

## DRUG ADDICTION AS A PUBLIC HEALTH CRISIS: LEGAL FRAMEWORKS, POLICY GAPS, AND THE WAY FORWARD

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### ABSTRACT

Drug addiction in India has gradually evolved from being viewed solely as a criminal issue to a more complex concern involving public health, human rights, and social welfare. Despite the presence of a stringent legal framework under the Narcotic Drugs and Psychotropic Substances Act, 1985, substance abuse continues to rise across different sections of society, particularly among the youth. This raises important questions about the effectiveness of a system that relies heavily on punishment while offering limited emphasis on treatment and rehabilitation.

This article critically examines the existing legal framework governing drug control in India and evaluates whether it adequately addresses addiction as a public health issue. It explores the role of the judiciary, the gap between legislative intent and practical implementation, and the social stigma that continues to surround substance abuse. Drawing from both doctrinal analysis and empirical observations, the study highlights the limitations of a purely punitive approach.

The article argues that drug addiction cannot be effectively addressed without integrating healthcare, awareness, and rehabilitation into the legal response. It concludes by suggesting that a balanced and humane approach, combining legal regulation with public health strategies, is essential for meaningful reform.

**Keywords:** Drug addiction, NDPS Act, public health, rehabilitation, criminalization, stigma, policy reform

### I. INTRODUCTION

Drug addiction in India has traditionally been approached as a matter of criminal law, with emphasis placed on prohibition, control, and punishment. However, this perspective captures only one dimension of a far more complex issue. In reality, substance abuse is closely linked to psychological vulnerability, social environment, and economic stress, making it equally a matter of public health. Treating addiction solely as a legal violation risks overlooking the underlying

conditions that drive individuals towards substance dependence.

The primary legal response to drug-related offences in India is governed by the Narcotic Drugs and Psychotropic Substances Act, 1985. While the Act establishes a stringent framework aimed at curbing trafficking and misuse, its application has often blurred the distinction between drug users and drug traffickers. As a result, individuals struggling with addiction are frequently subjected to the same punitive mechanisms designed for organized criminal

activity. This raises concerns regarding proportionality, fairness, and the effectiveness of the current system in addressing the root causes of addiction.

In recent years, there has been a gradual shift in understanding, both globally and within India, recognizing addiction as a health condition requiring treatment and rehabilitation. Legislative developments such as the Mental Healthcare Act, 2017 and judicial interpretations of Article 21 of the Constitution have strengthened the argument for a more humane approach. Despite these developments, the transition from a punitive model to a reformative framework remains incomplete.

This article seeks to critically examine the existing legal framework governing drug addiction in India, identify the gaps between law and practice, and explore the need for a balanced approach that integrates legal control with public health strategies.

## II. LEGAL FRAMEWORK GOVERNING DRUG ADDICTION IN INDIA

### A. The NDPS Act and the Criminal Justice Approach

The regulation of narcotic drugs and psychotropic substances in India is primarily governed by the Narcotic Drugs and Psychotropic Substances Act, 1985. Enacted with the objective of controlling drug trafficking and preventing misuse, the Act establishes a strict legal framework with severe penalties for offenses involving production, possession, and distribution of prohibited substances. The severity of punishment is largely determined by the quantity of the substance involved, reflecting the legislature's intention to create a strong deterrent against drug-related activities.

However, the structure of the Act has often been criticized for its rigid and punitive nature. One of the major concerns is the limited distinction it draws between individuals involved in drug consumption and those engaged in organized trafficking. In practice, this lack of differentiation can result in individuals suffering

from substance dependence being treated in the same manner as habitual offenders. Such an approach risks overlooking the underlying realities of addiction and may lead to outcomes that are disproportionate to the nature of the offense.

At the same time, the Act does contain certain provisions that suggest a recognition of addiction as a condition requiring treatment. Section 64A provides immunity from prosecution to individuals who voluntarily seek de-addiction treatment, while Section 71 empowers the government to establish rehabilitation centers. Despite their significance, these provisions are not widely implemented, and their practical impact remains limited. This reflects a broader imbalance within the framework, where punitive measures continue to dominate over reformative ones.

### B. Constitutional Principles and the Right to Health

The Constitution of India does not explicitly address drug addiction; however, its broader principles provide a foundation for approaching the issue from a public health perspective. Article 21, which guarantees the right to life and personal liberty, has been expansively interpreted by the judiciary to include the right to health and access to medical care. Within this interpretation, individuals suffering from addiction can be viewed as entitled to treatment and rehabilitation as part of their fundamental rights.

