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The problem of drug abuse in India

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Abstract

Drug abuse is a serious problem worldwide and India is not immune to this problem as it creates a hurdle in the development of our country. According to the Annual Report 2018-19 of the Ministry of Social Justice and Empowerment, it clearly states that in India, males aged between 15 and 35 are indulged in drug addiction. Up to 20% of injecting drug users are female, and some users are under 18. In one study, 66% of female users have also been reported engaging in sex work in exchange of drugs. In Punjab, there is a rapidly growing population of drug users. The whole crux of this report is 2.8% of Indians reported having used by cannabis products within the past 12 months. In India, there is sufficient law which deals with drug abuse such as Narcotics Drugs and Psychotropic Substances Act 1985. Despite all the laws, 2.8% of Indian people are indulged in drug abuse because there is a defect in the implementation of the law, not in Act itself. This is one of the reasons for the growth in drug abuse in the country. This paper addresses legal policy measures to drug abuse in India. This study is a study in the Indian perspective to find out causes for the growth of drug abuse and some solutions to this problem. This study also tries to provide some suggestions to the legislative body for the elimination of this problem.

Keywords: drug abuse, addiction, cannabis, psychotropic substances

Introduction

Nothing is medicine. Everything is medicine. It depends upon how much quantity of drug you have taken. There is a cardinal difference between drug and abuse if the Therapeutic Index of a drug is greater than ED₅₀ then it gives a negative response in the body. Drug abuse is a serious problem worldwide and India also is not immune from this problem. Although India has been a world producer of legal drugs for pharmaceutical markets, it has also an ancient tradition of using drugs in daily activities and ceremonial rituals. Only in recent years has this historically drug-rich country developed a drug abuse problem^[1]. This is a big problem which creates a hurdle in the development of a country like a slowdown in the economy, incising in crime, apprehend danger of life like that. This study is basically focused on the legal and policy measure for drug abuse in India. What is the reason behind the growth of drug abuse in India? We have a sufficient law for dealing with such kind of problem but despite the law, drug abuse is still growing rapidly. We have to examine whether the law is weak or there is a problem in the execution of the law. The gravity of the problem can be triggered by the data which clearly states that 14.2% population of Indians consume alcohol and many other drugs are also reported in this report. The estimated report of drug abuse is around 2.8% of the population of India are drug-addicted. Accordingly, this report clearly reflects that Chhattisgarh is at the topmost position in the drug abuse index^[2]. The reason is quite obvious that the figure indicates that there is some sort of problem at an implementation level. Some of the drugs are available on market in a very legalize way but some of the users are using the drugs in the appropriate use of some legal substances (e.g., Sniffing glue and gasoline, cough syrups, pain killer ointments - glue, colophony, paints, cleaning fluids and whitener.) may or may not be reported in as an instance of abuse because these drugs are available in the market in a legal manner.

There are many reasons which cause growth in drug abuse like social, economic, and mental causes. This study is not only to study the implementation level of the Act and judicial decision, order, etc. but also to give some suggestions to eliminate such kind of problems.

Basically the word 'Drug abuse' has been not defined in Narcotics Drugs and Psychotropic Substances Act 1985. Some of the intuitions try to define drug abuse but these definitions are not exclusive in nature.

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W.H.O. has defined substance abuse which is just similar to drug abuse, that is, "Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs." Psychoactive substance use can lead to dependence syndrome - a cluster of behavioral, cognitive, and physiological phenomena that develop after repeated substance use and that typically include a strong desire to take the drug, difficulties in controlling its use, persisting in its use despite harmful consequences, a higher priority given to drug use than to other activities and obligations, increased tolerance, and sometimes a physical withdrawal state^[3].

Drug Abuse is the use of illegal drugs or the use of prescription or over-the-counter drugs for purposes other than those for which they are meant to be used, or in large amounts^[4].

In simple language, we can say that Drug abuse or substance abuse refers to the use of certain chemicals for the purpose of creating pleasurable effects on the brain.

Historical development of Drug Policy

Before the Enactment of NDPS Act 1985, there were two Central Act in India:

1. Opium Act 1878
2. Dangerous Drug Act 1930

With the passage of time, nowadays these laws are not sufficient to deal with the problems of drug abuse and illicit drug traffic at the national and international level.

