

**INTERNATIONAL JOURNAL OF LAW  
MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

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**Volume 4 | Issue 2**

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**2021**

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# The Global Drug Scenario: A Comparative Study

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## ABSTRACT

*Drugs are the new evolving trends in the world. Drug abuse not only affects them psychologically but also socially. Drugs have positive uses too, but as it is human nature, we have a habit of to turn in the direction of the damaging side of the use of drugs. Drug abuse can be painful experience for the addicted person as well as for their family. Drug abuse is a universal problem that makes specific drug users the main victims. But along with that person drugs also affect all of us. Drug abuse can be serious mental or physical problem. A drug doesn't have to be illicit to cause their effect. Drugs are substance or a combination of substances that can modify the state of your mind in a way that you cease to see the truth about what is happening with your life. Drug addiction is a growing problem in all over the world it effects not only health and relationships but also society and the environment. However, Youth are mostly more vulnerable towards the drug abuse, as they are at a phase in life where their actions are being shaped and they easily influenced by others who may be involved in the use of drugs. To control the drug addiction problems as well as illegal drug trafficking the Government of India has brought out a National Policy on Narcotic Drugs and Psychotropic Substances (NDPS) to serve as a guide to various Ministries/Departments, State Governments, International Organizations, NGOs, etc. and re-assert India's commitment to combat the drug menace in a holistic manner. In this paper I have classified the problem faced by the drugs in national as well as in international and also discussed the treaties and program introduced in global level for control of the drug menace in world.*

## I. INTRODUCTION

India's response to drugs flows along an extraordinary spectrum of tradition and modernity; of widespread availability and stringent enforcement; of tolerance and prohibition; of production for medical use to lack of medical access to opiates. India's long history of cannabis and opium use is referenced extensively in policy analysis. Being a country with significant volumes of licit and illicit drug cultivation, a transit route as well as a consumer market, India's drug policy

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dilemmas span ‘demand’ and ‘supply’ control. Its large chemical and pharmaceutical industry draws the country into deliberations on the illicit manufacture of drugs and precursor control as well as the nonmedical use of prescription drugs. While India’s harsh drug control laws (in particular the criminalization of drug use and the imposition of the death penalty for certain drug offences) conform strictly to prohibition, its regulated opium cultivation industry provides insights for countries that are experimenting with alternatives to prohibition.<sup>2</sup> India is a signatory to the three UN Conventions, namely, Convention on Narcotic Drugs, 1961, Convention on Psychotropic Substances, 1971, Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, which have had a great influence upon the Indian legal provisions to curb the abuse and misuse of drugs. India has been a signatory to the UN Conventions and has also drawn notable legislation on the basis of the provisions of these Conventions. One of the most important legislations amongst them is the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. The Ministry of Social Justice and Empowerment has taken great measures to effectively implement schemes for the Prohibition and Drug Abuse Prevention. The Narcotics Control Bureau under the Ministry of Home Affairs has been rendering aid, assisting both Central and State Governments with regards to curbing the menace.<sup>3</sup>

## **II. CONSTITUTIONAL FRAMEWORK AND DRUG POLICY**

For the purpose of drug demand reduction, the Policy lists out the roles of various Ministries/Departments which include conducting National Survey on Drug Abuse, training of doctors in Government Hospitals in de-addiction, supporting other hospitals in setting up de-addiction and treatment facilities, establishing separate facilities for female patients, developing minimum standards of care to be followed by de-addiction centers, inclusion of rehabilitation and social reintegration programmes for victims of drug abuse in all Government run treatment centers etc. The Policy also noted that several de-addiction centers have come up in the private sector and states that the Central Government shall lay down standards and guidelines for these de-addiction centers to follow and shall recognize such centers as are found to be meeting the standards and guidelines.<sup>4</sup> However, when the constitution was approved, all laws came under the preview of the constitution and some difficulties were faced by the anti-drugs laws on the grounds that they were against the freedom of trade and occupation of

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<sup>2</sup> International drug policy consortium, Drug policy in India, Tripti Tandon (Deputy Director, Lawyers Collective), briefing paper, February 2015, page 1.

