



## COMBATING DRUG TRAFFICKING AND ABUSE: INDIA LEGAL PERSPECTIVE

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### ABSTRACT

Drug misuse is a major concern in India, and it leads to a slew of other issues such as hunger, education, and lack of social responsibility. When we want to talk about a problem, the two topics that normally come to mind are the reasons and the cure. This thesis looks at substance addiction from an Indian viewpoint, so it's an effort to talk about the reasons and solutions to the issue. Drug misuse can be classified into three categories: physical, mental, and emotional. We now have a number of policies in place to combat opioid misuse, but there is a lack of enforcement and flaws in them. To combat the issue of substance addiction, social responsibility is also critical; this research aims to propose both social and legal roles. This paper examines the issue of opioid addiction in India, as well as the recent legislation aimed at addressing it. It is a review of the government's regulations on the procurement of medications and their careful inspection. This research aims to provide recommendations for addressing the issue of drug abuse.

**Key words:** Drug Abuse, Drug Trafficking, Socio-legal, Cause, Prevention

### INTRODUCTION

The menace of Trafficking and abuse of narcotics drugs and psychotropic is one of the most devastating evils of the twenty first century. The menace has stretched its shadow beyond geographical boundaries and India is no exception. In fact India is most vulnerable owing to its vicinity with the 'gold crescent' and gold triangle, the two main regions producing engaged in illicit production of opium. The 'Gold Crescent' comprises of areas falling in Iran, Afghanistan and Pakistan. The second largest producing area known as 'Gold Triangle' is composed of regions falling in Myanmar, Thailand and Laos<sup>1</sup>. Further, the India Ocean owing to its vast maritime area and consequent challenging surveillance provides an ideal route for trafficking illicit drug trafficking. Sensing the magnitude of abuse of illicit drug and

<sup>1</sup><https://www.unodc.org/unodc/en/piracy/indian-ocean-east.html> visited on 29.05.2023 at 5.16 PM

its transboundary trafficking across the world, the United Nations office on Drugs and Crime was established in 1997<sup>2</sup>. This organization is doing yeoman job in providing support to the member states in the Indian Ocean region through its Global Maritime Programme (GMCP) for tackling the menace of illicit drugs.

It is a known fact that the younger population the most vulnerable section of the society. This younger population is always at the target of the illicit drugs traffickers. There are various causes for susceptibility to drugs addiction e.g. curiosity, fun, pleasure and of course peer pressure etc. in the beginning. In some case addiction to drug is also attributable to stress, depression and anxiety. Once a being is fallen prey to the drug addiction, it not only spoils the health, wealth and peace of the victim but also ruined his social life as well. Addiction to drugs is undoubtedly a threat to the victim's life, it also pose a great danger to the society. According to a Hindustan Times post, one kilogram of heroin is worth 6.5 crore rupees. Therefore, the drugs abuse affects the life of members of the family, dependents and even the an unborn child. The majority of the drugs addicts are in the age group of 18-35 years. In India, Andhra Pradesh and West Bengal courts for 60% of the total drugs addicts. 35% of the drugs addicts come from Haryana, Punjab and UP. Further, in India, 7 % (approximately) of death is caused by suicide; out of this 3.3% are those committing suicide due to drug addiction<sup>3</sup>. Since population of drugs addicts in India is comparatively large owing to its being one of the thickly populated country of the world, it provide a major market illicit drugs. India is squeezed between 'Golden Crescent' and 'Golden Triangle', the illicit drugs production zone of the world. Proximity and vulnerability goes hand in hand; therefore, availability of illicit drugs for consumption in India is not a big deal. In fact, proximity to the biggest production zone and larger population of drug addicts has made India a destination as well as transit route for illicit drug trafficking.

