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DRUG ADDICTION

AUTHORED BY - SHRADDHA MUDGAL

“Nobody maintains recovery until their new life is more fulfilling and rewarding than their old one”.

Anne Fletcher.

ABSTRACT

India has been struggling significantly in recent years with drug abuse, trafficking, consumption, and other issues. It is a multifaceted phenomenon with a number of social, cultural, biological, geographical, historical, and economic components. The conventional means of social control have become less effective as a result of industrialization, urbanization, and migratory patterns. It's important to stop drug usage from growing and becoming entrenched. India, Narcotic Drugs and Psychotropic Substances Act, (NDPS) 1985 criminalizes trafficking, storage and consumption of drugs making the drug abuser a victim to the drug and an offender against law. This paper plans to counter this by featuring the burdens of criminalization of medication abusers and weights on an elective remain of review them as survivors of medication misuse. The paper crosses the criminological hypotheses from mental to discerning decision and supports the contention with a continuous intercession model of the law authorization organizations with network, casualties and guilty parties.

KEYWORDS: Drug addiction, Drugs, Narcotics, Laws

INTRODUCTION.

Addiction to drugs is a social cunning. Opiates and other reliance-inducing drugs have been used in some form or another on the planet since prehistoric times. Additionally, trading these substances has been going on for a long time. Opiates began to be used in Western therapeutic practices in the middle of the last decade of the nineteenth century, regardless of your perspective. They were widely used both therapeutically and recreationally for their sedative, euphoric, and anticipated recuperative effects. They had long been known for the

purported positive effects due to their molecular structure.¹

Drug abuse is the use of a substance for purposes other than those prescribed by a doctor and in a quantity, frequency, or pattern that harms one's physical and mental health. The study claims that drug use not only kills a person but also harms his physical and mental health. His family and social ideals are destroyed. In India, marijuana, heroin, and opium are the most commonly abused narcotics.

Due to their widespread availability and local cultivation, they are mostly employed for cultural and traditional purposes. However, there have been reports of a rise in the abuse of prescription medications such as cough syrups with codeine and morphine, proxyvon, ephedrine, and morphine, as well as diazepam. The majority of addicts are between the ages of 15 and 35, making this the most prolific age range. Drug dealing and misuse are a global marvel, have taken on the characteristics of a scourge, influence the fiscal policies of the State, degrade the infrastructure, and are also threatening the future of the country. Opiate drugs and psychotropic substances have been viewed as one of the most incredibly awful adversaries of the people through hundreds of years, and continue to be respected so in this rational and mechanical age. *The Opium Act of 1857, the Opium Act of 1878, and the Dangerous Drugs Act of 1930* were all in place to combat illicit drug trafficking in India even during the 1950s.² However, all three of these laws have since been repealed, and the Narcotics Drugs and Psychotropic Substances Act of 1985 has taken their place.

CLASSIFICATIONS OF DRUGS

When the word "drugs" is used today, the word "intoxication" immediately springs to mind, but in Indian history, narcotics like *bhang and charas* have long been utilized for therapeutic purposes. What led to drug abuse in India when drugs were used responsibly?

The Golden Crescent, which is made up of the adjacent nations of Afghanistan, Pakistan, and Iran, holds the solution. The Golden Crescent has a monopoly on the production of drugs like opium and heroin throughout the world. A significant amount of drugs enter India over the

¹(No date) United Nations Office on Drugs and Crime. Available at: https://www.unodc.org/pdf/technical_series_1998-01-01_1.pdf (Accessed: 29 September 2023).

²Nahvizadeh, M.M. et al. (2014) A review study of substance abuse status in high school students, Isfahan, Iran, International journal of preventive medicine. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4476010/> (Accessed: 29 September 2023).

Indo-Pak Border from these three countries. In Punjab, the effects of drug usage are evident. The Golden Triangle, which is the second-largest opium producer in the world, is formed on the Eastern side by Myanmar (Burma), Thailand, and Laos. Large-scale opium (afeem) farming is practiced in all of these countries.

