

# A Critical Study of Impact of Narcotic Drugs and on Society and Human Rights

Manudev Patidar\* Dr. Balasaheb Garje\*\*

\*Research Scholar, P.K. University, Shivpuri (M.P.) INDIA

\*\* Professor (Law) P.K. University, Shivpuri (M.P.) INDIA

**Abstract:** Narcotic drugs pose a significant threat to public health, safety, and security in India, prompting the enactment of stringent laws like the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. This Act prohibits the manufacture, production, possession, sale, and consumption of narcotic drugs and psychotropic substances, empowering law enforcement agencies to take stringent measures against offenders. Despite these laws, India faces challenges in combating narcotics trafficking and abuse, necessitating continued efforts and international cooperation to address this complex issue and work towards a safer and healthier society.

**Keywords:** NDPS Act, Narcotics Control Bureau (NCB), stringent laws, public health, international cooperation, drug trafficking, psychotropic substances, law enforcement.

**Introduction** - Narcotic drugs pose a significant threat to India's public health, safety, and security. The government has enacted the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, to combat this menace. The Act prohibits the manufacture, production, and consumption of narcotics, empowering law enforcement agencies to take stringent action. The Narcotics Control Bureau (NCB) plays a crucial role in enforcing narcotics laws. Despite these efforts, India faces challenges due to its geographical location and porous borders. A sustained commitment and cooperation from law enforcement, policymakers, and the public are necessary to address this issue. Effective implementation of narcotics laws, international cooperation, and public awareness are essential in creating a safer society. By working together, India can mitigate the menace of narcotics and build a brighter future. A comprehensive approach, including law enforcement, public education, and rehabilitation, is necessary to tackle the root causes of narcotics abuse.

## Letratur Review

**1. Arpit Parmar, Venkata Lakshmi Narasimha, and Santanu Nath's** review highlights India's efforts to combat substance abuse. Their analysis reveals a comprehensive approach, including the NDPS Act and National Action Plan for Drug Demand Reduction. Key initiatives like the Drug De-Addiction Program and NGO collaborations focus on rehabilitation. This multipronged strategy aims to reduce substance abuse and promote well-being.

**2. Bharti Thakur and Neeru Mittal's analysis** highlights India's Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985, which regulates addictive

drugs and permits medical use under strict provisions. The Act restricts psychotropic medications from over-the-counter sales, imposes penalties for violations, and has undergone revisions to enhance control and penalties, balancing medical importance with strict regulation.

**3. Dr. Raina Midha's critical study** highlights the profound impact of narcotic drugs and psychotropic substances on society and human rights. Substance abuse contributes to public health deterioration, increased crime rates, and social instability. The study advocates for a shift from punitive measures to health-centered approaches, emphasizing rehabilitation, education, and harm reduction. It calls for international collaboration and comprehensive strategies to address addiction while respecting human rights.

## Objective of study :

1. Understanding the impact on public health and safety.
2. Familiarizing with the legal framework (NDPS Act).
3. Analyzing law enforcement's role in combating trafficking.
4. Exploring international cooperation to address narcotics issues.

**Research Hypothesis:** Narcotics drug research explores ways to detect, treat, and prevent drug abuse. Scientists investigate advanced methods to identify drugs in samples, effective treatments to reduce addiction, and strategies to curb opioid misuse. They also develop portable testing tools and analyze drug samples to help law enforcement. This research aims to improve public health and safety.

**Definition of Narcotic Drug Under NDPC ACT :** 2.(xiv) "narcotic drug" means coca leaf, cannabis (hemp), opium,

poppy straw and includes all manufactured drugs;" 2.(xxiii) "psychotropic substance" means any substance, natural, or synthetic, or any natural material or any salt or preparation of. such substance or material included in the list of psychotropic.

