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Drugs, Law and Society

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Abstract: The aim of this topic is to discuss the emerging outlook on national and international drug relating including reforms that is needed to efficiently utilizing the set policies. Thus study will provide an insight of how the excessive use of drug is affecting the society, working of government agencies in raising awareness and treatment policies among the people. Topics like drug addiction and how it is linked with environment and related crimes are discussed. Under this we would essentially learn about what drug abuse actually us and how various laws can be made to mollify their effect.

Keywords: Addiction, NIDA, Psychoactive, Psychotropic, Illicit, Quasi-Legal, Trafficking, Hallucinogens, Depressants, Stimulants, Peer pressure, Co-occurring disorder, NDPS.

Introduction:

The consumption of drugs has increased rapidly in the past few years, just as the society has developed with a rapid pace. This trend encircles all age groups of people as teenagers are becoming more prone to drugs. According to the report prepared by National Institute of Drug Abuse (NIDA), it is observed that 24.6 millions of people aging 12-18 suffer from addiction² and around 11.8 million people die every year due the drug overdose³. This data is not limited to single class of individuals but it includes people from all walks of life and statuses. But one thing

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² Drugs Abuse and its Effects on Society, c2020, Bartleyby.com, <https://www.bartleyby.com>

³ H Ritchie, Drug Use, 2019, Our World in Data, <https://ourworldindata.org>.

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that is common among all is that every person has felt the negative effect of drug abuse once in their life whether it influences anyone directly or not.

Drug abuse is a very critical problem that often leads to serious health issues. Drug addiction has become a worldwide problem. There is countless number of reasons why teenagers are addicted to drugs. Lack of self confidence is considered as the primary cause of addiction.

Prevention is better than cure; it is a very common saying and also a very good option to dissuade from drug abuse. Though practically it may look impossible but as we all know that nothing is impossible as of course it is not a hallmark of moral failure or lack of will power.⁴ It is just a complex disease that can be cured through extensive treatment.

Understanding the term- Drugs:

Definition- A drug is usually a psychoactive substance which affects the way that mind or body of a person works. It can be extracted from nature, prepared in laboratories or produced in human bodies. However what counts as drug varies between historical and cultural contexts.

Concept- The goodness of natural substance has led the society to extract the desired substance from plants, minerals as these substances have medicinal and curative properties. Apart from drugs extracted from plants, it can also be prepared in laboratories. The effect of these substance vary greatly as per their use for different purposes and have the ability to change the way a person may feel or think or behave.

There are many ways to define drugs:

- a) First, drugs which are medically proven and used for clinical purpose.
- b) Second, drugs which are not medically prescribed and are considered as illegal.
- c) Third, according to their pharmacological make-up and accredited psychotropic effects.

Types of Drugs-

Drugs can be classified in terms of physical-psychoactive purpose and medico-legal purpose.

⁴ The cause and effects of Drug Addiction, 2020, Alta Mira Recovery, <https://www.altamirarecovery.com>

In terms of **medico-legal purpose** it can further be classified as:⁵

- a) **Legal Drugs**- These kinds of drugs can be sold, processed and used legally with certain restrictions.
- b) **Illegal Drugs**- These are controllable drugs and government is responsible for regulating its use.
- c) **Illicit or Quasi-Legal Drugs**- These drugs are considered as legal as well as illegal such as drugs that are not legally controlled but have certain restrictions on their sale.

In terms of **physical- psychoactive purpose**, drugs can further be classified as:

- a) **Stimulants**- Also called as **uppers** and are responsible to speed a person's central nervous system which helps the user to feel more energetic and keep them awake.
- b) **Depressants**- Also called as **downers** and are responsible to slow down the functions of central nervous system.
- c) **Hallucinogens**- These drugs are also known as **psychedelics** and are responsible to distort the user's sense organs resulting in hallucinations.
- d) Drugs are not necessarily found outside the human body. Within the body too, naturally occurring substance alter the way the body responds.⁶

Critiques of the term 'Drugs':

Drug and medicine- The term drug constitute of both aspects- socially contested and culturally context specific. Different countries use different points to distinguish between both the terms. For instance, In UK, substances which are medically proven are considered as medicine and substances which are clinically unapproved fall in the category of drugs. It has been argued that Drug and medicine relate less to their physical or social harm and more to issues of social control and regulations.

