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Analyzing the epidemic of drug abuse in India

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Abstract

Drug misuse is a major issue that affects the whole globe, and India is not exempt from it as it hinders the progress of our nation. It is evident from the Ministry of Social Justice and Empowerment's Annual Report 2018–19 that drug addiction is most common among Indian men between the ages of 15 and 35. Women make for up to 20% of injectable drug users, and some users are younger than 18. According to a research, 66% of female users admitted to exchanging drugs for sex jobs. The number of drug users in Punjab is rising quickly. The main finding of this study is that 2.8% of Indians said they had used cannabis products in the previous year. There is enough legislation in India to address drug usage, including the Narcotics Drugs and Psychotropic Substances Act of 1985. 2.8% of Indians take drugs in spite of all the prohibitions, not because the Act is flawed but rather because of a flaw in how the laws are being implemented. This is among the factors contributing to the nation's rising drug misuse rates. The legal and policy responses to drug usage in India are discussed in this study. This research examines drug misuse from an Indian viewpoint in an effort to identify contributing factors and potential remedies. Additionally, this research attempts to provide recommendations to the legislative body for the resolution of this issue.

Keywords: Drug abuse, addiction, cannabis, psychotropic substances

Introduction

There is no such thing as medication. Everything has medicinal properties. It is dependent on the amount of medication you have consumed. Drug use and abuse are fundamentally different from one another. A medicine causes an adverse reaction in the body if its Therapeutic Index is higher than ED50. Drug misuse is a severe issue that affects people all around the globe, including India. India has a long history of utilising drugs in ceremonial ceremonies and everyday activities, while being a global manufacturer of pharmaceuticals for legal markets. This traditionally drug-rich nation hasn't seen a rise in drug usage until recently ^[1]. This is a serious issue that hinders a nation's progress by increasing crime, slowing down the economy, and putting people's lives in jeopardy. The legal and policy measures for drug misuse in India are the main subject of this research. What causes drug misuse to be on the rise in India? Drug misuse is still increasing quickly even though we have many laws to cope with this sort of issue. We must investigate if the legislation is weak or whether there is an issue with how it is being applied. The statistics, which unequivocally indicates that 14.2% of Indians use alcohol, and several other substances are also included in this research, might intensify the severity of the issue. An estimated 2.8% of Indians are thought to be drug addicts, according to reports of drug addiction. Consequently, Chhattisgarh is obviously at the top of the drug misuse index, as this research ^[2] plainly shows. The number suggests that there may be an issue with implementation, which makes the cause pretty evident. Some of the drugs are very legally available on the market, but some users are using them appropriately to get high on legal substances (like cough syrups, colophony, paints, cleaning solutions, and whitener), so it's possible that some users are not reporting these drugs as abuses because they are legally available.

Drug misuse is on the rise for a variety of reasons, including psychological, social, and financial issues. This research will not only examine how the Act is being implemented at the level of court rulings, orders, etc., but it will also provide recommendations on how to get rid of these kinds of issues.

In essence, the Narcotics Drugs and Psychotropic Substances Act of 1985 does not define "drug abuse." Drug misuse is defined

by several intuitions, however these definitions are not exclusive.

Similar to drug abuse, substance abuse is described by the World Health Organisation as "the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs." Psychoactive substance abuse can result in dependence syndrome, which is a collection of behavioural, cognitive, and physiological symptoms that appear after recurrent drug use. These symptoms usually include a strong desire to take the drug, trouble controlling it, continuing to use it despite negative effects, prioritising drug use over other responsibilities and activities, increased tolerance, and occasionally a physical withdrawal state^[3].

Drug abuse is defined as using illicit substances or prescription or over-the-counter medications for reasons other than those for which they are intended, or in excess of recommended dosages^[4].

To put it simply, drug abuse, also known as substance misuse, is the use of certain substances with the intention of producing pleasant effects on the brain.

Historical development of Drug Policy

In India, there were two Central Acts prior to the NDPS Act of 1985:

1. The 1878 Opium Act
2. The 1930 Dangerous Drug Act These regulations are presently insufficient to address the issues of drug usage and illegal drug trafficking on a national and worldwide scale due to the passage of time. These regulations weren't strict enough to handle or prevent these kinds of issues. There are several gaps in these rules, such as the fact that well-organized smugglers were not deterred by them. The 1930 Act sets a maximum sentence of three years in prison, a fine, or both. The maximum penalty for reoffending is four years in prison, a fine, or both; there is no minimum sentence specified. It did not provide investigative agencies such as customs, central excise, drugs, etc.

