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Drug Abuse and Addiction: Analysing its Causes, Consequences and Legal Provision in India

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ABSTRACT

Drug abuse and addiction is a social evil prevailing across the globe. India is also trapped in this vicious cycle and it has become a hurdle in its development. After alcohol, cannabis and opioids are the most commonly used substances in India. About 2.8% of the population of India is indulged in using cannabis products and about 2.1% of the population is engaged in using opioids which include opium, heroine and other pharmaceutical opioids. The present article discusses how drug abuse and drug addiction are different. It also discusses the causes and consequences of drug abuse and addiction. Further, the article also talks about various legal provisions to curb drug abuse and addiction in India. However, these laws are not efficient in curbing the menace of drug abuse and addiction and reasons for the same are also discussed.

Keywords: *Drug Abuse, Drug Addiction, Indian Perspective, Legal Provisions, Ineffective Legal System.*

I. INTRODUCTION

Drug abuse and addiction is a social evil which is prevailing in the society and many people fail to understand why and how people resort to drug abuse and are addicted to it. Drug abuse has grown significantly in India in recent years, ranging from traditional plant-based narcotics like cannabis, cocaine, and heroin to synthetic opiates like tramadol. Recently, the Ministry of Social Justice and Empowerment had released a report on Magnitude of Substance Use in India which mentions that:

- *About 3.1 crore individuals (2.8%) are cannabis users, and 72 lakh (0.66%) people suffer from cannabis problems.*
- *Overall opioid users 2.06% and nearly 0.55% (60 lakh) require treatment services/health*
- *1.18 crore (1.08%) are current users of sedatives (non-medical use).*
- *1.7% of children and adolescents are inhalant users as compared to adults of 0.58%. Nearly*

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18 lakh children need help for inhalant use.

- It is estimated that about 8.5 lakh people are injecting drugs (PWID – people who inject drugs).²

India has built a legal framework to combat the menace of drug abuse and addiction. It includes various international treaties and conventions along with laws like NDPS Act and other such legal provisions. However, the number of cases of drug abuse and addiction is on the rise due to challenges that are in the way of implementation and enforcement of these legal provisions.

(A) Review of Literature

For the purpose of this article I have reviewed the following literature:

1. Dharmendra Kumar Kumawat & Deepak Kumar, *Challenging dimension of the problem of drug abuse in India: A socio-legal analysis*, 4 Scholarly Research Journal for Humanity Science & English Language, 6172–6177 (2017)

This article makes an attempt to study various causes and preventive measures of drug abuse along with legal provisions. However, this article fails to recognise peer pressure as a cause of the problem and doesn't explain the consequences of drug abuse.

2. Avijit Shukla & Ankita Mishra, *Youth and Addiction: Drug Addiction in Youth of India*, 3 International Journal of Legal Science and Innovation 116–123 (2020).

This article focuses on domino effect of drugs where the authors try to address several other issues, which drug abuse bring along, like rash driving, accidents, public nuisance, sexual harassment, etc. Although, this article dwells into how socially harmful drug abuse is yet it doesn't discuss impact of drug abuse on the family of the user and how it takes a toll on the health of the drug addict.

3. Jasleen Dua, *The Problem of Drug Addiction in India: Its Consequences and Effective Measures*, 12(1-s) Journal of Drug Delivery and Therapeutics 159–163 (2022).

This article takes a holistic view of the problem of drug addiction. It discusses causes of drug addiction, historical view, global scenario, consequences and mentions different ways in which the problem can be resolved.

4. Rhythm Patel, *Drug Addiction and Its Impact on Indian Society and the Laws Related to Drug Usage*, 4 International Journal of Law Management & Humanities 950–966 (2021)

The author in this paper highlights the increase in rates of death due to drug addiction and also

² *Ibid*

analyses the laws related to drug abuse and addiction in India. However, the author in this article doesn't address the issues with the legal framework to curtail drug abuse and addiction.

5. Jyotiika Singh & Pradeep Kumar Gupta, *Drug Addiction: Current Trends and Management*, 5 *The International Journal of Indian Psychology* 186–201 (2017).

