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DRUG ABUSE AMONG YOUTH: IS THE NDPS ACT SUFFICIENT OR SHOULD INDIA SHIFT TOWARDS A PUBLIC HEALTH MODEL?

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Abstract

Drug abuse among youth has emerged as a significant social, legal and public-health concern in India, raising fundamental questions regarding the effectiveness and appropriateness of a predominantly criminal-law response. The **Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act)** establishes a stringent statutory framework governing the possession, production, trafficking and consumption of narcotic drugs and psychotropic substances, with severe penalties intended to deter illicit drug activity. However, the increasing prevalence of substance dependence among young people raises questions about whether criminalisation alone can adequately address the underlying causes and consequences of drug abuse. This paper critically examines whether the existing NDPS framework is sufficient to respond to youth drug abuse or whether India should move towards a public-health-oriented model that integrates prevention, treatment, rehabilitation and harm reduction with appropriate criminal enforcement. The study adopts a doctrinal and analytical legal methodology, examining the NDPS Act, relevant judicial decisions, constitutional principles, government policies and international approaches to drug control. Particular attention is given to the distinction between drug users and organised traffickers, the right to life and personal liberty under Article 21, rehabilitation mechanisms, treatment accessibility and the proportionality of criminal sanctions. The paper argues that while stringent enforcement remains necessary against trafficking and organised drug networks, excessive reliance on punishment may inadequately address dependency among young users. A balanced approach combining criminal justice with evidence-based prevention, voluntary treatment, rehabilitation, counselling and social reintegration would better protect youth and advance public health. The study ultimately advocates a rights-based, proportionate and public-health-centred drug policy for India.

Keywords: Drug Abuse; Youth; NDPS Act, 1985; Public Health Model; Rehabilitation.

Introduction

Drug abuse among young people has emerged as a serious social, legal and public-health challenge in India. Adolescence and early adulthood constitute particularly vulnerable stages because experimentation, peer influence, psychological pressures, unemployment, family difficulties and easy availability of substances can contribute to problematic drug use. Internationally, the United Nations Office on Drugs and Crime treats drug use among adolescents and young people as an important component of drug-demand analysis, including monitoring illicit drug use among students aged 15–16 years.¹ In India, the issue assumes particular significance because drug dependence can affect education, employment, family relationships, physical and mental well-being and social integration.

India's principal legislative response is the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). The statute was enacted to consolidate and amend the law relating to narcotic drugs and psychotropic substances, provide stringent controls over their production, possession, trafficking and related activities, and implement India's international obligations concerning narcotic drugs and psychotropic substances.² The Act therefore primarily represents a prohibition-and-enforcement model, although its framework also contains provisions directed towards prevention, treatment and rehabilitation.³

The stringent character of the NDPS framework is understandable in view of the devastating consequences of organised drug trafficking. Nevertheless, the legal question becomes more complex when the person involved is a young individual suffering from substance dependence rather than a trafficker or commercial supplier. Treating all drug-related conduct principally through criminal law may inadequately distinguish between organised illicit drug activity and drug dependence as a health and social problem. This distinction forms the central premise of the present study.

NDPS Act and the Emerging Public-Health Approach

The Indian legal framework has gradually recognised that drug control cannot depend exclusively upon criminal enforcement. Section 4 of the NDPS Act requires the Central Government to take measures for preventing and combating the abuse of narcotic drugs and

¹ United Nations Office on Drugs & Crime, *World Drug Report 2025: Methodological Annex*, at 19 (2025), [UNODC World Drug Report](https://www.unodc.org/world-drug-report) (last visited Aug. 5, 2026). ([unodc.org](https://www.unodc.org))

² *Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985*, pmbl. (India), [India Code](https://www.indiacode.nic.in) (last visited Aug. 6, 2026). ([indiacode.nic.in](https://www.indiacode.nic.in))

psychotropic substances and illicit traffic therein.³ The Act also establishes the National Fund for Control of Drug Abuse, demonstrating that the legislative framework contains a preventive and rehabilitative dimension alongside its punitive provisions.⁴

