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Punitive Measures for Substance Abuse

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ABSTRACT

Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs. The drug problem has posed a serious threat to public health and to the safety and well-being of humanity – particularly children, young people and their families. The abuse of alcohol and illicit and prescription drugs continues to be a major health problem internationally. In order to control the growing problem of substance abuse, governments around the world have taken punitive measures. Not only countries at individual level but the United Nations itself has held various conferences to discuss the issue at length and recommended multiple measures to deal with the problem. The judicial system in various countries has also acted proactively towards the betterment of society.

Through this paper an attempt has been made to understand the existing issue of substance abuse, analyze the persisting situation in the country and recommend punitive measures that can be taken to deal with the situation.

I. INTRODUCTION

The world drug problem continues to constitute a serious threat to public health and to the safety and well-being of humanity – particularly children, young people and their families.² The abuse of alcohol and illicit and prescription drugs continues to be a major health problem internationally. The United Nations Office on Drugs and Crime (UNODC) reports that approximately 5 per cent of the world's population used an illicit drug in 2010 and 27 million people, or 0.6 per cent of the world's adult population, can be classified as problem drug users. It is estimated that alcohol abuse results in 2.5 million deaths per year and that heroin, cocaine and other drugs are responsible for 0.1 to 0.2 million deaths per year. In addition to causing death, substance abuse is also responsible for significant morbidity and the treatment of drug addiction creates a tremendous burden on society.³

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² *United Nations General Assembly resolution 67/193*. International cooperation against the world drug problem. New York (NY): United Nations; 2013 (http://www.unodc.org/documents/ungass2016/Background/GA_Res-67-193.pdf, accessed 17 November 2014).

³ Bharath Chakravarty, Shyam Shah, Shahram Lotfipour, *Adolescent drug Abuse – Awareness & Prevention*, *Indian Journal of Medical Research*, 137(6): 1021–1023,

II. WHAT IS SUBSTANCE ABUSE?

Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs. Psychoactive substance use can lead to dependence syndrome - a cluster of behavioral, cognitive, and physiological phenomena that develop after repeated substance use and that typically include a strong desire to take the drug, difficulties in controlling its use, persisting in its use despite harmful consequences, a higher priority given to drug use than to other activities and obligations, increased tolerance, and sometimes a physical withdrawal state.⁴

III. SITUATION IN INDIA

A substantial number of people use psychoactive substances in India, and substance use exists in all the population groups, but adult men bear the brunt of substance use disorders. A National Survey to collect State wise Data on Extent and Pattern of Substance Use was conducted in the country during the year 2018. The report presents major findings of the survey in terms of proportion of Indian population in the group of 10-75 years using various substances and those affected by substance use disorders. National Crime Record Bureau under the Ministry of Home Affairs have informed that a total number of 874, 750 and 778 people have died during 2014, 2015 and 2016 respectively due to drug overdose in the country. Out of which, 543, 493 and 471 people between the age group of 14 and 45 have died during 2014, 2015 and 2016 respectively.⁵ There are wide variations in extent and prevalence of use across different states and between various substances. Alcohol is the most common psychoactive substance used by Indians. Nationally, about 14.6% of the population (between 10 and 75 year of age) uses alcohol. After Alcohol, Cannabis and Opioids are the next commonly used substances in India. About 2.8% of the population (3.1 crore individuals) reports having used any cannabis product. A wide variety of pharmaceutical products, which share the common property of being sedative – hypnotics and possessing dependence liability, are used in India. Many of these products have legitimate and important medical use. It must be noted that this survey has studied the use of these substances in non-prescription, non-medical context. At the national level, about 1.08% Indians (approximately 1.18 crore people) are current users of sedatives.⁶

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3734705/> (June 2013).

⁴ *Substance Abuse*, World Health Organization (WHO), https://www.who.int/topics/substance_abuse/en/.

⁵ *Drug Abuse Among Youths*, Press Information Bureau, MANU/PIBU/1973/2019 (10.12.2019).

⁶ *Magnitude of Substance Use in India*, Ministry of Social Justice and Empowerment Government of India, http://socialjustice.nic.in/writereaddata/UploadFile/Magnitude_Substance_Use_India_REPORT.pdf (2019).

IV. PUNITIVE MEASURES RECOMMENDED

1. Scientific evidence-based treatment

Scientific evidence-based treatment needs to be made available for people with Substance use disorders – at an adequate scale. Reach of the national programmes for treatment of substance use disorders is grossly inadequate. Optimum allocation of resources for treatment of substance use disorders is imperative.

