



THE PROBLEM OF DRUG ABUSE IN INDIA: A SOCIO-LEGAL ANALYSIS

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ABSTRACT

In India, drug abuse and addiction is a major issue which creates other major issues and problems like unemployment, poverty, health issues, carelessness towards family etc. generally, when we discuss about a problem, we discuss the cause and the solution to the same. This research paper is a study on drug abuse in Indian perspective, discussing about the causes and solution to the problem of drug abuse in India. Drug abuse can be understood as a process of misuse of drugs in many ways, as the substance is available in many forms like cough syrups, oil paints, gasoline, paint killers, tobacco, alcohol etc. India is facing the problem of drug abuse majorly in the states of Himachal Pradesh, Punjab, Haryana, etc. causes of drug abuse can be mental, social and economic. There are various laws prevailing in the country which are specially enacted to curb the problem of drug abuse, but due to lack of implementation and strictness of the governing bodies, the problems remains the same, without reaching to any solution. The paper focuses on the problem of drug addiction, abuse in India, and also is an attempt to analyse the laws prevailing in the country in relation to drug abuse. The study is also an attempt to provide suggestions to the issue.

Keywords: drug abuse, drug addiction, socio legal

INTRODUCTION

The term addiction means, a harmful need to take any substance that will have damaging consequences on the user. A person having an addiction has to face not only physical illness but also mental illness and unsoundness of mind. Addiction is termed as a chronic disease and is one of the severe health problems faced around the world.

Dangerous and excessive intake of legal and illegal drugs is known as drug addiction, or substance – use disorder. This disorder affects the mental health of an individual and leads to various behavioural changes and mental issues. Drugs are easily available in the form of alcohol, pain killers, cough syrup, paint, gasoline, etc. People consume drug as it makes them feel good about themselves, also induces the happiness hormone called as ‘dopamine’. As they continue to use the drug, the brain starts to increase dopamine levels, and the person demands more. Drug abuse is considered as a complex issue as it deteriorate the mental and physical health of the



consumer. There are severe consequences of drug addiction. Some of them include, increase heart rate, anxiety, aggression, red eyes ,etc.

A person addicted to drug cannot resist using them and will have problems in functioning properly. They will have problem in making decisions, cannot retain information and will have poor judgements. Drug addiction or abuse, leads to commission of offenses like organised crimes, money launderings etc. To continue the constant supply of the substance, the user willingly pays a lot of money, even when they cannot afford it, leading to several crimes. Substance use and criminal behaviour are interrelated. Greater the involvement in substance abuse, more severe is the violence and criminality.^[1]

In developing countries like India, by the time they reach adolescence, the young people are already exposed to various stresses such as competition in the fields of education and employment likewise, alongside changing roles in the family and society, new-found responsibilities, and a changing identity, physically, mentally, and emotionally.⁽²⁾ According to a prevalence study, 13.1% of the people involved in substance abuse in India are below 20 years of age.⁽³⁾ A clinic-based survey revealed that 63.6% of the substance users seeking treatment were introduced to drugs at a young age when they were 15 years or younger. As the age advances, there is progressive decline in the initiation of substance use.⁽⁴⁾

There are number of reasons to make the abuse of drug as an illegal activity as it damages the physical and mental health of the user. It leads to many fatal diseases like cancer, heart attack, HIV/AIDS etc.

LEGAL FRAMEWORK OF DRUG ABUSE IN INDIA

The Indian government is constantly trying to eliminate the problem of drug abuse in the country. The government has made various laws especially for this prevailing issue. Also the government creates awareness among the general public regarding the serious consequences of drug addiction through public awareness camps.

The international treaties and conventions in which India is a signatory member are

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



Indian Constitution under Article 47⁽⁵⁾ prohibits the misuse of drugs. The article provides that the state shall endeavour to bring about prohibition of the consumption of intoxicating drinks and of drugs which are injurious to health. State shall prohibit the consumption of the intoxicated drugs and drinks which are injurious to health except its use for medical purpose.⁽⁶⁾

India is also a signatory to UN Convention relating to the subject, i.e Convention in Narcotic Drugs, 1961, Convention on Psychotropic Substance 1971, Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. In 1955, India enacted the Narcotic Drugs and Psychotropic Substance Act, 1985, to make stringent provisions for regulation control and prevention of illicit trafficking according to the international NDPS Conventions. In 2012, the National Policy of NDPS sets guidelines for control, reduction and consumption of NDPS as well as treatment, rehabilitation and social reintegration of persons. The policy's main objective and focus is on de-addiction and it outlines measures and standards for the same.

