

Efficacy of Existing Laws and Regulations on Drug Abuse in India: An Analytical Study

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Abstract

This paper examines the efficacy of India's legislative and regulatory regime in addressing drug abuse and trafficking. It focuses on key statutes such as the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), their amendments, enforcement trends, and outcomes in terms of prevalence, trafficking cases, convictions, and rehabilitation. Drawing on secondary data from national surveys, government releases, and scholarly analyses, the study identifies strengths (e.g., broad regulatory sweep, coercive powers) and weaknesses (e.g., low conviction rates, enforcement skewed toward users rather than supply chains, gaps in rehabilitation). It culminates in recommendations for policy refinement, enhanced inter-agency coordination, and a more balanced demand-and-supply approach. The paper contributes a calibrated assessment of how legal frameworks translate (or fail to translate) into real-world impact on drug abuse in India. In this research paper, researcher focuses on the efficacy of laws

Keywords: Drug abuse, Drug trafficking, NDPS Act 1985

1. Introduction

Drug abuse and illicit trafficking continue to pose serious socio-economic and public-health challenges across the world, and India is no exception. The misuse of narcotic and psychotropic substances affects not only individuals and families but also society at large, leading to health crises, social instability, loss of productivity, and increased crime.

Recognising the dangers of intoxicating substances, the **Constitution of India** lays down a clear responsibility for the State. **Article 47**, under the Directive Principles of State Policy, directs the government to improve public health and to take steps to prohibit the consumption of intoxicating drinks and drugs that are harmful to health. This constitutional mandate reflects India's long-standing commitment to curbing substance abuse and protecting public welfare.

To implement this constitutional goal, India has enacted several laws over time. The most comprehensive and significant among them is the **Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985**. This Act consolidates and strengthens existing laws relating to narcotic drugs, provides for strict control over production, possession, sale, and transport, and prescribes severe punishments for offences. The NDPS Act has also been amended several times (in 1989, 2001, and 2014) to make it more effective and to bring it in line with changing patterns of drug use and

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international conventions such as the **Single Convention on Narcotic Drugs (1961)**, the **Convention on Psychotropic Substances (1971)**, and the **UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)**.

Despite this strong legal framework, India continues to face serious challenges in combating drug abuse and trafficking. The patterns of drug use have evolved—from traditional opium and cannabis to synthetic drugs, pharmaceutical misuse, and inhalants. Enforcement agencies often struggle with issues such as cross-border trafficking, limited rehabilitation infrastructure, and the social stigma that prevents victims from seeking help. Moreover, there is a growing debate about how to balance strict law enforcement with a more humane, health-based approach to addiction treatment and rehabilitation.

This paper seeks to provide an **analytical overview** of how effectively the existing laws and regulations—especially the NDPS Act and related policies—are functioning in the Indian context. It examines whether the current framework adequately addresses the changing nature of drug use, supports preventive education and rehabilitation, and aligns with India’s constitutional vision of a healthy and just society.

2. Legal and Regulatory Framework

The NDPS Act was a landmark piece of legislation in India which consolidated various older laws relating to narcotic drugs and psychotropic substances, and introduced a comprehensive scheme for their regulation, including manufacture, possession, sale, transport, use, and even cultivation of certain plants.³

Its primary goal is to prevent illicit trafficking and abuse of drugs, while also permitting medical and scientific uses under strict conditions.⁴

For example, one review notes:

“Narcotic drugs mean those drugs which induce sleep while psychotropic substances are those who impact on the mind ... The NDPS Act was enacted by Parliament ... its aim or purpose is to control the drugs of abuse, prohibit its use, dissipation, distribution, manufacturing, trade etc.”⁵

Research shows that while the Act strengthened India’s anti-drug control regime, significant enforcement and rehabilitation challenges remain.⁶

Some key features of the NDPS Act include:

- It applies to **all India**, and covers Indian citizens abroad and persons on Indian ships/aircraft.
 - It imposes strict penalties for offences, including different treatment for small quantity versus commercial quantity.⁷
 - It allows for forfeiture of property derived from illicit trafficking, and controls precursor chemicals.⁸
- In sum, the NDPS Act serves as the core national law regulating narcotic drugs and psychotropic substances in India, providing the legal backbone for suppression of trafficking and misuse.

