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**Drugs Act and Its Impact on Society****INTRODUCTION:**

The history of drugs throws light upon the history of humanity and explores the long relationship between mankind and mind-altering substances. Use of drugs is as old as history of mankind. Just like technology which affects our day-to-day lives and is evolving, drugs follow a similar path of evolution. Today, there are thousands of new drugs which are available everywhere either legally or illegally. These drugs are used for medical purposes, recreational purposes, or to achieve effects that do not include maintaining health. Other people in society use drugs to cope up with the problems or pressures they have in their lives so as to avoid social change or when they want forget about something just for few hours so as to feel better i.e. escaping from reality or to have a dreamy state.

Despite of excessive amount of information regarding the danger of use of drugs and its effect and increased number of laws prohibiting the use of it, people still continues to consume them like their life is dependent on them which is not correct. Most people do not realize that the desire that they have to use drugs leads to changes in their body and lifestyle.

## **HISTORY:**

The popular use of drugs, like alcohol and tobacco, has caused far more death, sickness, violent crimes, financial loss, mental disabilities and other kinds of problem as compare to the use of illegal drugs combined. Many people think that problems with drugs are unique to this era only but drug use has been common since ancient times and have always been part of past and present human societies. Ancient literature is filled with references to the use of opium, datura, hemp, marijuana, mushrooms, poppies and so-on. One manifestation of the long history of drug use is that humans have used mind-altering plants since pre historic times. "Early humans discovered that eating some plants gave a feeling of relaxation, happiness, drowsiness, or peace," one scholar writes. "Some gave a feeling of increased energy, alertness, and stamina. And some caused strange sensations, terrifying visions, or a profoundly different awareness". Also, Aristotle's disciple, Theophrastus testifies the use of Datura by the ancient Greeks; and further evidence links the rights to the ingestion of a hallucinogen. The Greeks too, learned its uses. Wine was used at least from the time of the early Egyptians; narcotics from 4000 B.C and it was Babylonians, inheritors of Sumerian civilization, who, with their expanding empire, spread the knowledge of the poppy's medicinal properties. While, Medicinal use of marijuana has been dated to 2737 B.C. in China and Hemp has been used in India since time immemorial to stimulate mental ability and sexual powers. There was a time when some of newly discovered substances like morphine, laudanum, cocaine was completely unregulated and prescribed freely by physicians for a wide variety of ailments. They were available in patent medicines and sold by travelling tinkers, in drugstores, or through the mail. During the American Civil War, morphine was used freely; and wounded veterans returned home with their kits of morphine and hypodermic needles. Opium dens flourished. Napoleon's

army, returning from Egypt, introduced cannabis (hashish, marijuana) into France.

During the nineteenth century, Americans began to use drugs other than alcohol in great quantities. One popular drug was coffee. Before the Civil War, Americans who drank coffee had to buy green (unroasted) coffee beans in bulk and roast their own coffee. Then in 1865, John Arbuckle, a Pittsburgh grocer, began selling roasted coffee inside a new invention—the paper bag. His bagged coffee was an instant hit across the nation, other coffee manufacturers followed suit, and coffee use by Americans greatly increased. The use of drugs dependence in India also has long traditional and social roots. Nearly around the end of the nineteenth century, it was realized that cocaine was being used in certain parts of the States of Bengal and Bihar, the earliest record came from small town of Bihar and it was observed that cocaine was sold by some of the agencies to the people who were taking it in the prepared betel leaf (pan) and to the schoolboys in packets. Also, the habit spread to large towns such as Calcutta and others. The habit appears to have spread along the main rail routes to northern India. Alcohol also remained a very popular drug, and use of this drug during the 1800s was probably greater than during colonial America. And the three other popular drugs in those era were opium, cocaine, and marijuana. Use of these drugs was so common that nineteenth-century America has been called a “dope fiend’s paradise”

Attempts to regulate drug use were made as far back as 2240 BC. Around that year, the drinking problem was addressed in the Code of Hammurabi, where it was described as “a problem of men with too much leisure time and lazy dispositions.” Every culture has experienced drug abuse but as per historical record, laws were enacted to control the certain types of drugs.

### **TIMELINE:**

In 1920s, the growing nationalist movement became critical of the colonial government's commercially driven drug policy. Indian leaders distanced themselves from traditional use and the eradication of drugs became an avowed policy goal. Many provincial governments passed laws to restrict the consumption of opium. Cannabis was classified as an intoxicating drug and continued to be regulated through provincial excise Acts.

While 1930, the Dangerous Drugs Act was enacted and sought to extend and strengthen control over drugs derived from coca, hemp (cannabis) and poppy plants by regulating the cultivation, possession, manufacture, sale, domestic trade and external transactions through licenses and penalizing unlicensed activities. And there were no offences attached to cannabis or to drug consumption. The framework of the Dangerous Drugs Act continues to prevail in the current legislation, especially the statutory definitions for coca, opium, hemp and their derivatives, the category of "manufactured drugs" and the division of rule-making powers between the central and state governments.