<sup>3</sup> Indian institute of legal studies, Drug Abuse and Constitution of India, <https://www.iilsindia.com/blogs/>

<sup>4</sup> Scheme of National Action Plan for Drug Demand Reduction, Government of India Ministry of Social Justice and Empowerment, (Revised w.e.f 01-04-2020), Page 4.

the cultivators. And some cases where incompetent as the courts took the support of India's international anti-drugs obligations to justify the restrictions. The prohibition becomes more stringed when courts and legislature started backing the article 47 of the constitution of Indian to control the use of drugs. Article 47 of the Constitution provides that "The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."<sup>5</sup>

### **III. HUMAN RIGHTS AND DRUG POLICY**

Human rights should not just inform critiques of the response to drugs worldwide, they should also be the main drivers of its reform, underpinning checks and balances to break cycles of abuse.<sup>6</sup> The International Guidelines on Human Rights and Drug Policy introduces a comprehensive catalogue of human rights standards. Grounded in decades of evidence, they are a guide for governments to develop human rights compliant drug policies, covering the spectrum of cultivation to consumption. Harnessing the universal nature of human rights, the document covers a range of policy areas from development to criminal justice to public health. The guidelines come at an important moment when high-level government representatives are convening at the Commission on Narcotic Drugs to shape a new global strategy on drugs. Under the mounting weight of evidence that shows the systemic failures of the dominant punitive paradigm, including widespread human rights violations, governments are facing growing calls to shift course.<sup>7</sup> Beyond affecting away from a punitive approach to drugs, the Procedures make clear that a human rights approach is critical in enlightening peoples' enjoyment of the right to health, to live free from torture, and to an adequate standard of living. In accordance with their right to health obligations States should ensure the availability and accessibility of harm reduction services which should be effectively funded, appropriate for the needs of vulnerable groups and be humble of human dignity.

Human rights abuses connected to drug enforcement laws, policies and practices for more than an era. In which we have found that some governments have justified an extensive range of thoughtful human rights abuses in the name of fighting a "war on drugs." Like Death Penalties- To implement drug enforcement policies it has regularly killed people. This was most intensely

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<sup>5</sup> Scheme of National Action Plan for Drug Demand Reduction, Government of India Ministry of Social Justice and Empowerment, (Revised w.e.f 01-04-2020), Page 3.

<sup>6</sup>Julie Hannah, Director of the International Centre on Human Rights and Drug Policy, University of Essex.

<sup>7</sup> UNDP publications, Landmark international guideline launched on Human Rights and Drug Policy, March 2019, <https://www.undp.org/content/undp/en/home/news-centre/news/2019/human-rights-and-drug-policy.html>

illustrated, when the government's tried to make the country "drug free" it led to the extrajudicial assassination of people. The death penalty for drug offenses is a violation of international human rights law. But more than 30 UN member states retain the death penalty for drug law offenses, including some that require the death penalty as a mandatory sentence. Next is the Violent Abuse by police – people who use drugs are habitually subjected to violence during arrest and detention in some cases to excerpt confession. Law enforcement in many countries has depends on strategies amounting to inhuman treatment or in some cases to torture, including forcing suspects to suffer withdrawal to extract confessions and extorting money from them and many others.

#### **IV. NATIONAL AND INTERNATIONAL POLICY ON DRUG ABUSE**

Drug Addiction is a universal challenge. In all scenario, we initiate with the understanding that while the future is predictable but there are many uncertainties as well. As we know that with the coming age there is a constant increase of drug problem not only as the drug abuse or consumption but also the drug related problems which includes the crime happened under the influenced of drugs by the criminals which should be control by the policies and programs rather than only following the legal procedures strictly which not only provide the better outcome for the control of consumption but it will also control over the criminal activities done by them.