2. Proactive role of Judiciary

The role of courts in promotion of just and social behavior is imperative in any country. The proactive actions taken by Indian courts with respect to curbing substance abuse are commendable. In *Bachpan Bachao Andolan v. Union of India (UOI) and Ors*⁷, the former Chief Justice of India, Hon'ble Justice T.S. Thakur and Hon'ble Justice D.Y. Chandrachud directed the Central government to curb the rising menace of drug, alcohol abuse among children and by formulating a national action plan for combating its harmful impact on children. Such decisions reflect the initiative of judiciary in promoting the social interest which is vital when it comes to prevent a social issue like Substance abuse.

3. Mass Media Campaigns

Media plays a great role in influencing people of all age-groups. By demonstrating negative consequences of the substances, people can be made aware of the repercussions that they might face by consumption of such substances.

4. Drug dependence treatment

Drug dependence treatment should become a part of the mainstream health care and social welfare system, without discrimination with respect to other chronic general and mental health disorders. Treatment of drug dependence can be integrated into primary health care.⁸

5. Family prevention programmes

Efforts should be made to strengthen family bonding through spreading awareness about the role that families can play to protect their members from falling into trap of being addicted of various substances. Once the risk factors are identified, families may benefit from formal prevention programmes that can focus on enhancing family bonding, parenting skills (including communication, rule-setting, appropriate disciplinary actions) and changing

⁷ *Bachpan Bachao Andolan v. Union of India (UOI) and Ors*, AIR 2017 SC 754.

⁸ *Post Tagged Drug Prevention*, South Caucasus Office on Drugs and Crime, <http://www.scodc.org/tag/drug-prevention/>

parental behaviours that may place a child at risk for later abuse.⁹

6. Conducive legal and policy environment

A conducive legal and policy environment is needed to help control drug problems. Despite the existence of strict drug control laws and a multitude of agencies working towards drug supply control, a wide variety of the controlled drugs are being used and a sizeable number of Indians suffer from addiction to these drugs. It is important that laws and policies are aimed at provide health and welfare services to people affected by substance use (rather than subjecting them to the criminal justice system).¹⁰

7. Cognitive behavioural, behavioural modelling, and behaviour modification strategies

Behaviour modification strategies focus directly on changing behaviours. They involve timely tracking of specific behaviours over time and behavioural goals, using feedback and positive or negative reinforcement to change behaviour.¹¹

V. CONCLUSION

According to the U.S. Surgeon General's report, ninety percent people become smokers by the age of eighteen. Youth is the most vulnerable age group when it comes to use of these psychoactive substances. Nowadays, consumption of substances like marijuana has become the trend among youngsters. Teenagers who suffer from depression and anxiety are more perceptive to use the substances. It is important to provide them a solid foundation and clear ideas about the consequences of using the substances. Therefore, the role of parents becomes very vital. They are the ones who set examples for their children and lay a path for them to follow. Prevention talks also create deeper bonds and guidance between children and parents.

But society often puts the onus on parents and teachers to shape the personality of the youngsters but the role of self control is more important than theirs. It is true that among smokers they often try to quit smoking but the stage of addiction at which they reach makes it almost impossible for them. We need to understand that it is never too late to take self-control of oneself. There are number of success stories of how addicts have beaten their addiction and such people serve as source of inspiration to all the addicts who are trying to seek help.

Willpower is definitely one of the contributory factors in helping one to regain the self control.

⁹ *Preventing drug use among children and adolescents*, National Institute on Drug Abuse (NIDA) (2010).

¹⁰ *Magnitude of Substance Use in India*, Ministry of Social Justice and Empowerment Government of India, http://socialjustice.nic.in/writereaddata/UploadFile/Magnitude_Substance_Use_India_REPORT.pdf (2019).

¹¹ *Informing America's Policy on Illegal Drugs: What we don't know keeps hurting us*, The National Academies Press, <https://www.nap.edu/read/10021/chapter/9> (2001).

But as any individual who has attempted to solid arm themselves into recuperation knows, willpower alone is infrequently enough to defeat enslavement. The surrounding environment of a person plays an equally significant role. Support from family members, peers and friends becomes essential in this aspect.

Medication is also an important factor that helps in giving up the addiction. People often abstain themselves from using medication for this problem as they are unaware of its relevance and many believe that it is nothing more than a sham. David Sack, CEO of *Elements Behavioral Health*, says that “Just as someone with diabetes requires medication and lifestyle changes to successfully manage their disease, you will need new coping skills, a support system, education about the disease of addiction and new routines in order to stay clean and sober for life”.¹²

Substance abuse is an international issue and countries all over the world have taken a note of the problem by implementing various laws and preventive measures as discussed. Good governance is the need of the hour. But most importantly a promise to self is the greatest punitive measure.

¹² David Sack, *Does Willpower Play a Role in Addiction Recovery?*, PSYCHOLOGY TODAY, <https://www.psychologytoday.com/us/blog/where-science-meets-the-steps/201211/does-willpower-play-role-in-addiction-recovery>