These laws were not stringent to overcome or control such types of problems. There are many loopholes in these laws like; these were not deterrents for well-organized gangs of smugglers. In the 1930 Act, the maximum punishment for an offense is 3 years or fine or both. For repeating the offense, the maximum punishment is 4 years or fine or both, no minimum punishment was prescribed. It didn't provide investigating agencies like narcotics, custom, central excise, etc.

Statutory provisions in India

The Indian parliament had enacted an enactment from time to time for achieving the goal of international convention and treaties. India is also a member of the convention of international convention. The convention is as follows^[5].

1. Convention on Narcotic Drugs, 1961
2. Convention on Psychotropic Substances, 1971
3. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
4. Transnational Crime Convention, 2000

Indian Parliament has enacted two Central Acts

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

Under Article 47^[6] of the Indian Constitution clearly states that it is the duty of the state to raise the level of nutrition and standard of living and to improve public health. The state shall endeavor to bring about prohibition of the consumption except for the medicinal purpose of intoxicating drinks and drugs which are injurious to health. Though Part IV^[7] of the constitution is not enforceable by any court but under the social contract theory, it is the duty of the state to make a policy for the welfare of the citizens of that state. If the state

is willing to do so, the problem of drug abuse definitely may be controlled. Since drugs and poisons are the subjects of the concurrent list^[8], both the government have the power to make a law on that subject matter but there is a chance of uneven coordination between the state and central government due to which the main object of law may deviate. Under international pressure, The Indian Parliament passed the Narcotic Drugs and Psychotropic Substances Act 1985, for dealing with a drug user. This Act basically specified penalties for possession, sale, cultivation, import, export, or manufacture of controlled substances. A conviction would result in the following: first offense, 10 to 20 years and fines; second offense, 15 to 30 years, with fines (Narcotic Drugs and Psychotropic Substances Act, 1985). With the later 1988 amendment to the law, convicted offenders could expect to pay penalties ranging from forfeiture of assets to death^[9]. Although in the case of Harm Reduction Network v. Union of India^[10], the Bombay High Court ruled that the death penalty under Narcotic Drugs and Psychotropic Substances Act, 1985 is unconstitutional but the court did not strike down Section 31-A of this Act.

Causes of Drug Abuse in India

Basically there are many causes for drug abuse in India: it may be a social, economic, mental, and religious practice. When we talk about drugs are used as a religious practice, this practice had been used in very old times and no one had made an objection to using the *Ganja*, *Bhang* etc. on the name of Lord Shiva. Generally, such types of drugs are used on the occasion of Holi, Shivaratri, and other festivals. Because intake of opium and cannabis has been sanctioned by religious practice with devotees and other religious people, the use of these drugs has been socially accepted. However, their use has tended to be moderate. This self-regulation has been mainly due to a variety of factors: the limitation in access to drugs, the restricted number of drugs, and, above all, social control. Informal controls, such as religious sanctions and family and neighborhood influence, have insulated people against deviant behaviors^[11]. Social cause is also a big cause for drug abuse because there is a communication gap between children and parents. The reason is quite obvious. We are living in a technological world and everyone is so much addicted to technology due to which parents are not in a position to give proper care to their children and thus they may lead to drug abuse. Another reason is drug-addicted friends also try to influence another friend to use the drug for a pleasant feeling and most of the friends try to consume the drug for the sake of the only test. After repeated use of a drug, they become drug-addicted. Some people fall in love with girls. Due to the loss of their love, they start using the drug for overcoming such kind of mental trauma. The economy is also a big cause. The reason is quite obvious. In rural areas, most of the poor people cultivate *Ganja*, *Bhang*, and other drugs and sell such drugs in the local market for the basic needs of their life. Though it is a punishable offense due to scarcity of money, people are indulged in such kind of activity.

Challenges during implementation of laws

▪ Inappropriate use of legal substance

Some of the drugs are easily available in the market and also in a legalized manner without violation of any existing law. Such as spirit, sniffing glue and gasoline, cough syrups, pain killer ointments - glue, colophony, paints, cleaning fluids and whitener etc. These substances are available in the local

market for appropriate uses and for specific purposes but the drug abusers use these drugs in an inappropriate way which gives a negative response to the body. In some states, alcohol is completely prohibited like Bihar so there was a big problem for alcohol addicted due to which they started consuming spirit instead of alcohol because spirit falls in the category of alcohol functional group.

