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### **ABSTRACT:**

*“In this research, the researcher manifests the important provisions that have been dealing with the control of drugs abuse, addiction and its illicit trafficking. The researcher does a comprehensive analysis of the proviso to Section 8,9,15, and so on which seeks complete prohibition on the illegal and non-medical use of any kind of intoxicating drinks and drugs and its smuggling along with heavy penalties and punishment. This research also reveals the need of increment in the fines and punishments after doing an in-depth study of the similar laws enforced in other jurisdictions and countries as well. Outcomes have been derived from statistical studies in this context. The reader is also given access to the effects of intractability to this provision and the possibilities of its abuse before reaching to the conclusion that the aforementioned law is somewhere very flexible as compared to other nations having same governmental form and reveals the importance of its being strict for the welfare of the future generations and the nation as well.”*

***Keywords: Drugs Abuse, Drugs Addiction, Article 47, Narcotic Drugs & Psychotropic substance Act1985, Controlled Substance act (USA), Misuse of Drugs Act,1971(UK).***

### **I. INTRODUCTION:**

India is an agriculturally based nation right since the ancient era of the world. The peasants are given due respect as they are considered the food providers to the entire nation. Farming involves the cultivation of all kinds of grains and pulses and cereal crops as well. Here we are going to elaborate the farming or say cultivation of something which is highly misused nowadays that is known as opium, poppy, cannabis and many more medical or drug plants.

In the present scenario, our country's youngster's lifestyle is getting affected by many attractions or say distractions and one of them which is highly dominant in these days is the

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use of alcoholic substances and drugs and psychotropic substances which is popularly known as drugs. Here in this article, we are going to see what the drugs abuse is and what are the legal provisions related to abuse or misuse of drugs in our nation and other developed and democratic nations as well.

## **II. WHAT IS DRUGS ABUSE?**

Excessive use of psychoactive drugs or any kind of chemicals for the purpose of creating pleasurable effects on the brain or to reduce any kind of mental pressure. It can lead to any kind of harm such as physical, mental, social or emotional<sup>1</sup>.

## **III. PRESENCE OF DRUGS ABUSE IN INDIA:**

India is nowhere lagging behind in this area, due to today's lifestyle and working and living culture in the urban part of our nation, this problem is taking birth among the young children. They can be college students and even school students as well. India is highly vulnerable to the problem of smuggling of drugs into and out of the country and also its consumption in the present time. The culture of pubs and bars is affecting the youngsters very much. Under the umbrella of these businesses, some people are creating an atmosphere that is completely worst for everyone in this civilized society.

Many statutes and public guidelines operating warn these bar operators with respect to this. But now it has been spread completely and has come out of this narrow region of pubs and bars and even say hotels. They not only affect the health of a person addicted to this but also leaves a greater impact on the kiths and kins of such person.

Not only this it affects the vicinity and the entire society. Despite many laws prevailing related to it, it is getting a fine growth that is a blot on the face of such a civilized and well-cultured nation and now it has emerged as a major socio-economic problem and area of concern for our country.

<sup>1</sup> <https://www.news-medical.net/health/What-is-Drug-Abuse.aspx>

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#### **IV. WHAT ARE THE REASONS FOR INCREASING DRUGS ABUSE IN INDIA AS WELL AS FOREIGN COUNTRIES?**

There is not a single reason of drugs abuse in the present lifestyle. Primarily it is being developed in the teenagers in the present time due to many reasons. what is of the prime importance is that one as a parent must find and understand such reasons and try their best to eliminate that reason. Here we will see some basic reasons that can be held responsible for drugs abuse.

Most prominently it takes birth in teenage due to their bad company or it may also start from one's family also if one's parent uses alcohol or any other kind of toxic substances in front of such children. A child can consider it to be very common to use such toxic substances. We all know that we do learn and start using anything primarily by seeing it or observing at anything.

The present style of the parties that is very much inspired by western culture also gives rise to such a problem. Teenagers start using drugs when any of his friends urge him to consume such things once that is very common. There may be other reasons as well like when one feels very unhappy or alone and is unable to find a healthy outlet for their frustration or a trusted confident then in such situations they can opt for such chemicals for solace.

When a person feels loneliness and he cannot tolerate such atmosphere then to avoid and eliminate their internal feelings, they start consuming such things.

Teenagers see it as a short-term way to happiness as it works very quickly on our brain. One of the very common reasons to this problem is excessive pressure of study or work on one's shoulders and that can also lead to depression but in such situations, many persons start using alcoholic or toxic substances to bring them out of this problem. So, these are the some very basic and common reasons that, why one starts consuming drugs even in the early days of their life.

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## **V. LAWS ON DRUGS ABUSE IN INDIA AND ITS BACKGROUND:**

Laws of any nation start from the constitution of that nation and likewise, we have our constitution as well which is a vast document of laws related to daily activities of citizens and in this way laws of this area also starts from our constitution i.e., article 47 and then comes to the legislatures framed by the legislative bodies of the country as and when needed on any problem that may arise in a particular period of time. Now let's see some of such legal provisions.

