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## A SOCIO LEGAL ANALYSIS OF DRUG ABUSE AND DRUG TRAFFICKING IN INDIA

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KEYWORDS	ABSTRACT
Drug Abuse, Drug Trafficking, Substance, Addiction.	Drug abuse is considered one of the main causes of crime since ancient times. Due to regular abuse of drugs, these users do not have a good image in the society. And due to criminal structures, their health is also negatively affected. It is a global record that the highest number and reason for crimes in the world is drug addiction. In India, “Narcotic Drug and Psychotropic Substance Act, (NDPS) 1985” made for drugs and drug abuser, smuggling, storage and intake of drugs and making drugs. As a problem, it creates a hindrance in the development of our country. According to an annual report by the “Ministry of Social Justice and Empowerment”, it is clear that in India, men between 15 and 35 years of age are the most involved in drug addiction, and some users are under 18 years of age. “Narcotic Drugs and Psychotropic Substances Act, (NDPS) 1985” in spite of all of the laws, Many Indian people are involved in misuse of drugs because there is a defect within the implementation of the law and no longer within the Act itself. This is one of the main reasons for drug abuse in our nation. This paper addresses legal policy measures for misuse of drugs in India. This study to detect the causes of drug abuse in Indian perspective.

### Introduction


Drug abuse, Alcoholism is serious hassle to humanity. As many articles stated that, ‘Drug trafficking is the fastest growing industry in the world.’ It has no being recognized as a worldwide problem because it has spread its tentacles to every corner of the globe. They acquire this habit from the society they live in. In other way, addiction refers to an excessive longing for a particular substance. Drug dependency is a technical term that is difficult to define. Generally, it can be defined as a periodic or

persistent state of intoxication, determinable to an individual or a society caused by the repeated intake a natural or synthetic drug. Therefore, prolonged use a drug which results in addiction is called drug abuse.

A few years ago, drug addiction most of the college and university students changed into a phenomenon that afflicted the western and more affluent nation only. via using drugs for ‘pleasure’ not unusual in developing countries, shockingly this evil has slowly spread like wildfire on an alarming scale in these

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international locations.

Drug abuse has taken a dangerous form in the modern generation which is presently the largest trouble of civilized societies. The trouble of drug abuse is turning into rampant in our India, some research discovered that drug abuse is more a psychiatric, psychological and social trouble. It ruins the man or woman and the society physically and socially, culturally, emotionally and economically.

### **A Worldwide Problem**

Drug abuse has become a hassle in the world. The exact number of people currently abusing drugs in India remains uncertain. Earlier than discussing the effectiveness of the Indian law to check illicit drug trafficking, a brief overview of the global situation with reference to rising trends in drug abuse and trafficking, seems to be incredibly necessary.<sup>1</sup> Recently illicit drug traffic from across the country is growing at an alarming rate with Pakistan trying to extend its proxy struggle on India to narcotics.

Today we confront the dual challenges of drug trafficking and drug addiction, which have reached unprecedented levels compared to previous times. Drug trafficking is not an isolated phenomenon. The menace has prolonged its tentacles sans geographical boundaries.<sup>2</sup> Despite the fact that drug trouble is a worldwide hassle, certain international locations inclusive of India are specifically prone to it. The bulk of heroin is produced in the Golden Crescent, Iran, Afghanistan, and Pakistan, and shipped to European markets. The Golden Triangle Myanmar, Thailand, and Laos has been a source

of illicit drug supply to India since the 1980s. The Golden Hexagon also serves as an illicit source of opiates, affecting India through the ever-increasing illegal transit traffic of heroin. Being surrounded by the illicit opium production areas (Golden Crescent, Golden Triangle and Golden Hexagon), India has become a major transit point for opium produced in these areas. India's neighboring country Nepal, a traditional source of cannabis, marijuana and hashish trade and use, further aggravates the situation. In addition, the state of Punjab, bordering India and Pakistan, has been affected by narco-terrorism linked to drug smuggling across the border. This smuggling is not new; it has been increasing since the early 1980s, affecting India more and more. The illicit drug trade not only violates India's borders, but also remains a major threat to the country's national security. One of the main reasons for the increase in drug abuse in India by drug traffickers is this illegal cross-border trade.

