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ADOLESCENT SUBSTANCE ABUSE ON RISE IN INDIA

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ABSTRACT

Compared to the overall population, children and adolescents abuse drugs at a higher rate. This is especially true since adolescence is a period of experimentation and identity formation. Drug misuse among young people in industrialised nations is typically linked to specific youth subcultures and lifestyles. As a result, many in the drug subcultures start to accept using drugs.

Drug addiction is a deadly cycle that has also ensnared India, where the number of addicts is rising daily. One million heroin addicts are legally recognised in India, but there may be as many as five million unauthorised users, according to a UN assessment. What began as sporadic use among a tiny subset of young people from high-income families in the metro has spread to every aspect of society. The usage of intravenous drugs, especially in conjunction with other sedatives and medicines, has replaced the inhalation of heroin alone. As a result, the effect has been more intense, addiction has developed faster, and recovery has been more difficult. The three narcotics that Indians abuse most frequently are cannabis, heroin, and pharmaceuticals made in India.

The misuse of drugs is a multifaceted issue with a range of social, cultural, biological, geographic, historical, and economic facets. Drug addicts who use drugs as a way to escape the harsh realities of life are becoming more common. These factors include the breakdown of the traditional joint family system, the lack of parental love and care in contemporary homes where both parents work, the erosion of traditional religious and moral ideals, etc. The type of drug consumed, the addict's personality, and their immediate surroundings are the main causes of drug use, misuse, and abuse. The conventional means of social control have become less effective as a result of the processes of industrialization, urbanisation, and migration, making people more susceptible to the pressures and complexities of contemporary life.

Keywords: Laws, crimes, Drugs, Youth, NDPS, adolescents, abuse

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INTRODUCTION

Youth are considered the future of India, but unfortunately these youth including children below 18 years of age are indulging in the consumption of psychotropic substances the intake of these drugs is so high that it seldom leads to happening of the offences and through several reports it is found that these people are below 18 years of age.

These psychotropic substances such as cocaine, poppy seeds, charas, ganja etc., attract the youth of the country in the age which requires their attention on the education at most for their future.

A pattern of damaging or dangerous use of psychoactive substances, such as alcohol and illegal narcotics, is referred to as substance use (drug use). Substance abuse, which was once thought to be a problem exclusive to working, trafficking, and homeless children, is now common among school-age children from a variety of socioeconomic and educational backgrounds.²

A research conducted for the Protection of Child Rights found that teens most frequently use alcohol and tobacco, then inhalants and cannabis. Additionally, it has been stated that approximately 55,000 children each day and 20 million youngsters annually begin using tobacco in India. Due to tobacco use, alcohol consumption also typically begins in adolescence. Among psychoactive substances, alcohol is used most frequently.³

In low- and middle-income countries, the WHO estimated in 2002 that the use of alcohol and illicit drugs contributed to 4.0% of the illness burden among the 15–29 year old age group. Substance use has significantly increased as a result of changes in social and economic conditions. There are new trends in substance use, such as the prevalence of multiple substance use and the rise in adolescent girls' tobacco use.⁴

Due to peer pressure and parental influence, kids frequently experiment with new activities during their impressionable years of adolescence and late childhood. Because they are readily available and have discretionary pocket money, they are more susceptible to developing substance use habits, especially with regard to alcohol and tobacco. Early exposure to these substances raises the

²Available at <https://pubmed.ncbi.nlm.nih.gov/29162759/> (last visited on March 20, 2024)

³Available at

<https://webarchive.nla.gov.au/awa/20041102223012/http://pandora.nla.gov.au/pan/45671/20041103-0000/www.health.nsw.gov.au/pubs/2004/pdf/assad2002.pdf> (last visited on March 20, 2024)

⁴ Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3139354/> (last visited on March 20, 2024)

chance that they may later engage in other risky behaviours as well, like violence, delinquency, and poly drug usage.⁵

While it is true that children in underdeveloped countries frequently start using tobacco, alcohol, and other substances (such ganja and charas) at an early age, very few epidemiological studies have evaluated the prevalence of substance use and "exclusive alcohol" usage among children.

The highest impact of these substances can be seen on the children below 18 years of age, which is not right at this age as children in such age has to focus on education, themselves, activities etc., year by year the growth of crimes related to drugs is increasing abruptly in India which is not a good sign as these people are youth of India.

