



DRUGS ABUSE- ADDICTION AMONG SOCIETY AT LARGE AND ITS PUNISHMENTS

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Abstract-

“Addiction is like a curse and until it is broken, its victim will perpetually remain in the shackles of bondage- OcheOtorkpa”.

In the Era of 21st century, increase in mental and physical pain has given rise to increase in use of drugs. Drugs have been used as a remedy to all the problems of life these days. It is very dishearten to know that drugs are not only increasing problems but also taking a user to end up his or her life. According to NCRB reports, one person is dead in every 12hour due to drugs overdose and bad addiction and 5-6% is minors in it. States like Punjab, Rajasthan, Maharashtra and Delhi are considered to be one of the highest in terms of drugs cases. At the first instance it has been observed that this abuse starts in teenage stage of a child and mostly in the form of cigarettes, alcohol and injections. The most dangerous among this is injections because it directly transmits in the blood streams and it also increases the chance of spreading diseases like HIV, etc. Drugs completely affect the consciousness of a person and it has a severe impact on whole nervous system. According to National Institute of drug abuse, drugs are also giving rise to respiratory problems, stoke, blood cancer, HIV, depression, etc. Overdose of drugs can also lead to unrecognized actions

which can be harmful to society as well as the individual.

In this whole paper we would be dealing about increase of drugs abuse from past few years and what the penal punishments in India to stop the usage among the society.

Keywords- Drugs, Addiction, Abuse, Problems, Diseases

Introduction:

Drug Abuse has become a serious issue these days due to various physical and mental problems. In simple term drug abuse mean use of illegal drugs or over usage of drugs for the purpose other than those which they are really meant for. This addiction may lead to loss of physical, mental, emotional health. In today's scenario problem of drugs abuse starts from teenage and by the time a child reaches to high school use of alcohol, cigarette have become so common and even half of them have also started consuming illegal drugs. According to reports of National Institute on Drug Abuse, 0.7% of cocaine user is 8th graders, 1.5% is 10 graders and 2.2% are 12th graders. This was only cocaine but the consumption is not static to this drug there are many other drugs like Marijuana, for which around 86% consumption is among teens only.¹ Drugs abuse is not started directly there are many factors associated with it like peer pressure, stress, depression, easy access to drugs, and off course social media. All these mix emotions tries to encourage a person to join this society. The teenage is considered as critical time which is open to attack because the mind is still under development and different kind of emotion comes out it can related to love, pain, jealousy, anger, etc. the

¹<https://www.drugabuse.gov/publications/drugfacts/monitoring-future-survey-high-school-youth-trends>



reasons for all these are due to prefrontal cortex and its connections to brain. This prefrontal cortex is responsible for assessing situations, making sound decision making and controlling impulses². If we compare an adolescent brain with a teenage brain we will find that teenage judgment making ability is weak due to underdevelopment of this prefrontal cortex this generally leads to bad habits very easily. This problem is not only in teens but also in adults too the reasons for that can be poor social circle, high work pressure, disturbance in personal life, etc. Drugs is considered to be addiction because it changes the working of the brain and these changes are very long lasting. At first instance the consumer will feel pleasure and happiness but slowly and lately it will become bad attraction. Health issues like cardiovascular problems, liver – kidney damage, HIV-AIDS, etc become very common among drug abuser.

In this research paper we would be discussing about how and when drugs become a abuse instead of medicinal use, what are the types of drugs prevailing these days and what are the penal punishments in India for drugs abuse.

History and Background:

“As drugs have been abused for hundreds of year all over the world, their effects have been felt for just as long”

Since drugs are used, there have been invariably those that abused them, that light-emitting diode to full-blown addiction and therefore the bevy of aspect effect that go along with it, because the physical and psychological state implications of addiction

became clearer, rehabilitation effort began to seem. As a result, the history of rehabilitation in the United States back hundreds of years.

One of the instauration Father of America, ‘Benjamin Rush’ was one amongst the primary too believe that alcoholism wasn’t a matter of non-public self-command however rather thanks to the alcohol itself. Rush challenged the accepted belief at the time that alcoholism was an ethical failing, thereby progressing the conception of addiction as an un-wellness. As per the University of Utah, within the past, addiction was treated as ever this import a shift to viewing addiction as Associate in nursing unhealthiness that would be managed.