Statutory provisions in India

The Indian parliament has sometimes passed laws to further the objectives of international conventions and treaties. Additionally, India is a participant in the international convention. The following is the convention^[5].

- First, the 1961 Convention on Narcotic Drugs
- Second, the 1971 Convention on Psychotropic Substances
3. The 1988 Convention to Combat the Illicit Trade in Narcotic Drugs and Psychotropic Substances
4. The 2000 Convention on Transnational Crime

Indian Parliament has enacted two Central Acts

The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, and The Narcotic Drugs and Psychotropic Substances Act, 1985

The Indian Constitution expressly declares in Article 47^[6] that the state has an obligation to enhance public health, boost living standards, and promote nutrition. The state will work to outlaw the use of intoxicating beverages and substances that are harmful to health, with the exception of therapeutic purposes. Despite the fact that Part IV^[7] of the constitution is unenforceable in court, the state is nonetheless required under the social contract idea to establish policies that promote the welfare of its population. Drug misuse is an issue that may be managed if the state is ready to take action. Since poisons and drugs are on the concurrent list^[8], both the state

and the federal government may have different levels of coordination, which could cause the law's main goal to diverge. Nevertheless, both governments have the authority to enact laws pertaining to those subjects. The Indian Parliament enacted the Narcotic Drugs and Psychotropic Substances Act 1985 in response to demands from across the world in order to address drug users. This Act essentially set down the consequences for manufacturing, importing, exporting, selling, or possessing restricted substances. According to the Narcotic Drugs and Psychotropic Substances Act of 1985, a conviction would carry the following penalties: 10 to 20 years in prison for a first offence and fines; 15 to 30 years in prison for a second offence. Convicted criminals can anticipate paying fines ranging from asset forfeiture to execution under the subsequent 1988 revision to the legislation^[9]. The Bombay High Court held in the Harm Reduction Network v. Union of India^[10] case that the Narcotic Drugs and Psychotropic Substances Act, 1985's death punishment is unconstitutional, however it did not invalidate Section 31-A of the Act.

Causes of Drug Abuse in India

In general, there are a variety of reasons why drugs are abused in India, including social, economic, psychological, and religious practices. When it comes to the usage of narcotics for religious purposes, this has been done since ancient times, and there has never been any opposition to taking substances like ganja or bhang in the name of Lord Shiva. These substances are often utilised during holidays like Holi, Shivaratri, and others. The usage of opium and cannabis has become socially acceptable as its consumption has been approved by religious practice among devotees and other religious individuals. Their use has, nonetheless, often been modest. This self-regulation has mostly resulted from a multitude of causes, including social control above all else and restrictions on drug availability and quantity. People have been protected from aberrant behaviours by informal restrictions including family and neighbourhood influence and religious prohibitions^[11]. Drug misuse is also largely caused by social factors, such as a communication gap between parents and children. The explanation is rather clear. Our society is technologically advanced, and everyone is heavily dependent on technology. As a result, parents are unable to provide their children with the necessary care, which may result in drug usage. Another explanation is that friends who are hooked to drugs often attempt to get other friends to take drugs for the same high, and most friends use drugs only for the sake of testing. They develop a drug addiction after abusing drugs often. A few individuals develop romantic feelings for females. They start using the medicine to get over this type of emotional pain because they lost their love. Another significant factor is the economy. The explanation is rather clear. The majority of the impoverished in rural regions grow ganja, bhang, and other narcotics, which they then sell at the community market to pay for their daily necessities. People engage in this kind of behaviour even though it is illegal because of the lack of money.

Challenges during implementation of laws

Unsuitable use of legal content Certain medications are freely accessible in the market and may be obtained legally without breaking any current laws. items including alcohol, gasoline, sniff glue, cough syrups, pain reliever ointments, paints, cleaning solutions, and whitener, among others. These

chemicals are offered in the neighbourhood market for legitimate uses and intended purposes, but drug addicts misuse them in ways that are not suitable and cause their bodies to react negatively. As a result of the outright prohibition of alcohol in certain regions, such as Bihar, alcohol addiction became a major issue, leading some individuals to turn to spirit use instead of alcohol consumption, since spirit is classified as an alcohol functional group.