This broader orientation is reflected in India's National Action Plan for Drug Demand Reduction (NAPDDR). The Government's approach includes preventive education, awareness generation, identification, counselling, treatment, rehabilitation and capacity building.⁵ The programme also provides for Integrated Rehabilitation Centres for Addicts, Community-Based Peer-Led Intervention programmes, Outreach and Drop-In Centres, District De-Addiction Centres and Addiction Treatment Facilities. The Nasha Mukta Bharat Abhiyaan, launched in 2020 and subsequently expanded nationwide, specifically focuses on educational institutions, youth, identification of persons affected by substance dependence, counselling and treatment.⁶ Government data further demonstrates the scale of this preventive approach. By March 2025, the Nasha Mukta Bharat Abhiyaan had reportedly reached more than 4.96 crore young people, while government-supported rehabilitation infrastructure included approximately 350 Integrated Rehabilitation Centres for Addicts.⁷ These initiatives indicate that India has already moved, at least institutionally, beyond a purely punitive understanding of drug abuse. The policy challenge is therefore not simply whether India should have a public-health model, but how far the existing public-health components should be integrated into and potentially reshape the criminal-law framework.

Need for a Balanced Youth-Centred Model

The debate concerning the sufficiency of the NDPS Act should not be understood as a choice between abandoning criminal law and completely decriminalising drugs. Organised trafficking, illicit manufacture, financing and commercial distribution present serious threats to public safety and require effective criminal enforcement. The central question is whether the same punitive orientation should dominate responses to young persons whose principal problem is dependency, repeated consumption or vulnerability to substance abuse.

³ Id. § 4.

⁴ Id. § 7A.

⁵ Ministry of Soc. Just. & Empowerment, Gov't of India, *National Action Plan for Drug Demand Reduction, NAPDDR* (last visited Aug. 7, 2026). (socialjustice.gov.in)

⁶ Id.; Press Information Bureau, Ministry of Soc. Just. & Empowerment, Gov't of India, *Ministry of Social Justice and Empowerment Has Launched the National Action Plan for Drug Demand Reduction* (Aug. 1, 2023), PIB (last visited Aug. 8, 2026). (pib.gov.in)

⁷ Press Information Bureau, Ministry of Home Affairs, Gov't of India, *Measures to Prevent Drug Abuse and Combat Illegal Drug Trade* (Mar. 18, 2025), PIB (last visited Aug. 9, 2026). (pib.gov.in)

A public-health model would place greater emphasis on early prevention, confidential counselling, accessible treatment, rehabilitation, relapse prevention, social reintegration and reduction of stigma. India's existing NAPDDR already recognises the importance of counselling, treatment and rehabilitation and seeks to reduce the stigma and discrimination associated with substance dependence.⁸ This provides an institutional foundation upon which a more comprehensive youth-centred model could be developed.

The constitutional dimension is equally important. Article 21 of the Constitution protects life and personal liberty and has been judicially interpreted to encompass dimensions of health, dignity and humane treatment.⁹ A drug-policy framework affecting young people must therefore balance the State's legitimate interest in preventing illicit drug trafficking with the individual's dignity, rehabilitation and prospects of social reintegration. The present study accordingly examines whether the NDPS Act, in its existing form, provides an adequate and proportionate response to youth drug abuse or whether India should move towards a more integrated public-health model, retaining strong criminal sanctions for trafficking while strengthening treatment and rehabilitation for persons affected by drug dependence.

The central argument advanced in this research is that effective drug control requires both supply-side enforcement and demand-side health interventions. The NDPS Act remains essential for combating organised drug markets, but its effectiveness in addressing youth drug abuse should be evaluated against broader objectives of prevention, treatment, rehabilitation and human dignity. A balanced legal framework can therefore protect society from illicit trafficking while treating dependent young persons primarily as individuals requiring appropriate health and social interventions rather than relying predominantly upon punishment.

Research objectives

1. To critically examine the adequacy of the NDPS Act, 1985 in addressing drug abuse among youth in India from a criminal-law and constitutional perspective.
2. To evaluate the feasibility of adopting a public-health-oriented model integrating prevention, treatment, rehabilitation and harm reduction while retaining stringent measures against drug trafficking.

⁸ Ministry of Soc. Just. & Empowerment, Gov't of India, *National Action Plan for Drug Demand Reduction*, supra note 6.

⁹ **INDIA CONST.** art. 21.

