



# Narcotic Drugs and Psychotropic Substances in India: A Socio-Legal Appraisal of Enforcement, Policy, and Reform

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**Abstract:** The issue of narcotic drugs and psychotropic substances represents one of the most pressing socio-legal challenges in contemporary India. The country, due to its geographical proximity to the “Golden Triangle” and the “Golden Crescent,” faces unique vulnerabilities in trafficking, production, and consumption of drugs. The enactment of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, marked a watershed moment in India’s legal response, introducing stringent prohibitions, severe penalties, and centralized regulatory control. However, four decades of implementation reveal a paradox: while the law has created a robust enforcement framework, it has often overlooked the socio-economic, public health, and rehabilitative dimensions of drug abuse. This article provides a comprehensive socio-legal appraisal of India’s narcotic drugs regime, tracing its historical evolution, evaluating enforcement challenges, and analysing international perspectives. It argues for a balanced approach that combines strict action against traffickers with humane policies for users, emphasizing prevention, rehabilitation, and reform.

**Keywords:** Narcotic Drugs, Psychotropic Substances, NDPS Act, Drug Trafficking, Drug Abuse, Law Enforcement, Socio-Legal Analysis, Rehabilitation, Public Health, India

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## INTRODUCTION

Drug abuse and trafficking represent one of the most complex intersections of law, society, and public health. Unlike other crimes, narcotic-related offenses straddle the boundaries of morality, criminality, and medical necessity. While drugs such as opium and cannabis have deep roots in India’s cultural and medicinal history, their abuse in modern contexts has created unprecedented social and legal dilemmas. The Indian state, responding to international conventions and domestic pressures, enacted the NDPS Act, 1985, a statute designed to criminalize unauthorized production, trafficking, and consumption of narcotic substances.

Yet, drug problems in India cannot be viewed solely through a legal lens. They also reflect social dislocation, unemployment, peer pressure, mental health challenges, and globalized markets for synthetic substances. The heavy-handed enforcement of drug laws often results in overcrowded prisons, disproportionate punishment for minor offenders, and violations of human rights. At the same time, the menace of organized drug trafficking threatens national security, especially in border regions like Punjab, Manipur, and Jammu & Kashmir. Thus, India faces a dual challenge: safeguarding society from the dangers of drugs while ensuring humane treatment and rehabilitation for users.

This article situates narcotic drugs and psychotropic substances within a socio-legal framework, critically analysing enforcement patterns, policy directions, and the urgent need for reforms. By tracing the historical background and comparing international practices, it highlights both the strengths and gaps in India's current approach.

## **HISTORICAL BACKGROUND**

India's relationship with narcotic substances dates back centuries. Opium, cannabis, and other naturally derived substances were not only cultivated but also integrated into medicinal and cultural practices. Ancient Ayurvedic texts mention the use of cannabis for therapeutic purposes, while colonial policies institutionalized the production and taxation of opium. The British East India Company's opium trade with China in the 18th and 19th centuries underscores the political and economic significance of narcotics in India's history.

Post-independence, India's legal response to narcotics was fragmented, with multiple legislations such as the Opium Act of 1857, the Opium Act of 1878, and the Dangerous Drugs Act of 1930. These laws primarily targeted cultivation and trade but lacked a coherent, comprehensive framework. The internationalization of the drug problem in the mid-20th century, particularly under the United Nations Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971), and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), exerted significant pressure on India to adopt stringent measures.

The culmination of these influences was the enactment of the **NDPS Act, 1985**, which consolidated and amended existing laws. The Act criminalized virtually all activities related to narcotics production, possession, sale, transport, and consumption. It prescribed harsh penalties, including minimum sentencing provisions, irrespective of the quantity involved. Over time, however, judicial and legislative interventions have sought to soften its rigidity. The **NDPS Amendment Act of 2001** introduced quantity-based sentencing, distinguishing between "small quantity" and "commercial quantity," thereby preventing harsh punishments for minor users. Subsequent amendments in 2014 and 2021 further streamlined regulatory processes, enabling medical and scientific use of certain substances while continuing stringent enforcement against traffickers.

Despite these reforms, enforcement has often leaned toward punitive action rather than rehabilitation. Statistics reveal that a significant percentage of those arrested under the NDPS Act are users or small-time peddlers rather than large traffickers. This has raised questions about the proportionality and effectiveness of India's drug control regime.

## **INTERNATIONAL PERSPECTIVES**

The global discourse on narcotic drugs reflects a gradual shift from punitive to health-oriented approaches. Western countries, particularly in Europe, have pioneered harm-reduction models that focus on rehabilitation, treatment, and safe use rather than outright criminalization.

For instance, **Portugal decriminalized personal possession of drugs in 2001**, replacing criminal sanctions with administrative penalties such as counselling and treatment. This model has been hailed for

reducing overdose deaths, HIV infections, and drug-related incarcerations. Similarly, the Netherlands follows a tolerance policy for “soft drugs” like cannabis, while maintaining strict prohibition on hard drugs. The Canadian model emphasizes supervised consumption sites and medical cannabis regulation.

In the United States, drug policy has oscillated between harsh enforcement under the “War on Drugs” and progressive reforms like marijuana legalization at the state level. The evolving recognition that punitive policies disproportionately affect marginalized communities has sparked debates on balancing enforcement with equity.