³ Rahul Kalura, *Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985*, International Journal of Law, Management and Humanities.

⁴ B. Thakur & N. Mittal, *Drug Policy in India: An Analysis*, 59(1) International Annals of Criminology 88–97 (2021).

⁵ Dr. Rashmi Gupta & Laxmi Gupta, *Narcotic Drugs and Psychotropic Substances Act, 1985: A Legal and Empirical Analysis of Its Effectiveness in Addressing Drug Abuse and Trafficking in India*, Indian Journal of Law and Legal Research (ISSN: 2582-8878).

⁶ *Ibid*

⁷ Thakur & Mittal, *supra note 2*.

⁸ Hiralal Tekchandbha Nimje & Dr. Bhadrash Anilkumar Dalal, *Gujarat – Emerging as a Hub Center for Import, Trade and Consumption of Drugs*, 43(2) Library Progress International 1392–1399 (Jul.–Dec. 2023).

Amendments to the NDPS Act (1988, 2001, 2014, 2021)

Over the decades, the NDPS Act has been **amended** at various points to respond to evolving realities—new patterns of drug use (such as synthetics), international obligations, and to refine enforcement mechanisms.

Some highlights:

- The 1988 amendments expanded control over precursor chemicals and property forfeiture.⁹
- The 2014 amendment was significant: it relaxed certain provisions for **essential narcotic drugs** (for palliative care), eased access for medical use, while still strengthening trafficking punishments.
- The 2021 amendments further refined the Act though many details remain under review in research literature.

Thus, while the Act's skeletal structure dates to 1985, its evolutionary timeline shows the State's effort to keep pace with new challenges in drug control, but also highlights that the law is not static and continues to be adapted.

Drugs and Cosmetics Act, 1940

The Drugs & Cosmetics Act (D&C Act) is a distinct but related law, which regulates the manufacture, sale, import, distribution and labelling of drugs (medicinal substances) and cosmetics in India.

Its relationship with the NDPS Act is one of **complementarity**: while NDPS deals with narcotic/psychotropic substances (abuse, trafficking, control), the D&C Act deals broadly with the pharmaceutical and cosmetics sector – ensuring safety, quality and legality of drugs and cosmetics. For example, a comparative article explains:

“Domestic legislation for regulating narcotic drugs and psychotropic substances in India has come in the form of NDPS Act, 1985 ... The Drugs and Cosmetics Act, 1940 is a life-saving statute. ... Both acts regulate narcotic drugs and psychotropic substances but the NDPS Act is special and strictest legislation for these substances.”¹⁰

Some key aspects of the D&C Act:

- It requires manufacturers/importers/sellers of drugs & cosmetics to obtain licences, meet standards of quality, labelling, packaging.
- It defines and penalises “misbranded”, “adulterated” or “spurious” drugs, which is crucial for public health protections.

In the context of drug-abuse legislation, the D&C Act plays a role in regulating prescription medicines and preventing diversion of legal drugs into illicit channels, thus complementing NDPS's suppression role.

Institutional Architecture: Narcotics Control Bureau (NCB) and allied agencies

For the legal framework to be effective, there must be institutions to implement, enforce and coordinate. In India, the NCB is the central agency tasked with coordination of enforcement under the NDPS Act, alongside state agencies and allied ministries.¹¹

⁹ *Ibid*

¹⁰ Vikaas Budhwaar, Vaishali Pruthi, Arun Nanda, Manjusha Choudhary & Prateek, *A Comparison of Narcotic Drugs and Psychotropic Substances Act with Drugs and Cosmetics Act: Salient Differences*, International Journal of Drug Regulatory Affairs.

¹¹ Ministry of Home Affairs, *Role and Functions of Narcotics Control Bureau*, available at: <https://www.mha.gov.in/en/commoncontent/role-and-functions-narcotics-control-bureau> (last visited on 12/11/2025).

