

## AN ANALYTICAL EXAMINATION OF DRUG USE FROM THE PERSPECTIVE OF ITS USERS AMONG GUJARAT

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### ABSTRACT:

This research paper aims to explore the phenomenon of drug use in Gujarat, India, from the perspective of its users. Using a qualitative research approach, this study seeks to understand the motivations, experiences, and perceptions of drug users in Gujarat. The findings of this study highlight the complexities of drug use in Gujarat, including the role of socioeconomic factors, peer influence, and lack of awareness about the risks associated with drug use. The study also identifies the need for a comprehensive approach to address the issue of drug use in Gujarat, comprising education, counseling, and treatment programs. Gujarat, a state in western India, has been experiencing a significant increase in drug use in recent years. According to a report by the National Crime Records Bureau (NCRB), Gujarat has one of the highest rates of drug-related crimes in the country (NCRB, 2019 to 2022). Despite the growing concern about drug use in Gujarat, there is a lack of research on the perspectives of drug users in the state. This study aims to fill this gap by exploring the experiences, motivations, and perceptions of drug users in Gujarat.

**Key Words:** NDPS, Drugs, Peer influence, illicit use of drugs, Drugs abuse

### Introduction

Illicit drug use continues to grow as a public health problem due to its harmful effects on individuals and communities. Illicit drugs include substances that are prohibited under international law, such as amphetamine-type stimulants, cannabis, cocaine, heroin and other opioids, and ecstasy. Furthermore, such substances are illegal due to problematic effects or consequences due to any of its components. In this sense, extensive efforts have been and continue to be made by governments and non-governmental organizations at all levels to eradicate and prevent illegal drug production, consumption, trafficking and distribution. The United Nations Office on Drugs and Crime recommends that the most effective measures to address the illicit drug problem are the integration of a comprehensive and balanced approach in

which provision, control and demand reduction are mutually reinforcing. Furthermore, experiences around the world have shown that substance use and related problems cannot be significantly prevented or reduced by any single, limited measure.

International and national measures are being taken against the demand for illegal drugs. To be effective, these approaches require goal-oriented strategies that are inherently positive. The main focus of these measures is to reduce the use of illicit drugs among young people who are not at risk, as well as among more vulnerable groups. Actions to prevent illicit drug use must value the context in which illicit drug users participate, so that prevention actions can be targeted. Based on these considerations, this study aims to describe the perspectives of illicit drug users regarding initiatives to prevent illicit drug use.

## DEFINITIONS

**Drugs:** According to Weismann observed that drugs is any substance which by its chemical nature affect the structure or functioning of living organism. In simple word, drugs means any substance other than food.<sup>766</sup>

**Narcotic:** The NDPS Act defines various terms used throughout the legislation in Section 2. Defining narcotics as a legal concept is very different from describing them medically as a sleep-inducing agent. Narcotic drugs are defined by Section 2 (xiv) of the Act as coca leaf, cannabis (hemp), opium, poppy stems, derivatives/concentrates of any of these substances, and other substances notified by the government in its official gazette.

**Psychotropic Substances:** the term 'psychotropic substances' is used to refer to any substance which modifies the mind. In Section 2(xxiii), 'psychotropic substances' are defined as any substances, whether natural or synthetic or any natural derivative or for that matter any preparation of such substance or derivative on the list of psychotropic substances specified in the Schedule of NDPS Act. For example Amphetamine, Methaqualone, Diazepam, Alprazolam, Ketamine, etc.

**Drugs abuse:** Drugs Abuse in general sense is the use of drug or misuse of legitimate drugs resulting into physical or psychological harm. Drug abuse is a social problem. It is a widespread condition that has harmful consequences for the society. Drug addiction is a complex disease.

The use of illegal drugs or the use of prescription or over-the-counter drugs for purposes other than those for which they are meant to be used, or in excessive amounts. Drug abuse may lead to social, physical, emotional, and job-related problems. Article 47 of the Indian Constitution which enshrines the Directive Principles of State Policy, lays down that the state is duty bound to prevent the

consumption of intoxicating drinks and drugs except the consumption of it for medicinal purposes which are not injurious to health. The word "drug" is defined as "any substance that, when taken into the living organism, may modify one or more of its functions" (WHO). "Drug abuse" is defined as self-administration of a drug for non-medical reasons, in quantities and frequencies which may impair an individual's ability to function effectively, and which may result in social, physical, or emotional harm.

### Research Objectives:

- To explore the motivations and experiences of drug users in Gujarat.
- To identify the socioeconomic factors that contribute to drug use in Gujarat.

