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Substance Abuse

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ABSTRACT

Psychotropic substances were used throughout history for medicinal, ritual, and recreational purposes. Overuse may result in pathological consumption styles, mainly dependence and other forms of abuse which are hazardous.

Substance abuse has become a major problem for society. Substance abuse crosses over ethnic, economic, and cultural lines. Addiction to legal drugs, illegal drugs and alcohol affects millions of people in India. The costs of addiction are economic, psychological, and physical, not only to the individual but to society as a whole. Substance abuse destroys individuals and their familial relationships.

This research paper analyzes reason and cause of substance abuse with reference to the prevalence of drug abuse in India. It also talks about the impact of drug abuse on the society, families and on our healthcare system as well. This research paper also explains in detail the laws related to drug abuse in India.

I. BACKGROUND STUDY

‘Substance abuse refers to the harmful use of illegal substances, including, alcohol and banned drugs. Psychoactive substance use can lead to a syndrome known as dependence on its use, using it despite knowing its harmful consequences, increased tolerance, and sometimes a physical withdrawal state. Cannabis, heroin, and drugs produced in India are the most frequently abused drugs in India. Cannabis products are used across the country because it has some amount of religious belief because of its relationship with some Hindu gods.’²

Why do people use substances

As indicated by the reports given by the World BANK, for destitute individual’s medications and liquor use are the significant reasons for indigence. For most people drug use is just a way of altering consciousness. They spend their money on liquor and medication to forget about their tragedies, to reduce psychological distress and enhance their identities. When administered in limited quantities the medications go about as an energizer (speeding them up), however, a bigger amount has narcotic properties.

For adolescents and youths, it usually starts as recreational activity for having fun, relaxing and

¹ Author is a student, India.

² https://www.who.int/topics/substance_abuse/en/

partying. They act as an entryway to get away from their increment imagination, however the fact of the matter is a long way from it. The prompt 'high' felt after the medications are utilized break the individual into a misguided feeling of bliss and carelessness, when they come back to reality, they want to utilize the psyche changing substances again as they can't adapt to their actual sentiments.

II. CAUSES OF SUBSTANCE ABUSE

Drug misuse is a major problem, which has numerous social, natural and financial perspectives. No parental love and care in present day families where the two guardians are working, decreases virtues and so forth leads to a sentiment of disappointment, outrage prompting an ascent in the quantity of drug addicts who consume drug to get away from hard real factors of life. For the vast majority, drug use is simply one more method of modifying their perception. It gives a feeling of having a place with a gathering or religion. Life can be hard for some youngsters as they battle to strike out their personalities and handle the weight of youth. The brain modifying impact of drugs likewise fills a more profound need, for example, helping an individual to acknowledge their personality, diminishing mental pain or evacuating a feeling of depression.

Medication use additionally relies on the individual's character and his prompt condition.

III. RELEVANCE OF DRUG ABUSE IN INDIA

As indicated by a study directed by the National Drug Dependence T 11 treatment Centre at AIIMS in New Delhi a critical number of individuals in India utilize prohibited substances. Aside from tobacco (which was not the focal point of the study), Alcohol is the most widely recognized substance utilized in India. After liquor, Cannabis and Opioids are the two next utilized substances in India. A very high number of people utilize different classifications of substances like Sedatives and Inhalants. Cocaine, Amphetamine Type Stimulants and Hallucinogens are utilized by a relatively smaller part of the nation's population.

IV. IMPACT OF DRUG ABUSE ON SOCIETY

Drug misuse has a very destructive effect on the public. It also prompts an increase in the crime percentage. To afford their medications, the addicts could carry out violations. The psychedelic effect of the medications reduces restraint and hinders judgment. Thus, making one carry out wrongdoings like prodding, conflicts, attack and hasty killings. Aside from causing money related issues, drug use compulsion expands conflicts and causes torment for everyone's family. Most medication clients belong to the age group of 18-35 years. The impact of

medications to the physical, mental, and scholarly development of the adolescent is amazingly high. The individuals who misuse drugs are bound to participate in hazardous practices as compared to the non-sedate ones.

