

**DE JURE NEXUS LAW JOURNAL**

Author:

Bhavya Vijaya Lakshmi

Symbiosis Law School, Noida

2<sup>nd</sup> Year, BBA; LL.B.

**DRUG ABUSE AND CRIMES****Abstract**

*Law and order of a country is such formulated, so as to reduce the number of crimes and grant justified punishment to the convicted defaulters or criminals. The background behind a crime is extremely important to decide for the case. This research article focuses on the Drug Abuse and crimes around it. one of the most unfortunate yet common addictions that affect millions today is drug addiction. Also referred to as substance use disorder, it is the addiction to substances that harms neurological functioning and a person's behavior. The research article provides relevant information on this topic. It would also throw light on the psychology of a drug abuse victim and the various precedent for the same. Here, I have researched about how the drug culture is instigated in young minds by various social and media factors. It is a global issue which comes in hand with a number of crimes including smuggling, drug racket, child trafficking, human abuse etc. It shows how going with the trend becomes a hazard on a person's life. It is in fact a gross violation of law and a grave offence. Drug consumption is ban in several countries and several legal statues acknowledge the same.*

**Introduction**

It is said that, excess of anything is harmful. According to the national institute on drug abuse, when people first start using drugs, they perceive what seems to be positive effects. Initially they think that they can control their intake but the drugs can quickly take over them. over time, if drug use still continues, the other activities that the person found pleasurable becomes mundane and the person has to take the drug regularly in order to feel normal. Thus, the person gets addicted. Addiction refers to the harmful need to consume substances that have damaging

consequences on the user. Addiction affects not just the body but also on the person's mental health and soundness of mind. It is one of the most severe health problems faced around the world and is termed as a chronic disease. A widespread disorder ranges from drugs, alcohol, gambling etc. Drug abuse is defined as the misuse of any sort of drug or substance, in a way that disbalances a body's equilibrium. It does not only include medicated drugs, but also commonly found substance like whitener, syrups, gasoline, ointments, glue etc. Drug abuse is certainly one of the few problems which disturb not only the deprived and poor section of the society, but also the upper strata if the society. It is not just a third world country issue. Developed and developing countries are badly affected as well. The only difference is the quality and type of drug used. Whitener, alcohol, soft and hard drugs and tobacco are common among street dwellers and working children. Drugs were classified in four categories such as:

- (i) Stimulated (drug which speed up the central nervous system)
- (ii) Depressants (drugs which slow down the function of the central nervous system)
- (iii) Hallucinogens (drug that distort the senses)
- (iv) Deliriums (as anesthetics have effect upon both mind and body)

### **Drug Abuse- A Universal Problem**

Different countries undertake different measures to control drug consumption. While some believe that the consumption of any substance should be a matter of an individual's right, the other strictly condemn substance abuse based on various social, moral and health factors. There are countries which have stringent laws regarding drug consumption and smuggling. In Malaysia, the prescribed punishment for selling drugs is death. Even the possession of it can lead the culprit to jail or being deported, along with heavy fine. China being a communist country, forces drug addicts to attend the drug rehabilitation center and in some cases, the culprit is executed. On the other hand, some countries formulate the drug laws based on the concept of demand and supply and the quantity limit is fixed. In Vietnam, if a person is caught with more than 1.3 pounds of heroin, he/she will be executed. In Indonesia, if a person is caught with marijuana, they can get up to twenty years of jail. Other drugs carry jail terms of up to twelve years, and the sale of drugs is punishable by death.<sup>1</sup> An assessment of Indian laws versus

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<sup>1</sup> Available at <https://drugabuse.com/blog/the-20-countries-with-the-harshes-t-drug-laws-in-the-world/>. (Accessed On 27<sup>th</sup> July 2021)

European, American, and Middle Eastern regarding punishment of marijuana users, pushers and sellers depict startling differences. For example, possession of even small amounts of marijuana in several countries invites life imprisonment and even death, while other countries have graded penalties which are different for pushers and users and also distinguish between the type and quantities of the illicit substances. In the US, some states have legalized marijuana, while others make possession of even small amounts a crime. other than the laws of a nation, the United Nations have formulated UNODC in 1997, as a UN drug control program and the center for crime prevention. Their objective is to prevent the use of drugs and providing consequent care and habitation to the victims. They release the UN Drug Report of the world.<sup>2</sup>