Some details:

- The Bureau was set up in March 1986 under Section 4(3) of the NDPS Act.¹²
- Its functions include coordinating between central & state enforcement agencies, collecting and analysing seizure/intelligence data, liaising with international bodies (e.g., UN bodies, INTERPOL) and assisting States in capacity building.
- While the NCB plays a key role at national level, states also have their own drug control / excise / police departments that enforce the laws locally.
Therefore, the institutional architecture ensures that the statutory laws are not just on paper, but have a machinery behind them. At the same time, research indicates that institutional challenges (resource constraints, coordination gaps) remain significant.¹³

2.2 Key Regulatory Features

Prohibition unless permitted

Under the NDPS Act, the following kinds of activity involving specified narcotic drugs or psychotropic substances are **prohibited** unless the government gives explicit permission: manufacture, production, possession, transport, sale, purchase, storage/warehousing, consumption, import/export, and even trans-shipment.¹⁴

Search, seizure, forfeiture and penalty mechanisms

The Act gives the Central Government, State Governments and law-enforcement agencies a range of powers to enforce the law. These include:

- Powers to **search** premises, vehicles, persons suspected of offences under the Act.
- Powers to **seize** narcotic/psychotropic substances, as well as property derived from or used in the commission of offences (i.e., forfeiture of assets).
- Penalties for contraventions: The Act prescribes different punishment regimes depending on the quantity involved (small quantity, less than commercial quantity, commercial quantity) and the nature of the offence (manufacture, trafficking, consumption).¹⁵

For example, Section 8 prohibits the operations listed above; Section 21 deals with punishment for certain manufactured drugs & preparations.

These mechanisms are intended to deter illicit supply, ensure that offenders face significant consequences, and enable the State to reclaim assets tied to drug-trafficking operations.

National Fund for Control of Drug Abuse & Rehabilitation provisions (Section 71)

The NDPS Act not only focuses on suppression of illegal activity, but also incorporates **regulatory and remedial** features — in particular, provisions aimed at treatment, rehabilitation and social reintegration of addicts. Some key aspects:

- Under Chapter IIA of the Act, there is provision for creation of the **National Fund for Control of Drug Abuse** (sometimes referenced as for control of substance abuse) which can be used for combating illicit trafficking, controlling abuse, identifying and treating addicts, prevention, public education, etc.

¹² *Ibid*

¹³ Amritpal Singh & Prof. (Dr.) Simranjeet Kaur Gill, *An Examination of the Narcotics Control Bureau (NCB) in India: Strategies, Challenges and Impact*, Indian Journal of Law and Legal Research (ISSN: 2582-8878).

¹⁴ *NDPS Act: Provisions*, available at: <https://lawblend.com/articles/ndps-act-provisions/> (last visited on 13/11/2025).

¹⁵ *NDPS Act: Important Sections and Landmark Judgments*, available at: <https://www.lawyersclubindia.com/articles/ndps-act-important-sections-and-landmark-judgments-14894.asp> (last visited on 13/11/2025).

- Section 71 of the Act specifically provides that the government **may establish**, recognise or approve centres for the identification, treatment, education, after-care, rehabilitation and social reintegration of addicts, and for the supply of narcotic or psychotropic substances for medical necessity.
- Research commentary has emphasised that this marks a shift (at least in principle) towards a “therapeutic” or health-based approach for drug users (especially addicts) as opposed to purely punitive. For instance, one study states:

“This paper examines ... the evolving societal perceptions of drug addicts and advocates for a therapeutic approach ... rather than enforcing stricter penalties that jeopardise the futures of innocent, victimised addicts without yielding positive results.”¹⁶

Thus, the law tries to balance the need for control/suppression with the need for treatment/rehabilitation.

2.3 Demand-Reduction and Supply-Control Policies

- The National Policy for the Treatment of Drug Use Disorders, 2023 (and earlier the 2012 NDPS Policy) emphasise demand reduction, treatment and rehabilitation. See e.g., the Annual Report 2019-20 noting prevalence data and services.
- Supply-control measures: seizures, border control, monitoring of precursor chemicals, regulatory oversight of pharma trade.

