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DISCOVERING NEW HORIZONS OF ALTERNATE DISPUTE RESOLUTION MECHANISM TO TACKLE DRUG-RELATED CRIMES

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Abstract

Drug Use is becoming rampant and is an issue gravely affecting the youth of India. This paper delves into the complexities of drug use. Nationally and internationally, prohibitive or punitive strategies are adopted to deal with the issue of drug use and is considered as criminal wrong. But in fact, it is a multi-faceted physiological and psychological disorder requiring a healthcare-centric strategy. Acknowledging the intrinsic link between the drug use and criminality, this paper specifically addresses the offences of consumption and possession of small quantity mentioned under the Narcotic Drugs and Psychotropic Substances Act, 1985 and proposes alternative dispute resolution mechanism to deal with them. The paper discusses various avenues for this integration which will lead to reducing stigma, early redressals, successful diversion to treatment etc. This paper advocates for prioritizing the health of the drug users over criminalization by offering a more nuanced and effective solution to this pressing societal issue.

Keywords: *Alternate Dispute Resolution (ADR), Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), substance use disorder, drug use, possession*

1. Introduction

The ideological utopia of the 'drug-free society' may seem to be a cherished aspiration of modern civilized societies around the world. However, on the ground, this idea may be antithetical to the public-health priorities and individual dignity let alone sustainable development goals.

The dominant premise of the international narcotic drug control regime revolves around

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prohibition and punishment thus criminalizing all activities relating to narcotic drugs and psychotropic substances. However, the demand and consumption of drugs have been ever increasing creating a breeding ground for criminal organizations to commit a range of offences relating to drugs.

The addiction to drugs and the commission of crime are closely related. Persons may start using drugs for re-creation but some of them owing to their acute mental conditions and socio-economic backgrounds may grow dependent on the drugs. There are certain stages of drug use. When a person reaches the stage of problematic drug use, it becomes compulsive for the user to keep up with the consumption; hence they resort to the commission of crime to suffice their urges. Research has shown a relation between the level of drug abuse and the specific type of crimes committed. When such persons come in conflict with the criminal administration system, the duration and punitive nature of laws relating to addiction may directly affect the human rights of the persons who use drugs. Thus, barring any aggressive offences, the persons who use drugs should be directed to treatment rather than to lengthy trials and prisons.

Strategies adopted to control drugs and drug consumption have put the drug users who might be suffering from mental health issues in jeopardy of the criminal justice mechanism thus leading to a catch-22 situation.

In such a situation strategized use of the alternate dispute resolution mechanism will prove to be rights-based, health-based, speedy, cost-effective solutions for dealing with the issue of drug menace and crime. This research aims explore the relationship between drug addiction and crime and evaluate the viability of the alternate dispute resolution intervention in integrating the treatment in criminal justice and developing an inclusive justice mechanism.

2. History of Drug Laws in India

The prohibitory drug laws somewhat owe their origin to social and political upheaval happening in the American society. With the rise of individualism and exploring and expanding horizons of individual liberty, the consumption of drugs and living and carefree life became a representative of the youth's rebellion and way of challenging the establishment. The lengths and breadths of this started to go beyond the control of the then governments and political undercurrents pushed them to take regressive measures to tackle this issue. President Nixon declared the infamous,

“war on drugs” in 1971 which escalated the size and pressure of the federal drug control agencies.³ Further, owing to the media portrayals of the incidences of abuse and of persons who consumed drugs fueled the drug hysteria making ‘drugs’ as the number one enemy of the society ultimately demonizing the persons who used those drugs. Soon in 1981, Nancy Reagan, wife of President Ronald Reagan declared a highly publicized, ‘zero tolerance’ strategy which carried the slogan ‘just say no’⁴

Three main international conventions were enacted in light of this rising drug hysteria and to bring about international cooperation and common penalization of the use of drugs. The 1961 UN Single Convention on Narcotic Drugs created a system for penalizing all the activities conducted in relation to the narcotic drugs excepting the use for medicinal and scientific purposes.⁵ The 1971 UN Convention on Psychotropic Substances was enacted keeping in view the diversification and introduction of new substances. This convention was passed to enlist more than a hundred psychotropic substances and penalize activities relating to them.⁶ The 1988 Convention further obligated the signatories to criminalize the sale, transport, distribution, consumption etc. by enacting relevant domestic laws.⁷

India had earlier opposed these conventions and shown resistance to criminalizing drug use and related activities relating to ethnically rooted plant-based drugs. However, the convention gave India only a grace period of 25 years to make these substances available for scientific and medical purposes.⁸ Finally, India succumbed to international pressure and enacted the Narcotic Drugs and Psychotropic Substances Act, 1985 on the 14th of November 1985.