## **DRUG TRAFFICKING IN INDIA**

India has a large number of people who are at risk of drug dependence and addiction. Young and adolescent, especially in urban environment, use drugs for fun, pleasure and recreation while partying or during festivities. This dangerous trend of drug abuse is slowly but steadily spreading its shadow in rural areas as well. As per the survey report published by the government of India, 13.1 per cent of drug addicts are under the age of 20 years. Further, the survey report based on clinical poll suggests that 63.6 percent of opioid users seeking care

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<sup>2</sup><https://www.unodc.org/southernafrica/en/sa/about.html> visited on 29.05.2023 at 6.16 PM

<sup>3</sup>World Health Organization (WHO). WHO Report on The Global Drugs Epidemic, Geneva, Switzerland, 2018.

were first exposed to drugs when they were 15 years old or younger<sup>4</sup>. As people get older, the number of people who start using drugs or alcohol decreases. In recent years, the age at which people begin using drugs has been steadily decreasing across the world, and substance use now begins even sooner. Initially, opioid use was often linked to a negative prognosis and a lifetime history of disordered behaviour; however, this theory has now appears to be blurred to some extent. Drugs may have long-term impacts on the young brain. It interferes with healthy social and family life; adversely impact the peer relationship also hinders the academic success<sup>5</sup>.

India is considered as a transport hub and also a destination for the illicit drugs produced in the two notorious regions of 'Golden Crescent' and Golden Triangle' over the last twenty to thirty years. Narcotic Drugs, Psychotropic substances in various forms including medicinal preparations are trafficked throughout India. These drugs and chemical reparations are not confined to national territories but also trafficked across the border for further destination. This trasboundary movement of illicit drugs and chemical also poses a serious to security of the country. There is no secret that there exists a strong nexus among the drug paddlers, various terrorist group, naxalites, gangsters, criminal networks. This nexus is not merely a threat to the wellbeing of individual members of the society but to the society itself. It is such a monster capable of threatening the national security and can pose a serious danger to the national integrity. Funding to various terrorist groups and extremist is made possible through the illicit trade of narcotics drugs and psychotropic substances. The various reports based on the study of the terrorist and extremists group suggest that in Jammu and Kashmir s 15 percentof the total funding comes from the illicit trade of these drugs and substances.

The nefarious drug smugglers of Mumbai later resorted to terrorist activities. The Mumbai bomb blast of 1993 is the reminiscent of such nexus. The gang involved in the bomb blast was having one of the strongest network of drug peddling cross the country and abroad. They not only provided logistic transportation support but also planted and supervisedblast<sup>6</sup>. Illicit drug trafficking and drug abuse also gives to gives rise to other criminal activities such as human trafficking for sex and weapons trafficking criminal activities or for waging war against the legitimate government. Human and weapon trafficking is effected by or through the same network. Terror groups also use these paths to cross boundaries and obtain arms and explosives.

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<sup>4</sup>Government of India, Ministry of Health and Family Welfare, Global Drugs Survey, India, 2019.

<sup>5</sup><https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3120118/> visited on 30.05.2023 at 10.42

<sup>6</sup><https://standinggroups.ecpr.eu/sites/2021/05> visited on 30.05.2023 at 8.25 AM

Admittedly, India has a long history of consumption and use of opioids, cannabis and derivatives thereof in variety of forms. Bhang, Ganja, afim and hashish are a few as exempli gratia which found mention in Indian ancient literature. These drugs were mainly used for medicinal purpose. However, it also found mention that these drugs were also used for religious, recreational, leisure and ritual purposes<sup>7</sup>. In the past, demand for these drugs were met domestically. Rarely, the drugs were smuggled from outside India. Maybe small amount of the drugs were smuggled from Pakistan Nepal and Afghanistan. As the very limited quantity was smuggled across the border, it was not a cause of concern. However, influx in smuggling in early 1980s, cocaine trafficking became a major problem which had extensive and tragic effects<sup>8</sup>. The widespread proliferation of illicit and herbal substances, as well as their misuse, has brought new dimensions to the questions regarding drug trafficking in recent years.

