



Alcoholism, drug addiction and crime: A critical analysis

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Abstract

Alcoholism and drug addiction may be conceptualized as crime without victim i.e., addicts himself is the victim who becomes a prey of its misuse. This devastating melody is eroding the roots of social, economic and cultural fibre of Indian society. It gives rise to criminality and criminal behavior which eventually leads to social organization. Alcoholism and drug related offences being victimless crime; they fall in the category of public order crime or consensual crimes. Alcoholism and drug addiction are indicative of the irresponsibility and weakness of the character of the persons using these intoxicants. The relation between alcoholism and various aggressive and criminal acts is often confirmed by police records and prison statistics which indicate that in the present day there is a considerable increase in such alcoholic criminal episodes. In this article discuss about main causes of alcoholism, drug addiction, International perspective of this problem, illicit drug trafficking and drug addicts and remedial measures.

Keywords: alcoholism and drug addiction, narcotic drugs and psychotropic substances, conventions, illicit drug trafficking

Introduction

“If I was appointed as a director even for one hour of all India, the first thing that I would do would be to close down without compensation all liquor shops” -Mahatma Gandhi

Alcoholism and drug habituation has been prevalent in most societies over the ages because of their allegedly pleasurable and relaxing effects or as a means of relieving physical tensions, fatigue and as stimulant to withstand adversities. However with the unprecedented expansion of pharmaceutical industry, the use abuse and misuse of alcohol and drugs has increased ^[1] leaps and bound covering almost all section of society. It has been generally agreed that criminality in human beings is to be attributed to their mental depravity. Persons with balanced emotional and physical health normally do not indulge in criminality or aggressive Conduct; nor do they take to alcoholism beyond control. Investigation made by sociologists and criminologists on alcohol –crime relationship reveal that there is a close resemblance between the structure of alcoholics and criminals ^[2].

Drug Addiction and Crime

Drug addiction causes immense human distress and the illegal production and distribution of drugs have spawned crime and violence worldwide. Drug abuse is a complex phenomenon, which has various social, cultural, biological, geographical, historical and economic aspects. Drug abuse has led to a detrimental impact on the society. It has led to increase in the crime rate. Addicts resort to crime to pay for their drugs. Drugs remove inhibition and impair judgment egging one on to commit offences. Incidences of teasing, group clashes, assault and impulsive murders increase with drug abuse. Apart from affecting the financial stability, addiction increases conflicts and causes untold emotional pain for every member of the family. Narcotic addiction and the criminality of addicts have become a major social problem. Recent studies have reported that narcotic addicts are frequently involved in criminal behavior on a daily basis

and that, consequently, some of them commit thousands of offenses per individual during their addiction careers .Furthermore, it is now apparent that the magnitude of the crime problem associated with narcotic addiction is not only attributable to the frequency with which addicts commit 'victimless' crimes and lesser offenses, but also to the fact that many of their offenses are serious and destructive. The problem seems more and more intractable as the addiction subculture becomes increasingly embedded in society. Narcotic addicts have not always behaved as they do today. There have been shifts and changes in patterns and characteristics. For the most part, addicts during the 1950's commonly met their need for money to buy heroin by committing petty crimes, non-violent in nature, usually crimes against property rather than against persons. Criminality often took the form of petty larceny, such as shoplifting, burglary, stealing on the job, stealing from cars, as well as 'con-games'. These activities were often learned by younger 'beginner' addicts from older ones and were perceived to require skill. Individuals became specialists in specific kinds of crimes. In the 1960's, a trend began toward crimes involving violence, e.g. armed robbery, auto larceny, 'yoking', mugging, purse-snatching, Bank-robbery. In the 1970's, prostitution, which for many years had been a source of income for many female addicts, became more open, cheaper, and less discriminant. From the late 1970's to the present, crimes have been characterized by violence, lack of skill, and use of firearms, reflecting, according to some observers, a reaction to the increase in price and decrease in quality of drugs. Recent research suggests that arrested narcotic drug users are now just as violent as other arrestees, if not more so. Also, studies of career criminals have found that the majority of the most violent were heroin users with high-cost heroin habits. Over the years, it has become increasingly apparent that narcotic addicts as a group commit a great deal of crime by any absolute standard. Furthermore, the amount of crime committed during periods of non-addiction is considerably less than the amount

committed during periods of active addiction. In addition, there are huge variations in the amounts and types of crime committed by various subgroups of the addict population. The relationship between drugs and crime is complex. Most directly, it is a crime to buy, use, possess, manufacture, or distribute illegal drugs (such as cocaine, heroin, and marijuana). The misuse of legal substances may also be connected to crime. For example, prescription drug abuse may be associated with a variety of crimes such as prescription forgery, illegal internet pharmacies, and drug theft. Drugs also impact crime indirectly via the effects they have on users' behaviour and by their association with violence and other illegal activity in connection with their manufacture, distribution, acquisition or consumption.