#### **NDPS Act 1985:**

1. India is a signatory to the United States Single Convention on Narcotic Drugs, 1961, the Convention on Psychotropic Substances, 1971 and the Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. Hence, in this context, India also passed the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.
2. This Act makes stringent provisions for the control and regulation of narcotic drugs and psychotropic substances. The Narcotics Control Bureau was established in 1986 to implement the Act.
3. The Act provides for the confiscation of property and income derived from drug trafficking. It also provides for the death penalty for repeat offenders.
4. It is noteworthy that through an amendment in the year 2014, the transportation and licensing of drugs classified as 'essential narcotic drugs' was centralized by eliminating the obstacles created at the state level.

#### **Drug Abuse Effect on Society**

**1. Health problems:** Drug abuse can be devastating for human health, causing both physical and mental problems. The physical impact varies depending on the substance and individual, potentially damaging vital organs like the brain, heart, and liver. Injecting drugs also heightens the risk of life-threatening infections such as HIV and hepatitis, posing a serious threat not just to individuals but to public health as a whole.

**2. Mental Health:** Drug abuse can severely impact mental health, triggering issues like anxiety, depression, and schizophrenia. It alters behavior, causing impulsivity, mood swings, and paranoia. The mind becomes vulnerable, struggling to cope with reality. Addiction rewires the brain, affecting decision-making and emotional stability. This toxic cycle can lead to long-term psychological damage, making recovery challenging. The grip of substance abuse tightens, often leaving individuals feeling lost and disconnected from themselves and others. Mental health support is crucial.

**3. Addiction:** Addiction is a relentless cycle that consumes lives. It's a brain disorder fueled by drug abuse, leading to compulsive cravings and destructive behavior. Physical and emotional dependence intertwine, making it hard to escape without help. The struggle is real, with every aspect of life affected. Professional support is crucial to break the chains of addiction and reclaim one's life. With guidance and care, recovery is possible, and hope can be rekindled. The journey is tough, but with the right help, individuals can overcome addiction and find a path towards healing and renewal, rediscovering their true potential and purpose.

**4. Crime:** Drug abuse and crime are deeply intertwined, with addiction often driving individuals to commit offenses like theft, violence, and drug trafficking. The desperation to fund their habit can lead people down a path of illegal activities, straining law enforcement and eroding community trust. Drug-related crimes range from possession to distribution, with turf wars between rival gangs sparking violent incidents. The impact is devastating, affecting families, neighborhoods, and society as a whole. To break this cycle, a comprehensive approach is needed, focusing on prevention, treatment, and support for those struggling with addiction. By addressing the root causes and providing resources for recovery, we can work towards reducing drug-related crime and building safer communities. Offenses linked to drug abuse include theft, robbery, assault, and homicide, often fueled by the need to sustain the addiction. Effective solutions require a multifaceted strategy.

**5. Economic loss:** Drug abuse and crime are intricately connected, with addiction fueling offenses like theft and violence. Desperation to sustain the habit drives individuals into illegal activities, straining law enforcement and eroding community trust. The impact is far-reaching, affecting families and society. A comprehensive approach is needed to break this cycle, focusing on prevention, treatment, and support. By addressing root causes and providing recovery resources, we can reduce drug-related crime and build safer communities. Effective solutions require empathy, understanding, and a multifaceted strategy to tackle the complexities of addiction and crime.

**6. Treatment costs:** The devastating impact of drug abuse extends beyond individuals to entire communities. Lives are lost, families are torn apart, and the fabric of society is strained. The economic burden is staggering, with costs mounting from healthcare expenses to lost productivity. Yet, amidst the chaos, there is hope. With compassion, support, and effective treatment, individuals can overcome addiction and rebuild their lives. By working together, we can create a brighter future, one where communities thrive and the grip of addiction is loosened. It's time to shift the narrative from shame to support, and empower those affected to find a path towards healing and renewal.

**7. Family and social problems:** Drug abuse shatters lives, tearing families apart and draining communities. The financial toll is crushing, with skyrocketing healthcare costs and lost productivity. Yet, hope flickers. Compassionate support and effective treatment can help individuals break free from addiction's grip. By joining forces, we can build stronger communities where people can heal and thrive. It's time to trade shame for understanding and empower those struggling to find their path to recovery.