## CAUSES

Young generations in the emerging economies are facing a variety of pressures by the time they enter adulthood and India is no exception. The various factors for such pressure may include academic performance, competition during schooling, performance at work, shifting positions in society and community, emerging commitments etc. To young mind, change in personality e.g. physical, psychological, and emotionally, also put pressure. During the period of developmental milestones, such as maturity and new romantic partnerships, the young minds encounter complete transformation. Fast growth during puberty is caused by accelerated physiological progress, which may impair cognitive thinking, emotional control, and risk-taking behaviour. Heightened emotion coupled with desire of retaining friends, adolescents pass through a process which lures for access to drugs and without any sensitivity to the dangers of drug abuse. Easy availability of various drugs such as such as cannabis, tobacco, and alcohol act as a catalyst<sup>9</sup>. Youth often succumb to substance addiction in an environment where social and peer stresses are impossible to avoid.

Poverty is a curse in India because it gives birth to a variety of issues, one of which is substance addiction. Financial worries contribute to drug abuse as a result of mental stress.

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<sup>7</sup><https://www.psychologytoday.com/us/blog/the-teenage-mind/201106/history-cannabis-in-india> visited on 30.05.2023 at 9.39 AM

<sup>8</sup>Government of India, Ministry of Health and Family Welfare, Directorate General of Health Services. National Tobacco Control Programme. A Guide for Teachers. Available at: [http://www.whoindia.org/LinkFiles/Tobacco\\_Free\\_Initiative\\_A\\_Guide\\_for\\_Teachers\\_Tobacco\\_Control.pdf](http://www.whoindia.org/LinkFiles/Tobacco_Free_Initiative_A_Guide_for_Teachers_Tobacco_Control.pdf).

<sup>9</sup>*Conflict over tobacco policy and public health. Feldman, et seq. 2<sup>nd</sup> Ed. Massachusetts: Harvard University Press; 2014, at 314.*

People produce narcotic drugs to maximize their profits, so narcotic drug manufacturing is to blame for drug abuse. Unemployment, lack of resources, dearth of opportunities, social isolation, ignorance of parental, lack of social support and ill equipped educational system are the other factors responsible for exposing the young mind to drug abuse<sup>10</sup>

Sadness, depression, and stress are important psychological factors that contribute to substance addiction. Users can misuse drugs as a result of a lack of self-esteem. Academic strain is causing depression in today's society, and as a result, people are abusing to drugs.

### **ADDICTION VS. ABUSE**

In simplest term, drug abuse may be defined as 'consumption of dose in excess than that prescribed or consuming without any prescription in order to either feel better or for pleasure or for shunning responsibility'.

Gradually over a period of time person becomes slaves to the drug abuse and find it difficult to quit irrespective of fact that his life is in danger or that he or his family is ruined. This point of no return is described as addiction. Drugs cause depression and anxiety, and extreme substance addiction can lead to death. If a person is too addicted to drugs, they will hurt others, including family members, acquaintances, and strangers. It is such a major issue that when someone faces it, it affects the entire population as well as future generations. We can link drugs to crime because drug use is a criminal activity in India. There are many shifts in behaviour, because if they don't have money, they may engage in various activities to get money.

Drugs are those that control an individual's mind and actions, causing them to become stressed or traumatized. Drugs have a strong interaction with the brain of the person, and people love the enjoyment of using them. Drugs have a very dangerous effect on the body. We can see the side effects of it after a month or a week, and the individual becomes used to it day by day, acting erratically and changing their behaviour in a variety of ways<sup>11</sup>.