Research methodology

The present study adopts a doctrinal and analytical legal research methodology to examine the adequacy of the Narcotic Drugs and Psychotropic Substances Act, 1985 in addressing drug abuse among youth and to evaluate the feasibility of a public-health-oriented approach in India. The study relies primarily on secondary sources, including the NDPS Act, relevant rules, the Constitution of India, judicial decisions, government policies, reports and official data concerning drug abuse and demand reduction. Particular attention is given to the National Action Plan for Drug Demand Reduction (NAPDDR), Nasha Mukta Bharat Abhiyaan and rehabilitation mechanisms. International materials and comparative approaches to drug policy are also examined to identify alternative models of prevention, treatment and rehabilitation. Relevant books, journal articles, research papers and authoritative online sources constitute supplementary materials. The research employs a critical and comparative analytical approach to assess criminalisation, proportionality, rehabilitation, youth protection and public health, and ultimately proposes legal and policy measures for achieving a balanced drug-control framework.

Analysis

1. Adequacy of the NDPS Act in Addressing Youth Drug Abuse

The first objective of the study is to critically examine whether the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) is adequate to address drug abuse among youth from criminal-law and constitutional perspectives. The analysis demonstrates that the NDPS Act was deliberately enacted as a stringent control statute. Its principal objective is to regulate narcotic drugs and psychotropic substances, prevent illicit trafficking and impose serious sanctions for prohibited activities. The Supreme Court in *State of Punjab v. Baldev Singh* recognised the stringent nature of the statute and emphasised that, because the legislation imposes severe consequences, statutory safeguards must be strictly observed.¹⁰ The Court's reasoning is particularly relevant to young persons because a criminal conviction under the NDPS framework may have consequences extending beyond imprisonment, including educational disruption, employment difficulties and social stigma.

At the same time, the NDPS Act does not create an entirely punitive framework. Section 27 specifically provides a comparatively lesser punishment for consumption or possession of small quantities intended for personal consumption, while Section 64A provides immunity

¹⁰ *State of Punjab v. Baldev Singh*, (1999) 6 SCC 172.

from prosecution in specified circumstances to addicts who voluntarily undergo de-addiction treatment.¹¹ These provisions demonstrate that Parliament has recognised a distinction between drug trafficking and personal drug dependence. The existence of Section 64A is especially significant to the present research because it provides a statutory foundation for moving towards a public-health-oriented response without abandoning the NDPS framework altogether.

The Supreme Court's decision in *Gaunter Edwin Kircher v. State of Goa* illustrates the importance of correctly identifying personal consumption. The Court modified a conviction under the more serious provision and applied Section 27 where the factual circumstances supported personal consumption involving a small quantity.¹² Similarly, in *P.P. Beeran v. State of Kerala*, the Supreme Court afforded the accused an opportunity to advance a defence under Section 27, expressly referring to the legislative benefit available to persons possessing small quantities for personal consumption.¹³ These decisions indicate that judicial interpretation has occasionally moderated the harsh consequences of the statute where the facts demonstrate personal consumption rather than commercial activity.

2. Distinguishing Users from Traffickers: Judicial Approach

The distinction between a consumer/addict and a trafficker is central to evaluating whether criminalisation is an adequate response to youth drug abuse. In *Basheer @ N.P. Basheet v. State of Kerala*, the Supreme Court examined Section 27 and explained the significance of establishing that a small quantity was intended for personal consumption rather than sale or distribution.¹⁴ The decision demonstrates that the statutory framework already contains a differentiated approach, but the burden placed upon an accused to establish personal consumption may nevertheless create difficulties for vulnerable persons who lack legal assistance or who are unfamiliar with the evidentiary requirements.

In *Ayub Khan v. State of Rajasthan*, the Court again considered whether the evidence established personal consumption for the purpose of Section 27.¹⁵ The case demonstrates the practical importance of evidence concerning addiction and personal use in determining the appropriate statutory response. Such cases are particularly relevant to youth because young

¹¹ Narcotic Drugs & Psychotropic Substances Act, No. 61 of 1985, §§ 27, 64A (India).

¹² *Gaunter Edwin Kircher v. State of Goa*, (1993) 3 SCC 145.

¹³ *P.P. Beeran v. State of Kerala* (2001).

¹⁴ *Basheer @ N.P. Basheet v. State of Kerala* (2004).

¹⁵ *Ayub Khan v. State of Rajasthan* (2002).

users may be found in possession of relatively small quantities in circumstances that do not necessarily indicate participation in organised trafficking.

A more recent illustration is *Directorate of Revenue Intelligence v. Raj Kumar Arora* (2025), where the Supreme Court considered Section 27 in the context of a small quantity of a psychotropic substance allegedly intended for personal consumption. The Court accepted that the factual circumstances, including possession of syringes, could support an inference of personal use and altered the conviction accordingly.¹⁶ The decision is important because it reinforces the proposition that the legal response should differentiate between personal consumption and commercial drug activity.

