

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 1

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

The Problem of Drug Abuse in Punjab: A Study

AMARDEEP¹

ABSTRACT

India is trapped in a never-ending spiral of drug usage, with the population of addicts increasing by the day. In Punjab, The epidemic of drug addiction among young people has reached alarming proportions. Drug addiction is being fueled by changing cultural standards, growing economic hardship, and decreasing social relationships. This paper has analyzed the causative factors that are exacerbating the drug abuse in Punjab, ranging from peer pressure unemployment to easy availability and porous borders. The paper further discussed the new and emerging trends on drug abuse in the state, such as the role played by the women in the trafficking of drugs and how they are used by male drug peddlers to mask their illicit drug trafficking, the implications of Covid Pandemic on the magnitude of substance abuse, how it helped the administration in bringing people closer to de-addiction centres. The paper that over-the-counter drugs medicines facilitate speedier and less expensive access to healthcare; yet, their abuse and negative health impacts raised concern in the contemporary society, the loopholes in the law regulating the over-the-counter drugs have been investigated by the paper and found that a family carrying bottles of Codeine cough syrup or a pharmacist selling Tramadol without first checking for medical prescriptions is the current reality in Punjab, and even in India as a whole. This study has found that The situation is extremely serious in Punjab. It is critical that government take notice of it. To conclude, the drug menace is likely to endanger the social, economic and political systems in the country in the near future, unless we start making all-out efforts immediately to control it with a firm political resolve, community involvement, and immediate legislative and executive interventions.

I. INTRODUCTION

Punjab, the land of five rivers, which was historically known for its brave, helpful and warrior people having a rich heritage of culture, is currently undergoing a period of drug addiction and trafficking. The scourge of drug abuse in Punjab has reached alarming levels, shaking the state's whole population. Drug abuse has taken the form of a pandemic in Punjab, particularly

¹ Author is a student at Rajiv Gandhi National University of Law, India.

among the youth. Punjab's Proximity to the infamous Golden Crescent makes it more vulnerable to drug trafficking, and the backwardness of areas bordering Pakistan worsened the situation. Drug trafficking and misuse is a global phenomenon. Today, no corner of the globe is free of the scourge of drug trafficking and addiction. Millions of drug abusers all over the globe are living terrible lives on the verge of death. According to UNODC's Drug Report 2021, The number of individuals taking drugs grew by 22% between 2010 and 2019, attributable to a rise in the world population. In 2020, 275 million individuals used drugs worldwide, with 36 million suffering from drug abuse disorders.² Punjab does not produce plant-based natural narcotics like opium, cannabis, and their derivatives, nor does it generate the chemical precursors that are processed into synthetic and psychotropic medicines. The demand for illegal narcotic drugs in Punjab is distinguished by the fact that it is fully met from the outside state via a supply network operated by regional, interstate, and global criminal groups.

According to the National Crime Records Bureau's publication 'Crime in India 2020 (NCRB), In Punjab, 6,909 cases were recorded under the NDPS Act, with 4,039 for drug trafficking and 2,870 for personal consumption. Punjab maintained its lead in the country in 2020, with a 22.9 per cent crime rate (per lakh population) in cases recorded under the Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985. In the year 2020, Punjab police confiscated a total of 759 kg of heroin. In 2019, it weighed 460 kg.³ Punjab shares a 553-kilometre border with Pakistan along with six districts: Ferozepur, Tarn Taran, Amritsar, Gurdaspur, Pathankot, and Fazilka. It is utilized as a drug-smuggling point in India. The local police and border security forces continue to seize large quantity large quantities of drugs endlessly.⁴ The problem of drug abuse has remained a key issue in the assembly elections of 2017, but as usual, it is still being used by various political parties as a tool for getting votes in the assembly elections of 2022

II. DRUG ABUSE: MEANING

Drug abuse is also known as substance abuse. It is defined as a pattern of drug use in which the person takes the substance in quantities or techniques that are hazardous to themselves or others. When a person continues to use drugs despite issues associated with the substance, then it is termed as Drug Addiction or drug. It is a drug misuse disorder, and a person is unable to abstain from drug usage. Continuous usage may result in tolerance to the drug's effects and

² World Drug Report 2021 Can be accessed at <https://www.unodc.org/unodc/en/data-and-analysis/wdr2021.html>

³ Crime in India 2020 Report by NCRB <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%201.pdf>

⁴ BSF and Punjab Police seize 40 kg heroin from India-Pakistan border <https://www.newindianexpress.com/nation/2021/aug/21/bsf-andpunjab-police-seize-40-kg-heroinfrom-india-pakistan-border-2347798.html>

withdrawal symptoms when its dose is decreased or discontinued. Drugs are a pharmaceutical preparation or naturally occurring substance that is used primarily to alter an existing process or condition (physiological, psychological, or biochemical). In other terms, a drug is any substance that affects a person's physical or mental functioning. A drug that has the ability to interact with a living organism in order to induce a condition of mental or physical dependency is called a dependence producing drug. Substances of abuse can be licit as well as illicit. Such as Tobacco and alcohol are licit drugs, whereas Amphetamines, Barbiturates, Cannabinoids, Opioids etc. are illicit drugs as these are sanctioned by law.

III. FACTORS CONTRIBUTING TO DRUG ABUSE IN PUNJAB

1) Easy Availability and Porous Borders

Easy availability of drugs is one of the main reasons that aggravate the already worsened condition of drug abuse in Punjab. There are proper drugs supply chains in the state which consists of people of local as well as international origin. Recently Punjab Police had busted an international drug racket that included 4 people from Afghanistan⁵. Many times it has been found that Punjab police officials themselves help the drug peddlers to supply drugs and are found working in collusion with drug trafficking networks⁶. All these factors coupled with drug trafficking from the borders of Pakistan has increased the rate of drug abuse in Punjab. Each day new kinds of methods are being tried by Pakistan to traffic drugs into India. One emerging method is the use of drones to supply weapons and drugs to traffickers located within the Indian border side.