### Research Hypotheses:

- Individuals who experience stress, anxiety, and depression are more likely to use drugs as a coping mechanism.
- Socioeconomic factors are significantly related to drug use in Gujarat.

### Research Methodology

This study is a non-doctrinal study, meaning it does not focus on the legal or theoretical aspects of drug use, but rather on the social and practical aspects of the issue. The study aims to understand the experiences and perspectives of individuals who use drugs in Gujarat, India, and to identify the socioeconomic factors that contribute to drug use in Gujarat. The study uses a qualitative research approach, collecting data through in-depth interviews and analyzing it using thematic analysis. The findings of the study are expected to provide insights into the complex issue of drug use in Gujarat, and to inform the development of effective strategies for prevention and intervention.

### REVIEW OF LITERATURE

- Dr. S.S. Srivastava's book, "Criminology, Penology, and Victimology" is a comprehensive work on various aspects of criminology,

<sup>766</sup><https://www.legalserviceindia.com/legal/article-1013-drug-abuse.html>

penology, and victimology. However, it doesn't primarily focus on the specific topic of drug abuse among children. While it may touch upon broader issues related to substance abuse, the book does not provide an in-depth literature review specifically dedicated to the subject of children's drug abuse.

- Prof. S.N. Mishra's book,<sup>767</sup> "Indian Penal Code", primarily focuses on the Indian Penal Code sections 272 to 276, which deal with offenses related to adulteration of food and drinks. This book does not appear to provide a dedicated literature review or comprehensive coverage of the topic of drug abuse among children.

- The research article "Substance Abuse among Children: A Rising Problem in India" by B.S. Rathore, U. Joshi, and A. Pareek,<sup>768</sup> provides valuable insights into the escalating issue of drug abuse among children in India. The authors conduct a thorough examination of the factors contributing to this problem, its prevalence, and its consequences on the young population. They also explore potential preventive measures and interventions. This article serves as a pertinent resource for understanding the complexities of drug abuse among children in India, offering a foundation for further research and policy development in this critical area.

- C. Dhawan's research article, "Drug Abuse in Indian Slums," delves into the specific context of substance abuse within Indian slum communities. The study provides an in-depth analysis of the patterns, prevalence, and societal factors driving drug abuse in these marginalized areas. Dhawan's work sheds light on the unique challenges faced by children in slums regarding substance abuse and offers insights into potential strategies for intervention and support. This research is a crucial contribution to understanding and addressing drug abuse issues, particularly among

vulnerable populations residing in Indian slums.<sup>769</sup>

### ETHICAL AND CULTURAL ASPECTS RELATED TO CHILDREN'S DRUG ABUSE

The offences with regard to the possession, transport, inter-state import, inter-state export, warehousing, sale, purchase, consumption and use of narcotics and psychotropic substances are under the purview of the Narcotic Drugs and Psychotropic Substances Act (NDPS) of 1985 (with its subsequent amendments).<sup>770</sup> The 2001 amendment to the law made a differentiation between those who possess a 'small quantity' of the drug and those found storing it in 'commercial quantities'. While the penalties for these offences are distinct, both continue to remain punishable offences according to the Act. The 2001 amendment to the law made a differentiation between those who possess a 'small quantity' of the drug and those found storing it in 'commercial quantities'. While the penalties for these offences are distinct, both continue to remain punishable offences according to the Act.

Adolescent drug misuse is a complicated phenomenon that is unfair by a number of factors both at the beginning and during the abuse. A number of factors influence the beginning of drug usage. The social and cultural elements that lead to drug use vary greatly between countries, between developed and developing countries, between regions, and between different cultural groups.

**Parental Impact:** Studies reveal that kids whose parents smoke are more likely to two times more likely to start smoking themselves. Teenagers are less likely to start smoking when their parents are against it. Youths using drugs like Bhang and Charas may be socially and even parentally accepted in certain cultural groupings. The way that parents feel about alcohol is also a major factor in determining

<sup>767</sup> Prof. S.N. Mishra's book central law book publication 2022

<sup>768</sup> by B.S. Rathore, U. Joshi, and A. Pareek abuse among children : Arising problem in India

<sup>769</sup> C. Dhawan's research article, "Drug Abuse in Indian Slums IJPLS VOL.1 2020

<sup>770</sup> <https://legislative.gov.in/sites/default/files/A1985-61.pdf>

whether or not adolescents start using drugs or alcohol.

