

Decriminalizing Substance Abuse Victims in the Criminal Justice System: Challenges and Opportunities

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Abstract

Substance abuse among youth has emerged as a serious global concern, contributing to socio-legal challenges. The World Drug Report 2023 reports a 23 percent increase in global drug use, rising from 240 million in 2011 to 296 million in 2021. In India, the United Nations Office on Drugs and Crime estimates that about 13 percent of individuals below 20 years are affected by illicit substance use. Such youth often become double victims, facing addiction-related harms and involvement in the criminal justice system. Despite their vulnerability and need for detoxification and rehabilitation, they are frequently treated as offenders rather than victims within social and criminal justice systems. This paper argues for a shift from criminalization to decriminalization in responding to substance-related offences. It examines the relationship between substance abuse and criminality, analyses crime patterns and substances used, and explores ethical challenges faced by professionals in Jabalpur district, Madhya Pradesh, in practice.

Keywords: Substance Abuse, De-criminalization, Rehabilitation, Criminal Justice System, Social Work Intervention

Introduction

Youth are widely regarded as the backbone of a nation and play a crucial role in social and economic development. However, rapid social change has generated several emerging socio-legal challenges, among which substance abuse and related criminal activities have become major concerns for both society and the criminal justice system. The *World Drug Report 2023* indicates a 23 percent increase in global substance use, rising from 240 million in 2011 to 296 million in 2021. Studies conducted by the World Health Organization and the National Institute of Mental Health and Neurosciences (NIMHANS) consistently identify substance abuse as a serious psychosocial problem, with a growing number of substance-related deaths among youth. Further, reports by the United Nations Office on Drugs and Crime and the

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National Crime Records Bureau highlight a rising trend in drug-related offences and seizures of narcotic and psychotropic substances, underscoring the severity of the issue. Within the existing criminal justice framework, substance abuse is often treated as a “victimless crime” (Quadros & Yadav, 2017; NDPS Act, 1985). Consequently, youth involved in substance-related offences are frequently stigmatized as criminals, despite being primary victims of addiction.

Substance Abuse

Substance abuse is not a recent phenomenon and has existed across different periods of human history. Traditionally, the use of psychoactive substances was often socially accepted and associated with recreation or cultural practices. However, in contemporary society, substance abuse has emerged as a serious public health and socio-legal concern. It refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs, resulting in adverse physical, psychological, and social consequences for individuals, families, and communities (World Health Organization, Regional Office for Africa, 2024). Individuals who develop habitual dependence on psychoactive or illicit substances are increasingly recognized as victims of substance abuse rather than merely voluntary users. Consequently, the act of consuming illicit substances is often conceptualized as a “victimless crime,” as its immediate harm primarily affects the user (Quadros & Yadav, 2017).

Substantial evidence indicates a strong interrelationship between substance abuse and criminal behaviour, largely shaped by the demand–supply dynamics of illicit drugs. Boyum and Kleiman (2017), in their study *The Factor of Production in Retail Drug-Dealing*, reported that approximately 40 percent of crimes are committed by individuals addicted to illicit substances, primarily to finance continued drug consumption. Empirical studies further demonstrate that substance abuse significantly increases aggressive behaviour, loss of self-control, and involvement in violent and property-related offences (Walters, 2014).

Research focusing on youth populations highlights the early onset and expanding patterns of substance use. Studies indicate that tobacco and alcohol remain the most commonly abused substances among adolescents, followed by stimulants and cannabis. The age of initiation has been reported to be alarmingly low, with some adolescents beginning substance use during early childhood due to easy availability and lack of regulation (Pruitt, 2009). These findings underscore the heightened vulnerability of youth to substance abuse and its close association with criminalization and social marginalization.

Substance Abuse and Youth

Youth constitute a critical segment of society and play a pivotal role in the economic and social development of any nation. However, rapid socio-economic transformations and changing social structures have exposed young people to multiple vulnerabilities, including substance abuse (Bowen, Bowen, & Ware, 2002). Recognizing the growing global concern, the International Day against Drug Abuse and Illicit Trafficking is observed annually on 26 June to raise awareness and promote collective action against substance misuse. Despite such efforts, youth substance abuse continues to escalate in India due to shifting cultural norms, academic and occupational pressures, family stress, and the erosion of traditional support systems during adolescence. Early exposure to easily accessible substances such as tobacco, alcohol, cannabis, and inhalants significantly increases the risk of dependency among youth (Pruitt, 2009).

