DRUG ABUSE AMONG YOUTH IN INDIA: EVALUATING THE EFFECTIVENESS OF THE NDPS ACT

Abstract-

Currently, drug use by young adults and adolescents is one of the most pressing issues faced by society in India, creating extensive social and legal issues for public health and safety for people in India. The growth in the prevalence of using narcotic drugs and psychotropic substances among adolescents and young adults has impacted poor health, poorer relations among families, instability in society, and a country that does not develop as it otherwise could because of these issues. Contributing factors to the growing number of youths abusing substances include peer pressure, academic stress, unemployment, issues related to their mental health and the rising influence of social media, as well as changing lifestyles among youths in India. The growing accessibility of synthetic drugs, coupled with online networks where drugs are trafficked, has made the gap between drug abuse by youth and accessible treatment options greater than at any time in history.

This research paper will review the effect of the Narcotic Drugs and Psychotropic Substances Act, enacted in 1985[1], related to substance abuse by youth in India. The legal framework governing drugs, authorizing law under which drugs may be identified as narcotic drugs or psychotropic substances, constitutional provisions, and international conventions; major acts amending the NDPS Act of 1985; and judicial interpretations related to the legal status of cannabis and other psychoactive substances under the Narcotic Drugs and Psychotropic Substances (NDPS) Act will be researched. This paper will also evaluate significant legal decisions rendered by the courts regarding drugs including Tofan Singh v. State of Tamil Nadu[2], Noor Aga v. State of Punjab[3], and Mohan Lal v. State of Punjab [4]and determine how the laws protect individuals and groups when charges are brought against them and become part of India's drug-related legal framework[5].

Keywords- Youth Drug Abuse, NDPS Act 1985, Narcotic Drugs and Psychotropic Substances, Rehabilitation and Drug Policy, Drug Trafficking and Criminal Justice

[1] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).
[2] Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1.
[3] Noor Aga v. State of Punjab, (2008) 16 SCC 417.
[4] Mohan Lal v. State of Punjab, (2018) 17 SCC 627.
[5] K.D. Gaur, Textbook on Indian Criminal Law 542–45 (7th ed. 2020).

I. INTRODUCTION

The problem of drug abuse in India is a significant social, legal, and health issue that is affecting millions of people today[6]. There is an alarming amount of narcotic and psychoactive drugs being used by youth; this should concern parents, policymakers, law enforcement officials, and the entire judicial system. Since our youth today will be the workforce of tomorrow, when your youth are abusing these substances, not only will they be negatively impacting their own lives, but they may also be damaging the stability of society as a whole, reducing economic growth and jeopardizing our country's national security. We have seen a dramatic increase in arrests recently for possession and trafficking as well as usage of drugs, especially among young students. Some of the factors contributing to this horrendous epidemic of drug addiction in our youth are: peer pressure from their friends; being unemployed; being inundated with social media; excessive academic stress; dysfunction within the family; and exposure to other irregular lifestyles.

Drug abuse means harmful or excessive use of psychoactive drugs such as narcotics, alcohol, or prescription medications resulting in dependence (i.e., addiction), behavioral disorders, health issues, and social disintegration. Drug addiction does not only negatively affect the user of the drugs; it also significantly affects his or her family and the entire community in which that person resides.

The Indian government enacted Narcotic Drugs and Psychotropic Substances Act, 1985 to address the severity of the problem caused by narcotic drugs and psychotropic substances. The Act enacts strict penalties for criminals who commit any crime relating to the manufacture, possession, sale, purchase, transport (including the transportation of those items through air, water, or land), use and sale of these prohibited substances. Furthermore, the Act authorizes law enforcement officials to perform searches, seizures, arrests, and investigations according to its provisions. The Act has since been revised multiple times to adapt to the evolving needs of society in combating organized crime through drug and trafficking offenses and has expanded capabilities of law enforcement in performing duties as outlined by the amendment

[6] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 1–5 (2019).
[7] Narcotic Drugs and Psychotropic Substances (Amendment) Acts of 1989, 2001 & 2014.

to the act [7]. This illustrates India's commitment to complying with its obligations outlined in international treaties and agreements such as the Single Convention on Narcotic Drugs (1961), Convention on Psychotropic Substances (1971), and United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). Though there is a defined punitive framework under the NDPS Act, drug misuse by youth continues to rise exponentially[7]. This alarming situation causes one to question how effective the NDPS Act really is at addressing drug abuse, and protecting and healing young offenders. The law prohibits any form of "recreational" use or possession of narcotic or psychotropic substances - with no provision for any type of rehabilitation, any type of awareness programming - all while treating a youth drug user as a criminal, and not providing any means to recover from their addiction.

This research paper evaluates the issue of drug abuse among Indian youth and how well the NDPS Act has responded to this ongoing problem[8]. This study will also assess the social and legal dimensions of drug use; review the statutory framework under the NDPS Act; review judicial interpretations; evaluate enforcement difficulties; and examine the policies for rehabilitation of drug abusers. The paper will also address whether the current law effectively balances punishment, prevention, and rehabilitation objectives. The author's primary research method will be through doctrinal study of statutes, cases, reports, and articles to identify the strengths and weaknesses of India's anti-drug laws so that reforms can be suggested to improve efforts to prevent drug abuse and rehabilitate youthful abusers[9].

II. UNDERSTANDING YOUTH DRUG ABUSE IN INDIA

The use of drugs to abuse youth has emerged as one of the most serious social and public health issues facing India today[10]. The rapid rise of the illicit use of psychotropic substances and narcotic drugs by young people not only directly impacts their health and future viability, but also has negative implications for society as a whole. India has one of the largest youth populations in the world, and thus the expanding trend of substance abuse among young men

[7] National Crime Records Bureau, Crime in India Report 2023 (Ministry of Home Affairs, Governmengt of India 2023).
[8] Ratanlal & Dhirajlal, The Narcotic Drugs and Psychotropic Substances Act 112–18 (24th ed. 2022).
[9] S.N. Jain, Legal Research Methodology 85–92 (3d ed. 2016).
[10] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 1–6 (2019).

and women represents a major challenge to policymakers, law enforcement agencies, universities and other educational institutions, and parents. Therefore, in these three areas, drug abuse among young people has now become a multidimensional issue involving social, psychological, economic and legal factors. The increase in drug usage has also resulted in higher crime rates, increased incidents of violence, higher rates of mental illness, and greater social instability.

A. Historical Development of Drug Use in India.

Historically, the use of certain types of intoxicants such as cannabis and opium were limited in India to medicinal, cultural, and religious activities. However, with the advent of globalization, urbanization and the establishment of illegal networks for the distribution of drugs, the manner and extent of drug use has changed considerably since then the controlled, limited use of cannabis and opium has transitioned to the uncontrolled, recreational abuse of a variety of dangerous narcotics and synthetic drugs in recent years.