<b>NATIONAL</b>	<b>INTERNATIONAL</b>
Narcotic Control Bureau	The 1909 Shanghai Conference
Ministry of Health and Family Welfare	The 1912 Hague International Opium Convention
Ministry of Welfare	The 1925 Geneva Opium Conventions
National Mater Plan (1994)	The 1931 Geneva Narcotics Manufacturing and Distribution Limitation Convention / 1931 Bangkok Opium Smoking Agreement
Central Bureau of Narcotics	The 1936 Geneva Trafficking Convention
Directorate of Revenue Intelligence	The 1946 Lake Success Protocol
Drugs Control Administration	The 1948 Paris Protocol

National Action Plan for Drug Demand Reduction	The 1953 New York Opium Protocol
Custom Commission	Single Convention on Narcotic Drugs, 1961
	Convention on Psychotropic Substances
	Protocol Amending the Single Convention on Narcotic Drugs, 1961
	Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

**List of National and International Treaties and Conventions for Drug Control**

Drug policies is the policy, generally of a government, concerning the control and regulation of psychoactive substances (commonly referred to as drugs), particularly those that are addictive or reason of physical and mental dependence. Governments try to battle against that drug addiction or dependence with policies that address both the demand and supply of drugs, as well as policies that mitigate the harms of drug use, and for medical treatment. Demand reduction actions include voluntary treatment, rehabilitation, substitution therapy, overdose management, alternatives to incarceration for drug related minor offenses, medical prescription of drugs, awareness campaigns, community social services, and support for families. Supply side reduction involves measures such as enacting foreign policy expected to eradicating the international cultivation of plants used to make drugs and seizure of drug trafficking, fines for drug offenses, confinement for persons convicted for drug offenses. Policies that help to find out the mitigate drug use include needle syringe programs and drug substitution programs, and free facilities for testing a drug's purity. The effect of drug policies and evaluating positive outcomes, it is far more important to focus on goals and measures that aim to reduce both the harms that are a direct consequence of drug use. In addition, these policies could help to discourage or stop use in those who are already trying or consuming.

#### **(A) National Policies on Drug Abuse**

Narcotic Drugs and Psychotropic Substances have numerous medical and systematic uses. However, they can be and are also abused and trafficked. The Governments' policy has thus been to approve their use for medical and scientific purposes while preventing their diversion from licit sources, and prohibiting illicit traffic and abuse. National Drug Control Policy's mission is to diminish the demand, availability, and significances of illegal drug use. The

Narcotic Drugs and Psychotropic Substances (NDPS) Act (1985) provides the current framework for drug abuse control in the country. It replaced earlier legislations on the subject. Essentially, the Act deals with supply reduction activities. However, certain provisions for health care for drug dependent individuals exist. It authorizes the Central Government (Government of India) to take necessary measures for identification, treatment, aftercare, rehabilitation of addicts and preventive education Expert Committee in 1986 to suggest various activities.<sup>8</sup>

### **1. Narcotic Control Bureau**

The Government of India created The Narcotics Control Bureau was created in March 1986 in terms of Section 4 (3) of the Narcotic Drugs and Psychotropic Substances Act, 1985, which envisages an authority for taking measures with respect to such matters under the Act as may be specified by the Central Government, subject to the supervision and control of the Central Government. Coordination of actions by various officers, State Governments and other authorities under the principal Act, the Customs Act, 1962, the Drugs and Cosmetics Act, 1940 and any other law for the time being in force in connection with the enforcement of the principal Act. Implementation of the obligations in respect of counter-measures against illicit traffic under various international conventions.<sup>9</sup> The Narcotics Control Bureau was set up as apex drug law enforcement agency with view to harmonize actions of various central/state agencies in the matters related with drug law in the country. It authorized to organize all activities for administration and enforcement of the Act. For demand reduction activities NCB was required only to coordinate action taken by the Ministries of Health and Family Welfare, Welfare and the concerned departments.

