

Paper 4: Drug Addiction, Criminal Justice And Human Rights

Objectives:

Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse? Third are there any common factors which contribute to the determination of both drug abuse and criminal behaviour? Apart from these causal issues, there is the broad question of the social costs-benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control, over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs for personal, non-therapeutic purposes may well be linked with international trafficking in psychotropic substance. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects. Assuming that both addiction and trafficking have to be regulated, what penal policies should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1954, adopted in New York, 30 March 1954 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986. Broadly, penal dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation and realization of persons affected. Important problems of method in studying the impact of regulation need evaluated at every stage.

Course content:

Unit I

Introduction: Basic concepts: Drugs 'narcotics', "psychotropic substances"; 'Dependence', "addiction"; "Crimes without victims"; "Trafficking" in "drugs". How does one study the incidence of Drug Addiction and Abuse? Self-reporting; Victim-studies; Problems of comparative studies.

Unit II

Anagraphic and Social Characteristics of Drug Users: Gender; Age; Religiousness; Single individuals / cohabitation; Socio-economic level of family; Residence patterns(urban/rural/);

Educational levels; Occupation; Age at first use; Type of drug use; Reasons given as cause of first use; Methods of intake; Pattern of the Use; Average Quantity and Cost; Consequences of addict's health (physical/psychic).

Unit III

The International Legal Regime: Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, (as amended by the 1972 Protocol); Analysis of the Convention on Psychotropic Substances, 1972; International collaboration in combating drug addiction; The SARC, and South - South Cooperation; Profile of international market for psychotropic substances.

Unit-IV

The Indian Regulatory System: Approaches to narcotic trafficking during colonial India; Nationalist thought towards regulation of during trafficking and usage; The penal provisions (under the IPC and the Customs Act); India's role in the evolution of the two international conventions; Judicial approaches to sentencing in drug trafficking and abuse; The Narcotic Drugs and Psychotropic Substances Act, 1985; Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

Unit V

Human Rights Aspects: Deployment of marginalized people as carrier of narcotics; The problem of juvenile drug use and legal approaches; Possibilities of misuse and abuse of investigative prosecutor powers; bail; The problem of differential application of the Ugal Regimes, especially in relation to the resource less. The Role of Community in Combating Drug Addiction: Profile of Community initiatives in inhibition of dependence and addiction (e.g. de-addiction and aftercare); The role of educational systems; The role of medical profession; The role of mass media; Initiatives for Compliance with regulatory systems; Law reform initiatives

Select Bibliography:

1. H.S. Becker, *Outsiders: The Studies in Sociology of Deviance* (1966)
2. J.A. Incard, C.D. Chambers (eds.), *Drugs and the Criminal Justice System* (1974)
3. R. Cocken, *Drug Abuse and Personality in Young Offenders* (1971)
4. G. Edwards Busch (ed.), *Drug Problems in Britain: A Review of Ten Years* (1981)
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime: A Preliminary Study" 7
6. *Indian Journal of Criminology*, 65-68 (1979) *Criminal System* (1988)
7. *Entitled Nations, Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations Social Defence Research Institute (UNSDRI) *Combating*
8. *Drug Abuse and Related Crime* (Rome, July 1984, Publication No.21)
9. Lok Sabha and Rajha Sabha Debates on 1986 Bill on Psychotropic Substances
10. Useful Journals in this area are:
 - (1) *The Law and Society Review* (USA)
 - (2) *Journal of Drug Issues* (Tallahassee, Florida)
 - (3) *International Journal of Addictions* (New York)

- (4) British Journal of Criminology
- (5) Journal of Criminal Law, Criminology and Police Science (Baltimore,MD)
- (6)International journal of offender therapy and comparative criminology
(London)
- (7) Bulletin on Narcotics (United Nations)
- (8) Journal of Criminal law and criminology (Chicago, ILL)