B. Drugs Commonly Abused by Youth:

There are a number of narcotic and psychotropic drugs that are commonly abused by youth in India.

1. Cannabis[11]-

The drugs belonging to the cannabis family, including marijuana, ganja, and hashish, continue to be one of the most popular drugs used by young people. Youngsters tend to believe that cannabis is not harmful because of its rising acceptance socially and by the media

2. Heroin and Opiates-

Heroin and opiate-based drugs have become very common, especially in border regions like Punjab and Manipur.

3. Cocaine-

Cocaine and other costly drugs are increasingly being abused by rich urban youth.

4. Synthetic and Party Drugs[13]-

[11] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, Sec 2(iii), INDIA CODE (1985).
[13] United Nations Office on Drugs and Crime, World Drug Report 2024 135–42 (2024).

Synthetic and party drugs like MDMA, LSD, methamphetamine, and ecstasy are increasingly becoming common among college students and night clubbers.

5. Prescribed Drugs-

Prescribed drugs like sedatives, pain killers, and cough syrup are also being misused for their easy availability and lack of strict regulation. The misuse of synthetic drugs is more dangerous than any other drug since the chemicals are modified to cause harm to the nervous system.

C. Causes of Drug Abuse Among Youth:

There are many reasons behind rising drug abuse among youth in India.

1. Peer Pressure and Social Acceptance

Peer pressure and need for social acceptance are one of the leading reasons behind the rising trend of substance abuse among youth[12]. Youth often turn towards drugs to become part of any social group or to copy what others are doing.

2. Academic Stress and Competition

Another factor which contributes to substance abuse among youth is academic stress and competition. Many young individuals suffer from mental illnesses such as depression, anxiety, and emotional pressures regarding their education, career, and family obligations. Drugs are often used as a means of escape from all this stress and emotional pressure.

3. Mental Illnesses

Mental illnesses like feeling of loneliness, past trauma, depression, and lack of self-confidence also make youth more prone to addiction.

4. Family Issues

The family environment is another critical factor that influences drug-related behavior among youth. Divorced parents, domestic violence, parental neglect, and lack of emotional support often force youth towards substance abuse. It is also seen that children raised under stressful family conditions become emotionally weak and resort to bad habits.

5. Social Media and Popular Culture

[12] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 72–75 (2019).

Social media and popular culture have played a role in making drug abuse socially acceptable among the youth. Film stars, music video artists, social media personalities, and other celebrities portray drug abuse as trendy and glamorous, thus having an impact on impressionable minds.

6. Unemployment and Economic Frustration

Moreover, unemployment and economic frustrations have become another reason for substance abuse among youth living in economically deprived areas who feel hopeless and marginalized.

7. Curiosity and Thrill Seeking

Curiosity and thrill seeking behavior among adolescents also motivate young people to experiment with drugs without knowing about their after-effects.

D. Drug and Substance Abuse in Educational Institutions

Drug abuse in educational institutions has become a very concerning issue in India today. Many schools, colleges, universities, and hostels are places where people use and distribute drugs to each other[13]. Freshers and adolescents are at a high risk of being influenced by seniors and peers when drinking or using drugs[14]. Many dealers target educational institutions in metropolitan areas to sell drugs to students because they see them as convenient consumers and distributors of drugs. When drugs are readily available at parties, concerts, and other social gatherings, young people are often encouraged to experiment with drugs or alcohol. There are now a lot of people using the Internet and encrypted messaging to sell drugs to students in secret. As a result, there are many problems at educational institutions pertaining to discipline and student welfare, as well as academic performance[15].

E. Gender-Specific Issues Related to Youth Who Use Drugs

[13] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 78–81 (2019).
[14] World Health Organization, Adolescent Substance Use and Public Health Consequences.
[15] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction (2023).

Drug addiction among young females is an emerging issue which requires more attention than it has received to date. Substance or alcohol use among female individuals tends to remain hidden due to the stigma often attached to women using substances, in addition many conservative societies typically do not support female substance use and also may produce limited resources to treat female substance abusers.

F. Effects of Drug Abuse on Youth

The consequences of drug abuse among youth are harsh and diverse.

1. Physical Consequences

From a physical perspective, continued intake of drugs leads to damage of brain, liver, heart, and nervous systems. Drug abuse is associated with weakened immune system, sleeping problems, and even risk of overdosing and death.

2. Psychological Consequences

From a psychological point of view, addiction leads to depression, anxiety, hallucinations, aggression, suicidal ideations, and other mental illnesses.

3. Academic Consequences

Academically, drug abuse influences negatively on a person's attention span, memory, discipline, and academic achievements, leading to school dropouts and unemployment.

4. Criminal Consequences

Drug addiction drives many youths into criminal activities, such as stealing, violence, gang activity, and trafficking to support their habit.[16]

5. Social Consequences

[16] National Crime Records Bureau, Crime in India Report 2023 (Ministry of Home Affairs, Government of India 2023).

Socially, addicted individuals may experience loneliness, family problems, rejection from peers, and ruined reputation[17]. Thus, drug abuse among youth destroys not only the life of an individual but also weakens the social-economic foundations of a nation.

G. Statistical Analysis of Substance Abuse among Youth

The use of statistical analysis helps to highlight the severity of the problem. As per NCRB records, there has been an increasing trend in cases being registered against the provisions of the NDPS Act through the years. States like Punjab, Maharashtra, Delhi, Uttar Pradesh and

[17] United Nations Office on Drugs and Crime, World Drug Report 2024 118–24 (2024).

certain other northeastern states show high levels of substance abuse and addictions among youth. There has also been a noticeable increase in the seizures of synthetic and party drugs during recent times. Records maintained by the Ministry of Social Justice and Empowerment show that most of the substance abusers in India fall within the age group of 18-30 years.

H. Importance of Available Awareness Programmes to Prevent Drug Addiction

The Indian youth demographic is witnessing an ever-rising occurrence of addiction to drugs; thus, there is a real urgency for programs focused on educating these young people as well as families, schools, colleges, communities, & government about the serious harm caused by narcotics that will provide counseling services, mental health support, skill development programs, and rehabilitation services to help those who are in recovery from their addictions, and that can also help to improve their overall quality of life (while) helping them to achieve their full potential will help prevent further drug abuse.