In the case of *E. Michael Raj v. Intelligence Officer, Narcotic Control Bureau*,⁽⁷⁾ the Supreme Court held that in the mixture of a narcotic drug or a psychotropic substance with one or more neutral substance/s, the quantity of the neutral substance/s is not to be taken into consideration while determining the small quantity or commercial quantity of a narcotic drug or psychotropic substance. It is only the actual content by weight of the narcotic drug which is relevant for the purposes of determining whether it would constitute small quantity or commercial quantity.

In the case of *Abdul Aziz v. State of UP*,⁽⁸⁾ the court held that if a person arrested for minor offences under the provisions of Narcotic Drugs and Psychotropic Substances Act 1985 is entitled for bail.

Section 2(a), 4(2)(d), 7A, 39, 64A, 71, 76(2)(f) and 78(2)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 provides the provisions for rehabilitation and the treatment of drug addicts.

CAUSES OF DRUG ABUSE IN INDIA

The cause of drug abuse is not known, nor is it understood why some people can abuse drugs briefly and stop without difficulty, whereas others continue using drugs despite undesirable consequences. Biological factors, such as genetics and the presence of other psychiatric disorders, may play a role, as may environmental factors, such as peer pressure, history of abuse, and stress, and developmental factors, such as the timing of drug exposure. Some factors which may cause drug abuse are social, economic and mental.

Social causes



In social causes, we discuss about all the social problems which an individual face which leads to drug addiction. A person's environment includes many different influences, from family and friends to economic status and general quality of life. Poor relationship with parents and lack of communication among families leads to drug abuse and addiction. Rejections from friends, family relationships, loss of respect and occupation are included among the problems that can cause individuals to be addicted. Various social factors such as social disorganization, peer pressures, family factors, genetic factors, emotional problems, and mental health problems have been proposed as the philosophy of drug abuse. Family plays an important and crucial role in preventing substance use in adolescents. Many family-based prevention interventions focus on psychosocial development rather than on prevention of target drug use. Parental monitoring, supervision, and improved child-parent communication act as preventive measures. Parent training, family skill building, and structured family therapy can prevent illicit drug use.^[9] Parental education alone is not effective. In an Indian study, family intervention therapy helped significantly to reduce the severity of alcohol intake, improve the motivation to stop alcohol use, and change the focus of control from external to internal in the study group.⁽¹⁰⁾

Economic causes

One of the major problems which poverty creates is drug abuse and addiction. Financial pressure worries people and it leads to addiction. As the products are easily available in the market, the sellers sell them to people in need at a very price, as the consumer; unaware of the consequences is willing to buy it even when he cannot afford it. This excess flow of money leads to poverty, crimes like robbery, snatching etc.

Mental causes

In developing countries like India, people are already exposed to various stresses such as competition in the fields of education and employment. Mental pressure at a very early age also leads to abuse of drugs. Intake of drugs relaxes the mind as it releases happiness hormone called 'dopamine'. The drug makes the individual good about himself. Gender, ethnicity, and the presence of other mental disorders may also influence risk for drug use and addiction. Factors such as peer pressure, physical and sexual abuse, early exposure to drugs, stress, and parental guidance can greatly affect a person's likelihood of drug use and addiction.

TYPES OF TREATMENT

Addiction is curable and can be effectively managed. People who are on the road to recovery from an addiction will be at risk for relapse for years and possibly for their whole lives. Research shows that combining addiction treatment medicines with behavioural therapy guarantees the best chance of achievement for most patients. Treatment methods tailored to each patient's drug



use patterns and any co-occurring medical, mental, and social problems can lead to continued recovery. Some of the treatments for drug addictions includes :

Detoxification

The process of letting the body remove the drugs in it, is known as Detoxification, or detox. Detox is a safe method to manage the withdrawal symptoms when someone stops taking drugs or alcohol. Everyone has a different experience with detox. It can take days or months to get through withdrawal symptoms for most drugs. The process of detoxification includes evaluation, stabilisation and preparing entry into treatment. Some sideeffects of detoxification include body discomfort, insomnia, mood swings, nausea, difficulty in concentrating, etc.

Contingency Management

Contingency management is used to treat wide variety of addictions like alcohol, narcotics and tobacco. Contingency management or CM therapy reinforces one's positive behaviour by giving tangible rewards. This type of treatment has been used successfully to combat relapse, according to the National Institute Of Drug Abuse.