This US-led war on drugs which started off primarily as a racist propaganda against the African-American Black Community and Hispanic population⁹ dragged other nations like India

³ ‘A History of the Drug War’ (Drug Policy Alliance), available at <https://drugpolicy.org/issues/brief-history-drug-war> (Last visited on 2 April 2023)

⁴ *Id.*

⁵ Single Convention on Narcotic Drugs, 1961 (adopted 30 March 1961, effective from 13 December 1964)

⁶ Convention on Psychotropic Substances, 1971 (adopted 21 February 1971, effective from 16 August 1976)

⁷ Martin Jelsma, “The Development of International Drug Control: Lessons Learned and Strategic Challenges For The Future” *Global Commission on Drug Policies* (2011), available at https://www.senado.gob.mx/comisiones/relext_organint/ungass/docs/Analisisacademicos/Global Com Martin Jelsma.pdf (last visited on April 4, 2023)

⁸ Shweta Sharma, Kapil Kumar and Gyanendra Singh, “An Overview on Narcotic Drugs and Psychotropic Substances Act, 1985” 1 *Journal of Forensic Sciences and Criminal Investigation* (2017)

⁹ Neha Singhal, Naveed Mahmood Ahmad, “Case for Decriminalising Cannabis Use in India” *Vidhi Centre for Legal Policy*, 20 August 2020, available at <https://vidhilegalpolicy.in/research/case-for-decriminalising-cannabis-use-in-india/> (last visited on April 5, 2023)

haphazardly into the punitive regime of drug laws. Since then, these laws have resulted in a disproportionate number of arrests and incarceration of drug users.

3. The Psychological Aspect of Drug Addiction

The NDPS Act, 1985 defines an ‘addict’ as “a person who has dependence on any narcotic drug or psychotropic substance”¹⁰ but does not define addiction. Addiction generally is used to refer to psychological and physical dependence on anything like drugs, cigarettes, games, social media, pornographic literature, gambling and so on. However, the use of drugs or psychotropic substances and dependence on them has to be understood with a detailed perspective. The persons who use drugs loosely referred to as ‘addicts’ in this Act, can be persons suffering from chronic brain disease. Substance use disorder (SUD) is a treatable mental disorder that affects a person’s brain and behavior, leading to their inability to control their use of substances like legal or illegal drugs, alcohol, or medications.¹¹ Only some of the persons who consume drugs can develop a compulsive urge of drug use, loss of self-control, and other problematic behavior owing to their vulnerabilities caused due to social, economic, psychological, environmental, etc. factors.¹² Drug addiction has well-recognized cognitive, behavioral, and physiological characteristics that contribute to continued use of drugs despite the harmful consequences.¹³ Drug dependence syndrome can be further characterized by the behavior resulting in spending excessive amounts of time and money on drug-related activities.¹⁴

4. Relationship between Drug Use and Commission of Crime

The drug dependence syndrome or substance use disorder can lead a person to indulge in behavior that might be problematic for them as well as others primarily to satisfy their uncontrollable urge to consume the substance. As the drug affects the brain, the decision-making capacity and ability to differentiate between right and wrong is impaired in the persons who use drugs. A direct relation between the levels of drug use, types of drugs used and the crimes committed by the

¹⁰ The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985) s. 2(i).