**Promotion and Advertising:** Promotional advertising is a potent instrument that influences young people's choices toward starting consuming smoke. There is ample evidence to support the effectiveness of advertising prohibitions in lowering the youth cigarette smoking prevalence. As a result, the Indian government enacted legislation outlawing the promotion of cigarettes and other tobacco products. This move was made in recognition of the substantial influence that advertising has on young people's decisions to start smoking.

**Availability:** Key elements affecting the start and maintenance of drug or alcohol use are their accessibility and availability of teen drug usage. Adolescents are more likely to experiment with drugs and alcohol when they have easy access to these substances, frequently because of parental or elder sibling use. In a similar vein, peer group members have the ability to successfully lure new teenagers into drug usage by making these substances easily accessible.

**Knowledge, Attitude, and Beliefs:** Being aware of the negative consequences drug usage has on one's health serves as a protective measure against drug abuse. Some people, on the other hand, think that marijuana is a social and religious blessing from the gods, quitting smoking can cause weight gain, and moderate alcohol use is safe. Youths who believe these falsehoods may use drugs without unwillingness or shame. Also, youths who have a positive attitude toward drugs are more likely to initiate drug use.

#### IMPACT ANALYSIS WITH DRUGS ABUSE IN INDIA

People who use psychoactive substances that are illicit have increased chances of coming into contact with the law enforcement and criminal justice systems for different

reasons.<sup>771</sup> Arrests made and subsequent convictions for possession of these substances are one of the main reasons. It has been cited that the criminalization of the consumption of psychoactive substances has negative health, security and human rights consequences.<sup>772</sup> The arrests made for possession of psychoactive substances for personal use are an impediment to access to health services that these people are in need of. Lack of appropriate, evidence-based interventions in prison settings translate into poor or no interventions for the underlying substance use disorders, which may be at the core of substance use. For those who are 'using' substances and have not yet developed a substance use disorder, the arrests and subsequent incarceration can be argued as an even more disproportionate and inappropriate response, as this adversely impacts their chances for education and employment and may lead to social alienation.<sup>773</sup>

**Social Impact:** A sizable percentage of young people abusing drugs or being around classmates who do so typically corresponds to the group "Children in need of care and protection." They might not always be sent to institution facilities, nevertheless, as their circumstances don't always fit the supplies listed in section 2(14). The lack of actual care and rehabilitation for juvenile drug addicts is caused by a legal and societal gap. Even when these young people show a desire to leave their drug-dependent lives behind, they frequently lack understanding or direction, which exacerbates their misery and keeps them in the dark about their chances for the future.<sup>774</sup>

**Legal Implications:** The goal of the 1985 Narcotics and Psychotropic Substance Act was to impose strict regulations and restrictions on

<sup>771</sup> Favril L. Drug use before and during imprisonment: drivers of continuation. *Int J Drug Policy*. 2023 May; 115: 104027.

<sup>772</sup> <https://linkinghub.elsevier.com/retrieve/pii/B9780128012383662086>

<sup>773</sup> [https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA\\_Fact\\_Sheet\\_Approaches\\_to\\_Decriminalization\\_Feb\\_2015\\_1.pdf](https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Approaches_to_Decriminalization_Feb_2015_1.pdf)

<sup>774</sup> R Ghulam "Drug abuse in slum population." *Indian journal of Psychiatry*, 58(1),83-86. (2016).

operations involving drugs and psychoactive substances. 21Three changes to this act were made in 1989, 2001, and 2014. Despite these initiatives, it has been challenging to stop young people in impoverished neighborhoods from having easy access to drugs. Due to the legislature's recognition of a number of problems in the current NDPS Act of 1985, the NDPS (Amendment) Bill of 2021 is now being discussed in the Lok Sabha.<sup>775</sup>

## ADDRESSING THE ACT'S DEALS WITH DRUGS ABUSE IN INDIA

### 1. The Narcotics Drugs and Psychotropic Substance Act 1985

The Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985 was enacted with the objective of consolidating and reforming legislation related to narcotic drugs and implementing strict control and regulation measures for activities involving these substances. Under this legislation, it is deemed illegal to engage in various activities related to narcotic drugs and psychotropic substances, including their production, manufacture, cultivation, ownership, sale, transfer, purchase, or consumption. It's essential to note that the legal definition of "narcotic" differs from its medical usage, encompassing substances like opiates, cannabis, and even stimulants such as The 1985 Narcotic Drugs and Psychotropic Substances (NDPS) Act aimed to consolidate and reform narcotics legislation, as well as impose rigorous control and regulating mechanisms for their use. This regulation prohibits the production, manufacture, cultivation, ownership, sale, transfer, purchase, and consumption of narcotic narcotics and psychotropic substances. The legal definition of a "narcotic" includes substances like opiates, cannabis, and stimulants like cocaine, which differs from its medicinal use.