The present paper dwells into the problem of drug addiction and points out a set of causes due to which the problem exists. The authors of this paper also put forward current trends and how to manage drug addiction. The issue with this paper is that the authors while discussing various ways of managing drug addiction fail to identify the role of government in the matter.

6. Yasir Latif Handoo, AB Latif Wani & Fareed Ahmad Rafiqi, *A critical appraisal of law & policy on prevention and control of narcotic drugs and psychotropic substances in India*, 4 *International Journal of law* 304–310 (2018).

The current paper makes an attempt to explain the current framework of law and policy for offenses under the NDPS Act, 1985. This article very well explains the constitutional perspective mentioned in Article 47 of the constitution and constitutional validity of the laws dealing with drug abuse in India. However, it lacks in introducing the topic to the readers.

7. T. Mangilal, T. Vijaya Kumari & T. Kavitha, *Drug Abuse is a Global Social Evil - Special Reference with Indian Context*, 3 *International Journal of Pharmaceutical Research & Allied Sciences* 1–9 (2014).

This article elucidates how drug abuse is a social evil and how it leads to social, medical and economic issues. The authors of this article also discusses how and why India is caught in the vicious cycle of drug abuse and addiction and the number of drug addicts are on a rise. This article lays emphasis on sensitivity of a drug addict and his need for love and care.

8. Ajay Kumar, Indu Dangi & R S Pawar, *Drug addiction: A big challenge for youth and children*, 4 *International Journal of Research in Pharmacy and Pharmaceutical Sciences* 35–40 (2019).

This paper gives a comprehensive view of the problem of drug addiction and explains how addiction among younger generations is detrimental not only to their own health and family but also to the nation. It points out the fact that youth of the nation determines its future and any harm to them is a disadvantage to the present as well as future of the country.

9. Wani M A & Sankar R, *Impact of Drug Addiction on Mental Health*, 2 *Journal of Mental Disorders and Treatment* 1–3 (2016).

This research article focuses on the impact of drug addiction on the mental health of the addict.

The author tries to establish a relation between age of drug addict and mental health, and gender of drug addict and mental health. However, data is collected using a random sampling method where only 60 subjects are evaluated and so this study could be biased as it is not possible to represent a large population of the subjects.

10. Namisha Choudhary, *Drug Abuse and the Failure of the NDPS Act to Curb the Issue: A Socio-Legal Analysis*, 2 Jus Corpus L.J. 1 (2021).

This paper gives detailed information on drug abuse and critically analyses NDPS Act, 1985. In this article the author has laid emphasis on qualitative data and relied more on secondary data. It touches down also every aspect of drug abuse, from causes, consequences, the NDPS Act of 1985 to suggesting various ways to curtail drug abuse.

(B) Research Problem

In India, the number of reported cases of drug abuse are increasing exponentially. According to NCRB, there are more than two lakh cases related to drug abuse in the judicial system of India. There are a number of matters that are never reached to the judiciary and so the reported number is way less than the actual number of people trapped in vicious cycles of drug abuse and addiction. The demand for these drugs arises due to multiple factors, like mental health, social reasons, peer pressure, influence of social media, etc. Drug abuse and addiction takes a toll on physical health, mental health, economic condition, social relationships and responsibilities, employment, academics, etc of a person and reduces a person into nothing and can even prove to be fatal. As per Global Burden of Disease study, illicit drugs are estimated to have killed nearly 7.5 lakh people worldwide in 2017 alone.³

The Indian government has taken active steps to control drug abuse and addiction and eradicate this social evil from Indian society. Despite numerous efforts there are certain drawbacks in the implementation of laws because of which the number keeps on rising at a higher rate. There is a need for a robust legal setup to fight this social evil and save the people and the nation.

(C) Objectives

- To study the problem of drug abuse and addiction in India.
- To understand various causes and consequences of drug abuse and addiction.

³ Dipu Rai, *All you need to know about substance abuse in India*, India Today, October 4, 2021, <https://www.indiatoday.in/amp/diu/story/all-you-need-to-know-about-drugs-substance-abuse-in-india-1860644-2021-10-04>.

- To discuss the hurdles which hinder the enforcement of laws made to curb drug abuse and addiction.