### **2. Ministry of Health and Family Welfare**

On the basis of recommendations made by the Expert Committee in 1986 and the Cabinet Sub Committee in 1988, five centres were established by the central government. Further, with assistance from UNFDAC (UNDCP), two regional centres were also established. These seven centres carried out several activities: Treatment, with special emphasis on community-based treatment, Development of health educational material, Training of numerous medical and para-medical staff.

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<sup>8</sup> National Drug Demand Reduction, R. Ray, Page 95.

<sup>9</sup> Official website, Ministry of Home Affairs, Government of India, Role and functions of the Narcotics Control Bureau.

### **3. Ministry of Welfare**

The Ministry had encouraged establishment of counselling and de-addiction centres by funding several NGOs across the country. Further, public awareness campaigns, media publicity and community-based action for identification; treatment and rehabilitation were carried out. For awareness building, the following activities were undertaken: Audio-visual publicity, Development of print materials, Press advertisements, Out-door publicity, Distribution of materials, Publicity through traditional media.<sup>10</sup>

### **4. Custom Commission**

The main responsibilities for the customs administration are: innovation of national guidelines and customs measures; extending the possibility of customs information systems. A huge number of organized criminal groups involved in illegal drug activities are also engaged in other kinds of cross-border crime - product smuggling, economic crime, money laundering and others. They often alter the trends and customs of using our country's territory for the brief storage and transportation of illicit drugs and precursors. The customs authorities establish and carry out the actions to stop and perceive illicit trafficking in narcotic substances and precursors. Drug trafficking is a problem of national and international position, and the battle against it must be fought universally. The chief objective in the battle against drugs for the period 2013 - 2020 was to contribute to reducing the supply of illicit drugs by upsetting illegal trafficking, pull apart organized criminal groups engaged in the manufacture and drug trafficking, efficient use of the criminal justice system, effective action by law enforcement authorities taken on the basis of operational information, as well as increased sharing of working/operational information.

#### **(B) International Policies on Drug abuse**

Drug laws vary widely from country to country. Some nations hold various elements of a harm reduction approach, in which drug laws are set and evaluated with the goal of reducing the harm of drugs and drug policies. However, which have a great deal of impact on international drug laws, maintain a criminal justice rather than health-oriented approach. The history of international drug regulator gives vision into the philosophical and practical reinforcements of the three drug Conventions. Beginning in an era of morally tainted racism and colonial trade wars, prohibition-based drug control raised to international proportions at the insistence of the United States. They also continue to endorse ineffective eradication and interdiction policies in countries where drugs are produced. This sets the overall tone for global drug policy, so that

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<sup>10</sup> National Drug Demand Reduction Programmes, R. Ray, Page 97.



the international community is locked into a model that promotes lucrative illicit markets dominated by organized crime.

The current legal and administrative framework for international drug control is laid out in three international Conventions negotiated under the auspices of the United Nations (UN):

### **1. The Single Convention on Narcotic Drugs, 1961 (Single Convention) as amended by the Protocol Amending the Single Convention on Narcotic Drugs, 1961**

The Single Convention has played a central formative role in the creation of the modern prohibitionist international drug control system. It is a continuation and expansion of the legal infrastructure developed between 1909 and 1953. The process of consolidation of the existing international drug control treaties into one instrument began in 1948, but it was 1961 before a workable third draft was ready to be presented for discussion at a plenipotentiary conference. The conference began on 24 January 1961 in New York and was attended by 73 countries, each "with an agenda based on its own domestic priorities."<sup>11</sup> Furthermore, it was determined as the most "desirable" that Parties "establish adequate facilities for the operative treatment of drug addicts," but only if the country had "a serious problem of drug addiction and its economic resources [would] allow." The slight recognition of demand/harm reduction approaches, such as prevention through education, has been one of the key criticisms of the Single Convention, and international drug control treaties in general. While not as strict as originally intended by the U.S., the Single Convention Protocol constant to the excessive tradition of the international drug control regime – especially against opium – and stepped up the increasingly intense war on illicit trafficking.