3. Data on Extent, Pattern & Enforcement

3.1 Prevalence of Substance Use

- According to the 2019 survey by the National Institute of Social Defence (NISD)/Ministry of Social Justice & Empowerment: among Indians aged 10-75 years:
 - About 3.1 crore (2.8 %) are current users of cannabis.¹⁷
 - Opioid use (including pharmaceutical opioids) is approx. 2.06 %.¹⁸
 - Sedative (non-medical use) current users: about 1.08 % (~1.18 crore).¹⁹
 - About 8.5 lakh people inject drugs (people who inject drugs – PWID).²⁰
- Other sources: An article summarises various trends, e.g., 2019 data: ~3 crore cannabis users; ~2.1 % (2.26 crore) using opioids.²¹

These figures highlight a non-trivial population engaged in substance use, indicating the demand side remains sizeable.

3.2 Enforcement Data – Cases Registered & Trafficking

- From a 2023 Press Information Bureau release: State/UT-wise data of cases registered for drug trafficking under NDPS Act for years 2020-2022: total for India increased from ~26,560 in 2020 to ~38,064 in 2022.²² In an article summarising state/UT data, it was reported that the total cases

¹⁶ Dr. Deepa Dubey & Ms. Medha Singh, *Analysis of the Prosecution of Drug Addicts under the NDPS Act: A Victim Justice Perspective*, South Eastern European Journal of Public Health.

¹⁷ National Institute of Social Defence, *National Centre for Drug Abuse Prevention*, available at: https://nisd.gov.in/drug_abuse_prevention.html (last visited on 20/11/2025).

¹⁸ *Ibid*

¹⁹ *Ibid*

²⁰ Department of Social Justice & Empowerment, Government of India, *Annual Report 2019–20*, available at: http://nhapoa.gov.in/files/annual_report_201920e.pdf (last visited on 22/11/2025).

²¹ *Extent, Pattern and Trends of Drug Abuse in India*, available at: <https://bnwjournals.com/2021/08/31/extent-pattern-and-trends-of-drug-abuse-in-india/> (last visited on 22/11/2025).

²² Press Information Bureau, Government of India, *Drug Trafficking in the Country*, Posted on: 24 July 2024.

registered under the NDPS Act in India were **1,02,769 in 2022, 1,09,546 in 2023, and 89,913 in 2024.**²³

- In the state of Kerala: 8,104 cases in 2023, 8,160 in 2024, and by August 2025 already 8,622 cases registered under the NDPS Act.²⁴
- In 2020, Andhra Pradesh had 602 cases; in 2021: 1,085; 2022: 870. Several states show varying trends.²⁵
- For seizures: In 2024, across India, about **1,087 tonnes** of narcotic drugs and psychotropic substances were seized in approximately **72,496 cases**, down ~22% from 2023.²⁶
- A recent peer-reviewed article analysing NCRB data 1986-2021 shows that arrests, charge sheets and convictions under NDPS Act have increased as a proportion of Special & Local Laws.²⁷
- In Delhi: Between Jan–March 2025 the number of NDPS Act cases jumped to 544, up from 257 during the same period in 2024.²⁸

3.3 Other Indicators: Seizures, Convictions, Rehabilitation

- Some reports point to low conviction rates or delays: e.g., in Andhra Pradesh despite large ganja seizures and arrests, only ~120-130 convicts were serving sentences while ~1,200 awaited trial.²⁹
- Studies indicate enforcement skew: e.g., in Ludhiana, ~92 % of NDPS cases in 2023 were related to personal use, only ~7.5 % to trafficking. Thus, about **92 out of every 100 cases** were about **personal drug use**, while only **around 7 or 8 cases** were about **drug trafficking.**³⁰
- In Haryana: From Jan 2023 to March 2024, 2,405 cases registered and 3,562 arrests under the NDPS Act.³¹

4. Analytical Assessment of Efficacy

4.1 Strengths of the Legal Framework

- The NDPS Act provides a comprehensive legal regime covering manufacture, trafficking, consumption, forfeiture and treatment. The powers for search, seizure and forfeiture are broad.³²

²³ *Trend Declining, but Punjab Witnesses 2nd Highest Number of NDPS Act Cases in 2024*, available at: <https://www.tribuneindia.com/news/punjab/trend-declining-but-punjab-witnesses-2nd-highest-number-of-ndps-act-cases-in-2024/> (last visited on 23/11/2025).

²⁴ *Kerala Excise Records All-time High NDPS Act Cases in 2025*, available at: <https://www.deccanchronicle.com/southern-states/kerala/kerala-excise-records-all-time-high-ndps-act-cases-in-2025-1905090> (last visited on 23/11/2025).

