

# DRUG ABUSE: A GLOBAL CONCERN

AUTHOR'S NAME : TWISHAA GANGAR

SECOND YEAR L.L.B. STUDENT FROM

KES SHRI JAYANTILAL H. PATEL LAW COLLEGE

DRUG ABUSE : A GLOBAL CONCERN

**ABSTRACT:** Drugs are the new evolving trends in the world. Drug abuse not only affects them psychologically but also socially. Drugs have positive uses too, but as it is human nature, we have a habit of to turn in the direction of the damaging side of the use of drugs. Drug abuse can be painful experience for the addicted person as well as for their family. Drug abuse is a universal problem that makes specific drug users the main victims. But along with that person drugs also affect all of us. Drug abuse can be serious mental or physical problem. A drug doesn't have to be illicit to cause their effect. Drugs are substance or a combination of substances that can modify the state of your mind in a way that you cease to see the truth about what is happening with your life. Drug addiction is a growing problem in all over the world it effects not only health and relationships but also society and the environment. However, Youth are mostly more vulnerable towards the drug abuse, as they are at a phase in life where their actions are being shaped and they easily influenced by others who may be involved in the use of drugs. To control the drug addiction problems as well as illegal drug trafficking the Government of India has brought out a National Policy on Narcotic Drugs and Psychotropic Substances (NDPS) to serve as a guide to various Ministries/Departments, State Governments, International Organizations, NGOs, etc. and re-assert India's commitment to combat the drug menace in a holistic manner. In this paper I have classified the problem faced by the drugs in national as well as in international and also discussed the treaties and program introduced in global level for control of the drug menace in world.

**KEY WORDS :** DRUGS, DRUG ADDICTION, NATIONAL AND INTERNATIONAL CONVENTION TREATIES

## INTRODUCTION

India's response to drugs flows along an extraordinary spectrum of tradition and modernity; of widespread availability and stringent enforcement; of tolerance and prohibition; of production for medical use to lack of medical access to opiates.

India's long history of cannabis and opium use is referenced extensively in policy analysis. Being a country with significant volumes of licit and illicit drug cultivation, a transit route as well as a consumer market, India's drug policy dilemmas span 'demand' and 'supply' control. Its large chemical and pharmaceutical industry draws the country into deliberations on the illicit manufacture of drugs and precursor control as well as the non-medical use of prescription drugs.

While India's harsh drug control laws (in particular the criminalization of drug use and the imposition of the death penalty for certain drug offences) conform strictly to prohibition, its regulated opium cultivation industry provides insights for countries that are experimenting with alternatives to prohibition.

India is a signatory to the three UN Conventions, namely, Convention on Narcotic Drugs, 1961, Convention on Psychotropic Substances, 1971, Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, which have had a great influence upon the Indian legal provisions to curb the abuse and misuse of drugs.

The Ministry of Social Justice and Empowerment has taken great measures to effectively implement schemes for the Prohibition and Drug Abuse Prevention. The Narcotics Control Bureau under the Ministry of Home Affairs has been rendering aid, assisting both Central and State Governments with regards to curbing the menace.<sup>1</sup>

---

<sup>1</sup> International drug policy consortium, Drug policy in India, Tripti Tandon (Deputy Director, Lawyers Collective), briefing paper, February 2015, page 1.

*As the world eagerly awaits a solution for the COVID-19 pandemic, a solution to another global health crisis is still being sought after decades. Drug abuse and illicit trafficking have persisted through history as a humanitarian crisis, leading to the deteriorating health and untimely deaths of millions around the world<sup>2</sup>. Beyond reducing the security of global health, drug abuse and illicit trafficking cripple economies and the economic power of users, in addition to exposing vulnerable populations to even greater risks. The 2020 United Nations Office on Drugs and Crime (UNODC) World Drug Report notes the use of illicit drugs has increased by 30% since 2009. Likewise, the production and trafficking of illicit drugs, such as heroin and synthetic drugs, are at record highs.*

### **CONSTITUTIONAL FRAMEWORK UNDER DRUG ABUSE POLICY**

For the purpose of drug demand reduction, the Policy lists out the roles of various Ministries/ Departments which include conducting National Survey on Drug Abuse, training of doctors in Government Hospitals in de-addiction, supporting other hospitals in setting up de-addiction and treatment facilities, establishing separate facilities for female patients, developing minimum standards of care to be followed by de-addiction centers, inclusion of rehabilitation and social reintegration programmes for victims of drug abuse in all Government run treatment centers etc. The Policy also noted that several de-addiction centers have come up in the private sector and states that the Central Government shall lay down standards and guidelines for these de-addiction centers to follow and shall recognize such centers as are found to be meeting the standards and guidelines.<sup>3</sup>

*The prohibition becomes more stringent when courts and legislature started backing the article 47 of the constitution of Indian to control the use of drugs. Article 47 of the Constitution provides that “The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.”*

<sup>2</sup> Scheme of National Action Plan for Drug Demand Reduction, Government of India Ministry of Social Justice and Empowerment, (Revised w.e.f 01-04-2020), Page 4.