STATEMENT OF PROBLEM

1. Adolescent substance abuse is on the rise in India at a startling rate, and this is a direct result of shifting cultural norms, intense competition in the fields of education and employment, mounting financial stress on families, and deteriorating supportive ties for teenagers during this formative stage.
2. To study the socio demographic profile of children and adolescents with substance dependence.
3. To assess the pattern of drug dependence.

RESEARCH OBJECTIVES

- What is the rate of substance abuse in India?
- What is the prevalence of substance abuse among adolescents in India?
- What are the causes of substance abuse in adolescents?
- How effective has the implementation of NDPS Act, 1985 in protecting drug abuse?
- What are key challenges in implementation of NDPS Act, 1985? How they can be addressed?
- How do cultural, social and economic factors impact the effectiveness of NDPS Act in protecting youths from drug abuse?
- How can the effectiveness of NDPS Act be enhanced?

⁵ Available at <https://pubmed.ncbi.nlm.nih.gov/15585043/> (last visited on March 20, 2024)

- How does the NDPS Act compare to similar legislations in other countries?

HYPOTHESIS

Consumption of drugs have led to huge impact on youths, especially those age between 18 to 30, intake of psychotropic substances has to mental illness including demolition of the career of youth.

The percentage of drug consumption is tilted more towards states such as UP being on top followed by Punjab, Sikkim, Chhattisgarh and Delhi. Involvement of teens in such category is rising steadily over time, these teens consume substances such as alcohol and tobacco risking their health and lives.

KIND OF RESEARCH

This is descriptive research, seeks to describe the current status of an identified variable.

BACKGROUND

Prior to the NDPS Act, there was no formal legislation in India governing drugs and narcotics; therefore, the three Central Government acts—the Dangerous Drugs Act of 1930 (II), the Opium Act of 1857 (XIII), and the Opium Act of 1878 (I)—were primarily used to maintain control over drugs and narcotics. The Atharva Veda made reference to and accepted cannabis smoking as a recreational activity comparable to alcohol consumption. Up until 1985, it was lawful in the nation to use cannabis and its derivatives, such as hashish, marijuana, and bhang.⁶

The UN Convention on Psychotropic Substances (1971), the UN Single Convention on Narcotics Drugs (1961), and the UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), all of which specify a range of actions meant to accomplish the dual goals of preventing drug abuse and restricting the use of narcotics and psychotropic substances for medical and scientific purposes. The Indian government is a signatory to all of these conventions. Both the NDPS Act and Article 47 of India's Constitution were drafted with consideration for the country's commitments under the three UN drug agreements. The Act applies to everyone

⁶ Available at <https://dor.gov.in/sites/default/files/National%20Policy%20on%20NDPS%20published.pdf> (last visited on March 25, 2024)

travelling on ships and aeroplanes registered in India, as well as to all Indian people residing outside of India.⁷

India was one of the first developing nations to create a National Drug Policy (NDP) to increase low-income people's access to medications, even though pharmaceutical firms have progressively taken over the market through doctor prescriptions. In order to control the costs of pharmaceuticals on the market, the Indian government passed the Drug Price Control Order (DPCO) in 1963. Despite DPCO's minimal impact, numerous pharmaceutical businesses left the nation. As a result, some medicine production shifted from India to China. DPCO underwent a significant reorganisation in 2013. DPCO was thought to be more advantageous for non-controlled items in 2013 because no fresh investments were made.⁸

The 1961 Single Convention on Narcotic Drugs was met with opposition from the Indian government. Therefore, the convention ruled that India will be granted a 25-year grace period to legalise cannabis solely for scientific and medical purposes, and for no other purpose. India had become beholden to international delegations because of the political sensitivity of the matter. The Indian government was compelled by this to outlaw the widespread usage of cannabis. As a result, there was minimal resistance to the NDPS Act, which was passed on November 14, 1985, which outlawed all narcotic narcotics in India.⁹

DEFINITIONS

NARCOTICS

The NDPS Act defines various terms used throughout the legislation in section 2. Defining narcotics as a legal concept is very different from describing them medically as a sleep-inducing agent. Narcotic drugs are defined by Section 2 (xiv) of the Act as coca leaf, cannabis (hemp),

