

LEX SCRIPTA MAGAZINE OF LAW AND POLICY
ISSN-

VOLUME-1 ISSUE-1
YEAR: 2023

EDITED BY:
LEX SCRIPTA MAGAZINE OF LAW AND
POLICY

All Copyrights are reserved with the Authors. But, however, the Authors have granted to the Journal (Lex Scripta Magazine of Law and Policy), an irrevocable, non-exclusive, royalty-free and transferable license to publish, reproduce, store, transmit, display and distribute it in the Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known.

No part of this publication may be reproduced, stored, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

The Editorial Team of Lex Scripta Magazine of Law and Policy Issues holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not necessarily reflect the views of the Editorial Team of Lex Scripta Magazine of Law and Policy.

[© Lex Scripta Magazine of Law and Policy. Any unauthorized use, circulation or reproduction shall attract suitable action under application law.]

DRUG ABUSE IN INDIA: A CRITICAL ANALYSIS

**Author: Anushka Deep, B.A., LL.B(H) 1st Year, Student of Amity University Ranchi,
Jharkhand.**

ABSTRACT

The United Nation office on crime and drugs (UNOCD) has published the booklet which contains the worldwide trend on demand and supply of the drugs. According to which Cannabis is the most used drug as no less than that 209 million people consumed it (2022), followed by opioids and them after Amphetamines and Cocaine. Drugs which are introduced in the body to produce some action or to alter mood, emotion, or some bodily function. We can trace the use of drugs is as old as the history of mankind. The use and dependence on the drugs have both traditional and social roots in India, as in the end of 19 century the use of cocaine can be seen in some part of Bihar and Bengal because of its exhilarated effects. However, it can be now considered as one of the most devastated health problem worldwide. According to centres for Diseases control and Prevention in 2020, 91,799 drug overdose death occurred in united states. The global communities need to increase the efforts to prevent the supply of the drugs as the collective use illicit drugs, alcohol kills 11.8 million people each year. This data related to death is more than the death caused by all types of cancer. At least 15.3 million people have drug use disorder and total 148 countries reported injecting drugs out of which 120 countries reported HIV infection among there population.

Keywords: crime, drugs, cocaine, Diseases control and Prevention.

INTRODUCTION

Substance use also known as Drugs abuse is ranked as one of the most devastating and costly disorder in both social and medical field. The addictive drugs over-stimulate the reward system of our brain and release neurotransmitter dopamine in large amount. That euphoric feeling and heightened pleasure is so satisfying that brain wants that feeling again and again. But the repetitious exposure to these illicit drugs induces widespread adaptive changes in the brain, which results in backlash. In India millions of people are dependent on alcohol, cannabis and opiates. According to the report jointly published by UN office on drugs and crime and India's ministry of social justice, In India where the population mark touches the billions, estimated number of 62.5 million people consume alcohol ,8.75 million consume cannabis and 2 million

people consume opiates.¹In the total estimated numbers 17% to 26% are dependent user and need urgent treatment. “That drug abuse is an exclusively urban phenomenon is a myth,” said Gary Lewis, the South Asia regional representative of the UN Office on Drugs and Crime. Injecting drugs and high-risk behaviours are seen in urban and rural areas, he added. The drug addiction is preventable disorder. Many countries had taken the initiative to criminalise the use of some drugs to decrease its prevalence.

DRUGS MISUSE, DRUG ABUSE AND DRUG ADDICTION

When the drugs prescribed by the doctor is used in the different ways than directed or had done the without the following the direction given by doctor can have adverse side effect and this is known as Drug misuse. whereas drugs abuse also known as substance use disorder happens when any psychoactive substance, alcohol are misused to inflict harm or to get high, as people who are suffering from SUD significantly experience altered thinking and behaviour and when the use of drug become a form of dependence which is also known as severe SUD, a brain disorder which manifest as the uncontrollable usage of drug despite knowing its consequences. People with drug addiction suffer intense or tepid withdrawal symptoms when they don't consume the substance.

The major difference among them is that intent, a person misuses the drugs to treat some specific problem and get over it whereas a person abuses the drugs to evoke certain feelings and when the abuse of substance become severe it become addiction, the distinction lies on the self-control of the person intake can exercise. Since the person with drugs addiction have a great impact in all the fields of their lives, and they are unable to change the situation.²

LEGAL BODIES THAT INFORCES DRUGS REGULATION

The drug abuse trend is gaining its momentum across the country at a very high speed, many youths are also involving themselves in this trend and that is the very dangerous move as it not only affects their lives but the life of their family and dependents.

The government of India has been taking an active decision regarding drugs restrain and to improve the physical and mental power so, that they can actively participate and can contribute for the development of Indian society.

