



Drug Abuse and the Law in India: Navigating Constitutional Challenges and Legal Reform

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ABSTRACT

Drug abuse in India is a complex socio-legal issue that significantly impacts individuals, families, and society. The country's legal response, primarily governed by the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), remains heavily punitive. This approach prioritizes deterrence and criminalization over rehabilitation and social reintegration, often undermining constitutional protections such as the rights to life, liberty, and due process. The Act's rigid provisions, particularly regarding bail under Section 37 and the absence of clear distinctions between users and traffickers, contribute to disproportionate sentencing and mass incarceration of minor offenders, many of whom require medical and psychological support rather than imprisonment. This article critically examines the legal jurisprudence surrounding drug abuse in India, focusing on how courts have interpreted and applied the NDPS Act in light of constitutional values. It also explores the socio-legal consequences of current policies, identifying significant gaps that hinder effective and humane drug regulation. To analysis, the article includes a comparative study of drug control laws in the United Kingdom and the United States. Both jurisdictions have progressively moved towards public health-oriented frameworks. The UK emphasizes harm reduction through opioid substitution therapy, needle exchange programs, and diversion schemes, while the USA has introduced drug courts, decriminalized certain substances at the state level, and adopted graded sentencing that reflects rehabilitation potential. These shifts highlight a growing recognition of drug dependence as a health and social issue rather than a purely criminal one. Drawing lessons from these models, the article proposes a series of reforms for India, including the adoption of harm reduction measures, the decriminalization of personal drug use, easing bail norms, and focusing on treatment and reintegration. Ultimately, it advocates for a balanced, constitutionally compliant legal framework that aligns with international human rights standards and effectively addresses the public health dimensions of drug abuse.

Key words- Drug Abuse, NDPS Act, Indian Judiciary, Constitutional Rights and Legal Reform

Introduction

Drug abuse in India is not just a matter of criminal law; it is a complex issue encompassing public health, human rights, and the criminal justice system.¹ There has been a concerning increase in substance misuse in the country, especially among young people, with regions like Punjab, Manipur, and certain areas of Maharashtra experiencing notable drug-related health and societal issues. The factors contributing to drug addiction are varied, including unemployment, peer pressure, trauma, and mental health problems; however, the state's approach has primarily focused on repression and punitive measures instead of rehabilitation or social reform.² In reaction to the increasing threat, the Indian legal framework has depended significantly on criminal law, with the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) acting as the fundamental legislation. The Act, enacted to meet India's international commitments under the UN drug control treaties, incorporates a strict legal framework that imposes severe penalties for various drug-related crimes. It provides broad authority to law enforcement agencies for searching, seizing, and arresting, and enforces stringent bail requirements, including mandatory minimum penalties for specific crimes.³

Nonetheless, legal scholars, civil society, and the judiciary have repeatedly voiced concerns about the harsh provisions of the NDPS Act. A primary criticism is its inability to properly differentiate between drug traffickers, who belong to organized crime groups, and drug users, who frequently suffer from socio-economic disadvantage and addiction. This absence of distinction has created a scenario where people holding small amounts for personal use are treated with the same severity as serious traffickers, compromising the values of proportionality and justice.

Indian legal principles have, throughout the years, sought to soften the harshness of the law. Courts have established procedural protections and highlighted the importance of equitable investigation and trial. Cases like *State of Punjab v. Baldev Singh* and *Tofan Singh v. State of Tamil Nadu* have reinforced the significance of constitutional rights, particularly concerning search, seizure, and the admissibility of confessions under the Act. Despite

¹ Bedi, M. (2015). *Human Rights and Drug Control: The False Dichotomy*. Hart Publishing.

² Chatterjee, S. (2021). *Drug Addiction and Law: Legal and Socio-Legal Perspectives*. Eastern Book Company.