### **In Indian Scenario**

You find drug addicts across every section or community of society, irrespective of caste, religion or socio-economic status. That is to say, drug users do not change, even though they come from different backgrounds. But the method of consuming the drug, the specific substance, does change over time. Opium, cannabis derivatives, LSD, mandrax, cocaine and barbiturates have been traditionally used by drug addicts. But now the drug addiction has changed its pattern. Now these addicts are dominating the Indian markets with the help of 'synthetic' drugs containing stimulants like acetic anhydride, meperidine,

methaqualone, etc. The shift from smoking to injecting drugs is one of the significant changes seen in the pattern of drug use. Heroin is the most commonly used drug by addicts in India.

However, opium has been used in rural areas since ancient times. Apart from this, alcohol is also used a lot. In big cities, along with drug and alcohol addiction among the youth, the use of dangerous or lethal drugs like cocaine, hashish, etc. is increasing very rapidly. Opium is legally used in India and its production is allowed only for medicinal and scientific purposes. Opium is cultivated in Rajasthan, Uttar Pradesh, and Madhya Pradesh respectively and is subject to strict licensing, supervision and control of the government. The centers of cannabis-related drugs are Tamil Nadu, Kerala and Andhra Pradesh. Despite the fact that opium cultivation is widespread in northern states like Madhya Pradesh, Bihar, and Uttar Pradesh.

However, the drug trade is slowly making its way into India. It is now spreading its tentacles in villages as compared to big cities. Although there has been no significant increase in the drug supply in the last few years. Most terrorist attacks are linked to drug smugglers. Narco-terrorism is a growing threat to the nation. Which also puts the security of the nation at stake. There are three aspects of illegal drug trade: production, smuggling and consumption. Studies on drug abuse have established a link between drug production, abuse, trafficking, money laundering and narco-terrorism. To prevent such cultivation from flourishing again, the government should take effective steps and make more stringent rules

for the compliance of laws.

India is seen as a key transit point for drug trafficking globally. What has been most destabilizing in the country is the nexus between drug trafficking gangs, terrorists, and organized crime networks. Mumbai is considered the main hub for drug trafficking in India. There was a time when Dawood Ibrahim's gang was considered No. 1 in terms of drug trafficking in Mumbai. Later, other gangs such as the Dawood gang also expanded this illegal trade. Mumbai bombings and attacks are a clear example of this. The explosives used in the Mumbai attacks were smuggled into India through the same routes that the Dawood gang used to smuggle drugs and other contraband. Today the situation is that drug smuggling is done on a large scale in Mumbai. Women and children are also involved in it. Their network is so strong that it is difficult for the police to catch them. Similarly, these groups involved in illegal drug smuggling are carrying out terrorist incidents everywhere. Apart from this, drug smuggling also promotes human and arms smuggling. If seen, all three are linked to each other. These criminal groups employ comparable organizations and methods to smuggle people, weapons, and supplies. Even terrorist organizations now use similar tactics to obtain arms and explosives from borders. Militants and terrorists use money obtained from drug trafficking to finance their crimes. According to an estimate, terrorist groups in Jammu and Kashmir derive 15% of their income from the illegal drug trade. Punjab Sikh militant group and insurgents from the Northern east area, such as the *“National Socialist Council of Nagaland (Isak-*

**Muivah)**” also import drugs into India to finance their operations.

To tackle this growing menace, there should be a dual strategy, on the one hand effective steps should be taken to reduce the demand for drugs and prevent trafficking through enforcement of the **“Narcotic Drugs and Psychotropic Substances Act (NDPS)”** by the Ministry of Finance and its agencies such as Narcotics Control Bureau, Directorate of Revenue Intelligence, and on the other hand by the Ministry of Welfare to create awareness about drug abuse and accelerate the rehabilitation of addicts and their reintegration into society.<sup>3</sup>

### Causes for drug addiction

The main reasons for drug addiction vary from the surface to the deeper issues. It can arise from a dysfunctional family environment, peer influence, curiosity, sexual difficulties, unemployment, lack of motivation, or simply the urge to blend in with social groups. Vulnerable individuals may find themselves heading towards self-destruction. For those struggling with addiction, drug use often becomes a means to enhance pleasure and ease discomfort. Many substances induce a sense of well-being in users.<sup>4</sup>