### **V.I A GLIMPSE OF CONSTITUTIONAL PROVISIONS FOR DRUGS ABUSE IN INDIA:**

In Indian constitution, the architectures of our country's constitution have framed an important article related to this problem i.e., Article 47 by using their farsightedness then which is one of the directive principles of state policy.

#### **V.I.I Article 47 Under Directive Principles of State Policy of India:**

It reads: the state shall endeavour to bring about prohibition of consumption except for the medical purpose of intoxicating drinks and drugs which are injurious to health<sup>2</sup>. The meaning of the abovementioned article is that the state [means anything which comes under the ambit of definition of state as per our constitution] will prohibit the consumptions of any kind of drugs or drink that is harmful for the human beings other than the medical purpose.

#### **V.II Legal Provisions with Respect to the Abovementioned Subject:**

The wheel of legal provisions on drugs abuse in India starts just from the international path as our nation is a major signatory of three United Nations conventions on the abovementioned subject that are as follows-

- Convention on narcotics drugs, 1961.

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<sup>2</sup> Indian CONST, art 47

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- Convention on psychotropic substances, 1971.
- Convention against illicit traffic in narcotic drugs and psychoactive substances, 1988
- Statutes on drugs abuse in India<sup>3</sup>.

**The drugs abuse and addiction are mainly controlled under the following acts:**

### **V.II.I Narcotic Drugs & Psychotropic Substances Act, 1985:**

**Following are the main provisions under this act which are being described as:**

Section 8, section 15, section 16, 17, 20, 27 and 27(A), 31 (A). All the above-described sections make provision for the Fines and punishment from a minimum period of 1 year to an expanded term of life imprisonment and even it prescribes for capital punishment after conviction under some certain offences which is described under section 31 (a) of this act<sup>4</sup>.

It is completely illegal to manufacture, produce, purchase, sales, import and export of such intoxicating drugs except for scientific and medical purposes. The fines imposed and the punishments sentenced are subject to number of drugs caught in search and seizure process of the government agencies framed for this purpose.

In simple words, this Act prohibits and makes illegal the cultivation and any kind of store and business of any kind of such drug element except for the case of scientific and medical purpose.

### **V.II.II Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988:**

Under the abovementioned act, various sections provide for the detention of the period of 3 months to a highest period of 1 year and also provides for the punishment to the persons involved in illegal trafficking and even if they make their property available for such acts.

<sup>3</sup> [https://en.wikipedia.org/wiki/Drug\\_policy\\_of\\_India](https://en.wikipedia.org/wiki/Drug_policy_of_India)

<sup>4</sup> <https://blog.ipleaders.in/illegal-drugs-narcotic-substances/>

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### **V.III Uses of Drugs and Laws Controlling It in Ancient Time:**

In our past or ancient days, such drugs or any other form of such substances were manufactured and used only for medical purposes by people on their own local level too but the cases of its abuse and addiction were very negligible and very sporadic. People did not use it in the manner it is being used in present time.

The above-mentioned acts have been amended thrice in their life i.e., in 1988, 2001 and very recently in 2014 and that time the minimum punishment under section 15 and 17 etc. were increased to one year in the place of 6 months<sup>5</sup>.

## **VI. A COMPARATIVE ANALYSIS OF LAWS ON DRUGS ABUSE**

### **IN U.S.A.& U.K.:**

The researchers of this article have done an in-depth study of the laws that have been framed in USA and UK for the same purpose and it revealed that in

- U.K. Medicines Act, 1968<sup>6</sup>.
- Misuse of Drugs Act, 1971,
- Psychoactive Substances Act, 2016,

have been framed to achieve the same goal and with same objectives as in our nation and the fact that came out after such analysis is that they have provisions for at least 2 years for even a very small offence's conviction under section 10 and 67 of such Acts<sup>7</sup>. And in the USA under the controlled substances act and drugs abuse prevention and control act, 1970 it imposes very strict punishments and imposes heavy fine like if you carry 2.5 grams of any prohibited drugs then you have to pay an amount of 1500\$ and also have provisions for the imprisonment of up to 40 years and can be extended to life imprisonment and fines of 5 to 8 million\$<sup>8</sup>.

<sup>5</sup> Illicit trafficking in narcotic drugs and psychotropic substances act, 1988.

<sup>6</sup> Misuse of drugs act, 1971.

<sup>7</sup> <https://www.gov.uk/penalties-drug-possession-dealing>.

<sup>8</sup> <https://www.dea.gov/controlled-substances-act>.



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## **VII. CONCLUSION:**

After doing the complete and thorough analysis of the abovementioned social problem and its impacts along with laws in its context not only of our nation but also of the abroad countries the researchers present their opinions as there is a need of increment of the minimum fines and the sections which provides for the punishment for such illegal acts need to be amended and needs a little bit increment also.

But for all of this there need to be an effective monitoring system for this area and for this purpose there can be separate cells made under state administration agencies which can monitor it effectively by having a sole purpose and no other action or activity to be performed by that cell.

And one of the main amendments that should be made under such statutes is the strictness by the administration and finding about the involvement of the state functionaries if any, that needs to be hardened after a good analysis of the causes of this area of concern.