³ Bewley-Taylor, D. R. (2012). *International Drug Control: Consensus Fractured*. Cambridge University Press.

these attempts, the overall judicial stance has frequently been inconsistent, as many courts emphasize deterrence and public order instead of individual rights and rehabilitation.⁴

This article aims to critically examine the development of drug laws in India, especially regarding the judiciary's interpretation and implementation of the NDPS Act. It assesses how effectively Indian legal doctrine has managed to balance the goals of drug regulation with constitutional assurances of life, liberty, and equality. It additionally examines the necessity for a transformation from punitive enforcement to a more compassionate, health-focused, and rights-centered approach. By doing this, the article seeks to add to the ongoing discussion on drug policy reform, prompting a reevaluation of the existing legal structure in accordance with changing international standards and effective approaches.

This research utilizes a qualitative doctrinal approach that emphasizes a thorough examination of legal documents, court rulings, and academic analysis to investigate the legal perspective on drug abuse in India. It analyzes key legal documents such as the Narcotic Drugs and Psychotropic Substances Act, 1985, pertinent sections of the Indian Constitution, particularly Articles 14 and 21, along with important judicial decisions from the Supreme Court and High Courts to comprehend the development of legal principles in dealing with drug-related crimes. The study also involves secondary sources including scholarly articles, legal analyses, policy papers, and global agreements to situate the Indian legal system within wider socio-legal and comparative viewpoints. A critical perspective is utilized to evaluate the balance of punishments, compliance with constitutional protections, and how judicial reasoning incorporates rehabilitative and rights-focused methods. Furthermore, the research includes a comparative examination of advanced drug policies from nations such as Portugal and Canada, emphasizing harm reduction, decriminalization, and public health. Utilizing this multidimensional strategy, the study seeks to assess the alignment of India's stringent drug legislation with constitutional standards and global best practices, while proposing reforms that embody a more compassionate and effective legal approach to drug addiction.

A. Legal and Jurisprudential Development of Drug Laws in India

The legal and jurisprudential evolution of drug laws in India, one should start with the colonial heritage that established the groundwork for narcotics regulation in the nation. While under British rule, legislation like the Opium Act of 1857, Opium Act of 1878, and the Dangerous Drugs Act of 1930 was established mainly to control the cultivation, commerce, and taxation of opium and related substances. These laws represented colonial economic priorities instead of a focus on health or criminal justice, emphasizing control over the well-being of users.⁵

After gaining independence, the necessity for a cohesive and thorough drug regulation system became more apparent as India signed multiple international agreements, such as the Single Convention on Narcotic Drugs, 1961. The Narcotic Drugs and Psychotropic Substances Act (NDPS Act), 1985 was enacted as a result.⁶ The NDPS Act represented a crucial shift in Indian drug legislation by implementing harsh penalties for drug-related crimes and unifying previous laws into one statute. The law made illegal the production, possession, sale, and use of narcotic and psychotropic drugs, imposing penalties that varied from strict imprisonment to the death penalty in specific severe situations. The interpretation and application of the NDPS Act by Indian courts have progressed through significant rulings in jurisprudence.⁷ Initial court rulings predominantly supported the Act's stringent enforcement ethos, highlighting deterrence and the country's interest in managing drug misuse. Nonetheless, gradually, the judiciary started to acknowledge the necessity for procedural protections and proportionality in sentencing. In *State of Punjab v. Baldev Singh* (1999), the Supreme Court determined that the accused should be made aware of their entitlement to a search conducted in front of a magistrate or a gazetted officer, establishing crucial procedural safeguards. In *Tofan Singh v. State of Tamil Nadu* (2020), the Supreme Court clarified that confessions to officers under the NDPS Act were inadmissible as evidence, reinforcing constitutional protections under Article 20(3) and the right against self-incrimination.