In common parlance, a drug is a chemical substance which acts on the brain giving rise to fear, anxiety and insecurity. Drug abuse leads to accidents, crime, delinquency and loss of productivity. People who misuse drugs do so to experience the physical or psychological impacts of the substances, instead of using them to relief a medical condition. Although these people know very well that most of the drugs that are misused

are illegal to sell or keep without a doctor's prescription, they are still used. Many people misuse them knowingly and some people do so unknowingly.<sup>5</sup>

A person becomes addicted to drugs one day by following the following practices and methods given below:

1. Due to traditional practices, social and cultural background.
2. As part of its ongoing use in medicine.
3. To satisfy one's curiosity and experience the effects of the drug.
4. To relish a satisfying experience.
5. To help peers feel accepted or like they belong.
6. For more creative thinking.
7. Because of peer pressure.
8. To enter a dreamlike state or escape reality.
9. To enhance sexual vitality.
10. To challenge authority.
11. To find relaxation from the stresses of family life.
12. To have ample leisure time without responsibilities or other distractions.
13. Insufficient parental love, care, and guidance.
14. Athletes use substances like anabolic steroids, stimulants, testosterone, erythropoietin, and human growth hormone to enhance their performance.

### Symptoms of Drug Addiction

- (i). Forgetfulness tries to mislead and tell lies.
- (ii). Gets easily provoked, develops a peevish nature and enters into arguments at the drop of hat.

- (iii). The addict suffers from vomiting, cough and body pain.
- (iv). Staggering and stammering.
- (v). Burn scars or signs of needle-pricks on arms, finger and clothes.
- (vi). Redness and swelling in the eyes, lethargic and drowsy.
- (vii). A strange odor coming from the body of an addict.
- (viii). Lack of interest in studies and sports and other things; and.
- (ix). Brown and white powder, cigarette butts or syringe etc. can be found in or around the victim's dwelling.

### **Harmful Effects of Drug Abuse/Drug Addiction**

- (a). Ethyl alcohol's and methyl alcohol's respective harm to the human liver and eyes.
- (b). Disorders that are genetic and chromosomal.
- (c). A decline in intelligence, memory, and productivity
- (d). Psychosis, mental illness, etc.
- (e). The spread of certain diseases like AIDS, hepatitis, and others.
- (f). Wasting time and money in the process of acquiring drugs; which, in turn, has a negative impact on one's profession and career.
- (g). Engaging in illegal and antisocial behavior in order to acquire drugs.
- (h). Separation of social relationships from family relationships.
- (i). Under the influence of drugs, accidents in the workplace and on the road.

### **Legal Status**

In fact, drug abuse parse is not a problem of just of an individual and his or her family. It sparks if inevitably vicious circle of other evil like seduction, intimidation, murder criminalization, Aids etc. and the society at large has to bear the burden of it.

It has become clear that preserving the health of its citizens is the objective of every nation. However, illicit drug use, trafficking, and production significantly impede the growth of productive human resources.<sup>6</sup>

The government considered it necessary to enact domestic laws for the prevention and control of drug trafficking, which are sufficient to curb organized drug trafficking gangs. For this in order to reduce the supply and demand of drugs entering the country; India would be able to fulfill by permitting relevant agencies to investigate and prosecute drug-related crimes, it is fulfilling its commitments to international treaties and conventions regarding narcotics and their trafficking. This would enhance the existing cartel dominance in managing drug addiction.<sup>7</sup> But the current situation shows that even these laws are still inadequate.

Consequently, in 1985, the "*Narcotics Drugs and Psychotropic Substances Act*" (NDPS) was passed. According to this regulation, cultivation, manufacturing, moving, exporting, and importing any mind-altering and addictive drugs is only permitted for medical and research uses and with the government's approval. The Demonstration accommodates thorough discipline for any individual disregarding this demonstration and on

the off chance that somebody is discovered selling drugs for the subsequent time, capital punishment might be granted to the guilty party.<sup>8</sup>

The Act also states that any person who remains in custody for more than two years is placed in the "highly vulnerable" category, and may be deported. Additionally, property acquired through drug trafficking may be confiscated under the NDPS Act.<sup>9</sup>

In the "**NDPS Act**", if a person acquires any property from illegal smuggling or drug trafficking then there is also a provision for forfeiture the property.

Additionally, the "**NDPS Act**" has resulted in the persecution of a number of individuals, who have been handed severe prison terms and have had their assets confiscated. a lot of people have been targeted, found guilty, and had their assets taken away from them. As a matter of fact, in various cases special courts have served capital punishments to people saw as at real fault for having drugs for the subsequent time.