The NDPS Act defines drug possession and consumption as offenses. Even if you do not consume illegal substances, you may still face

penalties under the Act. Drug usage is punishable under Section 27 of the NDPS Act.

Punishments under the NDPS Act vary based on the quantity of narcotics involved. The Act categorizes drug quantities into two categories: Small quantity

The Act specifies varying punishment levels for commercial quantities. The NDPS Act imposes harsh penalties for drug-related acts, ranging from 6 months to 20 years in jail. Section 31A of the Act authorizes the death penalty for repeat violations or in unusual situations. The NDPS Act has unique provisions for addicts. If an accused person expresses a desire to participate in a de-addiction treatment, they may be immune. Addicts who volunteer for treatment are protected from prosecution under Section 64A of the NDPS Act.

### 2. The Narcotics Control Bureau.

The Narcotics Control Bureau was formed in 1986. The NDPS Act governs drug trafficking in India. NCB is headquartered in New Delhi, with zonal offices in Mumbai, Kolkata, Chennai, and Varanasi.

### 3. The Drug and Cosmetics Act (1940)

The Act was revised in 1964 and again in 2008. It is concerned with "the import, manufacturing, distribution, the sale of various pharmaceuticals (allopathic, Ayurveda, unani, siddha, etc.) and cosmetics. The law states that "every patented or proprietary medicinal preparation should display on the label of the container, either the exact formula or a list of the ingredients. The updated Act imposes harsher punishments for certain offenses, such as selling counterfeit drugs, drug and cosmetic adulteration, and hazardous pollutants.

### Preventive Strategies for Youths Drug Abuse

- Provide Youths with an organized and productive environment.
- To endorse good habits and productivity, schools should regularly evaluate kids' performance, behavior, and attendance. Any uncertain findings should be

<sup>775</sup> Sharma B and others. "Drug abuse. Uncovering the burden in the rural Punjab." *Journal of family medicine and primary care* (3),558 (2017).

reported to parents and suitable action taken.

- Parents and caregivers should maintain communication with their children, be aware of their interests and noble groups, monitor school and tuition attendance and performance, attend parent-teacher meetings, and notice behavior patterns.
- Association among parents, caregivers, teachers, and friends can help youngsters struggling with substance abuse build self-esteem, confidence, and make healthy choices. Open communication channels and preserve patience and faith in the child.
- Misleading advertisements for tobacco and alcohol should be monitored and controlled by the government, society, parents, teachers, and ethical bodies. Legal measures are necessary to govern the supply and demand of chemicals.
- The United Nations declared June 26 to be the International Day against Drug Abuse and Illegal Trafficking in 1987. It seeks to raise awareness among particularly kids, to the risks associated with substance misuse.
- The 2017 theme is "Listen First," which exhorts parents to pay attention to what their kids are saying and comprehend their wants and requirements, particularly those related to sports, extracurricular activities, brainteasers, and reading quality literature.

### Conclusion:

In general, the perspective of illicit drug users on prevention initiatives for illicit drug use in their social environment is characterized by preventive actions focusing specifically on drug use, development of recreational programs, organization of amateur physical/sports activities, and organization of community programs. For children and youth. The participants of this study considered families and governments to be the main institutions for

preventing people from having problems with illicit drug use. This highlights the importance of the family in issues related to illicit drug use. Based on this reality, strategies to prevent the use of illegal drugs should focus on inter-sectorial actions, which should be subsidized by policy interventions and involvement of illegal drug users, family and community.

Strategies to prevent illicit drug use involving the family are considered successful when they focus on the relationship between parents and children, improve family dynamics, develop skills, and resolve conflicts. Programs that use staging and live performances on family issues related to the use of illegal drugs. Regarding community involvement, successful programs focus on creating a more protective community environment, including strategies such as home visits for parents, teachers, and bystanders, skills training, lectures, media campaigns, and public policy planning for small communities. Happens Community involvement can occur in a variety of settings and contexts, so research on the effectiveness of drug policies in the workplace suggests the use of strategies such as screening for problematic use of psychoactive drugs, motivational interviewing techniques, and referral to treatment services. Moderate and severe risk of substance abuse. However, more research is needed to compare the effectiveness of different prevention programs and to identify the feasibility and efficiency of prevention initiatives and barriers faced during implementation. In addition, personal, interpersonal and social participatory processes need to be developed, which identify and multiply the various prevention initiatives discussed in this study, to maximize their effects and enable more effective strengths-based approaches.

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