

Narcotic Drugs and Psychotropic Substances Amendment Bill 2021

Syllabus- GS 2: Government policies and interventions.

Why in news?

- ❖ This bill correcting drafting errors was passed by Lok Sabha recently, to amend NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985.
- ❖ **Drafting error:** In 2014, the Act was amended and the **clause number** of the definition for such illicit activities was changed. However, the section on penalty for financing these illicit activities was not amended and continued to refer to the earlier clause number of the definition. **The bill amends the section on penalty to change the reference to the new clause number.**

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

- ✓ The NDPS Act prohibits a person from the production/manufacturing/cultivation, possession, sale, purchasing, transport, storage, and/or consumption of any narcotic drug or psychotropic substance.
- ✓ According to the Act, narcotic drugs include coca leaf, cannabis (hemp), opium, and poppy straw; and psychotropic substances include any natural or synthetic material or any salt or preparation protected by the Psychotropic Substances Convention of 1971.
- ✓ A psychotropic drug includes any natural or synthetic material or any salt or preparation protected by the Psychotropic Substances Convention of 1971.
- ✓ The penalties under this Act are severe considering the consequences of drug abuse and its trafficking.
- ✓ The offences under the Act attract jail terms ranging from one year to 20 years and fine depending on the crime.
- ✓ Under the Act, abetment, criminal conspiracy and even attempts to commit an offence attract the same punishment as the offence itself.
- ✓ All the offences under the NDPS Act are **non-bailable**.
- ✓ The **Narcotics Control Bureau** was constituted in 1986 under the provisions of the NDPS Act.

The NCB is a nodal agency that is responsible for coordination with various ministries, other offices & State/Central enforcement agencies with regard to drug law enforcement and also in respect of matters relating to drug abuse...

Amendments in the bill:

- ❖ Correct a drafting error in a 2014 amendment to the Act.
 - ✚ Before the 2014 amendment, clause (viii-a) of Section 2 contained sub-clauses (i) to (v), which defined the term **"illicit traffic"**. In 2014, the Act was amended and the clause number of the definition for such illicit activities was changed.

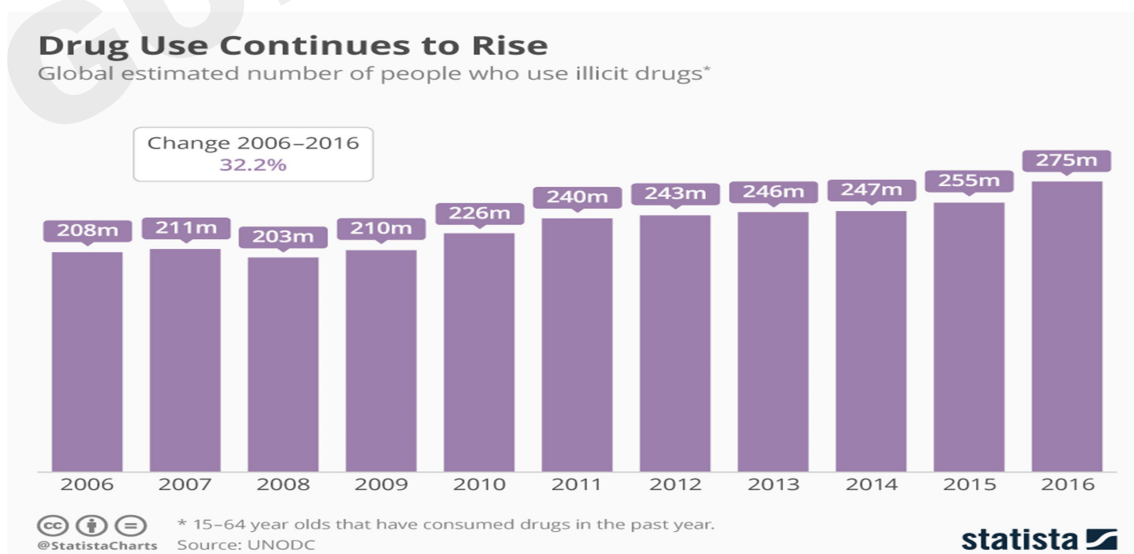
✚ However, the section (27A) on penalty for financing these illicit activities was not amended and continued to refer to the earlier clause number of the definition.

