
MENACIOUS DRUG ABUSE & ITS CORRESPONDING LAWS

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ABSTRACT

Bernard Hinault (French Athlete) once said, *“Illegal drug use run contrary to the image of health depicted by cycling. Distributers of these drugs must be prosecuted more harshly as they are criminals.”*

Drug Abuse is a global curse and one of the leading causes of death. Drug abuse is attributed to drifting societal norms, financial strains and personal hiccups. Over the past few years, India has witnessed a drastic rise in suicide cases arising out of drug abuse particularly in the youngsters in the states of Punjab and Manipur. The menace of drug addiction is not an incurable issue rather it can be curbed to a good extent with effective laws and proactive engagement of the government in this regard. Looking at the past trends government in India has taken vital steps by framing laws like NDPS which took hold of several high-profile criminals, recent instances of which were witnessed in the Aryan Khan and the Sushant Singh Rajput Case. The wiping out of any issue from its very roots takes a substantial time, hence, the results cannot be expected to be brisk, but proper implementation of these laws and scrupulously dealing with the offenders will surely show a daylight. This paper aims to elucidate and analyse all the major dimensions of Drug Abuse- its Causes, Impacts, existing Legal Framework and Suggestions in this regard.

Keywords: *Drug Abuse, NDPS, Youngsters, Laws, Proactive Government*

I. INTRODUCTION

Encyclopedia Britannica defines '*Drug Abuse*' as the 'excessive, maladaptive or addictive use of drugs for non-medical purposes despite social, psychological and physical problems that may arise from such use.' Drug Abuse is a global stigma which affects the youth population of almost every single country across the globe. The degree of this issue however varies from country to country. As far as India is concerned, according to Global Drug Policy Index of 2021 its rank is 18th out of 30 countries.¹ The Global Drug Policy Index is a data driven analysis of the kind of drug policies that are followed in a Nation and also the manner and effectiveness pertaining to its implementation. Throwing light at the menace of Drug Abuse in India, states of Punjab, Nagaland, Manipur, Mizoram, Himachal Pradesh and Rajasthan (Western) are drastically impacted. Apart from the health-related consequences of Drug Abuse the more alarming part of this problem is the fact that it is a contributing factor the increased rate of organized crimes and human trafficking. This problem due to this reason raises a red flag at the law-and-order situation in India, if the crime rates keep going up at a uniform pace, the country might become a miserable place to live in one day.

While the legal fraternity takes all the imperative steps to ensure a stringent legal framework and to address all the loopholes existing in the legal system, but they have failed to notice this hidden loophole known as Drug Abuse. Apart from itself being a crime, Drug Abuse is also an antecedent factor to many other crimes. This is the reason why the issue of Drug Abuse needs to be dealt with on priority basis. There are multiple ways in which drugs can be used, prominently there are three such ways, the first one is the painkiller ointments and cough syrups, the second form consists of drugs used for the intoxication like tobacco, alcohol, heroin, cannabis, opium etc. The third form comprise of things which are neither drugs nor elements of intoxication like paints, gasoline, glue, colophony, whitener and cleaning fluids. Heroin, cannabis and Indian-produced pharmaceutical drugs are considered by experts as the most abused drugs in India. Cannabis products, often called charas, bhang, or ganja, are abused throughout the Nation because it is believed to have some religious sanctity and is said to be associated with Hindu deities.³ Drug abuse impact varies in accordance with the nature of the drug abused, the personality of the individual abusing the drug and the addict's immediate environment.

Psychologists carry a notion that the processes of urbanization, industrialisation and migration have led to loosening of the traditional methods of social control rendering an individual

vulnerable to the stresses and strains of modern life. This is adding an altogether new dimension to the problem, especially in the Northeast states of India.⁴

II. PROMINENT CAUSES OF DRUG ABUSE IN INDIA

II.I. Social Causes

Social Causes comprises of those social problems which form the root cause of drug abuse in India. There are plethora of social factors responsible for this problem. It includes an unhealthy and poor relationship with one's parents or disturbing family ambience like frequent brawl between the parents and divorced parents. This is often considered to be a common cause of drug abuse amongst teenage population. Nowadays, In most of the families of the urban setups we can see a huge communication gap between the children and their parents, this gap is majorly due to fast paced lives and carefree attitudes of the parents as they are so much engrossed in their professional lives that they forget to monitor the acts of their children. This pushes the child in a state of loneliness and makes him reluctant to share his concerns with anyone else, in order to escape the stresses they turn to things like drugs. Another prominent contributing factor is the peer pressure. The pressure to fit in the crowd is high on youth nowadays and failure to fit in the desired crowd leads them to feeling of dejection. Therefore, under the influence of bad company and trend amongst the friends people fall into the habit of drug abuse.