**8. Impact on children:** The impact of drug abuse on children can be particularly significant. Children of parents with substance use disorders may experience neglect, abuse, or other trauma, which can have long-lasting effects

on their health and well-being.

**9. Public Safety :** Drug abuse puts everyone at risk. When people drive or work under the influence, they can cause accidents that hurt themselves and others. Imagine being on the road and suddenly, someone high on drugs crashes into you. It's terrifying. Or picture a coworker struggling with addiction, making mistakes that could harm colleagues. It's a serious issue that affects us all. By tackling drug abuse head-on, we can make our communities safer. Let's support those struggling and work together to prevent accidents and protect each other. We can make a difference, one step at a time.

**Narcotic Drugs and Psychotropic Substances Provision:** The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, is a landmark legislation that plays a critical role in India's fight against drug abuse and illicit trafficking. This comprehensive law aims to protect individuals and communities from the devastating effects of drug addiction while ensuring that those who engage in drug-related crimes face appropriate punishment.

**Understanding the Punishments:** The NDPS Act outlines a range of punishments based on the quantity of drugs involved in the offense. These punishments are designed to reflect the severity of the crime while also providing opportunities for rehabilitation.

**1. Small Quantity -** For possession of a small amount of drugs, typically for personal use, the punishment may include up to 6 months of imprisonment or a fine of up to ₹ 10,000. The focus here is often on helping individuals seek treatment and support to overcome their addiction.

**2. More than Small Quantity but Less than Commercial Quantity -** If the amount of drugs exceeds the small quantity threshold but is still below commercial levels, the punishment can be more severe, with imprisonment up to 10 years and a fine of up to ₹ 1 lakh. This category targets those involved in small-scale drug dealing or distribution.

**3. Commercial Quantity -** For large-scale drug trafficking operations, the punishment is significantly harsher, with imprisonment ranging from 10 to 20 years and a fine between ₹ 1 lakh and ₹ 2 lakhs. This provision is aimed at dismantling major drug trafficking networks that pose a significant threat to society.

**Key Provisions of the NDPS Act:** The NDPS Act includes several key provisions that address different aspects of drug abuse and trafficking:

**1. Section 25A -** This section deals with the unauthorized manufacture, sale, possession, or transportation of controlled substances. Those found guilty under this section could face up to 10 years of imprisonment and a fine of up to ₹ 1 lakh.

**2. Section 27 -** For individuals caught using drugs for personal consumption, the punishment may include up to 1 year of imprisonment or a fine of up to ₹ 20,000. Importantly, the Act emphasizes rehabilitation over

punishment for addicts, recognizing that addiction is a treatable condition.

**3. Section 31A -** In cases of repeated convictions for serious drug-related crimes, the punishment can be as severe as the death penalty. This provision underscores the Act's strict stance on serious offenses that threaten public safety.

**4. Section 64A -** Addicts who voluntarily seek treatment can receive immunity from prosecution under this section. This provision encourages individuals to seek help without fear of legal repercussions, promoting recovery and rehabilitation.

**Additional Aspects of the NDPS Act:** The NDPS Act also includes several other important provisions:

**1. Seizure and Forfeiture -** Authorities have the power to seize and forfeit assets acquired through illegal drug trade activities. This provision targets the financial gains of drug trafficking and aims to disrupt the economic foundations of the trade.

**2. Rehabilitation -** The Act places a strong emphasis on the importance of treatment and rehabilitation for individuals struggling with addiction. By addressing the underlying issues that contribute to addiction, individuals can recover and reintegrate into society.

**3. Bail Provisions -** The Act allows for bail to be granted under certain conditions, but the public prosecutor may oppose it in cases involving severe offenses. This ensures a balanced approach to justice, taking into account both the rights of the accused and the need to protect society.