¹ United Nations Office on Drugs and Crime. <https://www.unodc.org/unodc/data-and-analysis/world-drug-report-2022.html>

² Adept, (2020, Aug 19). *Drug misuse, abuse and addiction: what's the difference?*. Meridian Psychiatric partners. <https://meridianpsychiatricpartners.com/drug-misuse-abuse-and-addiction-whats-the-difference/>

The legal bodies governing the drug abuse in the Indian society are :-

1. Narcotics control division
2. Central Bureau of Narcotics (CBN)
3. The Narcotics control Bureau
4. Other agencies like Directorate of Revenue Intelligence, Central Bureau of Investigation, Custom commission, Border security force.

LAWS THAT GOVERN DRUG ABUSE IN INDIA

In India drug abuse was not properly govern in the early phase but after **The Narcotics drugs and Psychotropics Substances (NDPS) Act of 1985**, which was enacted to win the battle against the drugs trafficking as this act criminalised the use, trade, export, import of any kind of narcotic drugs.³

In the case to law been violated minimum sentence is of the period of 10 years or the fine of ten lakhs where the maximum sentence is of time 20 years and a fine of twenty lakhs. Under chapter II of the given act, the law imposed that people addicted with drug have to cure them and improve their health by sending then to rehabilitation centres.

This act worked as a deterrent in the society against the consumption of the drugs .

In 1986, the Indian government established the Narcotic Control Bureau , whose headquarter was in New Delhi and its regional offices were in Mumbai , Kolkata , Chennai and Varanasi . By 1988 The Narcotic Drugs and Psychotropic Substances Consultative Committee was established by the central government, which consist 18 members and a chairperson and their duties were to examine NDPS act regularly.

JUDICIAL REVIEW

In Hira Singh v. Union of India⁴ the Supreme court constructed a strict illustration of the Narcotics Drugs and Psychotropic substance, it also widened the definition of the “small quantity” in the possession and the penalty imposed on the accused . The court stated that while determining whether a seizure of a mixture of narcotic drug with one or more neutral

³ Shivani Sangwan, (2022, September 27). *Indian Laws Related to Drugs*. Legal Bites. <https://www.legalbites.in/topics/articles/indian-laws-related-to-drugs-347133>

⁴ Criminal appeal no. 722 of 2017 (Arising out of SLP (Crl.) No. 6092 of 2014)

substances to constitute a small quantity or commercial quantity the weight of the neutral substance should be taken into the account in addition of the offending drug.⁵

Sushant Singh Rajput Death Case

Sushant Singh Rajput a Bollywood actor who passed away on 14 June 2020, his death is surrounded with many assumptions and claims, but one of the most important factors in his death case is involvement of drug. The NCB had arrested more than 30 people from 2020-2021 because of the involvement in the case including actor Rhea Chakraborty, Sushant Singh claimed girlfriend, she was charged for buying drugs for the late actor. A chargesheet filed by the NCB had her and 34 others accused name registered. Her brother Showik Chakraborty has also been named as an accused . In this case many names from the high societies of Bollywood was highlighted in the involvement in the trade of drugs the case has not been finalised yet and many more assumption are still on their way to the given case . NCB had also managed to arrest the drug supplier Regal Mahakal , who was under their radar for a long time. To ascertain the nature and involvement of the accused the case is still going on. ⁶

CONCLUSION

Drug abuse is one of the most concerning and major problem in India. As thousands of people are dying because of drug abuse or overload. It does not only have negative effect on the society but it also lead to increase in the crime rate as drugs reduce the rational judgement capacity routine offences are easier to commit. Family also becomes victims as a result of these drugs use culture. Domestic violence, financial crisis is the type of problem the family suffers. Its long term use it affects and damage the mental power greatly and impact mental processes like behaviour, decision making, rational decision, memory and judgements. Currently India does not have a system of national or local monitoring for drug misuse, said Dr. Rajat Ray , head of the centre for Behavioural Sciences. But India had implemented many acts and laws to control the use of drugs and poisons. But only treatment centres is not enough we have to encourage and make people aware of the negative effective of the drugs or encourage them to seek the treatment.

⁵ Shivani Sangwan, (2022, September 27). *Indian Laws Related to Drugs*. Legal Bites. <https://www.legalbites.in/topics/articles/indian-laws-related-to-drugs-347133>

⁶ Express News Service, (2023, February 17). *'Drugs' case filed after Sushant Singh Rajput's death: Mumbai special court allows NCB*. <https://indianexpress.com/article/cities/mumbai/sushant-singh-rajput-mumbai-court-ncb-8451097/>