

---

## **The Issue of Drug Abuse in India**

**Dr. Mumtaz Bano**

Assistant Professor, Dept. of Sociology, Shia P.G. College, Lucknow

### **Abstract**

Addiction to drugs is a significant problem in the world and India is no exception because addiction hinders the development in our country. As it is quite visible in the Annual Report of the Ministry of Social Justice and Empowerment 201819, drug addiction is an issue among Indian men aged between 15 and 35 years. As many as 20% of injectable drug users are female, and some of them are below 18. In a study, 66 percent of female users were also reported to exchange drugs in exchange of sex jobs. Drug users are increasing at a very rapid rate in Punjab. The primary conclusion of the research is that 2.8 percent of Indians had used cannabis product during the last 12 months. One of the many laws in India seeking to mitigate drugs misuse in the country is the Narcotics Drugs and Psychotropic Substances Act of 1985. Nonetheless, 2.8% of the Indians consume drugs as a result of a weakness of the application but not the Act as a whole. This is one of the reasons why the rate of drug misuse in the country is on the increase. Discussed in this essay are the legal policy responses to the usage of drugs in India. This paper will find out the causes of misuse of drugs among individuals and solutions to the same according to an Indian perspective. Additionally, this study attempts to provide the legislative body some recommendations for resolving this issue.

**Keywords:** cannabis, addiction, drug misuse, and psychotropic chemicals

### **Introduction**

Nothing is medicinal. It's all medication. It is dependent on the amount of substance you have consumed. The basic difference between drug use and abuse is that in case when Therapeutic Index of drug is greater than ED, the body will respond adversely. Drug abuse is a concern of significant concern in the world and India has not been left behind. India has a history of using drugs in everyday life and ritual ceremonies, being a global supplier of legal pharmaceuticals to other pharmaceutical markets [1].

Not so long ago drug abuse has become a problem in this drug-rich country of the past [2]. This is one of the biggest problems that can hamper the development of a nation, as it leads to such misfortunes as the downturn in the economy, the rise of crime, and a threat to life, which weighs heavily on people. The primary focus of the given research is the legal and policy actions against drug abuse in India. What has made the use of drugs to increase in India? Nevertheless, even though we possess the necessary legislation to respond to such a problem, the issue of drug misuse is still increasing rapidly. We need to establish whether the law is inefficient or whether there is anything wrong with application of the law. The numbers that clearly indicate that 14.2% of Indians are drinkers can indicate the gravity of the problem. This study contains many other substances. The number of addicted Indians is estimated to be 2.8 percent. Consequently, it is clear to this data, that Chhattisgarh tops the drug abuse index [3]. This figure indicates clearly that there is an issue of some one in the implementation level. Some drugs are legalized in the market in an extremely liberalized form; however, some users are using them in the correct manner in the case of other legal drugs (e.g., sniffing glue and gasoline, cough syrups, pain killer ointments: glue, colophony, paints, cleaning fluids, whitener) which may or may not be reported as abuse. The misuse of drugs is increasing due to various reasons such as in the society, economically and psychologically. Along with surveying the level of implementation and decisions made by the courts, orders, etc. available under the Act, this research also provides the recommendations to resolve such kind of problems. Simply, the Narcotics Drugs and Psychotropic Substances Act of 1985 does not stipulate drug abuse [1]. With numerous definitions, the drugs misuse is determined by a number of intuitions, nevertheless, their number is not exhaustive. Just like drug abuse, the world health organization defines substance abuse as the harmful or risky use of psychoactive substances such as alcohol and illicit drugs. The use of psychoactive substances in a person can trigger dependency syndrome, a set of behavioral, cognitive, and physiological symptoms that develop after the repeated use of the substance. Most common symptoms are strong interest in drug use, inability to regulate drug use, continued drug use in spite of adverse effects, high value attached

to drug use compared to other life activities and commitments, increased tolerance, and at times physical withdrawal state [4].

Drug abuse refers to taking illegal substances or using prescriptive or over-the-counter drugs too much or in other purposes other than the purposes they are supposed to be used [5]. In other words, substance misuse, or drug abuse, is the consumption of some substances into delivering good brain stimuli.