### **STATUTORY PROVISIONS IN INDIA**

In order to manage and restrict the menace of drug abuse, first legislative initiative was taken in the form of 'The dangerous Drugs Act, 1930. This act of 1930 was to restrict and manage

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<sup>10</sup>World Drug Report 2018 (United Nations publication, Sales No. E.18.XI.9).[ ISBN: 978-92-1-148304-8]

<sup>11</sup> Charles, M. et seq.(Oct. 2019),Drug policy in India: Problem and cure, The Beckley Foundation Drug Policy Programme, Briefing Paper Ten, available at <http://reformdrugpolicy.com/wp-content/uploads/2011/10/Drug-Policy-in-India-CompoundingHarm.pdf>.

drugs obtained from poppies, cannabis, and coca. The production, selling, use, manufacturing, and exchange of drugs acquired by the above-mentioned goods were all permitted under this act, and unlicensed acts were punished. This has not been abolished and is still applicable today, especially in terms of the regulatory definitions of cannabis, coca, and opium, as well as their co-product, and the classification of manufactured drugs. While the Drugs and Cosmetics Act of 1940 was passed to regulate the therapeutic use of drugs like cannabis and morphine, the Dangerous Drugs Act, 1930 was retained to control the abuse of drugs<sup>12</sup>. When the Constitution was enacted after independence, all statutes were brought into its purview, and anti-drugs laws faced certain challenges on the premise that they were infringing on cultivators' right namely, right to propagation of commerce and occupation. However, the arguments were ineffective because the courts relied on India's foreign policy on anti-drugs commitments to justify the prohibitions<sup>13</sup>.

The Indian law making agency is actively working to eradicate the evils of opioid abuse by enacting legislation to meet the objectives of international commitments under treaties and conventions of which India is a signatory. The below are the international treaties and covenants:

1. Convention on Narcotic Drugs, 1961.
2. Convention on Psychotropic Substances, 1971.
3. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
4. Transnational Crime Convention, 2000.

Indian Parliament has enacted two Central Acts:

1. The Narcotic Drugs and Psychotropic Substances Act, 1985, and
2. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

In our society, consumption of narcotic drugs and alcohol is a serious socioeconomic issue. This is notwithstanding the fact that India has made legislative and statutory laws to address the issue of opioid abuse. According to Article 47 of the Constitution, the state must strive to enhance the standard and quality of life of its citizens and that the state shall be primarily responsible for public health and hygiene. The state shall make it illegal to use intoxicated

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<sup>12</sup>Balley Singh v State of Uttar Pradesh and Ors (AIR 1967 Al 341), where the Allahabad High Court cites a decision of the Supreme Court of India dated Feb. 16, 1956, where a challenge to the Opium Acts and the Dangerous Drugs Act on the grounds of Article 14 (right to equality before law) and Article 19(1)(g) (right to freedom of trade and occupation) was rejected.

<sup>13</sup> Rajeev Kumar, *Universal's Guide to the Constitution of India*, Volume no. 38 (Universal Law Publishing Co., New Delhi, 1<sup>st</sup> ed., 2019)

products and beverages that are harmful to one's wellbeing, unless they are used for medicinal reasons<sup>14</sup>. While the provisions of Part IV are not enforceable, they are often used to justify punitive drug laws. The concurrent list includes drugs and poisons, which both the state and the federal government can legislate in these subject matters<sup>15</sup>.

The parliament of India enacted 'The Narcotic Drugs and Psychotropic Substances Act, 1985'. This act came in to effect on 14<sup>th</sup> November, 1985. Consequent upon coming in to force of the NDPS Act on the said date, Opium Act of 1855, Dangerous Drugs Act, 1930 were stand repealed. However, Drug and Cosmetic Act, 1940 was retained<sup>16</sup>. The Narcotic Drugs and Psychotropic Substances Act of 1985 was legislated not only to combat opioid trafficking and abuse of drug but also to fulfil the obligation cast under the international treaties and agreements. In 1989, 2001, and 2014, the act was revised. This act prohibits the sale, manufacture, use, and circulation of sedative medications and psychotropic substances unless they are used for medicinal or research purposes in compliance with the legislation.