Religious Practice

The majority of drug usage history is associated with two main substances: opium and cannabis (marijuana). Cannabis is still used today for its mystical and religious purposes, as documented in Indian ancient literature on many occasions. Due to the belief that cannabis stimulates the brain during meditation, it is utilised in Indian religious ceremonies^[12]. International conventions are cautiously followed. The United States has always maintained that the use of opiates or any other narcotics should only be allowed for research and medical needs. On the other side, the Indian government argues that individuals who use opium as a remedy for various illnesses and aches in isolated agricultural regions would suffer if such a legislation were to be passed. It is hard for these folks to get contemporary medical care. India added a reservation to the Hague Convention agreement, objecting to the U.S. stance and stating that "the use of raw opium, according to the established practice in India, and its production for such uses are legitimate under the Convention^[13]."

Corruption

In general, authorities are more interested in apprehending large-scale drug dealers than street vendors. There are instances when the court issues an order, but the judgment's effects are never evaluated. The implementation of the ruling is being purposefully delayed. There's a chance that some political forces are trying to delay the implementation of that ruling. Drug agents in India or other countries may be corrupt, which might lead to a decrease in seizures and arrests, a decrease in convictions, and an increase in the amount of drugs available on the black market^[14].

Financial problem

The United States invested more than \$12 billion in the fight against narcotics in 1993^[15]. The rehabilitation centre has finances assigned to it, but those monies are also insufficient to completely stop drug misuse. The N.C.R.B. reports that the drug abuse statistics index is down from the prior year. India has never invested excessive sums of money in the fight against drugs, and information is therefore lacking. The only information available is the amount of funds given to N.G.O. to combat drug usage.

Lack of infrastructure

As of 1990, "not a single court has been constituted due to which offenders escape from the trial as well as from punishment also," despite the N.D.P.S. Act of 1985 creating a special court to expedite drug cases^[16]. "Indian courts have not shown that they are capable of applying the law in an effective manner^[17]."

In addition to these, other difficulties include erratic coordination between federal and state governments, cross-border drug smuggling, politically motivated cases that

provide drug agents confidence to engage in smuggling, and other issues. The majority of drug users do not have a fundamental knowledge of how drugs affect their bodies. Even the producers promote the harmful effects of drug misuse in a discreet or confined region. India has a dearth of autonomous organisations dedicated to curbing drug misuse.

Conclusion & Suggestions

According to the author, there is no foolproof way to end drug usage. It may be managed in one of two ways: by using scientific and legal processes. Despite the fact that our nation has many laws to regulate drugs, drug misuse remains an issue leading to widespread drug-related illnesses, including cancer. Since a nation's human capital is its greatest asset, any sickness that lowers that resource might be perilous for any nation, and it would be challenging to represent such a nation internationally.

My guiding theory is that the black market would vanish if users of illicit substances did not buy the product because there would be no demand.

I'm attempting to provide solutions to end the drug misuse issue in this part. I previously covered the fact that people with alcohol addictions are substituting spirits for alcohol in the previous paragraph. However the industrial sectors had discovered a way to stop drug abuse before it started. Following the introduction of copper sulphate into the spirit by the industries, which causes the drug's hue to shift from colourless to blue and makes it obvious that the substance is toxic, addicts stopped drinking spirit. My suggestion is that in order to prevent the improper use of legal drugs, the government should enact a law that involves industry consultation. Certain illicit substances, such as ganja, bhang, and others, are grown in rural locations, where the typical climate is necessary for the development of the plants.

Plants may sometimes be grown without any personal planting. I thus propose that the specialised departments gather data on certain places and disperse anti-growth chemicals or medications there in order to prevent the repeated production of such plants under typical climatic circumstances.

An efficient method should be used to build the national drug action strategy. Parents and kids should be able to communicate well with one another. In the United States, drug control policy is handled by 15 or 16 agencies in the executive branch of the government. Drug misuse policy is directly influenced by no less than 17 standing committees in the house and 11 committees in the senate. In my opinion, an organisation of this kind need to be created to oversee India's drug laws^[18]. Appropriate regulation of the production, sale, import, and export of substances that may be used illegally is required^[19]. Early drug user identification is necessary to implement remedial actions^[20]. It is necessary to be aware. Addicts on drugs must get appropriate counselling.

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