

# ANALYSIS OF THE DRUG REGULATION AND THE KEY INFLUENCERS TO ITS SOCIO-ECONOMIC OFFENCES

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## ABSTRACT

*So-called socio-economic offences are those that have a negative impact on both the social and economic well-being of the community. In other words, these are non-conventional crimes since Mens Rea is not a component. These offences have ramifications for the entire community. In other words, it's not aimed at one specific person, but rather at a large group of people who are likely to buy similar products or services in the future. Corruption, tax evasion, falsification of food or medication labels, and black marketing are all instances of socio-economic crimes. We discuss in this paper brief introduction of Socio economic offence, drug regulations, impact of drug abuse.*

**KEYWORDS:** *drug, socio economic offence, regulation, impact.*

## 1. INTRODUCTION

For a long time, many criminal offences have predominated in society. Offenses are illegal activities that occur as a result of a legal violation. Conventional and non-conventional offences are the two primary categories into which these crimes fall. Mens Rea is a traditional offence. As an illustration, consider crimes like murder, theft, rape, and so on. Mens Rea is absent from non-traditional offences. Non-conventional crimes include white-collar crimes, socio-economic offences, organised crime, and more. Theft, robbery, rape, murder, and other traditional crimes were more prevalent, and they were all subject to the general law of crimes. However, socio-economic crimes, as their name implies, are social offences that have an impact on the public's health and morality, while economic offences are those that have a negative impact on the country's economy as a whole. These offences are covered by the state's "crimes against property" statute.

**Socio-** White collar crimes and economic crimes are often used interchangeably. However, according to research, the old word encompasses a wider range of concepts. When someone from a wealthy or well-to-do background commits a crime, it is considered a white collar crime. A socioeconomic crime, on the other hand, may be committed by anybody. Think of a wealthy entrepreneur or a multinational corporation that has engaged in tax avoidance, and a middle-class retiree who files a fake tax return. Both are instances of socio-economic crimes, but only the first is a crime of the white collar variety that requires criminal intent to commit. To avoid paying taxes, the petitioner in *Mak Data Pvt Ltd v. CIT* hid his income. After receiving a show-

cause notice, he made the decision to forgo further action by handing up an amount of money. According to the SC, if the appellant's purpose was good, he would have submitted a return that included the amount relinquished later after the assessment procedure if the detection was made.

### Categories of Socio- economic Offence

The offenses that can be categorised as socio-economic offences in the country are as follows :-

1. Aiming to impede or hinder a country's economic growth and well-being by taking deliberate and concerted action.
2. Evasion of taxes
3. Misuse of position and power by the public servants which is most likely to up as corruption.
4. A breach of contract and delivery of goods that do not meet the specifications as promised are both crimes.
5. Black marketing and hoarding actions in general.
6. The activities involving adulteration of foods and drugs.
7. Misappropriation and stealing of public property and funds.
8. The activities relating to trafficking of licenses, permits etc.

### Features

- **Motive:** In contrast to traditional offences, avarice or a strong desire for money is the driving force behind this type of crime.
- **Emotion:** Most crimes are committed for emotional reasons, yet there is no emotional connection between the victim and the perpetrator in these sorts of offences.
- **Target Victim:** Most of the time, the state or a group of individuals who are consumers of particular products or services, shareholders, or own other types of assets are the ones that suffer as a result of these violations.
- **Mode of operation:** Fraud, not force, is the primary motivation for such criminal activity to begin.
- **Mental Element:** such offences are usually done deliberately and wilfully.

The fundamental characteristic of such crimes is that they are not committed against a single person, but their impact on the country as a whole is significant, therefore extra care is used while committing them. People who commit theft or assault gain exclusively from the penalty imposed to the perpetrator; this is because physical acts produce personal and societal revenge for those who are harmed. Even if there will be a 'victim,' the conduct of the offender is capable of damaging a wide portion of society in these types of offences, for example if goods are hoarded or contaminated. As a result, there is a high probability of harm to society as a whole.

## Causes of Socio-economic offences

In our country the few main causes of emergence of socio-economic offences are:

1. **Industrial Revolution:** The shift from an agricultural to an industrial country brought about a variety of changes in the country, including a shift in the types of crimes that were committed.
2. **World War II:** The countries' post-war conditions were appalling, and this led to alterations in society's regular functioning. As a result, new customs gave rise to new infractions.
3. **Business:** When new companies began to appear in the country, it sparked intense competition amongst them. Everyone wanted to outdo one another in any way possible.
4. **Technology:** One of the things that made our country better is also what causes these kinds of offences. As science and technology advanced, people's faith in the almighty waned.
5. **Lack of Morals:** People's morals and ethics began to deteriorate as their dread of the last judgement or the realm beyond all human existence faded away. Because of this, there was an increase in scams, as well as avarice and the desire for worldly pleasures.
6. **Laissez- Faire:** In the absence of public outrage, the state chose to keep things as they were, which had disastrous implications that can now be seen throughout our country. However, these crimes in the country may be controlled if they are studied and paid attention to properly.