- ❖ amended the section on penalty to change the reference to the new clause number.
- ❖ In a recent judgment, Tripura High Court has held that 'until the appropriate legislative change occurs by amending Section 27A of the NDPS Act appropriately, sub-clauses (i) to (v) of clause (viii-a) of Section 2 of the NDPS Act shall suffer effect of deletion

Drug Addiction Effects:

Following are the possible short-term and long-term effects

- ✚ Drugs can affect a person's thinking, mood, energy level, and perception.
- ✚ They may impair motor functioning, interfere with decision-making and problem-solving, and reduce inhibition, as well as cause a host of physical health problems.
- ✚ Significant anxiety or depression.
- ✚ Impaired judgment.
- ✚ Attention problem and memory impairment. Cognitive dysfunction.
- ✚ Weakened immune system.
- ✚ Suicidal ideation.
- ✚ Decreased connectivity between brain areas.
- ✚ Loss of coordination.
- ✚ Cause cardiovascular conditions ranging from abnormal heart rate to heart attacks.



Social Problem/Aberrant Behaviour

Drug addiction doesn't just affect the addict. It has a far reaching effect which encompasses family, friends, employers, healthcare professionals and society as a whole. Following are the social issues caused because of drug abuse:

- ✓ Increase in crime and violence
- ✓ Law and order problems
- ✓ Marriage/relationships: Drug abuse can hamper relationships, is prone to mood swings, violent outbursts, secrecy and other forms of extreme behaviour.
- ✓ Employment: Drug abuse affects in getting employment and affects professional life.
- ✓ Impact on children: It is both distressing and confusing for children to see one parent (or both parents) exhibit signs of their addiction.
- ✓ Education: If a child or young person is suffering from an addiction then this will impact upon their schooling, relationships with other children and their home life.
- ✓ Drug abuse seriously affects our health, security, peace and development.
- ✓ Increase in diseases like Hepatitis B and C, Tuberculosis
- ✓ Drug dependence, low self-esteem, hopelessness can lead to criminal action and even suicidal tendencies.

Government Initiatives to tackle the problem of Drug Addiction:

- ❖ Constituted the Narco-Coordination Centre (NCORD)
- ❖ Revived the scheme of “Financial Assistance to States for Narcotics Control”.
- ❖ Government has constituted a fund called “National Fund for Control of Drug Abuse”
- ❖ Conducting a National Drug Abuse Survey to measure trends of drug abuse in India through the Ministry of Social Justice & Empowerment with the help of National Drug Dependence Treatment Centre of AIIMS.
- ❖ Developing a new software i.e. Seizure Information Management System (SIMS) which will create a complete online database of drug offences and offenders.
- ❖ Project Sunrise was launched by the Ministry of Health and Family Welfare in 2016, to tackle the rising **HIV prevalence** in north-eastern states in India, especially among people injecting drugs
- ❖ The launch of the ‘Nasha Mukh Bharat’, or Drug-Free India Campaign which focuses on community outreach programs.
- ❖ National Policy for Drug Demand Reduction, 2014

Ministry of Social Justice and Empowerment designed this policy.

What're the salient features of this policy?

1. Survey	➤ a national Survey of drug junkies by 31st March 2015.
2. Demand reduction	➤ for both categories Illegal drugs: heroin, opium; Misused drugs: tranquilizers, painkillers, cough syrups
3. Awareness	➤ create awareness about drug-abuse among individuals, families, workplace and society at large.
4. Focus	➤ focus on Street-Children, Beggars, Homeless, sex-workers, truck-drivers, Women with druggie husbands, prisoners already serving terms for narc-offenses and engineering students living in hostels.
5. Uniform Treatment	➤ help druggies get rehabilitation, aftercare, vocational training so they can re-integrate in the society. ➤ De-addiction centres will have to get accreditation certificates. This will ensure nation-wide uniform treatment. We'll order NIC to setup an online portal for monitoring druggies undergoing treatment.
6. Finance	➤ Invest money on Research, training, HRD and other fancy things at AIIMS, NIMHANS, Government hospitals and NGOs.
7. Collaboration	➤ collaborate with various bodies at national & international level-including NGO, SHG, civil society members, celebrities and social media.
8. Accountability	➤ Union minister for Social justice → National Committee → State/UT Committees → Local bodies doing social audit of national policy. ➤ involve civil society, criminal justice, social care, health care, education-employment system.

Way Forward:

- ✓ The stigma associated with drug taking needs to be reduced. Society needs to understand that drug-addicts are victims and not criminals.
- ✓ Education curriculum should include chapters on drug addiction, its impact and also on de-addiction.
- ✓ Proper Counselling is another way.
- ✓ Detoxification, behavioral counseling, medication and long term follow up must be done properly by the affected person to get rid of the addiction.
- ✓ Leaning on close friends, family members, building sober social network, meeting and spending time with closed ones, tackling mental stress etc.

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