²⁵ *Ibid*

²⁶ *Narcotic Drug Seizure Declines 22% to 1.087 Tonnes in 2024*, available at: <https://www.moneycontrol.com/news/india/narcotic-drug-seizure-declines-22-to-1-087-tonnes-in-2024-12934857.html> (last visited on 23/11/2025).

²⁷ Y.P.S. Balhara, S. Sarkar & A.J. Rajguru, *Drug-related Offences in India: Observations and Insights from the Secondary Analysis of the Data from the National Crime Records Bureau*, 46(6) *Indian Journal of Psychological Medicine* 527–534 (Nov. 2024).

²⁸ *Booze Busts, Drug Hauls Surge in Delhi: NDPS Offences Double, Excise Act Cases up by 80 per cent*, available at: <https://theprint.in/india/booze-busts-drug-hauls-surge-in-delhi-ndps-offences-double-excise-act-cases-up-by-80-per-cent/2596290/> (last visited on 29/11/2025).

²⁹ *AP High on Ganja Trade, Low on Conviction*, available at: <https://timesofindia.indiatimes.com/city/vijayawada/ap-high-on-ganja-trade-low-on-convictions/articleshow/123950905.cms> (last visited on 29/11/2025)

³⁰ *NCRB Report: 92% Drug Cases in Ludhiana Target Addicts, Not Peddlers*, available at: <https://timesofindia.indiatimes.com/city/ludhiana/ncrb-report-92-drug-cases-in-ludhiana-target-addicts-not-peddlers/articleshow/124490156.cms> (last visited on 29/11/2025)

³¹ *Haryana Police Register over 2,400 NDPS Cases, Arrest 3,562 in 15 Months*, available at: <https://www.indianeconomicobserver.com/news/haryana-police-register-over-2400-ndps-cases-arrest-3562-in-15-months20240718191715/> (last visited on 29/11/2025)

- India has ratified the major United Nations drug conventions and the legislation is aligned with international obligations.
- Enforcement trends (increasing case registrations) suggest that the system is alive and active in registering offences.
- The inclusion of treatment/rehabilitation provisions (Section 71 of NDPS Act) and policy emphasis on demand reduction indicate a shift beyond pure criminalisation.³³

4.2 Weaknesses and Gaps

- **Low conviction and long trial delays:** Despite increasing arrests, many cases languish in courts; a high proportion remain unconvicted or under trial. E.g., the Andhra Pradesh example above.³⁴
- **Enforcement skewed toward users rather than traffickers:** The Ludhiana data show that ~92 % of cases targeted users not supply chains; this may limit impact on the root of the problem.
- **Growing synthetic/pharmaceutical misuse:** While the legislation addresses narcotics and psychotropics, evolving substance-use patterns (new synthetics, inhalants, non-medical use of pharmaceuticals) may outpace enforcement design.
- **Data limitations & rehabilitation gaps:** While prevalence data exist, the linkage between legal enforcement and measured reduction in drug abuse prevalence is weak. Treatment and after-care services may be inadequate relative to need.
- **State heterogeneity:** Enforcement, convictions and resources vary widely across states/UTs; some states have very high trafficking cases (e.g., Punjab) compared to others.³⁵

4.3 Discussion: Are the Laws Effective?

Based on the data, we can infer that while India's legal and regulatory machinery is robust on paper and shows active enforcement metrics (case registrations, seizures), effectiveness in **reducing overall prevalence of drug abuse** or **disrupting major supply chains** appears less clear.

- The increasing number of cases registered might reflect greater enforcement activity rather than a reduction in underlying drug abuse.
- Low conviction rates or delayed justice reduce deterrent effect and may weaken the credibility of the law.
- Targeting users rather than large-scale traffickers may moderate supply disruption impact.
- Without strong rehabilitation and demand-reduction programmes, supply-control alone cannot suppress the epidemic of substance use.

Therefore, the efficacy is **partial**: laws are necessary and being utilised, but their full potential is hindered by structural, operational and policy weaknesses.