## Laws dealing with socio-economic offences

In order to deal with offenders who committed socio-economic crimes, many Acts were enacted. These Acts are also in place to ensure that ordinary business operations, such as commerce, contracts, and the like, can continue without or with the least amount of fraud. Acts like this are:

1. The Drugs And Cosmetic Act, 1940
2. The Prevention of Food Adulteration Act, 1954
3. The Foreign Exchange Regulation Act, 1947
4. The Wealth Tax Act, 1957
5. The Income- Tax Act, 1961
6. The Essential Commodities Act, 1955
7. The Customs Act, 1962
8. The Prevention of Corruption Act, 1988 etc.

## 2 THE IMPACT OF DRUG ABUSE

- **Family and community**

Family stability and influence are under threat as a result of rapid social, economic, and technological change. When it comes to providing stability and generational continuity for a society or culture, the family is generally seen as the primary source of strength (1). The family

is, in fact, far more complicated. There have been at least four different conceptions of the family found. First and foremost, it may be regarded as a means of safeguarding and supporting both strong and weak members, assisting them in dealing with stress and pathology while also nurturing younger and more vulnerable members. It's also possible that tension, difficulties, and pathology within the family affect weaker individuals in negative ways, including destructive drug or alcohol usage. This is the case. A third possibility is that it may be seen as an interactional tool that enables family members to interact with other social and community members such as school peers, work colleagues, and religious leaders. As a natural organisational unit for imparting and strengthening social and communal values, the family can serve as an essential intervention point. Sudden and dramatic shifts in society in terms of economics and technology may impair a person's attachment to his or her family and reduce their sense of belonging to others. When it comes to helping individuals manage their lives, stability in relationships, surroundings, and expectations is especially crucial for children and young adults. A variety of situations, such as substance addiction, can exacerbate the traditional challenge of combining child discipline and control with loving care in order to foster children's exploration, comprehension of the world, and self-realization. The attitudes, beliefs, and behaviours of children may be profoundly influenced by families, but how do families do when it comes to the effect they have on drug use? Peer groups' impact, which is often strong throughout youth's formative years, may in certain circumstances be stronger than parents'. The usage of marijuana was determined to be the most common activity or attitude among friends, according to a study conducted by a second researcher Peer drug usage may have a bigger impact on a child's behaviour than parental beliefs. According to the findings of this study, peer and parental factors work together to increase the likelihood of marijuana usage among teenagers. Peers have a greater impact when parents relinquish their typical supervisory duties, according to other researchers (3). Peer groups may have a significant impact on children's views about drug use, therefore parents performing conventional family duties should help reduce the influence of such groups on their children's opinions.

- **Health**

Health issues have a negative impact on both personal and professional relationships, reduce quality of life, and even put one's life in jeopardy. It's impossible to get a clear picture of how drug misuse affects people all around the world. Addictive drugs have a negative influence on health in developed and developing nations alike, as seen in the following data. Tobacco, alcohol, and solvents are all examples of addictive drugs (including glues, thinners and gasoline). Many key features unite all of these compounds. They have an effect on human behaviour and brain function; they are extensively utilised throughout the world; and they burden society by raising social and economic expenses for productive companies and by drawing on scarce government resources. They also have an influence on behaviour. Addiction to alcohol and tobacco, the two most often used addictive drugs, can have serious negative consequences for the user, their family, and the community at large.

- **Education**

Preventing drug misuse begins with education. Other contexts, such as those outside of schools, can make a significant impact on students' ability to study and socialise. Education can take place in a variety of places, such as the family home, the business, and religious organisations. Most government authorities are in favour of including drug misuse education into all types of organisations, including religious and secular ones. The question of whether society or individuals should be the first targets for change in the drug problem is one that is frequently left out of the discussion. Root cause analysis focuses on what makes people take drugs in the first place. Although education is slow and indirect, it is often believed that it will have a lasting impact if parents are involved and societal norms are gradually changed to discourage experimenting and occasional or regular drug use. In the near term, controlling the supply of medicines is one thing, while reducing demand over the long term is another. Those are two opposite extremes of a continuum that are frequently pitted against one another. The truth is that both play a critical role in a well-rounded strategy for combating drug misuse. UNDP developed the Human Development Index (HDI) as a measure for assessing human growth. Real buying power and health and education indicators are used by HDI (1, p. 10 and p. 104) to give a more comprehensive picture of human growth than was previously possible on the basis of comparative incomes. As a general indicator of people's capacity to live a long and healthy life, the HDI emphasises the significance of education for personal and social growth, and it helps with health care policy formulation as well. Preventive health education has the twin purpose of preventing drug abuse while also encouraging human growth by targeting certain populations (2, p. 9).