▪ **Religious Practice**

Most of the history of drug use relates to two principal drugs: cannabis (marijuana) and opium. The religious and mystical use of cannabis has been repeatedly mentioned in ancient literature in India, and its use continues to this day. Cannabis is used in Indian religious rituals because it is believed to stimulate the brain to think during meditation^[12].

▪ **International conventions are applied with reservation**

The U.S. has always argued for total prohibition of opium use or any narcotic use except for scientific and medicinal purposes. The government of India, on the other hand, claims that such an enactment would bring hardship to people in remote agricultural areas, who use opium as a cure for certain diseases and pains. For these people, modern medicine is difficult to obtain. Objecting to the U.S. position, India appended a reservation to the Hague Convention agreement specifying 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**

Generally officials are more focused on large-scale drug traffickers as compare to street drug peddlers. In sometimes an order has been passed by the judiciary but there is the absence of impact assessment of that judgment. There is a deliberate delay in the execution of that judgment. It might be possible that some of the political forces are working in the delay of execution of that judgment. Corruption among drug agents in India, or elsewhere in the world, resulting in fewer seizures and arrests and, thus, fewer convictions and more drugs on the street^[14].

▪ **Financial problem**

In 1993, the U.S. spent over \$12 billion on the war against drugs^[15]. The Funds are allocated for the rehabilitation center and those funds are also not so sufficient which absolutely control drug abuse. According to the N.C.R.B., the data index of drug abuse is incising from the previous year. India has never spent too much money on the war against drugs and data is also not available. The only data is published on how much money has been allocated to N.G.O. for the reduction of drug abuse.

▪ **Lack of infrastructure**

N.D.P.S. Act 1985 established a special court to expedite drug cases however as of 1990, “not a single court has been constituted due to which offenders escape from the trail as well as from punishment also^[16]. “Indian courts have not demonstrated an ability to apply the laws effectively”^[17]. Besides these, there are other challenges such as uneven coordination between the central government and state government, cross-border drug smugglings, some cases are politically motivated which gives the confidence to drug agents for smuggling and other things also. Most drug users do have not a basic understanding of the impacts of drugs on

his/her body. Even the manufacturers are advertising the negative effect of drug abuse in a very small area or hidden area. A lack of independent agencies for the controlling of drug abuse is found in India.

Conclusion & Suggestions

The author is of the opinion that drug abuse cannot be stopped in an absolute manner. It can be controlled by applying legal mechanisms and scientific mechanisms or another way. As we know that we have sufficient laws for the controlling of drugs but still we are facing the problem of drug abuses diseases that cause cancer to the whole country. Because manpower is the superpower for any country and this disease will reduce the manpower of a country which is dangerous for any country and it is a difficult problem to represent such type of a country at the international level.

Hence, my principle is that if the consumer of illegal drugs did not purchase the commodity, the black market would disappear due to the lack of a buyer.

In this section, I am trying to give suggestions to eliminate the problem of drug abuse.

- In the above paragraph, I have already discussed that alcohol-addicted persons are taking spirit instead of alcohol. But manufacturing industries had found the solution for the prevention of inappropriate use of drugs. Industries started mixing copper sulphate in the spirit which changes the colour from colourless to blue which clearly indicates that the drug is poisonous in nature after that addicted persons were not consuming spirit as alcohol. My submission is that the legislature should make a provision with the consultation of industrialists to stop the inappropriate use of legal substances.
- Some of the drugs like *Ganja*, *Bhang* etc. are being farmed in village areas, and in the very normal climatic condition is required for the growth of these herbs. Sometimes the plants are grown without planting by any individuals. Hence, it is my submission that the specialized departments should collect the information of those areas and spread some anti-growth chemicals or medicines in those areas by which such herbs will not produce again and again in normal climatic conditions.
- The national drug action plan should be established in an effective manner.
- There should be healthy communication between parents and children.
- In the U.S. within the executive branch of the government alone, 15 or 16 agencies are involved in drug controlling policy. No less than 17 standing committees of the house and 11 committees of the senates are directly involved in setting drug abuse policy. My submission is that such kind of agency should be established the controlling the drug policy in India^[18].
- There is a need for proper control over the manufacture, distribution, and import, and export of chemicals that can be used in an illicit manner^[19].
- Identification of drug users at an early stage is required in order to take corrective measures^[20].
- Awareness is required.
- Proper counseling of drug addicts is required.

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