Chapter 1

INTRODUCTION

1.1 Introduction :
   1.1.1 Problem of addiction
   1.1.2 Problem of drug trafficking
   1.1.3 Various views

1.2 Constitutional framework

1.3 Legal framework

1.4 Delineation of concepts

1.5 Various causes of drug abuse :
   1.5.1 Introduction
   1.5.2 Causes

1.6 Significance of the problem

1.7 The problem

1.8 Objectives of the study

1.9 Hypothesis

1.10 Research Methodology

1.11 Summary
Chapter 1

INTRODUCTION

1.1 Introduction:

India is one of the oldest civilizations with rich cultural heritage, with a large population spread over from East to West and from North to South, found victims of different kinds of drug usages. Such population comes from diverse socio, economic, cultural, religious and linguistic background. India is the biggest supplier of licit demand for opium.

The origin and development of the Indian drug trafficking scenario are closely connected with the well-planned and geographical location of India which has large inflow of heroin and hashish from across the Indo-Pak border originating from ‘Golden Crescent’ on the north-west comprising of Iran, Afghanistan and Pakistan. It is one of the major illicit drug supplying areas of the world on the North Eastern side of the country and it is the Golden Triangle on the east-west comprising of Burma, Loas and Thailand. It is again one of the largest sources of illicit opium in the world. Nepal also is a traditional source of cannabis. Also, the processes of industrialisation and urbanisation are changing the social attitude. They are contributing to the increasing of drug abuse¹.

It is a social evil. It destroys not only the society but also affects the economic growth of the country. Because this is a trade and it generates large unaccounted money. This money generated is used for various purposes including anti-national and terrorist activities just as any virus, it spread all over a country.² Until the end of the 19th century, trade in the narcotics was considered a legitimate business. Modern technology and the expansion of transport and world trade introduced a new dimension. An increasing number of alkaloids and derivatives were being produced from opium and coca leaves

¹ Website, www.google.co.in, an article, Drug Demand Reduction and preventive policies, Government of India approach
² Y. K. Sabharwal, former Chief Justice of India, an article, the National Seminar organised by Delhi High Court
and easily distributed. In addition, a large number of psychotropic substances were developed and their consumption increased very largely, hence the problem become global.

- **History of Drug Dependence in India**: There is no exact record of when men started using drugs for non medical purposes, but in all civilization drugs have been used in many ways. It is becoming a part of the culture and aiding in its growth.

  The history of drug dependence in India is similar to that of other countries. In the oldest Indian religions texts such as Vedas, ‘Somras’ is generally believed to be alcohol or a similar intoxicants, the earliest use of cannabis is more difficult to trace but by the 8th century A.D. Its use was recorded in many Indian Medical Treaties. In India, the use of opium also dates back many centuries. When the Europeans came to India in 16th and 17th centuries, opium was one of the important commodities for early commercial companies. Opium was widely used by the princes and noblemen of the 18th and 19th centuries. Recent report indicates that opium and hashish which were previously restricted to the uneducated and backward communities in India are now used by younger generation. Figures on the extent of drug addiction in India are not really available.

  Whatever be the origin source of drug abuse, its practice seriously affect the most productive and dynamic section of our society i.e. the age group between 15 to 40. Thus it is the loss of our social, economical and cultural life of the people and to the wealth of the nation. Drug abuse has been identifying as playing a significant role in the spread of diseases like AIDS. The recent trend in drug abuse among young masses indicates that the abuse of illegal drugs has become more popular among main stream youth. There is also risk that drug abuse in recreational setting is increasing and it is becoming part of life style of certain youth groups. The social context of the dance world fashion, peer group norms play a significant role in recreational use of drug. Due to this, addiction has become a major problem in all over India.
1.1.1 Problem of Addiction:

Rahul was 30 years old when he died due to overdose of the drug. He was alone in a hotel room. He had been abusing drugs from 10 years since he was in college. He began with smoking marijuana with friends, but after a tragic motorcycle accident when his pillion rider was killed and he was badly injured, began to abuse painkillers. Thereafter, he became dependent on them. Despite several rehabilitation efforts, he was unable to give up the habit. After his parents asked him to leave the house, he went to stay with his sister’s family, but even her support and motivation did not help him to quit the habit. He wanted to live normal life but he simply lost hope. Thus, thousands of people like Rahul, who die in their prime every year in India owing to drug abuse. The number of drug abusers may be high, but help is not available for those who seek it.

