

## NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015

### 1 Background:

- 1.1. The phenomenal rise in drug trafficking and drug abuse amongst the youth, children and adolescents has serious implications, adversely affecting national health and economy. Curbing it is the highest priority for the State as well as the society.
- 1.2. It is an open secret that drugs have spread their dreaded tentacles on innocent children, adolescents, youth and women. The horrible dimension, which this menace has acquired, can be gauged from the average age of initiation of drugs which is as low as nine-ten years. Recent empirical studies reveal that about 7 crore people in India are involved in substance abuse, out of whom about 17% are addicts.
- 1.3. The illicit cultivation of plants wherefrom the substances/drugs are derived is an area of major concern. Generally, people are unaware of the ill effects of such cultivation. In order to prevent illicit cultivation of substances, participation of Panchayati Raj Institutions and Local Bodies is necessarily required.
- 1.4. Although many agencies of the State as well as Non-Governmental Organizations are working in the field for eradication of drug trafficking and drug abuse, there is lack of coordination amongst them. Individual efforts of different functionaries and agencies have not achieved the desired results. Experience shows that the victims of drug abuse have no idea how to tackle the issues of treatment and rehabilitation.
- 1.5. Considering the fact that Legal Services Institutions can contribute a lot to curb this menace, a resolution was passed in the 13<sup>th</sup> All India Meet of State Legal Services Authorities held at Ranchi (Jharkhand), concluding that Drug Addiction and Drug Abuse

should be a major area of concern for all Legal Services Institutions and a necessity was felt to examine the issue therein.

## 2 Existing Legal Provisions

- 2.1 The efforts to combat the menace of Narcotic Drugs and Trafficking started at the International level with Single Convention on Narcotic Drugs by the United Nations in March, 1961 and thereafter a protocol amending the resolution of this Convention was adopted in March, 1972. The United Nations Convention on Psychotropic Substances was held in 1971, followed by United Nations Convention against Illicit Trafficking in Narcotic Drugs & Psychotropic Substances, 1988. India is signatory to all such Conventions.
- 2.2 Article 47 of the Constitution of India mandates that State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
- 2.3 The growing trend of illicit drug traffic and drug abuse, at the National level, has led to the passing of comprehensive legislations: (i) The Drugs and Cosmetics Act, 1940 and (ii) The Narcotic Drugs and Psychotropic Substances Act, 1985, for prohibition, control, regulation, cultivation, manufacture, sale transportation, consumption etc. of narcotic drugs and psychotropic substances. Despite tough laws, illicit drug trade, in an organized manner, is growing manifold.
- 2.4 It is in this background that it was felt by NALSA, that Legal Services Institutions have a significant role to play in supply and demand reduction and de-addiction and rehabilitation. A Committee was constituted for the purpose of understanding the dimensions of the problem and defining the role of the Legal Services Institutions to effectively address the problem. This Scheme has been framed on the deliberations of the Committee based on the inputs received at the Regional Conference on the

*'Drug Menace in India – Overview, Challenges and Solutions' at Manali, Himachal Pradesh.*

## 3 Name of the Scheme

The Scheme shall be called “NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015”. (hereinafter referred to as “the Scheme”).

## 4 Definitions

In this scheme unless the context otherwise requires,

- a) “Act” means the Legal Services Authorities Act, 1987 ( 39 of 1987)
- b) “NDPS Act” means The Narcotic Drugs and Psychotropic Substances Act, 1985 (Act no.61 of 1985)
- c) “Legal Service” means as defined under section 2(c) of Legal Services Authorities Act 1987.
- d) Legal Services Clinic means a clinic as defined under regulation 2 (c ) of National Legal Services Authority (Legal Services Clinics) regulations 2011.
- e) Legal Services Institution means a State Legal Service Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee, District Legal Service Authority or Taluk Legal Service committee, as the case may be.
- f) Panel Lawyer means the panel lawyer selected under regulation 8 of the National Legal Services Authority (free and competent legal services) regulations 2010.
- g) Para Legal Volunteer means a Para Legal Volunteer defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation – Induction – Refresher Courses for PLV Training, trained as such by a legal services institution.

