

## NARCOTICS TRAFFICKING UNDER NDPS ACT, 1985

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### ABSTRACT

Narcotics trafficking has emerged as one of the most serious forms of organized crime in the modern world, posing a significant threat to public health, social stability, economic development, and national security. In India, the growing menace of drug abuse and illicit trafficking led to the enactment of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), which provides a comprehensive legal framework to regulate and control narcotic substances. This research article examines the nature, scope, and effectiveness of the NDPS Act in combating drug trafficking. It analyses the stringent provisions of the Act, including punishment based on quantity, reverse burden of proof, and restrictive bail conditions. The article also evaluates procedural safeguards and highlights the critical role played by the judiciary in ensuring fairness and protection of fundamental rights. Further, it discusses major challenges such as over-criminalization, lack of distinction between traffickers and minor offenders, delays in trials, and misuse of provisions. The study emphasizes the need for a balanced socio-legal approach that integrates strict enforcement with rehabilitation, awareness, and reformatory justice. The article concludes that while the NDPS Act is a powerful tool against drug-related crimes, necessary reforms are required to ensure justice, proportionality, and effectiveness in its implementation.

### INTRODUCTION

Drug abuse and illicit trafficking have become global issues affecting millions of people across countries. The increasing demand for narcotic drugs and psychotropic substances has led to the growth of organized criminal networks that operate across national and international boundaries. These networks are highly structured, profit-driven, and involve activities such as production, transportation, distribution, and sale of illegal drugs.

In India, drug trafficking has serious consequences on society. It not only affects the health of individuals, particularly youth, but also leads to increased crime, violence, and social

disorder. The involvement of organized criminal groups further aggravates the situation, making it a matter of national concern. To address this growing problem, the Indian Parliament enacted the Narcotic Drugs and Psychotropic Substances Act, 1985. The NDPS Act consolidates and strengthens laws relating to narcotic drugs and aims to prevent and control drug abuse and illicit trafficking. It also fulfills India's international obligations under various United Nations conventions on drug control. The NDPS Act is distinct from ordinary criminal laws due to its stringent nature. It provides for severe punishments, strict procedural requirements, and special rules regarding investigation and trial. The Act classifies

offences based on the quantity of drugs involved and imposes harsh penalties for commercial quantity offences. It also introduces provisions such as reverse burden of proof and restrictions on bail, making it one of the strictest penal laws in India. However, despite its strict framework, the Act has been subject to criticism. Issues such as over-criminalization, lack of differentiation between traffickers and minor offenders, and procedural rigidity have raised concerns regarding its fairness and effectiveness.

## LEGAL ANALYSIS

### Nature and Scope of the NDPS Act

The NDPS Act, 1985 is a special legislation enacted to regulate and control narcotic drugs and psychotropic substances in India. It applies to the entire country and extends to Indian citizens outside India. The Act prohibits activities such as production, manufacture, possession, sale, purchase, transport, storage, consumption, import, and export of narcotic substances except for medical and scientific purposes.

### Classification of Offences and Punishment

The Act categorizes offences into small quantity, intermediate quantity, and commercial quantity. Punishment varies accordingly, with severe penalties imposed for commercial quantity offences, including rigorous imprisonment up to 20 years and heavy fines.

### Stringent Provisions

The NDPS Act includes strict provisions such as reversed burden of proof under Sections 35 and 54, and restrictive bail conditions under Section 37. These provisions shift the burden on the accused and limit judicial discretion.

### Procedural Framework

The Act lays down detailed procedures for search, seizure, and arrest. Strict compliance with these procedures is mandatory to ensure fairness and prevent misuse.

### Role of Judiciary

The judiciary ensures protection of fundamental rights and fair trial. Courts emphasize strict

compliance with procedural safeguards.

## Organized Crime and Drug Trafficking

Drug trafficking is carried out by organized criminal groups with hierarchical structures, secrecy, and international operations.

## Challenges

The Act faces issues such as over-criminalization, delays in trials, misuse of provisions, and lack of rehabilitation measures.

## Need for Reform

Reforms are required to introduce rehabilitation, ensure proportional punishment, and strengthen accountability of enforcement agencies.

## CONCLUSION

The NDPS Act, 1985 plays a crucial role in combating drug trafficking and protecting society from the harmful effects of narcotics. However, its rigid application has led to issues such as over-criminalization and procedural delays. While the judiciary has attempted to balance enforcement with fundamental rights, legislative reforms are necessary. A balanced approach combining strict enforcement with rehabilitation and awareness is essential for effective justice.

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