Addiction has become a major problem not only in big cities but also in rural areas. Recent reports indicate that opium and hashish which were previously restricted to the people in India are now used by the younger generation. The reasons for using drugs are varied such as young people face unprecedented pressure with regard to employment, uncertain future, etc. and other reasons such as family problem, sexual and educational problem, peer group pressure and the desire to experiment.

Drug abuse and addiction lead to a complex set of social, medical and economic problems with serious involvement. According to experts, it is widely prevalent, cutting across age, class and gender. Yet it is difficult to estimate the number of drug abusers or formulate a comprehensive approach to deal with the issue primarily because it involves a ‘Hidden population’ that does not seek treatment and hence remains under reported. This makes it difficult to assess the problem, estimate costs both social and economic; and design intervention.

3 India’s national magazine, The Hindu, Vol. 22 – Issue 17, Aug. 2005
4 Website, www.google.co.in, R. P. Kumar, an article, Drug abuse in India entitled, dated 3rd Dec.2011
strategies. According to the various National Surveys, very few drug dependents reported having treatment because of lack of knowledge about the need for treatment and rehabilitation and access to treatment facilities.

1.1.2 Problem of Drug Trafficking:

Drug trafficking activities have sharply increased over the years. It spread all over a country, irrespective of caste, creed, culture and the geographical location. In recent times, there has been a significant increase in the communication system and means of transportation. This has also led to considerable increase in narcotic drug trafficking. In the Indian context, the geographical location of this country is most suited for the flow of drugs. It is readily available to the drug consumers by sea and land from all sides. Iran, Afghanistan and Pakistan which are the largest producers of opium, manufacture heroin from it and the same is smuggled into India.

The drug trafficking have been able to grow strongly despite stringent punishments provided under the Narcotic Drugs and Psychotropic Substances Act, 1985. They are able to escape the process of law and cause great harm to the social and economic growth of the country and particularly the young generation. This resulted in seriously obstructing socio-economic growth and multi dimensional development of the country. The punishment for drug trafficking may become more and more stringent but, by the passage of time, it has not been able to provide real solution to the basic problem. Low conviction rate is the main cause for growing such problem. The drug trafficking is assuming alarming in Karnataka, North India, opium producing areas of Rajasthan and Madhya Pradesh, often visits Bangalore for negotiating deals and to deliver drugs to traffickers. The trend in trafficking in heroin and seizure by various enforcement agencies.

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5 India's national magazine, The Hindu, Vol. 22 – Issue 17, Aug. 13-26, 2005
6 Y. K. Sabharwal, Chief Justice of India, an article National Seminar organized by Delhi High Court
agencies indicates that Bangalore city and other parts of the state have been emerging as a major conduct for smuggling narcotic drugs\(^7\).

Illicit drug trafficking is so complex in nature that it involves a large variety of drugs from many sources throughout the world. It not only violates national drug laws and international conventions, but also involves several other allied activities such as racketeering, conspiracy, bribery, corruption, tax evasion, illegal money translation, violation of import and export laws, crimes of violence and terrorism. The wide range of illegal and criminal activities associated with illegal drug trafficking. It creates a threat to law enforcement agencies throughout the globe. Considering the ever increasing demand and consumption of liquor, opium, heroin, etc. and huge profit in their illicit trafficking, the legislative control measures are not becoming effective.

1.1.3 Various views:

A) Maharashtra has the highest number of registered drug addicts and the largest number of people registering for drug de-addiction in the country\(^8\).

B) The Bihar State Crime Record Bureau reported that the state police have registered a constant rise in number of cases lodged against drug peddlers and addicts over the past few years\(^9\).

C) In 2011, the International Narcotic Control Strategy published its report on 3\(^{rd}\) March 2011 and reported therein that –

1) In 2007 and 2008, India was the world’s No. 1 exporter of ephedrine.

2) In 2008, India was also the world’s No. 1 exporter of psedophedrine.

3) In May 2009, the Narcotic Control Bureau destroyed 5238.87 acres illicit opium poppy cultivation in the States of Jammu,

\(^7\) Website, www.google.co.in, an article, Drug Trafficking in India, dated 29\(^{th}\) Nov. 2011

\(^8\) Newspaper – The Times of India (Mumbai)

\(^9\) Website, www.timesofindia.com/patna
Kashmir, Arunachal Pradesh, Bihar, Jharkhand and West Bengal.

4) In August 2010, the Narcotic Control Bureau seized two operational methamphetamine laboratories in Mumbai. The Bureau seized variety of drugs in it.