### **Drug Supply and Market**

The most widely cultivated drug crop continues to be cannabis, which was reported by 129 countries over the period 2014-2020, far more than the 49 countries that reported opium poppy cultivation and the 7 countries reported coca cultivation. Leaving aside the disparity in their respective numbers of cultivating countries, opium poppy cultivation has been decreasing in the past year while coca cultivation has been rising. Cannabis also continues to be the most trafficked drug worldwide, while there has been a large increase in seizures of synthetic drugs. Although there were 234 substances under international control in 2014 (244 in January 2016), the bulk of trafficking (based on reported drug seizures, which reflect both law enforcement activity and drug flows) was concentrated on a far smaller number of substances. Cannabis in its various forms was intercepted in 95 percent of reporting countries and accounted for over half of the 2.2 million drug seizure cases reported to the United Nations office on Drugs and Crime (UNODC), followed by ATS, opioids and coca-related substances.

### **Issue of Drug Abuse in India**

Particularly for India, the problem of use and abuse of drugs is not new. The British East India Company used to export opium from Bengal, Malwa, and Benaras region to China as long back as the 1800s. The Chinese government, to fight the problem of opium addiction and abuse passed addicts, banned the export of opium to China. As a result, the opium War took place, and the British imposed their wishes on the Great Asian Dynasty in the name of free trade.

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<sup>2</sup> Available at <https://in.one.un.org/who-we-are/unodc-india/>  
(Accessed On 27<sup>th</sup> July 2021)

India's response to the problem of drug abuse flows on different currents of traditional and modern society. There is widespread availability, but also stringent enforcement of anti-drugs policies. We tolerate the use of drugs and also prohibit it. We produce drugs for medical use, but there is a lack of medical aid for opium addicts. India's drug policies are based on the supply and demand control. The country's large pharmaceutical industry is very much inclined towards the illicit manufacturing of drugs. Some parts of the country report startling rate of drug abuse making harm reduction and health vital policy considerations while the stringent drug control laws like, criminalization of drug use and capital punishment in some cases, conform strictly to the prohibitions that are in place.<sup>3</sup>

The statutory provisions for drug consumption in India are governed by a number of Central and State enactments. The Principal Central Act, namely, the opium Act, 1857, the opium Act 1878, Dangerous Drug Act, 1930, the Drug and Cosmetic Act 1940, Article 47 of the Constitution of India 1950, the NDPS Act 1985, the PITNDPS Act, 1988, and two International Convention on Narcotic Drug and Psychotropic Substances 1961 and 1971 of which India is signatory. Under the NDPS Act, it is illegal for a person to produce, cultivate, possess, sell, purchase, transport, store or consume any narcotic drug or psychotropic substance. Article 47 of the Indian constitution says- *"Duty of the State to raise the level of nutrition and the standard of living and to improve public health 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 endeavor to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."* India is also one of the signatories of the United Nation's International Conventions, and thus has the onus to act in order to eliminate the use of illicit drugs, to develop measures to prevent drug use and to ensure availability of treatment for people with drug use disorders. India has adopted the three-pronged strategies - supply, demand and harm reduction. The Drugs and Cosmetics Act, 1940 is an act of the Parliament of India which regulates the import, manufacture and distribution of drugs in India. The primary objective of the act is to ensure that the drugs and cosmetics sold in India are safe, effective and conform to state quality standards. over the last three decades, there has been a substantial expansion of services in all dimensions. The Ministry of Social Justice and Empowerment published the draft policy of the drug demand reduction, the National Drug Demand Reduction Draft Policy. And to scale up

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<sup>3</sup> Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 production, sale/purchase, transportation, interstate import/export or any other commercial activity of cannabis is punishable.

the existing services, the Ministry has rolled out the Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance Abuse and Social Defense Services. The Ministry of Social Justice had also published its five-year plan, 'National Action Plan for Drug Demand Reduction' in 2018.<sup>4</sup> Till date, there are more than four hundred NGOs, spread across the country and are functioning as the Integrated Rehabilitation Centre for Addicts. The DDAP has also extended its scope from the previous DACs to the newly formed Drug Treatment Centers (DTC). These are parts of general hospitals, where a dedicated service with dedicated staff delivers outpatient-based care for substance use disorders, and medications are dispensed free of cost.

