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The Narcotic Drugs and Psychotropic Substances Act of India by BV Kumar and RK Tewari

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The Narcotic Drugs and Psychotropic Substances Laws of India (1989) By Mr B V Kumar and Mr. R K Tewari, Konark Publishers Pvt. Ltd.—Pp. XI, 603—Rs. 300.

No other person could have accomplished this most comprehensive and subtle work with greater assiduity and skill than Mr B V Kumar¹ and Mr. R.K. Tewari.² They took a bold step by writing this book, thereby filling the treasure of information relating to Drug Laws. They deserve appreciation because they were primarily responsible for framing of policy decisions and enforcement of drug laws in recent times. The expected role of a reviewer in giving information package about this book is attempted in this review.

I

The drug addiction and drug trafficking became vital issues for global debate in recent times. The drug abuse has set its evil foot on every inch of the globe to which India is no exception. Rapid industrial growth has created many socio-psychic impacts in the structure of the productive force, so much so, there is a constant tension in the production relations. The impact of this on the Indian society is perhaps greater. Dissatisfaction is more acute amongst the youth force who are disillusioned in many ways. Naturally, that is the vulnerable point in the open society for both the purposes, namely, the purpose of creating a force of social change, as well as the purpose of demoralizing and thus breaking the backbone of the country's main working force. There is every reason to believe that reactionary forces shall always try to take any such privileges to weaken the very fibre of a developing country's efforts.

The game of drugging in international scene is perhaps as old as 'Helen of Troy' or the 'Opium War'. But the dimension of the problem has become so wide that each country has to be concerned about the affair and try to best tighten their legal culture in order to protect the national interest. Some studies revealed the *modus operandi* of interested groups in injecting the habit of addiction through notorious methods and techniques. They have also made it evident that people who are tycoons in monitoring the whole drug influx have an ulterior motive with international linkages. These people make use of the economic situation of the country as well as the utter frustration or acute depression in the minds of the youth and thus monitor the whole game for their deep and ulterior motive.³

Sensing destructive and apparent threat of drugging to the countries, many countries

1. Currently, he is working as Member, Central Board of Excise and Customs, Ministry of Finance, Government of India, New Delhi. He was the first Director General, Narcotics Control Bureau from May 1986 to November 1987. He has been representing India in many International meetings/conferences.
2. He has worked in various capacities in the Department of Central Excise, Customs and Narcotics. He has been working as Deputy Secretary/Director in the Ministry of Finance, Department of Revenue since March 1985. During his present charge, Mr. Tewari is responsible for implementation and enforcement of the Narcotic Drugs and Psychotropic Substances Act, 1985, policy framing and co-ordination at national and international levels, at all work relating to Narcotics.
3. S.V. Joga Rao, 'Drug: The Challenge of 21st Century —A Socio-legal Perspective' (Memographed).

in the globe have come forward with various International conventions to fight the evil with togetherness. India has also felt the dire necessity of enacting new laws in order to combat this ever-growing social evil. In the field of drug laws after nearly 55 years (i.e. after enactment of Dangerous Drugs Act, 1930) the Parliament of India reacted in the form of Narcotic Drugs and Psychotropic Substances Act, 1985. Not satisfied with this development, the Parliament has passed another law on prevention of illicit trafficking of drugs in the year 1988 and made substantial amendments to the Narcotic Drugs and Psychotropic Substances Act, 1985 in, 1989.

II

The book under review is a comprehensive work with a deeper insight into the field of drug laws. The book is mainly divided into XI Parts and consists of 603 pages.

In Part I, the authors deal at length with the historical development of International Law on Narcotics, Drugs Trafficking—A Historical Perspective, Drugs and Criminality and Substance Abuse — Its Economic Costs to Society.

In so far as the historical development of International Law on Narcotics is concerned, the authors have made an exhaustive study of various International Conventions and Treaties which paved the way for enactment of new legislation in Indian perspective. The following are the International Conventions and related documents which have been referred to in the book.

- (a) Single convention on Narcotic Drugs, 1961 as amended by the 1972 protocol amending the single convention on Narcotic Drugs.
- (b) Convention on psychotropic substances, 1971.
- (c) United Nations Convention against illicit traffic in Narcotic Drugs and psychotropic substances.
- (d) Comprehensive multidisciplinary outline of future activities in Drug abuse control.

A special mention as to the production, supply and distribution of the Narcotic Drugs and psychotropic substances in Indian territory has also been made in this Part.

While commenting on Drugs and Criminality, the authors observe:

"The explicit goal of the law is the protection of the health of the citizen. Such goals are apparent in some aspects of dangerous drug laws requiring a physician, prescription, as well as prohibiting the production, possession and distribution of such drugs. Further drug use produces behaviour dangerous to others, causing accidents or death either to themselves or to others due to distorted perceptions. Drug use does occur in association with accidents and criminality. Drug use influences the kinds of crimes committed like its role in accidents, suicide whether the act takes place outside of awareness or intentionally and whether suddenly or slowly".¹

This Part also reflects as to how the economy of a state crumples on account of drug trafficking and drug abuse.

For the first time, an attempt has been made in this book to give a commentary on various laws relating to drug abuse and drug trafficking. The remaining parts in this book cover this aspect. These parts take within their fold the various laws enacted in India in this field, which are as under:

1. Pp. 32-36

- (a) The Narcotic Drugs and Psychotropic Substances Act, 1985 as amended by Amendment Act, 1989.
- (b) The prevention of Illicit traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.
- (c) The Opium Act, 1857.
- (d) The Opium Act, 1878.
- (e) The Dangerous Drug Act, 1930.

A glaring and important feature of this book is that a maiden attempt has been made to comment clearly and precisely on all the laws including the Notifications, Rules, Regulations and Orders passed in respect of each law. This book however does not enunciate the case law much, it being scanty and of a recent development.

In its concluding part the authors felt the necessity of implementing 'comprehensive Multi-disciplinary outline of Future Activities in Drug abuse control'¹ which has been unanimously adopted by the International Conference on Drug Abuse and Illicit Trafficking convened at Vienna from 17th to 26th June, 1987. The said recommendation has been examined in depth. It deals with—

- (a) Prevention and reduction of the illicit demand for Narcotic Drugs and Psychotropic Substances;
- (b) Control of supply; and
- (c) Suppression of Illicit Trafficking and the Treatment and Rehabilitation.

A concluding note — It is an excellent authority on the Narcotic laws written by two eminent persons in this field, which will be of immense use not only to law enforcement authorities and legal practitioners but also academicians.

S. V. JOGA RAO

1. For instance, 'Treatment and Rehabilitation' at pp. 583-601.