¹¹ “Substance Use and Co-Occurring Mental Disorders”, National Institute of Mental Health, available at <https://www.nimh.nih.gov/health/topics/substance-use-and-mental-health> (last visited on April 2, 2023)

¹² Chandler RK, Fletcher BW, Volkow ND, “Treating Drug Abuse and Addiction in the Criminal Justice System: Improving Public Health and Safety”. *JAMA*. 2009; 301(2):183–190, doi:10.1001/jama.2008.976

¹³ National Institutes of Health, “Principles of Drug Abuse Treatment for Criminal Justice Populations, a Research-based Guide”, (U.S. Department of Health and Human Services) pg 1

¹⁴ United Nations Office on Drugs and Crime, World Health Organization, *Treatment and care for people with drug use disorders in contact with the criminal justice system* (March 2018) pg 46

persons who use drugs have been identified in research.¹⁵

The persons who use drugs usually are from the socio-economically vulnerable section of society, their sources of income are meager thus, and therefore it becomes difficult to procure the substance. Through research, it has been observed that most of the accused under the NDPS Act, 1985 are students, rickshaw drivers, sweepers, watchmen, daily wage workers, service persons, slum dwellers etc.¹⁶ That's why they turn to illegal activities such as smuggling, drug dealing, theft and prostitution. Thus, the cycle of poverty, addiction, and crime is repeated.¹⁷

Researchers have drawn a co-relation between drug use and income-generating offences like stealing money, theft, robbery; violent criminal behaviors like domestic violence, intimate partner violence, violence against parents or children; and self-harming violence like suicide etc.¹⁸ The persons who use drugs sometimes become peddlers and small-time traffickers and mobilize drugs to provide for their needs. However, it has to be carefully understood that the persons may not intend to commit these crimes consciously but due to altered perception owing to the drug use, they resort to criminal path. The dependence on the substance fuels the motive and leads to the actual commission of that offence. But substance use disorder is like any other disease which disrupt healthy functioning of the body but which can be preventable and treatable.¹⁹

5. Current Legislative and Judicial Landscape of Drug-Related Crimes

Prior to the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), The Opium Act, 1857, the Opium Act, 1878 and the Dangerous Drugs Act, 1930 dealt with the provisions relating to control of drugs. But, the provisions of these enactments were not sufficiently deterrent, India

¹⁵ Rafaiee R, Olyae S, Sargolzaiee A, "The relationship between the type of crime and drugs in addicted prisoners in zahedan central prison" *Int J High Risk Behav Addict*. 2013 Dec;2(3):139-40. doi: 10.5812/ijhrba.13977. Epub 2013 Dec 22. PMID: 24971293; PMCID: PMC4070162. (last visited on April 5, 2023)

¹⁶ Neha Singhal, Naveed Mahmood Ahmad, "Criminalisation Leads To Exploitation: The Mumbai Story No One Knows About" *Vidhi Centre for Legal Policy*, September 8, 2020, available at <https://vidhilegalpolicy.in/research/criminalisation-leads-to-exploitation-the-mumbai-story-no-one-knows-about/> (last visited on April 5, 2023)

¹⁷ *Supra* note 13 at 4

¹⁸ Tamera Martens, Wendy Manwarren Generes, "How Drugs & Alcohol Can Fuel Violent Behaviors" *American Addiction Centres*, December 2, 2022, available at <https://americanaddictioncenters.org/rehab-guide/addiction-and-violence> (last visited on April 5, 2023)

¹⁹ National Institute on Drug Abuse, "What is drug addiction?" available at <https://nida.nih.gov/publications/drugs-brains-behavior-science-addiction/drug-misuse-addiction> (last visited on August 14, 2023)

was used as a transit route to traffic drugs to the Western countries, India bore the obligations under the international conventions to which it had become signatory, new drugs and psychotropic substances were introduced in the markets which were not regulated by the earlier enactments.²⁰ Therefore, with an objective to address the above issues, the NDPS Act was enacted.