<sup>3</sup> Indian institute of legal studies, Drug Abuse and Constitution of India, <https://www.iilsindia.com/blogs/>

### **HUMAN RIGHTS BASED ON DRUG ABUSE**

Human rights should not just inform critiques of the response to drugs worldwide, they should also be the main drivers of its reform, underpinning checks and balances to break cycles of abuse. The International Guidelines on Human Rights and Drug Policy introduces a comprehensive catalogue of human rights standards. Grounded in decades of evidence, they are a guide for governments to develop human rights compliant drug policies, covering the spectrum of cultivation to consumption. Harnessing the universal nature of human rights, the document covers a range of policy areas from development to criminal justice to public health. The guidelines come at an important moment when high-level government representatives are convening at the Commission on Narcotic Drugs to shape a new global strategy on drugs.<sup>4</sup>

### **NATIONAL AND INTERNATIONAL POLICY ON DRUGS**

Drug Addiction is a universal challenge. In all scenario, we initiate with the understanding that while the future is predictable but there are many uncertainties as well. As we know that with the coming age there is a constant increase of drug problem not only as the drug abuse or consumption but also the drug related problems which includes the crime happened under the influenced of drugs by the criminals which should be control by the policies and programs rather than only following the legal procedures strictly which not only provide the better outcome for the control of consumption but it will also control over the criminal activities done by them.

<sup>4</sup> UNDP publications, Landmark international guideline launched on Human Rights and Drug Policy, March 2019, <https://www.undp.org/content/undp/en/home/news-centre/news/2019/human-rights-and-drug-policy.html>

**List of National and International Treaties and Conventions for Drug Control<sup>5</sup>**

<b>NATIONAL</b>	<b>INTERNATIONAL</b>
Narcotic Control Bureau	The 1909 Shanghai Conference
Ministry of Health and Family Welfare	The 1912 Hague International Opium Convention
Ministry of Welfare	The 1925 Geneva Opium Conventions
National Mater Plan (1994)	The 1931 Geneva Narcotics Manufacturing and Distribution Limitation Convention / 1931 Bangkok Opium Smoking Agreement
Central Bureau of Narcotics	The 1936 Geneva Trafficking Convention
Directorate of Revenue Intelligence	The 1946 Lake Success Protocol
Drugs Control Administration	The 1948 Paris Protocol
National Action Plan for Drug Demand Reduction	The 1953 New York Opium Protocol

<sup>5</sup> The History and Development of the Leading International Drug Control Conventions, Law and Government Division, Jay Sinha, <https://sencanada.ca/content/sen/committee/371/ille/library/history-e.htm>

Custom Commission	Single Convention on Narcotic Drugs, 1961
	Protocol Amending the Single Convention on Narcotic Drugs, 1961
	Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

*Drug policies is the policy, generally of a government, concerning the control and regulation of psychoactive substances (commonly referred to as drugs), particularly those that are addictive or reason of physical and mental dependence. Governments try to battle against that drug addiction or dependence with policies that address both the demand and supply of drugs, as well as policies that mitigate the harms of drug use, and for medical treatment.*

*Demand reduction actions include voluntary treatment, rehabilitation, substitution therapy, overdose management, alternatives to incarceration for drug related minor offenses, medical prescription of drugs, awareness campaigns, community social services, and support for families. Supply side reduction involves measures such as enacting foreign policy expected to eradicating the international cultivation of plants used to make drugs and seizure of drug trafficking, fines for drug offenses, confinement for persons convicted for drug offenses.*

*Policies that help to find out the mitigate drug use include needle syringe programs and drug substitution programs, and free facilities for testing a drug's purity. The effect of drug policies and evaluating positive outcomes, it is far more important to focus on goals and measures that aim to reduce both the harms that are a direct consequence of drug use.<sup>6</sup>*

<sup>6</sup>Textbook of Preventive and Social Medicine. 20th edition, Jabalpur: Banarsidas Bhanot, page 608- 609.