Main cause of drug addiction

Alcoholics and drug addicts take to drinking or use of drugs for a variety of reasons. The factors mainly responsible for the spread of this evil are

1. Rapid industrialization and urbanization have ushered a new way of life with new values like permissiveness. As a result the age old inhibitions, taboos and traditional social control mechanisms have ceased to have force. Many cases of drug or alcohol addicts arise after apparent failure in business or professional life^[3].unemployment is also an important factor contributing to drug and alcohol addiction especially among youths.
2. The lack of parental care and control partly due to working situation of both spouses and disintegration of joint family system are also contributory factors to encourage this vice. The menace of drug abuse is more common among the middle, upper middle and high economic class families. Urban areas seem to be more affected by this vice.
3. The recent developments in pharmaceutical and medial sciences have provided scope for production of a variety of toxic synthetic substances. This has contributed substantially to drug abuse and addiction.
4. Frustration and emotional stress due to failures, sorrows or miseries of life, diverts people to join the company of addicts. For them drugs or alcohol is a medicine a blessing in disguise^[4]. In course of time they become addicted to this vice.
5. Hippie-culture also detracts youngsters to drug addiction and they start it as a fun or enjoyment. They start consuming drugs or alcohol on an experimental basis out of fun and enjoyment. The frequency of consumption gradually increases duet to its narcotic effect and finally a good majority of them turn out to be drug addicts and habitual.

The process of alcoholism and drug addiction sets in when a person knowing ly or unknowingly begins to consume alcohol or narcotic drug as a medicine for a sound sleep at night or to get stimulation for work to get relief from domestic problem or to repress depression, resentment or to get rid of disturbing mental restlessness and so on^[5].

International perspective of the problem

With the rapid expansion of trade and commerce beyond national boundaries, the problem of drug addiction and trafficking has become a global phenomenon. Therefore as a measure of drug control a thirteen-nation international

conference on Narcotic drugs was held in china^[6] in 1909. Thereafter the international Opium convention called The Hague convention on Narcotic was held in 1912 which was the first drug traffic control treaty at the international level. One of the most important conventions on drug abuse was the single convention on Narcotic Drugs 1961 (SCND) which attempted to simplify and consolidate international drug control machinery. The convention codified all the existing multinational treaties and merged the permanent central board and drug supervisory Board into a single international Narcotic control board (INCB) in 1961. It has been assigned the responsibility of ensuring the balance between supply and demand for narcotics purposes and makes all out to prevent illicit drug cultivation, manufacture, traffic and misuse. Another international convention on prevention, abuse and illegal trafficking in narcotics called the convention on psychotropic substances was signed in 1971 which came into force on 16 august 1976. The convention has stressed the need for prevention of abuse of psychotropic substances and early identification, treatment, education, after- care, rehabilitation and social reintegration of the persons involved^[7]. An international conference on Drug control was held in Vienna from 17 to 26 June 1987 under the auspices of United Nations. It focused attention on drug control policies and strategies which could be enforced at the national, regional and international level to prevent drug abuse and illegal trafficking of narcotic substances. The Commission on Narcotic Drugs & Psychotropic substances and India has enacted the Narcotic Drugs & Psychotropic substances Act 1988. It provides for death penalty on convention for a second drug trafficking offence.

Illicit Drug Trafficking

Illicit drug trafficking is so complex in nature that it involves a large variety of drugs from many sources throughout the world. In the Indian context the geographical location of this country is most suited to the unabated inflow of drugs and illicit drug products by sea and land routes from all sides. Iran, Afghanistan and Pakistan which are the largest producers of opium, manufacture heroine from it and the same is smuggled into India .so is also the case with North-East neighboring countries namely Burma, Thailand and Laos. The state of Bihar provides entry route for ganja from Nepal. Quite a large quantity of opium and cannabis are being illicitly cultivated within India itself, besides the licensed cultivation for medical purposes^[8].

Indian Law

Prior to 1950, laws dealing with narcotic drugs came under the Opium Act 1857 and 1878 and the Dangerous Drugs act 1930. These were merged in 1950 after the formation of the Opium department, which is now known as the central Bureau of Narcotics (CBN). This Bureau is responsible for supervision of licit cultivation of opium and for enforcing laws on illegal trade and use of drugs. The succeeding decades, witnessed an alarming increasing in drug menace hence the parliament enacted the Narcotic Drugs & Psychotropic substances Act 1985 (NDPS Act) which came into effect on 16th September 1985. The act has been amended thrice –in 1988 and 2001 and again in 2014. There is no complete ban or prohibition of using Narcotic drugs and psychotropic substances in India under the NDPS Act 1985. these substances can be need in a controlled manner

for therapeutic and scientific purposes in compatibility with the international legal obligations^[9].