Till 1930, India was largely dependent on import of the medicines until 1<sup>st</sup> World War. Then, in August 1930, the Government of India appointed a drug enquiry committee under the chairmanship of Colonel R.N. Chopra to go into the question of adulterated and substandard drugs sold in country and to recommend guidelines so as to control the menace. The drug enquiry committee submitted the report in 1931, the Government of India could not give its effect to its recommendation till 1937. Later, after passing of Government of India Act, 1935, drugs became a provincial subject and therefore Center could pass law in respect of only imports. In 1939, the Drugs Import Bill was prepared and placed for consideration before the assembly. This was not acceptable to the public and

provinces for uniform and comprehensive legislation. In central legislature this led to the introduction of the Indian Drug Bill and was passed and received the assent of Governor General in Council and became Drugs and Cosmetics Act, 1940.

Definition of Drugs is provided in the act under interpretation clause as:

1. All medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder in human beings or animals, including preparations applied on human body for the purpose of repelling insects like mosquitoes.
2. Such substance (other than food) intended to affect the structure or any other function of the human body or intended to be used for destruction of vermin or insects which cause disease in the human beings or animals.
3. All the substances intended for use as components of drug including empty gelatin capsule and,
4. Such devices intended for internal or external use in diagnosis, treatment, mitigation or prevention of disease or disorder in human beings or animals.

While, Cosmetics is defined as any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and includes any article intended for use as a component of cosmetic.

Objective of Drugs and Cosmetics Act are:-

- (i) To regulate the import, manufacture, distribution and sale of drugs & cosmetics through licensing.
- (ii) Manufacture, distribution and sale of drugs and cosmetics by qualified persons only.
- (iii) To prevent substandard in drugs, presumably for maintaining high standards of medical treatment.
- (iv) To regulate the manufacture and sale of Ayurvedic, Siddha and Unani drugs.
- (v) To establish Drugs Technical Advisory Board (DTAB) and Drugs Consultative Committees (DCC) for Allopathic and allied drugs and cosmetics.

When we gained Independence in 1947, narcotics were known to be heavily regulated commodity as “dangerous” substances, medicinal products and as well as goods subject to excise tax. This position continued till the post-independence.

With the adoption of the Indian Constitution, 1950, all the laws became subordinate to constitutional provisions. There were some challenges to the drug laws on the grounds that they were discriminatory and also, they contravened farmer’s freedom of trade and occupation. In the case of *Balley Sing v. State of Uttar Pradesh and Ors*<sup>1</sup>, in which the Allahabad High Court cites a decision of the Supreme Court of India dated 17<sup>th</sup> February, 1996, where a challenge to the Opium Acts and the Dangerous Acts on the ground of Article 14 (right to equality before law) and sub-clause (g) of clause (1) of Article 19 (right to freedom of trade and occupation) was rejected. The Courts relied on other things. The prohibitionist sentiment became further entrenched by way of Article 47 of the

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<sup>1</sup> AIR 1967.

Constitution which states: “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”. The Constitution also earmarked subjects on which Parliament or state Legislatures could make law either exclusively or concurrently. “Drugs and poisons” were placed in the concurrent list, allowing both center and states to legislate.

India is a signatory to three of United Nation’s drug conventions. Firstly, the 1961 Single Convention on Narcotic drugs, secondly, the 1971 Convention on Psychotropic Substances and the lastly the 1988 Convention against Illicit trafficking Narcotic Drugs and Psychotropic substances. The domestic legislation was enacted after almost 25 years of signing the 1961 convention when the grace period for abolishing the non-medical use of drugs expired under the 1961 Convention. The Indian Parliament passed the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) hastily, without much debate. The NDPS Act came into force on 14 November 1985, replacing the Opium Acts and the Dangerous Drugs Act. The 1940 Drugs and Cosmetics Act, 1940, however, continues to apply. It was stated that NDPS Act was enacted in order to provide adequate penalties for drug trafficking, strengthen enforcement powers, implement international conventions to which India was a party, and enforce controls over psychotropic substances. The Act was amended three times in 1989, 2001, 2014 and later in 2019. The Act covers basically three classes of substances and that are: (1) Narcotic Drugs covered under 1961 convention, (2) Psychotropic substances or those substances which are covered under the 1971 Convention, (3) “controlled substances” that are used to manufacture narcotic drugs or psychotropic substances.

Narcotic drugs include-

- (i) Coca Plant- Leaf or other derivatives including cocaine. If in any preparation 0.1% of cocaine is mixed it is also included.
- (ii) Opium- This category includes poppy straw, poppy plant, opium poppy juice, and any preparation having 0.2% morphine. Derivatives of opium include morphine, heroin, etc.
- (iii) Cannabis- Resin (Charas and Hashish), plant, fruit tops and flowering of the plant (Ganja), or any mixture of Ganja, Charas and Hashish are all included in this category. It is also important to note that cannabis leaves i.e. bhang is excluded from this category and is regulated by the state laws.