### **INTERNATIONAL POLICIES ON DRUG ABUSE**

Drug laws vary widely from country to country. Some nations hold various elements of a harm reduction approach, in which drug laws are set and evaluated with the goal of reducing the harm of drugs and drug policies. However, which have a great deal of impact on international drug laws, maintain a criminal justice rather than health-oriented approach. The history of international drug regulator gives vision into the philosophical and practical reinforcements of the three drug Conventions.

*The current legal and administrative framework for international drug control is laid out in three international Conventions negotiated under the auspices of the United Nations (UN):<sup>7</sup>*

- **The Single Convention on Narcotic Drugs, 1961 (Single Convention) as amended by the Protocol Amending the Single Convention on Narcotic Drugs, 1961**

The Single Convention has played a central formative role in the creation of the modern prohibitionist international drug control system. It is a continuation and expansion of the legal infrastructure developed between 1909 and 1953.

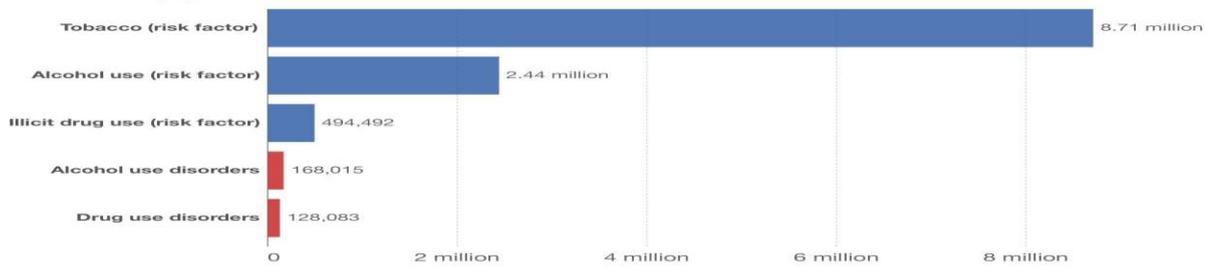
- **The Convention on Psychotropic Substances (Psychotropic's Convention)**

In the 1960s, following the signing of the Single Convention, drug use and abuse exploded around the world, most notably in

### Deaths from tobacco, alcohol and drugs, World, 2019



Deaths from substance use are distinguished by two measures:  
 – direct deaths from substance use disorders (in red). These are deaths which result from alcohol or illicit drug use overdoses.  
 – indirect deaths (in blue) which result from substance use acting as a risk factor for the development of various diseases and injury.



Source: IHME, Global Burden of Disease (2019)  
 Note: Illicit drugs are drugs that have been prohibited under international drug control treaties. They include opioids, cocaine, amphetamines and cannabis.