Empirical evidence demonstrates a strong association between substance abuse and delinquent behaviour among adolescents. Substance misuse contributes to both violent and non-violent offences, including theft, weapon possession, burglary, and violence against women. Rajkumar and French (1997) estimated that nearly 40 percent of crimes are committed by individuals with substance dependence, often as a means to finance continued drug use. Youth involvement in substance trafficking represents one of the most prevalent forms of drug-related criminality. In many cases, small-scale trafficking emerges as an extension of substance use within peer networks and remains limited to adolescence. However, when linked to organized crime, economic deprivation, or survival strategies, such involvement is more likely to persist into adulthood and evolve into professional trafficking.

Research further indicates that adolescent substance sellers are at higher risk of engaging in multiple forms of deviant behaviour and developing long-term substance dependence (Huba, 2000). From a psychosocial perspective, substance-related offending is understood as a learned behaviour shaped through social interactions within familial, peer, and community contexts (Quadros & Yadav, 2017). Social-process theories emphasize the reciprocal relationship between individuals and their environments in explaining why certain youth engage in substance-related crimes while others do not (Bowen et al., 2002). These findings highlight the need for context-sensitive and rehabilitative responses rather than purely punitive interventions for substance-abusing youth.

Substance Abuse and Crime

Substance abuse is a major contributor to human suffering worldwide, while the illicit production and trafficking of narcotic substances have generated widespread criminality and violence at the global level. Substance misuse is a complex and multidimensional phenomenon shaped by cultural, social, biological, economic, historical, and geographical factors. The relationship between substance abuse and crime is neither linear nor uniform but deeply interconnected and context specific. Sinha and Easton (1999) describe this relationship as multifaceted, noting that criminality may arise at various stages of substance involvement, including production, distribution, possession, and consumption. While illicit drug-related activities are criminalized by law, abuse of legally sanctioned substances, such as prescription drugs, has also been linked to offences including pharmaceutical fraud, illegal online sale of medicines, and theft of prescription drugs.

Narcotic substances exert an independent influence on criminal behaviour through their psychoactive effects, which impair judgment and increase aggression, as well as through the economic pressures associated with sustaining addiction. Although substance abuse is often framed as involving “victimless” offences, empirical evidence suggests that a significant proportion of substance-related crimes are serious and harmful in nature (Sinha & Easton, 1999). Opioid dependence, in particular, has emerged as a major social concern, with dependent individuals engaging in repeated criminal activities over the course of their addiction. Research indicates that levels of violence and frequency of offending are substantially higher during periods of active substance dependence than during non-use phases. Moreover, patterns of criminal behaviour vary considerably across different subgroups of substance users.

The criminal justice response to substance-abusing youth further compounds these challenges. Young offenders released from custodial institutions without access to education, skill development, or rehabilitative support face significant barriers to social reintegration. Adolescence is a developmental phase characterized by identity formation and resistance to authority; when young substance abusers are released with the dual stigma of criminality and addiction, they are more likely to experience social exclusion and recidivism (Jois, 1984). Criminal practices are often learned through social interaction with older or more experienced substance users, leading to the development of specialized criminal skills over time. Historical trends demonstrate a shift from minor, non-violent property offences to more violent and organized forms of crime, a transition often attributed to fluctuations in drug availability, quality, and cost (Sinha & Easton, 1999).

Belenko and Peugh (1998) further emphasize that substance abuse imposes extensive social costs, undermining community safety and social cohesion. Substance dependence increases the likelihood of interpersonal violence, group conflicts, and impulsive criminal acts by weakening self-control and decision-making capacities. Beyond economic insecurity, substance abuse exacerbates family conflict and inflicts long-term psychological harm on individuals and their families. Taken together, these findings highlight the cyclical relationship between substance abuse and crime and underscore the limitations of punitive criminal justice responses that fail to address the underlying causes of addiction.

Indian Context: Substance Abuse and Criminality

Substance abuse constitutes a significant social problem in India and has attracted sustained attention from policymakers, mental health professionals, social workers, and criminal justice practitioners. It encompasses the consumption of both licit and illicit substances, including alcohol, tobacco, opioids, and the non-medical use of prescription drugs. The widespread use of these substances has resulted in increased morbidity and mortality, particularly among youth populations, thereby posing serious public health and social challenges (Murthy et al., 2010).