⁷ Available at

<https://www.incb.org/incb/en/psychotropics/index.html#:~:text=The%201971%20Convention%20was%20adopted,social%20problems%20in%20some%20countries>. (last visited on March 25, 2024)

⁸ Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3573605/> (last visited on March 25, 2024)

⁹ NDPS Act 1985, India, Available at [https://blog.ipleaders.in/ndps-act-narcotic-drugs-and-psychotropic-substances-act-](https://blog.ipleaders.in/ndps-act-narcotic-drugs-and-psychotropic-substances-act-1985/#Development_of_law_on_drugs_and_narcotics_in_India_and_the_enactment_of_the_NDPS_Act)

[1985/#Development_of_law_on_drugs_and_narcotics_in_India_and_the_enactment_of_the_NDPS_Act](https://blog.ipleaders.in/ndps-act-narcotic-drugs-and-psychotropic-substances-act-1985/#Development_of_law_on_drugs_and_narcotics_in_India_and_the_enactment_of_the_NDPS_Act) (last visited on March 25, 2024)

opium, poppy stems, derivatives/concentrates of any of these substances, and other substances notified by the government in its official gazette.¹⁰

PSYCHOTROPIC SUBSTANCES

Any chemical that alters the mind is referred to as "psychotropic substances." According to Section 2(xxiii), "psychotropic substances" are any compounds—natural, synthetic, or derived from any natural source—as well as any preparation made from any of the substances or derivatives listed on the Schedule of the NDPS Act. For instance, methaqualone, ketamine, alprazolam, diazepam, and amphetamine.¹¹

LITERATURE REVIEW

An extensive analysis of the body of research on drug usage in India indicates that the issue has been escalating over time. Numerous issues, such as social and economic inequality, unemployment, peer pressure, the availability of drugs, and insufficient awareness campaigns, are identified in the literature as contributing to drug usage. Drug usage also has well-documented negative effects on one's physical and mental health, as well as higher rates of criminality and disrupted social interactions. The literature also emphasises the current government and non-governmental organization-implemented rehabilitation and prevention efforts. However, more research is needed to determine their reach and efficacy.¹²

INTRODUCTION TO NDPS ACT, 1985

A person is not allowed to produce, manufacture, cultivate, possess, sell, buy, transport, store, or use any narcotic drugs or psychotropic substances, according to the NDPS Act. The Act was first passed in 1985 and has since undergone three amendments in 1988, 2001, and 2014. The Act defines narcotic drugs as coca leaves, cannabis (hemp), opium, and poppy stalks, while

¹⁰ Available at

<https://police.py.gov.in/Brief%20on%20Narcotics%20Drugs%20and%20Psychotropic%20Substances%20-%20Chapter%208.pdf> (last visited on March 27, 2024)

¹¹ Available at <https://www.cancer.gov/publications/dictionaries/cancer-terms/def/psychotropic-substance> (last visited on March 27, 2024)

¹² Available at Kyam W. The Drug Abuse among Youth. UNO: WHO, Geneva; 1981. p. 22-28 (last visited on March 27, 2024)

psychotropic substances are defined as any substance, whether natural or manufactured, as well as any salt or preparation included by the Psychotropic Substances Convention of 1971.¹³

The NDPS Act's restrictions led to the establishment of the Narcotics Control Bureau in 1986.

The NCB is a nodal agency in charge of coordinating with various ministries, other offices, and State/Central enforcement authorities with regard to concerns including drug misuse and drug law enforcement.

According to the Act, the government may seize, freeze, and forfeit property obtained by a person convicted under the Act of drug-related offences.

All offences covered by the NDPS Act are not subject to bail.

Additionally, drug offenders are not eligible for relief through the termination, remission, or commutation of their sentences.

IMPACT OF DRUGS AND PSYCHOTROPIC SUBSTANCES ON YOUTHS IN INDIA

The International Day against Drug misuse and Illicit Trafficking is observed annually on June 26 with the goal of raising awareness of the problem of drug misuse and addiction as well as its effects among individuals and communities. With the help of this worldwide celebration, people, communities, and a wide range of organisations hope to accomplish the goal of a drug-free world society by increasing awareness of the problem of substance misuse as well as strengthening all-encompassing action and cooperation.¹⁴

According to research by the National Commission for Protection of Child Rights, cannabis and inhalants are the next most popular types of substance abuse among teenagers, behind alcohol and tobacco. According to one study, the average age at which people start using tobacco is just 12 years old, while another found that 46% of teenagers who live in slums began using alcohol,

¹³ Available at <https://www.cancer.gov/publications/dictionaries/cancer-terms/def/psychotropic-substance> (last visited on March 30, 2024)

¹⁴ Available at <https://www.projectudaya.in/substance-abuse-impact-on-adolescents-in-india/> (last visited on March 30, 2024)

marijuana, and smokeless tobacco as early as age 12 (1). Studies conducted in Delhi's slums have revealed that the age of initiation is as low as 6 years due to easy access to smokeless tobacco¹⁵.