2) Unemployment and Expectations

Unemployment and drugs are an unpleasant combination that has plagued countless individuals all around the country. According to the 2021 Economic Survey, Which evaluates the condition of the country's economic health Punjab is one of the top 5 states with a high unemployment rate, The unemployment rate in Punjab was 7.4 per cent (urban and rural), while the national figure was 5.8 per cent.⁷ Unemployment causes dissatisfaction and family stress. The lack of opportunities for qualified youth compels them toward drug abuse. Further, a trend of emigration of youth to other developed countries can be seen in Punjab. Youth with a high

⁵ Punjab police bust international drug racket, 12 arrested including 4 Afghanistan nationals <https://www.indiatvnews.com/news/india/punjab-police-bust-international-drug-racket-12-arrested-including-4-afghanistan-nationals-717610>

⁶ 53 Punjab cops arrested in drug cases since 2014 <https://www.hindustantimes.com/punjab/53-punjab-cops-arrested-in-drug-cases-since-2014/story-LE2f2pwvAmsFStjrCEV0tO.html>

⁷ Economic Survey 2021: Punjab among top 5 states with worst unemployment, but among five best in access to basic necessities <https://indianexpress.com/article/india/economic-survey-2021-punjab-unemployment-basic-necessities-7167854/>

level of education and competence emigrate legally, whereas those with a lower level of education and ability emigrate illegally; illegal emigration routes have resulted in tragedies in places like Malta and Panama.⁸

According to a study conducted on 996 drug addicts by the Punjab Red Cross Saket Hospital, which is a drug rehabilitation institution, more than 79% of the 996 Abusers who got treatment at the hospital in 2018 were either jobless or working part-time. According to hospital data, 286 drug users were never employed, 409 drug addicts were partially employed.⁹ Hence unemployment is a major factor contributing to the rise of drug abuse in Punjab.

3) A Deeply Ingrained Drug-Taking Culture

In combination with young unemployment, numerous other Punjab-specific characteristics, such as consuming traditions and the Punjabi concept of masculinity, may certainly illustrate the state's rising drug misuse problem. The male physique is seen as the primary locus of masculine identity. The physicality of the male body, in particular, is a distinguishing element of Punjabi masculinity since it is formed, culturally and physiologically, by the intense labour characteristic of Punjab's agricultural environment. The urge to increase one's body's capacity through drugs for strength reveals the impact of masculinity as a factor in substance misuse. Consumption culture may be seen in rural Punjab's daily life. In villages of Punjab, alcohol and afeem are seen as common forms of recreation, and every youngster is encouraged to consume both either by their close relatives or friends. There were reports that Punjabi landlords have been giving narcotics to migrant and bonded labourers who serve in their fields in an attempt to push them to work harder and longer.¹⁰ The Punjabi lifestyle of frequent partying and drinking, as well as farmers' practice of providing raw opium to agricultural labourers to urge them to work harder, have all contributed to the problem.

4) Peer Pressure

The influence of peers, particularly in the early twenties, is frequently the deciding element at the beginning of addiction (the majority of drug users begin consuming during their adolescent years). The drive to impress their friends might overcome a teen's reluctance of taking risks,

⁸ *Over 20 Punjabi youths feared dead in Panama boat capsizе, says 'survivor'*
<https://www.tribuneindia.com/news/archive/punjab/over-20-punjabi-youths-feared-dead-in-panama-boat-capsizе-says-survivor-184619>

⁹ *Unemployment remains major cause for youths turning to drugs*
<https://www.tribuneindia.com/news/archive/chandigarh/-unemployment-remains-major-cause-for-youths-turning-to-drugs-727030>

¹⁰ *Farm laborer given drugs to work longer, Centre tells Punjab; bid to malign image, says farmer leader*
<https://indianexpress.com/article/india/farm-labourers-given-drugs-to-work-longer-centre-tells-punjab-bid-to-malign-image-says-farmer-leader-7256569/>

and eventually, they end up taking drugs. According to a study conducted in 5 states, including 9 districts of Punjab, It was shown that over 70% of substance abusers attributed their addiction to peer pressure. Punjabi youth got hooked to drugs much earlier than other states.¹¹ Peer pressure largely affects how a person perceives a particular issue and when a teenager in Punjab sees his colleagues abusing drugs, it awakens a desire in him to do the same so that he can fit well in his particular group.

5) Delay in Treatment and Parental Denial

The All-India Institute of Medical Sciences (AIIMS) National Drug Dependence Treatment Centre performed the first countrywide study on drug misuse in children in 2014. 83.2 per cent of the 4,024 children questioned had used cigarettes, 67.7 per cent had drunk alcohol, 35.4 per cent had used cannabis, and 34.7 per cent had sniffed inhalants such as glue and whiteners. According to this study, just 5% of teenagers obtained substance abuse treatment, and even then, they received it an average of five years after they began abusing drugs.¹² The majority of drug addiction in youngsters begins with illegal legal drugs such as cigarettes and alcohol. However, therapy is nearly always delayed since, due to misinformation and denial of parents, a handful come forward either when their child starts to skip school, engage in stealing, or isolate from the community. Failure of parents in taking quick action and further hide the problem without providing proper treatment to the addicted child changes him to a hardened drug addict.