- **Crime**

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- **Work and employment**

A person's employment status is a lot broader than just being employed or jobless. Underemployment rates and the size of the informal sector should also be taken into account. What constitutes an employment issue differs depending on the viewpoint of the culture. People in decision-making positions may not care whether young people are disproportionately jobless or underemployed if they have poor social standing. Getting a job for young people who have been involved with drugs is considerably more challenging if society places them in a marginal position until they reach maturity. These negative impacts on kids can also be seen in female youth, who in various cultures do not typically have employment opportunities outside of the house. as stated by "30 percent of the global workforce is thought to be unemployed. More than 120 million individuals in the United States are officially classified as jobless, while 700 million more are working part-time " (1, p. 89). The economic gap between rich and poor nations is widening, and even as poverty levels fall in certain countries, the distribution of income hasn't improved in lockstep (1, p. 19). Economic growth has trailed behind job creation in both emerging and industrialised countries, and this trend continues today. Significant improvements in capital investment or productivity haven't always translated into an equal number of new employment in either economy. This is referred to as "jobless growth" in one research (2, p. 36). As the economy grows, so do policymakers' hunt for job creation strategies. More young people are entering the workforce than there are positions for them to fill. Throughout the 1990s, the gap between the number of people in the labour force and those who are employed is expected to widen. As an example, the International Labour Organization (ILO) forecasts "In the 1990s, the labour force in Sub-Saharan Africa would rise by 3.3% year, while productive employment will only grow by 2.4% annually. Even with this increase in employment, GDP growth is assumed to have accelerated from 3.7% to about 5%. In either Latin America or South Asia, the situation is unlikely to improve "is a good example of this.

### **3. DRUGS AND THE ENVIRONMENT**

In emerging nations, environmental degradation is mostly caused by human population growth, altering agricultural patterns, and resource exploitation from the soil. Rain forests in tropical developing nations are also degraded when land is removed for new farms, roads, ranches, dams, industries, and other construction projects. There are three primary ways that drugs may harm the environment: by destroying forests or land, growing and cultivating plants, or processing the plants that are grown into drugs. Whether drug makers cultivate plants, convert plants or chemical compounds into medicines, or do both, will determine the sort of environmental harm observed in every country. Because coca farmers are concerned about being caught by law enforcement and the military, they choose isolated and challenging terrain for their operations.

"Coca growers chop down trees on steep slopes vulnerable to erosion instead of increasing cultivation of rich alluvial soil on the valley floors," according to a recent report. According to a researcher at Peru's National Agrarian University, coca production is responsible for the loss of 700,000 acres of Amazonian forest. Bolivia's predicament resembles Peru's in many ways. A Bolivian nation expert examined the environmental effects of coca cultivation and came to the conclusion that "Between 2 and 6 hectares of land are cleared by Chapare farmers per person in production. Based on an estimated high of 52,000 hectares of coca cultivation in the Chapare... and an average of 2.5 hectares under cultivation with other crops, this would imply that between 260,000 and 780,000 hectares had been removed due to the increase in coca output. A large portion of the 250,000 hectares of forest that have been lost annually due to logging, colonisation, and cattle grazing in recent years would be preserved "'s a good place to start. Hill tribe farmers in South-East Asia have traditionally grown opium poppies by clearing vast tracts of rain forest to sustain their slash-and-bum farming technique, which uses the new land for poppy growth before moving on to locate more fruitful ground. Outside of South-East and South-West Asia, poppy cultivation has lately increased significantly. Opium poppy farmers in Latin America's tropical and high-mountain forest regions place their harvests on vulnerable soil far from population centres, making them harder to see and harder to catch. In comparison to opium and coca, cannabis is the most extensively cultivated drug. Cannabis farmers frequently leave areas that have been damaged by runoff or erosion in an attempt to employ the most fertile soils possible to produce the largest harvest possible.

#### **4. CONCLUSION**

The patterns of drug usage vary enormously between nations, including the numerous substances consumed, the persons who take drugs, the varied contexts, and the diverse consequences. The use of drugs in regions where opium/heroin, coca/cocaine, and cannabis are produced is a serious issue. This issue may also be described as a movement in consumption away from industrialised nations and towards emerging economies. A persistent market exists if the people who make these substances have a history of using them regularly. This keeps them connected to the illicit drug trade indefinitely. This is currently the case in Pakistan, as well as in a number of Latin American nations and elsewhere. Continuous output is ensured by compulsion or regular consumption. Due to the fact that these producers have grown successful, they are now being victimised. Regardless of whether figures are based on government data or the judgments of independent experts, the production and illicit trade in opium/heroin, coca/cocaine, and cannabis appear to be extraordinarily high. Opium output has been estimated to be between 3,000 and 4,000 tonnes year since 1989. Compared to opium, the amount of coca leaf produced has grown steadily since 1988, with production now totaling little over 330,000 tonnes. To begin comprehending the supply-demand relationship, the 42 magnitude of global supply may be used to calculate approximate totals for the world's production. In the context of commodities, the scale should be seen in terms of low volume but extremely high value and unit costs. Both opium and coca are grown in the poor world because of the ideal growing conditions, the lack of government interference, and the low cost of labour. Precursors and chemicals required for illicit drug manufacture are becoming increasingly difficult to control as individuals move across the

world more freely, national borders grow more porous, and governments lose power. Highly profitable businesses can afford to pay for fresh waves of couriers, fund insurgency groups, and purchase political protection while also providing financial aid to terrorists and other bad actors. Rival gangs and the authorities routinely remove marginal and inept drug traffickers in the rough and competitive world of illegal drug trafficking.

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