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Editorial

The basic and most important unit of the society has been the family from the beginning. For the empowerment and development of the country, first of all it is necessary to pay attention to the moral, social, economic and cultural dimensions of basic institutions like family. Balanced development of the family is very important for the development of the society. Therefore, if we want to have a complete and balanced development of the country, then we need to lay maximum emphasis on the basic institution called family. It is necessary that we should not make any discrimination between son and daughter in the family and we must explain this to our sons and get them involved in their activities. Even today, those who belong to the old belief believe that a woman cannot get any freedom, she cannot go anywhere alone, she cannot roam anywhere alone, but today's youth refuse to accept these values.

Some people also say that the importance of the walls in the house, the same importance is given to the education of the boys in the society. But how is a house made? Who are in the base of the house? The base of the house is our daughters, our girls, that means they are related to the roots. If our root becomes weak in the society, then our house or house cannot be strong at all. There is a need to understand this social context in reality.

The extent of favoritism is reached when we see discrimination in small tasks. Some people think that a girl is someone else's wealth, what job she should do. That's why some parents discriminate between boys and girls and this discrimination is visible somewhere in our behavior, in feeding and dressing. This is sheer injustice. God has given the same brain to boys and girls and today girls are proving it by bringing better results.

Girls stay at their parents' house for only a few days, so it is our duty to pay deep attention to their education, upbringing, only then we can fulfill the concept of a strong society. God has made us the trustee of our children so it is our duty to treat all members equally with full justice because both boys and girls have same power, same soul. So we should give them equal opportunities for development.

The basic objective of women empowerment is the development of women and communication of self-confidence in them. Women empowerment is important for the overall development of the society. Empowerment of women is the most important social phenomenon because they are the creators. If you empower them, make them strong, encourage them, it is better for the society. Women and men are the basis of creation and human society. Both complement each other. These are the wheels of the chariot of life by which the journey of life runs

smoothly. The role of both has been equally important for stability in family and society. The basis of change and development in a society depends on the mutual interaction of men and women, walking step by step and equal mobility of both. A chaotic situation is created in social life when any one side lags behind. The history of mankind is witness to this that where women have been neglected, the development of the society has been stunted. The role of women in creation of creation, education of children, upbringing of family is much more important than that of men, thus her position becomes central in the society. Therefore, without the progress of women, there can be no upliftment of mankind and society. As far as India is concerned "Yatra Naryastu Pujayante Ramante Tatra Devta" means where women are worshipped. The deities reside there. With this ideal any Indian woman can feel pride in comparison to the western woman. The ideal of learning in Saraswati, the ideal of wealth in Lakshmi, the ideal of valor in Durga, the ideal of purity in Ganga, even the ideal of creation in the form of Jagad Janani we find only in India.



Professor Akhilesh Shukla
Chief Editor

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Drug Abuse and the Criminal Justice System

• **Ajay Kumar Dwivedi**

Abstract- *A drug is a substance that can be taken into the human body and, once taken, alters some processes within the body. Drugs can be used in the diagnosis, prevention, or treatment of a disease. Some drugs are used to kill bacteria and help the body recover from infections. Some drugs assist in terminating headaches. Drug addiction, also called substance use disorder, is a disease that affects a person's brain and behavior and leads to an inability to control the use of a legal or illegal drug or medicine. Substances such as alcohol, marijuana and nicotine also are considered drugs. The International Narcotics Control Board calls on all Governments, when determining their national drug control policies, to recognize the important contribution of criminal justice systems in preventing and controlling the illicit supply and consumption of drugs. There are several ways in which the criminal justice system can assist in the struggle against drug production, trafficking and abuse and drug-related crime. It is aimed at convicting and punishing the guilty, thereby deterring criminal conduct, as well as offering to the abuser an opportunity for treatment and rehabilitation. By making drug seizures, it reduces the quantity of illicit drugs in circulation, thus making it more difficult for users to obtain such drugs. Freezing and confiscating assets derived from drug trafficking not only deprive traffickers of the proceeds of their activities, but can also provide an additional source of revenue for law enforcement activities.*