5) In Oct 2010, an illegal factory in Maharashtra was raided and 93 Kgs of ephedrine was seized.

6) In 2010, India seized 2.2 tons ephedrine.

7) In 2010, 688 hectors under cannabis cultivation were eradicated\(^{10}\).

8) Another raid at an illegal factory in Gujarat and 238 Kgs of ephedrine was seized. Two persons in Maharashtra and six persons were arrested in Gujarat raid\(^{11}\).

D) In Chandigarh, Team of Police and Income Tax department seized close to Rs. 18.84 crore cash and confiscated over 36 lakh ML of foreign liquor between 24\(^{th}\) December 2011 to 11\(^{th}\) January 2012 within 20 days, even as habit-forming capsules and tablets worth over Rs. 10 lakh were seized.\(^{12}\)

As per the Election Commission’s statistics, other seizures included – poppy husk 2101 Kgs, illicit foreign liquor 36 lakh ML.

Among other seizures, the data shows that the recovery of 8580 Kg opium, 6340 grams heroin, smack 1577 grams, Latian (A narcotic) 40344 Kg.

The team also seized medicines which were being transported or kept illegally from various part of the state. The seized items include 85286 capsules, 157241 tablets and 323 syrup bottles.

\(^{10}\) Report of 35\(^{th}\) Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific Agra-India 22-25 November 2011

\(^{11}\) Website, www.google.co.in, The International Narcotic Control Strategy Report, 2011

\(^{12}\) Website, m.timesofindia.com/chandigarh
Meanwhile, police seized 5.75 lakh tablets, 10000 capsules and around 900 injections and 1130 syrup bottles.

Police suspect that since youngsters prefer medical habit-forming drug instead of liquor, politicians might have a hand in bringing such a big consignment of drugs to the area. Police suspected that the drugs were meant for election to win the young voters.13

E) Drug use in India has undergone a demographic and social shift during the last decade. It could result in a public health disaster.

Use of alcohol, opium and cannabis, the traditional drugs in India are giving way to synthetic drugs such as ATS (Amphetamine Type Stimulants) and prescription drugs, which are easily attainable; and can be both bought and sold over the counter via internet and transported via courier.

The drug abusers are young, affluent and too rich professionals. 70% of the population is below thirty five years and the potential number of substance abusers is very large.14

In short, the problems of drug Abuse, drug addiction and drug trafficking are resulted in seriously obstructing the socio-economic growth and multi-dimensional development of the country. Today, world opinion and effort is united in fighting illicit production, trade and trafficking in drugs. There is need to globally check the menace of problem and International co-operation for investigation, chasing the offenders, prevention and punishment.

1.2 Constitutional Framework:

Art. 47 of the constitution of India, directs the state to regard the raising of the level of the nutrition and the standard of living of its people and

13 Website, www.m.nbt.in, an article, dated 16th Jan. 2012
14 Periodical, India Today
the improvement of the public health. It is the primary duty of the state and to bring about prohibition of consumption of intoxicating drinks and drugs which are injurious to health, except for medical purposes\textsuperscript{15}.

1.3 **Legal framework:**

The National policy on Narcotic Drugs and Psychotropic Substances is based on the directive principles contained in Article 47 of the Indian Constitution which directs that the “State shall endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drugs injurious to health”. The Government’s policy flows from the above constitutional provision and is also guided by the three UN Conventions to which India is a signatory, namely –

1) Single Convention on Narcotic Drugs 1961 as amended by the 1972
2) Protocol Convention on Psychotropic Substances, 1971

The broad legislative policy is contained in the three Central Acts, namely,

- Narcotic Drugs and Psychotropic Substances Act, 1985 as amended.
- Drugs and Cosmetics Act, 1940 as amended.

The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) which came into effect from 14\textsuperscript{th} November 1985, sets out the statutory framework for drug law enforcement in India. This Act consolidates the principal Acts, viz. the Opium Act 1857, the Opium Act 1878 and the Dangerous Drugs Act 1930. The NDPS Act also incorporates provisions designed to implement India’s obligations under various International Conventions.