The Act emphasizes on the preventive aspects of drug evil and covers a wide list of substances that are recognized as narcotic drugs. It seeks to prevent people from the dangers of drug-abuse. It was for the first time in India that legislation recognized a wide list of substances that were categorized as dangerous drugs.

The supreme court of India, in Dawood Lama's case^[10] confirmed the conviction of the accused, a foreign nation under the Narcotic Drugs & Psychotropic substances Act 1985 and sentenced him to 10 years rigorous imprisonment and to pay a fine of Rs. 1,00,000/- and in default further undergo rigorous imprisonment for two years. In this case brown sugar was seized from the accused which is a narcotic drug and not a psychotropic substance. The court further ruled that under NDPS Act the police officer taking search is duty bound to inform the person arrested that if he so desired he shall be searched in the presence of a gazette Officer or a Magistrate.

Enforcement Agencies

The entire gamut of legislation in India is directed against illicit trafficking in drug and alcoholic substances. The machinery utilized for the purpose at central level includes the Department of Customs, Central Excise Narcotics Commissioner, and central Bureau of investigation, central Economic intelligence Bureau, Directorate of Revenue Intelligence, Border Security Force and the Drugs Controller. At state level the state Excise, police and Drug Control the menace of drug addiction and alcoholism. In order to coordinate the activities of the various enforcement agencies involved in the anti-drug trafficking, a central authority called the Narcotic control bureau with a wide range of functions has been set up. The main functions of the bureau are –

1. Co-ordination of all enforcement actions by various central and state authorities
2. Implementation of counter measures against illicit drug trafficking under international protocols, conventions and treaties;
3. Assistance to the concerned authorities in foreign countries

The NDPS^[2] Act has provided for the establishment of special courts for expeditious trial of drug addicts and traffickers. But the lack of adequate training to the concerned officials in skilful investigation of drug trafficking cases often leads to lacunae and loopholes in the procedure of investigation which enables drug peddlers and addicts to escape prosecution. That apart, lack of motivation on the part of enforcement agencies is also one of the cause for the inefficient implementation of the NDPA Act.

Suggestion to control alcoholism and drug addiction

Like any other socio-legal problem, the problem of drug addiction and abuse is a complex problem. Besides the legislative measures for combating this menace. Some other remedial measures to help to a large extent in preventing this evil are follows:

1. Efforts to control alcoholism and drug addiction have been made by introducing stringent legislative measures to regulate the manufacture, transportation and sale of these products and ban on their possession or use for

other than medical and scientific purposes.

2. The use of alcohol and narcotic drugs for cure or treatment purposes has, however been permitted to cater to the legitimate needs through a proper licensing system and regulatory measures.
3. International control of narcotic drugs is attained through international agreements and conventions reached between nations under the united nations commission on Narcotics Drugs to which India is a signatory
4. Apart from regulatory measures to control alcoholism and drug addiction the system of licensing physicians to give drugs to addicts at a reasonable rate also helps in preventing their exploitation from the underworld peddlers and thus mitigating this crime.
5. In India, various legislative measures have been introduced to control alcoholism and sale of alcoholic beverages. Several states introduced prohibition laws during the preceding decades. The prohibition Enquiry committee appointed by the planning commission in its report of June 1955 recommended that the scheme of prohibition and anti-drug should be integrated with the country's developments plans with a view to control alcoholism and improves the standard of living of the people.
6. Perhaps the best remedy to contain this evil is to educate people about the harmful effects of drug addiction and consumption of liquor. This kind of education would be most beneficial for the adolescents and school or college going students. The voluntary social organization and mass media can also usefully impart this education. Scientifically correct knowledge and education about evil effects of intoxication and drug addiction should, in fact form a part of regular curriculum at the school level.

Conclusion

The modern process of development have opened the floodgates of offences and drug offences are no exception to this global phenomenon. It hardly needs to be stressed that alcoholism and drug addiction are the off shoots of modern fast changing social patterns, hence these twin problems should be tackled in their socio- legal perspective. Then only concrete results may be possible. Undoubtedly, intensive surveillance on the border check-posts and awareness among the public about evil effects of drug and alcohol addiction have brought about a decline in drug trafficking in recent years but much more still remains to be done in order to eradicate this menace which is damaging the moral fabric of Indian society and culture.

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