How drug abusers impact families

The people closest to a drug addict are the most affected. Children with one or more parent using banned substances are more likely to lose their innocence and take on the responsibility of the parental role. These children usually lack necessities, have almost no health care including house. Families with at least one drug-addicted parent are much more prone to end up homeless or in poverty.

The effects of substance use go beyond the nuclear family. Extended family, too, may experience feelings like abandonment, anxiety, guilt, embarrassment, fear, anger and guilt. They might want to ignore or cut ties with the person abusing substances and their immediate family.

Moreover, the effects of drug abuse may continue for generations. ‘Intergenerational effects’ of drug abuse might leave a negative impression on role modelling, concept of normal acceptable behaviour and trust. This damages relationships for generations. For example, a child with a parent who uses banned substances may grow up to be an overprotective and controlling parent who does not allow his or her children sufficient freedom.

People who are caught in the web of drugs often find themselves increasingly isolated from their close ones and family. Often, they would rather be around people who abuse drugs or participate in some other form of antisocial activity. These associates positively reinforce and support each other’s behavior.

Strain of drug addiction at work

Drug addiction leads to decreased productivity at work. To accommodate decreases in productivity, co-workers of drug-addicted people try to take on additional responsibilities. They also work for a longer period to compensate for the drug addicted individuals. This lowers the morale of the co-workers. An individual working while under the influence of drugs is at higher risk of workplace related injury. The person under the influence has poor decision-making skills and faces a significant loss of efficiency. There is an increased likelihood of getting into trouble and arguments with co-workers or supervisors. Even while at work, their mind remains on the thought of obtaining and using substances. This interferes with focus, attention and duration of concentration.

As per NCADI measurements, liquor and medication clients:

- Are altogether less profitable.
- Use up to as much as three-fold the number of days off.
- Are bound to harm another person or even more critically themselves.

Strain on healthcare system

Addiction is a chronic disease in India. If one adds up the annual accumulated costs of treatment for all brain-related diseases and double, it; that's nearly the amount spent on addiction each year.

Along with lost wages and a loss in productivity, people abusing drugs are an enormous financial burden on society and on the economy overall. Services for prevention and treatment of substance misuse and substance use has been traditionally segregated from other mental and healthcare related services. This is simply because, substance misuse has been seen as a social stigma or criminal problem and hence, the services that offered prevention, are not considered typically a responsibility of the healthcare system. People who need care for substance use disorders have access to only a very limited range of treatments that are often not covered by insurance policies.

V. LAWS RELATED TO DRUG ABUSE

(A) Narcotic Drugs and Psychotropic Substances Act

'The Narcotic Drugs and Psychotropic Substances Bill, 1985 was introduced on 23 August 1985 in the Lok Sabha. It was passed by the Parliament, and it was approved by the President on 16 September 1985. It came into existence on 14 November 1985 as THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 (shortened to NDPS Act). Under the NDPS Act, it is against the law for a person to store, produce, sell, cultivate, possess, purchase, transport, manufacture, and/or consume any narcotic drug or banned substance.

The Narcotics Control Bureau was set up on March 1986 based on one of the provisions of the act. The Act is designed to honour India's treaty under the Single Convention on Narcotic Drugs, Convention on Psychotropic Substances, and United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The Act has been changed three times - in 1988, 2001, and most recently in 2014.³

³ Wikipedia- Narcotic_Drugs_and_Psychotropic_Substances_Act,_1985

The 2014 Amendment identifies that one of the most important obligations of the government is to reduce the pain. This amendment created a category of medicines which are called “Essential Narcotic Drugs (ENDs)”. Power regarding ENDs has been shifted to the central government from the state government from the state governments. This helps in standardization so that there is a common law for the medicines required for pain relief across the nation. Therefore, the laws are uniformly applicable to state and centre.

