisations, athletic teams etc, frequently band together to form their own deviant sub-culture. Students who have the support of their families and the community,
students who fit within the modern school system are likely to do well and
many profit from their schooling. On the other hand, students who are not
so lucky, who are intellectually, socially, emotionally and economically
deprived have difficult times in meeting the requirements of the modern
school systems. Therefore, efforts are to be made by the governments to
improve the economic condition of the poor families by providing them
employment or other assistances. The students belonging to the poor
families are to be provided with scholarships, books and other assistances
so that their needs are met.

The police has a very important and sensitive role to play in the
prevention and treatment of juvenile delinquency. Under the children's
Acts it is the policeman with whom the neglected juvenile or the juvenile
in conflict with law has the first encounter once the process commences
under the law. In fact, the issue whether the child is a juvenile in conflict
with law or not, or a child in need of care and protection is to be decided
by the police officer and subsequent proceedings take place after the
preliminary issues has been decided in affirmative. So that the police
officer should be careful, conscientious and diligent to justify the trust
reposed in him as envisaged in the Juvenile Justice (care and protection

The Juvenile Courts or Juvenile Justice Boards being different
from ordinary criminal courts, the judges are expected to be of different
outlook in view of the social welfare function which is assumed to be the
primary responsibility of the Children's courts or Boards. Prior to the
enactment of the Juvenile Justice (Care and Projection of Children) Act,
2000, in India the benches dealing with juveniles were not equipped with
social workers, psychologists and psychiatrists. However, the J.J. Act,
2000, provided for appointment of two social workers of whom at least one shall be a woman as members of Juvenile Justice Board. The Act, further, provided that no Magistrate shall be appointed as member of Juvenile Justice Board unless he has special knowledge or training in child psychology or child welfare. The Act, further, provides for constitution of Child Welfare Committees for care, protection, treatment and rehabilitation of child in need of care and protection. The Act also provided for participation for voluntary organisations in the juvenile justice system of the country.

Under the new Act, the Juvenile Justice Boards and Child Welfare Committees are fully equipped for securing informations regarding the character and antecedents of the child in conflict with law or child in need of care and protection. The J.J. Act, 2000, has, thus, brought about changes of far greater proportions. But to achieve the objectives with which the new Act has been passed, the Juvenile Justice Boards, Child Welfare Committee, Special Juvenile Police Units and other institutions constituted/established under the Act should work or function honestly keeping in mind the intention with which the legislation has been passed.

The institutions set up for remand of juvenile in conflict with law or for reception of child in need of care and protection are to be equipped with trained, honest and sincere people to handle the delicate job assigned to them. The Act provides for establishment of Observation Homes and Special Homes for reception and rehabilitation of juveniles in conflict with law. It also provides for establishment of Children Homes and Shelter Homes for reception, care, treatment, education, training, development and rehabilitation of the child in need of care and protection. These children homes are to be established and maintained either by the state government.
concerned or under agreement with voluntary organisations. The officials or staff in charge of these institution/homes are to be every honest and sincere in discharging the duties conferred on them under the Act. The voluntary organisations in charge of maintenance of these homes should actually volunteer to perform duties imposed under the Act, so that the objectives envisaged under the Act are achieved.

The existing juveniles institutions/homes which are remnants of the past are wholly inadequate for the purpose envisaged under the new Act. For example in Assam, particularly, numbers of juvenile institutions/homes, such as State Home, Jalukbari, Guwahati, Home for Orphanage and Destitute Children, Nagaon, Vagrant Home, Fatasil, Guwahati, Observation and Special Home, Jorhat, were established. The condition of these institutions are very poor due to lack of maintenance and financial assistance from the government. However, the Government of Assam is taking steps to establish more juvenile/children institutions/homes as envisaged under the Act of 2000. The present position in Assam and other states of the North East is that Juvenile Justice (Care and Protection of Children) Act, 2000, is a new Act and even lawyers are not well conversant with its provisions.

That the cases which are presently being brought before the Juvenile Justice Boards and Child Welfare Committees under the new Act, represents only a tip of an iceberg. An informal Juvenile Welfare Officer or Probation Officer may receive a lot of informations about the juvenile in conflict with law as well as child in need of care and protection from local residents of every locality provided utmost secrecy is maintained. For this, necessary propaganda will have to be made by the state governments through radio, television, local news papers etc. to ac-

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quaint the residents of various localities with the role to be played by the juvenile justice system in the country.

There is also need for much larger involvement of informal and community based welfare agencies in the care, protection, treatment, development and rehabilitations of juvenile in conflict with law and child in need of care and protection as envisaged under the Act of 2000. The J.J. Act, 2000 has endeavoured to bring the juvenile justice system in conformity with the United Nations Standard Minimum Rule for administration of juvenile justice. So that for proper implementation of the Act, the co-ordination among different agencies envisaged under the Act is necessary.

Obedience to law by all concerned alone can ensure the eradication of the drug menace from the society as well as justice to the juvenile in conflict with law and child in need of care and protection. We have not inherited future, we have merely borrowed it from the children to whom the future belongs. Hence, it is our prime duty as trustees to act truthfully and honestly so that the future is not imperiled.