Cannabis, coca, and heroin are also examples of narcotic substances. The psychotropic substances is defined in Narcotic Drugs and Psychotropic Substances Act of 1985 as any substance, natural or manufactured, salt or preparation of such substance or material and are listed in Schedule appended to the NDPS Act. This act allows for the investigation, forfeiture, and apprehension of people who are involved in drug trafficking in every part of India. The severity of this act demonstrates that if an individual is found with a significant amount of drugs again, they will face the death penalty. There is provision of capital punishment under Section 31A of the DNPS yet the Bombay High Court in matter of 'Harm Reduction Network vs. Union of India'<sup>17</sup>, ruled that the death penalty under the Narcotic Drugs and Psychotropic Substances Act, 1985 is illegal. However, the Hon'ble High Court refrain from striking down Section 31-A of the Act. It further laid down the courts are not bound to to impose the death penalty on repeat opioid criminals.

In the case of *E. Michael Raj v. Intelligence Officer, Narcotic Control Bureau*<sup>18</sup>, The Apex Court of India held that when a narcotic drug or psychotropic substance combined with neutral substance as well; therefore, the quantity of such neutral substance or substances should not be included while deciding the small or commercial quantity of the narcotic drug

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<sup>14</sup> The Constitution of India, 1949

<sup>15</sup> Entry 19, List III, 7<sup>th</sup> Schedule, The Constitution of India, 1949.

<sup>16</sup> Government of India, Drugs and Cosmetics Act 1940 (Amendment) 1992.

<sup>17</sup> *Criminal writ Petition No. 1784 & 1790 of 2010*

<sup>18</sup> (2008) 5 SCC 161

or psychotropic material. Just the actual weight of the narcotic material, excluding the neutral material, should be taken in to account for deciding small or commercial quantity. In the matter of Abdul Aziz v. State of UP<sup>19</sup>, The Hon'ble High Court at Allahabad held that anyone convicted for minor offenses under the Narcotic Drugs and Psychotropic Substances Act of 1985 is entitled to bail. There are statutory guidelines section 2(a), 4(2)(d), 7A, 39, 64A, 71, 76(2)(f), and 78(2)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 for opioid abusers' recovery and therapy.

## PREVENTION

### Legislations

The three international covenants on drug matter related thereto; namely, the Single Convention on Narcotic Drugs, 1961, the Convention on Psychotropic Substances, 1971, and the UN Convention Against Illicit Traffic of Narcotic Drugs and Psychotropic Substances (NDPS), 1988, propagate the conception of prohibiting drug usage, barring for medical purposes. In countries that have ratified the treaties, nonmedical consumption of tobacco, heroin, amphetamines, and cocaine is prohibited. The government of India has signed all three conventions and ratified the same. India's contribution to preventing opioid addiction and trafficking predates the three conventions' entry into effect. India's commitments under the Drug Conventions of United Nations, as well as provisions under Article 47 of the Constitution of India were duly considered while drafting the NDPS Act, 1985 (amendment in 2014). The production, processing, trade, usage, circulation, and distribution of narcotic substances and its derivatives is prohibited under this Act, barring for medicinal, scientific and research purposes.

### Sale & Purchase Restrictions

Restricting the channels where alcohol is sold will help to limit adolescent access to alcohol. Restricted access to alcohol is linked to a stable level of alcohol-related damage. Restricted access applies to persons of all ages who use alcohol. In India, some states ban the selling, purchase, and use of alcohol, these includes state of Gujarat, Bihar, Manipur, Mizoram, and Nagaland. Union Territory of Lakshadweep has joined the list of states who have banned the alcohol. Gujarat is the only state in which those found guilty of producing and supplying counterfeit liquor that causes death face the death penalty<sup>20</sup>. Despite the stringent bans, illegal

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<sup>19</sup> 2002 CriLJ 2913

<sup>20</sup> Drug Abuse Causes in India: What is the reason for Drug Abuse?



alcohol smuggling and sales are extremely frequent. On prominent religious occasion, festivals, national holidays to commemorate the birth anniversary of prominent leaders such as Gandhi Jayanti, national fetesuch as Republic Day, Independence Day, India observes dry days. The selling of alcohol is banned on these days, and the state government maintains that it is enforced.