A distinction is often made between drug use and misuse where the consumption of drug is considered as inappropriate, harmful and addictive. The concept of drug is completely political one as it contains substance which society disapproves to use or abstain from using.

⁵ Key Concepts in Drugs and Society, January 13,2013, Sage Pub, <https://us.sagepub.com>

⁶ Sage Pub, January 13, 2013, Supra

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What is Drug Addiction?

Drug addiction is basically a disease which attacks on a person's brain and change its functioning. Uncontrollable desire to use drugs is one of the sign of addiction. The addicts find it hard to control the quantity of drug intake due to which they fail to carry out their day to day work efficiently. Drug addiction is also referred as **drug dependency**.

Signs of Drug Addiction:

Drug addiction is a disorder which leads an individual to consume drugs habitually. Millions of people in the world are suffering from drug addiction and this number is increasing with each passing day.

The most common signs of drug addiction are-

- a) Obsession with a particular substance
- b) Loss of control over its usage
- c) Forgetting the activities which a person used to enjoy.

It may have its impact in a long run and can cause severe diseases such as fatigue, trembling, shaking of hands, sweating badly etc.

Causes of Drug Addiction:

There are countless reasons for a youth to become a drug addict. Sometimes excessive stress, peer pressure, lack of parental environment etc may lead a person to get himself involved into such activities. The ignorance of drug addiction is itself a cause of addiction.

Some of the causes are listed below:

1. **High level Stress:** When young individuals who have just joined new college or undertook any new venture often face problems. To eliminate such problems they use drugs. They think it to be an easy way than to face the problem.
2. **Social Pressure:** Social pressure is sub categorized as peer pressure. We are living in a highly competitive environment and people find it difficult to grow into such environment. This is also a reason behind addiction.

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- 3. Psychological Conditions:** It is estimated that more than 75% individual suffer from psychological trauma, use drugs as a part of self medicating strategy.⁷

Effects of Drug Addiction:

Drug addiction shows its side effects on person's physical and mental health. The effects of drug addiction are wide-

- a) **Physical Effects-** It includes physical problems in the body such as heart attack, irregular heartbeat, respiratory problems and other. Its impact can be far reaching and can break the person's immune system completely.
- b) **Emotional Effects-** It includes mood swings, violence, anxiety, depression, confusion etc.
- c) **Short term and long term Effects-** Different drugs affect the body differently. Some are short term effects and some have far reaching consequences. Short term effects include interference with decision making ability, reduced inhibition etc. Short term effects are not visible at first. Long term effects have dangerous consequences on physical and mental health.
- d) **Legal Consequences:** Drug abuse also has legal consequences, when any person applies for any job employees are required to take drug test before offering job. Driving under the influence of the drugs can lead to legal actions against the person.

Treatment of Drug Addiction:

Different treatment methodologies are used in treating addiction. A whole treatment plan is made and tailored according to every individual as there is no single treatment that works in everyone's case. Inpatient drug abuse treatment, outpatient drug abuse treatment and cognitive behavioral therapy are few of the ways used to treat the user.

Drug Addiction- A social concern:

⁷ Drug Addiction in Youth, n.d., The Wisdom Post, <https://www.thewisdompost.com>

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Drug addiction is no more an individual's problem, it affect many others in the society equally. It has become a problem all over the world, especially in teenagers. Many young individuals when become independent and gets the authority to live their life, often end up getting involved into such activities. The life of an addict gets spoiled completely and they lose their bond with the loved ones.

The most muddled thing about the addiction is that people in different countries are getting addicted to all kinds of drugs be it cocaine, meth, marijuana or heroin. Studies have shown that almost 38% of the adults in the year 2017 suffered an illicit drug use disorder. 8.5 million Americans suffer from both mental disease as well as co-occurring disorder, the very same year. These numbers constitute a total of 7 Million people suffering from addiction worldwide.⁸

Drug abuse is clearly impacting the society in a negative way and to a great extent.