Despite these legal actions, the general trend of drug law in India continues to lean toward a punitive stance, with minimal recognition of rehabilitation or public health issues. Courts rarely have acknowledged addiction as a medical issue or assessed the Act with respect to fundamental rights like the right to health and dignity. Furthermore, there is scarce precedent regarding the constitutional legitimacy of clauses that confuse the distinction between drug users and traffickers or those that enforce strict bail requirements, frequently encroaching on individual freedom.⁸

Therefore, although the evolution of drug laws in India regarding legal and jurisprudential aspects has shown some advancement in procedural equity and protection of rights, it predominantly continues to embody a model focused on criminal justice. A more advanced and equitable legal system would necessitate that courts interpret the NDPS Act in alignment with constitutional principles, international standards, and a rehabilitative approach that views drug addiction as a multifaceted socio-medical concern instead of just a criminal act.⁹

B. Role of The Judiciary in Shaping Legal Discourse on Drug Abuse in India

Exploring the judiciary's influence on the legal discourse surrounding drug abuse in India involves analyzing how courts have understood, enforced, and occasionally contested the legislative purpose and strict structure of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). The judiciary has been essential in shaping the direction of drug law enforcement and in seeking to reconcile the stringent measures of the Act with constitutional

⁴ Dutta, A., & Munshi, S. (2019). Rethinking the NDPS Act: A Rights-Based Approach to Drug Use. *NUJS Law Review*, 12(3), 303–328.

⁵ Singh, R. (2020). Constitutional Challenges in India's Drug Laws: A Jurisprudential Review. *Indian Journal of Law and Society*, 11(2), 45–68.

⁶ Sharma, S. (2023). Revisiting Proportionality in India's Drug Laws. *National Law School Journal*, 15(1), 89–105.

⁷ Law Commission of India. (2015). *Report No. 267: Bail Reforms*. Retrieved from <https://lawcommissionofindia.nic.in/>

⁸ Ministry of Social Justice and Empowerment. (2019). *Magnitude of Substance Use in India*. National Drug Dependence Treatment Centre (AIIMS). Retrieved from <https://socialjustice.gov.in>

⁹ NITI Aayog. (2018). *Strategy for New India @75*. Retrieved from <https://niti.gov.in>

protections, especially the rights to life, liberty, and a fair trial. During the initial years of the NDPS Act's enforcement, court rulings predominantly upheld the stringent deterrent approach intended by the lawmakers. Courts frequently considered drug abuse mainly as a criminal act, emphasizing state interests in drug enforcement and national safety. Nonetheless, as time passed, the judiciary started to cultivate a more refined comprehension of the matter, especially as instances of procedural failures, abuse of authority, and infringements on personal rights began to emerge. A significant change took place with the Supreme Court's decision in *State of Punjab v. Baldev Singh* (1999), in which the Court determined that not informing an accused of their right to be searched before a magistrate or a gazetted officer as per Section 50 of the NDPS Act would invalidate the trial. This choice emphasized the significance of procedural justice and represented progress in reducing capricious law enforcement.¹⁰

Additional judicial examination was apparent in *Tofan Singh v. State of Tamil Nadu* (2020),¹¹ where the Supreme Court decided that confessions given to officers under the NDPS Act are inadmissible as evidence, acknowledging that these officers do not qualify as "police officers" as defined by Section 25 of the Indian Evidence Act.¹² This ruling was important in reinforcing the constitutional protection against self-incrimination under Article 20(3) and safeguarding the due process rights of the defendant. Even with these forward-thinking decisions, the judiciary's function has frequently been more reactive than transformative. A lack of a coherent rights-based legal framework exists that differentiates between drug users needing medical and psychological assistance and drug traffickers who represent a criminal danger. Although some courts have mandated de-addiction and rehabilitation for users, these occurrences are infrequent and do not constitute a widespread judicial policy.¹³ The National Crime Records Bureau (NCRB) reports that India experienced notable variations in drug-related crimes under the Narcotic Drugs and Psychotropic Substances (NDPS) Act from 2018 to 2020.¹⁴

C. Study of NCRB Report (2018-2020)

2018: Himachal Pradesh recorded 1,342 NDPS cases, placing it third in the country with a crime rate of 18.5 per lakh residents. Significantly, the state recorded the third-highest rate of drug trafficking crimes at 12.8 per lakh, behind Punjab and Chandigarh.¹⁵

In 2019, Punjab recorded 11,536 NDPS cases, topping the nation with a crime rate of 38.5 per lakh residents. Among these, there were 5,609 cases related to personal use, and 5,927 for trafficking purposes. Maharashtra reported the highest number of cases nationally at 14,158, with Punjab and Uttar Pradesh following at 10,198 cases.¹⁶