III. LEGAL FRAMEWORK AND THE NDPS ACT

Drug abuse and trafficking continue to have a significant impact on society in India and have highlighted a need for a comprehensive legal structure for the regulation of the manufacture, sale, and purchase of narcotic drugs and/or psychotropic substances[18]. Drug abuse amongst the nation's youth threatens to not only adversely impact public health but also threaten the country's social order, economic prosperity, and national security[19]. In light of these continued challenges, the Government of India has responded with some of the toughest controls in the world over the importation, manufacture, distribution and sale of drug products[20]. Among these, the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act"), is the foundation of India's anti-drug control system and establishes penalties to control drug trafficking and misuse and establish regulatory mechanisms to ensure compliance with International Drug Control Treaties to which the Government of India is a party.[21]

[18] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).
[19] United Nations Office on Drugs and Crime, World Drug Report 2024 1–8 (2024).
[20] Ratanlal & Dhirajlal, The Narcotic Drugs and Psychotropic Substances Act 105–10 (24th ed. 2022).
[21] INDIA CODE (1985).
Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985,

A. Constitutional Framework Relating to Drug Control

The Indian Constitution has various provisions which indirectly help to control drug abuse and promote the protection of public health[22].

1. Article 21 - Right to Life and Personal Liberty - Right to Life-

Article 21 has a broad interpretation given to it by the Supreme Court of India, including the right to health, dignity and a healthy environment, etc. Drug abuse by youth can potentially affect their health (both physical and mental) and thus impact their quality of life as per Article 21 of the Constitution[23]. At the same time, enforcement of the NDPS Act will include compliance with the principles of procedural fairness and constitutional protections of persons accused of drug-related offences.[24]

2. Duty of the State to Safeguard and Improve the Health of the People-

The Indian Constitution directs the Indian State through Article 47 to enhance public health and prohibit the use of intoxicating substances (drugs) which could threaten the health of an individual. The Directive Principles of State Policy contained within the Constitution form the constitutional basis of legislation such as the NDPS Act which regulates narcotic drugs and psychotropic substances in India and in keeping with the constitutional responsibility of the State to protect youth in particular and society in general from the negative impact of drug abuse.[25]

B. International Treaties on Narcotic Drugs

India is party to various international treaties involving the production/use of narcotic drugs and psychotropic substances, therefore the enactment of the NDPS Act has also been influenced by various international treaties related to narcotic drugs and psychotropic substances.

1. Single Convention On Narcotic Drugs 1961

[22] INDIAN CONSTITUTION. arts. 21, 47.
[23] Consumer Education & Research Centre v. Union of India, (1995) 3 SCC 42.
[24] Noor Aga v. State of Punjab, (2008) 16 SCC 417.
[25] pmbl.,
Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).

The 1961 Single Convention on Narcotic Drugs established international obligations for Governments to effectively implement measures to prevent drug abuse. Signatory Countries are required to establish harmonized regulations (including the growing and manufacturing of drugs) in order to control drug abuse within their jurisdictions.[26]

2. The Convention On Psychotropic Substances 1971

The 1971 Convention on Psychotropic Substances expanded International Control over synthetic and psychotropic drugs developed after the 1961 Single Convention, including drugs like LSD, amphetamines, hallucinogens, etc[27].

3. United Nations Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substances 1988

The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the 1988 Drug Trafficking Convention) was created to address the issue of organized criminal activity associated with drug trafficking, including money laundering, and the international smuggling of illegal drugs by means of cooperative and effective enforcement and legal mechanisms operated by signatory nations through strict and codified criminal laws. There has been substantial compliance by the Government of India to meet its obligations under these treaties to the NDPS Act through successive amendments to it.[28]

C. <u>The evolution of drug laws in India</u>

Prior to the introduction of the NDPS Act, there were some acts and laws regulating various drug crimes, including the Opium Act of 1857 and the Dangerous Drugs Act of 1930. [29]However, these laws proved to be outdated and ineffective as drug syndicates and organized crime began to perpetuate drug trafficking internationally, predominantly with synthetic drugs on the rise[30]. Further, due to the international narcotics trade and India's responsibilities as signatory to various UN conventions on drug control, it became necessary to promulgate an overall drug control framework. Accordingly, the NDPS Act consolidates and amends India's existing drug laws, thereby forming a common statutory scheme for addressing drug offences

[26] Single Convention on Narcotic Drugs arts. 19–21, Mar. 30, 1961, 520 U.N.T.S. 151.
[27] Convention on Psychotropic Substances, Feb. 21, 1971, 1019 U.N.T.S. 175.
[28] Narcotic Drugs and Psychotropic Substances (Amendment) Acts of 1989, 2001 & 2014.
[29] Opium Act, No. 13 of 1857; Dangerous Drugs Act, No. 2 of 1930.
[30] United Nations Office on Drugs and Crime, World Drug Report 2024 120–28 (2024).
Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).

found within the various state and central narcotic statutes[31]. The NDPS Act was enacted in 1985 in order to create an All India Drug Control Agency.

D. Structure and scope of the NDPS Act, 1985-

The NDPS Act is the principal law dealing with narcotic drugs and psychotropic substances in India.

1. Purposes of the Act-

Control and regulation of narcotic drugs and psychotropic substances,

Prevention of illicit trafficking,

Punishment of offenders involved in drug crimes,

Protection of society from drug abuse.

2. Scope of the Act-

The Act applies throughout India to all persons involved in offences in relation to narcotic drugs and psychotropic substances[32]. The Act deals with acts in relation to production, manufacture, possession, transportation, sale, purchase, consumption, and import/export of prohibited substances.

3. Definitions Under the Act-

The Act defines the following important terms:-

- Narcotic drug,
- Psychotropic substance,
- Cannabis,
- Opium,

[31] pmbl.,

[32] Sec 1,
Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).

- Addict,
- Illicit trafficking.

These definitions are crucial in determining offences and punishment under the Act.

Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).

E. Offences under the NDPS Act

1. Possession of Drugs

Illegal possession of narcotic drugs without any authority is an offence under the Act. The punishment for this act depends upon the amount of substance in possession.

2. Consumption of Drugs

Consumption of some types of narcotic drugs is an offense under Section 27 of the Act. Youngsters indulging in drugs can thus be held guilty of criminal offences[33].

3. Drug Trafficking

Transportation, sale, distribution, import, export, and smuggling of narcotic drugs come under drug trafficking[34]. This offense is considered very serious due to the association of organized crime and national security threat.

4. Financing Illicit Traffic

The Act also makes financing illicit traffic and harboring offenders a crime.

F. Punishment Structure under the NDPS Act

The NDPS Act stipulates strict punishment for offences based on their quantity and nature.

1. Small Quantity

Small quantity offences carry lighter punishments with reduced jail time.

2. Commercial Quantity

Punishments for commercial quantity offences are severe, including long imprisonment and hefty fines.

3. Intermediate Quantity

Intermediate quantity offences fall somewhere in between.

[33] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, Sec 27, INDIA CODE (1985).
[34] Sec 23–27A, INDIA CODE (1985).

Quantity-based punishment structure was incorporated by the amendment of 2001.

G. Provisions of Bail under the NDPS Act

The provisions relating to bail under the NDPS Act are among the most stringent in Indian Criminal Law.