Peer groups are the main and most significant reason why someone might start using drugs or alcohol. Other causes include peer pressure, family, and many others. Consumption of intoxicants is expensive since it costs a lot to use them and to receive the necessary treatment to recover from being intoxicated. A person is not themselves after consuming these intoxicants, and much worse is committing crimes, which could result in a never-ending conflict.

Addiction is a concern in India. The statistics in Punjab are shocking: around 75% of its children, or 3 out of every 4 children, have severe drug addictions. Cities like Mumbai, Hyderabad, and others are rapidly developing a reputation for drug use, and their populations are growing. Alcohol and drug abuse pose a threat that is deeply rooted in social institutions.

The cases registered across the country and arrests made under the Narcotic Drugs and Psychotropic Substances (NDPS) Act increased by over 100% from 2018 to 2022, according to the Central government.

STATISTICAL DATA

This year, till June, the enforcement agencies had registered 36,378 cases under the Act and arrested 45,204 accused persons.

In a written response to a query from Rajya Sabha Member Sushil Kumar Modi, Minister of State in the Ministry Of Home Affairs Nityanand Rai on Wednesday said cases registered under the NDPS Act went up from 49,450 in 2018 to over 1 lakh in 2022 and arrests from 60,156 in 2018 to about 1.26 lakh in 2022.¹⁶

More than 100 youths were arrested in Ernakulam under the Narcotic Drugs and Psychotropic Substances (NDPS) Act in the first two weeks of 2023 alone, shows an official list of accused people arrested in Ernakulam rural and city police station limits. Between January 1 and 14, 104 people were arrested with narcotic substances, of which 70 were under the age of 25 years, including four 18-year-old boys. As many as 86 out of 104 were under the age of 30. Only two

¹⁵ Arora M, Tewari A, Tripathy V, Nazar GP, Juneja NS, Ramakrishnan L, et al. "Community-based model for preventing tobacco use among disadvantaged adolescents in urban slums of India". Health Promotion International. 2010 Jun (last visited on March 30, 2024)

¹⁶ Editorial, "sharp increase in cases and arrest under NDPS Act" The Hindu, 2022

among the arrested were above the age of 40 the oldest arrested under the act was 51-year-old men. Two young women were also arrested during this period.¹⁷

Drug use among youths, statistics:

Psychotropic substances are at high rate in India and mapping of the rate of these can be seen through statistical data.

Youth drug abuse trends may provide clues about the future public health as well as the efficacy of educational initiatives.¹⁸

- 12.78% of all 12- to 17-year-olds report using marijuana in the last year.
- 0.42% of all 12- to 17-year-olds report using cocaine in the last year.
- 0.17% report using methamphetamines.
- 0.02% used heroin.
- 2.52% report misusing pain relievers.
- 788,000 teenagers aged 12- to 17-years-old met the criteria for Illicit Drug Use Disorder (IDUD).
- This age group is nearly twice as likely to suffer from IDUD than they are to meet the criteria for AUD.
- 7.0% of 12th graders have abused tranquilizers.
- 7.5% have abused hallucinogens.
- 5.9% have used LSD.

WHAT IS THE PREVALENCE OF SUBSTANCE ABUSE IN INDIA?

Ministry of Social Justice and Empowerment performed a study to determine the incidence of drug usage in India. The report states that 14.6% of people drink. Men are more likely than women to have it. According to statistics, 2.8% of people use cannabis.

States with highest prevalence of cannabis are:

1. UP

¹⁷ Editorial, “Over 100 youths held under NDPS Act in two weeks” The Times of India, 2023

¹⁸ Available at <https://drugabusestatistics.org/teen-drug-use/> (last visited on April 05, 2024)

2. Punjab
3. Sikkim
4. Chhattisgarh
5. Delhi

India is positioned between the Golden Triangle and the Golden Crescent, the two major areas in the world that produce the most. Pakistan, Afghanistan, and Iran are included in the area of the golden crescent.