Another point which is a causal factor is the easy availability of certain drugs and this is the reason why we see that people residing in the states which shares borders with other countries consume drugs at a massive scale and this is because drugs can be procured easily in these areas. Apart from the above mentioned points, there are certain vital reasons behind drug abuse that experts often fail to notice, that is the kind of ambience that a person lives in greatly influences his behaviour.⁵ A person who is born and brought up in a family where he grew up seeing his elders consuming alcohol and drugs start considering it as a normal and acceptable form of living. This is why they also adopt the same practices from their adults and similarly transfer these to their children. This cycle turns out to be vicious. Another reason why drug abuse is increasing manifold is because the youth nowadays use it as a medium of evasion from their day to day stresses and depression that arise out of love affairs, loss of loved one in the family or leading an infamous social life. People who lead an unusual lifestyle like the sex

workers, prostitutes, criminals and street vendors are also engaged in drug abuse at a large scale. This trend is majorly witnessed in big cities.

II.II. Psychological Causes

While there are multiplicity of causes of drug abuse that have been suggested by several studies but it is strongly believed that the psychological factors comprise the bulk of what actually causes drug addiction and abuse. Several psychological causes are associated with neglect, unstable interpersonal relations, stress at home or workplace, physical or sexual abuse and occurrence of traumatic events. People often try to provide a self-cure to these problems by opting for drugs instead of taking professional help from a psychologist or psychiatrist. The main reason why Indian population refrain from professional help is because it is considered as a taboo by many people and those who go to a psychologist are often termed as “Mentally Disturbed or Ill”. Therefore, the effected people often resort to methods of dealing with this problem in isolation and drug abuse is one of them. This way of self-cure is what we call as “Drug Abuse or Drug Addiction”. Mental illnesses like PTSD (Post Traumatic Stress Disorders), depression, anxiety, lack of social circle, lack of stress coping skills and inability to meet one’s professional or academical expectations are often considered as contributing factors to the issue of Drug Abuse.

II.III. Environmental Causes

The kind of environment that a person lives in plays a vital role in an individual’s life. Apart from social and psychological factors there are certain environmental factor as well that pushes a person towards drug addiction. Children of families where usage of drugs is permissible tend to surely fall the victims of drug abuse. This is due to neglectful, carefree and abusive nature of parents that make the children especially the adolescents prone to drugs. Adolescence is phase where parental attention should be at peak and the children must be watched upon without them letting this know, if this goes missing then teenager often become victims of wrongful activities which often ends up costing them their lives. Apart from families, sometimes being part of sports which encourage the usage of drugs for enhancement of performance is also a contributing factor. Many studies have suggested that people who belong to a lower socio-economic strata of society have a greater risk. Apart from this, gender and ethnicity of an individual also plays a role.⁶

II.IV. Genetic Causes

Problem of Drug Abuse and addiction is often said to be genetically caused. In fact, in studies of twins it appears half of someone's risk of becoming addicted to drugs is genetic. Genetic causes of drug abuse tend to involve multiple gene sequences and science is not yet able to ascertain all the genes that are involved in this. However, science has figured out that certain genes, like those involved in brain receptors of nicotine, contribute to the cause of drug abuse.⁷

III. IMPACTS OF DRUG ABUSE

There are plethora of consequences that drug addiction brings out. Some of the prominent and basic impacts of drug abuse on the individual and society as a whole are chalked out below.

III.I. Physical/Bodily Impacts

The detrimental physical effects of drug abuse are quite far reaching. The people linked to drug abuse are more prone to diseases of serious nature than any other person. It includes several kinds of cardiovascular diseases, cancers, strokes, HIV/AIDS, Lung diseases, hepatitis B and C to name a few. Drug abuse is often linked with plethora of mental ailments and disorders. And it can be rightly assumed that drug abuse and mental ailments co-exist. Sometimes, mental problems like anxiety, depression or stress comes prior to drug abuse while in some cases it is the consequence of drug abuse and it is majorly witnessed in people with some kind of vulnerabilities. Certain individuals use drugs to alleviate the psychiatric symptoms of depression, anxiety and stress. This is what puts them in a state of addiction if this process is prolonged.⁸ Drug Abuse often makes people prone to STDs (Sexually Transmitted Diseases), this is because drugs can cause intoxication, which ultimately hinders the judgment power of the individual and increases the chance of risky sexual behaviours, such as engaging in sexual acts without condom.

III.II. Social Impact

The individuals who are drug addicts are often socially backward. They tend to isolate themselves from the society and live a segregated life. They seldom be part of any social gathering, functions etc and this makes them vulnerable and prone to developing serious mental illnesses like depression. Man is a social animal therefore it is necessary for him

to be part of a social setup in order to develop and thrive, but if an individual refrains himself from the society then it will act as a hinderance to his development as well.

