



GOLDEN TRIANGLE: TURBULENT CRISIS AND RAPID GROWTH OF DRUGS, HEROIN AND CANNABIS

Aum Purohit

INTRODUCTION

Drug abuse in some form or other is a universal phenomenon. India is also not an exception. The traditional drugs of abuse in India have been herbal Cannabis and Opium which were available in restricted quantities from licensed shops till recently. As long as drug addiction was confined to certain types of individuals and the problem was managed by the informal mechanism of social control. But the situation has changed dramatically in last two decades because of the steady increase in the clandestine demands for hard drugs like Heroin and Concentrated Cannabis in the affluent Western Countries which have led to the development of illicit conversion of opium into Heroin in the clandestine laboratories in “Golden Triangle” and “Golden Crescent”. Various conventions were held being The Hague Convention Traffic in Narcotic Drugs and Psychotropic Substances, 1953 held only with the objectives to combat with the problem of drug abuse in the world and to suggest necessary measures and guidelines to control the same but still the results which were expected in international sphere have not come and drug trafficking problem is still going on which has caused great loss to the public particularly the youth.

DEVASTATING SITUATION IN INDIA

The Supreme Court of India has also appreciated the role of Indian Parliament for introducing effective provisions in NDPS Act, 1985 in a case of *Durand Didier v. Chief Secretary, Union Territory of Goa*.¹ Both developed and developing countries have fallen an easy prey to this illegitimate activity of the international criminal syndicates dealing with drug trafficking. India is both a producer as well as important transit country for these substances. The researcher has examined the problem of Use and Misuse of Drugs in India and what are the drugs of misuse in India and their effect on the society and which mechanism is to be developed for controlling and prevention of drug addiction. June 26 is celebrated as International Day against Drug Abuse and Illicit Trafficking every year. It is an exercise undertaken by the world community to sensitize the people in general and the youth in particular, to the

¹ AIR 1989 SC 1966.

menace of drugs. Therefore, drug addiction is a social problem, caused by multiple factors. People take drugs for many reasons, peer pressure, relief of stress, increased energy, to relax, to relieve pain, to escape reality, to feel more self-esteem and for recreation. They may take stimulants to keep alert or cocaine for the feeling of excitement, it produces. Athletes and many body builders may take anabolic steroid to increase muscle-mass. Drug addiction is a behavior whose manifestation depends upon the complex drug individual-society relationship. Diverse social factors which are variable in point of time and geography determine to a very great extent drug abuse. For the same reasons there are variations in the laws on drug abuse control from country to country. The variance in legal regulations from state to state concerned with the problem of drug abuse creates a lot of confusion in legal circle.

The worst aspect of the drug addiction is that it makes its deepest impression on those who are most vulnerable youth. Because of their innate curiosity and thrust for new experiences, the young are particularly susceptible to drug experience. When a substantial percentage of any generation is addicted, the generation has to lose contributing citizens and acquires a crippling social burden. The insidious spread of drug addiction in rural communities has posed a serious challenge to the authorities. Drug addiction has deep familiar concerns. The wide spread abuse of drugs; a human tragedy has a devastating effect on family be it parents, children or other relations. It causes disruption and disharmony within the family and every family member to suffer criminal behavior creeps in the family automatically.

The major responsibility for controlling street level peddling and trafficking falls upon the state enforcement agencies, particularly the police. A periodic drives have been launched by the police agencies in the States to combat narcotic menace. The Local police have played a great role in drug cases as most of the cases are being investigated by the local police. Generally public witnesses are reluctant to join the investigation and in lacking of independent corroboration, the accused are being acquitted by the Courts at different levels. This approach of the Court was not appreciated by Apex Court and gave a note of caution to the Courts while appreciating the role of local police in the case of *(Govt. of NCT) of Delhi v. Sunil & Anr.*²

The Supreme Court of India in latest various judgments has adopted pragmatic approach in dealing with the investigation of these cases by the investigating agency as now a days it is very difficult to join independent witness due to non-cooperation of general public. In the case of *Ram Swaroop v. State (Govt. of NCT) of Delhi*,³ held that generally the public at large are reluctant to come forward to depose before the court and therefore, the prosecution case cannot be doubted for non-examining the independent witnesses. There is no absolute rule that police officers cannot be cited as witnesses and their depositions should be treated with suspect and conviction of the accused was upheld on the basis of the statements of police official witnesses. It may be concluded that statements of police official witnesses could not be discarded only on the ground that no independent witness was joined where their depositions are trustworthy and reliable. In this manner, the Hon'ble Supreme Court has given healthy sign to the enforcement

² (2001) 1 SCC 652

³ 2013 Cri.L.J. 2997

agencies as regards the investigation of drug cases because if the cases are investigated by the police in a fair and proper manner, then their evidence cannot be disbelieved only on the ground that no independent witness was joined.

The Central Bureau of Investigation (CBI) is also the premier investigating police agency in India. CBI as an organization is held in high esteem by the Supreme Court, the High Courts, the Parliament and the public. The CBI has to investigate major crimes in the country having inter-state and international ramifications besides collecting criminal intelligence pertaining to three main areas of operations, viz. anti-corruption, economic crimes and special crimes. This agency also deals with cases of large scale smuggling of narcotics.

FUTURE PERSPECTIVE

The primary objective should be to protect the society and to deter the criminal in achieving the avowed object of law by imposing appropriate sentence. It is expected that the courts would operate the sentencing system so as to impose such sentence which reflects the conscience of the society and the sentencing process has to be stern and proportionate to the proved guilty of the culprit. Any liberal attitude by imposing meager sentence or taking too sympathetic view merely on account of lapse of time or personal inconveniences in respect of such offences will be counterproductive in the long run and against societal interest which needs to be strengthened by string of deterrence inbuilt in the sentencing system. There should be close interaction between Law Enforcement Agencies and Non Governmental Organizations (NGOs) involved in the treatment, rehabilitation and Social integration of drug addicts. Drug abuse is psycho-socio-medical problem which needs to be treated in the entirety of the life situations in the addicts.

For making drugs free society, the causative factors of drug addiction should be dealt efficiently and effectively, only then this problem of drug abuse can be coped with otherwise this monster will annihilate and gobble up the entire humanity one day. Every members of the society has to contribute his might in this important crusade of mankind against abuse of drugs. The parents, the teachers, the social workers, the lawyers, the judges, the artists, the literary figure, the men of religion, the legislators, the government officials, enforcement agencies, everybody should take as his bounden duty to do whatever he can, to prevent drug abuse and drug trafficking. The involvement of professional groups like psychologist, councilors, educators etc. must be increased who are directly or indirectly concerned with alcoholism and drug abuse. Drug medicating and meditative camps provide a pragmatic, costs effective and innovative strategy for the treatment of drug addicts which will indirectly lead to development of society. The efforts should be made on globalized pattern involving the developed nations as the drug peddling is based on consumer-demand-supply theme. If there will be no demand in the society than drug supply will not be lucrative business in that area and ultimately, the drug addiction problem can be coped up with effectively.