### **Minimum Legal Age**

In certain nations, age limits apply to the lawful possession of alcohol and tobacco. Countries enforce legal age limitations ranging from 18 to 25 years, with the majority forcing citizens to be at least 18 years old to buy their goods. The permitted age for consumption and possession varies from state to state in India, as alcohol in the state list and therefore, a state issue. Alcohol use is not illegal in the United States, although it is prohibited in some states where the minimum drinking age is 25 years. This program can be bolstered by educating hotel staff in responsible drink service and levying fines on alcohol dealers. The Cigarette and Other Tobacco Products Act of 2003 ban the selling of tobacco products such as beedi Cigarette to a person below the prescribed age of 18 years<sup>21</sup>, rendering cigarettes harder to procure for young people in India. It can no longer be sold to teenagers and also in the vicinity of educational institutions.

### **Taxation and maximum pricing**

The most basic economic law connects the cost of a commodity to the market for the said product. Any upsurge in the pecuniary impact of alcohol (e.g., tax increases) is inversely proportion to its consumption and consequent reduction in its negative effects. Increased alcohol taxes or costs, as well as a decrease in average alcohol intake, are all supported by solid data. Raising alcohol prices has been shown to drastically reduction in alcohol-related injury, death, abuse and sexually transmitted syndrome by a moderate-to-large margin. Alcohol prices were shown to be one of factors affecting alcohol consumption among adolescents and young adults in studies looking into this relationship. Increases in the average price of alcohol, according to other research, will decrease drinking and the ill effects among all age ranges, as well as the prevalence of illnesses, accidents, and deaths linked to alcohol consumption and misuse, as well as alcohol-related violence and other crimes will disappear.

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available at: <https://www.healthyplace.com/addictions/drug-addiction/drug-abuse-causes-what-is-the-cause-of-drug-abuse/> (Visited on July 15, 2019)

<sup>21</sup>Smoking Prevention: The Global Perspective. Available at: <http://news.bbc.co.uk/2/hi/3758707.stm>.

### **Banning of Advertising Substances**

Alcohol use is higher. Advertising forecasts teenage alcohol initiation and increased consumption. Advertising's ability to affect children and teenagers is undeniable. Many ads feature celebrity, comedy, rock music, or gorgeous models, all of which have been shown to appeal to teens and young adults. Promocreates impression as if smoking and alcohol are normal habits, and it may serve as a "super-peer" in persuading teens to do new things. Teenagers who are exposed to cigarette promo are more fall prey to smoking than those who are not. According to studies, ads can be to blame for up to 30 percent of underage cigarette and alcohol consumption. Alcohol advertising bans are an important way to reduce and avoid problematic alcohol consumption and alcohol-related damage in teenagers<sup>22</sup>.

### **Public Awareness Campaigns**

Good role figures that oppose drug abuse and whose attitudes the target demographic can imitate are the goal of mass media approaches. These methods are effective for propagating health campaign messages to a larger and diverse members of the society through television, the internet, cell phones, newspapers, and infotainment strategies such as roadside advertisement hoardings. Advertisements against drugs can play a role in influencing drug use habits and intentions, as well as changing mediators such as drug perception, education, and attitudes<sup>23</sup>. Experts in India have continued and maintained attempts to educate the public through electronic and print media. Cyberspace and other outlets of social communication have the potential to play an important part in informing people about substance addiction and its effects.

### **Prevention Interventions delivered in Educational Settings**

Because of the simplicity of delivering such strong messages and access to young people in an optimal environment, educational facilities offer an ideal forum for prevention. Just a few reviews have looked at the effectiveness of these classroom approaches. Interventions that concentrate on overall psychosocial growth and abilities can be effective in lowering alcohol consumption, but is of little help in lowering alcohol-related damage.