III.III. Impact on Criminal Justice System

Drugs are often interlinked with crime. The reason behind this is that when an individual suffers from drug addiction he has least control over his senses and the ability to think wisely and rightfully in a manner which is morally correct remain absent⁹. The drugs overpower the individual's though process and induces them to commit crimes including the crimes of heinous nature like rape and murder. This is the reason why increasing crime rate in the country is attributed to increasing drug abuse.

III.IV. Loss of Nation's Productivity

Drug abuse has prominent impact on the productivity and burgeoning of a Nation. Illness, premature mortality, imprisonment and injuries leading to incapacitation all of these directly or indirectly serve as an obstacle to a Nation's development. Government spends lot of funds on health care, criminal justice and awareness policies pertaining to drugs and their trafficking. This fund would have been utilised in better fields like education, technology or infrastructure.

IV. THE LEGAL FRAMEWORK

In today's era, the menace of drug is spreading at such a manifold rate that it has taken a toll on the young population particularly ranging between 20-30 years of age. This problem has aggravated in the recent COVID-19 pandemic due to increased levels of unemployment ratio in India. As a result of this the youngsters started engaging in illegal trafficking of drugs and also consuming the drugs, all of which is in conflict with the laws of the land. This not only affects the individual who is committing the crime but also the society as a whole and Nation at large. The laws for drug abuse in India is stringent as it is tedious task to secure a bail in the matters covered by NDPS (Narcotic Drugs and Psychotropic Substances Act). In the recent times the authorities have become even more vigilante in their work and consider even the chats as an evidence in the court of law. However, the prosecution is bound to prove the case beyond reasonable doubt which becomes problematic due to weak prosecution lawyers and sometimes this inefficiency leads to acquittal of the accused.

IV.I. NDPS (Narcotic Drugs and Psychotropic Substances) Act, 1985

The Narcotic Drugs and Psychotropic Substances Act, 1985, is a major law dealing with drug abuse in India. This law was enacted in 1985 with a view to curb the menace of widespread drug abuse in India particularly in states of Punjab and Manipur. The provisions of this Act are stringent as it envisages a strict imprisonment which is minimum 10 years and can also extend up to 20 years. This imprisonment shall be accompanied by a fine of Rs.1 lac which can be extended up to Rs. 2 lacs. NDPS Act of 1985 devises a comprehensive strategy that involves specific programmes to bring about an overall reduction in the use of drugs. These programmes are evolved by the various government agencies and NGOs and is further supplemented by measures like education, counselling, treatment and rehabilitation programmes. Drug abuse can be addressed at the individual level, at the local level (state, national, etc.) and at the cross-national level. At the individual level, there has to be a synthesis of biological understanding with the exploration of background socio-cultural factors. At the national and cross-national level, there has to be a concerted effort of all the countries in managing the issue of substance abuse, taking into account the local socio-cultural and political scenarios.¹⁰ NDPS Act is also a party to the three United Nations drug conventions – the 1961 Single Convention on Narcotic Drugs (1961 Convention), the 1971 Convention on Psychotropic Substances (1971 Convention) and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention).

NDPS Act prohibits the production, cultivation, possession, import, sale, export, use and consumption of any narcotic drugs or psychotropic substances except for any medical purpose or scientific purpose that too in accordance to the laws. Under NDPS, even abetting or aiding such criminal conspiracy carry same punishment as that of the principal offense.

The NDPS Act broadly deals with three classes of substances:-

- Narcotic Drugs as covered under the 1961 Convention;
- Psychotropic Substances or those covered under the 1971 Convention as well as other psychoactive substances such as ketamine which are not yet classified under international conventions; and
- “Controlled Substances” that are used to manufacture narcotic drugs or psychotropic substances, for example, precursor chemicals such as acetic anhydride, ephedrine, and pseudoephedrine.

As held in the case of *R. V. Jackson*¹¹, Any individual who assists a narcotic trafficker or tries to conceal the narcotics on behalf of someone shall be prosecuted in accordance with provisions of NDPS Act as there is presence of knowledge and intention on part of the accused that he has committed a crime or is about to commit a crime. NCB or NARCOTICS CONTROL BUREAU is the authoritative agency that deals with cases arising out of NDPS Act.

V. CONCLUSION & ANALYSIS

The Criminal Justice System is very much relied on deterrent theory of punishment and it is a fact that if drug peddlers are not lightly dealt with and appropriate punishment is given to them by the concerned authorities and then the issue of drug abuse can be curbed to a large extent and at the very onset. The NDPS Act has undertaken several viable measures for the prevention and punishment for all drug-related offences and drug trafficking, however, there is always a scope of improvement and this Act needs incorporation of some changes. In spite of the fact that illuminating presences and society representatives can be brought within to recommend and evaluate changes in the drug policy, these measures have not yet been put into practice and revisiting the Act is required. This can be a The stepping stone by the Government if it tries to reaffirm its dedication towards completely eradicating drug abuse problem from India.

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