### **2. The Convention on Psychotropic Substances (Psychotropic's Convention)**

In the 1960s, following the signing of the Single Convention, drug use and abuse exploded around the world, most notably in developed Western nations. The increase was especially noticeable in the pervasive use and availability of synthetic, psychotropic substances created since World War II, such as amphetamines, barbiturates, and LSD. Certain substances became essentially consumer goods, resulting in many people becoming addicted. Most of these drugs were not subject to international control, and because national systems of regulation differed widely, trafficking and smuggling flourished.

### **3. The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Trafficking Convention)**

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<sup>11</sup> The History and Development of the Leading International Drug Control Conventions, Law and Government Division, Jay Sinha, <https://sencanada.ca/content/sen/committee/371/ille/library/history-e.htm>

Numerous national and regional drug control initiatives took off in the 1970s and 1980s. In Europe, the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs – commonly known as the "Pompidou Group" – was created and facilitated drug-related discussions between the countries. As well, the Heads of National Law Enforcement Agencies (HONLEA) met regionally – in Asia and the Pacific in the 1970s and spreading to Africa, Latin America and Europe in the 1980s – to improve police and customs drug enforcement cooperation. INTERPOL expanded its operations and became "an important clearinghouse for information and a sponsor of local, regional, and global drug enforcement meetings." Amid such developments, concerns arose within the UN and among its main control-oriented members that the anti-trafficking efforts of the international drug control system were compromised by the fact that certain nations were not Parties to the

Conventions and/or did not have domestic law enforcement systems adequate to combat illicit trafficking.<sup>12</sup> The Single Convention united the organization under the UN into one key narcotics control document – a device representative the negotiations between the domestic and economic interests of predominantly Western, drug manufacturing nations. The Psychotropics Convention represented a weakening of the control structure because of the irresistible influence of European and North American pharmaceutical interests throughout negotiations. Psychotropic substances would enjoy fewer restrictions until domestic legislation and UN-initiated voluntary controls filled in the gaps. The Trafficking Convention resolutely established a system of international criminal drug control law that uses criminalization and penalization to fight against global drug trafficking.

The menace of drugs has pierced deep into the structure of our society as the consequences reach our youths and put the state's future generation in threat. And it has moved rapidly among the youth of India. It is the misfortune of our days that millions of youths, the future citizens of India, fall victims to the obsession of taking drugs. Drug abuse is a patterned consumption of a drug in which the user consumes the substance in amounts or with methods which are injurious to themselves or others. Drug abuse is defined as self-administration of a drug for nonmedical reasons, in such amount and periodicity which may impair the ability to function adequately and may result in social, physical, or emotional harm.<sup>13</sup> Increasing rate of drug addicts and alcoholics is a massive danger prevailing in our society for which the concern and solution is the need of hour. Almost all people know this but unfortunately very few among us

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<sup>12</sup> The History and Development of the Leading International Drug Control Conventions, Law and Government Division, Jay Sinha, <https://sencanada.ca/content/sen/committee/371/ille/library/history-e.htm>

<sup>13</sup> Park K (2009) Medicine and social sciences. In: Park K, eds. Textbook of Preventive and Social Medicine. 20th edition, Jabalpur: Banarsidas Bhanot, page 608- 609.

are able to recognize and understand what destruction drug addicts and alcoholics do to their families and to themselves by consuming narcotics and alcohol. They indulged in these activities thinking that they will get rid of their worries and depression. They should realize that by consuming drugs, their problems are not going to reduce but instead they are welcoming more problems. Day by day the demands of the addicted people increase due to which they need more money to fulfil them and hence engaged in various illegal activities like robberies, murders etc. People who take drugs and alcoholics lose their sense of judgment and control. Many precious lives are lost because of drug addiction.

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