Historical and socio-political analyses indicate that alcohol consumption has long been embedded in Indian society. D'Costa et al. (2007) observed that alcohol use was widespread during the colonial period, prompting strong opposition from national leaders such as Mahatma Gandhi and the Indian National Congress, who advocated prohibition due to its adverse social and health consequences. Although several states implemented prohibition policies, many relaxed these restrictions after the 1990s. Empirical evidence suggests that harmful alcohol consumption remains prevalent, particularly among economically disadvantaged populations, where illiteracy and poverty exacerbate vulnerability. Harmful drinking has been strongly associated with interpersonal violence, psychological distress, and violence against women, with men identified as the primary perpetrators in such cases (D'Costa et al., 2007).

Illicit substance use further compounds social and criminal concerns in India. Aggarwal (2015) reported a significant increase in suicide cases between 2004 and 2013, as documented by the National Crime Records Bureau, with young men and women disproportionately affected. The study identified alcohol use as a major contributory factor, with a high proportion of suicide victims exhibiting alcohol-related psychiatric disorders.

Hanging and poisoning emerged as the most common methods, and southern Indian states reported comparatively higher suicide rates. These findings underscore the strong association between substance abuse, mental health vulnerabilities, and fatal outcomes among youth.

The adverse impact of substance abuse on family and community life has been well documented. Saxena, Sharma, and Maulik (2003), in their comparative study of drinking and non-drinking families in urban India, found that households affected by regular alcohol consumption experienced reduced quality of life, economic deprivation, and social isolation. Illiteracy was significantly associated with harmful drinking, with affected families allocating substantial portions of their income to alcohol at the expense of essential needs such as health care, education, and nutrition. At the community level, substance abuse contributes to lost productivity, increased health expenditure, domestic violence, and crime.

Within the Indian criminal justice framework, the Criminal Justice System (CJS) comprises the police, prosecution, judiciary, and correctional institutions operating at district, state, and national levels (Sinha, 2019). The system predominantly focuses on adult offenders and emphasizes punitive responses, often overlooking the rehabilitative needs of substance-abusing individuals. While social workers do not formally operate within police institutions, collaborative models demonstrate the potential for integrated interventions. Panchal (2009) highlighted the success of the Special Cell model developed by the Tata Institute of Social Sciences, Mumbai, which integrates social work practice with law enforcement to address violence against women. This model illustrates the effectiveness of interdisciplinary collaboration in delivering victim-centered justice and provides valuable insights for addressing substance abuse-related criminality through rehabilitative and welfare-oriented approaches.

Legal Attention: Criminalizing Substance Abuse Victims under the NDPS Act, 1985

In India, the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 constitutes the primary legislative framework governing drug control and regulation. While the Act aims to curb illicit production, trafficking, and consumption of narcotic drugs and psychotropic substances, it also reflects a predominantly punitive approach toward individuals dependent on such substances. Under this legal framework, substance-dependent persons are largely treated as offenders rather than as victims in need of medical care and social rehabilitation.

Section 27 of the NDPS Act explicitly criminalizes the consumption of narcotic drugs and psychotropic substances. It prescribes punishment for individuals who consume substances such as cocaine, morphine, diacetylmorphine, or any other notified narcotic or psychotropic substance prohibited by the Central or State Government. The provision allows for imprisonment of up to one year, a monetary fine, or both, thereby reinforcing the criminalization of substance-dependent individuals (NDPS Act, 1985).

Section 28 extends criminal liability by penalizing attempts to commit offences under the Act, including attempted consumption or related acts. This provision further broadens the scope of criminal responsibility and intensifies legal surveillance over individuals with substance dependence (NDPS Act, 1985).

At the same time, the Act incorporates limited rehabilitative provisions. Section 64A (often referenced as Section 64) provides immunity from prosecution to addicts who voluntarily seek medical treatment and complete detoxification or rehabilitation at government-recognized institutions. However, this immunity is conditional and subject to strict compliance, as failure to complete treatment may result in prosecution and imprisonment. Consequently, treatment is framed as an alternative to punishment rather than as a right-based health intervention.

Section 71 mandates the establishment of treatment and rehabilitation centres for persons dependent on narcotic drugs and psychotropic substances, emphasizing detoxification, rehabilitation, and social reintegration. Despite this provision, the implementation and accessibility of such centres remain limited, thereby weakening the rehabilitative intent of the legislation (NDPS Act, 1985).

Overall, the NDPS Act reflects an inherent contradiction between punitive control and rehabilitative intent. While it acknowledges the need for treatment and rehabilitation, its dominant orientation continues to criminalize substance-abusing individuals. This legal stance contributes to stigma, discourages voluntary treatment-seeking, and undermines the principles of victim-centred and public health-oriented justice, thereby reinforcing the need for decriminalization and reform within the criminal justice system.