1. Section 37 of the NDPS Act

Section 37 makes stringent requirements for granting bail in cases involving commercial quantities. The Court needs to be satisfied about the innocence of the accused and about his/her chances of committing any other offence during bail.

2. Impact on the Youth

These provisions of stringent bail have serious impacts on the youth and undertrial offenders. [35]The youth offenders addicted to drugs continue to stay in jail even without their conviction due to the inability to obtain bail[36]. These stringent provisions end up treating the drug addicts like criminals than rehabilitating them.[37]

H. Search, Seizure and Arrest Processes

Extensive powers have been provided to the law enforcement agencies by the NDPS Act for investigation and enforcement.

1. Powers of Search and Seizure

Powers to search, seize and arrest are given to officers in Sections 41 to 67 of the Act.

2. Procedural Protections

[35] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, Sec 37, INDIA CODE (1985).
[36] Union of India v. Shiv Shanker Kesari, (2007) 7 SCC 798.
[37] World Health Organization, Drug Dependence Treatment and Rehabilitation (2020).

There are certain procedural protections against abuse of power within the Act. The process of search as prescribed in Section 50 must be followed. Non-compliance to such procedural protections leads to acquittal of the accused.

3. Presumption Clause and Reversal of Burden of Proof

The other contentious aspect of the NDPS Act is the reversal of burden of proof. According to some provisions, the court can presume the culpable mental state and possession until proved otherwise by the accused. It is claimed that such an approach undermines the presumption of innocence in criminal law.

I. Rehabilitation Clauses under the NDPS Act

Even though the NDPS Act is punitive in nature, there are clauses that deal with rehabilitation and treatment as well.

1. Immunity for Addicts for Treatment

Clause 64A provides immunity against prosecution for addicts who seek de-addiction treatment under certain circumstances[38].

2. De-addiction and Rehabilitation Programs

The government has set up de-addiction facilities and awareness programs to help addicted people. But there is a lack of rehabilitation facilities in India, particularly for youth and women addicts[39].

J. Enforcement Agencies

A number of agencies play an important role in the enforcement of anti-drug laws in India.

[38] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, Sec 64A, INDIA CODE (1985).
[39] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction (2023).
[42] Narcotics Control Bureau, Government of India, Annual Report 2023–24 (2024).

1. Narcotics Control Bureau[42]

The Narcotics Control Bureau is the principal agency entrusted with the responsibility of drug law enforcement and tackling illegal drug trafficking.

2. Police and Customs Departments

State police departments and customs departments have also been playing significant roles in investigating, seizing, and prosecuting cases involving drugs.

3. Anti-Narcotics Cells

Anti-narcotics cells have been set up in several states to deal with the rising menace of drug abuse and trafficking among the youth.

K. Significant Amendments to the NDPS Act

There have been some significant amendments made to the NDPS Act in order to increase its effectiveness.

1. Amendment in 1989

In 1989, the NDPS Act was amended in order to impose harsher penalties and preventive detention.[40]

2. Amendment in 2001

The amendment made in 2001 included categorizing the drugs as small quantity, intermediate quantity, and commercial quantity[41]

3. Amendment in 2014

The NDPS Act was amended in 2014 for ensuring access to narcotic medicines and strict control over illicit drugs.[42]

[40] Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1989, No. 2 of 1989, INDIA CODE.
[41] Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001, No. 9 of 2001, INDIA CODE.
[42] Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, No. 16 of 2014, INDIA CODE

IV. COMPARATIVE ANALYSIS AND REHABILITATION MODELS

Drug abuse among youth is not restricted to India alone but has become a worldwide problem in both developed and developing countries[43]. The various strategies adopted by different nations to counter substance abuse vary from stringent criminalization, rehabilitation, to decriminalization. Some countries adopt punitive measures to control substance abuse, while others adopt health-based measures. Analysis of foreign anti-drug policies is necessary in order to learn the lessons which may be useful to improve the existing Indian laws against drug abuse under the Narcotic Drugs and Psychotropic Substances Act, 1985.

The Indian strategy under the NDPS Act has emphasized more on prohibition and punishment measures against substance abuse and comparatively less on rehabilitation measures. Several countries have framed their drug policies keeping the youth in mind, thereby recognizing addiction as a health and psychological problem than as a crime. Hence, an analysis of foreign rehabilitation policies will help to strike a balance between law enforcement and treatment programs.

A. Portugal's Decriminalization Model-

Portugal is a country that is viewed to be one of the most progressive in its approach to drug use and treatment of people who are addicted to drugs[44]. In 2001, Portugal legalized the possession and the use of limited amounts of different types of illegal drugs for your own personal use. The legal system in Portugal addresses drug addiction in a more holistic way and treats it not as a crime but as something that should be treated as a public health issue and provides treatment and counseling for those who are addicted to drugs[48].

[43] United Nations Office on Drugs and Crime, World Drug Report 2024 1–10 (2024).
[44] European Monitoring Centre for Drugs and Drug Addiction, Drug Policy Profiles — Portugal (2023).
[48] United Nations Office on Drugs and Crime, World Drug Report 2024 166–67 (2024).

When a person is stopped in Portugal with a small amount of illegal drugs they are taken to "Dissuasion Commissions" (which are comprised of legal, medical and psychological professionals). After they evaluate the person, they determine whether or not the person would benefit from treatment or counseling, or pay a fine, or any other social support program[45]. Generally, people who use drugs for personal use do not get prosecuted criminally unless they are also trafficking and involved in organized crime.

As a result of the policy of providing drug addicts with treatment instead of punishing them, alcohol and drug overdoses have decreased; the rate of HIV infections due to drug use has decreased; and the number of drug users who are having Problems using drugs has gone down. Additionally, the results for each person who is rehabilitated and reintegrates into society have improved. Rather than going to jail for long periods of time, young people in Portugal receive counseling to guide them in making safe and healthy decisions, access to healthcare, and receive education about drugs.

Portugal's policy is not legally accepting all drugs; drug trafficking and large quantities of drugs are still treated with severe penalties. The experience of Portugal shows that a balanced approach to drug addiction (i.e. Treatment vs. enforcement of "law") may produce much more positive long-term results than any purely punitive action against people who use drugs or are addicted to drugs.

B. Switzerland's Harm Reduction Approach-

A harm reduction plan was introduced in Switzerland to tackle the rise in heroin abuse and related crimes at the end of the twentieth century. This system is designed to minimize the negative effects of substance abuse, rather than merely relying on incarceration and punishment for those who commit crimes connected to their drug use.

The Swiss government has developed many new programs, including supervised centres where individuals can receive treatment, counselling, rehabilitation and medically assisted therapy within a safe environment (i.e., medically assisted treatment). In addition to the abovementioned services, the Swiss government developed heroin-assisted treatment programs

[45] European Monitoring Centre for Drugs and Drug Addiction, Drug Policy Profiles — Portugal (2023).

for patients who are severely dependent on heroin, but are receiving treatment under the supervision of a physician.