In 1864, the New York State Inebriate Asylum, the first hospital meant to entirely treat alcoholism as a psychological state condition, was supported, because the public began to look at alcoholism and connected misuse a lot of seriously, a lot of community teams and sober homes began showing.

Nowadays there are many drug abuse rehab programs offer addicts a variety of treatment approaches, ranging from traditional, and holistic services. The care should be customized according to an individual patient. The Prohibition and 21st Amendment, which overturned, a major step for the rehabilitation movement came in 1935. Dr. Bob Smith and Bill Wilson – founded Alcoholics Anonymous (AA). Using a spiritually approach to rehabilitation, AA showed a welcoming environment where recovering alcoholics could find a support.³

²<https://www.drugabuse.gov/publications/principles-adolescent-substance-use-disorder-treatment-research-based-guide/introduction>

³<https://drugabuse.com/addiction/history-drug-abuse/>



The purpose of this is to review the history of drug usage and its social impact in the United States so, students should have an improved and proper understanding of the day's problem and policies regarding drug abuse. The approach to this matter is sociological, which means exploring how the connection between the- culture, social instructions, how the groups or individuals function to create drug-related phenomena. A sociological approach emerges with the many kinds of social, cultural, political and economic factors that engages themselves in day to day lives.

While pharmacology helps America comprehend however specific medicine impact brain activity, sociology will inform America concerning the social roots of drugs connected behaviors that ultimately form beliefs and behavior and inspire policy. Therefore, a review of drug use within the U.S. and therefore the social response to that should contemplate several phenomena. This broader framework can move America on the far side domestic borders and into the international community, for the history of misuse is a world, socio-political marvel.

In the other words, the meaning is hooked up to specific medication and drug use patterns is decided by however folks – especially powerful people – interpret them in standard of living these days controlled substances area unit made as very undesirable, even dangerous. However, history shows US that several of those same substances were once viewed favorably and had hefty social price for instance, it should be troublesome to believe that use of a drug like cocaine, for instance was initially viewed absolutely.

Opium and Cocaine use and control: From 1880's- 1900's many accounts deal with the history of drug use and social control

begin with opiates and cocaine are the two of the drugs which are legally used in the United States. Therefore, starting with the origins of opiate and cocaine and its usage in our societies. To begin with opium which is being derived from the poppy plant, which nowadays mainly found in Asia and the Middle East. The main ingredient contained in opium is morphine. Opium has been used from centuries from back 4,000 years, it was a folk medicine and a recreational euphoric. Its usage is highly praised. Many of the people consuming it terms it as a God's Owned Medicine. The value of the medical community increased rapidly, a commercial opium trade was spread all over the Europe in 1640-1773 to supply and to fulfill the world's demand. Opium was known to be very profitable in those times.

In 1874, Heroin was also made from Morphine. In 1898, it was propounded by the Bayer Company situated in US for the initial time; many wanted this drug should be the cure for the growing problem of morphine addiction. Heroin was also being utilized in large quantity, by the 20th century, morphine and heroin had become a huge global commodity, as compared with coffee and tea. Opium was somewhere started to be changed from God's owned medicine into something like Satan's curse!

Cocaine, which emerges from the coca leaf, its usage was tracked from the past ancient tribal customs of the Incas. Coca leaves are the part of mountain shrub. For instance, the Spanish leader of Mexico and Peru in the 16th century gave coca to the Indians to keep them safe and secure. The active ingredient in coca leaves is alkaloid cocaine, which was propounded in 1844. Later in that century, Europeans and American scientist's start



taking interest in the coca leaf. While eating coca leaves which didn't become popular in Europe or North America states, many ii) beverages were initially created from it. Europeans invented a coca-based wine named as 'Mariani's wine', a red wine or elixir which contains coca. In 1863, John Pemberton of the United States propounded a syrup named Coca-Cola in 1886, which contains some amount of coca⁴

Types of most common drugs:

Drugs are of many times and every drug is having different kind of effect to a person. Most common drugs used these days are alcohol, tobacco, cocaine, marijuana, heroin, stimulants, Inhalants.