- **Impact on families:** Indeed, ones who are the closest to a drug addict, suffers the most. This includes high level criticism within households, negative environment, continuous anger between a drug addict and non- addicted family members. Family with at least one addicted parent often end up homeless or in poverty and likely to have poor health care which is a barrier in achieving the treatment for addict. Married couples where one partner is addicted to drugs, face domestic violence. Alcohol is the frequently used drug in Indian society.
- **Impact on employers and co-workers:** A study reflected that around 19 million workers consume drugs like alcohol, while at work, just before leaving for work or go to work with hangover situation. This results in the loss of revenue due to decreased productivity. The burden of work left unfinished by the addict rest on the shoulders of his co-workers. They work longer hours for covering the loss. Also a person who uses drugs while being at work place is at higher risk of having injuries. Loss of revenue leads to dissatisfaction among the employers.
- **Impact on the society as a whole:** If we look at the society, there are number of issues arising from drug abuse. Some of which are-

⁸ How Does Drug Abuse Affect Society And You?, December 03, 2019, Vertava Health, <https://vertavahealth.com>

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- Increase in child custody losses, child abuse, domestic violence, poverty, financial health care burden.
- Increase in co-occurring mental diseases, strain on workers, rates of crime, loss of revenue.

Drug abuse comes with far reaching consequences not only for individuals but for the whole society, Even if someone is not aware about anybody who is abusing drugs, and then also that person is likely to get affected in other ways. Drug abuse knows no boundaries.

Addiction and Crime:

There is undoubtedly a link between drug addiction and Crime. These are India's cruel social reality. The problem of drug abuse has assumed an alarming growth in young generation and the related laws are proving to be inefficient to cope up with the situation.

The consequences of drug abuse affect the entire criminal justice system, taxing resources at each stage of arrest, adjudication, incarceration. Although development of drug courts helped to tackle the situation very much.⁹

Studies estimated that more than 50% crimes are related to drug addiction. Drug abuse has substantially increased the number of crimes. On an average basis, 5% of all homicides occur due to drug abuse.

- First, illicit production, manufacturing, distribution or possession of drugs constitutes a crime.
- Second, drug may be responsible for increased rate of other non drug crimes.
- Third, drug is the primary cause of money laundering.
- And last, drugs are often linked with other major problems such as illegal use of guns.

The complex connection between drug use, delinquency and crime has been a subject of discussion by experts since a very long time. Youth who do not feel attached to their parents are more likely to use drugs and become delinquent.

⁹ Impact on the Crime and Criminal Justice System, <https://www.justice.gov>

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Researchers have found that heroin addicts are usually involved in crime. This close connection of drug abuse and crime has been reflected in many studies and cannot be considered separately, in isolation from each other.

Drug and the Environment:

Environmental damages caused due to drugs essentially take three forms- clearing of forest land, growth and cultivation and processing of harvested plants into drugs.¹⁰

Experts have examined the link between drugs and environmental damage and found that cultivators or farmers often have fewer ties with the land and are less respectful towards it. Due to this, their practices cause more harm to the land and contribute in soil depletion. In an effort to produce more, they use harmful pesticides in large amounts without following the prescribed procedure.

The cultivators of coca and opium dump the toxic waste into grounds which further harm the environment.

Drug Trafficking:

The issue of drug addiction has now become a global concern. The expansion of drug trafficking trade has covered almost all the countries and has its impact on health sector along with the human development.

The drug market of the world is approximately growing at the rate of \$500 billion per year.¹¹ As far as the trade in India is concerned, India lies between the golden triangle and the golden crescent and hence it is the hub for drug trafficking worldwide.

Drug trafficking market is one of the biggest and it involves world's richest personalities. It is difficult to strategize the way to tackle this situation.

Role of Law in Combating Drug Abuse:

¹⁰ The Social Impact of Drug Abuse, <https://www.unodc.org>

¹¹ Ms. Donita Quadros, Victims of Drug Abuse and the Law Enforcement: A Field Intervention

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What is Drug Policy?

