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DRUG ABUSE PHENOMENON AMONG STREET CHILDREN'S IN INDIA: A STUDY WITH SPECIAL REFERENCE TO ASANSOL CITY OF WEST BENGAL

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I. ABSTRACTS

India is the second most populated country in the world, and it has also the largest number of street children worldwide. UNICEF in its 1994 study published that there are more than 11 million children worldwide. In our daily life every one of us witnesses the children who are living in a street condition, outside bus stand , railway station, under the bridge, near traffic signals, etc. These children are regularly facing hunger, suffering from malnutrition , subject to substance abuse and addiction. These children have not experienced what is home or a shelter ?, health care facility, vaccinations are not available and on the top education is a daydream for them. We call ourselves a civilised society , then does our constitution permit the various stake holders to overlook the problems of the street children's ?. In India drug abuse among street children is a critical issue , posing a significant challenge towards public health and social welfare system . This research work is an attempt to explore the prevalence and patterns of drug abuse and discuss the provisions of the existing legislations .

II. KEYWORDS

Child Rights, Substance Abuse, Addiction, Children in need of care and protection, Street Children, Public health challenges, Social Justice.

III. INTRODUCTION :

"All our helpless children, frantically crying unconsolated- listen, o lord of the world! offer them your benediction, radiate their minds with hope"

- Rabindra Nath Tagore

Issue of street children is a Global phenomenon. When as per international human rights law, all human beings should be treated equally the street children becomes most deprived category of citizens. In contrary a child owing to his /her mental and physical immaturity

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needs special care and adequate legal protection. For a better development of a child social environment is a important factor development of the child. India is the second most populated country in the world, and it has also the largest number of children and millions of children are living on the streets².

The children are nations important assets. To secure the future of the country, every possible effort should be made to protect the best interest of the child.

In the landmark judgement of **Sheela Barse v. Union of India**³ it was held by supreme court back in the year 1986, that, if a child is a national asset, it is the duty of the state to look after the child with a view of ensuring full development of his personality.

Bhagwati, C J has pointed out that⁴ " a problem child is indeed a negative factor. Every society must, therefore, devote full attention to ensure that children are properly cared for and brought up in a proper atmosphere where they could receive adequate training, education and guidance in order that they could receive adequate training, education and guidance in order that they may be able to have their rightful place in the society when they grow up. There are several reasons for the growth of number of children on the street. Poverty is one of the prime causes. Aside that family disintegration, violence at home, search for independence, urbanization and globalization, are one of the prime factors .

A. LEGISLATIVE AND CONSTITUTIONAL PROVISIONS:

There is plethora of legislations related to Child right in India related to child labour, child marriage, child sexual abuse etc. *The Narcotic Drugs and Psychotropic Substances (NDPS) Act 1985* was enacted with the intent to endorse the strict penal provisions and to prevent drug addiction. There is provision of minimum 10 years of imprisonment , which may extend up to 20 years and fine up to 1 lakh rupees.

The *Juvenile Justice Act 2015*, under section 2(14) has defined children who are in need of care and protection⁵. As per the Section 2(14[ii]) of the *Juvenile Justice Act 2015*⁶, a child in need of care and protection (CNCP) includes those child- " who is found working in contravention of labour laws for the time being in force or is found begging or living on the street" . Thus, the street are falling under the category of CNCP.

² <https://www.timesnownews.com/india/article/estimated-18-million-children-live-on-streets-in-india-home-to-one-of-the-largest-child-populations-on-earth/744047>(last visited on May. 27,2024).

³ *Sheela Barse v. Union of India*, AIR 1986 SC 1773.

⁴ *Sheela Barse v. Secretary , Children Aid Society*, AIR 1978 SC 656.

⁵ The Juvenile Justice (Care and Protection of Children) Act, 2015, §2(14).

⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, §2(14[ii])

Children introduced into drug use and trafficking and affected by substance use are considered as children in need of care and protection under the *Juvenile Justice Act, 2015*.

Under section 77⁷ of the *Juvenile Justice Act, 2015* there is a rigorous imprisonment for a term which may extend to seven years with fine of Rupees one lakh for giving intoxicating liquor or any narcotic drug or tobacco products or psychotropic substances to any child. Furthermore, under 78 of this Act (*Juvenile Justice Act, 2015*) mentions rigorous punishment for using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance⁸

Article 21 of the Constitution states that " No person shall be deprived of his life or personal liberty except according to the procedure established by the law"⁹

Article 39 Constitution states that " Right of children and the young to be protected against exploitation and to opportunities for healthy development, consonant with freedom and dignity " ¹⁰

