



LawPublicus
The Legal Portal

Volume 1 : Issue 3
2021

January 2021

Email ID: Lawpublicusportal@gmail.com
Website: www.Lawpublicus.com
Address: A18 Dayanand Colony Lajpat Nagar - 4
New Delhi

Disclaimer

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of ***LawPublicus*** The Legal Portal. The Editorial Team of ***LawPublicus*** holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of ***LawPublicus***. Though all efforts are made to ensure the accuracy and correctness of the information published, ***LawPublicus*** shall not be responsible for any errors caused due to oversight or otherwise.

FOR ***LawPublicus*** The Legal Portal

Editorial Team

Editor-in-Chief

Mr. Nikhil Kumar Chawla

Partner - LawPublicus LLP
Principal Associate Advocate – DKC & Co.
Contact: +91-9654441680
+91-9654030411
Email ID: Nikhilchawla29@gmail.com
Lawpublicusportal@gmail.com

Senior Editor

Ms. Yantakshikaa Sharma

Partner - LawPublicus LLP
Career Counsellor
Email ID: Yantakshika@gmail.com

Senior Editor (Honorary)

Mr. KS Rana

Practising Advocate
Contact: +91-9810326424
Email ID: Jyotideeprana@gmail.com

Senior Editor (Honorary)

Mr. Sandeep Sharma

Practising Advocate

Legal Consultant – Ministry of Law and Justice

Contact: +91-9899009517

Email ID: Sandeepjanmat@gmail.com

Senior Editor (Honorary)

Ms. Khushboo Malik

Research Scholar – Faculty of Law (DU)

Email ID: Malikkhushilaw@gmail.com

About Us

LawPublicus The Legal Portal is a leading journal of multidisciplinary research. It is a free, peer-reviewed, open-access journal that provides insight into diverse and dynamic legal matters.

LawPublicus is a novel initiative by legal minds. As the its name suggests, it is platform for young minds to ignite their willingness and inventiveness in order to contribute to the field of law through new ideas, opinions and thereby contributing to an informed citizenry.

We hope to provide a forum for young and enthusiastic writers to voice their feelings and research on interdisciplinary approaches. We also have in view to evaluate, explore and deliberate, under the tutelage of seasoned editors and academic experts, on current trends and projections based thereon in legal studies. LawPublicus focuses not only on the scholarly writings but also on numerous other approaches such as discussions, interviews, and debates with experts and qualified & industrial professionals.

We are determined and excited to bring authentic, creative and individual ideas and socially-related problems into attention.

LawPublicus calls for research papers, articles, short notes, book reviews & case commentaries, that are distinctive and unpublished.

With this thought, we hereby present to you

LawPublicus The Legal Portal

Drugs, Law and **Society**

Authored By:

Mr. Divyansh Prakhar Singh

1st Year B.A. LL.B Student

Lloyd Law College, Greater Noida

E-mail ID: Sinhprakhar161@gmail.com

Contact No.: +91-96965505**

Drugs, Law and Society

By: Divyansh Prakhar Singh

INTRODUCTION:

We are familiar with the two faces of coin i.e. heads and tails similarly, the world is developing from one face and getting devastated on another. Drugs play an important role in this mishap. Drugs are something which can be defined as natural or synthetic substances that are used to produce physiological effects when taken orally or through injections into a body, but in modern context drugs mean something different to each person. To some, drugs are a necessity for sustaining and prolonging life; to other drugs provide an escape from the pressure of life. The law enforcement agency is concerned with the latter type of drug, which is widely abused.

This addiction of drugs not only destroys the life of the individual but also of their family and dependents which may include unborn children. The most drug addicted age group is 18-35 years. In India the major proportion of the teens involved in the drug consumption are mainly from the states of (100,000) Uttar Pradesh, (88,000) Punjab, (86,000) Delhi [1]. In India about 7% or more people are committing suicide in which 3.3% of them were due to the influence of drug abuse.

CLASSIFICATION OF DRUGS:

Drugs are of various kinds such as alcohol, stimulants, narcotics, hallucinogens and nicotine. Their classification is based upon their chemical activity or conditions that they treat.

Classifying drugs by chemical similarities is useful because drugs that are chemically similar often have similar impacts and risks. An individual who is addicted to a drug is also more likely to abuse and become addicted to another drug if it is chemically similar. Also, the same treatment is often effective for chemically similar drugs. Despite these generalities, chemically similar drugs may have very different legal and medical impacts.