(D) Research Questions

- What is the reason behind extensive use of drugs by the people?
- How does drug abuse affect not the individual but also his family and nation at large?
- How effective are the laws in curbing the menace of drug abuse and addiction.

(E) Research Methodology

The methodology that is being suggested in this study is doctrinal and analyses and examines the secondary research that is currently available (using both quantitative and qualitative techniques and methods of data collection) in order to enable triangulation of results, which will lead to more credible data and a better understanding of the actual problem of drug abuse and addiction that is concealed from view. The article also highlights how legal provisions must be properly implemented to address the existing problems and the need for a comprehensive framework linked to drug usage in India. It also makes an effort to evaluate the flaws of the current drug legislation.

II. DRUG ABUSE V. DRUG ADDICTION

WHO defines drugs as “substances that, when taken in or administered into one's system, affect mental processes, e.g. perception, consciousness, cognition or mood and emotions.” In simpler words, drugs are substances which are capable of bringing about a change in functioning of a living creature.⁴

Drug abuse and drug addiction are often used synonymously but they are two different terminologies having distinct meanings where the former lays emphasis on unauthorised and excessive use of drugs or use of illicit drugs in a way that it causes harm to the person. While, drug addiction refers to the urge to repeatedly use the drugs and even after several attempts it becomes difficult for that person to part ways with it. Both these terms are different in meaning and nature but are complementary to each other.

III. CAUSES AND CONSEQUENCES OF DRUG ABUSE AND ADDICTION

No one factor can predict if a person will become addicted to drugs. A combination of factors influences risk for addiction. Changes in the brain that support physical and psychological

⁴ Drugs, World Health Organization, https://www.who.int/health-topics/drugs-psychoactive#tab=tab_1 (last visited Oct 1, 2022).

dependency on mind-altering substances are the direct cause of addiction, but those changes do not occur at random

Some causes of drug addiction include:

- The fear of missing out among teenagers and adults lead to drug addiction as they wish to fit in a social circle and be like the people around them.
- Past or present, physical or mental trauma sometimes affects individuals adversely and can lead to an addiction of prescribed or non-prescribed drugs.
- When any person lives in a socially disorganised environment, like family dispute or poverty it may divert an individual towards drugs to overcome such situations.
- Emotional breakdowns or frustrations due to failures in studies, sports or relationships often lead to dependence on drugs to momentarily overcome the failure and its continuous use can lead to addiction.
- Due to the rise of social media, some teenagers find the bad lifestyles of some influencers and celebrities to be “cool” and try to be like them by indulging in drug abuse, consumption of alcohol, etc.
- Drug abuse and addiction carries along with it a number of issues which are detrimental to not only the health of the addict but is detrimental to the family, society and nation at large.

Some common consequences of drug addiction are:

- Drug addicts are more prone to communicable diseases due to the practice of sharing needles and unprotected sex, these practices can cause diseases like HIV.
- Drug addiction can also cause health problems, both long term and short term, and also fatal diseases such as cancer or heart failures.
- Drugs cause hormonal imbalance which makes an individual act differently which may lead to issues with family, friends or colleagues.
- Sometimes drugs have a negative effect on a person rendering them to have negative thoughts about life which can very easily lead to suicidal thoughts or even suicide.
- When a person is in the state of intoxication, he is incapable of determining the nature and consequences of his action and he/she ends up harming their own self or any other person.

- When the youth of a nation is trapped in the vicious circle of drug abuse and addiction, it becomes a disadvantage to the nation because youth is the future of any nation and any kind of harm to them is harmful to the nation.

IV. LEGAL PROVISIONS RELATED TO DRUG ABUSE AND ADDICTION IN INDIA

Any law made to curb drug abuse in India gets its sanctity from Article 47 of the Constitution of India which directs the state to take steps to improve nutrition and standard of living of the people and prohibit the use of intoxicating drinks and drugs, except its usage for medicinal purposes.

Legal policies and provisions to curb drug abuse and addiction are:

1. UN Conventions signed by India:
 - Convention on Narcotic Drugs, 1961
 - Convention on Psychotropic Substances, 1971
 - Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
2. The manufacture, trade, use, storage, etc. of some narcotics is prohibited by the Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985, unless they are being used for medicinal or scientific research.⁵

V. CHALLENGES IN IMPLEMENTATION OF LAWS

In the last decade, there has been a 74 per cent rise in overall cases under the Narcotic Drugs and Psychotropic Substances (NDPS) Act. This shows that the current legal framework is not capable of achieving the objective of curtailing the menace of drug abuse and addiction.