A fundamental principle of criminal jurisprudence is 'presumption of innocence of the accused'. However, Narcotic Drugs and Psychotropic Substance Act, 1985 calls for reversal of this principle and presumes the culpable state of mind of the accused and requires the accused to prove the innocence beyond reasonable doubt.²¹ The Act jeopardizes the individuals struggling with substance use disorder and indulgence in allied criminal activities, further laying an excessive burden to prove their innocence to the state, which can be very difficult to achieve. As prohibitive approach is predominantly adopted in the scheme of this Act, getting bail for offences enumerated here is very difficult. Section 37 which is titled as 'offences to be cognizable and non-bailable' begins with non-obstante clause stating that all the offences under this Act shall be cognizable. It further, does not completely deny bail but lays down heavy conditions for granting of bail. Most of the offences committed under this act are in relation to possession. According to the provisions of this Act, if the accused fails to account satisfactorily for the possession, it is presumed that he/she has committed an offence under this Act.²²

As far as the offence of consumption of any narcotic drug or psychotropic substance as mentioned in section 27 is concerned, the Act makes provisions for release for treatment under sections 39 and 64A. However, the above-mentioned provisions come in direct conflict with these sections thus, making the release almost impossible. Also, the offenders who commit offences of less serious nature, involving small quantities of drugs and substances are usually the persons suffering from substance use disorder. These offences attract large punishment and the Act does not make provision for the treatment of offenders. Researcher has identified a list of such offences.

²⁰ The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985), Statement of Object and Reasons

²¹ The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985) Section 35

²² The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985) Section 54

Table No.1: Provisions under the Narcotic Drugs and Psychotropic Substances Act, 1985 relating to the offences and their punishment (except trafficking and offences involving intermediate and commercial quantities)

Section	Title	Provision	Punishment
8c	Prohibition of certain operations	Certain activities relating to narcotic drugs and psychotropic substances prohibited including possession, use, consumption, etc.	Mentioned in Chapter IV of NDPS Act, 1985
25	Punishment for allowing premises	Knowingly permit to use the premise to commit an offence under this act	Same as that of the offence committed
28	Punishment for attempts to commit offences	Attempt to commit any offence under this act, cause to be committed	Same as the offence attempted
15	Punishment for contravention in relation to poppy straw	Possess; Use – Small quantity	rigorous imprisonment of 1 year, or fine, or both
16	Punishment for contravention in relation to coca plant and coca leaves	Possess; Use – Any quantity	rigorous imprisonment of 10 years, or fine, or both
17	Punishment for contravention in relation to prepared opium	Possess; Use – Small quantity	rigorous imprisonment of 1 year, or fine, or both
18	Punishment for contravention in relation to opium poppy and opium	Possess; Use – Small quantity	rigorous imprisonment of 1 year, or fine, or both
20	Punishment for contravention in	(a) cultivates any cannabis plant (b) Possess – Small quantity	(a) rigorous imprisonment for a

	relation to cannabis plant and cannabis		term which may extend to ten years, and shall also be liable to fine which may extend to one lakh rupees (b) rigorous imprisonment of 1 year, or fine, or both
21	Punishment for contravention in relation to manufactured drugs and preparations	Possess; Use – Small quantity	rigorous imprisonment of 1 year, or fine, or both
22	Punishment for contravention in relation to psychotropic substances	Possess; Use – Small quantity	rigorous imprisonment of 1 year, or fine, or both

Researcher opines that these offences can be directed or diverted away from the criminal justice system, to the alternative dispute resolution mechanism. This would reduce the load of the judiciary and also help to adopt health-based approach. Through ADR mechanism, identifying and directing the persons suffering from substance use disorder to treatment can be facilitated and timely follow-up of such persons can also become easy.

6. Need for ADR and Criminal Justice Administration in Drug-Related Offences

Any crime is primarily considered as a wrong against society, a violation of the moral code, economic loss of public resources, harm caused to the public at large hence, the society denounces the criminal acts as well as criminals by returning harsh punishments.

Although in recent years, in case of certain types of offences, the restorative justice approach is