- h) All other words and expressions used but not defined in this scheme and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authorities Rules, 1995 or National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 shall have the same meaning respectively assigned to them in the said Act or Rules or Regulations.

## **5 The Objectives of the Scheme**

- 5.1 To disseminate awareness amongst the general masses regarding the Legal Provisions, various Policies, Programmes and Schemes, in respect of Narcotic Drugs and Psychotropic Substances as well as to create awareness about the ill effects of drug abuse amongst the children in schools and colleges, street children, urban slum children, injective drug user(s), families, prisoners, workers in unorganized Sector, Chemists, drug pedlars, sex workers and general masses etc.
- 5.2 Organizing literacy camps for sensitizing the farmers who are carrying out permissible cultivation of various substances/source plants about the adverse health and life threatening effects of consumption of such drugs and substances.
- 5.3 To spread awareness amongst the parents, teachers and students about the ill effects of the substance abuse.
- 5.4 To sensitize the various stakeholders viz; Judiciary, Prosecution, Members of Bar, Police, Forensic Laboratories, De-addiction Centres, Corrective Homes, Rehabilitation Centres, School, College and University administration, Children Homes, Old-age Homes, NariNiketans, Schools for Special Children, Ministerial Staff of Courts, etc. about the drug menace and effective measures to curb it.
- 5.5 To mobilize the available infrastructure in identifying the victims of drug abuse, their treatment and post detoxification rehabilitation.

- 5.6 To tap the potential of the Panchayati Raj Institutions/Local Bodies at grassroot level for intervention and prevention of drug abuse and destruction of illicit cultivation of plants used to derive the drugs/substances.
- 5.7 To maintain effective coordination with the Drug De-Addiction Centres, and Rehabilitation Centres etc. for better facilities and respect for the rights of the victims and to intervene, if any, breach is noticed.
- 5.8 To coordinate the activities of various stakeholders working in the field.
- 5.9 To ensure essential legal services to the victims of drug trafficking and drug abuse.

## **Plan of Action**

### **6 Establishment of Special Units**

- 6.1 The State Legal Services Authority (hereinafter referred to as SLSA) shall, within one month of the communication of this scheme, establish Special Units in all the Talukas/ Mandals/ Sub Divisions in the State, consisting of Judicial Officer(s), young lawyer(s) to be nominated by the Chairman, DLSA, Medical Officer(s) to be nominated by the Chief Medical Officer concerned, a Revenue/Police/Forest Officer(s) nominated by the Chief Secretary, social worker, Para Legal volunteer and a representative of NGO(s) having done substantial work for eradication of drug menace or rehabilitation and de-addiction, and accredited with NALSA. The Special Units shall be headed by the Chairman of the Taluka/ Mandal/ Sub Divisional Legal Services Committee (hereinafter referred to as TLSC), under the overall supervision of the Chairman, DLSA.
- 6.2 Such Special Units shall comprise of not more than ten members. The Secretary, DLSA shall be the Nodal Officer for the District. The

Secretary, Taluka Legal Services Committee shall be Secretary of the Special Units.

- 6.3 After the constitution of the Special Units, the DLSAs shall conduct training programmes for members of the Special Units, as per module of NALSA.
- 6.4 The Special Units shall submit regular action taken reports to the SLSA through Chairman, DLSA, who will forward it along with his/her comments.
- 6.5 The Special Units shall, in terms of the scheme, within 15 days of its constitution, prepare a Micro Level Programme to be carried out/performed in their respective areas for tackling, intervention & prevention of drug abuse.
- 6.6 Such programme(s) shall be forwarded by the Chairman of the DLSA to the Member Secretary of the SLSA, who, in turn, shall place the same for approval, before the Executive Chairman. The Executive Chairman SLSA, may accord sanction with or without amendments, within 15 days.
- 6.7 Apart from the functions assigned to them under the provisions of this scheme, the Special Units shall also perform any other function, which SLSA may assign from time to time.

## **7 Creation of Database**

The SLSAs shall create a Database of all the existing Policies, Schemes, Regulations, Directives, Preventions, Rules, Declarations and Reports available for effective prevention, protection, rehabilitation, elimination of Narcotic Drugs and Psychotropic Substances and upload the same on its website and share the same with NALSA.