Some of the reasons which had hindered the implementation of laws made are:

1. Linguistic technicalities

In *Roshan Kumar Mishra v. State of Karnataka*, the high court ruled that Bhang (a cannabis preparation) is not a prohibited drink or drug under NDPS Act.⁶ This is so as the NDPS Act, 1985, in its definition of cannabis excludes seeds and leaves “when not accompanied by the

⁵ Constitution of India, CAD, https://www.constitutionofindia.net/constitution_of_india/directive_principles_of_state_policy/articles/Article%2047 (last visited Sep 20, 2022).

⁶ Editor et al., Karnataka High Court: Bhang not a prohibitory drink or drug under NDPS act, not to be included with Ganja to measure commercial quantity SCC Blog (2022), <https://www.sconline.com/blog/post/2022/08/31/karnataka-high-court-grants-bail-bhang-not-prohibitory-drug-drink-under-ndps-not-to-be-included-with-ganja-measuring-commercial-quantity-legalnews-legalresearch-legalupdates/> (last visited Sep 20, 2022).

tops”. Bhang, which is made with the leaves of the cannabis plant, is not mentioned in the Act.⁷ It should be included in the purview of the Act as due to its psychoactive properties, it may impair judgment, short-term memory loss as well as increase paranoia or psychosis.

2. Issues with enforcement mechanism

Problems with enforcement of laws include inefficient cooperation between the federal and state governments and some cases are politically motivated which boosts confidence of the drug smugglers. In India, there aren't many independent institutions dedicated to preventing drug usage.

3. Political influence and corruption

Any judgment, decree, or set of directions issued by the judiciary are purposefully delayed in their execution by a number of political factors. In India, due to corruption among investigating agents there are fewer drug seizures and arrests, and more drugs on the streets.

4. Unreported Cases

The real problem of drug abuse is much bigger than the number which is being reported. The cases which go unreported hampers the deterrent or reformative objective of the law and render the criminal justice system incapable of tackling the issue. It also leads to misallocation of police forces which would imply that some areas may go unchecked.

5. Socio-legal concerns

People are not willing to report cases because of the social stigma of being involved in matters of police and crime. Another reason could be that people want to avoid the laborious procedure of filing a complaint and trials at the court and hence will not go to police or knock on the door of the court.

VI. CHALLENGES IN IMPLEMENTATION OF LAWS

The problem of drug abuse and addiction can't be eradicated completely but it can be reduced and controlled by strengthening the legal framework of India. Usually, drugs are available to the people through black markets and one way to bring the situation under control would be regulating the supply chain. Plant-based drugs like ganja, bhang etc either grow naturally or are farmed in certain parts of India and thus the government needs to collect the data and keep an eye on this arm of supply. Other measures like regulation of manufacture and distribution of

⁷ Raghu Malhotra, Explained: Bhang, Ganja, and criminality in the NDPS Act The Indian Express (2022), <https://indianexpress.com/article/explained/explained-bhang-ganja-and-criminality-in-the-ndps-act-8123829/> (last visited Oct 1, 2022).

medical drugs which can be used in illicit manner, spreading awareness about adverse effects of using drugs and identification and rehabilitation of users at an early stage, etc. This problem is adversely affecting the manpower of India and in turn hampering the growth and development of this nation.

VII. CONCLUSION

The problem of drug abuse and addiction can't be eradicated completely but it can be reduced and controlled by strengthening the legal framework of India. Usually, drugs are available to the people through black markets and one way to bring the situation under control would be regulating the supply chain. Plant-based drugs like ganja, bhaang etc either grow naturally or are farmed in certain parts of India and thus the government needs to collect the data and keep an eye on this arm of supply. Other measures like regulation of manufacture and distribution of medical drugs which can be used in illicit manner, spreading awareness about adverse effects of using drugs and identification and rehabilitation of users at an early stage, etc. This problem is adversely affecting the manpower of India and in turn hampering the growth and development of this nation.

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