The nations of Thailand, Myanmar, Vietnam, and Laos make up the "golden triangle."

WHAT IS THE RATE OF SUBSTANCE ABUSE IN INDIA?

Substance misuse problems in later life are associated with early drug abuse, and older teens and young adults seem to have the greatest increases in harmful behaviour.

Following statistics shows the rate:¹⁹

- Across the country, 2.08 million, or 8.33% of 12- to 17-year-olds, report having used narcotics in the previous month.
- Of these, 83.88% say they have used marijuana within the past month.
- In the previous month, 591,000 adolescents between the ages of 12 and 17 used an illicit substance other than marijuana.
- 8th graders who have taken illegal drugs over the past month make up 8.7%.
- 21.3% of eighth graders have at least one experience using illegal drugs.
- Of teenagers in the 12th grade, 46.6% have experimented with illegal drugs.
- Drug use among 18 to 25-year-olds was 11.89 million in the previous month.
- In a single year, 4,777 Americans between the ages of 15 and 24 passed away from an illicit drug overdose.
- 15 to 24 year old account for 11.2% of overdose deaths.

¹⁹ Available at <https://drugabusestatistics.org/teen-drug-use/> (last visited on April 10, 2024)

WHAT ARE THE CAUSES OF SUBSTANCE ABUSE IN ADOLESCENTS?

There is no single cause of drug addiction. The reasons can range from an individual's personal grievances to others' coercive imposition.

VIOLENCE AND TRAUMA IN CHILDHOOD

A youngster may be exposed to domestic abuse and trauma at a young age, which can leave a mental scar. These victims don't show the transparency to discuss their suffering, not even as adults. Instead, in an attempt to feel better and happier, they turn to ingrained substitutes like narcotics. As a result of their continued use, drug addiction becomes another issue that these people must deal with.

MENTAL DISEASE

Patients with mental problems, such as those experiencing obsession or bipolar disorder, rapidly turn to these medications in an effort to reduce the symptoms of their conditions. Unfortunately, this is really a stopgap solution that will ultimately cost them far more in the long run. Abuse of drugs exacerbates the issues that mentally unstable patients face.

ABSENCE OF UNIQUENESS

A person who lacks identity may turn to destructive substances as a way to feel powerful. He regularly indulges in drug use in an attempt to maintain the steady flow of this emotion. As the euphoria fades, the person becomes desperate to experience the same "high" once more, which drives him to dig even deeper into this black pit!

FAST PACE OF LIFE

Another major contributing factor to drug misuse is the incapacity to manage stress. Owing to the rapid pace of modern life, individuals strive to do their tasks more quickly than ever. When they are introduced to drugs, they feel more motivated to complete all of their tasks quickly. They frequently overachieve when it comes to that pharmacological impact. These folks eventually find themselves incapable of performing any work while sober.

INDIVIDUAL LOSS

The lowest point in a person's life may be the end of a relationship or the death of a loved one. These days, many would rather focus on using drugs than on the traditional way of eating a bucket of ice cream after a breakup. There is a brief dopamine overflow caused by these "hallucinating evils," nevertheless. Drugs have long-term deadly effects that are not at all calming.

HOW EFFECTIVE HAS THE IMPLEMENTATION OF NDPS ACT IN PROTECTING DRUG ABUSE?

In India and throughout the world, drug addiction is a complicated and pervasive health problem. The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 has recorded an increase in drug use and cases, despite law enforcement authorities in India stepping up their crackdowns on drug cartels. Nearly 60,000 incidents under the NDPS Act were recorded by the National Crime Records Bureau (NCRB) in 2020, which is a two-fold increase in just the last ten years. This calls into question the limitations of concentrating only on supply-side tactics as well as the effectiveness of the legal frameworks in place to discourage drug usage and addiction.

