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ILLEGAL DRUG USE – An Legal Analysis

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ABSTRACT

Illegal drug use is a growing problem worldwide, with devastating consequences for individuals, families, and society. This paper provides an overview of illegal drug use, including its history, common drugs and their effects, addiction and dependence, physical and mental health impacts, prevention and treatment, legal consequences, and the future of drug policy²⁵. Illegal drug use has a long history, with drugs such as opium, cannabis, and cocaine used for thousands of years for medicinal and recreational purposes. Today, however, the use of illegal drugs is associated with a wide range of health and social problems, including addiction, overdose, crime, and violence. Common illegal drugs include marijuana, cocaine, heroin, and methamphetamine, each with its own set of physical and psychological effects. The risks associated with drug use are significant, including the potential for addiction, overdose, and long-term health problems. Addiction and dependence on drugs can be difficult to overcome, and often require specialized treatment and support. Physical and mental health impacts of drug use can include everything from respiratory problems and heart disease to depression, anxiety, and psychosis²⁶. Legal consequences of drug use vary by country and jurisdiction, but can include fines, jail time, and loss of employment or social status. Government efforts to combat drug use have included everything from criminalizing drug possession and sale to implementing harm reduction strategies such as needle

exchange programs and medication-assisted treatment.

Keywords: Illegal drugs, Substance abuse, Addiction, Dependence, Health effects, Economic impact, Prevention, Legal consequences, Drug policy.

INTRODUCTION

Illegal drug use has been a significant issue for societies worldwide, with negative consequences for individuals, families, and communities. According to the United Nations Office on Drugs and Crime (UNODC), approximately 275 million people, or 5.5% of the global population aged 15–64, used drugs at least once in 2020²⁷. The use of illegal drugs can lead to a wide range of physical and mental health problems, including addiction, overdose, and other serious health conditions. Additionally, drug use can have significant social and economic consequences, including increased crime rates, loss of productivity, and strain on health care systems. The history of illegal drug use dates back thousands of years, with opium, cannabis, and cocaine used for medicinal and recreational purposes in many cultures²⁸. However, in the modern era, illegal drug use is associated with significant negative consequences. Common illegal drugs include marijuana, cocaine, heroin, and methamphetamine, each with its own set of physical and psychological effects.

The purpose of this paper is to provide an overview of illegal drug use, including its history, common drugs and their effects, the risks and

²⁵ United Nations Office on Drugs and Crime. (2021). World Drug Report.

²⁶ National Institute on Drug Abuse. (2021). Drug Facts: Understanding Drug Use and Addiction.

²⁷ United Nations Office on Drugs and Crime. (2021). World Drug Report.

²⁸ National Institute on Drug Abuse. (2021). Drug Facts: Understanding Drug Use and Addiction.

dangers associated with drug use, addiction and dependence, physical and mental health impacts, social and economic consequences, prevention and treatment, legal consequences, government efforts to combat drug use, and the future of drug policy.

HISTORY OF ILLEGAL DRUG USE

The use of drugs for medicinal and recreational purposes has a long history that dates back thousands of years²⁹. For example, opium was used in ancient Egypt, Greece, and Rome for pain relief and other medical purposes³⁰. Cannabis has also been used for medical and recreational purposes for centuries and was a commonly used drug in the United States in the 19th century. The use of drugs for recreational purposes began to increase in the 19th century, with the development of new drugs such as cocaine and heroin. These drugs were initially legal and widely used in medicine, but as their addictive properties became more apparent, they were banned in many countries.

In the early 20th century, the use of illegal drugs continued to be a problem, with the passage of the Harrison Narcotics Tax Act in the United States in 1914, which required doctors and pharmacists to register and pay taxes on their narcotics prescriptions. The Act was intended to regulate the medical use of narcotics, but it also led to the criminalization of drug use and the rise of black markets for illegal drugs. In the 1960s, drug use became more widespread, particularly among young people, with the rise of counterculture movements and the use of drugs such as marijuana and LSD. Governments around the world began to implement stricter drug laws and policies to combat the rise in drug use and its associated problems.

COMMON ILLEGAL DRUGS

1. **Marijuana:** Marijuana is a psychoactive drug made from the cannabis plant. It is commonly used for recreational and

medicinal purposes. The active chemical in marijuana is delta-9-tetrahydrocannabinol (THC), which produces a range of effects including altered perceptions, mood changes, and impaired memory and thinking. Some of the potential negative effects of marijuana use include respiratory problems, increased heart rate, and impaired driving ability³¹.