It includes six drugs - Morphine, Fentanyl, Methadone, Oxycodone, Codeine and Hydrocodone. According to these rules, for the purpose of stocking and dispensing ENDS without the need for any special licenses the approval can be given by only one agency which is the state drug controller.

Narcotic division of India

“In India the Narcotic Control Bureau is responsible to reduce the use of banned substances and also drug trafficking. For the full implementation of the Narcotic Drugs and Psychotropic Substance Act 1985 and fight its breach through the Prevention of illegal Trafficking in Narcotic Drugs and Psychotropic Substances Act on 17 March 1986 The Narcotics Control Bureau was established.”⁴

‘The main purpose of the Narcotics Control Bureau is to fight drug trafficking on a national level. It works closely with various government organisations for example- State Police Department, the Customs and Central Excise/GST, Central Economic Intelligence Bureau (CEIB), Central Bureau of Investigation and other Indian intelligence and law enforcement agencies- both at national level and state level. Resources and training to the officials of India's Drug Law Enforcement Agencies to fight drug trafficking is also provided by the NCB. The NCB also monitors the borders of the country to track down points where foreign traffickers are suspected to be undertaking smuggling activities.’⁵

The NCB arrested the country's very first ‘darknet’ narcotics operative under the Narcotic Drugs and Psychotropic Substances Act. It was part of a global operation called the ‘Operation Trance’, launched in December 2019. This was a joint intelligence-gathering operation on international postal service, express mail and courier shipments that contained psychotropic drugs. These are drugs that can only be purchased on a doctor's prescription, mostly sedatives and painkillers that were abused on a large scale.

⁴ Wikipedia-NARCOTICS CONTROL BUREAU

⁵ https://en.wikipedia.org/wiki/Narcotics_Control_Bureau

VI. NEXUS BETWEEN DRUG ADDICTION AND CRIMINALITY

Addiction and drug related crimes are India's harsh reality leading to social problems. Drug addiction and crimes are very closely related. Very often we hear about the correlation between cases of domestic violence and alcohol abuse/ addiction.

Various crimes committed under the influence

1. Robbery-Many urban areas across India have seen a consistent increment in thefts and property related wrongdoings. The greater part of these thefts has been connected to drug misuse. Drugs can heighten an individual's inclination of frantiness and cause them to commit such wrongdoings. Burglary, like vehicle robbery, and theft are regular violations submitted.
2. Sexual Assault-Variety analysts have discovered that an expected 37% of rapes and assaulted are submitted by guilty parties were impaired due to overdose of drugs.
3. Child Abuse-Research considers have indicated a connection between guardians who misuse liquor and the danger of child abuse. Approximately four of every ten youngster abusers have confessed to being affected by liquor during the hour of the offense. Youngsters who are misled at a youthful age have an expanded danger of creating social and physical issues as they get elder
4. There is a noteworthy ascent in sorted out wrongdoing. Unlawful drug exchanges cause honest individuals to be maneuverer into this degrading form of life.

VII. CURRENT SCENARIO

Medication Abusers as casualties of the Criminal Justice System the NCRB measurements of 2019 show that more than 50,000 cases are charge sheeted every year by the police before the finish of the year.⁶ The jail insights of 2019 show that 7227 were guilty under NDPS cases all over India and 15959 individuals under preliminaries under NDPS cases in the detainment facilities across the nation.

These numbers themselves reflect the congestion in penitentiaries of instances of NDPS and the quantity of cases managed by the police. In India, the NDPS Act, 1985 condemns the medication abuser. Even a seemingly harmless wrongdoing is considered an offense towards oneself.

The NDPS Act,1985 was planned to diminish the creation, production and use of substances that are prohibited by the government. A wide range of opiate drugs and psychotropic

substances which are utilized, other than for clinical reasons, are precluded under this law (NDPS, 1985).