6) Occupational factor

Individuals frequently use alcohol or drugs when their jobs or vocations tire them totally. Thus, they turn to alcohol or other substances to rekindle their vigour and overcome exhaustion or weariness. They slowly become habituated and, eventually, addicted as time passes. The individuals involved in hard labour occupations are more prone to drug abuse, such as agriculture labourers. Recently a report indicated that farmers in Punjab are providing drugs to their farm workers, who are mostly migrants from Bihar and Uttar Pradesh, so that they can derive more work from them and are compelled to work as bonded labourers.¹³ So the occupation of a person plays a key role in his susceptibility toward drug abuse.

¹¹ 'More than 70% addicts blame peer pressure for drug addiction' <https://timesofindia.indiatimes.com/city/chandigarh/more-than-70-addicts-blame-peer-pressure-for-drug-addiction/articleshow/70813678.cms>

¹² *Chances are, a child you know is using drugs* <https://www.hindustantimes.com/weekend/mum-kids-with-a-drug-addiction/story-K0pGnBx0oAEkFZPGpViFIO.html>

¹³ "Punjab Farmers Drug Migrant Workers, Use Them As Bonded Labourers: MHA To Amarinder Govt"- The New Indian Express. (2021, April 02). <https://www.newindianexpress.com/nation/2021/apr/02/punjab-farmers-drug-migrant-workers-use-them-as-bonded-labourers-mha-to-amarinder-govt-2284934.html>.

7) The magnitude of the problem

In terms of intensity, there hasn't been single all-Punjab research that has looked at the scope and extent of drug misuse. The Punjab Opioid Dependence Survey, which was conducted in 2015 across ten districts to determine the number of opioid addicts, estimated that there were an estimated 2,32,856 opioid dependents and 8.6 lakh non-dependent opioid users. Every year, around 7,575 crores were spent on opioids in Punjab. The most commonly used opioid in Punjab is heroin (53%), followed by opium (33%), and the rest of the 14% used opioids were pharmaceutical opioids. The most common reason for opioid abuse was Peer influence (75%). On average, a heroin addict spends around Rs. 1400 per day on heroin, but opium users (Rs. 340/day) and pharmaceutical-opioid users (Rs. 265/day) spend far less. So, the expenditure incurred on 1 month of heroin becomes 42000 Rs which become 504,000 Rs for one year; hence apart from various physical and mental consequence, the drug abuse is draining the economic resources as well. According to the study availability and accessibility of evidence-based treatment services are woefully inadequate.¹⁴ The Border Security Force (BSF) last year made a record 517-kg haul of heroin from Punjab- Pak Border, which is the highest seizure in the past five years. The drug recovery in 2020 witnessed almost a three-fold rise compared to 2019 (228 kg).¹⁵

A Pan India study, '*Magnitude of Substance Abuse In India 2019*' conducted by AIIMS, studied the extent and patterns of substance abuse in India. According to the study, a substantial number of people in India use psychoactive drugs; however, the incidence varies greatly among states. The study examined the patterns of the abuse of various substances. According to the study, The most common psychoactive drug used among Indians is alcohol. Following alcohol, the most widely abused drugs in India are cannabis and opioids. Nationally, the most common opioid used is heroin. The same is the case with Punjab also. The four-year survey discovered that heroin was the most misused substance, with 653 (67 per cent) of participants using it. Punjab has been placed first in India for the highest consumption of alcohol among minors, with 1.2 lakh children between the ages of 10 and 17 using alcohol in the state.¹⁶

¹⁴ *Punjab Opioid Dependence Survey 2015* can be accessed at <http://health.punjab.gov.in/sites/default/files/scan0003%20%282%29.pdf>

¹⁵ *Punjab border drugs seizure highest in five years* <https://www.newindianexpress.com/nation/2021/mar/07/punjab-border-drugs-seizure-highest-in-five-years-2273242.html>

¹⁶ *Magnitude of Substance Abuse in Punjab* can be accessed at https://socialjustice.nic.in/writereaddata/UploadFile/Mag_Use_India_REPORT.pdf

RECOVERIES BY BSF			
Year	Heroin	Weapons	Intruders apprehended
2016	230 Kg	12	31
2017	280 Kg	23	30
2018	231 Kg	19	24
2019	228 Kg	12	28
2020	517 Kg	43	13




Table 2 No. of People Who Need Help For Opioid Problems

It is evident from the data given by various studies that the problem of substance abuse is acute in Punjab. The menace of drugs is more in rural areas of Punjab and especially the districts bordering Pakistan. Punjab serves as a transit hub as well as a market for drugs trafficked from the Golden Crescent. Drug smuggling routes pass through Amritsar, Tarn Taran, Ferozepur, and Fazilka Districts. The inhabitants of border villages act as couriers for traffickers. They are paid between Rs 3,000 and Rs 4,000 to collect and transport each kilogram of heroin, which is worth about Rs5 crore in the global market. Farmers get consignments via plastic pipes or directly tossed from the other side since they are granted permission to cultivate crops near the border in numerous areas. The consignments are either buried in the fields or hidden in tree trunk hollows. It is held by the local courier for a short period of time before being turned over to another courier, whose job it is to transport the same to the one who either delivers it further to New Delhi or to the nearby towns to sell in tiny amounts and this vicious cycle of drug trafficking goes on.¹⁷ The idea of the havoc caused by drug abuse in border areas of Punjab can be made from the fact that there exists a village named Maqboolpura in Amritsar, which is