### **Prevention Interventions delivered through Family or Parents**

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<sup>22</sup>Government of India, The Cable Television Networks (Amendment) Act 2000.

<sup>23</sup> Causes and prevention of drug abuse in India, available at: <http://alcoholrehab.com/drug-addiction/reasons-for-substance-abuse/> (Visited on July 12, 2019)

Adolescents' families play a significant and critical part in combating drug abuse. Rather than focusing on preventing target opioid use, often family-based preventive approaches emphasize psychosocial growth. These approaches have the ability to change a person's growth in a variety of ways. Preventive interventions include parental control, oversight, and increased child–parent contact. Preventing illegal drug use can be accomplished by parent preparation, family capacity development, and formal family counselling. Parental education is ineffective on its own<sup>24</sup>. In an Indian trial, family intervention counselling helped the study group decrease the severity of alcohol use, increase incentive to avoid drinking, and shift the locus of influence from external to internal.

### **Random testing of drivers along roadside to reduce drug-related harms**

Drunken driving checking points have repeatedly proved that they effective in reducing the accidents and deadly injuries caused by drink and drive. Alcohol-related illnesses and deaths seem to be reduced as the legal blood alcohol level is reduced. Authors of a study shared their primary concern with demand reduction, especially the aspect dealing with drug user detection, recovery, and aftercare. The NDPS Act of 1985, as well as the most current National Policy on NDPS, adopted in 2012, includes key features of supply reduction. While harm mitigation is not the primary goal of this paper, it can be an appropriate adjunct strategy under some circumstances.

### **CONCLUSION**

India is currently besieged with a slew of health related issues, both psychological and physiological, as a result of the drug abuse and drug addiction. Various efforts by the government, NGOs and committed organization of the world have been made to encourage and constructively aid the efforts to minimise substance addiction, these includes displaying or screening short video in the beginning of movies or TV serials, installing hoardings at prominent public places to spread awareness in the community.

Since drug misuse is illegal for a variety of reasons, it should be avoided. We have a number of mandatory regulations in place to deter it, but we do have a problem with opioid trafficking due to a lack of enforcement and gaps in current laws. In this part, we will attempt to propose some solutions to the issue of substance addiction. Hon'ble Apex Court of India in

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<sup>24</sup>Gupta R. Drugs Control in India, Editorial. Indian Journal of Med. Res 2016, at 79-82.

BachpanBachaoAndolan v. Union of India &Ors<sup>25</sup>, directed the state government to combat child trafficking and substance addiction. Further, the Court also made recommendations to combat drug abuse among children.

A national drug abuse action plan is expected. Children who have been affected by substance addiction need counselling and recovery. The below are some additional recommendations that could be useful in addressing the issue of substance abuse:

1. There is a need for parents and children to communicate. There should be coordination among the various bodies that have been formed to combat opioid trafficking. Adequate opioid abuser counselling is needed, as is raising public consciousness of drug addiction.
2. Since the government's poor policies for children contribute to substance addiction, there is a need for better policies in favour of children's lifestyles that will alleviate emotional, psychological, cultural, and economic stress.
3. Chemicals that may be used illegally need strict supervision of their manufacturing, sale, import, and export. It is essential to identify opioid vulnerable individuals at the very beginning stage so as to insure timely and prompt action.
4. The Narcotic Drugs and Psychotropic Substances Act fails to distinguish between a novice drug consumer, a hard core addict, a petty small time peddler, and a hardened drug trafficker, as a clear differentiation between these four categories of drug offenders is essential.
5. This Act makes no eloquent differentiation between hard and soft drugs; consequently, many opioid addicts turn to hard drugs, necessitating the establishment of separate penalties for soft and hard drugs.

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<sup>25</sup>[2011] INSC 403.