Ethical Challenges: Rehabilitation versus Punishment

The researcher encountered several ethical challenges while conducting the study, primarily arising from the tension between rehabilitative ideals and punitive practices within the

criminal justice system. These challenges were evident at both institutional and community levels.

Ethical Challenges in Engagement with Police

One of the central ethical dilemmas involved engaging law enforcement officials in adopting a rehabilitative approach toward substance-abusing individuals. Police personnel are institutionally mandated to enforce criminal law and therefore tend to perceive individuals involved in substance-related offences as offenders rather than as victims of addiction. Convincing police officials to prioritize detoxification and rehabilitation over punitive measures proved ethically complex, particularly in cases where substance-dependent youth had prior involvement with the criminal justice system. The challenge lay in negotiating a victim-centred perspective within a legal framework that predominantly criminalizes substance use, thereby limiting discretionary and welfare-oriented interventions.

Ethical Challenges at the Community Level

Ethical challenges were also encountered within families and communities of substance-abusing individuals. Prevailing social stigma, moral judgment, and lack of awareness regarding addiction as a health and psychosocial issue often hindered community support for rehabilitation efforts. Families and neighbourhoods frequently perceived substance-dependent youth as deviant or irresponsible, making it difficult to mobilize collective cooperation for detoxification and reintegration. These attitudes further reinforced exclusion and resistance to treatment-based interventions.

Overall, these ethical challenges highlight the broader conflict between punishment-oriented legal responses and rehabilitation-focused social work practice. Addressing this tension requires sensitization of criminal justice actors and communities to adopt ethically informed, rights-based, and public health-oriented approaches to substance abuse

Theoretical Framework: Youth Victims of Substance Abuse

The present study is anchored in H. S. Becker's **Labelling Theory** (1963), as articulated in his seminal work *Outsiders*. This theory provides a critical lens to understand the social and legal treatment of youth addicted to illicit substances. According to Becker, an act is considered deviant not inherently, but when it is labeled as such by society or authoritative

institutions. The consequences of labeling are profound, as they influence both societal perceptions and the self-identity of the individual involved.

In the context of this study, youth who are addicted to illicit substances and have a criminal record are consistently labeled as “criminals” by both society and the legal framework. Such labeling perpetuates stigma, marginalization, and social exclusion, regardless of whether the individual’s primary “offence” stems from addiction-related behaviour rather than intentional harm. Participants in the study reported continued experiences of criminalization, indicating that their social identity remains constrained by the deviant label associated with substance dependence.

Applying Labelling Theory thus highlights the structural and psychosocial mechanisms through which youth victims of substance abuse are doubly marginalized: first, by the consequences of addiction, and second, by the persistent societal and institutional stigmatization that frames them primarily as offenders. This theoretical perspective underpins the study’s focus on **decriminalization, rehabilitation, and victim-centred interventions** within the Indian criminal justice system

Rationale of the Study

The existing literature highlights substance abuse and crime among youth as distinct social concerns. Youth represent a critical segment of society, often described as the backbone of families and nations, with significant socio-economic roles. Despite this, multiple socio-cultural, economic, and psychological factors contribute to their involvement in substance use and related criminal activities, impacting both community wellbeing and public safety.

While prior studies have documented the prevalence and consequences of substance abuse, there remains a notable gap in understanding the qualitative relationship between substance abuse and criminality among youth victims. Specifically, existing research has not sufficiently explored how substance dependence intersects with social stigma, legal criminalization, and individual behavioural patterns to influence offending. This study addresses this gap by employing a qualitative approach to uncover the underlying reasons and contextual factors shaping the relationship between substance abuse and criminal behaviour among youth, thereby informing more effective rehabilitative and policy interventions.

Research Questions

1. What are the consequences of substance abuse among youth who are addicted to illicit substances?
2. How is substance abuse among youth associated with criminal behaviour?

Objectives of the Study

1. To examine the relationship between substance abuse and criminality among youth.
2. To explore the types of crimes and patterns of substance use among youth victims of substance abuse.

Methodology

This study employed a qualitative, explanatory research design to investigate the relationship between substance abuse and criminality among youth victims in the Jabalpur district of Madhya Pradesh. A case study approach was adopted to obtain an in-depth understanding of the factors contributing to this association. Both primary and secondary data sources were utilized. Primary data were collected through in-depth interviews with registered youth victims of substance abuse, police officials, and medical counsellors from district government hospitals, using a structured interview guide tailored for each participant group.