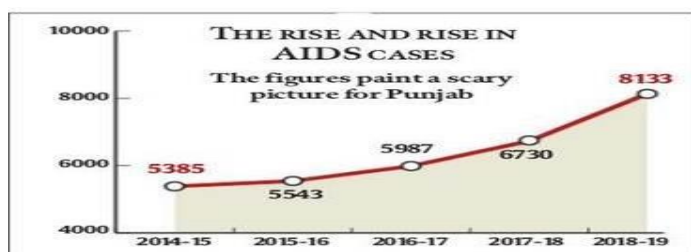
¹⁷ How are drugs smuggled into India through Punjab [https://www.indiatoday.in/mail-today/story/drugs-punjab-smuggling-pakistan-afghanistan-328336-2016-07-10?](https://www.indiatoday.in/mail-today/story/drugs-punjab-smuggling-pakistan-afghanistan-328336-2016-07-10?utm_source=indiatoday&utm_medium=story&utm_campaign=indiatoday)

famous by the name of ‘ Village of Widows’ Almost every household in this village has at least one person who carelessly shares needles, swallows up to 100 pills each day, steals, falls into debt, and forces their spouses and mothers to provide them with their hard-earned money. After partition, the people of Maqboolpura relocated to this area, but their agony did not end there. Instead, the vicinity to the border became a misfortune since regular drug smuggling through the border meant that the local youth’s supply of drugs was never disrupted. In reality, the surrounding districts of Amritsar, Tarn Taran, and Gurdaspur are all afflicted with a drug problem, with the majority of their young being addicted. Despite such a tragic condition, no significant measures were taken by the state government.¹⁸

A 14-year-old child studying in 8th class had lost his life in Muktsar due to an overdose of drugs¹⁹. A 22-year-old youth died allegedly due to a drug overdose²⁰. Such kind of headlines in the news is new normal for modern-day Punjab. The absence of time-bound strict actions and lack of political will has led Punjab to such a critical stage of drug menace. Because the expanding illicit drug trade has claimed valuable lives, the problem has recently emerged as a powerful aspect of public dialogue.

Another by-product of the drug problem in Punjab is the rising number of HIV patients infected majorly due to sharing of syringes by drug abusers. As per the report ‘, substance use magnitude in India-2019’, out of 8.54 lakh injectable drug users (IDU) in India, around 88165 are in the state of Punjab. According to doctors, the increase in HIV positive cases is attributed in part to more addicts resorting to the use of needles to inject substances. Apart from shared needles, sexually transmitted diseases (STDs) and reproductive tract infections were major public health issues that required immediate action.²¹

Table 1 High rate of increase in No. of HIV Cases



¹⁸ *There Is A ‘Village Of Widows’ In Punjab. It’s Tragic But There’s A Serious Problem Here* <https://www.scoopwhoop.com/Village-Of-Widows-In-Punjab>

¹⁹ *Punjab’s Drug Problem Comes to Light Again as 14-Year-Old Dies of Overdose in Muktsar* <https://www.news18.com/news/india/punjabs-drug-problem-comes-to-light-again-as-14-year-old-dies-of-overdose-in-muktsar-3945878.html>

²⁰ *Punjab: Drug overdose claims life of 22-year-old youth in Ropar* <https://timesofindia.indiatimes.com/city/chandigarh/punjab-drug-overdose-claims-life-of-22-year-old-youth-in-ropar/articleshow/69546059.cms>

²¹ <https://indianexpress.com/article/cities/chandigarh/punjab-after-drugs-aids-scare-in-5-yrs-34-rise-5865196/>

IV. EMERGING DRUG ABUSE TRENDS AND NEW DEVELOPMENTS

1) Women as Consumer, Peddler, and Victim of Drug Abuse

Drug abuse among women is increasingly becoming more prevalent. They are victimized as spouses of male substance users as well as substance users themselves. Following continuous growth in the number of female addicts, the state's drug issue has taken on a new dimension. Most of the time, women are used as a shield by their male counterparts to protect themselves from the eyes of law enforcement agencies. It is the state's lack of insight or its failure to acknowledge that women, too, use drugs. There is a variety of causes for this, but the pressure of the male partner, who is more often than not an addict in most such situations, is at the top of the list. Typically, a woman begins using drugs under the influence of her male companion. Relationship issues, failed marriages, domestic abuse, alcohol addiction, peer pressure (among students), and others become addicted while selling drugs for quick money or to support their home if the male spouse is jobless. When women in the commercial sex trade begin to feel bad, they frequently turn to drugs. It all begins with party drugs amongst youngsters²². Women are becoming more involved in trafficking drugs since they seldom come under scrutiny at normal police checkpoints and many procedural safeguards given to them under the criminal procedure code of India, and hence, they take full benefit of these circumstances. Patiala police recently apprehended two female drug peddlers who made lots of money by peddling heroin. The police operation resulted in the seizure of contraband worth crores of rupees, as well as currency and a large number of household products. Two unfinished bungalows were also discovered. The ladies amassed huge fortunes through selling narcotics in various regions of Punjab.²³ There are 198 Opioid Assisted Treatment (OOAT) clinics, 31 Govt De-addiction centre and 108 private de-addiction centres in Punjab²⁴, but not many women approach them due to privacy reasons, and they remain invisible. There is a need to study the problem of drug abuse without excluding the woman from it as she can be an addict, a peddler or herself facing the brunt of drug abuse by her husband.