Below is the brief description about these drugs⁵ :

- i) **Cocaine:** These are available in small white power and generally inhaled or snorted up or mixed with water or alcohol or injected with needle. These are also available in small rocks types pieces which are generally smoked. This is a type of drug which gives a person a strong craving to consume it again and again thus makes a person addicted in a short span of time. It do speed up the whole body and rejoice with full of energy, zee, but on the other hand makes a person too much lazy and tired for upcoming days. One of the major side effects are heart attack and stoke iii) problems, HIV/AIDS. Person who is addicted to it can also loose control on himself/herself and if it is mixed with other drugs it become most dangerous thing. Symptoms of consuming cocaine can be seen in a person very easily , if the person snort the drug then he can have nose bleeding or

blockage in nose or if he/she use injections and marks on arms are clearly visible.⁶

Heroin: Heroin is the also a power substance generally brown or white color. This is the natural drug, called opioid drug which is made from morphine, which is a substance taken from seed pod of various opium poppy plants. These plants are generally grown in southwest Asia, Mexico and Colombia. This drug is having some common names like smack, big H, horse. Techniques to consume this drugs are injecting needle, mixing with alcohol, sniff, etc. Symptoms of these drugs are very horrible because this drug directly attack the brain of a person and attack the cells which are associated with pain, pleasure, heart rate, sleeping etc.

The urge of this drug is so strong that a person is not able to resist himself/herself. Short term symptoms are unconsciousness, vomit, dry mouth, full pain in legs and arms, restlessness, etc while long terms efforts are disastrous like damage tissue inside nose, heart line infection, liver kidney effects, sexual dysfunctions for men and irregular menstrual cycle among women. This drug generally is so addictive that it generally develops tolerance due to which person uses high and high amount again and again which at times leads to dead due to overdose⁷.

Marijuana: This is a very common drug used among people. This comes from marijuana plant. These are generally green, brown parts of the plants. This drugs have many names likes weed, ganja, hash, etc. this drug is having high medical usage also. There are several techniques to use these drugs like Rolling and mixing it with

⁴http://www1.udel.edu/soc-bak/tammya/pdf/crju369_history.pdf

⁵<https://medlineplus.gov/drugsandyoungpeople.html>

⁶<https://medlineplus.gov/cocaine.html>

⁷<https://www.drugabuse.gov/publications/drugfacts/heroin>



cigarettes, mixing in food or alcohol or using electronic vaping. These are various short term effects to use these drugs like mood swings, altered colors, memory shortage, change in sense etc , on the other hands certain long term effects are like coughing breathing, memory loss, loose of thinking ability. When this drug become addictive then there is trouble in sleeping , anxiety, etc⁸. The reason behind easy availability of this drug is because of its high medicinal use.

iv) **Inhalants**-As the word denote inhalants means substances that are used to inhale and get intoxicated. Substance that can be used in inhaler are alcohol and other drugs. These are very harmful to body as they have direct impact on lungs and brain and this at times lead to dead of a person. Some of the common names used for inhalants are Bold, Rush, Snappers, etc. Some of the short term health problems are like euphoria, dizziness, loose of senses on the other hand some of the long terms effects are like kidney failure, liver failure, lungs problems and brain damage. Inhalants are generally used by teenagers and youngsters⁹.

These above were some of the common drugs which are used by people at large. The problem of drug abuse is very much devastating and taking lives of many people slowly and gradually. People have made drugs as a source to reduce stress, pain and tensions but this works as a slow poison because initially it gives pleasure but if we talk about long term consequences it completely ruins the life. There are many ways through which this addiction can be stopped. First of all at the first time only the person should say no to any kind of intoxication, but suppose under peer pressure or for any reason someone had started using

it then on initial stage only it should be stopped by counseling or by the help of drug rehab centers. Secondly, parents, teachers in school/colleges level should give proper guidance to an abuser instead of scolding. Indian government have made strict rules and regulation and also making changes as per the growth and development and for the same National Drugs and Psychotropic Substances Act, 1985(NDPS) was formed.