As per *Article 47* of the Constitution " The state endeavour to raise the level of nutrition and standard of living and to improve public health" ¹¹ This article specifically stress that - it is the primary duty of the state that nutrition level and public health standard are to be raised. Moreover, state shall endeavour to bring about prohibition of the consumption except for medical purposes of intoxicating drinks and of drugs which are injurious to health. Thus, in India there are several constitutional as well as legislative provisions, which upholds the concept of child rights. The JJ Act¹² aims to wards the safeguarding of children rights and the act has introduced the concept of "children in need of care and protection". This act serves as a legal framework for ensuring safety, well-being and development of children who are in need of care and protection and to promote their best interests. The children living in street conditions and victims of drug and substance abuse aptly fall under the category of child in need of care and protection. These children are living in extremely vulnerable state as they are lacking adult supervision, healthcare facility, education facility, etc.

⁷ https://ncpcr.gov.in/uploads/165650678462bc49a042e86_report-on-national-consultation-on-drug-substance-use-among-children-1892-kb.pdf(last visited on May. 20,2024).

⁸ Ibid.

⁹ INDIA CONST. art 21.

¹⁰ INDIA CONST. art 39.

¹¹ INDIA CONST. art 47.

¹²The Juvenile Justice (Care and Protection of Children) Act, 2015, §2(14).

B. STATEMENT OF PROBLEM :

Almost all street children work on regular basis. As a part of their daily survival strategy, they are forced to engage themselves as any form of work. The majority of them are engaged in begging, rag picking , street vending, hawking and working at roadside stalls. A significant number of them are also engaged in hazardous employment. For survival maximum of the children are engaged in child labour, due to the long-lasting working hours they get tired easily and due to exhaustion, these children easily get attracted to the drugs.

Several studies were conducted across the country which has indicated that substance abuse is a major problem for these children who are living in Street Condition. While living on the streets these street children's have easy access to alcohol, tobacco and drugs and they spend their part of earnings on drugs and intoxication.

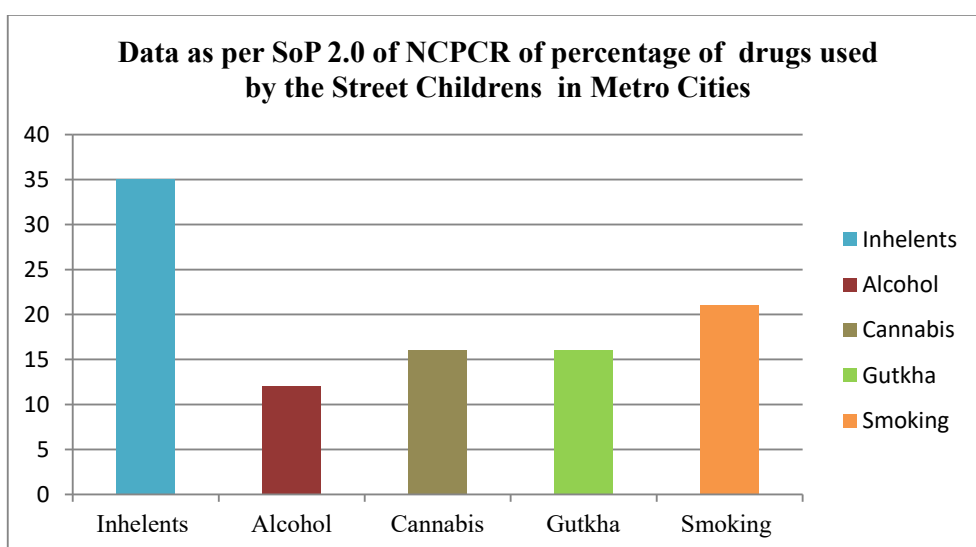
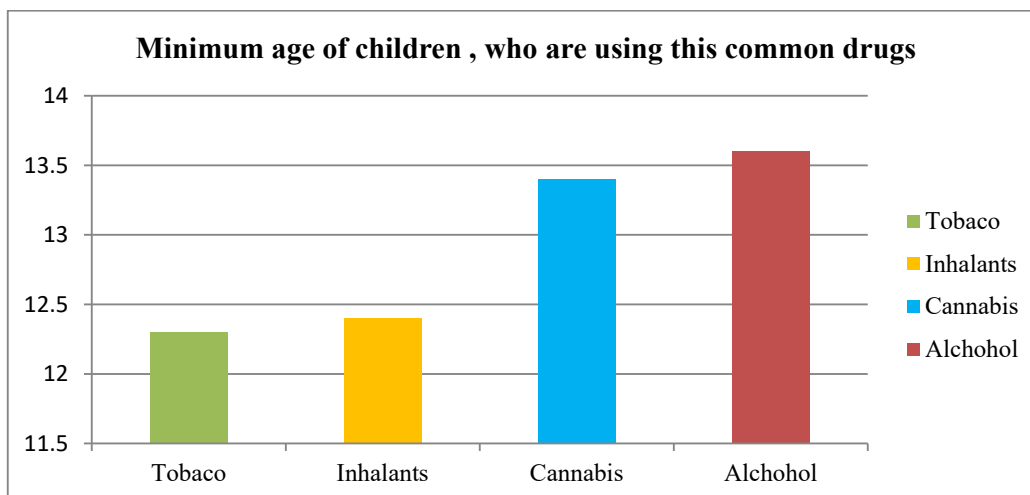
As per the study conducted by National Commission for protection of Child Rights (NCPCR) and National Drug Dependence Treatment Centre¹³:

The commonly used drugs among children and adolescents are tobacco and alcohol, followed by inhalants and cannabis. According to the study lowest average age of tobacco consumption is 12.3 years, inhalants is 12.04 years, Cannabis is 13.4 years and alcohol 13.6 years, heroine 14.03 years. It is evident from the data that children among the age group of 12 to 14 years have started consuming drugs.

A further study ¹⁴ on situational analysis of street children in Metro cities , reveals that children in metros are victims of various substance use including Tobacco Smoking (21%), Inhalants(35%), Gutka (16%),Cannabis(16%), Alcohol(21%).

¹³ NCPCR, SOP 2.0 for care and protection of Children in Street situation, 6(2020).

¹⁴ Ibid.



As per another study¹⁵ conducted in the year 2018 on the street children of the capital, i.e Delhi, shows that 90% of street children in Delhi are drug addicted. This is an alarming signal which reflect the substance abuse tendency among the street children in India. Most of them were found addicted to Tobacco, alcohol, inhalants, cannabis, opium , pharmaceutical opioids, sedatives.

An empirical study on street children and drug & substance abuse can be useful for improving the wellbeing of the street children and to promote the concept of social justice. from both policy and intervention perspective, the study is crucial on the below mentioned grounds-

¹⁵ <https://www.newindianexpress.com/nation/2018/Mar/28/more-than-90-per-cent-street-children-in-delhi-drug-addicts-1793583.html> (last visited on 18.05.2024).

- Drug and substance abuse poses a significant public health risk (including HIV/AIDS).
- These children are the most vulnerable category of children.
- Drug and substance abuse causes a cycle of poverty among the children living in street situation.
- The issue also involves a complex legal and ethical consideration, as there is a grave violation of child rights.
- Moreover, this issue have a direct impact on the society, which may lead to increase in crime rate, social instabilities and strain on healthcare sector.

C. Objectives of the Study :

The present study is thus, undertaken with the following objectives and aims:

1. To identify the recent trends of drug abuse among children in Asansol area.
2. To trace the probable impacts of drug abuse in children's.
3. To examine the existing legal provisions and legal framework which can be helpful for the Street Children .
4. To suggest possible measures , which can be helpful for uplifting the conditions of the Street Children.

D. Methodology :

The present study primarily is an empirical study. Aside from that with an analytical approach, secondary data gathered from various sources have been reviewed and analysed thoroughly, as per the objectives and purpose set out in the study. During this study ethical standard have been followed, so that their rights, dignity and wellbeing are protected during the research process. Due care has been taken during data management and dissemination. Findings have been reported with responsibility to the possible extent, without sensationalizing or stigmatizing street children and substance abuse issue.

E. Study area:

The researcher has conducted this empirical study on Asansol Loksabha Constituency, Paschim Bardhaman, West Bengal, which is hometown area of the researcher. Data have been collected from the Asansol Town, which is the Second largest city of West Bengal. Data

have been collected from the near vicinity area of Asansol Bazar, Asansol Rail Station, Asansol Bus stand and Asansol Volvo Bus Stand . The data have been collected during Januray 2024 to March 2024.

Data Collection and Data Analysis :

Area (Study area)	Number
Asansol Volvo Bus Stand / Chelidanga Area	6
Asansol Bazar area	9
Asansol Bus stand area	7
Asansol Rail Station and Taxi Stand	11

F. Data Analysis:

The data have been collected by the researcher through observation method, structured interview, open-ended questionnaires, etc. Total 33 number of respondents were found during this study. Male : 19 and Female: 14. Age group of these children were 7 to 15 years.

21 out of 33 children (63.63%) are using some form of addictive substance like smoking of Cigarette, Gutka, Jarda, 14 of them have acknowledge consuming alcohol (42%). 4 of them have consumed some form of Inhalants. 28 out of 33 children are engaged in work (84%), for earning and survival . They are engaged in work like rag picking from dust bin, railway platform, begging, selling products in bus stand. etc. 14 among 33 have acknowledged they were admitted to school but 12 of them are already school dropouts. Majority(9nos.) of them found to discontinue school going from the time of COVID-19 Pandemic.