2) Over The Counter Drugs and Self Medication

Over-the-Counter Medicines are medicines that are legally permitted to be sold by chemists without a prescription. We don't have any specific definition for OTC drugs in India, so Unless

²² 'Punjab: The invisible drug addicts' <https://indianexpress.com/article/india/punjab-the-invisible-drug-addicts-5813991/>

²³ 2-woman drug peddlers nabbed; property, contraband worth crores seized <https://www.tribuneindia.com/news/archive/punjab/2-woman-drug-peddlers-nabbed-property-contraband-worth-crores-seized-816943>

²⁴ <https://www.tribuneindia.com/news/punjab/over-85-000-addicts-enrol-at-rehabilitation-centres-in-45-days-in-punjab-83581>

expressly labelled as a prescription-only medication, medicines are technically OTC in India. OTC medicines facilitate speedier and less expensive access to healthcare; yet, their abuse and negative health impacts raise concerns. These are purchased for minor health problems such as cold, pain, cough etc. The usage of over-the-counter medications has gradually increased in recent years. This development can be attributed to a variety of factors, including simple availability, cost, and improved patient knowledge. Most countries such as the USA, UK, Australia, and Japan recognize OTC medications as a distinct class of drugs and have enacted rules governing their usage. There are currently no regulations in India for the licensing of OTC medications. In India, medications are classified into various categories under the Drugs and Cosmetics Act and the Drugs and Cosmetics Rule. Drugs included in Schedules H, H1, and X should be labelled with a warning that they are only to be sold at retail with a prescription from a qualified medical practitioner. Schedule G medicines (mainly antihistamines) must include a mandatory text on the label that states, "Caution: it is hazardous to consume this preparation except under medical supervision." Schedule K of the Drug and Cosmetics Act include household remedies such as paracetamol, cough syrups etc.²⁵ Medicines that do not come within the schedules H, H1, and X can be obtained without a prescription from chemists and pharmacies in India. Furthermore, it is commonly observed that prescription medicines that even falls under Schedule H are being sold by chemists without any prescription, such as Tramadol, even it has been notified as item 110Y in the schedule to the NDPS Act by the govt of India owing to its misuse on the name of painkiller. Since then, numerous people have been imprisoned for owning, keeping, or selling Tramadol pills without following the proper procedure, but still, in most of the parts of Punjab, it is easily available without a prescription.²⁶ In 2018, when India amended the Narcotic Drugs and Psychotropic Substances Act 2018 to classify Tramadol as a controlled psychotropic, the global annual seizure of the drug fell to 32 tons from 125 tons in 2017²⁷.

According to WHO, a substance must be marketed on prescription for at least 5 years before it can be classified as an OTC drug. The time duration for changing from prescription to OTC varies by nation (for example, the European Union has no time limit, New Zealand has three years, Japan has six years, and the Philippines has up to ten years). Before allowing the

²⁵ Marathe PA, Kamat SK, Tripathi RK, Raut SB, Khatri NP. Over-the-counter medicines: Global perspective and Indian scenario. *J Postgrad Med.* 2020;66(1):28-34. doi:10.4103/jpgm.JPGM_381_19 \

²⁶ *ISIS drug' Tramadol comes under narcotics law regulation* <https://timesofindia.indiatimes.com/india/isis-drug-tramadol-comes-under-narcotics-law-regulation/articleshow/63961491.cms>

²⁷ 'India's illicit drug trade is being fueled by prescription drugs and controlled chemicals' <https://scroll.in/article/1000811/indias-illicit-drug-trade-is-being-fuelled-by-prescription-drugs-and-controlled-chemicals> accessed on 20 October 2021

transition of a specific medicine into the OTC category, it is critical to confirm that the drug did not cause significant adverse drug reactions with increasing frequency over the marketing period up to that point.²⁸

A family carrying bottles of Codeine cough syrup or a pharmacist selling Tramadol without first checking for medical prescriptions is the current reality in Punjab and even in India as a whole.

According to the UN Office of Drugs and Crime's 2021 World Drug Report, "prescription drugs and their components, or "precursors," are rapidly being diverted for recreational use in India, the world's biggest producer of generic drugs. The 2021 World Drug Report further stated that India was the most frequently mentioned country of origin, departure and transit of Tramadol during 2015-19."²⁹

V. COVID-19 PANDEMIC AND ITS IMPACT ON DRUG ABUSE IN PUNJAB

Covid-19 impact, particularly on the drug abuse in the state of Punjab, can be described as a blessing in disguise. The drug trafficking cartels that feed drugs to Punjab were substantially hampered by India's stringent lockdown regulations as an outcome was an increase in the number of patients seeking de-addiction treatment. According to reports, In Punjab, almost 5 lakh drug addicts were treated, and 86000 new patients sought assistance.³⁰ A combination of buprenorphine-naloxone tablets is given to patients addicted to opioids to help relieve withdrawal symptoms. However, patients can also get addicted to this medicine, which is why its use is advised only under medical supervision. Punjab has experimented with different take-home dosages of these medicines, with addicts initially getting tablets for daily consumption and subsequently more tablets for weekly consumption.³¹ According to official statistics provided by the Punjab government, new registrations for treatment include addicts ranging in age from less than 20 years to more than 80 years. According to the statistics, 38,152 new addicts between the ages of 30 and 39 enrolled in less than three months, which is the maximum for an age category.³² Despite all these positive developments, there are still apprehensions that due to a large number of youths getting unemployed because of covid may fall into the trap of

²⁸ *Abuse of over-the-counter medicines: a pharmacist's perspective.*

Sansgiry SS, Bhansali AH, Bapat SS,

²⁹ World Drug Report 2021 Can be accessed at <https://www.unodc.org/unodc/en/data-and-analysis/wdr2021.html>