Drugs that are classified most commonly, **psychedelic substances** lead to mental dependence, although other drug classes can lead to both types of excessive dependence:

1. Narcotic, such as heroin, morphine, opium, synthetic drugs, etc.
2. Depressant Substances
3. Drugs Stimulants
4. Pemoline and methylphenidate
5. Cocaine

Cannabis and opium misuse are both long-standing problems in India. There are several references to the recreational use of cannabis in Indian literature, where the herb is still widely used for its psychedelic effects. The Atharva Veda, which is believed to have been written approximately 2000 BC, contains the most trustworthy mention of cannabis' psychotropic properties.

IMPACT OF DRUG ADDITCTION IN INDIAN SOCIETY.

Drug misuse has detrimental effects on not just the user but also their friends and family, various enterprises, and government resources. The ONDCP recently stated that the economic cost of drug usage to the United States in 2002 was \$180.9 billion, despite the fact that many of these impacts are indescribable.

The most noticeable repercussions of drug usage, which show themselves in drug users, are disease, poor health, and eventually death. The transmission of diseases transmitted via needles, such as hepatitis and HIV/AIDS, through the use of injectable drugs is very harmful to the health of drug users. According to NSDUH data, approximately 3.5 million adults 18 and older reported to injecting an illegal substance at some point in their lives in 2004. 14 percent (498,000) of these persons were under the age of 26.

When a child's parents or guardians produce illegal narcotics like methamphetamine, the risk to the child is significantly higher. Utilizing dangerous substances like hydraulic acid, iodine, and anhydrous ammonia, methamphetamine addicts frequently manufacture the drug in their own houses and apartments.³ Children who live in such households frequently breathe in hazardous chemical vapors and gases, consume harmful substances, or use illegal drugs. These young people frequently test positive for methamphetamine and have both immediate and long-term health problems. In addition, since many people who make methamphetamine also abuse it, neglecting children often results in their psychological and developmental issues. According to NCLSS data, 9,895 illegal methamphetamine production facilities were shut down by American law enforcement agencies in 2004. These organizations claim that these laboratories had an impact on 2,474 youngsters.⁴

LEGAL PERSPECTIVE

The main statute used by the state to regulate the use of *narcotic drugs and psychoactive substances* is the NDPS Act of 1985. These laws were passed to control and regulate the use of particular pharmaceuticals under specific conditions. The National Drugs and Psychotropic Substances Act was enacted by the Indian government in 1985. The Act grants the government the power to set up however many Special Courts it deems necessary for the swift resolution of disputes.

The Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter referred to as the NDPS Act) was passed to codify and update the law on narcotic drugs, as well as to provide strict guidelines for the supervision and control of activities using these substances. Narcotic drugs and psychotropic substances cannot be created, manufactured, grown, owned, sold, transported, purchased, or used according to the law. The NDPS Act tries to address the issue of drug addiction as well. Drug addiction is a disorder in which a person can no longer regulate their drug use and uses them frequently, leading to addiction, which subsequently

³(No date a) Review Study of Substance Abuse Status in high school students, Isfahan ... Available at: https://www.researchgate.net/profile/Ziba-Farajzadegan/publication/277963422_A_Review_Study_of_Substance_Abuse_Status_in_High_School_Students_Isfahan_Iran/links/6162ab62ae47db4e57b8f38d/A-Review-Study-of-Substance-Abuse-Status-in-High-School-Students-Isfahan-Iran.pdf?origin=publication_detail (Accessed: 29 September 2023).

⁴(No date a) (PDF) knowledge regarding drug abuse among school students - researchgate. Available at: https://www.researchgate.net/publication/349346635_Knowledge_Regarding_Drug_Abuse_among_School_Students (Accessed: 29 September 2023).

impacts their behavior and brain.

Important Judgments related to NDPS act, 1985

A) Gujarat State v. Mahesh Laxmanbhai Patel, (2002) 4 GLR 3127.