Evolution of NDPS Act- India approach towards drugs was first enriched in Article 47 of the Indian Constitution which states that '*State shall endeavor to bring about prohibition of the consumption except for the medicinal purposes of intoxicating drinks and drugs which are injurious to health.*' This same principle was also used for three International conventions i.e. Single Convention on Narcotics Drugs 1961, Convention on Psychotropic Substances, 1971 and UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988¹⁰. In the year 1985 NDPS act was passed replacing 1930 Dangerous Drug Act but Drugs and cosmetic act, 1940 still remain in force. This NDPS act enforces restrictions upon cultivation, production, sale, use, consumption, import and export except for the scientific purposes and medication usage. There were three major amendments since the act was formed. The first amendment was in 1989, wherein very harsh punishments were introduced, like mandatory minimum imprisonment of 10 years, a bar on suspension, restriction on bail, and trial by special courts. In the year 2001 again certain amendment was also inserted. In 2001, the penalties were imposed which was based on quality of drugs and there were

⁸<https://medlineplus.gov/marijuana.html>

⁹<https://medlineplus.gov/inhalants.html>

¹⁰<http://www.cbn.nic.in/html/NationalPolicyEnglish.pdf>



three types of quantity were made i.e. small, commercial and intermediate. The third amendment was in the year 2014, this was the major amendment which had improvised the act to a great extent.

Punishment under Narcotics Drug and Psychotropic Substance act, 1985

Punishment related to specific types of drugs:

- **Section 15 of the NDPS Act 1985**, deals with the punishment for contravention in relation to poppy straw which states that the production, possession, transportation which include import and export interstate, selling, purchasing and its usage may lead to the punishment for rigorous imprisonment for 10 years which may extent to 20 years along with the fine of amount 1lakh which may extent to 2lakhs.
- **Section 16 of NDPS Act 1985**, deals with the punishment for the contravention in relation to Coca plant and Coca leaves which states that cultivation of coca plants or its production, possession, selling and purchase of the plant, transportation of plant which import-export interstate or usage of coca leaves leads to the punishment for rigorous imprisonment for 10 years or may extent to 20 years along with the fine of 1lakhs which may extent to 2lakhs.
- **Section 17 of NDPS Act 1985**, deals with the punishment for contravention in relation to the preparation of opium which states that manufacturing, possession, selling and purchasing of the opium, transportation which includes import and export interstate leads to a rigorous imprisonment for 10 years which may extent to 20 years along with the fine of 1lakhs which may extent to 2lakhs.
- **Section 18 of NDPS Act 1985**, deals with the punishment for contravention in relation to opium poppy and opium which states that

manufacturing, possession, selling and purchasing of the opium, transportation which includes import and export interstate leads to a rigorous imprisonment for 10 years which may extent to 20 years along with the fine of 1lakhs which may extent to 2lakhs.

- **Section 19 of NDPS Act 1985**, deals with the punishment for embezzlement of opium by cultivators which states that the opium cultivators have licensed to cultivate the opium poppy on account of central government who illegally disposes of opium production is punishable with rigorous imprisonment for the term not less than 10 years or may extent to 20 years along with the fine of rupees 1lakhs and which may extent to 2lakhs.
- **Section 20 NDPS Act 1985**, deals with the punishment for the contravention in relation to cannabis plant and cannabis which includes the cultivation of cannabis plant, its production, manufacturing, possession, selling and purchasing of the cannabis plant, transportation which includes import and export interstate is punishable
 - ❖ Contravention should be related to the Ganja or cultivation of cannabis plant leads to the rigorous imprisonment which may extent to 5 years along with the fine which may extent to rupees 50,000.
 - ❖ Contravention should be related to cannabis other than Ganja leads to the rigorous imprisonment for the term of 10 years which may extent to 20 years along with the fine of rupees 1lakh which may extent to 2lakhs.

Other provisions related to punishment of NDPS Act, 1985:

- **Section 21 deals with the Punishment for contravention in relation to manufactured drugs and preparations**, which includes the manufacturing, possession, selling and purchasing of drugs, transportation which



includes import and export interstate or any kind off usage of manufactured drugs or preparation containing any manufactured drug this leads to a rigorous imprisonment for 10 years which may extent to 20 years along with the fine of 1lakhs which may extent to 2lakhs.