The Swiss government has also provided substantial funding to build mental health services, social rehabilitation programs and youth awareness campaigns.[46]

As a result of the Swiss Harm Reduction model, the country experienced a substantial decline in drug-related crime, overdose deaths and public health risks, as well as a marked improvement in the reintegration of drug users into society by addressing issues associated with employment, homelessness, and mental health issues caused by drug addiction.

The Swiss harm reduction model also clearly illustrates that healthcare-based interventions, when combined with law enforcement interventions, can have a positive impact on the longterm social costs of drug addiction and substance abuse among youth.

C. Drug Control Policies in the United States-

The United States has historically adopted strict anti-drug policies under the "War on Drugs" campaign initiated during the 1970s and 1980s[47]. The American approach emphasized aggressive policing, harsh sentencing, and large-scale imprisonment for drug-related offences. Mandatory minimum sentences and strict enforcement measures resulted in a dramatic increase in incarceration rates

Although these policies strengthened enforcement against trafficking networks, critics argue that excessive criminalization disproportionately affected young individuals and marginalized communities. Overcrowded prisons, racial disparities, and high rates of repeat offences became major concerns

In recent years, several states in the United States have shifted toward rehabilitation-oriented approaches and partial decriminalization of certain substances such as cannabis. Drug courts, counseling programs, and community-based rehabilitation mechanisms have been introduced to reduce imprisonment of addicts. Mental health treatment and diversion programs are increasingly being used for young offenders involved in substance abuse cases. The American

[46] Swiss Federal Office of Public Health, Swiss Drug Policy and Harm Reduction Measures (2023).
[47] United Nations Office on Drugs and Crime, World Drug Report 2024 150–55 (2024).

experience demonstrates that excessive reliance on punishment alone may not effectively solve addiction problems and can create long-term social consequences.

D. Decriminalization vs Criminalization of Youth Addicts-

One of the widely-debated aspects in global drug policies is whether drug users, particularly the youth drug users, should be subjected to criminal procedures or rehabilitation. Advocates of criminalization claim that severe punishment is a good deterrent from substance abuse and trafficking. They believe that stringent laws are needed to sustain social order and deter youth from substance intake. However, opponents criticize the criminalization policy for aggravating the plight of addicts through exposure to jail environment, social stigma, as well as inability to pursue education and career. [48]Young offenders are usually subject to long-term psychological and social problems after undergoing the criminal procedure process. Criminal convictions have the potential of affecting the future of the offender, as well[49]. Those advocating for a rehabilitative system emphasize the aspects of treatment, counseling, mental care, and social services. Rehabilitation systems regard addiction as a health problem and not just a legal issue. Those countries which embrace the rehabilitation model usually stress the aspect of preventive, informational, and treatment methods of solving the issue, not imprisonment. The rehabilitation system is viewed as the better system for tackling youth addiction since young people have a better chance to recover and correct themselves.

E. Rehabilitation-Based Approaches for Youth-

Rehabilitation is essential for reducing drug use and decreasing the chance of relapse into using drugs. The majority of successful rehabilitation programs include the following components:

1. Medical treatment

2. Psychological counseling

3. Family therapy

4. Career development and vocational training

[48] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 88–95 (2019).
[49] K.D. Gaur, Textbook on Indian Criminal Law 552–54 (7th ed. 2020).

5. Educational assistance

6. Community re-entry/ reintegration. [50]

F. Counseling and Mental Health Support

Youths frequently utilize substances as a coping mechanism to deal with problems such as stress, depression, anxiety, loneliness, emotional trauma, etc. Therefore, counseling and mental health services are integral to drug rehabilitation. Therapy can allow people who currently use drugs and are unable to stop using them to address their underlying issues contributing to their addiction and to develop and implement alternative coping mechanisms.

G. Community-Based Rehabilitation Programs

[50] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction (2023).

The objective of community-based rehabilitation projects is to assist individuals recovering from substance use disorders reintegrate into their communities through providing education, job opportunity, and social support[51]. Community-based rehabilitation programs will help lessen the stigma surrounding substance abuse; furthermore, community-based rehabilitation programs will help members of the community to rebuild their relationships with family and friends.

H. Drug Prevention Education

Educational institutions can educate students to decrease both the risk of initiation to drug use and to apply peer pressure to fellow students to use drugs — thus creating a more hostile environment for drug experimentation. Schools can carry out this function by using awareness programs; anti-drug activity and discussion groups; and providing guidance and counseling to their students. In addition, prevention education is a less expensive and more effective option than using punishment through the criminal justice system after an individual has developed an addiction.

I. Family Support Systems for Addiction Rehabilitation and Recovery

Research indicates that family support is one of the most important factors in the rehabilitation and recovery process. Positive (emotional) support, open communication, and providing supervision greatly reduces the likelihood that young adults will relapse into drug addiction.

J. Reforms Required in the Indian Framework-

Comparison between different foreign nations' drug policies has revealed some lessons that can be learned by India regarding their anti-drug regime.

1. Shift from Punitive Measures towards Rehabilitation

[51] World Drug Report 2024 165–68 (2024).

The Indian anti-narcotics regime as provided by the NDPS Act should focus more on rehabilitation, counselling, and treatment rather than punishment of young offenders who are indulged in petty offences.

2. Development of Psychiatric Centers-

Psychiatric centers and counselling services for youth need to be increased throughout education institutions and communities. Early counseling will be helpful to prevent youth from becoming victims of addiction.[52]

3. Alternative Programmes for Youth Offenders

In this regard, alternative programs can be introduced in India whereby youth addicted individuals involved in minor offences can be diverted to rehabilitation centers rather than sending them to jails. This would be helpful in preventing jails from overcrowding.[53]

4. Prevention Programs through Awareness

Preventive programs should be enhanced through schools, colleges, media channels, and communities to increase youth awareness about drugs. Awareness campaigns can prove effective in degrading the social status of drugs[54]

5. Balance between Punishment and Reformation Measures

Although stringent punishment is still necessary for criminals involved in drug trafficking and networks, but young addicts should get an opportunity.

V. CONTEMPORARY CHALLENGES IN CONTROLLING YOUTH DRUG ABUSE-

Controlling youth drug abuse is an ongoing issue in India, despite existing anti-drug laws like the Narcotic Drugs and Psychotropic Substances Act, 1985[59]. This issue has grown remarkably

[52] United Nations Office on Drugs and Crime, World Drug Report 2024 165–68 (2024).
[53] United Nations Office on Drugs and Crime, World Drug Report 2024 166–70 (2024).
[54] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction (2023).
[59] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).