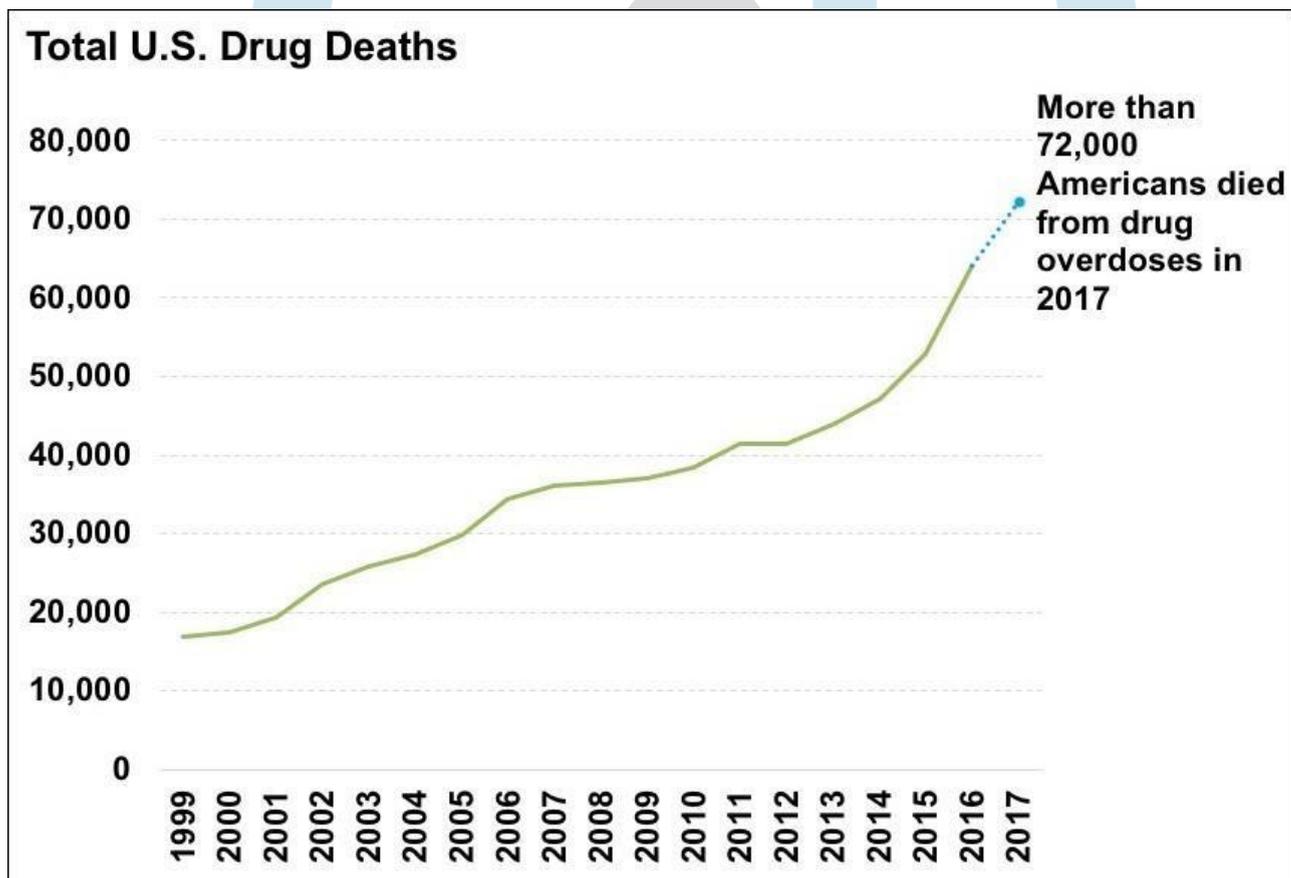
OurWorldInData.org/drug-use - CC BY

developed Western nations. The increase was especially noticeable in the pervasive use and availability of synthetic, psychotropic substances created since World War II, such as amphetamines, barbiturates, and LSD.

- **The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Trafficking Convention)**

Numerous national and regional drug control initiatives took off in the 1970s and 1980s. In Europe, the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs – commonly known as the “Pompidou Group” – was created and facilitated drug-related discussions between the countries. As well, the Heads of National Law Enforcement Agencies (HONLEA) met regionally –

<sup>7</sup> Official website, Ministry of Home Affairs, Government of India, Role and functions of the Narcotics Control Bureau.



in Asia and the Pacific in the 1970s and spreading to Africa, Latin America and Europe in the 1980s – to improve police and customs drug enforcement cooperation.

## **CONCLUSION**

The menace of drugs has pierced deep into the structure of our society as the consequences reach our youths and put the state's future generation in threat. And it has moved rapidly among the youth of India. It is the misfortune of our days that millions of youths, the future citizens of India, fall victims to the obsession of taking drugs. Drug abuse is a patterned consumption of a drug in which the user consumes the substance in amounts or with methods which are injurious to themselves or others. Drug abuse is defined as self-administration of a drug for non-medical reasons, in such amount and periodicity which may impair the ability to function adequately and may result in social, physical, or emotional harm.

Increasing rate of drug addicts and alcoholics is a massive danger prevailing in our society for which the concern and solution is the need of hour. Almost all people know this but unfortunately very few among us are able to recognize and understand what destruction drug addicts and alcoholics do to their families and to themselves by consuming narcotics and alcohol. They indulged in these activities thinking that they will get rid of their worries and depression. They should realize that by consuming drugs, their problems are not going to reduce but instead they are welcoming more problems.

Day by day the demands of the addicted people increase due to which they need more money to fulfil them and hence engaged in various illegal activities like robberies, murders etc. People who take drugs and alcoholics lose their sense of judgment and control. Many precious lives are lost because of drug addiction.

Therefore, Drug abuse is a pervasive phenomenon and a negative trend of the society. India is no way far from this vicious circle of illicit substance abuse. Excessive use of both illicit & licit substances will cause more public health hazards such as euphoria, stress, anxiety, depression and will be the outcomes of excessive drug use.