adopted where the focus is on repairing the victim's harm and transforming the offender thus, giving him or her a chance to restore their life. By adopting this approach, a platform can be created where the victim and the offender can come face to face and restore their earlier position. Especially in case of drug-related offences such as consumption, personal use or even possession of small quantities where the perpetrator is the victim himself, and the offences are of self-harming nature, restorative justice approach becomes inevitable. Also, where offences are committed to suffice the urge of consumption, the harm of the victim can be restored and the offender can be directed towards treatment. Thus, the restorative justice approach can be seen as "a means of promoting peaceful expression of conflict, promoting tolerance and inclusion, building respect for diversity and promoting good social practices."²³ It provides for a participative, consensus-based, collaborative redressal mechanism rather than harsh adversarial systems. If implemented with the right intention and efforts in cases of drug-related offences, it can promote assuming responsibility for acts, accountability, dignity, assistance to the victims if any, rehabilitation and social integration of the offenders, empathy and so on. Adopting the restorative justice approach in case of drug-related offences would mean an appropriate partnership and inter-agency cooperation between the justice mechanism and the treatment centers, recovery support programs, mental health treatment, employment support, and religious or spiritual support programs.²⁴ Further adopting an alternate dispute resolution mechanism becomes crucial for the success of restorative justice approach.

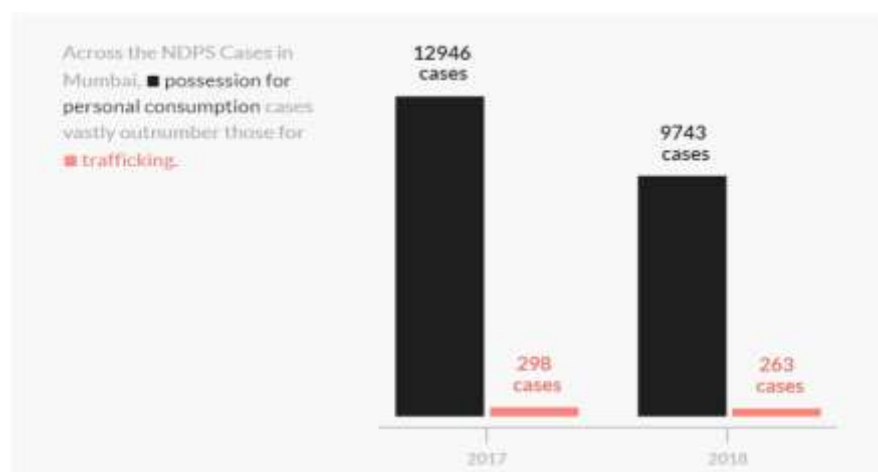
In the research conducted in Maharashtra state, it was observed that the average of 1766 NDPS cases per year between 2010 and 2013 suddenly spiked by five times. From 2012 to 2014, the number of cases jumped to 14622. Since then, crimes committed under the NDS Act, 1985 consistently remained high in Maharashtra.²⁵ This trend has been asserted by the government and many persons have been convicted for possession for personal consumption of drugs. It is clear from the following chart²⁶:

²³ Trishla Dwivedi, "Restorative justice in relation to mediation", Time of India, Reader's Blog, January 11 2022 available at <https://timesofindia.indiatimes.com/readersblog/hail-to-feminism/restorative-justice-in-relation-to-mediation-40493/> (last visited on April 4, 2023)

²⁴ United Nations Office on Drugs And Crime, *Handbook On Restorative Justice Programmes, Second Edition* (March 2020) pg 23

²⁵ *Supra* note 14 at 5

²⁶ *Id.*

Chart No.1: Comparison between convictions for possession and trafficking

About 2.8% of Indians aged 10-75 years which can amount to 3.1 crore individuals are current users of any cannabis product.²⁷ At the national level, 0.66% of Indians aged 10 - 75 years need help with their cannabis use (i.e., they use cannabis in a harmful or dependent pattern). In some states, this proportion is considerably higher than the national average (e.g., Sikkim - 2.9%, Punjab - 2.2%). However, some states of the country have a sizeable number of people who need help with their cannabis use pattern (harmful use / dependence).²⁸ Also, research conducted in some parts of the USA has shown that treatment reduced illegal drug use by half and arrests by 64%.²⁹

Thus, on one hand, the persons who use drugs, who might be in need of treatment are vexed by the criminal justice and their incarceration is asserted by the governments and the society as well, and on the other hand, the punishments are not serving any deterrent purpose and the vulnerable are jeopardized. In this light, ADR can be considered a viable option.