VIII. CASE LAW

(A) Avinashkumar Bhasin vs Air India on 22 March, 2001

‘The enquiry was conducted. The petitioner personally appeared before the Enquiry Committee and made his submissions. He informed the committee that the incident had taken place while he was visiting 95, Gunterstone Road with a friend of his. There was two other people at this address. Loud music was being played. The landlord came in and asked the tenant to lower the music. After about half an hour police came in. They were taken to Fulham Police Station. They were informed that a butt of a cigarette was found in the ash tray. The butt contained 195 mgs. of cannabis. The petitioner and others were told that they were smoking those cigarettes. The petitioner denied this allegation. He pointed out that only one pound sterling was found on his person. Nothing relating to the said **drug** was found. The police **harassed** and **abused** the petitioner. They insisted that the petitioner was smoking that butt of cigarette. He was not allowed to go for medical test. No legal help was given to him. The police went to his room in Sheraton Heathrow Hotel. They could only get 200 pound starlings. After the police returned from Sheraton Heathrow Hotel, they told him that if he did not plead guilty, he would be locked up for days. He was compelled to plead guilty and get over the matter as quickly as possible. It is in these circumstances that he pleaded guilty, though he was not concerned with the offence.⁶’

The penalties for various offences under the NDPS Act are as follows: (table 1)

Offences	Penalty	Sections of the Act
production of opium, cannabis or coca plants without license	Heavy imprisonment-up to 10 years + fine up to Rs.1 lakh	Opium - 18(c) Cannabis - 20 Coca-16
Embezzlement of opium by a licensed farmer	Heavy imprisonment -10 to 20 years + fine Rs. 1 to 2 lakhs (regardless of the quantity)	19
Production,	Small quantity – heavy	Prepared opium-17 Opium –

⁶ Avinashkumar Bhasin vs Air India on 22 March, 2001

manufacture, possession, sale, purchase, transport, import inter- state, export inter-state or use of drugs and banned substances	imprisonment up to 6 months or fine up to Rs. 10,000 or both. More than small quantity but less than commercial quantity – heavy imprisonment. up to 10 years + fine up to Rs. 1 Lakhs. Commercial quantity – heavy imprisonment 10 to 20 years + fine Rs. 1 to 2 Lakhs	18 Cannabis - 20 Manufactured drugs or their preparations-21 Psychotropic substances -22
Import, export or transshipment of drugs and banned substances	Same as above	23
External dealings in NDPS-i.e. controlling trade or engaging in whereby drugs are obtained from outside India and supplied to a person outside India	Heavy imprisonment 10 to 20 years + fine of Rs. 1 to 2 lakhs (Regardless of the quantity)	24
Knowingly allowing one's property to be used for committing an offence	Same as for the offence	25
Breach pertaining to banned substances	Heavy imprisonment up to 10 years + fine Rs. 1 to 2 lakhs	25A
Financing traffic and saving offenders	Heavy imprisonment 10 to 20 years + fine Rs. 1 to 2 lakhs	27A
Attempts, abetment and criminal	Same as for the offence	Attempts-28 Abetment and criminal conspiracy – 29

conspiracy		
Preparation to commit an offence	Half the punishment for the offence	30
Repeat offence	One and half times the punishment for the offence. Death penalty in some cases.	31 Death - 31A
Consumption of banned substances	Cocaine, morphine, heroin - Rigorous imprisonment up to 1 year or fine up to Rs. 20,000 or both. Other drugs- Imprisonment up to 6 months or fine up to Rs. 10,000 or both. Addicts volunteering for treatment enjoy immunity from prosecution	27 Immunity - 64A
Punishment for violations not elsewhere specified	Imprisonment up to six months or fine or both	32

IX. CONCLUSION

While there are multiple laws in place to check and control drug abuse, in the current scenario, rehabilitation should be our primary focus. A lack of easily accessible and well equipped rehabilitation centers will lead to recovered addicts to go back to their maladaptive ways. Vocational courses and skill development in these centers are very crucial so that the reformed addicts can stay away from a life of crime and drugs and earn a respectful living. Also it is important to raise awareness about the ill effects of substance use, especially among the youth, so that the issue can be nipped in the bud. Stemming the stigma that follows recovered drug users is equally important so that they can assimilate into society and lead full lives.

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