\textsuperscript{15} M. P. Jain, Indian constitutional Law, 4\textsuperscript{th} Edn, 2001, Wadhwa and Company, p.740
Certain significant amendments were made in the Act in 1989 to provide for the forfeiture of property derived from drug trafficking and for control over chemicals and substances used in the manufacture of narcotic drugs and psychotropic substances. In order to give effect to the statutory provisions relating to these substances, an order, namely the NDPS (Regulation of Controlled Substances) Order, was promulgated by the Government of India in 1993 to control, regulate and monitor the manufacture, distribution, import, export, transportation etc. of any substance which the Government may declare to be a ‘Controlled substance’ under the Act. The statutory regime in India consequently covers drug trafficking, drug related assets as well as substances which can be used, in the manufacture of narcotic drugs and psychotropic substances. Further amendments were incorporated in the NDPS Act in 2001, mainly to introduce a graded punishment structure.

The NDPS Act provided for constituting a Central authority for the purpose of exercising the powers and functions of the Central Government under the Act. In exercise of the powers, the Narcotics Control Bureau was constituted in the year 1986.

The prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 was earlier promulgated as an Ordinance on 4th July 1988 which subsequently became a law in August 1988. This is an Act to provide for detention in certain cases for the purpose of preventing illicit traffic in Narcotic Drugs and Psychotropic Substances for matters connected therewith.

The Drugs and Cosmetics Act governs, inter alia, the licensing and regulation of medicines containing Narcotic Drugs and Psychotropic Substances which are specified under the Schedules of the NDPS Act.

The responsibility to administer these acts also resides with different ministries of the Government. The Department of Revenue under the Ministry of Finance administers the Narcotic Drugs and Psychotropic Substances Act, 1985 and the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988. The Ministry of Health administers the Drugs and Cosmetics Act, 1940.
India is one of the largest licit producers and exporters of opium in the world. The Central Bureau of Narcotics (CBN) headed by the Narcotics Commissioner supervises the control system over licit cultivation of poppy and production of opium. It is also the licensing authority authorizing import/export of narcotic drugs, psychotropic substances and controlled substances. The Narcotics Control Bureau (NCB), under the Ministry of Home Affairs, is the national nodal agency to co-ordinate drug law enforcement. Various central and state agencies have been empowered under the NDPS Act. These include the Central Bureau of Narcotics (CBN), Customs, Central Excise, Directorate of Revenue Intelligence (DRI), Border Security Force (BSF), Coast Guard, Sashastra Seema Bal (SSB), Central Bureau of Investigation (CBI) and State Police, Excise and Forest authorities, etc. A multi agency approach is therefore, adopted in India to combat drug trafficking. The role of various agencies is complimentary to each other.

Majority of the drug offences cases are booked by Police, such cases are divided into regional and international. They are booked by the NCB and DRI. Often major traffickers are not brought to the book and offenders escape from the strong hold of the law on technical and procedural grounds. Uniformity in procedures adopted by agencies in implementing the provisions of the NDPS Act is the key to success in attaining conviction. Therefore, sensitization of drug law enforcement officers on the laws, rules and regulations is essential in improving the conviction rate in drug offence cases. The NDPS Act needs to be strengthened to take care of illegal activities of drug abuse on the internet. An emerging threat is the increased availability of synthetic drugs (ATS – Amphetamine Type Stimulants) of greater concern which are repeated attempts to set up in a secret way of illegal manufacture of these drugs in India.

1.4 Delineation of the concept:
A) Drug: It is a chemical substance whether or not obtained from natural sources, which is taken for the pleasant effects it produces. It has to be understood that drugs in common use differ greatly in their pharmacological effects. Therefore, the word ‘Drug’ relates not to any one particular kind of drug but to various kinds of narcotic substances,
which may differ from one another in its effects both qualitatively and quantitatively.\footnote{Rohinton Mehta, Crime and Criminology}

- **Classification of drugs**: It is divided into four substances -

  1) **Narcotic drugs [Section 2(xiv)]**: Narcotic Drug means coca leaf, cannabis (Hemp), opium, poppy straw and includes all manufactured drugs.

  2) **Psychotropic Substance [Section 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 substances specified in the schedule.

  3) **Manufacturing Drug [Section 2(xi)]**: ‘Manufactured Drug’ means –

   a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate.

   b) any other narcotic substance or preparation which the Central Government may, having regard to the available information as to its nature or to its nature or to a decision, if any, under any International convention, by Notification in the official Gazette, declare to be a manufactured drug, but does not include any narcotic substance or preparation which the Central Government may, having regard to the available information as to a decision, if any, under any international convention, by notification in the official gazette, declare not to be a manufactured drug.