The same principle is visible in *Rijesh Ravindran v. Union of India*, where the Karnataka High Court considered an accused who claimed addiction and personal consumption and referred to Section 64A's treatment-oriented mechanism.¹⁷ Although this is a High Court decision rather than a Supreme Court precedent, it demonstrates an emerging judicial understanding that persons affected by addiction may require a different legal response from persons engaged in trafficking.

3. Constitutional Safeguards, Fair Procedure and Proportionality

The second dimension of the first objective concerns constitutional protection. The NDPS Act operates within the constitutional framework of Articles 14 and 21. Article 14 requires equality before law, while Article 21 protects life and personal liberty. In *Baldev Singh*, the Supreme Court stressed that strict compliance with statutory safeguards is especially important where legislation imposes severe punishment.¹⁸ The Court's approach establishes that strong drug-control legislation cannot operate independently of fair-trial principles.

The Court's approach in *State of Punjab v. Balbir Singh* and subsequently in *Baldev Singh* regarding search and seizure safeguards is particularly important. Section 50 safeguards were treated as mandatory in the circumstances addressed by the Court, reflecting the principle that the severity of the statutory regime must be accompanied by corresponding procedural protections.¹⁹ For young accused persons, who may have limited knowledge of legal rights, procedural safeguards are especially important.

¹⁶ *Directorate of Revenue Intelligence v. Raj Kumar Arora*, Crim. App. No. 1319 of 2013 (S.C. Apr. 17, 2025).

¹⁷ *Rijesh Ravindran v. Union of India* (Karn. H.C. July 28, 2021).

¹⁸ *Baldev Singh*, (1999) 6 SCC 172.

¹⁹ *State of Punjab v. Balbir Singh*, (1994) 3 SCC 299; *Baldev Singh*, (1999) 6 SCC 172.

The Supreme Court's decision in *Union of India v. Mohanlal* further demonstrates the Court's insistence upon procedural reliability in NDPS investigations, particularly concerning seizure, sampling and preservation of seized narcotic substances.²⁰ The case demonstrates that the effectiveness of criminal enforcement depends upon reliable investigative procedures rather than simply upon the severity of statutory punishment.

The proportionality question is therefore central. Where the accused is a large-scale trafficker, severe criminal sanctions may be justified by the threat posed to society. Where the accused is a young person suffering from dependence and involved principally in personal consumption, a punishment-centred approach may produce limited preventive benefit while increasing social exclusion. The law must therefore distinguish between harm caused by trafficking and vulnerability associated with dependence.

4. Existing Public-Health Elements within the NDPS Framework

The research demonstrates that the proposition that India must completely replace criminal law with a public-health model is unnecessarily binary. The NDPS Act already contains elements of a public-health approach. Section 64A provides immunity in specified circumstances for addicts who voluntarily undergo treatment, while Section 71 empowers the Government to establish centres for identification, treatment, education, after-care, rehabilitation and social reintegration of persons dependent on narcotic drugs or psychotropic substances.²¹ Thus, the statutory framework itself recognises treatment and rehabilitation as legitimate components of drug control.

The National Action Plan for Drug Demand Reduction (NAPDDR) further strengthens this approach by providing for preventive education, counselling, treatment, rehabilitation and social reintegration.²² Government-supported mechanisms include Integrated Rehabilitation Centres for Addicts, District De-Addiction Centres, Addiction Treatment Facilities and community-based intervention programmes. This demonstrates that India's drug-control policy already incorporates public-health elements, although these mechanisms need stronger integration with criminal justice.

The *Nasha Mukh Bharat Abhiyaan* similarly places emphasis on awareness, prevention, treatment and rehabilitation, particularly among young people. The Government has reported

²⁰ *Union of India v. Mohanlal*, (2016) 3 SCC 379.

²¹ Narcotic Drugs & Psychotropic Substances Act, No. 61 of 1985, §§ 64A, 71 (India).

²² Ministry of Social Justice & Empowerment, Gov't of India, *National Action Plan for Drug Demand Reduction*.

extensive outreach to youth and educational institutions through the programme.²³ The existence of these programmes suggests that the appropriate policy question is not whether India should choose criminal law or public health, but how the two systems can be better integrated.