The most recent legal case on drug possession was of an actor who was questioned by the Narcotics Control Bureau in connection with her alleged involvement in a suspected drug abuse angle in the SSR Death case, and her remand. There have been multiple instances when celebrities and sportsperson have been alleged of drug consumption. NDPS Act considers drug offenses as very grave and serious in nature and so, punishments for them are very rigid. offenses under this Act are cognizable and non-bailable.<sup>5</sup> The quantum of sentence and fine differs with the offense. For most of the offenses, the punishment relies upon the quantity of drug included – little amount, more than little however not as much as the business quantity of drugs. Commercial and small amounts are notified for each drug.<sup>6</sup>

### **Drug Culture and Crimes in Movies.**

The portrayal of drug culture and its impact on Gen Z. Bollywood films often have shown bhang or cannabis being consumed in movie songs featuring matinee idols. Popular instances are Rajesh Khanna in *Aap Ki Kasam* in 1974 and Amitabh Bachchan in *Silsila* in 1981. In 1971, Dev Anand directed *Hare Rama Hare Krishna*, a hit film about hippies and the drugs that lifestyle included, mostly weed. Incidentally, weed was banned in India in 1984. In recent years there has been an increase in movies depicting the use of drugs or alcohol. Bollywood movies glorify drug culture and have a negative impact on Gen z.<sup>7</sup> Child psychology shows how the glorification of drug addicts in a movie, gives an imprint on a child's life, making him a

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<sup>4</sup> Ministry Of Social Justice and Empowerment. Central Sector Scheme Of Assistance for Prevention Of Alcoholism and Substance (drugs) Abuse and for Social Defence Services: Guidelines. New Delhi: Government Of India; 2015

<sup>5</sup> Union Of India V Ram Samujh and Others.

<sup>6</sup> Section 18 to 32 of the NDPS Act.

<sup>7</sup> George Gerbner's cultivation theory.

damaged person for the rest of their life. The lead singer of the world's biggest rock band of the 1990's was also a lifelong heroin addict. Sadly, his drug problem only worsened as his fame grew. Unable to handle the pressures that come with success, Cobain secluded himself in his sprawling Washington estate, overdosed on heroin and then committed suicide via self-inflicted gunshot wound. Movies like *Go Goa Gone* and *Kabir Singh* glorify and present drug consumption as something depicting great honor and this false portrayal leads an imprint on young minds.

In a 2016 case of *Bachpan Bachao Andolan vs Union of India and ors*<sup>8</sup>, while deciding a PIL filed by NGo Bachpan Bachao Andolan of Nobel laureate Kailash Satyarthi, the apex court, in December 2016, issued a slew of guidelines and had asked the Centre to formulate within six months the national action plan to curb rising substance abuse cases among school children and had also ordered a national survey to gauge the extent of the menace.

### **Conclusion**

It is a common human nature to hide behind their dilemma and hold on to an easier path. This easier path holds terror for the travelers. The generation is now so vulnerable, that with slightest inconvenience, they try to lessen the pain using unnatural addictions. The anxiety leads them in this hell hole. Some are forced into it, while some just do it due to peer pressure. This further leads to an abnormal life and worse like the crimes which people commit under the toxication of a drug addiction. It is estimated that 1 in every 20 adults, or a quarter of a billion people between the ages of 15 and 64 years, used at least one drug in 2020. Roughly the equivalent of the combined populations of France, Germany, Italy and the United Kingdom, though a substantial amount, it is one that does not seem to have grown over the past four years in proportion to the global population. Nevertheless, as over 29 million people who use drugs are estimated to suffer from drug use disorders, and of those, 12 million are people who inject drugs (PWID), of whom 14.0 per cent are living with HIV, the impact of drug use in terms of its consequences on health continues to be devastating.<sup>9</sup> The United Nations oath says, "We reiterate our commitment to strengthen our efforts in addressing and countering emerging and persistent challenges and threats of all aspects of the world drug problem and we recommend the following: promote, as appropriate, the use and analysis of relevant, reliable and objective data to improve the implementation of comprehensive, integrated and balanced national drug

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<sup>8</sup>MANU/SC/1585/2016

<sup>9</sup> National Institute On Drug Abuse (NIDA), (2018)

control strategies, policies and programs and encourage the sharing of best practices and lessons learned.”<sup>10</sup> Therefore, the cause can be achieved with proper education about the adversity of consumption, strict and effective implementation of the legal provisions and a positive acknowledgment to improve the exiting addicts.



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<sup>10</sup> Available at [https://www.unodc.org/doc/wdr2016/WORLD\\_DRUG\\_REPORT\\_2016\\_web.pdf](https://www.unodc.org/doc/wdr2016/WORLD_DRUG_REPORT_2016_web.pdf) (Accessed On 27<sup>th</sup> July 2021)