2020: A significant drop in NDPS cases was observed, probably affected by COVID-19 restrictions. Punjab's cases fell to 6,909, but it still held the highest crime rate at 22.9 per lakh people. Uttar Pradesh recorded the highest number of cases in total with 10,852.¹⁷ Himachal Pradesh rose to the second position in crime rate at 20.9 per lakh population, with 1,538 reported cases. Jammu & Kashmir topped the Union Territories with 1,222 cases, including 933 related to trafficking and 289 for personal use.¹⁸

These statics emphasize regional differences and the changing dynamics of drug-related crimes in India, highlighting the necessity for tailored policy measures.

Additionally, the courts have largely refrained from challenging the constitutionality of the NDPS Act's harsher measures, including obligatory minimum sentences, reversed burden of proof, and rigid bail requirements, which have frequently faced criticism for being excessive and infringing upon fundamental rights.¹⁹ The absence of a strong judicial dialogue on these issues has permitted the law's punitive character to continue mostly unopposed. In summary, the judiciary has had an important, though restricted, influence on the legal discussions surrounding drug abuse in India. Although some rulings have strengthened procedural protections and upheld personal rights, the overall capability of the judiciary to promote a transformative and rehabilitative method is still not fully leveraged. To create a more just and effective drug policy framework, the judiciary should transition from merely upholding procedural correctness to being a proactive supporter of rights-focused reform, guaranteeing that the legal approach to drug misuse is consistent with constitutional values and social equity.²⁰

¹⁰ United Nations Office on Drugs and Crime (UNODC). (2023). *World Drug Report 2023*. Retrieved from <https://www.unodc.org>

¹¹ *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1.

¹² Choudhary, S. (2021). *The NDPS Act and the Right Against Self-Incrimination: A Critical Review Post-Tofan Singh*. *National Law University Law Review*, 8(1), 66–89.

¹³ Dey, A., & Mehta, P. (2022). *Judicial Responses to Drug Offenses in India: Between Reform and Retribution*. *Indian Journal of Constitutional Law*, 16(2), 150–174.

¹⁴ Kumar, V. (2021). *Constitutional Interpretation and Criminal Justice: Revisiting Tofan Singh*. *Journal of Indian Law and Society*, 13(1), 97–112.

¹⁵ National Crime Records Bureau. (2019). *Crime in India 2018*. Ministry of Home Affairs, Government of India. Retrieved from <https://ncrb.gov.in>

¹⁶ National Crime Records Bureau. (2020). *Crime in India 2019* (Vol. 1–3). Ministry of Home Affairs, Government of India. Retrieved from <https://ncrb.gov.in/en/crime-india>

¹⁷ National Crime Records Bureau. (2021). *Crime in India 2020*. Ministry of Home Affairs, Government of India. Retrieved from <https://ncrb.gov.in/en/crime-india>

¹⁸ National Crime Records Bureau. (2020). *Crime in India 2019*. Ministry of Home Affairs, Government of India. Retrieved from <https://ncrb.gov.in/en/crime-india>

¹⁹ Ministry of Home Affairs. (2020). *Statistical Tables: Crime in India 2019 – Chapter 18: Crimes under the NDPS Act*. In *Crime in India 2019*. New Delhi: National Crime Records Bureau.

²⁰ Ibid.

D. Compatibility of Existing Drug Laws in India with Constitutional Principles

The evaluation of the compatibility of current drug laws in India with constitutional principles aims to determine if the legal framework overseeing narcotic and psychotropic substances respects the essential rights provided by the Constitution of India, especially the rights to life and personal liberty (Article 21), equality before the law (Article 14), and safeguards against self-incrimination (Article 20(3)).²¹ The main law regulating drug-related crimes in India, the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), has faced significant examination due to its rigorous provisions, some of which may be seen as conflicting with these constitutional rights. A highly contested element of the NDPS Act is its alteration of the burden of proof in Sections 35 and 54, which mandates that a defendant must demonstrate their innocence once possession is proven. This assumption of guilt directly contradicts the fundamental principle of criminal law that a defendant is considered innocent until established as guilty. While the Supreme Court has affirmed this provision, it has also warned against its abuse, highlighting the importance of adhering closely to procedural protections. Nevertheless, the reversed burden brings significant concerns about the law's alignment with Article 14 (equality under the law) and Article 21, as it alters the evidentiary burden in a way that might result in wrongful convictions and arbitrary arrests.²²