Many people classify drugs by how they impact the mind and body. For example, some drugs have a tendency to make a user active and energetic while others make an individual feel

relaxed and calm. Many of these drug classifications have little basis in chemical similarity or legal outcomes, although there is often overlap.

Most countries have a legal classification system for drugs. These systems determine the circumstances, if any, under which that drug is legal, various requirements for that drug, and any legal penalties associated with possession, distribution, or manufacture of it. Legal classifications are generally based on the perceived medical value of a drug and its perceived risk and danger.

There is a considerable disagreement about how drugs should be classified, even among experts. This means that the same drug may be classified differently under two schemes or two systems may use categories with the same name. Due to these disagreements, it's impossible to create a "definitive" set of drug classifications. However, some of the most common are listed below.

Drug Classifications Based on Chemical Makeup:

- Alcohol (e.g. Beer, Wine, Liquor)
- Opioids (e.g. Heroin, Fentanyl, Oxycodone)
- Benzodiazepines (e.g. Ativan, Valium, Xanax)
- Cannabinoids (e.g. Marijuana, Hashish)
- Barbiturates (e.g. Amytal, Luminal)

Drug Classification Based on Effects:

- Depressants (e.g. Alcohol, Opiates, Barbiturates)
- Stimulants (e.g. Adderall, Cocaine, Meth)
- Hallucinogens (LSD, PCP)
- Inhalants (Paint thinner, nail polish remover)

Drug Classification Based on Legal Definitions:

- Schedule V (e.g. Lomotil, Lyrica)
- Schedule IV (Ambien, Tramadol)
- Schedule III (Anabolic steroids, Ketamine)
- Schedule II (Codeine, Methadone)

- Schedule I (Ecstasy) [2]

DRUG ADDICTION:

Drug addiction is a state of mind in which a person loses his control on account of addiction to a drug. He develops craving for the drug, and may even resort to crime to get the drug.

In a human body the brain is wired to make a person to experience such things that makes the person feel good and relaxed. Hence, drugs are a substance which affects the brain of the addict in such a manner that the person cannot resist the urge and feel propelled to do it again and again. Drug addiction is a stage in which there is no turning back until and unless consulted with a counsellor.

Several factors make people indulge in drug addiction. Ready availability of drugs, influence of drugs using communities, uncertainty in future, poverty and frustrations are but a few factors which make people, specially youngsters to get addicted to drugs.

DRUG ABUSE:

Drug abuse is not same as drug dependence or drug addiction, drug abuse is a generic term for the abuse of any drug, including alcohol and cigarettes. It is an extreme desire to obtain, and use, increasing amounts of one or more substances.

The menace of drug abuse has become a matter of growing concern and a serious threat to our society. In the western world, there has been a phenomenal rise in the number of drug abuses. In the past this problem was not so alarming in our country. But recent studies show that there has been a perceptible rise in the number of drug abuse in India. The drug abuse problem is not however widespread, it exists in some of the metropolitan cities in India and some North-Eastern states, among youth and student communities, and also in rural areas of some states. Drug abusers normally fall into three main categories. They are:

- Those who use drugs for a specific purpose e.g. a student takes amphetamines (pep-pills) in order to keep awake for his examination, or a depressed man taking barbiturates (sleeping pills) to overcome depression through sleeping.

- Those who take drugs for “kick” or just for the “experience” or as a means of having joy and fun.
- The hard-core type or the regular ones who cannot function without the normal supply or consumption of the drugs.

DESIGNER DRUGS:

A “Designer Drugs” is a new term applied to an analogue of a controlled substance, which when produced does not come under the preview of prohibited substances. However, the drug produced has a similar effect to that of the parent drug. Analogue of Fentanyl are found in the market. For example, Fentanyl is a narcotic analgesic drug, which is several times more potent than morphine. A minor modification to the Fentanyl molecule by way of adding another molecule to the original chain can produce an analogue, which is even more potent than even Fentanyl and yet would not come under the category of controlled substances.

DRUG IDENTIFICATION:

To meet the legal requirements of the NDPS act, the forensic science laboratories are equipped with sophisticated analytical instruments for analysis of drugs and drug related substances. The laboratory analysis of narcotic drugs and psychotropic substances proceed from screening tests to more specific confirmatory tests. Following screening and confirmatory tests are normally performed.

Spots Test- These are basically field tests, which give colour reaction to drugs when tested with certain chemical reagents. Though the tests are sensitive they are not very specific. Hindustan Antibiotics Ltd., Pimpri, Pune have developed a Narcotic Drug Detection Kit to enable the investigating agencies to perform spot tests on suspected drugs.