Majority of the respondent children have stated that they face severe difficulties during the winters and rainy season. One of the respondents(aged about 15) disclosed that, she live with her parents under bridges near asansol volvo bus stand and for survival along with her brother, she spend maximum time on the street for begging and she has a habit of consuming gutka and pan masala. In course of the studies, it has been also found that is asnasol railway station "Railway Childline Asansol" works towards development of these children. "

PRAAJAK" and "FEED" are another two organization who provides foods, cloths, educational instruments etc, to these children.

In view of the above, it is evident that a significant number of street children are involved in consumption of drugs and substance abuse. When we are taking about the child rights, street children are the most neglected category of children , who are deprived of their basic human rights. It has been observed that, street children are mainly found in some areas like bus stand, railway station , under the bridge, near traffic signals etc. The SOP 2.0 issued by the NCPCR during COVID- 19 Pandemic situation for care and protection of children living in street situation has identified some hotspot areas and who can be approached for rescues and assistance for that child and for production before CWC . These are :-

Hotspot	Stakeholders
Railway Station	Child line booth, Station Manager / GRP at the railway station .
Bus Stands	Child line , Traffic Police , CWPO/ Local Police Station
Traffic Signal / Under Flyovers	Child Line , Traffic Police , CWPO, Local police
Streets / Pavements / Foot paths	Child Line , Traffic Police , CWPO, Local police
Temples/ Dargah / or any other place of Worship or for religious purpose	Child Line , Traffic Police , CWPO, Local police, Management of the Place .
Under Bridges , Slum, hutments	Beat officer, Child line , Traffic Personal , CWPO, Local Police.
Outside Shops/ malls/ working in shops or market	CWPO, Local Police, Child Line , Labour Inspector of the area.
Construction Side	Child Line , Labour Inspector , Police
Areas where prostitution is prevalent , locally called red light areas .	Child Line , Beat officer , CWPO

Hospitals/ Dispensaries (when they seek treatment)	Child line , Beat officer, Management , CWPO
Tourist hotspots , beaches and similar places	Child line , Beat officer, , CWPO
In case of Child in need of care and Protection inside any premise / house	CWPO of Local police Station, District level AHTU of Police/ DCPU/ Sub divisional Magistrate
Other places	Child Line/ beat officer.

IV. CONCLUSIONS AND SUGGESTIONS:

Street children are subject to systematic poverty, and they regularly experience violations of their basic human rights. As per the empirical revelations from the instant study as well as the secondary data available in the public domain , it is quite evident that a large number of street children are exposed and addicted to drug addiction and its abuse. The data reveals that owing peer pressure, experimentation, to boost self-confidence, etc these children are exposed to drugs. Undoubtedly this has a long-lasting impact on the mental and physical health of those street children. For the protections of the child rights, executive organs of the state, NGOs, media, everyone are the stake holders. The COVID-19 pandemic has increased the existing vulnerabilities of the street children and even added few more. The covid-19 pandemic and its long-lasting impacts have shown us that as community, we have to take care of our fellow citizen to even indirectly protect ourselves and our society. One of the major limitations in our existing legal framework is that the above discussed issues of street children are under reported and gets less attention and there is no specific data bank. Therefore, as county we have to pledge for the betterment of those children who are living their childhood on the streets. Along with the existing mechanism for welfare of the street children the below mentioned measure can be helpful for betterment of their condition.

1. Monitoring and Tracking of children with drug addiction, providing counselling for them, to fight with malnutrition, special attention and supplementary nutritional food dose should be provided.

2. Community kitchen near bus stand, rail station, should be organised.
3. A state wise data bank of children living in the street, can be developed , a committee may be formed to supervise the status of street children in every district.
4. De-addiction units near the hotspot areas may be opened along with the feeding centres for street children, with the help of local NGOs.
5. Establishment of CWC in all districts of India: The Juvenile Justice act 2015, is taking about setting up of Child Welfare Committee in every district. However, the ground reality is totally different . In India there is need of setting up of Child Welfare Committee(CWC) in every district of each state , as CWC plays a vital role.
6. Training and sensitization and monitoring programme for the Traffic Police, City Police, GRP. etc.

Street children are leading a discriminated and broken life on the street. When the constitutional provisions talk about equality, development, etc, but in reality, issues of street children hardly get highlighted. They are not hard to find, their existence are visible in the broad day light in the cities. They are getting addicted to drugs as there are no proper elderly supervision. To brighten the future of the mankind, country and to protect the basic human rights and constitutional rights, we have to keep faith in the legal mechanism . All the stake holders have to play their role, so that conditions of the most vulnerable category of children (i.e street children) can be improved.

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