5. Significant Judicial Decisions and Their Relevance

Case	Principal Legal Issue	Relevance to Present Study
<i>State of Punjab v. Balbir Singh</i> , (1994) 3 SCC 299	Search and seizure safeguards	Protects accused against procedural abuse
<i>Gaunter Edwin Kircher v. State of Goa</i> , (1993) 3 SCC 145	Small quantity/personal consumption	Supports differentiated treatment
<i>State of Punjab v. Baldev Singh</i> , (1999) 6 SCC 172	Section 50 safeguards	Emphasises fair procedure
<i>P.P. Beeran v. State of Kerala</i> (2001)	Section 27 defence	Recognises statutory benefit for personal users
<i>Ayub Khan v. State of Rajasthan</i> (2002)	Personal consumption	Examines evidence concerning user status
<i>Basheer @ N.P. Basheet v. State of Kerala</i> (2004)	Section 27	Distinguishes personal use from distribution
<i>Mohan Lal v. State of Rajasthan</i> (2015)	Conscious possession	Clarifies mental element in possession
<i>Union of India v. Mohanlal</i> (2016)	Sampling/seizure procedure	Strengthens evidentiary safeguards
<i>Rijesh Ravindran v. Union of India</i> (2021)	Addiction and Section 64A	Illustrates treatment-oriented judicial reasoning
<i>Directorate of Revenue Intelligence v. Raj Kumar Arora</i> (2025)	Personal consumption	Supports differentiated punishment
<i>Great Legalisation</i>	Cannabis/drug policy	Recent judicial

²³ Press Information Bureau, Gov't of India, *Measures to Prevent Drug Abuse and Combat Illegal Drug Trade* (Mar. 18, 2025).

<i>Movement India v. Union of India</i> (2026)	consideration of statutory drug-control framework
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Source: Compiled by the researcher from Supreme Court and High Court decisions concerning the NDPS Act.

The cases collectively demonstrate that Indian courts have not treated the NDPS Act as an inflexible punitive instrument. Judicial decisions have repeatedly considered quantity, personal consumption, possession, procedural safeguards, treatment and the circumstances of the accused. The jurisprudence therefore provides a foundation for developing a more differentiated response to youth drug abuse.

6. Towards a Public-Health Model for Youth

The analysis of the second objective indicates that India should move towards a hybrid public-health and criminal-justice model, rather than completely abandoning the NDPS Act. Trafficking, manufacture, organised distribution, financing of illicit drug markets and activities conducted for commercial profit should continue to attract stringent criminal enforcement. However, young persons affected by addiction or found in circumstances indicating personal consumption should increasingly be directed towards assessment, counselling, voluntary treatment and rehabilitation.

Section 64A already provides a statutory basis for this approach. Its importance lies in recognising that treatment can be an alternative to prosecution in specified cases.²⁴ The provision could be strengthened through clearer procedures for identifying eligible addicts, improved coordination between courts and de-addiction institutions, and greater availability of treatment facilities.

A public-health model should additionally incorporate early intervention, school and university prevention programmes, family counselling, mental-health support, peer-led interventions, relapse prevention and social reintegration. The objective should not simply be to prevent possession or consumption but to reduce the underlying conditions that contribute to repeated drug use.

The research therefore finds that the NDPS Act is necessary but not sufficient. It remains indispensable for supply-side control and organised trafficking, but criminal law alone cannot adequately address addiction among young persons. The jurisprudence of the Indian courts,

²⁴ Narcotic Drugs & Psychotropic Substances Act, No. 61 of 1985, § 64A (India).

particularly the recognition of personal consumption, procedural safeguards and treatment-oriented provisions, already permits movement towards a more balanced approach.

Finding and discussion

The doctrinal analysis ultimately supports a rights-based, proportionate and public-health-centred model. India's existing framework should not be discarded; instead, it should be recalibrated according to the nature of the conduct and the circumstances of the individual. The strongest criminal response should remain directed towards traffickers and organised drug networks, while young users and persons suffering from dependence should receive greater opportunities for treatment and rehabilitation.

Such an approach would also be consistent with the constitutional values of dignity, equality and personal liberty. The Supreme Court's insistence upon procedural safeguards in *Baldev Singh*, together with the statutory recognition of treatment under Sections 64A and 71, indicates that India's legal framework already contains the foundations for this transition. The principal requirement is therefore effective implementation and integration.