7. ADR Methods That Can Be Used in Drug-Related Offences

The drug-related crimes can be understood as the crimes mentioned under the NDPS Act, 1985 relating to consumption, personal use and possession of small quantities (except trafficking and offences involving commercial quantities) where the perpetrator is the victim and other criminal behavior in which the drug user indulges due to the substance use disorder (except excessive violent crimes like murder, rape etc.). Different ADR methods can be applied for victimless

²⁷ Ministry of Social Justice and Empowerment, *Magnitude of substance use in India* (2019) pg 17

²⁸ *Supra* note 22 at 6.

²⁹ Lurigio, A. J., "Drug Treatment Availability and Effectiveness: Studies of the General and Criminal Justice Populations" 27(4) *Criminal Justice and Behavior* 495-528 (2000) doi:10.1177/0093854800027004005

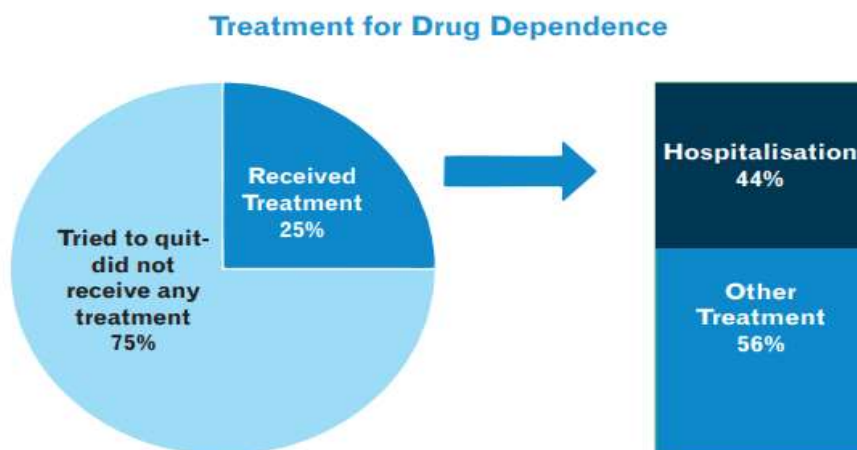
crimes and crimes involving victims other than the perpetrator.

7.1 Diversion from criminal justice

Punishment and incarceration of drug users have proved to be futile in curbing drug use.³⁰ Offering treatment to the offenders whose criminal behaviour is directly related to their drug use as an alternative to conviction or punishment makes sense from the perspectives of both public safety and public health.³¹ Integrating treatment into the criminal justice system would provide treatment to individuals who otherwise would not receive it, improving their medical outcomes and decreasing their rates of re-incarceration.³² Failure to receive treatment increases the risk not only of relapse but also of mortality from drug overdose and other causes.³³

Owing to the socio-economic vulnerability, social stigma, lack of legal representation and a plethora of other factors, the treatment is not available to those in need. In a nationwide and comprehensive survey conducted by the Ministry of Social Justice and Empowerment, it was observed that the proportion of persons who use drugs admitted to a government de-addiction center (23%) or an NGO de-addiction center (7%) is very small³⁴ also, there are large number of persons who want to quit drug use yet do not have access to treatment³⁵.

Chart No.2: Availability of Treatment for Drug Dependence



³⁰ *Supra* note 25 at 10

³¹ *Supra* note 12 at 4

³² *Supra* note 10 at 4

³³ *Id.*

³⁴ *Supra* note 22 at 6

³⁵ *Id.*

Thus, the coordination of the drug abuse treatment and correctional planning and regular feedback of the participant's progress can encourage the participants as well as reduce the load of criminal justice administration.³⁶

The diversion strategy implies that the public officials can direct the persons with drug use disorder to drug treatment programs rather than bringing them to trials and getting them convicted. Section 64A of the NDPS Act also provides for immunity from punishment if a person volunteers for treatment. However, only those with disorders need to be diverted to the treatment program and not everyone who might have consumed it.

When a person is discovered to be in possession of any drugs for non-medical personal use in Portugal, they are referred to a local "Commission for the Dissuasion of Drug Abuse," which is made up of one member from the legal system and two members from the health or social services. Following a review of the offender's personal circumstances, the commission assesses potential treatment, education, and rehabilitation programs. This provides for an evidence-based, health-based and cost-effective alternative to the trials.³⁷ Thus, establishment of similar extra-judicial mechanism will help in diverging the persons in need of treatment to rehabilitation centers rather than to prisons thereby reducing the load of the judiciary and creating individual-centric health-based justice system.