United Nations Office on Drugs and Crime,

more complicated because of technological development, organized crime networks, crossborder trafficking, and changes in youth substance use patterns. Today's drug networks do not only distribute drugs at the street-level using traditional methods; they also use social media, encrypted apps, and web-based markets. Other contributing factors are lack of rehabilitation facilities, knowledge of rehabilitation services, unemployment, mental illness, and excessive agency fragmentation, all of which detract from the effectiveness of current anti-drug legislation and pose serious challenges to protecting youth from abuse and exploitation through drug use.

A. Dark Web and Online Drug Trade-

It's a serious problem that there is now an increase in drug trafficking through the internet via digital platforms of the dark web. More and more traffickers are conducting illegal drug transactions on encrypted websites and anonymously communicating with the use of cryptocurrency. Young people can easily buy drugs on the internet with little or no contact with the actual dealer. The anonymity of being able to trade drugs at dark web drug marketplace sites has made it difficult for law enforcement agencies to track the whereabouts of suppliers and consumers. The use of social media platforms and messaging applications to post advertisements for and to sell drugs is also a growing problem among young people in high school, college, or other areas[55]. Drug dealers use coded language when targeting youth and use private groups and online delivery to sell them drugs. The increased prevalence of drug trafficking using technology has created many challenges for enforcement of drug laws because traditional methods of policing are often not effective for combating drug trafficking via the internet. To effectively address the emerging threat of drug trafficking using technology, there needs to be more robust cyber surveillance and investigation capabilities in place to complement traditional methods of policing.

B. Social Media Influence and Youth Drug Culture-

Social Media Normalizes and Glamourizes Youth’s Drug Use

Social media helps to spoil youth by making drug use normalized and glamourized. Drug use is considered fashionable, fun or socially acceptable in many media formats such as film, music

[55] World Drug Report 2024 142–45 (2024).

video, online influencers and celebrity culture. Young people can be very easily influenced, particularly during their vulnerable years and due to their desire for social acceptance.

Examples of how social media normalizes recreational drug use would be through the content shared on \social media platforms such as Instagram, Snapchat and the multitude of streaming services. A lot of the time, social media influencers will indirectly advertise the consumption (smoking, drinking or using drugs) in their daily lifestyle content. Ultimately, if a young person is continually exposed to lifestyle content that includes drug use, it can lessen the fear and stigma associated with using drugs.

In addition to facilitating easy access to drug suppliers and consumers, social media also creates additional barriers for young adults or students to obtain narcotic drugs[56]. The absence of strict digital monitoring and awareness of online risk factors in connection to drug use further adds to the vulnerability of young adults or students.

C. Drug Networks Around Educational Institutions-

Increasingly, drug distribution and substance use in schools, colleges, universities, and hostels are allowing drug trafficking and substance abuse to infiltrate educational facilities[57]. Trafficked drugs are marketed to groups of young people typically because they are seen as easily accessed or purchased[58]. Freshers and young people are more susceptible than older students to peer pressure and trying new types of drugs when they enter an unfamiliar social setting. In specific groups of students, drug consumption has become a normal practice. Students may use drugs during parties, concerts, and social events. In urban areas, there are typically established and organized peddling groups that operate in close proximity to higher education institutions and the residences of students; some students become involved in smallscale trafficking as a result of financial hardship or addiction. Drugs in educational institutions have a negative impact on student behavior, academic success, mental health, and safety on college campuses. Other issues, including infrequent awareness programs, lack of counselling services for drug abuse, and lack of preventive supervision, compound the problem. Therefore, educational institutions are vital for preventing and intervening early on in relation to youth substance abuse.

[56] United Nations Office on Drugs and Crime, World Drug Report 2024 135–40 (2024).
[57] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 70–75 (2019).
[58] World Drug Report 2024 120–24 (2024).

D. Cross-Border Trafficking and Geographical Vulnerability-

India's location makes it very difficult for them to control the flow of narcotic drugs into their country due to their location between two of the largest areas of illicit drug production in the world the Golden Triangle (Afghanistan, Iran, and Pakistan) and the Golden Crescent (Myanmar, Laos, and Thailand) creating a constant supply of heroin, opium, synthetic drugs and other illicit drugs entering through India by way of both land and maritime routes[59]. The border states, such as Punjab, Rajasthan, Jammu & Kashmir and the Northeastern states of India are specifically prone to a higher level of smuggling activity across the borders by way of the porous border regions[60]. There is a recognized link between the smuggling of illicit drugs through these porous borders with other crimes such as organized crime, arms trafficking and terrorism financing, as well as traffickers exploiting ineffective surveillance of the borders, fluctuations in levels of corruption, and/or political instability in neighboring countries to transport narcotic drugs into India.

Another significant impact of the increase in drug trafficking through the porous borders is the growth in the number of young people in India with access to illicit drugs and the addiction among young people in these border areas. Thus, strengthening the security of the borders and enhancing international cooperation for drug control are both extremely important to reduce the availability and use of illegal drugs in India.

E. Rise of Synthetic and Designer Drugs-

New synthetic and designer drugs pose yet another significant problem for law enforcement. Substances like MDMA, methamphetamine, LSD and ecstasy, as well as other chemically modified narcotics, have become increasingly fashionable in both urban youth and the party scene[61]. Typically, synthetic drugs are produced illegally in clandestine laboratories and are sold to users using deceptive labels. Because synthetic drugs have a constantly changing chemical makeup, this creates a challenge for regulating and identifying these substances as

[59] United Nations Office on Drugs and Crime, World Drug Report 2024 90–95 (2024).
[60] Narcotics Control Bureau, Annual Report 2023–24.
[61] Global Smart Programme Report (2023).

United Nations Office on Drugs and Crime,

well as proving that an individual has committed a drug-related crime. A large number of synthetic drugs have been shown to cause extensive neurological and psychological injury to the user; including hallucinations, depression, aggressive behavior, or death due to overdose.

Party drugs are consumed in large quantities at all-night clubs, concerts and social events by young people everywhere[62]. This increase in party drug use by young people reflects a shift in the types of drugs being abused by youth in urban India. Because they are constantly changing their chemical formulation to circumvent laws, law enforcement agencies struggle to find new or emerging synthetic drug products.

VI. REFORMS AND POLICY MEASURES FOR CURBING YOUTH DRUG ABUSE IN INDIA

India is experiencing a huge rise in youth drug abuse, and this has pointed out several shortcomings in the current regulations, policies and institutions dealing with narcotic control. While the Narcotic Drugs and Psychotropic Substances Act 1985 provides for heavy penalties and strong power to enforce the law, the continued rise of young people abusing substances shows that just punishing drug users and traffickers cannot solve the youth drug abuse problem[63]. Drug abuse amongst young people is no longer just a crime problem; it is also now a social, psychological, economic and public health issue. To effectively address drug abuse, anti-drug policies must focus not only on punishing traffickers but also on preventing drug abuse before it occurs, providing drug treatment and rehabilitation services, providing mental health services, raising awareness about the causes of drug abuse, and providing all members of society, especially youth, with the opportunity to participate in community activities. Young people with addictions need emotional support and counseling in order to have the best chance for recovery, as opposed to being incarcerated for an extended period of time; therefore, India needs to take a balanced approach that protects society from narcotic crime but also provides those youth who are vulnerable to drug abuse with the tools necessary to create a better future for themselves.