³⁰ *Counting corona blessings: Over 5 L drug addicts treated in Punjab, 86 k new patients seek help* <https://timesofindia.indiatimes.com/india/counting-corona-blessings-over-5-l-drug-addicts-treated-in-punjab-86-k-new-patients-seek-help/articleshow/75680183.cms>

³¹ *In Punjab, the coronavirus lockdown has driven drug addicts to seek help* <https://scroll.in/article/968439/in-punjab-the-coronavirus-lockdown-has-unwittingly-driven-drug-addicts-to-seek-help>

³² *Explained: How Covid-19 is helping Punjab's war on drugs* <https://indianexpress.com/article/explained/punjab-drug-addiction-amid-coronavirus-pandemic-6477060/>

drugs and enter into the world of crime to make up for lost earnings and joblessness if restrictions are relaxed completely. The isolation and loneliness created by the strict lockdown in the state could also have attracted many youths to licit drugs like cigarettes and alcohol. But one thing is sure the pandemic has brought changes into the modus operandi of the traffickers, and more advanced routes were used to sell drugs such as the dark web. The impact of the COVID-10 pandemic on drug markets is unclear and difficult to estimate, but it may be significant, according to the UNODC's executive summary, which equates the pandemic's potential impact to that of the 2008 financial crisis. The UNODC, in its World Drug Report 2020, has predicted an increase in drug use due to pandemics and indicated a shift of abusers toward cheaper drugs that are more dangerous and involve more risk to health.³³ It can be concluded that covid 19 helped Punjab's war against the menace of drug abuse.

VI. PRESENT LEGAL FRAMEWORK AGAINST DRUG ABUSE AND FLAWS: OVERVIEW

Article 47 of the Indian Constitution mandates the state to raise the level of nutrition, improve the standard of living and prohibit the consumption of intoxicating drinks and drugs except for medical purposes. Later India become a signatory to two important conventions

- Convention on Narcotic Drugs, 1961
- Convention on Psychotropic Substances, 1971.

All these culminated in the passing of The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) by the parliament of India using its powers under article 253 of the constitution. Narcotic drugs are those that cause sleep, whereas psychotropic substances have such power to change a person's state of mind and behaviour. The NDPS Act forbids anybody from manufacturing, producing, cultivating, possessing, selling, purchasing, transporting, storing, or consuming any narcotic drug or psychotropic substance without prior approval from the competent authority. The provisions of this Act are very stringent as all offences under it are cognizable in nature, which means police can arrest a person without a warrant and punishment is based on the quantity of the drugs seized or found from the accused. The Act has divided the quantities of drugs into 3 categories (1) Small quantity (2) More than small but less than commercial quantity (3) Commercial quantity. The punishment for commercial quantity is maximum. For example, Possession of a commercial quantity of cannabis will be punished with rigorous imprisonment for a term not less than 10 years, but which may extend to 20 years

³³ <https://www.insightsonindia.com/2020/06/30/insights-into-editorial-drug-abuse-amidst-pandemic>

and fine not less than one lakh rupees but which may extend to two lakh rupees, the court is authorized to impose a fine exceeding two lakh rupees. Section 27 of the Act provides punishment for consumption of prohibited drugs under the Act, which is rigorous imprisonment for a term which may extend to one year, or with a fine which may extend to twenty thousand rupees. The death penalty can be imposed under section 31A of the Act for the repetition of the offence by the convicted person. Section 64A of the Act contains the reformatory perspective of the criminal justice system. It provides immunity from the prosecution to the addicts who volunteer for treatment if he is accused of consuming drugs under sec 27 or any other section wherein drugs fall under small quantity. The govt has been given the power to tender pardon to the accused under section 64 on the condition of his making full and true disclosure of circumstances and facts regarding the case. This provision is similar to section 307 of the CrPC. Section 35(1) of the Act contains the provision of presumption of intention, which is in contrast to the general rule of innocence till proven guilty. Further, section 35(2) imposes a duty upon the accused to prove beyond reasonable doubts that he had no such criminal intention; preponderance of probability would not be sufficient.

No legislation can be immune from flaws, and it has to be modified as per the societal conditions from time to time. The same is the case with NDPS Act. There are various loopholes in the present Act that are being exploited by the criminals to escape from punishment. One of the grey areas in the Act is the classification of quantities. The drug peddlers have started trafficking the drugs in fractions of small quantities so that they are of the drug come under small quantity which is bailable under the Act.

Further, the failure of investigation authorities to follow the procedure for search, seizure and arrest results in acquittal of the accused.³⁴ The NDPS Act authorizes the use of medicines as medicine. Nonetheless, due to severe restrictions and penalties, morphine and other opioids were inaccessible to patients. Special courts are provided under the Act for the trial of cases, but the problem of delay in trials is still there, which in combination with strict bail provisions, many times leads to the incarceration of innocent persons.

VII. CONCLUSION AND SUGGESTIONS

Despite the stringent penal provisions and collective efforts at national and international levels to combat the spread of drug abuse and the consequent delinquent activities of children/adolescents, the problem still remains as widespread as ever. This is partly because of man's

³⁴ *Court acquits man after police fail to follow procedures under NDPS Act* <https://www.thehindu.com/new/s/cities/Delhi/court-acquits-man-after-police-fail-to-follow-procedures-under-ndps-act/article30589968.ece>

craze for pleasure and primarily because of the illegal activities of a large group of criminals and anti-social elements who are trying to infect society with this deadly poison in order to create and maintain a steady market for their illegal products. They are merely concerned with the enormous profits they derive from this illegal trade and are less bothered about its social costs. Concepts like morality, decency, health and social welfare have no place in their minds. As a result, the problem is increasing very fast.