This Act lays down the procedure to be followed in case of any search, seizure and procedure for the arrest of the person in public and private places. The act also provide safeguards of information, limiting powers of arrest to designated officers, notifying a superior, etc. and at the very same time, the Act further provides norms for investigation and permissibility of evidence which are interpreted in such a manner that they are prejudicial to the cause of the accused<sup>2</sup>. It can be said that the NDPS Act is essentially a punitive and punishing statute, but it also contains a regulatory framework within itself. The Act gives power to both Central and the State Government to frame rules in relation to drug-use activities.

A supplementary act to the NDPS Act, i.e. Prevention of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Act in 1988 was introduced.

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<sup>2</sup> Raj Kumar Karwal v Union of India (1990) 2 SCC 409 and Kanhaiyalal v Union of India (2008) 4 SCC 668. In both the cases, the Indian Supreme Court, in a departure from the settled position on the law on evidence, made confessions to drug law enforcement officers admissible as evidence.



### **IMPACT ON SOCIETY:**

Today, million people suffer from an illicit drug disorder, and one in four deaths results from illicit drug use. In fact, more deaths, illnesses and disabilities are associated with drug abuse than any other preventable health condition. People suffering from drug and alcohol addiction also have a higher risk of unintentional injuries, accidents and domestic violence incidents. Every time same question arises that why so many people are attracted to drugs and the effect of recreational drug use? As we know that the use of drug was not started in this era but back in when the ancient Assyrians, who use to suck on opium lozenges, and some 2000 years ago the romans who ate hashish sweets and now many users claim that they use to be bored or be in pain, were frustrated, unable to enjoy life or when they were not able to focus on their work they used these kinds of drugs like marijuana or hashish so as to forget about the world and to concentrate on their doing for a time period. People turn to drugs in the hope of finding peace, connections or euphoria. There are many drugs which never really cure the ailment, especially if taken for social and psychological reasons and the fact that the continuous use of drugs increases the risk of addiction.

If we look at the study of our own country then in Punjab the numbers are ridiculous, nearly 75% of its youth are severely addicted to drugs, that's 3 out of every 4 children. While in Mumbai, Hyderabad and other cities and other states are quickly gaining a reputation for their drug usage; and the population in each of these cities continues to grow. Whereas, Delhi is filled with rehab centres trying to keep up with the flow of addicts. More than 500 centres across our country work together to nurse addicts back into healthy productive lifestyles but

addiction is becoming too much for India. The menace of drugs and alcohol has woven itself deep into the fabric of our society. As its effects reach towards our youth, India's future generation will have to compete with drugs like cannabis, alcohol and tobacco. More Indian youngsters struggle with addiction than ever before. Peer pressure, adolescent immaturity and irresponsible parenting is the three-headed monster luring our children towards addiction and a life of suffering and regret.

A very common question is being going around as how our youth is becoming addicted to these kinds of drugs or how come adolescent children are facing problems as they are not earning or not facing the outside world and society questions these kids having problems like depression and solution to these problems is firstly, listening actively to them which the society doesn't because of their age assuming that they don't know have enough knowledge, secondly, there is a needs to put an effort to prevent drug and alcohol addiction like De-Addiction Centres, Rehabs where they can get help, thirdly, family, friends or the people who are close should be attentive towards the person's behavioral or physical change and understanding is what is really needed. And lastly, negative thought into something re-creative activities that would help to keep themselves busy.

Even in Bollywood we can find such examples like movies that are made they stimulate the young mind's natural curiosity to experiment with drugs. There are many films which openly show scenes of consumption of alcohol and drugs as a part of everyday life and celebrations held. Furthermore, if one looks into the recent case of actor Sushant Singh Rajput who unfortunately passed away on 14<sup>th</sup> June, 2020 at his home Bandra, Mumbai. It was allegedly stated that the actor Rhea Chakraborty and her brother Showik Chakraborty for their role in procuring

and administering drugs to Sushant Singh Rajput. The Narcotics Control Bureau has described Rhea Chakraborty as an “active member of a drug syndicate”. And as per the reporters many actors are also part of the investigation which is going on. Through this we know that it has impacted not just the people of higher economic background but also economically weaker sections of the society.



### **CONCLUSION:**

It can be concluded that the way drugs affect our body can be determined by the nature of the drugs being consumed. Use of Drugs have both positive as well as negative outcome, depending on what kind of drug is consumed. Drugs not only leave an impact on an individual but also on our family and community as a whole. One can avoid using drugs, the best way is to try and stay busy instead of going the wrong way about thinking of using them.