**A Comprehensive Approach to Combating Drug Abuse:** The NDPS Act is a vital tool in India's efforts to combat drug abuse and trafficking. By combining punitive measures with rehabilitation and support, the Act aims to create a safer and healthier society for all. Its provisions reflect a nuanced understanding of the complexities surrounding drug-related crimes, seeking to balance punishment with support for those struggling with addiction.

**Narcotic Drugs Related provision bhartiyanahaye Sanhita**

**1. Section 147 Death Caused by Negligence -** This section holds individuals accountable for deaths caused by negligence, including drug overdoses. It ensures that those responsible for such negligence face legal consequences.

**2. Section 223 Obstructing Public Servant -** This provision penalizes individuals who obstruct public servants, including law enforcement officers, in the discharge of their duties related to drug investigations. It is crucial for maintaining the integrity of the investigation process.

**3. Section 229 Misconduct in Public Office -** Government officials involved in drug enforcement can be held accountable for misconduct under this section. It ensures that officials act with integrity and professionalism in their duties.

**4. Section 103 Murder -** If drug-related activities lead to



murder, this section can be invoked. It provides a legal framework for prosecuting individuals involved in such cases, ensuring that justice is served.

#### 5. Section 115 Attempt to Commit Culpable Homicide

- This section addresses attempts to cause harm through drug-related activities. It ensures that individuals who attempt to commit culpable homicide, including through drug-related activities, are held accountable.

**Application of the Customs Act, (Sec 79) 1962:** All prohibitions and restrictions imposed by or under this Act on the import into India, the export from India and transshipment of narcotic drugs and psychotropic substances shall be deemed to be prohibitions and restrictions imposed by or under the Customs Act, 1962 and the provisions of that Act shall apply accordingly:

Provided that, where the doing of anything is an offence punishable under that Act and under this Act, nothing in that Act or in this section shall prevent the offender from being punished under this Act.

**Narcotic Control Bureau:** Narcotic Control Bureau (NCB) as the name its self-tell its function is the control of drugs in India. The agency is in charge of combating drug trafficking and the use of illegal substances, as mandated by the Narcotic Drugs and Psychotropic Substances Act. It was established in 1986 and is responsible for coordinating with Indian state governments and other central departments, as well as implementing India's international drug trafficking duties and helping international and foreign drug law enforcement authorities.

1. **Moto-** Intelligence, Enforcement, Coordination.
2. **Mission-** Prevent and combat abuse and illicit traffic of drugs.
3. **Vision-** Endeavour for a drugs-free society
4. **Formation**

The Narcotics Control Bureau was established on March 17, 1986, to enable complete implementation of the Narcotic Drugs and Psychotropic Substances Act of 1985 and to combat its violations through The 1988 Prevention of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Act is a federal law that prohibits the illegal trafficking of narcotic drugs and psychotropic substances. The law was enacted in order for India to meet its treaty responsibilities under the Single Convention on Narcotic Drugs, The Convention Against Illicit. In addition to directly recruited members, officers in this organization are appointed from the Indian Revenue Service, Indian Police Service, and paramilitary forces.

**Functions:** The main objective of the NCB's is to fight drug trafficking in India. At both the national and state levels, it works closely with the State Police Department, Central Bureau of Investigation (CBI), Central Economic Intelligence Bureau (CEIB), as well as other intelligence and law enforcement agencies of India. The NCB also works and keeps on checking the borders so that any kind of drug trafficking is not taking place.

**Drugs and Human Rights:** For decades, governments have criminalized the use of drugs, as well as their possession, production, and distribution. They have poured billions of dollars into pursuing, killing, prosecuting, extraditing, and imprisoning kingpins, dealers, and people who use drugs. Yet, as Human Rights Watch has repeatedly documented, this approach to drug policy has had devastating human rights consequences: undermining the rights to health and privacy; serving as an excuse for grossly disproportionate punishment, torture, and extrajudicial killings; and fueling the operations of organized criminal groups that commit abuses, corrupt authorities, and undermine the rule of law. Human Rights Watch calls on governments to decriminalize all personal use and possession of drugs. We also urge governments to adopt alternative policies concerning the drug trade to reduce the enormous human rights costs of current approaches, including by reducing the use of the criminal law to regulate drug production and distribution. And we call for reform to global drug treaties and policies that impede exploration of these alternatives.