The judge in this case acknowledged the prosecution's evidence and determined that the accused's possession of 6 grammes of brown sugar and his involvement in offences punishable by Sections 8(C) and 21 of the NDPS Act were established beyond a reasonable doubt. Additionally, it was determined that all of the NDPS Act's mandatory requirements had been met and that none of those requirements had been violated. The Court issued a sentence directive.⁵

B) Rajesh v. State of Kerala (AIR 2020 SC 721)

In this instance, the Apex Court had ruled that in addition to the restrictions imposed by Section 439 of the CrPC, the restrictions imposed by Section 37 of the NDPS Act would also apply to the use of the power to grant bail. According to Section 37 of the NDPS Act, no one may be granted a larger bail amount under the Act unless the prosecution has been given a chance to object and the court has determined that there are plausible reasons for the accused's innocence.

C) State of Punjab v. Gurdev Singh [Criminal Appeal No. 375 of 2021].⁶

The Hon'ble Supreme Court noted in this instance that drug dealers contribute significantly to the deaths of young, innocent people who are most at risk for developing a drug addiction. Therefore, in the NDPS Act case, the accused's poverty or the fact that he was the only provider for his family could not be taken into account while determining his punishment or sentence. However, under Section 32B of the NDPS Act, the amount of narcotic substance recovered would be a relevant consideration when imposing a sentence greater than 10 years. The NDPS Act was passed with the intention of regulating and controlling the usage and transit of illegal substances. The Act has been put into effect and is still accomplishing its

⁵Doshi, K. (no date) NDPS act: Important sections and landmark judgments, lawyersclubindia. Available at: <https://www.lawyersclubindia.com/articles/ndps-act-important-sections-and-landmark-judgments-14894.asp> (Accessed: 29 September 2023).

⁶(No date a) Gurdev Singh vs the state of Punjab on 6 April, 2021. Available at: <https://indiankanoon.org/doc/141599412/> (Accessed: 29 September 2023).

purpose. The introduction of the Act's regulations by the Union, State, and Local Government has been successful in bringing about a favourable shift in society. To sum up, using drugs like heroin and other comparable substances to get drunk and have fun will be bad for society and dangerous for the person. So let common reason win, and drug misuse will end.

JUDICIAL APPROACH IN DRUG ADDICTION.

The framework that must be obtained by the approval specialists with the ultimate goal of this show taking into account the truth combined with the seriousness of the offence and exhaustive order is covered in Part V of the NDPS Act. The exhibition provides some exceptional framework in regard to section, chase, seizure, and catch under the exhibition in order to ensure that drugs are not planted and in connection with the intrinsic notion of offences. These strategies seek to ensure that people are simply and accurately sought out, as well as to maintain the legitimacy and truthfulness of any verification obtained as a result of such interest.⁷

The Supreme Court of India held that the very assurance that *clause (2) of section 42* requires that where an official withholds any information under subsection (1) or records avocation for his conviction under the section (2)'s clause where an official withholds any information under *subsection (1)* or records avocation for his conviction under the clause (2)'s clause where an official withholds any information under subsection (1) or records avocation under the clause (2)'s clause. Additionally, the facts gathered will be reduced into writing so that it may be generally determined whether there are adequate justifications for conviction.

CONCLUSION.

With the illegal use of drugs, noise management, overeating, and other issues, India is now facing a serious problem. The Narcotic Drugs and Psychotropic Substances Act, 1985 is supported in this way. This Act strengthens and tightens the penalties for crimes involving sedative drugs and psychoactive substances.

However, these violations are spreading across all racial and socioeconomic groups in society. Therefore, the main goal of this examination is to determine the standard response.

⁷(No date a) The impact of drugs on society - national drug threat assessment 2006. Available at: <https://www.justice.gov/archive/ndic/pubs11/18862/impact.htm> (Accessed: 29 September 2023).

Abuse of drugs is a societal vice. Opiates and other drugs that cause dependence have been utilised in some form or another on the planet since prehistoric times. The trading of these chemicals has also been going on for a long time. Through many years, sedative drugs and psychotropic chemicals have been viewed as one of the most dreadful enemies of people, and they still are in this sophisticated and artistic era. Medication abuse and management as a general phenomenon have evolved into a pandemic that endangers not only the future of mankind but also the financial well-being of States. The illegal handling and usage of these drugs is growing alarmingly quickly. If the man's addiction to these narcotics isn't controlled, it will bring about an enormous tragedy for everyone and everything in the present and the future. Abuse has emerged as the most important problem affecting individuals, families, and society as a whole.