- **Section 24 of NDPS Act 1985, deals with the Punishment for external dealings in narcotic drugs and psychotropic substances in contravention of section 12** it states that whosoever is engaged in the trade with Narcotic drugs or any kind off psychotropic substances which is being obtained outside India and supplied to any person outside the India without the authorization of Central Government or any authorization granted under section 12 of NDPS Act 1985,(it states that any person should not be engaged in trading or controlling of any narcotics drugs or psychotropic substances obtained outside India or supplied outside India) whether authorized by central government and subject to any condition imposed by the government, is punishable for rigorous imprisonment for the term of 10 years which may extent to 20 years along with the fine of rupees 1lakh or may extent to 2lakhs.
- **Section 25 of NDPS Act,1985 deals with the punishment for allowing premises which is to be used for the commission of an offence**, which states that being the owner, occupier or having control of house, room, enclosure, space, place, animal or knowingly permits which is used as commission by any other person is a punishable offence. This leads to the rigorous imprisonment for the term of 10years which may extent to 20years along with the fine of rupees 1lakh which may extent to 2lakhs.

- **Section 25A of NDPS Act 1985, deals with punishment for contravention of orders made under section 9A**, which states that if any human being contravenes any order made under section 9A is punishable under the act, which leads to the rigorous imprisonment for the term of 10years along with the fine of rupees 1lakh.

- **Section 21-29 of NDPS Act, 1985 deals with the punishments for the contravention of the following such as manufacturing, preparation , illegal transportation** which includes the import and export of interstate of narcotics drugs and psychotropic substances, dealing with the illicit traffic and harboring offenders respectively states the punishment of rigorous imprisonment for the period of 10years which may extent to the period of 20years along with the fine of rupees 1lakh which may extent to 2lakhs.

Section 27 of NDPS Act 1985, deals with the punishment for illegal possession in small quantity for personal consumption of any narcotic drugs or psychotropic substance or consumption of such drugs or substance, which states thatwhosoever possesses in a small quantity any drug or substance which is proved that it is intended for personal use is punishable.

- (a) Any narcotic drug or psychotropic substance (cocaine, morphine, etc.) consumed or possessed any drugs or any substance specified by the central government in the official gazette, the imprisonment is for the term 1year or fine or both.
- (b) If any other narcotics drugs or psychotropic substance possessed or consumed which is not being specified under clause(a) leads to the imprisonment for the term of 6months or with fine or with both.



¹¹ Drug	Small Quantity	Commercial Quantity
Amphetamine	2 grams	50 grams
Buprenorphine	1gram	20 grams
Charas/Hashish	Charas/Hashish	1 kg
Cocaine	2 grams	100 grams
Codeine	10 grams	1 kg
Diazepam	20 grams	500 grams
Ganja	1 kg	20 kg
Heroin	5 grams	250 grams
MDMA	0.5 gram	10 grams
Methamphetamine	2 grams	50 grams
Methaqualone	20 grams	500grams
Morphine	5 grams	250 grams
Poppy straw	1 kg	50 kg

- Where contravention involve for lesser then commercial but more than small t quantity then rigorous punishment which may extend 10 years or fine which may extend to Rs. 1,00,000 or with both
- Where contravention involve for commercialthen rigorous punishment not less than 10 years which may extend to 20 years or fine not less than 1,00,000 which may extend to Rs. 2,00,000

Below is the chart describing about the quantity of drugs.

So, as discussed above NDPS act, 1985 covers various provisions relating to punishment of Illicit use of drugs. Drugs are made for medicinal use but some people try to use it in a different way thus destroying the nation and for those people only such kind of laws are made.

- ❖ Small quantity- quantity as may be specified by the central government by notification in the official gazette.
- ❖ If any person possesses the small quantity of any kind of narcotics drugs or psychotropic substance then the burden of proof lies upon that person he needs to prove that those possessed drugs or substance is for his/her personal consumption not for any kind of sale or distribution.