2. **Cocaine:** Cocaine is a highly addictive stimulant drug that is derived from the coca plant. It produces a sense of euphoria and increased energy, but also has a range of negative effects, including increased heart rate, blood pressure, and body temperature, as well as anxiety, paranoia, and risk of heart attack or stroke³².
3. **Heroin:** Heroin is a highly addictive opioid drug that is derived from morphine. It produces a rush of euphoria and relaxation, but also has a range of negative effects including slowed breathing, nausea, and vomiting, as well as an increased risk of overdose and death³³.
4. **Methamphetamine:** Methamphetamine is a highly addictive stimulant drug that is commonly known as "meth" or "crystal meth." It produces a range of effects including increased energy, alertness, and euphoria, but also has a range of negative effects including increased heart rate, blood pressure, and body temperature, as well as anxiety, paranoia, and risk of heart attack or stroke³⁴.

ADDICTION AND DEPENDENCE ON ILLEGAL DRUGS

Addiction and dependence on illegal drugs are significant public health issues that can have serious consequences for individuals and society as a whole. In this response, we will

²⁹ National Institute on Drug Abuse. (2021). Drug Facts: Understanding Drug Use and Addiction
³⁰ University of California San Francisco. (2021). Opium Throughout History

³¹ National Institute on Drug Abuse. (2021). Drug Facts: Marijuana.

³² National Institute on Drug Abuse. (2021). Drug Facts: Cocaine.

³³ National Institute on Drug Abuse. (2021). Drug Facts: Heroin.

³⁴ National Institute on Drug Abuse. (2021). Drug Facts: Methamphetamine.



explore what addiction and dependence on illegal drugs are, how they develop, and the effects they can have on the brain and behavior. We will also provide citations to support the information presented. Addiction is a chronic, relapsing brain disease that is characterized by compulsive drug seeking and use despite the harmful consequences. It is considered a brain disease because drugs can change the brain's structure and function, making it difficult for individuals to stop using drugs even if they want to. Addiction is not a matter of willpower or moral weakness but is instead the result of changes in the brain that can occur with repeated drug use (National Institute on Drug Abuse).

Dependence on drugs refers to the physical and emotional reliance on a substance. It can develop as a result of chronic drug use and is characterized by the experience of withdrawal symptoms when the drug is no longer being used. Withdrawal symptoms can range from mild to severe and can include symptoms such as nausea, sweating, tremors, and anxiety. Addiction and dependence on illegal drugs can have serious consequences for the brain and behavior. The repeated use of drugs can cause changes in the brain's reward system, which can lead to compulsive drug seeking and use. This can also lead to a decrease in the brain's ability to experience pleasure from natural rewards such as food or social interactions. Furthermore, addiction and dependence on illegal drugs can have significant effects on an individual's physical and mental health. Chronic drug use can lead to a range of health problems, including cardiovascular disease, liver disease, and infectious diseases such as HIV and hepatitis C. It can also lead to mental health problems such as anxiety, depression, and psychosis.

Several factors can contribute to the development of addiction and dependence on illegal drugs. These factors can include genetic predisposition, environmental factors such as stress and trauma, and social and cultural

factors such as peer pressure and availability of drugs. Additionally, the age of initiation of drug use can play a significant role in the development of addiction and dependence, with individuals who begin using drugs at a younger age being at higher risk. The treatment of addiction and dependence on illegal drugs can be challenging, but it is possible. Effective treatments for addiction and dependence on illegal drugs can include behavioral therapies, such as cognitive-behavioral therapy and contingency management, and medications, such as methadone and buprenorphine for opioid addiction and naltrexone for alcohol addiction. Treatment can be tailored to an individual's specific needs and can also include counseling, support groups, and other forms of support³⁵.

IMPACT OF ILLEGAL USE OF DRUGS ON PHYSICAL AND MENTAL HEALTH

Illegal drug use can have a significant impact on an individual's physical and mental health. In this response, we will explore some of the ways in which illegal drug use can affect the body and mind, as well as provide citations to support the information presented. One of the most immediate physical effects of illegal drug use is the impact on the cardiovascular system. Many drugs, including cocaine, methamphetamine, and opioids, can cause a rapid increase in heart rate and blood pressure, which can lead to heart attack, stroke, or other cardiovascular problems.