The history of drug policy in the United States before the NDPS Act of 1985 Before the NDPS Act of 1985, there were two Central Acts in India:

1. The Opium Act of 1878
2. The 1930 Dangerous Drug Act

However, over time, these laws are now no longer adequate to solve these problems of drug use and illegal drug trafficking on the national and global levels [1]. Such limitations were not serious enough to exclude or control such type of problems. These laws had some loopholes like that organized smuggling gangs were not afraid of them. The 1930 Act maximum penalty in an infraction is three years of incarceration, fine, or both. The maximum sentence of a second offense of repeating the violation is four years of prison, fine, or two; the minimum penalty is none. This did not include investigative agencies like Central Excise, Customs, and Narcotics.

### **Indian statutory provisions**

The Indian parliament has at times enacted legislation in order to achieve the aims of international conventions and treaties. India is also an international convention. The convention is the following [6] [7].

1. The 1961 Convention on Narcotic Drugs.
2. Convention of Psychotropic Substances of 1971.
3. The 1988 Convention on the Illicit Traffic of Narcotic Drugs and Psychotropic Substances.
4. The Transnational Crime Convention of 2000.

Two Central Acts were passed through the Indian Parliament.

1. The Narcotic Drugs and Psychotropic Substances Act of 1985, and

## 2. Prevention of illicit Traffic in Narcotic Drugs and Psychotropic Substances Act of 1988.

Under Article 47 [8] of the Indian Constitution, it has become very clear that there is a duty of the state to improve on the quality of public health, nutrition and living. The state will strive to criminalize consumption of intoxicating beverages and substances which are detrimental to health unless they are taken medically [1]. Two versions of the social contract point of view state that the state is bound to make policies benefiting its citizens despite the inapplicability of Part IV [9] of the constitution by any court. Drug abuse is something that can most certainly be controlled provided that the state is willing to go to such lengths. The two governments can make laws related to drugs and poisons, as these are in the concurrent list [10]. Nevertheless, there exists the risk of lack of coordination between the federal and state governments; this may lead to the main aim of the legislation being derailed. The Indian Parliament responded to the demand of the rest of the world by passing the Narcotic Drugs and Psychotropic substances Act of 1985. Punishments on the possession, sale, growth, imports, exports, or production of limited drugs were basically stipulated in this Act. A conviction would attract a sentence ranging between 10 to 20 years and penalties of the first crime and between 15 to 30 years and fines as set by the Narcotic Drugs and Psychotropic Substances Act of 1985. Depending on the revision of the statute that follows, [11], it is possible that convicted criminals would expect penalties as ranged between sealing their assets and execution. In the case of Harm Reduction Network v. Union of India, the Bombay High Court held that the death penalty provided by Narcotic Drugs and Psychotropic Substances Act, 1985 is unconstitutional [12] but made no pronouncement on the validity of Section 31-A of this Act [6].

### India's Drug Abuse Causes

In India, drug misuse is basically brought about by diverse factors such as social, economic, psychological, and religious practices. In the application of narcotics in religious duties, this custom can be traced back on thousands of years and nobody has ever protested about the application of ganja, bhang, and other drugs in the name of Lord Shiva. This type of medicines are generally used in holidays also such as Holi

and Shivaratri. The application of cannabis and the use of opium has become socially acceptable since the consumption of these drugs has been approved by the religious ceremonies among the devotees and other individuals who follow a religious way of life. They have, however, mostly been used moderately [1]. This self-regulation has had many causes among them being restricted access to drugs, a restricted amount of substances and most significantly is the social control. An informal control such as family and neighborhood pressure and even religious punishment has helped people to be sheltered against abnormal behavior [13]. The social factors also contribute a lot to the misuse of drugs because of the communication gap between the children and parents. The reason is very obvious [6]. We are in a techno savvy society where everybody relies greatly on technology. Due to this, parents cannot give children the appropriate care, hence leading to drug abuse. The other cause is that the friends connected to drugs also seek to influence the other friends to use drugs so that they can feel good and most friends will decide to use drugs in order to pass the exam. This leads to the drug addiction where they consume drugs on several occasions. There are those who fall in love with girls. This emotional pain because of the loss of their relationship makes them start using the substance in order to cope with the pain. The other significant factor is the economics. The reason is very obvious. Most of the poor in the rural areas cultivate ganja and bhang, and other drugs that they ultimately sell in the local market among others so as to sustain their basic needs. Since some people do not have money to buy them, they resort to this kind of behavior non-legally.