  4) **Controlled Substance [Section 2(vii-d)]**: ‘Controlled Substance’ means any substance which the Central Government may, having regard to the available information as to its possible use in the production or manufacture of narcotic drugs or
psychotropic substances or to the provisions of any International Convention, by notification in the official gazette, declared to be a controlled substance. ¹⁷

B) **Cannabis (Hemp) [Section 2(iii)]**: Cannabis means –
   a) *charas*, that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish.
   b) *ganja*, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and
   c) any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom.

C) **Coca derivatives [Section 2(v)]**: ‘Coca derivative’ means –
   a) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;
   b) ecgonine and all the derivatives of ecgonine from which it can be recovered;
   c) cocaine, that is, methyl ester of benzoyl-ecgonine and its salts; and
   d) all preparations containing more than 0.1 per cent of cocaine.

D) **Opium [Section 2(xv)]**: ‘Opium’ means -
   a) the coagulated juice of the opium poppy; and
   b) any mixture, with or without any neutral material, of the coagulated juice of the opium poppy,
   but does not include any preparation containing not more than 0.2 per cent of morphine.

E) **Opium derivatives [Section 2(xvi)]**: ‘Opium derivatives’ means -
   a) medicinal opium, that is, opium which has undergone the processes necessary to adopt it for medicinal use in accordance with the

¹⁷ R. P. Kataria, Law Relating to Narcotic Drugs and Psychotropic Substances in India, Orient Publishing Company, pp. 2-4
requirements of the Indian Pharmacopoeia or any other
pharmacopoeia notified in this behalf by the Central Government,
whether in powder form or granulated or otherwise or mixed with
neutral materials;
b) prepared opium, that is, any product of opium obtained by any series
of operations designed to transform opium into an extract suitable for
smoking and the dross or other residue remaining after opium is
smoked;
c) phenanthrene alkaloids, namely, morphine, codeine, thebaine and
their salts;
d) diacetylmorphine, that is, the alkaloid also known as diamorphine or
heroin and its salts:
e) all preparations containing more than 0.2 percent of morphine or
containing any diacetylmorphine.

F) Addict (Section 2(i)) : ‘Addict’ means a person who has dependence on
any narcotic drug or psychotrophic substances.

G) Illicit traffic [Section 2(viii-a)] : In relation to narcotic drugs and
psychotrophic substance, means -

i. cultivating any coca plant or gathering any portion of coca plant;

ii. cultivating the opium poppy or any cannabis plant;

iii. engaging in the production, manufacture, possession, sale,
purchase, transportation, warehousing, concealment, use or
consumption, import inter-state, export inter-state, import into
India, export from India or transhipment of narcotic drugs or
psychotrophic substances;

iv. dealing in any activities in narcotic drugs or psychotropic
substances other than those referred to in above clauses (i) to (iii);
or

v. handling or letting out any premises for the carrying or of any of
the activities referred to in above clauses (i) to (iv).
Other than those permitted under this Act, or any rule or order made, or any condition of any licence, term or authorization issued, thereunder, and includes—

1) financing, directly or indirectly, any of the aforementioned activities;
2) abetting or conspiring in the furtherance of or in support of doing any of the aforementioned activities; and
3) harbouring persons engaged in any of the aforementioned activities.

H) **Commercial quantity [Section 2(vii-a)]**: In relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the official gazette.

I) **Small quantity [Section 2(xiii-a)]**: In relation to narcotic drugs and psychotropic substances, means any quantity lesser than the quantity specified by the Central Government by notification in the official gazette\(^\text{18}\).

### 1.5 Various Causes of Drug Abuse:

#### 1.5.1 Introduction:

Taking a drug for reasons other than medical in and amount strength, frequently or manner that damages the physical and mental functioning is drug abuse. The researcher states that the uses of drug damages the physical and mental health of the individual, and also weaken it and kill him. The main drugs of abuse in India are cannabis, heroin and opium. The majority of the addicts are between 15 to 40 years of age. It is the most productive age group of the country. There is also increasing abuse of drugs and psychotropic substances among out of school children and street children. Traditional abuse of opium still continues in the states of Rajasthan, Punjab, Madhya Pradesh, Uttar Pradesh and Gujarat.

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1.5.2 Causes:

There is no single reason or cause for drug abuse. It is varied. Many adults think that young people use drugs only if they are having problems. This is usually not true. They may be attracted to illegal drugs for various reasons. There are various causes which are divided into 6 categories as follows –

A) Economical reasons
B) Medical reasons
C) Social reasons
D) Psychological reasons
E) Socio-cultural reasons
F) Other reasons

A) Economical Reasons:

1) Rapid Industrialisation and Urbanization: It is a new way of life with new values. Many addicts arise after failure in business or professional life.