**The Role of Media in Drug Issues:** The media plays a significant role in shaping public perceptions and attitudes towards drug issues. Here are some positive and negative aspects:

#### 1. Positive Roles:

1. **Raising Awareness** - The media can inform people about the dangers and effects of drugs, helping to prevent drug abuse.
2. **Education and Information** - The media can provide valuable information about the risks and consequences of drug use, empowering individuals to make informed decisions.
3. **Support and Resources** - The media can share information about resources and support services for those struggling with addiction, helping them access help.

#### Negative Roles:

1. **Misinformation** - The media can spread false or misleading information, potentially encouraging drug use or exacerbating the problem.
2. **Glorification** - The media can inadvertently glorify or romanticize drug use, making it seem appealing or acceptable.
3. **Promoting Addiction** - The media can perpetuate messages that normalize or promote addiction, contributing to the problem.

#### Case laws related to narcotics drugs

##### Supreme Court Judgments

1. **Case - Firdoskhan Khurshidkhan vs. The State of Gujarat & Anr** - The Supreme Court held that confessional statements recorded under Section 67 of the NDPS Act are inadmissible as evidence. The court also clarified that Section 42 of the NDPS Act applies to enclosed places, not public places, and Section 50 applies to personal searches.

**2. Tofan Singh v. State of Tamil Nadu** - The Supreme Court ruled that officers invested with powers under Section 53 of the NDPS Act are police officers, and confessional statements made to them are barred under Section 25 of the Evidence Act.

**3. Hira Singh and Anr. v. Union of India and Anr** - The Supreme Court held that when determining the quantity of narcotic drugs or psychotropic substances in a mixture, the weight of the neutral substance is included.

#### High Court Judgments:

**1. TinimoEferoWowo Vs The State Govt Of NctOf Delhi** - The Delhi High Court clarified that controlled substances are not affected by the bar to bail under Section 37 of the NDPS Act.

**2. Kamruddin v. Union of India** - The Madhya Pradesh High Court ruled that the term 'spot' refers to the place where the search is conducted and recovery is made, not where the suspected vehicle or person is intercepted.

#### Suggestions to Prevent Substance Abuse

**1. Know the Risks** - Understand what substances can do to your body and mind. Knowing the facts helps you make smarter choices.

**2. Build Strong Connections** - Surround yourself with people who uplift and support you. Positive relationships can keep you grounded.

**3. Find Healthy Outlets** - Dive into hobbies, sports, or creative activities that make you happy. It's a great way to channel your energy positively.

**4. Manage Stress** - Life can be overwhelming, but try techniques like meditation, exercise, or talking to someone you trust to cope with stress.

**5. Set Boundaries** - Learn to say no to situations that feel unsafe or uncomfortable. Your well-being comes first.

**Conversation:** Narcotics drug laws must balance public health and safety with human rights protection. A human rights-based approach prioritizes dignity, autonomy and

access to healthcare for individuals affected by drug use. By focusing on harm reduction, treatment and support, governments can reduce the adverse impact of drug laws on vulnerable populations. Ensuring proportionality in punishment and protecting human rights in law enforcement practices are crucial. A balanced approach can mitigate the harm caused by narcotics while upholding human dignity and rights. This requires ongoing dialogue, education and cooperation among policymakers, healthcare professionals and communities to create a just and compassionate society. By working together, we can develop laws and policies that promote public health, safety and human rights. This approach can lead to more effective and humane solutions. Ultimately, protecting human rights is essential in addressing the complex issue of narcotics.

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