Microcrystal Tests- It is more specific than colour tests. Here, the test is performed by adding a drop of a chemical reagent to a small quantity of the drug on a microscopic slide. After a short time, a chemical reaction takes place, producing a crystalline precipitate. The size and shape of the crystals, revealed under microscope examination, are highly characteristics of the drug.

Confirmatory Tests- There are several tests evolved, more recently, which require preliminary separation and isolation of the drug from their diluents and then testing for the isolated drug. The chromatography techniques, which include thin layer chromatography

(TLC), Gas chromatography (GC), and high performance liquid chromatography (HPLC) are excellent methods for isolation of drugs.

LAW THAT GOVERNS THE DRUG ABUSE IN INDIA:

In India the drug abuse was not properly governed, but on 23 of August, 1985, the legislature passed the Narcotic Drugs and Psychotropic Substances Act, (NDPS Act), and repealed all old antiquated laws. The act was enacted to win the battle against the drug trafficking, for this act criminalized the cultivation, trade, import, export and any local consumption of narcotic drugs and psychotropic substances. The act prohibited a person on the production/manufacturing/cultivation, possession, sale, purchasing, transport, storage, and/or consumption of any narcotic drug or psychotropic substances. [3]

The Act was amended thrice in the year of 1989, 2001 and 2014, and made the punishment much stiffer than before. According to this Act any kind of offence relating to the drug is taken as a serious issue and is considered cognizable with non-bailable offence. Moreover, the 2014 amendment mentioned a number of “essential narcotic drugs”.

In Chapter IV of the Act fine and punishment varies with the drug offence, accused for small quantities of drugs the punishment is 6 months rigorous imprisonment or fine of Rs.10,000 or both.

More than small quantity but less than commercial quantity of drugs the punishment is 10 years rigorous imprisonment or fine of Rs.1,00,000 or both and for commercial quantity of drugs the punishment is 10-20 years rigorous imprisonment or fine of Rs.2,00,000 or both. Under Chapter II of the Act there are laws imposed on the drug addicted people to cure them and improve their health by sending them in the rehabilitation centres. [4] There has been a phenomenal increase in the detection of drug related cases ever since the act has been enforced.

LEGAL BODIES OF GOVERNMENT THAT ENFORCES DRUGS REGULATIONS:

In recent years there has been an upsurge in the sale and in the consumption of drugs in India. In response to tackle this situation and to restrain the sale and consumption of drugs in India the Government is taking very active and decisive decisions.

The State Drug Regulatory Authorities of India have appointed the Drugs Controller General of India who will work under the direct supervision of the Central Drugs Standard Control Organisation and is advised by the Drug Technical Advisory Board and the Drug Consultative Committee. The Drug Controller General of India will see after matters like licenses, ensure the quality of drugs, approve new drugs and regulate clinical trials. The State also has appointed many legal bodies and committees who will seek in the matters relating to drug abuse in India.

Following are the legal bodies governing the drug abuse in the society:

- Narcotics Control Division
- Central Bureau of Narcotics (CNB)
- The Narcotic Control Bureau (NCB)
- Other Agencies-Directorate of Revenue Intelligence, Central Bureau of Investigation, Customs Commission, Border Security Force.

IMPACT OF DRUGS ON THE SOCIETY:

Drugs have impacted the society very enormously and very profoundly. It has vitiated the minds of youth and had dilapidated the foundation upon which the future of India tends to stand, but first we have to understand how the drugs have impacted the society and what are its cause:

- **Biological Influences**

- The prime and the most important factor leading to addiction is biological cause. Drugs are claimed to give high and euphoria to consumer which makes the pleasure, individual derives from normal activities like sex and eating, look small and negligible.

Neurons release neurotransmitters to communicate. Chemical structures of some drugs are similar to that of the neurotransmitters. These drugs when taken in, fiddle with the normal neural process, releasing excessive neurotransmitters which

give the individual a euphoric feeling or “feeling of high”. The immense pleasure or rapture that the consumer feels gives the urge to indulge in intake of intoxicant to another level, making the resistance to it almost impossible.