This study tried to investigate the state of Punjab as a severe and extreme instance of drug abuse. The problem of drug addiction in Punjab is severe. Heroin is the most abused drug in the state. Drugs reduce resistance and impair judgement, encouraging people to commit crimes. With the majority of drug users being between the ages of 18-35, the loss in terms of human potential is enormous.

Despite the stringent penal provisions and collective efforts at national and international levels to combat the spread of drug abuse and the consequent delinquent activities of children/adolescents, the problem still remains as widespread as ever. This is partly because of man's craze for pleasure and primarily because of the illegal activities of a large group of criminals and anti-social elements who are trying to infect society with this deadly poison in order to create and maintain a steady market for their illegal products. They are merely concerned with the enormous profits they derive from this illegal trade and are less bothered about its social costs. Concepts like morality, decency, health and social welfare have no place in their minds. As a result, the problem is increasing very fast.

The image of Punjab's profile is seen below (Punjab Opioid Dependence Survey 2015). Apparently, employed and educated seem to be more exposed to this misuse.

Profile of Punjab

Demographic profile of Opioid Dependent individuals in Punjab:	Survey Results
Males	99%
Literate and educated	89%
Married	54%
Employed	83%
Punjabi as mother tongue	99%
Opioid dependent population in rural areas	55%
Most common opioid drug: Heroin	53%
Using drugs through injecting route	33%
Most common reason for starting opioid use: Peer-influence	75%
Ever tried to quit?	80%
Ever received any help for quitting?	35%

Lower bound estimate of opioid dependent individuals	1,74,642
Upper bound estimate of opioid dependent individuals	3,22,416
Amount spent on opioid drugs per day by opioid dependent people	Rs 20 cr
Annual expenditure on opioid drugs	Rs 7575 cr
Unskilled Worker/ Labourer	27%
Farmer	21%
Clerical jobs/ businessmen	15%
Transport Worker	14%
Skilled Worker	13%

Source: Punjab Opioid Dependence Survey 2015

The situation is extremely serious in Punjab. It is critical that government take notice of it. Various factors that contributed to the problem of drug abuse in Punjab are unemployment, lack of political will, geographical location of Punjab, Peer Pressure, Lack of parental control etc. As suggested by NCRB data, the rise in drug abuse and other crimes are interconnected and are directly proportional to each other. Another characteristic of the Punjab situation is the prevalence of injectable drugs. In the state, drug abuse has resulted in serious health implications like fatalities and the transmission of HIV. Border areas are the worst affected by drug abuse and needs more attention from the authorities. The ongoing Covid pandemic has brought the addicted Punjabi youth to the doors of de-addiction centres, but the problems don't end there. It is up to the state to adopt such a strategy that treated youth doesn't fall again into the trap of substance abuse. To conclude, the drug menace is likely to endanger the social, economic and political systems in the country in the near future, unless we start making all-out efforts immediately to control it with a firm political resolve, community involvement, and immediate legislative and executive interventions.

Suggestions :

- The state must act proactively to combat cross-border drug smuggling. The latest technology has to be adopted to detect and destroy the drones carrying drugs coming from Pakistan side into Indian territory. Border areas of Punjab have to be developed at a pace with other parts of the state and cannot be neglected further. Proper educational infrastructure and industrialization must be promoted there within safer limits.
- By providing incentives, village Panchayats can be involved to promote drug abuse prevention efforts. Number of Rehabilitation centres having vocational skills should be opened to bring the addicts to the mainstream of society. These centres must recruit qualified staff and councillors having sociological knowledge to tackle these clients. Periodic supervision can be helpful for the effective working of these centres

- It is recommended that the relevant state governments take quick action to establish enough Special Courts, So as to deliver speedy justice and reduce the load of pending cases.
- The state should rationalize the buying price of opium so that farmers are not tempted to offer it to drug dealers.
- There is a lack of unanimity amongst various courts as to whether the procedural provisions contained in the NDPS Act, 1985, are mandatory or directory. Therefore, provision may be inserted into the Act stipulating that no proceedings under the Act shall become void on the ground of non-compliance of procedural provisions unless the court is satisfied that such non-compliance has caused the failure of justice.
- To combat drug misuse, India must spend more on de-addiction and rehab services.
- Awareness-raising activities at schools and universities around the country must be encouraged.
- More focus needs to be given to women victims of drug abuse, considering their requirements of privacy.

VIII. REFERENCES

- 1) World Drug Report 2021 Can be accessed at <https://www.unodc.org/unodc/en/data-and-analysis/wdr2021.html>
- 2) Crime in India 2020 Report by NCRB <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%201.pdf>
- 3) BSF and Punjab Police seize 40 kg heroin from India-Pakistan border <https://www.newindianexpress.com/nation/2021/aug/21/bsf-andpunjab-police-seize-40-kg-heroinfrom-india-pakistan-border-2347798.html>
- 4) Punjab police bust international drug racket, 12 arrested including 4 Afghanistan nationals <https://www.indiatvnews.com/news/india/punjab-police-bust-international-drug-racket-12-arrested-including-4-afghanistan-nationals-717610>
- 5) 53 Punjab cops arrested in drug cases since 2014 <https://www.hindustantimes.com/punjab/53-punjab-cops-arrested-in-drug-cases-since-2014/story-LE2f2pwwAmsFStjrCEV0tO.html>
- 6) Economic Survey 2021: Punjab among top 5 states with worst unemployment, but among five best in access to basic necessities <https://indianexpress.com/article/india/economic-survey-2021-punjab-unemployment-basic-necessities-7167854/>
- 7) Over 20 Punjabi youths feared dead in Panama boat capsized, says 'survivor' <https://www.tribuneindia.com/news/archive/punjab/over-20-punjabi-youths-feared-dead-in-panama-boat-capsized-says-survivor-184619>
- 8) Unemployment remains major cause for youths turning to drugs <https://www.tribuneindia.com/news/archive/chandigarh/-unemployment-remains-major-cause-for-youths-turning-to-drugs-727030>
- 9) Farm laborer given drugs to work longer, Centre tells Punjab; bid to malign image, says farmer leader <https://indianexpress.com/article/india/farm-labourers-given-drugs-to-work-longer-centre-tells-punjab-bid-to-malign-image-says-farmer-leader-7256569/>
- 10) 'More than 70% addicts blame peer pressure for drug addiction' <https://timesofindia.indiatimes.com/city/chandigarh/more-than-70-addicts-blame-peer-pressure-for-drug-addiction/articleshow/70813678.cms>
- 11) Chances are, a child you know is using drugs <https://www.hindustantimes.com/weekend/mum-kids-with-a-drug-addiction/story-K0pGnBx0oAEkFZPGpViFIO.html>