The NDPS Act of 1985 treats drug users and dealers alike by making "possession of drugs for personal use/consumption" and "possession of drugs for trafficking" illegal. This ignores the fact that drug addiction is a sickness that calls for rehabilitation and therapy as opposed to harsh punishment. Furthermore, crime data indicates that law enforcement authorities focus disproportionately on drug consumption cases rather than the underlying problem of drug trafficking. Even more alarming is the fact that, in spite of the rise in drug busts, the treatment and rehabilitation of drug addicts remain a low priority. In 2019, the Ministry of Social Justice and Empowerment conducted a nationwide survey that revealed a 75% treatment gap for drug use disorders. This means that a relatively small percentage of people who require treatment for substance use disorders actually obtain it.

It's time for India to reassess its drug policy in a way that is both humane and effective, based on scientific data rather than only on coercion, punishment, and jail time. Good drug policies promote public health and harm reduction, or lowering the negative effects of drugs, but also taking into

account the proportionality of the criminal justice response. This is predicated on the idea that treating drug use problems is the primary goal in reducing drug demand.²⁰

HOW DO CULTURAL, SOCIAL AND ECONOMIC FACTORS IMPACT THE EFFECTIVENESS OF NDPS ACT IN PROTECTING YOUTHS FROM DRUG ABUSE?

Parenting practices, family diversity, and parental monitoring are examples of sociocultural elements that can significantly influence adolescents' views regarding substance usage. The association between substance use behaviour and maternal and paternal relationships, as well as parenting control, must be investigated. Family interactions and communications have an impact on teenage behaviour because they create an environment where family support and role modelling can help shape attitudes and behaviours.

For a long time, clinical and social psychology have been interested in the relationship between parenting and social-cultural aspects, particularly in cross-cultural studies to find the parallels and differences in parenting practices between countries. According to a longitudinal study of teenage offspring of drug users, 28% of the teens surveyed had gone through at least three parental transitions, and 70% of the teens had gone through at least one parental change in the previous 2.5 years. About 25% of the teenagers reported they did not have a consistent parental figure over the same time period. Approximately 50% of the teenagers admitted to engaging in delinquent behaviour and using illicit drugs.²¹

The parenting process is the culmination of all the parental actions meant to promote the wellbeing of their offspring. The idea of parenting style is one of the most extensively researched ways to comprehend how parents affect a person's development. Sociocultural variables have a significant impact on parenting behaviour, and culture establishes the bounds of acceptable and controlled behaviour. A psychological construct, parenting style is a reflection of the conventional methods parents employ to raise their children.

The quality of a parent's care can sometimes be more important than the quantity of time they spend with their kids. For example, parents may spend a lot of time physically present with their

²⁰ Available at <https://thewire.in/government/india-drug-policy-public-health-harm-reduction> (last visited on April 15, 2024)

²¹ Available at <http://digitalcommons.unl.edu/cehsdiss/67> (last visited on April 20, 2024)

kids, but they may also be distracted by other activities (like using their phones) and show little interest in them, which can make parenting seem unmeaningful. Parenting styles are a reflection of broader parenting trends, whereas parenting practices are personal routines. Parents are open to varying degrees of time and effort as well as differing opinions and ideas on how to raise their children.

HOW CAN THE EFFECTIVENESS OF NDPS ACT 1985 BE ENHANCED?

It is necessary to put pressure on the Indian government to step up efforts to identify drug use patterns and trends in the nation, particularly in rural areas that are close to drug trade routes and among populations that live near agricultural areas. Provide strategies for bolstering sociocultural restraints on drug consumption. Determine the need for drug treatment as soon as possible, especially from urban poor people who use the most harmful types of drugs. Expand the availability of a range of treatment options. Renewing focus on the body of information and research that makes it easier to comprehend how drug use is changing and, consequently, how cost-effective welfare and control measures are should be prioritised. Enhancing routine statistics is necessary to close knowledge gaps about the characteristics, scope, and nature of drug use. A comprehensive review of enforcement and treatment policies should be conducted, utilising all known scientific disciplinary research methodologies.

DECRIMINALIZE CANNABIS POSSESSION AND CONSUMPTION

Cannabis was an essential component of Indian traditional medicine, social rituals, and spiritual practices until it was outlawed in 1985. When it comes to marijuana use, even the NDPS Act was compelled to close a loophole by eliminating the stigma associated with marijuana use from its leaves and seeds. It's a well-established verified truth that using marijuana doesn't lead to addiction as was once thought and is far less risky than using cigarettes or alcohol. Furthermore, the widely held notion that marijuana could serve as a "gateway drug" is purely false and has been refuted multiple times since the implementation of the prohibition laws. Marijuana has a wide range of potential medical uses, thus it makes sense to legalise it. Prohibition just impedes access to more efficient and less expensive medications for treating illnesses.