5. Recommendations

To enhance efficacy of the existing laws and regulations, the following recommendations are proposed:

1. **Strengthen convictions and trial processes:** Arresting drug offenders alone is not enough. Special fast-track courts should handle NDPS cases to ensure that trials are completed quickly. Investigations

³² B.V. Kumar & R.K. Tewari, *Narcotic Drugs and Psychotropic Substances: Laws of India* (2nd Rev. ed., 1990), available at: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/narcotic-drugs-and-psychotropic-substances-laws-india-second> (last visited on 29/11/2025)

³³ *Ministry of Home Affairs, supra note 10.*

³⁴ *National Institute of Social Defence, supra note 15.*

³⁵ *NDPS Act: Provisions, supra note 12.*

and forensic support should be improved so that arrests lead to actual convictions, giving the law a stronger deterrent effect.

2. **Focus on major traffickers and drug networks:** Currently, enforcement often targets individual users rather than the people running large-scale drug operations. More resources should go toward tracking and dismantling trafficking networks and commercial suppliers using intelligence-driven strategies, rather than mainly focusing on minor offenders.
3. **Expand treatment and rehabilitation services:** To reduce drug demand, more treatment centres (like Integrated Rehabilitation Centres for Addicts) should be established. Services should be connected with mental health support, and after-care programmes should help addicts reintegrate into society, reducing the risk of relapse.
4. **Adapt regulations to new drug trends:** The types of drugs being misused are changing, with synthetic drugs, pharmaceutical abuse, and inhalants becoming more common. Laws and monitoring systems need to be updated to include these substances, ensure better control of precursor chemicals, and regulate pharmaceutical sales to prevent misuse.
5. **Improve data collection and monitoring:** A strong national system should track drug use patterns, enforcement actions, and treatment outcomes. Reliable data and clear performance indicators can help assess whether laws and policies are actually reducing drug abuse.
6. **Build state-level capacity and promote coordination:** Drug enforcement agencies in states should be strengthened with proper training, staffing, and resources. Coordination between police, customs, health departments, social welfare agencies, and the judiciary is critical for an effective, unified approach.
7. **Increase community awareness and prevention programs:** Preventing drug use is as important as controlling supply. Educational programmes should target schools, communities, and at-risk youth. Awareness campaigns can help reduce demand and inform people about the dangers of drug use, particularly in high-risk areas.

6. Limitations of the Study

- The study relies on secondary data; primary field interviews or surveys are beyond scope.
- Prevalence data are self-reported in many cases and may under-estimate actual consumption.
- Data on treatment outcomes and long-term impact of laws (on reducing prevalence) are limited.
- Variation across states means national-level inferences may mask regional heterogeneity.

7. Conclusion

India has built a strong legal and policy framework to combat drug abuse and trafficking. The **NDPS Act, 1985**, along with its later amendments and supporting laws such as the **Drugs and Cosmetics Act, 1940**, provides comprehensive powers for regulation, enforcement, and punishment. India's policies also recognise the importance of **rehabilitation, awareness, and treatment**, as seen in the **National Policy for the Treatment of Drug Use Disorders (2023)** and earlier NDPS policy initiatives. Together, these laws and policies demonstrate a clear national commitment to controlling both the supply and demand sides of drug use.

However, the study shows that **the effectiveness of these laws in practice remains mixed**. While enforcement activities—such as seizures, arrests, and prosecutions—have increased, conviction rates remain low, and delays in trials often weaken the deterrent impact. Moreover, enforcement tends to focus

more on individual users rather than large-scale traffickers, which limits its impact on the drug supply chain. At the same time, **rehabilitation and demand-reduction measures**—such as counselling, de-addiction centres, and community outreach—are still not sufficient to meet the growing need.

The **emerging challenge of synthetic and pharmaceutical drug misuse** further complicates the situation, showing that laws must continually adapt to new trends. Strengthening institutional coordination between enforcement, health, and social welfare agencies, along with better data collection and evaluation, is essential for a more effective approach.

In conclusion, India's legal framework provides a **solid foundation** for addressing drug abuse, but the country must now focus on improving **implementation, inter-agency collaboration, and rehabilitation infrastructure**. A more **balanced and humane approach**—one that treats addiction as both a crime and a public-health issue—will make the system more effective. Real success will come when laws not only punish offenders but also help individuals recover, communities heal, and future generations stay protected from drug abuse.

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