12) “Punjab Farmers Drug Migrant Workers, Use Them As Bonded Labourers: MHA To Amarinder Govt”- The New Indian Express. (2021, April 02). <https://www.newindianexpress.com/nation/2021/apr/02/punjab-farmers-drug-migrant-workers-use-them-as-bonded-labourers-mha-to-amarinder-govt-2284934.html>

13) Punjab Opioid Dependence Survey 2015 can be accessed at <http://health.punjab.gov.in/sites/default/files/scan0003%20%282%29.pdf>

14) Punjab border drugs seizure highest in five years <https://www.newindianexpress.com/nation/2021/mar/07/punjab-border-drugs-seizure-highest-in-five-years-2273242.html>

15) Magnitude of Substance Abuse in Punjab can be accessed at https://socialjustice.nic.in/writereaddata/UploadFile/Mag_Use_India_REPORT.pdf

16) How are drugs smuggled into India through Punjab <https://www.indiatoday.in/mail-today/story/drugs-punjab-smuggling-pakistan-afghanistan-328336-2016-07-10?>

17) There Is A ‘Village Of Widows’ In Punjab. It’s Tragic But There’s A Serious Problem Here <https://www.scoopwhoop.com/Village-Of-Widows-In-Punjab>

18) Punjab’s Drug Problem Comes to Light Again as 14-Year-Old Dies of Overdose in Muktsar <https://www.news18.com/news/india/punjab-drug-problem-comes-to-light-again-as-14-year-old-dies-of-overdose-in-muktsar-3945878.html>

19) Punjab: Drug overdose claims life of 22-year-old youth in Ropar <https://timesofindia.indiatimes.com/city/chandigarh/punjab-drug-overdose-claims-life-of-22-year-old-youth-in-ropar/articleshow/69546059.cms>

20) <https://indianexpress.com/article/cities/chandigarh/punjab-after-drugs-aids-scare-in-5-yrs-34-rise-5865196/>

21) ‘Punjab: The invisible drug addicts’ <https://indianexpress.com/article/india/punjab-the-invisible-drug-addicts-5813991/>

22) 2-woman drug peddlers nabbed; property, contraband worth crores seized <https://www.tribuneindia.com/news/archive/punjab/2-woman-drug-peddlers-nabbed-property-contraband-worth-crores-seized-816943>

23) <https://www.tribuneindia.com/news/punjab/over-85-000-addicts-enrol-at-rehabilitation-centres-in-45-days-in-punjab-83581>

24) Marathe PA, Kamat SK, Tripathi RK, Raut SB, Khatri NP. Over-the-counter medicines: Global perspective and Indian scenario. *J Postgrad Med.* 2020;66(1):28-34.

doi:10.4103/jpgm.JPGM_381_19

25) ISIS drug' Tramadol comes under narcotics law regulation <https://timesofindia.indiatimes.com/india/isis-drug-tramadol-comes-under-narcotics-law-regulation/articleshow/63961491.cms>

26) 'India's illicit drug trade is being fueled by prescription drugs and controlled chemicals' <https://scroll.in/article/1000811/indias-illicit-drug-trade-is-being-fuelled-by-prescription-drugs-and-controlled-chemicals> accessed on 20 October 2021

27) Abuse of over-the-counter medicines: a pharmacist's perspective, Sangiry SS, Bhansali AH, Bapat SS,

28) World Drug Report 2021 Can be accessed at <https://www.unodc.org/unodc/en/data-and-analysis/wdr2021.html>

29) Counting corona blessings: Over 5 L drug addicts treated in Punjab, 86 k new patients seek help <https://timesofindia.indiatimes.com/india/counting-corona-blessings-over-5-l-drug-addicts-treated-in-punjab-86-k-new-patients-seek-help/articleshow/75680183.cms>

30) In Punjab, the coronavirus lockdown has driven drug addicts to seek help <https://scroll.in/article/968439/in-punjab-the-coronavirus-lockdown-has-unwittingly-driven-drug-addicts-to-seek-help>

31) Explained: How Covid-19 is helping Punjab's war on drugs <https://indianexpress.com/article/explained/punjab-drug-addiction-amid-coronavirus-pandemic-6477060/>

32) <https://www.insightsonindia.com/2020/06/30/insights-into-editorial-drug-abuse-amidst-pandemic>

33) Court acquits man after police fail to follow procedures under NDPS Act <https://www.thehindu.com/news/cities/Delhi/court-acquits-man-after-police-fail-to-follow-procedures-under-ndps-act/article30589968.ece>