POSITIVE AND NEGATIVE ASPECTS OF NDPS ACT, 1985

POSITIVE ASPECTS

The ease with which drugs and psychotropic substances can be added to or deleted from the list is one of this act's key characteristics. To implement these changes, the government can simply publish the new information in the official gazette or base the changes on the information already in the public domain, negating the need for formal bills or amendments.

In compliance with subparagraph 3 of Section 4, the Central Government formed the Narcotics Control Bureau, whose primary duty is to coordinate drug law enforcement across the country. The NCB serves as the focal point for gathering and distributing intelligence as well as the coordinator of national liaison, in accordance with the parameters of the national plan.

In particular, the act gives the Central and State Governments' Magistrates and specifically appointed officers the authority to issue search and arrest warrants. This technology should enable prompt and appropriate responses to any information, obviating the need for a warrant to be issued. Consequently, prompt and efficient replies to any information are ensured.

NEGATIVE ASPECTS

The majority of the time, crimes like murder and theft are punished with consequences. Victimless crimes are defined as those committed under a statute, such as those mentioned in the NDPS Act. A person who consumes alcohol that contains opium or possesses marijuana does not hurt other people or himself. Generally speaking, an offence consists of two parts: the particular act itself and the guilty thought or dishonest intention that motivated it. However, the NDPS Act does away with Section 35's need of dishonest intention and instructs the court to presume that all offences under the Act involve culpable mental states. Therefore, conscious possession must be included in a scenario where possession is prohibited by the Act.

The NDPS Act presumes that the defendant is aware of the contents. As to Section 54 of the Act, it is believed that an individual has committed an offence if they do not provide a satisfactory explanation for their possession of psychotropic substances, narcotic medicines, or any other material that could be used as evidence. Section 31-A mandates the death penalty in lieu of a life

sentence in the event of a second conviction, which may be restricted to abetment or attempted offence.²²

Due to its excessively severe penalties, including the death penalty, the virtual denial of bail, and the presumption of intent and knowledge, which essentially places the burden of proof on the accused to prove their innocence, civil activists believe that the NDPS Act should be reviewed from the perspective of civil liberties.

CONCLUSION AND RECOMMENDATIONS

It is time to replace India's current drug policy, which is purely centred on repression, punishment, and incarceration, with one that is effective, humane, and supported by scientific facts. Effective drug policy must focus public health and harm reduction, or lessening the negative effects of drugs, as well as the proportionality of the criminal justice response. This is predicated on the idea that the main operational goal of reducing drug demand is the treatment of drug use disorders.

The Union government must strongly consider amending the NDPS Act to decriminalise possession of “small quantities” of drugs for personal consumption (“small quantities” as defined in the NDPS Act 1985). The State must ensure that those apprehended for personal consumption of drugs are directed to compulsory de-addiction treatment or rehabilitation rather than being prosecuted and served punitive action. In the course of amending the Narcotic Drugs and Psychotropic Substances Act, the Government must also consider making a distinction between addicts, first-time drug users and recreational drug users.

Increased reliance can come from long-term drug use, in which the brain becomes resistant to feeling good without high dopamine levels. It might be difficult to cut back or stop using drugs since one might be reliant or addicted. That being said, a person can overcome drug addiction with the help of following suggestions. The first line of defence against drug addiction is to raise people's knowledge and comprehension of the problem so they can better grasp it and how to manage it.

Getting expert assistance can help you comprehend and manage your addiction.

²² Available at https://blog.ipleaders.in/ndps-act-narcotic-drugs-and-psychotropic-substances-act-1985/#Positive_and_negative_aspects_of_the_NDPS_Act (last visited on May 09, 2024)

Modifying one's lifestyle to include regular exercise, a nutritious diet, and adequate sleep might help prevent triggers.

Addiction can be controlled by keeping occupied and diverting attention from drug cravings.

It can be helpful to take part in preventive initiatives and receive the proper medical care, such as psychotherapy, cognitive behavioural therapy (CBT), acceptance and commitment therapy (ACT), dialectical behavioural therapy (DBT), and interpersonal therapy.