Moreover, Article 21, which secures the right to life and personal liberty, has been construed by the judiciary to encompass the rights to fair trial, dignity, health, and due process. Multiple clauses of the NDPS Act, such as compulsory minimum sentences and stringent bail limitations (Section 37), have faced criticism for breaching these principles by restricting judicial discretion and imposing excessively harsh punishments even in instances involving minor amounts of drugs intended for personal consumption. This uniform approach does not consider the socio-economic realities and health situations of drug users, thus weakening the principle of proportionality, which is crucial to Article 21.²³ Moreover, the protection against self-incrimination in Article 20(3) is threatened by clauses that permit confessions made to specific officers under the NDPS Act to be admissible as evidence.²⁴ In *Tofan Singh v. State of Tamil Nadu* (2020), the Supreme Court ruled that these confessions cannot be admitted, reinforcing the constitutional protection against forced statements. This choice signifies a constructive move toward harmonizing drug legislation with constitutional standards while also emphasizing that specific elements of the Act are fundamentally at odds with essential legal protections.

Additionally, while the Constitution does not explicitly state the right to health, the Supreme Court has interpreted it through Article 21 in multiple rulings, including *Parmanand Katara v. Union of India* (1989) and *Consumer Education and Research Centre v. Union of India* (1995). A punitive strategy that treats addiction as a crime instead of addressing it as a health matter infringes upon this right. The NDPS Act, even with amendments intended to enhance treatment accessibility, still emphasizes imprisonment over rehabilitation, thus neglecting the constitutional duty to guarantee health and dignity for all individuals, including those who use drugs. In summary, although the NDPS Act aims to effectively manage drug abuse and trafficking, many of its clauses conflict with the constitutional values of fairness, liberty, equality, and dignity. A more equitable legal system that distinguishes between users and dealers, allows judicial discretion, and emphasizes rehabilitation instead of punishment would be both more effective and more constitutionally valid. Consequently, an extensive evaluation and revision of the NDPS Act is essential to ensure that India's drug legislation conforms to its constitutional principles and global human rights commitments.²⁵

E. Comparative study of UK and USA Drug laws and Legal challenges in India

India's drug regulations, mainly regulated by the NDPS Act, encounter considerable legal issues, such as a harsh approach, strict bail requirements, unequal sentencing, and minimal emphasis on rehabilitation. Conversely, the UK and USA have progressively embraced public health-focused frameworks, incorporating harm reduction, treatment-based measures, and tiered sentencing. The UK's focus on rehabilitation and the USA's implementation of drug courts and decriminalization initiatives highlight a transition toward viewing drug abuse as a health and social problem instead of merely a criminal offense. To enhance its legal structure, India could incorporate successful methods from these regions by ensuring proportionality in punishments, relaxing bail requirements for minor offenders, encouraging de-addiction and rehabilitation initiatives, and moving towards a balanced strategy that honors constitutional rights while tackling the underlying issues of drug addiction.²⁶

India's drug control legal framework, based on the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), faces numerous significant legal obstacles that impede an effective and compassionate approach to drug addiction. The legislation takes a predominantly punitive stance, making not only drug trafficking illegal but also personal use, frequently lacking clear differentiation between casual users and serious criminals.²⁷ Strict bail requirements outlined in Section 37 create a reverse burden of proof, rendering it highly challenging for undertrial inmates particularly those from marginalized communities to obtain bail. The NDPS Act's sentencing does not sufficiently distinguish between amounts, roles, and situations, causing unequal penalties that do not align with the seriousness of the crime. Furthermore, the Act places inadequate focus on rehabilitation, reintegration, and harm reduction approaches, even though drug dependence is broadly acknowledged as a health problem.²⁸

In contrast, over the last few decades, both the United Kingdom and the United States have gradually moved from punitive approaches to public health-centered models of drug regulation. The Misuse of Drugs Act 1971 in the UK, although it continues to criminalise specific actions, is applied with a focus

²¹ Pillai, K. N. C., & Shankar, K. (2014). *Essays on the NDPS Act: Critical and Constitutional Perspectives*. LexisNexis.