7.2 Plea Bargain

Plea bargain had not been a popular method of criminal justice administration however, keeping in view the increasing burden of cases, it was introduced in India through the Criminal Law (Amendment) Act, 2005 with limited application. The option of plea bargain is available to the offenders where the offence committed carries a punishment of less than 7 years and the offence is not a socio-economic offence.³⁸ In India, the offences relating to drugs are considered as socio-economic offences, however, the nature of the offences mentioned above in Table No. 1 is overtly self-harming offences, like private or personal wrongs. Thus, in such cases, the option of plea bargaining can be made available to the alleged offender wherein they can assume the responsibility for their wrongdoing and the courts can dispose of the cases by providing

³⁶ *Supra* note 11 at 4

³⁷ *Supra* note 12 at 4

³⁸ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 265A

compensation to the victims³⁹ and directing the offenders to the treatment centres.

7.3 Negotiation

In drug-related offences where the persons with substance use disorders have resorted to property offences, domestic violence, wrongful behaviour at the workplace, etc. the negotiation techniques can be resorted to. In many personal circumstances of disputes like business, service, employment, marriage, divorce, or parenting where persons who use illegal drugs are involved, negotiation can be used as an alternate dispute resolution method.⁴⁰ This method can help in resolving the dispute arising out of drug use by maintaining the dignity of the parties and opening the doors for treatment.

7.4 Victim-Offender Mediation

Victim-Offender Mediation is a restorative justice method where the drug user might have caused some harm or injury to the victim but that behaviour is directly related to drug use. This is however a method where the victims are willing to participate and mutually settle the dispute. Under this model, the victim, offender, and support teams can meet with a mediator to engage in a conversation about how the offender can repair the harm he or she caused and develop a plan for moving forward with reparations and preventing the offender from re-offending and resorting to treatment.⁴¹ Implementation of mediation methods in criminal justice administration has worked wonders in countries like USA, Canada and other European countries and has proved to be a cost-effective and efficient method.⁴² India has always been conservative in applying ADR Mechanisms in criminal justice system. But in case of offences like drug use and allied offences which are closely related to the mental conditions of offender, use of ADR will prove to be a tool for applying principles of restorative justice. Incorporation of health care professionals in ADR, divergence to treatment and removal of stigma because of disproportionate punishment will facilitate the delivery of holistic justice to society as well as to the persons who use drugs.

³⁹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 265E

⁴⁰ Anushtha Anupriya, Anusha C Gudagur, "Importance of ADR in Criminal Justice" 2(1) *International Journal Of Legal Science And Innovation* pg 526-536 (2020)

⁴¹ Kayla Welch, "Restorative Justice: An Alternative Dispute Resolution Approach to Criminal Behavior" 2022(1) *Journal of Dispute Resolution* (2022) available at <https://scholarship.law.missouri.edu/jdr/vol2022/iss1/11> (last visited on April 5, 2023)

⁴² *Supra* note 38 at 13

8. Conclusion

A lot of people with drug use disorder come in contact with the criminal justice system, and many of those who are already convicted for various other offences have a history of drug use. Hence it has become necessary to balance between public safety and public health. Resorting to alternative dispute resolution mechanism as an alternative to criminal justice administration and using it as a getaway to implement treatment programmes for those with drug use disorders can prove to be a cost-effective, health-based, efficient, inclusive, and restorative justice practice.⁴³ ADR can be used for facilitating effective interaction between the criminal justice system and the health care system in cases relating to drug consumption, possession of small quantity and other offences directly relating to drug use disorder of the offender. Creating diversion opportunities to health care, providing for victim-offender mediation, plea bargain, negotiation etc. can be a way to synergize the health care system and criminal justice system. This integration can lead to strengthening the mechanism of prevention and treatment of substance abuse and develop inclusive, effective, accountable and transparent justice institutions thereby leading to holistic and sustainable development of the society.

⁴³ *Supra* note 12 at 4