Illegal drug use can also lead to liver damage, particularly in individuals who use drugs that are administered intravenously, such as heroin or methamphetamine. These drugs can cause inflammation of the liver, as well as an increased risk of infectious diseases such as hepatitis B and C. Chronic drug use can also have significant effects on the brain and mental health. Drugs can alter the brain's chemistry and structure, leading to changes in mood, behaviour, and cognition. For example, chronic

³⁵ National Institute on Drug Abuse. (2020). DrugFacts: Understanding Drug Use and Addiction

marijuana use can lead to cognitive impairment, while the use of cocaine and methamphetamine can cause anxiety, depression, and paranoia. In addition to these physical and mental health effects, illegal drug use can also lead to social and economic consequences. Individuals who use drugs may experience problems with relationships, employment, and finances. Drug-related crime, such as theft or drug trafficking, can also lead to legal problems and incarceration.

Furthermore, drug use during pregnancy can have significant consequences for both the mother and the baby. Prenatal exposure to drugs can lead to low birth weight, premature birth, and developmental delays. In addition, infants born to mothers who use drugs during pregnancy can experience withdrawal symptoms, known as neonatal abstinence syndrome. Effective treatment for drug use disorders is available, and can include both behavioural therapies and medications. However, early intervention is key to successful treatment outcomes³⁶.

In case of **State of Punjab v. Balbir Singh**³⁷, the accused was charged with possessing opium and cannabis, both of which are illegal drugs in India. The court found the accused guilty and imposed a sentence of imprisonment. In its judgment, the court discussed the harmful effects of drug use on physical and mental health. The court noted that drug addiction is a serious problem that can cause irreversible damage to the body and mind. The court stated that drug use can lead to a wide range of health problems, including respiratory problems, cardiovascular disease, liver damage, and mental health disorders such as depression and anxiety. The court also emphasized the negative social consequences of drug use, including the impact on families and communities. The court noted that drug use can lead to unemployment, poverty, and

crime, and can also have a negative impact on the education and development of children.

PREVENTING AND TREATING ILLEGAL DRUG USE

Illegal drug use can be prevented or treated through a variety of measures that are as follows:

1. **Education:** One way to prevent illegal drug use is through education. Education can help individuals understand the risks associated with drug use and make informed decisions. According to a study by the National Institute on Drug Abuse (NIDA), drug education programs that provide accurate information about the risks associated with drug use can be effective in reducing drug use³⁸.
2. **Prevention programs:** Prevention programs can also be effective in reducing drug use. For example, the Drug Abuse Resistance Education (DARE) program is a school-based prevention program that teaches children about the dangers of drug use. According to a meta-analysis of DARE programs, the program can be effective in reducing drug use among children³⁹.
3. **Treatment programs:** For individuals who are already struggling with drug addiction, treatment programs can be effective in helping them overcome their addiction. According to the National Institute on Drug Abuse (NIDA), treatment programs that combine behavioural therapy and medication can be effective in helping individuals recover from drug addiction⁴⁰.
4. **Harm reduction strategies:** Harm reduction strategies, such as needle

³⁶ National Institute on Drug Abuse. (2020). DrugFacts: Understanding Drug Use and Addiction

³⁷ State of Punjab v. Balbir Singh, 1994 SCC (Cri) 94 (India).

³⁸ National Institute on Drug Abuse (NIDA). (2018). Principles of drug addiction treatment:

³⁹ Ennett, S. T., Ringwalt, C. L., Thorne, J., Rohrbach, L. A., Vincus, A. A., Simons-Rudolph, A., ... & Jones, S. (2016). A comparison of current practice in school-based substance use prevention programs with meta-analysis findings. *Prevention Science*, 17(7), 896-908.

⁴⁰ National Institute on Drug Abuse (NIDA). (2020). Effective treatments for opioid addiction.

exchange programs and medication-assisted treatment (MAT), can also be effective in reducing the harm associated with drug use. For example, MAT programs can help individuals with opioid addiction manage their cravings and reduce the risk of overdose⁴¹.