²² Supreme Court of India. (2020). *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1.

²³ Supreme Court of India. (1989). *Parmanand Katara v. Union of India*, AIR 1989 SC 2039.

²⁴ Supreme Court of India. (1995). *Consumer Education and Research Centre v. Union of India*, (1995) 3 SCC 42.

²⁵ Supreme Court of India. (1999). *Mohan Lal v. State of Rajasthan*, AIR 1999 SC 3491.

²⁶ Bewley-Taylor, D. R. (2012). *International Drug Control: Consensus Fractured*. Cambridge University Press.

²⁷ Bedi, M. (2015). *Human Rights and Drug Control: The False Dichotomy*. Hart Publishing.

²⁸ Chatterjee, S. (2021). *Drug Addiction and Law: Legal and Socio-Legal Perspectives*. Eastern Book Company.

on proportionality, reducing harm, and providing treatment.²⁹ The UK government backs evidence-based measures such as opioid replacement therapy, needle exchange initiatives, and diversion programs that seek to lessen the negative effects of drug use without unjustly prosecuting the user. Likewise, in the USA, even with a history of stringent federal drug laws, numerous states have adopted decriminalization measures for personal consumption (particularly for cannabis) and created drug treatment courts that redirect qualified offenders into monitored rehabilitation rather than imprisonment.³⁰ The U.S. advocates for graduated sentencing models that take into account the defendant's involvement, addiction level, and past behavior promoting a fairer legal approach.³¹

To establish a more balanced, constitutionally robust, and efficient legal framework, India needs to incorporate these international best practices while considering local social and legal contexts. This would require modifying the NDPS Act to establish a clear differentiation between users, minor peddlers, and major traffickers, thereby encouraging proportionality in sentencing. Bail regulations need to be streamlined, especially for instances involving minor amounts intended for personal use, to lessen the strain on the court system and avoid unnecessary detention. Additionally, India must enhance its funding for de-addiction facilities, combine health services with legal systems, and formalise harm reduction methods like safe consumption sites and opioid replacement therapy. A public health approach along with a rehabilitative focus instead of a punitive one would tackle the underlying causes of addiction, alleviate prison overcrowding, and ensure that the legal framework conforms to the constitutional principles of dignity, personal freedom, and health rights as stipulated in Article 21 of the Indian Constitution. By doing this, India can advance toward a fair, compassionate, and efficient approach to the intricate issue of drug abuse.³²

Conclusion and Suggestions

The legal framework regarding drug abuse in India indicates a slow but inadequate transition from a retributive to a more equitable perspective. While courts have sporadically referenced constitutional protections, the primary structure continues to be based on deterrence. Substance misuse is not just a legal concern; it is a social disorder that demands complex legal, medical, and psychological approaches. A solely criminal strategy not only overlooks the underlying issues but also exacerbates the marginalization of at-risk communities. In summary, the legal and judicial advancement of drug laws in India illustrates a historical progression from colonial-era regulatory systems, focused on control and revenue, to the current, more rigorous, and frequently punitive structure represented by the Narcotic Drugs and Psychotropic Substances Act, 1985.³³ Throughout the years, the judiciary has been essential in influencing how these laws are implemented, establishing crucial procedural protections and reinforcing fundamental rights via significant rulings. Nevertheless, the courts have been careful in completely adopting a rehabilitative framework that considers drug abuse primarily as a public health concern rather than just a criminal matter. This doubt has led to a legal framework that often enforces severe punishments without discrimination, frequently neglecting to differentiate between drug users needing medical help and traffickers deserving strict legal action. As a result, multiple elements of the NDPS Act conflict with constitutional rights, such as the right to life and personal liberty in Article 21, the right to equality in Article 14, and safeguards against self-incrimination in Article 20(3). The inadequate safeguarding of these rights, along with mandatory minimum sentences and stringent bail limitations, diminishes the values of proportionality, dignity, and justice that are essential to India's constitutional democracy.