From this standpoint, an approach that focuses solely on punishment, without ensuring access to treatment, raises important constitutional concerns. If addiction is understood as a condition affecting both physical and mental health, then the absence of adequate rehabilitation mechanisms may be seen as inconsistent with the broader scope of Article 21. This perspective supports the argument that drug addiction should not be treated exclusively as a criminal issue but as one that intersects with health and human dignity.

### C. The Mental Healthcare Framework and Recognition of Addiction

The enactment of the Mental Healthcare Act, 2017, marks a significant development in recognizing the importance of mental health within the legal system. The Act affirms the right of individuals to access mental healthcare services and emphasizes the need for treatment, dignity, and non-discrimination. Substance use disorders, being closely linked to mental health conditions, fall within the broader understanding of mental illness addressed by the Act.

This legislative development strengthens the argument for a shift towards a health-based approach in dealing with drug addiction. By recognizing addiction as part of a larger mental health framework, the law provides a basis for moving beyond purely punitive measures. However, the integration of this perspective into the broader drug control framework remains limited, and a clear alignment between criminal law and mental health policy is still lacking.

### III. THE GAP BETWEEN LAW AND REALITY

#### A. Over-Criminalization of Drug Users

Despite the existence of provisions that recognize the need for treatment, the practical application of drug laws in India continues to reflect a predominantly punitive approach. Individuals found in possession of even small quantities of narcotic substances are often subjected to the same legal processes as those involved in trafficking. This lack of clear differentiation results in the over-criminalization of drug users, many of whom are themselves victims of addiction rather than deliberate offenders.

The consequences of such an approach are significant. Instead of being directed toward medical treatment or rehabilitation, individuals are drawn deeper into the criminal justice system. This not only fails to address the underlying causes of addiction but also creates a deterrent effect, discouraging individuals from seeking help due to fear of legal consequences.

In effect, the system reinforces the very problem it seeks to control.

#### B. Inadequate Rehabilitation Infrastructure

Another major challenge lies in the limited availability and accessibility of rehabilitation facilities. While the legal framework provides for treatment and recovery mechanisms, the infrastructure required to support these provisions remains insufficient. In many parts of the country, particularly in rural areas, de-addiction centers are either scarce or entirely absent.

Even where such facilities exist, they often operate under significant constraints, including inadequate funding, a shortage of trained professionals, and poor infrastructure. This results in limited capacity and reduced quality of care, making effective rehabilitation difficult to achieve. Consequently, individuals who wish to seek treatment may find themselves without viable options, further widening the gap between legal provisions and practical outcomes.

#### C. Social Stigma and Lack of Awareness

Beyond institutional limitations, social attitudes play a critical role in shaping the response to drug addiction. Substance abuse continues to be viewed through a moral lens, with individuals often perceived as responsible for their condition. This stigma creates an environment in which seeking help is associated with shame and social judgment.

As a result, many individuals choose to remain silent about their struggles, delaying or entirely avoiding treatment. Families, too, may hesitate to acknowledge the issue due to fear of social repercussions. This lack of openness, combined with limited awareness about available rehabilitation services, further complicates efforts to address addiction effectively. It becomes evident that without addressing social stigma and improving public awareness, legal reforms alone are unlikely to produce meaningful change.

#### IV. ROLE OF THE JUDICIARY IN SHAPING DRUG LAW INTERPRETATION

##### A. Procedural Safeguards and Protection of Rights

The judiciary in India has played a significant role in ensuring that the strict provisions of drug laws are applied in a fair and just manner. While the statutory framework under the NDPS Act is inherently stringent, courts have emphasized the importance of procedural safeguards to prevent misuse. In *State of Punjab v. Baldev Singh*, the Supreme Court highlighted the necessity of informing the accused of their rights during search and seizure operations, holding that failure to follow due procedure would render the evidence inadmissible.

Such decisions reflect the judiciary's attempt to balance the severity of the law with the protection of individual rights. By insisting on strict compliance with procedural requirements, courts aim to prevent arbitrary actions and ensure that the enforcement of drug laws does not violate fundamental legal principles.

##### B. Admissibility of Evidence and Fair Trial Concerns

Another important development can be seen in the judicial approach towards evidence under the NDPS Act. In *Tofan Singh v. State of Tamil Nadu*, the Supreme Court held that confessions made to officers under the Act cannot be treated as admissible evidence. This ruling reinforced the principle that the burden of proof must be met through reliable and legally admissible material, thereby strengthening the right to a fair trial.

Such interventions indicate a shift towards greater scrutiny of investigative practices. They also reflect an understanding that the strict nature of drug laws must be accompanied by equally strong safeguards to prevent wrongful conviction.

#### C. Gradual Shift Towards a Reformatory Approach

In certain cases, the judiciary has also acknowledged that individuals involved in drug consumption may require treatment rather than punishment. Although this perspective is not uniformly applied, it signals a gradual shift towards a more reformatory approach. Courts have, on occasion, emphasized the importance of rehabilitation, particularly in cases involving small quantities or personal use.