Keywords- *Drug Abuse, Criminal, Justice System, Drugs, Treatment*

Introduction- In short, drugs can be related to crime if they cause a mental or physical state conducive to lawbreaking, lead to a perceived need that results in the motivation to steal, or result in a decrease in access to formal mediation and a corresponding increase in predatory and retaliatory crimes. The relationship between drugs and crime has a long history and is a mainstay of fiction, widely documented in media reports, and the subject of substantial scientific investigation. Drugs are not always illegal, and their sale and use does not always lead to crime. Nevertheless, drugs and crime are related to each other in at least three ways. First, the immediate effect of drugs on the mind and body may create mental or physical states that somehow facilitate aggression or theft. Second, drugs are connected to crime when a drug user has a pressing need to consume them but lacks the necessary funds to do so; such situations may lead to predatory crimes, including burglary, robbery, or theft, among others. A third way in which drugs and crime are

related is that some psychoactive substances are illegal to use, trade (buy or sell), or grow/manufacture. When drugs are illegal, illicit market participants are unlikely to report being victimized to the police, which means that predators are more likely to prey on them; in turn, there may be retaliation when this happens. In short, drugs can be related to crime if they cause a mental or physical state conducive to lawbreaking, lead to a perceived need that results in the motivation to steal, or result in a decrease in access to formal mediation and a corresponding increase in predatory and retaliatory crimes.¹

Drug addiction, also called substance use disorder, is a disease that affects a person's brain and behavior and leads to an inability to control the use of a legal or illegal drug or medicine. Substances such as alcohol, marijuana and nicotine also are considered drugs. When you're addicted, you may continue using the drug despite the harm it causes. Drug addiction can start with experimental use of a recreational drug in social situations, and, for some people, the drug use becomes more frequent. For others, particularly with opioids, drug addiction begins when they take prescribed medicines or receive them from others who have prescriptions. The risk of addiction and how fast you become addicted varies by drug. Some drugs, such as opioid painkillers, have a higher risk and cause addiction more quickly than others. As time passes, you may need larger doses of the drug to get high. Soon you may need the drug just to feel good. As your drug use increases, you may find that it's increasingly difficult to go without the drug. Attempts to stop drug use may cause intense cravings and make you feel physically ill. These are called withdrawal symptoms.

Help from your health care provider, family, friends, support groups or an organized treatment program can help you overcome your drug addiction and stay drug-free.

There are high rates of substance use within the criminal justice system. 85% of the prison population has an active substance use disorder or were incarcerated for a crime involving drugs or drug use. Inmates with opioid use disorder are at a higher risk for overdose following release from incarceration.

What is the law for drug abuse in India?- It came into force on 14 November 1985 as The Narcotic Drugs and Psychotropic Substances Act, 1985 (shortened to NDPS Act). Under the NDPS Act, it is illegal for a person to produce/manufacture/cultivate, possess, sell, purchase, transport, store, and/or consume any narcotic drug or psychotropic substance.

The Narcotic Drugs and Psychotropic Substances Act, 1985, commonly referred to as the NDPS Act, is an Act of the Parliament of India that prohibits a person the production/manufacturing/cultivation, possession, sale, purchasing, transport, storage, and/or consumption of any narcotic drug or psychotropic substance. The bill was introduced in the Lok Sabha on 23 August 1985. It was passed by both the Houses of Parliament, received assent from then President Giani Zail Singh on 16 September 1985, and came into force on 14 November 1985. The NDPS Act has since been amended four times — in 1988, 2001, 2014 and 2021. The Act extends to the

whole of India and it applies also to all Indian citizens outside India and to all persons on ships and aircraft registered in India.

The Narcotics Control Bureau was set up under the act with effect from March 1986. The Act is designed to fulfill India's treaty obligations under the Single Convention on Narcotic Drugs, Convention on Psychotropic Substances, and United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. There are 6 Chapters and 83 Sections in NDPS act 1985.

India had no legislation regarding narcotics until 1985. Cannabis smoking in India has been known since at least 2000 BC¹ (^ *Marihuana and medicine*, p. 3) and is first mentioned in the Atharvaveda, which dates back a few hundred years BC. (^ P. Ram Manohar, "Smoking and Ayurvedic Medicine in India" in *Smoke*, pp. 68–75) The Indian Hemp Drugs Commission, an Indo-British study of cannabis usage in India appointed in 1893, found that the "moderate" use of hemp drugs was "practically attended by no evil results at all", "produces no injurious effects on the mind" and "no moral injury whatever". Regarding "excessive" use of the drug, the Commission concluded that it "may certainly be accepted as very injurious, though it must be admitted that in many excessive consumers the injury is not clearly marked". The report the Commission produced was at least 3,281 pages long, with testimony from almost 1,200 doctors, coolies, yogis, fakirs, heads of lunatic asylums, bhang peasants, tax gatherers, smugglers, army officers, hemp dealers, ganja palace operators and the clergy. (^ "*Recreational use of marijuana: Always a way of life in our country - Times of India*". *The Times of India*.)