### **Difficulties in putting legislation into effect**

- **The improper use of lawful substances**

Some drugs are easily available in the market and have been licensed without law violations. Spirit, inhalation of glue and gasoline, cough syrups, pain relievers, paints, colophony, cleaning solutions, whitener etc. [6]. The particular causes and proper use of these chemicals are available in the local market and, get used improperly, leading the body to respond adversely to this action by drug abusers. This was a great concern to alcohol addicts since these

alcoholic substances are highly prohibited in certain regions such as Bihar. Because of this, individuals started taking up spirit rather than alcohol since spirit is one of the alcohol functional groups.

- **Practice of Religion**

The two prominent drugs that have been associated with most of the drug use in the course of history are cannabis (marijuana) and opium. The Indian literature has long employed cannabis in its religious and mystical practices and even in our time the practice is not uncommon. As specified to stimulate the brain to meditate, cannabis is also used in the Indian religious practices [14].

- **International conventions**

The international conventions are applied carefully. The United States has always urged the full prohibition of the use of opium and other narcotics, with the exception of their use in science and medicine [1]. On the one hand, the Indian government claims that such law will be harmful to the population, which dwells in rural areas and employs opium in treating all sorts of diseases and ailments. Modern medication is hard to get by for these individuals. In reaction to the position of the United States, India also added a caveat to the Hague Convention agreement, claiming that the use of raw opium, as in the practice as defined in India, and the production of such uses, were legal under the Convention [6] [15].

- **Corruption**

Generally, government is more worried about the big scale drug dealers than the street vendors. Judiciary has at times enacted an order, but there has never been an effect appraisal of a ruling. This enforcement of the ruling has been done deliberately. Most likely, there are some political influences that are causing the slowness of the execution of the judgment. Indian and other countries have corrupt drug agents and hence, fewer arrest and seizures, few convictions, and many narcotics at the streets [16].

- **A financial issue**

In the year 1993, the United States had put over 12 billion dollars in the war on drugs [17]. The budget that will be allocated to the rehabilitation facility cannot fully suppress drug use. According to the N.C.R.B., the index of drug abuse statistics is low as compared to the previous year. There is also no data and India has never put a substantial amount of money on the war against narcotics. The only data is the amount of funds that would be allocated to N.G.O. to fight drug usage [6].

• **Inadequate infrastructure**

The N.D.P.S. Act of 1985 has created a special court to expedite drug trials, but as of 1990, not a single court has been constituted as a result of which offenders not only avoid the trial process but punishment also [18]. Indian courts have not proved the effective use of the laws [19]. Besides this, other problems include inadequate collaboration between the federal and state governments, cross-border drug trafficking, some politically inclined prosecutions that stand confidence on drug agents to smuggle, and others [1]. Most of the drug users do not have a basic understanding of the drug effects on body. Even the manufactures are advertising the harmful effects of drug usage in a small or subdued area. India lacks a number of independent bodies to handle the use of drugs [6].

**Conclusion and Recommendations**

The author believes that the misuse of drugs cannot be totally avoided. Among other means it can be dealt with using scientific and legal systems. Despite the existence of numerous laws to control drugs, drug addiction and cancer caused by drugs remains a challenge to the whole country. As man power is the most important asset of a nation this sickness will reduce the man power of a nation and this is a disadvantage to any nation because a country will find it difficult to represent themselves at the international level. Thus, I believe that there would not be a black market as long as no one would be interested in buying illegal drugs. In this section, I am trying to give solutions to eliminate the drug usage problem.

As I said in the previous paragraph, the already hooked people are replacing the spirit with alcohol. Nonetheless, the producing industry has found a solution to end drug abuse. Once the addicts ceased using spirit in its form as an alcohol, the industries started adding copper sulfate into it and turned it blue which is a clear indication that the substance was toxic. I believe that the legislature should implement a law that will not legalize the abuse of lawful drugs without consulting business leaders.

Outgrowing such drugs like ganja, bhang among others is done in rural areas where normal climate is required to grow them. At times the plants are planted without them being planted by anybody. Thus, I suggest that the specialized divisions collect data about some areas and inculcate anti-growth chemicals or drugs in those areas to inhibit the growth of such plants in normal climatic conditions.