Asian countries, however, present a mixed picture. Nations like Singapore and Malaysia enforce death penalties for trafficking, reflecting a zero-tolerance approach. Conversely, countries like Thailand and Nepal have moved toward decriminalization of cannabis for medicinal and recreational purposes.

For India, these international trends offer lessons. While its geopolitical location necessitates strong enforcement against trafficking, the criminalization of users undermines the principles of rehabilitation and public health. International conventions, including the UN Convention on Narcotic Drugs, allow room for alternatives to incarceration, which India can adopt to address its prison overcrowding and focus on recovery-oriented models.

## **INDIAN SOCIETY’S PERSPECTIVE AND IMPACT OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES IN INDIA**

The issue of narcotic drugs and psychotropic substances in India has evolved into one of the most pressing socio-legal challenges of the 21st century, carrying significant implications for individuals, families, and communities. Indian society, with its diverse cultural, religious, and social fabric, views drug consumption through a largely negative lens, associating it with moral degradation, criminality, and social stigma. This societal outlook has shaped both public opinion and state policy, often pushing toward stringent laws and punitive enforcement under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. However, despite the strict legal framework, the social reality reveals that substance abuse has expanded in both rural and urban India, raising concerns about health, family breakdown, youth vulnerability, and organized crime.

From a social standpoint, the consumption of narcotic drugs is perceived as a threat to traditional values and community life. Families often experience emotional, psychological, and financial distress when a member is trapped in addiction. Drug abuse not only strains household relationships but also fosters social alienation, leading to a cycle of marginalization and vulnerability. In many cases, substance abuse contributes to domestic violence, child neglect, and intergenerational trauma, highlighting the multidimensional impact of drugs beyond individual health. Moreover, the stigma attached to addiction discourages individuals from seeking treatment, as rehabilitation is frequently associated with shame rather than medical necessity. This results in an underutilization of healthcare facilities and perpetuates the hidden nature of the problem.

Youth constitute one of the most affected groups in Indian society. Peer pressure, stress, unemployment, and exposure to urban lifestyles have contributed to rising drug use among adolescents and young adults. This trend not only disrupts educational opportunities and career development but also increases

vulnerability to criminal activities such as drug trafficking and theft. In border states like Punjab, Manipur, and Mizoram, narcotic abuse has become a large-scale public health crisis, with international smuggling networks exploiting social vulnerabilities. The societal consequences in these regions include declining productivity, increasing crime rates, and weakening of community cohesion, which ultimately undermines the developmental goals of the state.

At the broader societal level, the impact of narcotic drugs extends to issues of public health, law enforcement, and governance. Overcrowded prisons with undertrial prisoners charged under the NDPS Act reflect how the criminal justice system prioritizes punishment over rehabilitation. This has created debates within society on whether drug dependency should be treated as a medical condition rather than a criminal offense. The growing awareness among social activists, NGOs, and healthcare professionals has slowly shifted parts of public opinion toward more compassionate and health-oriented approaches. However, societal resistance rooted in cultural and moral attitudes still limits widespread acceptance of rehabilitation models.

In essence, narcotic drugs and psychotropic substances in India have left deep scars on society, destabilizing families, endangering youth, and straining social institutions. While the collective societal perspective continues to view drugs as a moral evil that must be eradicated, there is a gradual recognition of the need for balanced strategies that combine strict law enforcement with de-stigmatized healthcare interventions. The societal impact of narcotic substances, therefore, underscores the urgency of comprehensive reform in policy and perception, where social awareness, legal frameworks, and community participation converge to address this multifaceted issue.

## CONCLUSION

India's socio-legal framework for narcotic drugs and psychotropic substances is at a critical juncture. The NDPS Act, though robust in its intent, has revealed structural flaws in implementation, particularly in distinguishing between traffickers and users. The overwhelming criminalization of drug users exacerbates stigma, hinders rehabilitation, and creates a cycle of incarceration without addressing the root causes of addiction. At the same time, organized drug trafficking poses a grave threat to national security, demanding strong enforcement measures.

A balanced approach is therefore essential. Custody and punishment must be reserved for traffickers and organized syndicates, while drug users should be treated as patients rather than criminals. Rehabilitation, de-addiction centres, and community-based interventions should form the cornerstone of India's policy. The role of civil society, healthcare institutions, and family support must be integrated with legal enforcement to create a holistic framework.

## FUTURE SCOPE

The future of India's narcotics policy lies in reconciling law enforcement with public health and human rights. There is a pressing need for:

1. **Legislative Reform** – Amending the NDPS Act to further emphasize diversion of users to treatment programs rather than incarceration.

2. **Institutional Mechanisms** – Establishing specialized drug courts, counselling facilities, and rehabilitation centres at the district level.
3. **Community Participation** – Strengthening awareness campaigns, peer-led interventions, and school-based education to prevent substance abuse.
4. **Technological Surveillance** – Using AI and digital tools to combat trafficking networks, especially along border states.
5. **Comparative Policy Adoption** – Learning from international harm-reduction models while adapting them to India's socio-cultural realities.
6. **Research and Data** – Conducting longitudinal studies on the socio-economic impact of drug abuse to guide evidence-based policymaking.

If implemented, such reforms would not only strengthen India's fight against drug trafficking but also humanize its response to drug users, aligning law with social welfare.

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