2) Economic liberalization, social change and changes in drinking patterns: The impacts of globalization and economic liberalization resulted into growing of high incomes. They have influenced a widespread attitude to greater use of alcohol and other drugs.

3) Unemployment: It is an important factor contributing to drug and alcohol addiction.

4) Lack of productive employment and impact on the workplace: Many employers are under competitive pressure to increase output. At the same time, these employers must responsible to critical human resource issue to continue in business.

According to recent studies and number of news, coming from various places in India as to take legal drugs become an unwise fashion and to take illegal drugs become a
modern fashion. Therefore, the drug problem is majority related to employer, workers and enterprises and their representatives. Drug abuse occurs more frequently in young people than in other age group.

5) The recent development in pharmaceutical and Medical sciences: They have provided the scope for production of a variety of toxic synthetic substances. This has contributed substantially to drug abuse and addiction.

B) Medical reasons:

1) To escape from painful illness: People often take drugs for relief from painful illness and ultimately get addicted to it. Besides there are some addicts that they find it difficult to survive without the use of alcohol or narcotic drugs and this ultimately makes them habitual alcoholics or drug addicts:

2) Dishonest Doctors: It is a serious problem. The honesty of Doctors and pharmacists is not unlimited. The temptation to supply illicit drugs or prescriptions for cash is very large. The profits are likely to be even greater than for regular drug dealers and the risk comparatively very less.

C) Social reasons:

1) Lack of parental care and control: The lack of parental care and control due to working situation of both spouses, disintegration of joint family system are also contributory factors.

The problem of drug abuse is more common among the middle, upper middle and high economic class families.

2) Frustration and emotional stress: Frustration and emotional stress due to failures, sorrows or miseries of life.

3) Hippie culture: It is also attracts youngsters to drug addiction and they start it as a fun or enjoyment. They start consuming
drugs or alcohol as an experiment basis as a fun or enjoyment and; majority of them turn out to be drug addicts and habitual.

4) Communication gap between parents and youngsters: It is one of the contributory factors for drug abuse and alcoholism.

5) The faith of people who do manual work: The people who do manual work often before that use of drug such as alcohol, opium, Ganja etc. It provides them added strength, ultimately makes them addicts.

6) Social disorganization: Social disorganization is also a contributory factor for drug abuse or misuse. Frequent family conflict and break down due to poverty, clashes, neighbourhood influence etc. may divert a person to alcohol or drug consumption to overcome his domestic and family problems. This may itself be a cause of tension and quarrel in the family.

7) In order to reduce unpleasant anxiety and depression feelings: These feeling are general due to human condition, human being's uncertainty, may divert a person to alcohol or drug consumption.

D) Psychological reasons:

1) The lack of knowledge of child psychology: It is one of the factors for drug abuse and alcoholism.

2) In order to increase psychophysical performances: By reducing unpleasant bodily sensations like pain, tiredness or by over coming physiological needs like sleep and hunger. They enjoy the short term effects.

E) Socio-cultural reasons: Long tradition of general cultural acceptability of a drug use exists in many states of our country. In many social events, celebrations and festivals the use of opium or cannabis, Ganja have been used. It is one of the contributory factors.
F) Other reasons: Many people think that young people use drug only if they are having problems. This is usually not true. They may be attracted to illegal drug for similar reasons because of peer group’s influence. Sometimes they are curious about the effect, these drugs are easily available. They want some kind of experience and so they take it, they enjoy it, their friends use it. Sometimes it is a culture to break the rules. It is one of the contributory factors to become addict.

In short, many persons knowingly or unknowingly begins to consume alcohol or narcotic drug as a medicine for a work or to get relief from pains or to get relief from domestic or other problems. They prefer to remain in the world of imagination rather than realities of life. Gradually, they become addicted to alcohol or drug consumption and his dependence on these intoxicants at a relatively faster rate. Finally, they reach a stage when they can not live without wine or a drug since it becomes their life habit. Among the youth, there is almost always deterioration in the normal daily functioning; e.g. sleeping late, mood change, deterioration in academic performance, behavioural problem such as aggression, rebelliousness, hyperactivity, lack of concentration and so on, are often ignored by family members as they think as signs of adolescence rather than symptoms of addiction. Thus, various factors are responsible for drug abuse. It is a complex phenomenon which has various social, cultural, biological, geographical, historical and economic aspects. The processes of industrialization, urbanization and migration have led to loosening of the traditional method of social control.

