

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOL-1, ISSUE-1
ISSN-2583-8725

LEX SCRIPTA MAGAZINE OF LAW AND POLICY
ISSN- 2583-8725

VOLUME-1 ISSUE-1
YEAR: 2023

EDITED BY:
LEX SCRIPTA MAGAZINE OF LAW AND
POLICY

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOLUME-1: ISSUE-2

[COPYRIGHT © 2022 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

ABSTRACT

The United Nation office on crime and drugs (UNODC) 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 209 million people consumed it (2022), followed by opioids and then 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 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 parts of Bihar and Bengal because of its exhilarating effects. However, it can be now considered as one of the most devastating health problems worldwide. According to the centres for Disease Control and Prevention in 2020, 91,799 drug overdose deaths occurred in the 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 a total of 148 countries reported injecting drugs out of which 120 countries reported HIV infection among their 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 disorders in both social and medical fields. The addictive drugs over-stimulate the reward system of our brain and release neurotransmitter dopamine in large amounts. That euphoric feeling and heightened pleasure is so satisfying that the 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 users and need urgent treatment. —That drug abuse is an exclusively urban phenomenon is a myth,¹ 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. Drug addiction is a 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 are used in different ways than directed or done without following the direction given by doctor, it can lead to adverse side effects 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

¹ United Nations Office on Drugs and Crime. <https://www.unodc.org/unodc/data-and-analysis/world-drug-report2022.html>
(Website-lexscriptamagazine.com) 3 (Email-riday.r662@gmail.com)

usage of drug despite knowing its consequences. People with drug addiction suffer intense or tepid withdrawal symptoms when they do not 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 becomes severe, it becomes an addiction. The distinction lies on the self-control of the person's intake. Drug addiction has a great impact on all the fields of a person's life, and he becomes unable to change the situation.²

LEGAL BODIES THAT ENFORCE DRUG 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 drug restraint and to improve the physical and mental power, so that they can actively participate and contribute to the development of Indian society.

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 case of law being violated, the 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 drugs must cure them and improve their health by sending them to rehabilitation centres.

This act worked as a deterrent in the society against the consumption of 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 consisted of 18 members and a chairperson and their duties were to examine NDPS act regularly.

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/>

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>

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 quantityl 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 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, is surrounded with many assumptions and claims relating to his death, but one of the most important factors in his death case is involvement of drugs. The NCB had arrested more than 30 people from 2020-2021 because of their involvement in the case including actress Rhea Chakraborty, Sushant Singh's claimed girlfriend, she was charged for buying drugs for the late actor. A chargesheet filed by the NCB held her and 34 others accused. Her brother Showik Chakraborty has also been named as an accused. In this case many names from the high societies of Bollywood were highlighted in the involvement in trade of drugs. The case has not been finalised yet and many more assumptions 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 problems in India. As thousands of people are dying because of drug abuse. It not only has a negative impact on the society but it also leads to increase in crime rate. Families become victims as a result of drug abuse culture. Domestic violence, financial crisis etc are the kinds of problems families suffer from. Its long term use affects and damages the mental ability and impact mental processes like behaviour, decision making, memory, and judgements. Currently India does possess a system of national or local monitoring for drug misuse, said Dr. Rajat Ray, head of the centre for Behavioural Sciences. India had implemented many acts and laws to control the use of drugs and poisons.

Although we need to understand that only the establishment of treatment centres is not enough, we have to encourage and make people aware of the devastating effects of drug abuse or encourage them to seek treatment.

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

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-ncb8451097/>