- **Socio Cultural Influences**

- Most of the time, youth have to deal with the problem of fitting in a society or getting along with their peers. The fear of being outcast from the peers or the society makes the person take drugs and gradually and steadily becomes an addict to it. Another well-known psychological factor is the thrill and rapture they enjoy by adventuring a drug.
- Youngsters often have to deal with Ups and Downs of life which does not go well with them and they resort to drugs to numb themselves from the ongoing problems in life. This makes frequent intoxication, their way of temporarily escaping reality.
- Lifestyles of the addicts or substance abusers, often appeals to the individual so much that they are oblivious to the physical and mental toll drug addiction has already taken on them. Such individuals enticed by the lifestyles and recklessness of the abusers easily fall prey to the frequent intoxication, later becoming addiction.

- **Psychological Influences**

- In tandem with biological and socio-cultural factors, psychological factors also contribute to Drug abuse. People often have to deal with trauma, such as sexual, physical or mental abuse, occurring in the early or later phase of their life. Such are the trauma, which keep gnawing at an individual's mind throughout his life, unless counselled. Thus to deal with their traumatic experience without telling anyone in their life they start to take medication which eventually leads them to addiction.
- Other psychological factors include unstable parents/parent and child relationships, failure in one's love life, failure in achieving what they desire, failure in not becoming an excel in their particular fields, not getting the utter recognition they desire, unemployment etc.

In the last three decades the Ministry of Social Justice and Empowerment has conducted two nation-wide drug surveys, published in 2004 and 2019 [5] The results of these surveys suggest

that drug use in India continues to grow unabated. Opioids use has increased more than 80 %, in these recent years approximately 2.6 crore people in India have used or use opioids and more than 60 lakh people suffer from opioid use disorder.

- Submitted by the National Drug Dependence Treatment Centre (NDDTC), the “Magnitude of Substance Use in India” report was one such to come after a gap of more than a decade.

Here are some of its findings:

Opioids (heroin, morphine, etc):

- Approximately 2.6 crore people in India have used or use opioids.
- More than 60 lakh people in India suffer from Opioid use disorders.
- The most common drug used is Heroin followed by Pharmaceutical opioids and Opium.
- Uttar Pradesh, Punjab, Haryana, Delhi, Maharashtra, Rajasthan, Andhra Pradesh, and Gujarat contribute to more than half of the people suffering from Opioid abuse.

Sedatives and Inhalant:

- Approximately 1.18 crore people use sedatives and inhalants.
- 4.6 lakh children and 18 lakh adults need help as a result of inhalant use.
- The prevalence of use is higher in children and adolescents as compared to adults.
- Uttar Pradesh, Madhya Pradesh, Maharashtra, Delhi, and Haryana have a very high child population in need for help as a result of an overdose.

Injected Drugs (Through syringes and other mediums):

- Over 8.5 lakh people inject drugs into themselves and are addicted.
- Uttar Pradesh (100,000), Punjab (88,000), Delhi (86,000) top the numbers.
- The most common drugs injected are Heroin (48%) and Buprenorphine (46%).
- 27% of people who inject drugs admit sharing their needles with other people, risking diseases like HIV.

Alcohol:

- About 14.6% of the total population of India (~ 16 crore people) are users of alcohol
- Country liquor (desi) and IMFL (Indian made foreign liquor) are predominantly consumed beverages.
- Nearly 6 crore people suffer or need help because of harmful/dependent alcohol use, i.e., one in every three alcohol users.
- Uttar Pradesh, Tripura, Punjab, Goa and Andhra Pradesh have the most prevalent alcohol use.[6]

CONCLUSION:

India today is suffering with so many health issues which includes mental and physical health, this is due to the youth wearing the blanket of drugs. There are so many steps taken by the government and the active people of the country to promote and positively aid the consequences of the drug abuse such as, in Cinema halls before the movie starts a small social video is played, also in YouTube, even many channels are working towards resolution of this serious issue by making social experimental videos so to spread the awareness in the society.

Drug is a poison, it provides short term enjoyment with long term pain. So be aware, be safe.

ENDNOTES:

[1] Statistics: Drugs and substance abuse in India | Development

[2] Drug Classifications - Addiction Centre

[3] Drug policy in India - IDHDP

[4] Death Penalty under Section 31A of NDPS Act, 1985. – The

[5] Available at

[http://socialjustice.nic.in/writereaddata/UploadFile/Magnitude_Substance_Use_India_REPO
RT](http://socialjustice.nic.in/writereaddata/UploadFile/Magnitude_Substance_Use_India_REPO_RT)

[6] Statistics: Drugs and substance abuse in India | Development

This case study is for information purpose only. Nothing contained herein shall be deemed or interpreted as providing legal or investment advice.