In addition, in 1988, the Indian government enacted the Prevention of Illicit Traffic in "Narcotic Drugs and Psychotropic Substances Act," which permits the detention of individuals who are suspected of being involved in drug trafficking.

The "Customs Act of 1962" has been amended to reduce the illegal export of chemicals used to make illegal drugs. Specifically, acidic anhydride has been designated as a "controlled substance" in the territory states of Nagaland, Manipur, Mizoram and Arunachal Pradesh to prevent its unlawful trade. Further, an area of 100 km along the Myanmar

border in these states has been declared as a "controlled region" under the Customs Act to ensure strict monitoring and control of any illegal or illicit trafficking/transportation of acidic anhydride.<sup>10</sup>

The government has been given the power to reduce the supply and demand of drugs by making various laws related to it. Although Drug smugglers have been prosecuted and punished under the NDPS Act. But despite all this, drug smuggling is continuously increasing which shows that just making laws is not enough. For this, enforcement of the laws made is very important. Nothing can be achieved by just making laws. To effectively combat drug trafficking, it is crucial to thoroughly investigate and prosecute all drug-related offenses. Additionally, ensuring that there is no illegal cultivation of opium or use of opium for manufacturing heroin is not done. The government will have to maintain proper licensing and strict monitoring for this

### **Conclusion**

This paper analysis suggests that, like criminal behavior, illicit drug use cannot be precisely defined from a lifestyle-course perspective. Young adults are the number one users of illicit drugs and assume adult roles. Drug smuggling/trafficking is a clandestine act. As a result, it is not possible to appropriately assess its magnitude. The quantity of illegal drugs confiscated by law enforcement agencies or groups underscores the concerning prevalence of unlawful drug-related operations. Proximity to South East Asia and South West Asia can be taken into consideration the immediate cause of drug trafficking in India. In conclusion,



we can say that government intervention through harsh punishments, even death penalty, cannot certainly curb the drug menace. Government efforts through legislation alone cannot succeed until these legal guidelines are properly implemented and sensible people of the society are sincerely brought together to tackle this menace. Extensive collaboration among various national

agencies, such as the Income Tax Department, Directorate of Revenue Intelligence, Judiciary, Narcotics Control Bureau, voluntary groups and Police is crucial to effectively address the issue. Additionally, international cooperation among enforcement agencies is vital to share critical information on illegal drug production, smuggling detection, and the extradition of drug traffickers.

### **Endnotes:**

<sup>1</sup> DMP (Drugs Monitoring Platform) (2015), Drugs Monitoring Platform, online tool, United Nations Office on Drugs and Crime, Paris Pact Initiative ([drugsmonitoring.unodc-roca.org](https://drugsmonitoring.unodc-roca.org))

<sup>2</sup> INCB (International Narcotics Control Board) (2015), Precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances 2014, International Narcotics Control Board, Vienna, March([www.incb.org/documents/PRECURSORS/TECHNICAL\\_REPORTS/2014/2014-PreAR\\_E.pdf](https://www.incb.org/documents/PRECURSORS/TECHNICAL_REPORTS/2014/2014-PreAR_E.pdf)).

<sup>3</sup> Ibid

<sup>4</sup> Sharma, Organised Crime in India, volume12/article5, p. 82 [www.satp.org](http://www.satp.org),

<sup>5</sup> Drug addiction: substance use disorder, [www.mayoclinic.org, symptoms-causes/syc-20365112](https://www.mayoclinic.org/symptoms-causes/syc-20365112)

<sup>6</sup> Commission on narcotic drugs Vienna, commission on narcotic drugs Vienna implementation of all international drug policy commitments Follow-up to the 2019 Ministerial Declaration the World Drug Problem". 19-V1905795 e-book.

<sup>7</sup> Ibid

<sup>8</sup> [www.cbn.nic.in/overview](http://www.cbn.nic.in/overview)

<sup>9</sup> The Narcotic Drugs and Psychotropic Substances, Act, 1985 3 Jan 2022, Bare Act, Puja Law House

<sup>10</sup> Drug-trafficking as a Non-traditional Security Threat: Emerging Trends and Responses, Pushpita Das, Artha-Journal of Social Sciences 2019, Vol. 18, No. 4, 1-23