The study consequently concludes that India should not choose between “punishment” and “public health” as mutually exclusive alternatives. Instead, the future of Indian drug policy should involve strong supply-side criminal enforcement combined with a substantially stronger demand-side public-health response. For youth drug abuse, this model would better reconcile public safety with rehabilitation, reduce stigma and improve the prospects of long-term social reintegration.

Conclusion

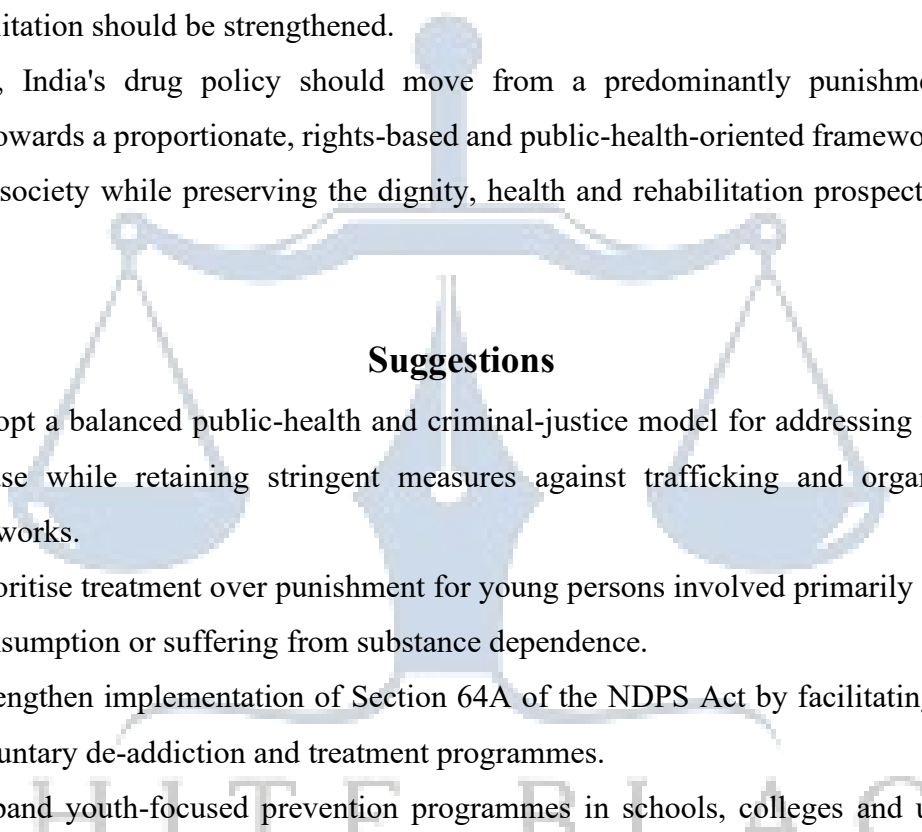
The present study concludes that the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) remains an essential component of India's legal response to illicit drugs, particularly for controlling trafficking, commercial distribution, organised drug networks and the illegal manufacture of narcotic substances. However, the analysis demonstrates that criminalisation alone is insufficient to address drug abuse among youth. Young persons affected by substance dependence often require prevention, counselling, treatment, rehabilitation and social reintegration rather than a predominantly punitive response.

The NDPS Act itself contains the foundations of a public-health approach through provisions such as Section 64A, which provides specified immunity from prosecution for addicts voluntarily undergoing de-addiction treatment, and Section 71, which enables the

establishment of treatment and rehabilitation centres. Judicial decisions have also demonstrated the importance of distinguishing personal consumption from commercial trafficking and ensuring procedural safeguards under the Act.

Accordingly, India should not completely replace the NDPS framework but should adopt a balanced hybrid model. Traffickers and organised drug networks should continue to face stringent criminal sanctions, while young users and persons suffering from addiction should have greater access to treatment-oriented interventions. Prevention programmes in schools and universities, accessible de-addiction facilities, counselling, family support, relapse prevention and rehabilitation should be strengthened.

Ultimately, India's drug policy should move from a predominantly punishment-centred approach towards a proportionate, rights-based and public-health-oriented framework, thereby protecting society while preserving the dignity, health and rehabilitation prospects of young people.