A drug policy is usually law enforcement by the government with the aim to combat social problem such as drug abuse. It is an attempt to regulate and control the use of psychoactive substances that are addictive and may cause harm to individual as well as society.

Government tries to deal with the addiction with the policies that covers both, demand and supply of drugs. The areas where government is focusing to implement drug policy are-

- **Demand Reduction:** It includes voluntary treatments, rehabilitation, substitution therapy etc.
- **Enacting Foreign Policy:** It aims to eradicate drug cultivation internationally, interception of drug trafficking, regulating fines for drug offences.¹²

Drugs which are subject to control vary greatly. For example- **Heroin** is regulated almost in every country, on the other hand **Qat, Codeine** are regulated at few places.

Now let's have a look on drug policy of leading countries.

- a) Australia-** Australian drug policy exist at state and territory level and falls in the category of criminal laws. Australian Drug Policy is one of the complicated policies. Australia has formed a drug law reform foundation that encourages a more tolerant approach to the problem of drug abuse. **Law Enforcement against Prohibition and Drug Law Reform Australia** are the laws prevalent in the country.
- b) Germany-** If compared to other countries Germany's drug policy is far better and progressive. In 1994, the federal court of the country declared that drug use is not illegal. As a result in 2000, Germany changed the Narcotic Law to supervise drug injection rooms. Still, the country needs to work for more efficient law.
- c) India- Narcotic Drug and Psychotropic Substance Act**, launched in the year 1985 and the **Prevention of Illicit Trafficking in Narcotic Drugs and Psychotropic Substance Act** are the country's two major policies.¹³
 - NDPS Bill was introduced on 14 November, 1985 according to which it is illegal to produce and sell any substance or drug which is psychoactive in nature. For

¹² Drug Policy, Wikipedia, <https://en.m.wikipedia.org>

¹³ Drug Policy of India, Wikipedia, <https://en.m.wikipedia.org>

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this purpose, Narcotics Control Bureau was set up in March 1986. Since then, the Act amended thrice- in 1988, 2001 and 2014.

The 2014 Amendment realizes the need for pain relief as an important obligation. It also creates a class of medicines called Essential Narcotic Drugs for which power of its regulation shifted from state to central government.

The act has its effect to the whole of India and is applicable to the citizens of India residing in other countries.

- The Prevention of Illicit Trafficking in Narcotic Drugs and Psychotropic Substance Act is a drug control policy launched in the year 1988 with the aim to full implementation of NDPS Act.

Treatment for Drug Addiction under NDPS Act:

The NDPS Act support treatment if the addict through launching certain provisions, which are-

- a) National Fund-** A national fund for drug abuse was established in 1989. The fund receives contribution from the central government. Its activities include preventive education and awareness, treatment of drug addicts.
- b) Treatment Hospitals-** Also known as de-addiction centers was set up under NDPS Act by the government which includes government hospitals, NGOs, Psychiatric hospital, Private de-addiction centers.

Suggested Policy Reforms:

According to the policy mentioned above, certain reforms are proposed to the government of India for consideration, they are-

- a) Apply harm reduction principles with the aim of reducing the harm associated with drugs instead of guiding the unachievable goal of creating a drug free society.¹⁴
- b) Establish regular data collection on drug use.
- c) Consult with professionals, academicians and patient groups for drug policy formulation.

¹⁴ T Tandon, 2013, Drug Policy In India, IDHDP, <https://idhdp.com>

- d) Improve coordination among various government institutions indulged in policy formation.
- e) Ensure that treatment programs are scientifically proven
- f) Ensure the effective implementation of drug policy across the country.
- g) Death penalties and criminalization of drug use must be removed.

Conclusion:

Without a simple cause or simple cure, drug abuse and its related problems continue to expand in many regions of the world. Not adequately monitored, drug abuse halts the social and human development. Drug abuse is a global problem which affects the life of an individual as well as the society. Considering the current situation, harm reduction policies are the only way to combat the drug abuse. For that authorities should work for the effective implementation of drug policies. It is still not late to take actions against the epidemic of drug abuse and if implemented correctly, it could become easy to fight with the addiction.

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