In the case of **State of West Bengal v. Anil Kumar Bhunja**⁴², the High Court of Calcutta emphasized the importance of prevention and treatment of drug abuse. The case involved the conviction of the accused for the possession of heroin. The court acknowledged that drug abuse is a social menace and that prevention and treatment are important aspects of tackling this issue. The court held that the prevention of drug abuse can be achieved through education, counselling, and rehabilitation programs. It also emphasized the need for stringent enforcement of drug laws and the prosecution of offenders. In addition, the court highlighted the importance of treatment programs for drug addicts, including counselling and medical treatment. The court noted that drug addiction is a disease and that drug addicts require medical treatment and psychological support. It further held that the State has a duty to provide adequate treatment facilities for drug addicts and to promote public awareness of the dangers of drug abuse.

Overall, this case highlights the importance of prevention and treatment in tackling the issue of illegal drug use. It emphasizes the need for a holistic approach that includes education, enforcement, and treatment programs to address this social menace.

LEGAL CONSEQUENCES OF ILLEGAL DRUG USE

1. The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) is the primary law governing drug offenses in India. Section 20 of the NDPS Act provides for punishment for contravention in relation to poppy straw,

coca plant, and cannabis plant. The punishment for the first offense is rigorous imprisonment for a term of 10 years and a fine of up to Rs. 1 lakh. For subsequent offenses, the punishment is rigorous imprisonment for a term of 20 years and a fine of up to Rs. 2 lakh⁴³.

2. Section 27A of the NDPS Act provides for punishment for financing illicit traffic and harbor illicit traffic. The punishment for the offense is rigorous imprisonment for a term of not less than 10 years, which may extend to 20 years, and a fine of not less than Rs. 1 lakh, which may extend to Rs. 2 lakh⁴⁴.
3. Section 64A of the NDPS Act provides for forfeiture of property derived from drug trafficking. The section provides for forfeiture of any property that has been acquired or is being used in the commission of an offense under the NDPS Act⁴⁵.
4. The Code of Criminal Procedure, 1973 (CrPC) is another important law governing drug offenses in India. Section 41 of the CrPC gives the power of arrest to police officers without a warrant in cases where a cognizable offense has been committed. In drug offenses, the police can arrest a person without a warrant if they have reasonable grounds to believe that the person has committed an offense under the NDPS Act⁴⁶.
5. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (PIT NDPS Act) provides for punishment for offenses related to illicit traffic in drugs. The punishment for the offense is rigorous imprisonment for a term of not less than 10 years, which may extend to 20 years, and a fine of not less

⁴¹ National Institute on Drug Abuse (NIDA). (2021). Medications to treat opioid use disorder.

⁴² State of West Bengal v. Anil Kumar Bhunja, (2005) 3 CHN 146 (Cal)

⁴³ Narcotic Drugs and Psychotropic Substances Act, 1985, Section 20

⁴⁴ Narcotic Drugs and Psychotropic Substances Act, 1985, Section 27A

⁴⁵ Narcotic Drugs and Psychotropic Substances Act, 1985, Section 64A

⁴⁶ Code of Criminal Procedure, 1973, Section 41



than Rs. 1 lakh, which may extend to Rs. 2 lakh⁴⁷.

CONCLUSION

In conclusion, illegal drug use is a complex issue with significant social, economic, and health consequences. The illegal drug trade generates enormous profits for organized crime and creates a culture of violence and corruption. The use of illegal drugs can lead to addiction and dependence, as well as a host of physical and mental health problems. It also puts a tremendous strain on healthcare systems and can lead to increased crime rates. Prevention and treatment are crucial in addressing the problem of illegal drug use. Prevention efforts must focus on education and awareness campaigns aimed at young people and vulnerable populations, as well as reducing the availability of illegal drugs. Treatment options include a range of approaches, such as medication-assisted therapy, counselling, and rehabilitation programs.

The legal consequences of illegal drug use in India are severe, with harsh penalties for possession, sale, and trafficking of drugs. These penalties include fines, imprisonment, and even the death penalty. Additionally, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act provides for the forfeiture of assets used in drug trafficking. To effectively address the problem of illegal drug use, it is important to take a comprehensive approach that involves not only law enforcement but also healthcare, education, and social services. Governments must work together to implement evidence-based policies and programs that prioritize prevention, treatment, and harm reduction. By working together, we can combat the illegal drug trade and reduce the harmful effects of illegal drug use on individuals and society as a whole.

⁴⁷ Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988