However, this shift remains limited and largely dependent on judicial discretion. A more consistent and structured approach would require legislative support and policy reform to align judicial reasoning with broader systemic changes.

#### V. PUBLIC PERCEPTION AND EMPIRICAL INSIGHTS

##### A. Changing Attitudes Towards Addiction

The empirical findings of this study indicate a noticeable shift in public perception regarding drug addiction. A majority of respondents view addiction not merely as a criminal issue but as a condition that requires medical attention and social support. This reflects a growing awareness, particularly among younger and more educated individuals, about the complexities associated with substance abuse.

Such a shift in perception is significant, as public attitudes often influence policy direction. It suggests that society may be more receptive to reformatory approaches than the existing legal framework currently reflects.

##### B. Limited Awareness of Rehabilitation Mechanisms

Despite this increased awareness, there remains a considerable gap in knowledge regarding available rehabilitation facilities and treatment options. Many individuals are aware of the problem but lack information about where and how to seek help. This disconnect highlights the need for better dissemination of information and more accessible support systems.

Without adequate awareness, even well-designed policies and programs may fail to achieve their intended impact. Bridging this gap is therefore essential for improving the effectiveness of any reformative measures.

### **C. Impact of Social Stigma on Seeking Treatment**

The study also underscores the continued influence of social stigma as a major barrier to treatment. A significant number of respondents identified stigma as a key factor preventing individuals from seeking help. The fear of being judged or socially excluded often outweighs the willingness to pursue recovery.

This highlights the importance of addressing not only legal and institutional factors but also societal attitudes. Without reducing stigma, efforts to improve rehabilitation and treatment are likely to remain limited in their success.

## **VI. LIMITATIONS OF A PURELY PUNITIVE APPROACH**

### **A. Ineffectiveness in Addressing Root Causes**

A strictly punitive approach to drug addiction fails to address the underlying causes of substance abuse. Factors such as stress, mental health issues, and social environment play a crucial role in influencing addictive behavior. Punishment alone does not resolve these issues and may, in some cases, worsen them.

Individuals who undergo incarceration without receiving appropriate treatment are more likely to relapse, indicating that legal measures alone are insufficient in producing long-term solutions.

### **B. Burden on the Criminal Justice System**

The over-reliance on criminalization also places a significant burden on the criminal justice system. Courts become overburdened with cases, and prisons face overcrowding due to the large number of individuals charged under drug laws. This affects the efficiency of the system and diverts resources away from more serious offenses.

A more balanced approach could reduce this burden while also providing more effective outcomes for individuals affected by addiction.

### **C. Need for a Multidimensional Response**

Drug addiction is not solely a legal issue; it is a multidimensional problem involving health, psychology, and social factors. Addressing it effectively requires coordination between different sectors, including law enforcement, healthcare, and social services.

Without such coordination, efforts remain fragmented and less effective. This reinforces the need for a comprehensive approach that goes beyond punishment.

## **VII. TOWARDS A BALANCED AND REFORMATIVE APPROACH**

### **A. Integration of Law and Public Health**

A meaningful response to drug addiction requires integrating legal control with public health strategies. While laws are necessary to regulate drug use and prevent trafficking, they must be complemented by accessible treatment and rehabilitation services. This integrated approach ensures that enforcement does not come at the cost of recovery.

### **B. Strengthening Rehabilitation and Awareness**

Improving the availability and quality of rehabilitation facilities is essential for addressing addiction effectively. At the same time, awareness programs must be conducted to educate the public about the nature of addiction and the availability of treatment options. Reducing stigma is equally important in encouraging individuals to seek help.

### **C. Policy Coordination and Implementation**

Effective reform also requires better coordination between different government departments. Law enforcement agencies, healthcare providers, and social welfare institutions must work together to create a cohesive system. Without proper implementation, even well-designed policies are unlikely to produce meaningful results.

## VIII. CONCLUSION

Drug addiction in India represents a complex and evolving challenge that cannot be addressed through a purely punitive framework. While the existing legal system plays an important role in controlling drug-related offenses, its emphasis on punishment often fails to account for the broader realities of addiction.

There is an increasing recognition that addiction must be treated as a public health issue. However, this understanding has not yet been fully translated into practice. The gap between law and reality continues to limit the effectiveness of current policies.

A shift towards a balanced and humane approach—one that combines legal regulation with healthcare support, rehabilitation, and awareness—is essential. Such an approach would not weaken the legal framework but would instead strengthen it by addressing the root causes of addiction.

Only through this integrated perspective can a more effective and sustainable solution to drug addiction be achieved.

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