Suggestions

1. Adopt a balanced public-health and criminal-justice model for addressing youth drug abuse while retaining stringent measures against trafficking and organised drug networks.
2. Prioritise treatment over punishment for young persons involved primarily in personal consumption or suffering from substance dependence.
3. Strengthen implementation of Section 64A of the NDPS Act by facilitating access to voluntary de-addiction and treatment programmes.
4. Expand youth-focused prevention programmes in schools, colleges and universities through evidence-based drug education and awareness campaigns.
5. Increase accessible de-addiction and rehabilitation facilities, particularly in rural, semi-urban and economically disadvantaged areas.
6. Develop specialised counselling and family-support services to address psychological, social and familial factors contributing to drug dependence.
7. Establish coordinated referral mechanisms connecting courts, police, healthcare institutions, rehabilitation centres and social-welfare agencies.
8. Ensure proportionality and constitutional safeguards in investigation, arrest, prosecution and sentencing under the NDPS Act.

9. Strengthen post-treatment rehabilitation and social reintegration through education, vocational training, employment assistance and community support.
10. Maintain stringent enforcement against trafficking and organised crime, while adopting a more rehabilitative approach towards vulnerable young users.

Future scope

Future research may empirically examine the effectiveness of the NDPS Act in addressing youth drug abuse across Indian states. Comparative studies could evaluate criminal-justice and public-health models, including decriminalisation and harm-reduction approaches. Further research may assess rehabilitation outcomes, judicial practices, treatment accessibility and the effectiveness of Section 64A.

References

1. United Nations Office on Drugs & Crime, *World Drug Report 2025: Methodological Annex*, at 19 (2025), [UNODC World Drug Report](https://www.unodc.org/world-drug-report) (last visited Aug. 5, 2026). ([unodc.org](https://www.unodc.org))
2. **Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985**, pmbl. (India), [India Code](https://indiacode.nic.in) (last visited Aug. 6, 2026). (indiacode.nic.in)
3. Id. § 4.
4. Id. § 7A.
5. Ministry of Soc. Just. & Empowerment, Gov't of India, *National Action Plan for Drug Demand Reduction*, [NAPDDR](https://socialjustice.gov.in) (last visited Aug. 7, 2026). (socialjustice.gov.in)
6. Id.; Press Information Bureau, Ministry of Soc. Just. & Empowerment, Gov't of India, *Ministry of Social Justice and Empowerment Has Launched the National Action Plan for Drug Demand Reduction* (Aug. 1, 2023), [PIB](https://pib.gov.in) (last visited Aug. 8, 2026). (pib.gov.in)
7. Press Information Bureau, Ministry of Home Affairs, Gov't of India, *Measures to Prevent Drug Abuse and Combat Illegal Drug Trade* (Mar. 18, 2025), [PIB](https://pib.gov.in) (last visited Aug. 9, 2026). (pib.gov.in)
8. Ministry of Soc. Just. & Empowerment, Gov't of India, *National Action Plan for Drug Demand Reduction*, *supra* note 6.
9. **INDIA CONST.** art. 21.
10. *State of Punjab v. Baldev Singh*, (1999) 6 SCC 172.

11. Narcotic Drugs & Psychotropic Substances Act, No. 61 of 1985, §§ 27, 64A (India).
12. *Gaunter Edwin Kircher v. State of Goa*, (1993) 3 SCC 145.
13. *P.P. Beeran v. State of Kerala* (2001).
14. *Basheer @ N.P. Basheet v. State of Kerala* (2004).
15. *Ayub Khan v. State of Rajasthan* (2002).
16. *Directorate of Revenue Intelligence v. Raj Kumar Arora*, Crim. App. No. 1319 of 2013 (S.C. Apr. 17, 2025).
17. *Rijesh Ravindran v. Union of India* (Karn. H.C. July 28, 2021).
18. *Baldev Singh*, (1999) 6 SCC 172.
19. *State of Punjab v. Balbir Singh*, (1994) 3 SCC 299; *Baldev Singh*, (1999) 6 SCC 172.
20. *Union of India v. Mohanlal*, (2016) 3 SCC 379.
21. Narcotic Drugs & Psychotropic Substances Act, No. 61 of 1985, §§ 64A, 71 (India).
22. Ministry of Social Justice & Empowerment, Gov't of India, *National Action Plan for Drug Demand Reduction*.
23. Press Information Bureau, Gov't of India, *Measures to Prevent Drug Abuse and Combat Illegal Drug Trade* (Mar. 18, 2025).
24. Narcotic Drugs & Psychotropic Substances Act, No. 61 of 1985, § 64A (India).

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