All interviews were systematically transcribed and translated into English. Data were then analyzed thematically using ATLAS ti software, enabling the identification of key patterns, relationships, and emergent themes related to substance abuse, criminality, and the ethical challenges associated with rehabilitation.

Findings

The study highlights a complex relationship between substance abuse and criminality among youth victims, demonstrating how age, type of substance, method of consumption, and health status influence patterns of offending. Key findings include:

1. Age and Criminality

Youth aged 20–25 exhibited a higher propensity for involvement in serious crimes, including theft, attempted murder, rape, NDPS violations, robbery, and domestic violence. Factors contributing to this relationship include economic vulnerability, peer-group influence, and

lack of engagement in legitimate income-generating activities. Younger substance-abusing individuals often commit crimes to finance their addiction, with communal resource-sharing facilitating access to illicit substances.

2. Substance Abuse and Social Crimes

Substance abuse was closely associated with domestic violence, extramarital relationships, marital conflicts, and suicide. Addiction exacerbates interpersonal tensions and heightens the risk of criminal behaviour in family and intimate settings.

3. Method of Substance Use and Physical Capability

The mode of consumption impacts both health and criminal behaviour. Individuals using substances via smoking remained physically fit, enabling engagement in crimes requiring agility or endurance, such as chain-snatching, pickpocketing, drug trafficking, and distribution. Conversely, intravenous drug users exhibited higher health risks, including HIV/AIDS, TB, and other sexually transmitted infections, influencing both personal vulnerability and societal risk.

4. Health Status and Life-Threatening Diseases

Intravenous substance use significantly increases exposure to life-threatening diseases, creating a public health concern. Lack of awareness or preventive measures facilitates transmission to sexual partners and peer groups. Disease-related hopelessness among addicts further contributes to severe criminal acts, including murder, rape, and suicide.

Conclusion

The findings demonstrate that youth victims of substance abuse face a dual burden: vulnerability to health complications and criminalization by the legal system. Criminality is closely intertwined with socio-economic status, age, peer influence, substance type, and consumption method. Existing punitive approaches within the criminal justice system exacerbate stigma, limit access to rehabilitation, and hinder social reintegration. Addressing these intertwined issues necessitates a shift from punishment-centric to rehabilitation-oriented policies, integrating health, social work, and legal interventions to mitigate both crime and substance dependence.

Recommendations

Based on the study, the following recommendations are proposed to strengthen the rehabilitative and preventive framework for substance-abusing youth:

1. Strengthen Community Policing

Enhancing community policing can prevent substance abuse and associated crimes by providing early intervention, guidance, and support to vulnerable individuals. Community policing facilitates detoxification and rehabilitation while mitigating risk behaviours.

2. Integrate Social Work in Police Settings

Professional social workers should be deployed within the criminal justice system to assist police in managing substance-abusing youth. Utilizing counseling, mediation, and therapeutic techniques, social workers can promote rehabilitation-focused interventions and bridge the gap between enforcement and welfare.

3. Shift Policing Philosophy from Punishment to Rehabilitation

Law enforcement should adopt a participatory and rehabilitation-oriented approach rather than a solely punitive model. Collaborating with communities and social workers can facilitate the reintegration of substance-abusing youth and reduce recidivism.

4. Amend NDPS Act, 1985 from a Welfare Perspective

Legislative reforms are needed to treat substance-abusing individuals as victims requiring care and rehabilitation, rather than solely as offenders under the law.

5. Child-Friendly Policing

Special emphasis is required for youth in conflict with the law. Police must adopt child-sensitive practices to prevent early criminalization and foster rehabilitation, recognizing children as future citizens.

6. Provide Specialized Training for Police

Law enforcement personnel require training on handling cases involving children, women, and substance-abusing individuals to ensure sensitive, informed, and effective intervention.

7. Control Illegal Drug Trade

Strict enforcement against illicit drug trafficking, coupled with community and national cooperation, is necessary to curb substance availability and prevent new victims from entering the cycle of addiction and criminality.

Limitations of the Study

This study primarily focuses on the decriminalization of youth addicted to illicit substances by examining the relationship between substance abuse and criminality. However, the study is subject to certain limitations. The research was conducted within a limited geographical area and involved a small sample size, restricting the generalizability of the findings. Consequently, while the study provides valuable insights into local patterns and challenges, the results should be interpreted with caution when considering broader populations.

Ethical Statement

This study involved human participants, and written informed consent was obtained prior to conducting in-depth interviews. All participant data were de-identified to ensure anonymity, and no personally identifiable information has been disclosed in the study. Ethical considerations were rigorously maintained in accordance with international standards for research involving human subjects.

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