Tackling these systemic shortcomings requires extensive legal reforms that not only conform to constitutional requirements but also integrate international best practices rooted in human rights and public health viewpoints. Lifting the criminal penalties for holding small amounts of drugs for personal consumption, as observed in forward-thinking regions worldwide, would lessen the strain on the criminal justice system and avoid the stigmatization and exclusion of drug users. Additionally, a distinct legislative separation between users and traffickers would enable tailored and suitable reactions emphasizing rehabilitation and harm reduction for users, while imposing strict enforcement on organized trafficking networks. Incorporating harm reduction approaches like opioid substitution therapy, needle exchange initiatives, and access to voluntary treatment into the legal system would improve health results and lower the societal costs tied to drug misuse. It is essential that reforms protect the constitutional rights of drug users by guaranteeing due process, fair trials, and judicial flexibility in sentencing and bail choices, all while encouraging transparency and policy decisions based on evidence.³⁴

A revamped drug law system would indicate a transition from a primarily punitive stance to a more humane, equitable, and effective one acknowledging addiction as a multifaceted socio-medical issue linked to social justice concerns. This strategy offers the potential to lessen drug-related harm while also respecting the dignity, rights, and recovery of those impacted, promoting a fairer and more empathetic community. By doing this, India can more effectively achieve its constitutional values and global obligations, while tackling the complex issue of drug addiction in the 21st century.³⁵ India's present drug policy, governed by the NDPS Act of 1985, is excessively harsh and antiquated, requiring immediate reform to conform to international best practices and human rights norms. Key changes involve: legalizing personal drug use, similar to Portugal; differentiating users from traffickers to avoid unjust prosecutions; increasing harm reduction services such as OST and needle exchange initiatives; and focusing on rehabilitation and reintegration instead of prison sentences.³⁶ Bail and sentencing regulations, especially Section 37, require immediate leniency to maintain adherence to Article 21 of the Constitution. Moreover, the legislation must uphold constitutional protections, such as the presumption of innocence and the rights to a fair trial, as

²⁹ Dey, A., & Mehta, P. (2021). Rethinking Punitive Drug Laws in India: A Comparative Study with Western Jurisdictions. *Indian Journal of Law and Policy*, 15(2), 114–139.

³⁰ Global Commission on Drug Policy. (2017). *The World Drug Perception Problem*. Retrieved from <https://www.globalcommissionondrugs.org>

³¹ Sharma, R. (2022). Proportionality in Sentencing and India's NDPS Act: A Constitutional Dilemma. *NUJS Law Review*, 14(1), 65–83.

³² Singh, V. (2023). Drug Courts in the USA: Lessons for India's Criminal Justice System. *Journal of Comparative Criminal Justice*, 17(2), 77–101.

³³ Sharma, S. (2023). The Role of the Judiciary in Humanizing India's Drug Laws: Progress and Pitfalls. *NUJS Law Review*, 15(1), 88–110.

³⁴ Singh, R. (2021). Revisiting Section 37 of the NDPS Act: Bail and Article 21. *National Law School Journal*, 13(1), 42–67.

³⁵ Dey, A., & Mehta, P. (2022). Rethinking India's NDPS Act: A Public Health Perspective. *Indian Journal of Law and Public Policy*, 15(2), 98–123.

³⁶ Law Commission of India. (2015). *Report No. 267: Bail Reforms*. Retrieved from <https://lawcommissionofindia.nic.in/reports/report267.pdf>

emphasized in *Tofan Singh v. State of Tamil Nadu* (2020). Ultimately, future reforms must be directed by evidence-based policymaking and clear data collection. Collectively, these actions would transform India's drug policy into a more compassionate, health-focused, and rights-centered legal system.³⁷

³⁷ Supreme Court of India. (2020). *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1.