Treatment with Medication

Medications also play an important role in treatment of addictions when combined with behavioural therapies. It reduces cravings and decrease addictive behaviour. For example, Methadone, Buprenorphine, and Naltrexone and FDA approved for the treatment of Opiate use Disorder. Also three FDA approved drugs include Naltrexone, acamprosate and disulfiram are used for treating alcohol addiction.

Therapeutic Therapies

Cognitive behaviour therapy helps recognizing unhealthy behavioural patterns of individual and helps in coping up as it identifies negative destructive and bad thoughts and replaces them with positive, objective, more realistic thoughts by using unique strategies and techniques like role playing, relaxation techniques and mental distractions.

RehabilitationCentres

Rehabilitation is a process of restoring an individual to a normal life after imprisonment or addiction through activities like therapy, training etc,. Drug rehabilitationaddressespsychological and physical aspects of drug dependency. Rehabilitation is essential for an addiction in order to bring him back to normal life by rebuilding him with help of various therapies and medication. For such treatment, there are specific centres available known as Rehabilitation Centres. These



are places where addicts are admitted and treated with care and affection by several medical professionals, nurses, caregivers, therapist and experts. In these centres, the treatment and therapies vary from individual relating to their condition, since it is very crucial to take into consideration their mental and emotional challenges and nurse treatment accordingly.

These centres encompass good habits and manners in drug addicts. They teach addicts to deal with deterioration. They provide mutual support and motivation. These centres follow strict laws and regulations.

POPULATION-LEVEL INTERVENTION: PREVENTING SUBSTANCE USE AND HARM

Apart from medication, rehabilitation centres, detoxification, there are ways through which drug addiction can be controlled among people. Some of these methods are :

Availability and Sale Restrictions

Adolescents' access to alcohol can be reduced by restricting the outlets where alcohol is sold.^[11] Restricted access to alcohol is associated with stability in the harm caused by alcohol. In India, there are some states such as Gujarat, Bihar, Manipur, Mizoram, and Nagaland and the Union Territory of Lakshadweep which prohibit the sale, purchase, and consumption of alcohol. Gujarat is the only state which awards death penalty to those found guilty of making and selling spurious liquor causing death. India also observes dry days on major religious festivals and national holidays such as Republic Day, Independence Day, and Gandhi Jayanti.^[12] On these days, sale of alcohol is prohibited and the respective state government ensures its effectiveness.

Restricting or Banning Of Advertising Substances

Many advertisements use celebrity endorsers, humour, rock music, or attractive young models, all of which have been shown to be effective with children and adolescents. Advertising makes smoking and drinking seem like normative activities and may subtly pressure teenagers to experiment. Research has revealed that advertising may be responsible for up to 30% of adolescent tobacco and alcohol use.^[13] Banning advertisement of alcohol is an effective approach to reducing and preventing problematic alcohol use and alcohol-related harm in adolescents.^[14]

Bans on tobacco advertisements are gradually being implemented worldwide, with about 12% countries reporting advertisement restrictions in 2014. These bans are consistently effective in producing an average of 7% reduction in smoking prevalence in these countries. In India, the Cigarettes and Other Tobacco Products Act, 2003^[15] under Section 5 bans the advertising of the use of cigarettes and other tobacco products.



Prevention Interventions Delivered For Family or Parents

Family plays an important and crucial role in preventing substance use. Many family-based prevention interventions focus on psychosocial development rather than on prevention of target drug use. Parental monitoring, supervision, and improved child–parent communication act as preventive measures. Parent training, family skill building and structured family therapy can prevent drug use. In an Indian study, family intervention therapy helped significantly to reduce the harshness of alcohol intake, improve the enthusiasm to stop alcohol use.

CONCLUSION

Every individual is a potential resource to the society. Article 21 of the Indian constitution guarantees right to life, which means right to quality of life while Article 14 guarantees law is equal to all and equality before law. Indian laws are designed to act as deterrent and punitive functions to curb the menace and consumption of prohibited drugs and substance; they are to an extent biased against taking a reformative stance. Efforts need to be emphasised on the reformative acts to expand on the opportunity to improvise the lives and social reintegration of life for addicts. Awareness initiatives need to be intensified in education institutions and communities to condition the youth to dissuade them from engaging in self- destructive habits. A positive culture is essential to curb drug addiction menace while removing stigma and negative social behaviour towards drug addicts which only threaten to push them back into re-addiction. Most importantly, India need to awaken to address the issue of its youth engaging and indulging in such destructive habits being negatively influences by media, peers and the need to fit in.

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