A. Reforming the Punitive Approach Under the NDPS Act-

[62] United Nations Office on Drugs and Crime, World Drug Report 2024 130–33 (2024).

[63] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985); National Crime Records Bureau, Crime in India Report 2023.

United Nations Office on Drugs and Crime,

Excessive reliance on punishment is a primary criticism of the NDPS system[64]. Severe penalties and stringent bail conditions are also imposed for people convicted of minor possession and for first-time offenders. While severe punishments are needed for drug traffickers and large organized criminal enterprises, the excessive criminalization of drug dependent people may create further long-term negative problems, socially and mentally[65]. A youth who has been arrested for drug consumption is often imprisoned, subject to social stigma, unable to continue their education, and unable to find employment[66]. Although some young people with a criminal record will recover and reform, the fact remains that a criminal record will impact the future of many of those arrested. Therefore, the law should have clear guidelines that differentiate between drug traffickers and young people who have been arrested for drug use. There should be provisions in the law that allow courts to provide alternative legal options, such as counseling, community service, probation, and treatment or rehabilitation, for young first-time offenders when these options are an acceptable substitute for incarceration. Through this type of reform, jails will become less crowded and will have greater potential to provide for successful social reintegration of offenders when they are released from jail.

B. Strengthening Rehabilitation and De-Addiction Mechanisms-

Rehabilitation is an important part of India's overall strategy to combat illicit drugs and should be included as a fundamental component of the framework for addiction treatment in our country[67]. Currently, there are many rehabilitation facilities in the country that do not have adequate facilities, trained staff, sufficient funds to operate, or adequate access to those seeking assistance or treatment[68]. This is especially true in rural areas and smaller communities where very few facilities exist that provide de-addiction treatment for youth.

The government should develop specialized rehabilitation centers that offer youth de-addiction services and are equipped with the following:

Medical treatment, psychiatric and psychological counselling, education support, vocational training and long-term recovery support. The rehabilitation programs that are developed will

[64] K.D. Gaur, Textbook on Indian Criminal Law 552–54 (7th ed. 2020).
[65] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, Sec 37, INDIA CODE (1985).
[66] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 88–94 (2019).
[67] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction
[68] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 90–96 (2019).

(2023).

need to provide counseling that addresses the underlying issues that contribute to addiction, such as stress, depression, trauma, unemployment, and instability at home. A program focused exclusively on detoxification will not be successful if it is not complemented by ongoing emotional and social support. In addition, the policies related to rehabilitation should also address the successful reintegration of recovering youth into the community by way of continued education, skills development, and employment opportunities. By doing so, the rate of relapse among youth will decline, resulting in longer term recovery from their addictions.

C. Integrating Mental Health Support into Anti-Drug Policies-

Substance use in young people is often connected to some form of mental health issue, and many young people turn to drug use because they feel anxious, or lonely, or because they feel pressured to perform academically, or due to a traumatic event, or an emotional upset, or because they have depression. To properly combat substance abuse, services that help people cope mentally (i.e., mental health services) must be available as part of effective anti-drug programs. Schools/colleges/universities should develop a program for mental well-being and establish a counseling center [69]to help identify at-risk students early on. School staff, including trained psychologists and counselors, need to be available at all educational institutions to provide emotional support and assistance to students who may be at risk of developing substance abuse problems. In addition, we need to create public awareness about mental health issues so that those in need of mental health care feel less stigma related to seeking help for a mental health problem[75]. If early intervention services are available, we can prevent many youths from turning to substance abuse as a coping strategy.

D. Strengthening Cyber Surveillance and Digital Monitoring-

The fast growth of the use of online drug trafficking via social media, encrypted messaging apps and the dark web has conspired to cause major problems for law enforcement. There is also a high prevalence of young adults accessing narcotic drugs via these anonymous online networks and delivery methods.

[69] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction (2023).
[75] World Health Organization, Mental Health Awareness and Substance Abuse Prevention.

(2023).

To help combat online drug trafficking, India needs to build enhanced technological capabilities and cyber surveillance systems to detect online narcotic dealings. Cyber narcotics units that specialize in monitoring digital drug dealings and investigating officer-involved technology-based trafficking systems should be created. Law enforcement personnel should also be provided with technical training regarding the use of cryptocurrencies, encrypted communications systems and cyber investigations. Coordination between narcotics control agencies and cybercrime units should be improved to enable effective responses to new online challenges that threaten public safety

E. Strengthening Border Security and International Cooperation-

The strategic location of India between key drug-producing areas exacerbates the border's crucial function as a barrier to illicit drug trafficking[70]. Border smuggling along porous borders and smuggling lanes constitutes an avenue for moving heroin, synthetic drugs, and other illicitly produced drugs into India[71]. India needs to increase surveillance on the borders that are highly vulnerable using the following mechanisms: advanced scanning technologies, intelligence monitoring, drone surveillance, and a coordinated border patrol program. India must also continue to enhance its international cooperation with neighboring nations and international organizations to facilitate information sharing and collaborative anti-trafficking operations. Cross-border collaboration is critical to dismantling larger-scale drug criminal enterprises that operate in multiple jurisdictions and in multiple ways.

F. Need for a Youth-Centered Anti-Drug Policy-

A youth-centered and reform-allied drug policy in India is necessary and will become increasingly vital as access to treatment increases[72]. Young drug users have far more capacity for recovery, education, and reintegration than traffickers or members of organized crime syndicates[79]. Therefore, when considering drug policy for youth, ensuring that youth are protected, rehabilitated, and given the opportunity to reintegrate back into society must always be a priority of drug laws in this country. A well-rounded legal system will still hold traffickers

[70] United Nations Office on Drugs and Crime, World Drug Report 2024 90–98 (2024).
[71] Narcotics Control Bureau, Annual Report 2023–24.
[72] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction
[79] World Health Organization, Drug Dependence Treatment and Rehabilitation (2020).

and large-scale suppliers accountable through long-term, harsh punishment, while treating addiction as a mental illness and public health issue. The combination of education and awareness, law enforcement, counseling, rehabilitation, and support are key to successfully reducing youth use of drugs long-term.[73]

VII. CONCLUSION

The issue of drug abuse by young people is one of the most significant social/legal/public health problems facing India today[74]. The growing use of pharmaceutical drugs and narcotic substances by young people in India has not only harmed their physical health and personal development but also negatively impacted social stability, economic growth, public safety, and national security[75]. Young people constitute the future labor force and intellectual power of this country; thus, increasing drug dependence among young people significantly threatens the long-term development of this nation.