Cannabis and its derivatives (marijuana, hashish/charas and bhang) were legally sold in India until 1985, and their recreational use was commonplace. Consumption of cannabis was not seen as socially deviant behaviour, and was viewed as being similar to the consumption of alcohol. Ganja and charas were considered by upper class Indians as the poor man's intoxicant, although the rich consumed bhang during Holi. The United States began to campaign for a worldwide law against all drugs, following the adoption of the Single Convention on Narcotic Drugs in 1961. However, India opposed the move, and withstood American pressure to make cannabis illegal for nearly 25 years. American pressure increased in the 1980s, and in 1985, the Rajiv Gandhi government succumbed and enacted the NDPS Act, banning all narcotic drugs in India. (The joint campaign: Should we not legalize recreational use of Cannabis? - Times of India". *The Times of India*.) Anyone who contravenes the NDPS Act will face punishment based on the quantity of the banned substance.

- where the contravention involves a *small quantity*, with rigorous imprisonment for a term which may extend to 1 year, or with a fine which may extend to ₹10,000 (US\$130) or both;
- where the contravention involves a quantity lesser than *commercial quantity* but greater than a *small quantity*, with rigorous imprisonment for a term which may extend to 10 years and with fine

which may extend to ₹1 lakh (US\$1,300);

- where the contravention involves a *commercial quantity*, with rigorous imprisonment for a term which shall not be less than 10 years but which may extend to 20 years and also a fine which shall not be less than ₹1 lakh (US\$1,300) but which may extend to ₹2 lakh (US\$2,500).

The table below lists the current definition of a small quantity and a commercial quantity for some popular drugs. ("[Archived copy](#)" (PDF). Archived from [the original](#) (PDF) on 6 July 2016. Retrieved 1 May 2015.)

Drug	Small quantity	Commercial quantity
Amphetamine	2 grams (0.071 oz)	50 grams (1.8 oz)
Charas	100 grams (3.5 oz)	1 kilogram (2.2 lb)
Cocaine	2 grams (0.071 oz)	100 grams (3.5 oz)
Ganja(Marijuana)	1 kilogram (2.2 lb)	20 kilograms (44 lb)
Heroin	5 grams (0.18 oz)	250 grams (8.8 oz)
LSD	2 milligrams (0.031 gr)	100 milligrams (1.5 gr)
Methadone	2 grams (0.071 oz)	50 grams (1.8 oz)
Morphine	5 grams (0.18 oz)	250 grams (8.8 oz)
Opium	25 grams (0.88 oz)	2.5 kilograms (5.5 lb)

An Act to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances , to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic. How can we prevent drug addiction? Know your triggers

- Avoiding places where you know drugs and alcohol will be available.
- Surrounding yourself with friends who don't use drugs.
- Knowing how to resist temptation.
- Learning how to cope with stress and relax without drugs.
- Distracting yourself with activities like exercise or listening to music.

Drug abuse carries with it a stigma from the society in India as in any other country of world resulting into adverse impact over human rights of abusers/addicts. Origin of concept of human rights is as ancient as doctrine of natural rights (outcome of natural law itself). Issue of violation of human right of drug abusers is a growing concern as more than three lakh cases have been registered in last decade. The NDPS 2 Act 1985 leaves scope of arbitrariness by police while enforcing it in field. Therefore criminal justice system of India is not untouched with it and drug abusers are therefore victims of it. However a shift has been noted in the approach of neo-criminologist from looking drug abuse as a form of victimless crime to manifestation of death, neglect and killing as immediate harm. Therefore

author will discuss persist challenge in preservation of human rights of drug addicts in criminal justice system of India and protection and preventive measures will be suggested. It also intends to focus on rehabilitation of the victims of drug abuse as a way towards "demand reduction" of drugs with the help of the law enforcement agency i.e. the police as also envisioned by the NDPS Act. Criminalization and punishment theories will also be focused upon by analyzing psychological and rational choice of drug abusers/addicts for the purpose of analyzing ongoing intervention model of law enforcement bodies in relation to society, offenders and victims of drug abuse. (https://www.researchgate.net/publication/355584669_Challenges_in_Protection_of_Human_Rights_of_Drug_Abused_and_Addicts_in_the_Criminal_Justice_System_of_India_2)

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