Section 15-29 majorly deals with the punishments but under section 15-23 of NDPS act there are certain punishment provision with respect to quantity of drugs like,

- Where contravention involve for small quantity then rigorous punishment which may extend to six month or fine which may extend to Rs. 10,000 or with both

Suggestions and Recommendations-

- 1) Drug abuse is a chain of many people so to stop this we need to break the chain first and then take necessary steps
- 2) Drug abuse get started mostly at teenage so parents , teachers , school, universities, etc should conduct counseling sessions on regular intervals
- 3) Stories , video's , photos should be shared of drug abusers to public so that consequences can be analyzed
- 4) Staff involved in drug testing should be trained properly
- 5) Drug rehab centers should get more active and advertise more and more in newspapers, internet, etc.
- 6) Drugs testing centers should get more efficient and less costly.

¹¹<https://dor.gov.in/narcoticdrugpsychotropic/punishment-offences>



- 7) Parents should have good communication with their children and try to help them in the worst situation also so that they can't feel lonely and get attracted towards any kind of intoxication
- 8) Regular survey should be conducted so that new updated data is available.
- 9) There are certain flaws in NDPS act also which need to be looked upon like
 - a) Bail under NDPS act is very difficult due to very harsh provision, but we know that many a times in these type of cases people are innocent, so as authors we would like to suggest that bail should be given a light under NDPS act,1985.
 - b) Drugs addict need more of medication then jails so instead to directly putting an offender in jail there should be a proper treatment given to very abuser
 - c) Government facilities are limited in jails and as a chain smoker it's not easy to quit so we would recommend that medication, government facilities should increase just like it happens in Drug Rehab centers.
 - d) NDPS act have been made strict, so that people get scared and don't involve themselves in bad habits but the scenario is bit different because many of the offenders want themselves to get rid to this addiction but due to harsh punishments they are not able to get out of it , so it is recommended that act should be amended in such a way that proper medication should be given in jail also instead of putting them alone in prisons.
- 10) Society should also change their mentality towards an abuser and should treat them naturally, help them to leave all the kind of addiction instead of judging.
- 11) In most of the drug abuser it is easy to find change in color of lips, nails and at times syringe marks on skin , so if any of these things are found then the guardian or family

member should to talk to that person and help him to leave this addiction.

CONCLUSION:

According to the research we want to conclude by stating some issues and punishments of NDPS act as discussed, the NDPS act is somewhere a very strict towards criminals, even bail is very difficult under NDPS act. This act was designed in such a way so that people get scared before involving themselves under illicit act but this is unilateral approach of act if we see the other side of mirror we will find that many people are innocent but then also their lives are spoiled, also the act prescribe harsh punishments to small offenders with handson amount of fine. The addiction of drugs mostly happen when an individual starts utilizing drugs for fun or under peer pressure there is normally certain situation which pushes them to start the conduct. Students in secondary school have high probability to begin with the mishandling of medicines which are available at their homes or through their companions. Regardless of the age the individual starts to mishandle medication or liquor, it is generally on the grounds that they have a high measure of hazard factors, and a low number of defensive components in their lives. As the decades progressed, tranquilize use has gone up in the United states over all ages and keeping in mind that a portion that ordinarily mishandles drugs have changed and perilous medications have got most accessible.

The most normally mishandle drugs in each gathering are as per the following:

- ❖ For the individual who are of the ages 12-13 years or under, the most commonly used drugs are tobacco, inhalants, weed, marijuana and prescription drugs. Youngsters who are at the beginning at their youth age have been



seen at high hazard to create fixation issues without assistance or medication.

- ❖ For the young people- those who are of ages 13-18 years- most commonly abused drugs are marijuana, prescription drugs (used non-medically or without prescription), depressants, codeine syrups, syrups containing dextromethorphan, and spice.

When an individual gets into their high schooling age, more substances become accessible to them and they can also acquire them from their different companions. In the event that an individual starts utilizing narcotics drug in their adolescent years, they may depend upon heroin use in the long run, as heroin and other narcotic use has gone up in recent years, due to the narcotics pandemic. For grown-ups, by and large the most mishandled drugs are liquor, narcotics (heroin or others), and cocaine. The most regularly mishandled drug by grown-ups, the narcotics drugs have killed more than 120 people per day the country over. To stop all this many changes are required in coming future years for a drug free country.