1.6 Significance of the problem:

"Health is wealth" is the famous proverb. It means a healthy body is the very foundation for all human activities. There are increasing cases of drug abuse and drug addiction. During recent years, new drugs of addiction which have come to be known as ‘Psychotropic Substances’ have appeared on
the scene and created severe problem in the society. Due to this problem, the attitude of the society has been changing and it denigrates of social values.

**a) Various incidents:** A survey conducted in 2003-04 by the Narcotic Control Bureau and found that India has at least 4 million drug addicts by foreign drug peddlers to flourish their business. In the last few years, upper middle class Indian have largely clubbing and there are more women among them.

In India, Goa is the first to receive the rave party culture introduced by the Hippies. The rave culture has spread almost all parts of the country including the small districts and towns. Rave usually takes place in dark rooms, filled with laser lights, location including ware house, night clubs and farm fields\(^{19}\). The number of rave parties in India is definitely on the rise. It involves illegal drug usage, alcohol and other substance abuse. There are also various sort of sexual activities. Students and particularly school girls who attended a rave party without informing their parents are usually ending up in a bed with a friend. In recent past, youngsters prefer to have this sort of party. Rave parties in Bangalore and Mumbai, many foreigners have been arrested for peddling various drugs and substances. Rave party in Pune (Donje village), 280 people aged between 20 to 30 years were arrested under the Narcotic Drugs and Psychotropic Substances Act. The arrested persons include airhostesses, IT professionals, call centres’ employees and students from Mumbai, Pune, Uttar Pradesh, Delhi and Haryana\(^{20}\).

It has been seen that it is primarily the neo-rich middle class youth. Such culture is highly flowed in small cities and town over the last few years. The age of youngsters attempting rave parties is coming down and instances of rape, substance abuse, drug peddling, drunken driving leading to accidental death is growing with each passing years. There is no moral judgement involved in the ethos of partying, clubbing or enjoying life.

\(^{19}\) Website, www.google.co.in, an article, Rave parties in India, dated 29\(^{th}\) Nov. 2011

\(^{20}\) Times of India (Bombay)
Over the past few years, many urban middle class youngsters have taken to harmful substances called ‘Club drugs’ including Ecstasy, gamma-hydroxy butyrate (GHB), Ketamine and Rohypnol which are said to enhance energy, endurance confidence, sociability and sexual arousal. Each of these drugs has difference psychological and physiological consequences. The effects of these drug range from relatively minor disorder like hypertension, agitation, anxiety nausea, confusion to major problem like coma, schizophrenia symptoms, liver toxicity, and death.\textsuperscript{21}

In the year 1996 to 2006, the following narcotic drugs have been seized by the various enforcing agencies:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Type of Narcotic Drug</th>
<th>Quantity seized (Kgs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Opium</td>
<td>21895</td>
</tr>
<tr>
<td>2</td>
<td>Ganja</td>
<td>855667</td>
</tr>
<tr>
<td>3</td>
<td>Hashish</td>
<td>48278</td>
</tr>
<tr>
<td>4</td>
<td>Heroin</td>
<td>10147</td>
</tr>
</tbody>
</table>

In the cases arising from these seizures, a total of 142337 persons were involved including the foreigners.\textsuperscript{22}

\textbf{b) Report of the National Crime Record Bureau}: According to the National Crime Record Bureau, Ministry of Home Affairs, Government of India, it gives an annual publication presenting detailed information on various aspects of crime and criminal administration in the country. The incidences and rates of cognizable crimes under the NDPS Act are as follows -

\textsuperscript{21} Website, www.google.co.in, an article, Rave parties in India, dated 29\textsuperscript{th} Nov. 2011

\textsuperscript{22} Y. K. Sabharwal, former Chief Justice of India, Analytical, Seminar organized by Delhi High Court, pp.7-8
<table>
<thead>
<tr>
<th>Year</th>
<th>No. of incidences</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>20132</td>
<td>2.0%</td>
</tr>
<tr>
<td>2004</td>
<td>27608</td>
<td>2.5%</td>
</tr>
<tr>
<td>2005</td>
<td>29421</td>
<td>2.7%</td>
</tr>
<tr>
<td>2006</td>
<td>31044</td>
<td>2.8%</td>
</tr>
<tr>
<td>2007</td>
<td>23831</td>
<td>2.6%</td>
</tr>
<tr>
<td>2008</td>
<td>30645</td>
<td>2.7%</td>
</tr>
<tr>
<td>2009</td>
<td>29401</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