This research paper examines the issue of drug abuse by youth in India and provides a critical analysis of the effectiveness of the Narcotic Drugs and Psychotropic Substances Act, 1985 in curbing the narcotics crisis in India[76]. This research includes an analysis of the incidence, prevalence, underlying causes and patterns of substance abuse among youth in addition to examining the legal framework governing the use of narcotics and psychotropic substances in India; it also evaluates the judicial interpretation, enforcement problems, rehabilitative policies and international comparisons in drug abuse prevention[77].

There are many social, psychological, economic and technological reasons why youth have pressure, mental illness, unemployment, familial instability, social media influence and changing lifestyles have normalized and expanded the availability of drugs amongst youth populations[78]. The development of synthetic drugs, the emergence of online drug trafficking syndicates as well as website marketplaces on the dark web have magnified the issues

[73] United Nations Office on Drugs and Crime, World Drug Report 2024 165–70 (2024).
[74] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 1–5 (2019).
[75] United Nations Office on Drugs and Crime, World Drug Report 2024 1–10 (2024).
[76] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE (1985).
[77] K.D. Gaur, Textbook on Indian Criminal Law 542–56 (7th ed. 2020).
[78] United Nations Office on Drugs and Crime, World Drug Report 2024 112–24 (2024).
[86] United Nations Office on Drugs and Crime, World Drug Report 2024 135–42 (2024).

(2023).

associated with youth being able to access narcotics readily available at school and/or to adolescents via other means[86].

The research further supported that the NDPS Act has been instrumental in enabling strengthening India's anti-drug legal framework. The NDPS Act provides for severe penalties against those engaged in trafficking activities, serious drug offences and possession of illegal/prescription narcotic drugs. Through its rules regarding searches, seizures, investigations and tight bail provisions, the NDPS framework has enhanced enforcement authority's abilities to disrupt illegal drug trafficking networks[79]. India has taken steps to enhance its collaboration with other countries for compliance with the international conventions on narcotics drugs via the domestic implementation of the NDPS Act.

In spite of the punishment for those found guilty of using drugs within the law (NDPS), drug abuse is on the rise in all parts of the country. This shows that just having a punitive law isn't enough to effectively deal with youth's addiction to drugs and dependence on substances. A major criticism found in the research was that the NDPS law has a heavy emphasis on punitive measures while providing very little attention to the prevention and treatment options for individuals who are in need of better mental health, as well as providing an adequate level of rehabilitation for those that are purchasing drugs for themselves. Young drug users facing personal use arrests typically have no choice but to undergo arrest, lengthy detention, as well as suffer from social ridicule and face potential criminal prosecution. All of these consequences create barriers to young people receiving an education and finding the necessary employment to ensure positive mental health.

Additional findings discovered by the research indicate that many of the reasons for the ineffectiveness of drug enforcement measures (that have been implemented by the Government of India) are due to the lack of rehabilitation facilities, the general shortage of mental health professionals, and the lack of education on drug enforcement procedures and the drug problem overall in India[88]. De-addiction programs are not being implemented to the level of the level of existing demand; there is also a great deal of inaccessibility to de-addiction centres, and a general lack of funds to treat individuals who are addicted to drugs and require support to

[79] Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, §§ 37, 41–68, INDIA CODE (1985).
[88] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction

recover from these addictions[80]. In addition to the lack of rehabilitation facilities and funds, the presence of stigma attached to drug dependency and mental health issues often discourages young individuals from seeking help for their drug or mental health problems in a timely manner.

Key court rulings, such as those in Tofan Singh v. State of Tamil Nadu, Noor Aga v. State of Punjab, Mohan Lal v. State of Punjab, and State of Punjab v. Baldev Singh, have been critical in upholding the various procedural protections and guarantees of a fair trial[81]. They have enforced constitutional protections provided by law to protect against I.D. entrapment and provide due process under the NDPS Act. Each case demonstrates the courts attempting to balance the stringent application of anti-drug laws, with basic principles of justice and fairness and the rights of individuals to their freedom or liberty.

A comparative analysis of successful international models, such as Portugal's decriminalized approach and Switzerland's focus on rehabilitation, has also shown that treating addiction as primarily a public health issue rather than solely a criminal act has been crucial. These approaches emphasize rehabilitation, counseling, prevention education and reintegration through community reintegration rather than long-term imprisonment of addicts. The comparative study indicates that India could be more effective in strengthening anti-drug initiatives by emphasizing rehabilitation, mental health care, prevention education and youthoriented intervention programs.

According to the findings of this study, although the NDPS Act has been partially successful in reducing drug trafficking and enhancing enforcement agencies' operations, it has not adequately addressed the prevention of youth substance abuse or the provision of sufficient rehabilitation services to those who are addicted. A punitive-only approach will never work to eliminate the problem of addiction because the issues surrounding substance use are complexly related to one's socio-economic status, mental health, and emotional well-being. Therefore India should develop an effective anti-drug policy that combines strict enforcement against traffickers with compassionate treatment and rehabilitation for those who are addicted including vulnerable youth[82]. Efficient prevention of youth substance use requires a cooperative approach involving

[80] Ministry of Social Justice & Empowerment, Magnitude of Substance Use in India 90–96 (2019).
[81] Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1; Noor Aga v. State of Punjab, (2008) 16 SCC 417; Mohan Lal v. State of Punjab, (2018) 17 SCC 627; State of Punjab v. Baldev Singh, (1999) 6 SCC 172.
[82] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction (2023).

(2023).

all relevant parties, such as government agencies, law enforcement, schools and universities, medical professionals, families, the community and non-profit organizations. To achieve long-term decreases in youth substance abuse in India, significant resources must be allocated to develop a comprehensive and robust rehabilitation infrastructure, enhance mental health services for individuals with substance use issues, implement awareness programs for youth, provide educational interventions, establish a robust cyber-surveillance system, and build community involvement in all aspects of substance use prevention.[83]

Fear and punishment will not defeat youth substance abuse alone[93]. An effective long-term solution to India's youth will require a thorough approach that includes educational campaigns about preventing substance abuse, supporting their emotional needs as they deal with addiction, providing them with rehabilitation services, and helping them to reintegrate into society, as well as enforcing laws against organized drug-related crimes. Implementing a comprehensive anti-substance abuse framework that is humane and youth-focused will enhance public health, social stability and the respect, potential and future of all young people in India.

[83] Ministry of Social Justice & Empowerment, National Action Plan for Drug Demand Reduction
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