## **8 Implementation of various schemes.**

- (a) The SLSAs shall take all steps to disseminate the information regarding policies, schemes, programmes to the general public

and in particular, to the victims of Drug abuse, their families and the functionaries of De-addiction / Rehabilitation Centers

- (b) The Special Units shall display such information prominently in their offices and shall get suitable booklets/pamphlets/placards etc, printed, as approved by the SLSA.

## **9 Destruction of Illicit cultivation**

The SLSAs shall coordinate with the State Governments for the destruction of illicit cultivation of cannabis and opium as well as any other plant used to derive Narcotic and Psychotropic Substances. The SLSAs may also urge the State Government to include such destruction as admissible work under MNREGA Scheme. This will pave the way for the destruction of illicit plants on a large scale besides, encouraging community involvement in the entire campaign.

## **10 Participation of Local Bodies/Panchayati Raj Institutions at grassroot level**

The participation of these institutions shall be in the following manner:-

- (a) Special Units shall coordinate with the Panchayati Raj Institutions to identify areas, where substances such as charas/ganja etc are being illegally cultivated. Reports so prepared by the Special Units shall be forwarded to the SLSA through the Chairman DLSA and with the approval of the Executive Chairman, SLSA, the matter shall be taken up with the concerned authorities for appropriate action.
- (b) The Special Units shall seek assistance of Panchayati Raj Institutions to identify the drug addicts and injective drug user(s) for making arrangements for their treatment and rehabilitation.
- (c) The Special Units shall also seek assistance of the Panchayati Raj Institutions for spreading awareness about ill effects of drugs in the rural areas.

- (d) The Special Units should as far as is possible associate the MahilaMandals and YuvakMandals or other similar self helpgroups of the area in such campaigns.

## 11. Awareness

### 11.1 Awareness in Schools/Colleges

The Special Units shall coordinate with Legal Literacy Clubs in schools and Legal Services Clinics in colleges to conduct awareness and sensitization programmes in the Schools and Colleges, to make students aware of the ill effects of drugs.

- (a) The awareness and sensitization programmes could be conducted through various modes, such as;
- i. Starting awareness campaign in the school/cluster of schools under the banner of "run against drug abuse" by associating the "Icons" of the area.
  - ii. Awareness camps
  - iii. Holding regular Parents-Teachers meetings.
  - iv. Through Mass Literacy campaigns
  - v. Through Symposiums. Seminars, Debates etc.
  - vi. Organizing quiz and essay writing competitions about the ill effects of drug abuse
  - vii. Nukkad Nataks; Any other similar and innovative manner
  - viii. Any other similar and innovative manner
- (b) The teachers in the schools/colleges should also be involved in awareness/sensitization programmes.
- © Pamphlets/booklets prepared by the NALSA/SLSA should be distributed to the students in awareness/sensitization programmes.

- (d) Such pamphlets/booklets will also be distributed at all awareness camps and also help at front offices and legal services clinics
- (e) Inclusion of Chapter on Drug Abuse in School and College Curriculum - An endeavour for compulsorily getting a chapter on drug abuse included in the curriculum of Schools and Colleges, by taking up the matter with respective Education Boards and Universities

### 11.2 Awareness to the families of the victims of Drug Abuse

Children generally become victims of drug abuse in those families where the affectionate bond between children and parents is either loosened or obliterated or where parents or family members consume drugs /substances.

- (a) The Special Units should identify the families of victims of drug abuse and the parents who are habituated to either one or other forms of addiction and shall sensitize them to build parental bonds with their children. The focus will be on persuading the parents to interact with children, supervise their activities and to talk to the teachers about their children and their behaviour and that drug addiction can be cured.
- (b) Awareness must be raised to aid in the de-stigmatization of addiction as well as the mental illnesses arising out of it, in order for addiction to be recognised as any other health problem and treated at the earliest

### 11.3 Awareness amongst Street Children

- a) Large number of victims of drug abuse are the street children. They are the most neglected and vulnerable class, generally abandoned and left out by their families. Hence, there is a greater need to ensure their safety along with NGOs working with street children.
- (b) The Special Units shall identify the addicted street and urban slum children and make arrangement for admitting them to De-Addiction Centre(s) or Rehabilitation Centre(s), as the case may be.