Thereafter, the record of crime rate is not available, but such crimes are increasing in a very high rate. India is a developing country. “Youth is the wealth of our nation” to develop our country. If today’s youth is involve in various crimes or becoming addicted, then what about the future of our nation. If they become addicted, they will destroy themselves, their family and the society. There is a close relationship between drug and crime. Drugs are related to crimes in different ways i.e. producing, selling, consuming, driving under the influence of drug, drug trafficking, etc. This problem is increasing in a very high rate among teenagers, prostitutes, street children and all classes of the society. Our country is facing a great problem of illicit drug trafficking. It is so complex in nature. It involves a large variety of drugs from many sources throughout the world. It involves illicit activities such as conspiracy, bribery, corruption, tax evasion, illegal money transmission, violation of import and export laws, violation of crimes, terrorism, etc.

There is a question whether there is a drug problem or it is only a drug law problem. The researcher wants to study the various causes of the drug abuse and finds out the generic answer to overcome this problem. It is necessary to save the society from crimes.
1.7 **The problem:**

In recent years, India is facing a major problem with the illicit use of drug, drug trafficking, consuming and so on. Therefore, the Narcotic Drugs and Psychotropic Substances Act, 1985 is enacted. This Act provides enhanced and stringent penalty for the offences relating to Narcotic Drugs and Psychotropic Substances. But these crimes are constantly increasing among all classes of the society. The problem of such cases in the courts is increasing day by day, but the ratio of acquittals is so high. So it is very difficult to control this problem.

1.8 **Objectives of the study:**

1) To study the various causes of the drug abuse and to find out the generic answers.

2) To study the Narcotic Drugs and Psychotropic Substances Act, 1985.

3) To investigate reasons of the failure of the prosecution in punishing criminals.

4) To investigate the Government policy regarding this problem.

1.9 **Hypothesis:**

1) The problem of the drug abuse is more social than legal and drug abuses are increasing day by day due to lack of public awareness and successive failure of prosecution.

2) The mandatory provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 relating to investigation, search and seizure as well as the technical requirement of the law during trial, are responsible for failure of prosecution and resulting into miscarriage of justice.

3) Reforms are required in the existing Narcotic Drugs and Psychotropic Substances Act, 1985 so as to enable the State to control the menace of the problem.
1.10 Research Methodology:

- The researcher is used Doctrinal Research Method and Non-doctrinal Research Method are used as per needs.
- The provisions, the procedure of investigation, search, seizure and arrest given in the Narcotic Drugs and Psychotropic Substances Act, 1985 are to be studied.
- Various trial cases decided by the trial courts in Maharashtra are to be studied.
- Various case laws and judgements of the Supreme Court and High Courts are to be studied.
- People’s awareness, attitude of society and attitude of witnesses are to be studied.
- To study the law of different countries, internet facilities are to be used.
- Various articles published by the experts are to be studied.
- Expert Advocates’ opinions are to be studied.
- Various reports, journals and newspapers are to be studied.
- Numerous acquittal cases relating to Narcotic Drugs and Psychotropic Substances decided by the Judiciary are to be studied.
- Reasons for the acquittal in the cases are to be studied.

1.11 Summary:

Illicit drug trafficking is the largest business in the world. Drug abuse is a complex phenomenon which has various social, cultural, biological, geographical, historical and economic aspects. The disintegration of the old joint family system, absence of the parental love and care in modern families where both parents are working, decline of old religions and moral values, etc. lead to a rise in number of drug addicts who take drugs to escape hard realities of life. Drug use, misuse or abuse is also primarily due to the nature of the
drug abuse, the personality of the individual and the addict's environment. The processes of industrialization, urbanization and migration have led to loosening of the traditional methods of social control. The fast changing of social surroundings among other factors is mainly contributing to the proliferation of drug abuse. India is facing the problem of drug abuse, drug trafficking both at the national and international levels. According to the experts, it is widely prevalent, cutting across age, class and gender. Yet, it is difficult to estimate the number of drug abusers or formulate a comprehensive approach to deal with the issue primarily because it involves a 'hidden population' that does not seek treatment and hence remains under reported. This makes it difficult to assess the problem estimate, cost, both social and economic and design intervention strategies. The spread and entrenchment of drug abuse needs to be prevented. Therefore, the Narcotic Drugs and Psychotropic Substances Act, 1985 is enacted with stringent provisions to control and overcome this problem.