One of them is developing the national drug action strategy being efficient. The executive arm of the U.S government alone has fifteen or sixteen drug control policy agencies. There are at least 17 standing committees in the house and 11 in the senate that directly affect the drug misuse policy [20]. Such organization should be established, in my opinion, to monitor drug laws in India [21]. Note that proper control of production, distribution, import, and export of drugs that are capable of illegal use is necessary [22]. In order to take corrective measure, drug users have to be identified early enough [23]. It is necessary to provide drug abusers with appropriate counseling.

## References

1. Piyushbhai CSK & Gupta RK. (2024). Analyzing the epidemic of drug abuse in India [Journal-article]. *International Journal of Judicial Law*, 3(1), 22–25. [https://www.alllawjournal.com/uploads/archives/20240610203232\\_b-24-07.1.pdf](https://www.alllawjournal.com/uploads/archives/20240610203232_b-24-07.1.pdf)
2. Sessa Kenthineni, Lois Guyon, Ruth Mclannan Fennick. Drug use in India: Historical traditions and current problems 2011, 19 IJCACJ 212.
3. Annual report of the Ministry of Social Justice and Empowerment 2018-19.
4. Available at: <https://www.who.int/health-topics/drugs-psychoactive> last visited on September 20, 2021.

5. Available at: <https://www.cancer.gov/publications/dictionaries/cancer-terms/def/drug-abuse> last visited on September 20, 2021.
6. Tedela, R. (2021). The problem of drug abuse in India. In *International Journal of Criminal, Common and Statutory Law* (Vol. 1, Issue 1, pp. 33–36). <https://www.criminallawjournal.org/article/5/1-1-5-261.pdf>
7. Standing Committee on Social Justice and Empowerment, 25<sup>th</sup> Report on Persons affected by Alcoholism and Substance (Drug) Abuse, Their Treatment/Rehabilitation and role of Voluntary Organizations Ministry of Social Justice and Empowerment, 2015.
8. The Constitution of India 1949.
9. Article 37 of Indian Constitution 1949.
10. Entry 19, List III, Seventh Schedule, The Constitution of India 1949.
11. Raina, Bishen Lal. *Social Situation in India*, Commonwealth Publisher, New Delhi 1990.
12. 2012 BomCR (Cri) 121.
13. Sessa Kenthini, Lois Guyon, Ruth McLannan Fennick. Drug use in India: Historical Traditions and Current Problems 19 IJCACJ 212 (2011).
14. Chopra RN, Chopra GS. The present position of hemp drug addiction in India, *Indian Medical Research*, Thacker, Spink 1939.
15. Arnold H, Taylor. *American diplomacy and narcotics traffics*, Durham, NC: Duke Publication, 1900-1993 1969.
16. Sen, Sankar, *Trafficking in Narcotics*. 2 IJC 121-125 (1987).
17. Committee on the Judiciary, Senate US, *International drug control policy: Recent experience, future options*. Washington, DC: US. Government Printing Office 1994.
18. Senthilathiban K. An integrated approach to combat drug abuse in India. *Social Defense* 1990;30(101):27-31.
19. Committee on Foreign Affairs and the Subcommittee on Western Hemisphere Affairs US. House of Representatives. *Review of the international narcotics control strategy report*, Washington, DC: US. Government Printing Office 1992.

- 
20. Kethineni, S., Guyon, L., & Fennick, R. M. (1995). Drug use in India: Historical traditions and current problems. *International Journal of Comparative and Applied Criminal Justice*, 19(2), 211–221. <https://doi.org/10.1080/01924036.1995.9678548>
  21. Committee on the Judiciary US, Senate US. International drug control policy: Recent experience, future options. Washington, DC: US. Government Printing Office 1994.
  22. Indian Law to Check Illegal Drug Trafficking: A Critical Evaluation, available at: <https://shodhganga.inflibnet.ac.in/> last visited on September 25, 2021.
  23. A Detailed Analysis of the National Drugs and Psychotropic Substances Act, available at: <https://blog.iplayers.in/a-detailed-analysis-of-the-national-drugs-and-psychotropic-substances-act/>(last visited on September 25, 2021).