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Ndps Act Of 1985: Drug Abuse, Cultivation, Trafficking & Legal Challenges

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ABSTRACT

Drug abuse and illegal trafficking of drugs have become major social and legal challenges in India, demanding strong laws and coordinated action. Narcotic drugs such as opium, morphine, heroin, and psychotropic substances like MDMA, LSD, and amphetamines affect both the body and mind, often leading to addiction, behavioral changes, and long-term health damage. India faces a unique situation because it legally cultivates opium in selected regions while simultaneously battling large networks of illegal production and smuggling. Under strict government licensing, opium poppy is grown legally only in parts of Madhya Pradesh, Rajasthan, and Uttar Pradesh, mainly for medicinal and scientific purposes, but in contrast, illegal cultivation is frequently reported in Himachal Pradesh, Uttarakhand, Jharkhand, and certain Northeastern states where cannabis and poppy crops are secretly grown and circulated through peddlers and organized groups. The NDPS ACT of 1985 was introduced to control this rising misuse by regulating the cultivation, manufacturing, sale, transport, and consumption of narcotic and psychotropic substances. While the act provides strict punishments, it has also brought attention to cases where enforcement agencies may have acted with limited evidence. High-profile examples like Sushant Singh Rajput MDMA related investigation have sparked national debates about prosecution standards, evidence quality, and treatment of young individuals under stringent drug laws. Despite its strengths, the NDPS Act requires modifications to address modern challenges. A balanced approach is needed, one that strengthens actions against smuggling and organized cultivation but also prioritizes rehabilitation for drug-dependent individuals. Better training, technology-based monitoring, and clearer guidelines for evidence collection can make implementation more humane. Overall, India's fight against drug abuse demands a system that is strict where necessary, yet compassionate and fair in its treatment of individuals.

Keywords: NDPS Act of 1985, drug abuse, narcotic drugs, psychotropic substances, Sushant Singh case, Aryan Khan case, smuggling, peddling, MDMA.

INTRODUCTION

Meaning of Narcotic Drugs

The term Narcotic comes from the Greek word “Narkos,” meaning sleep. These substances act as painkillers or energizers and primarily affect the central nervous system by slowing down brain activity. Narcotics like opium, morphine, heroin, and poppy derivatives are used in medicines, but become harmful when taken without control. They can create dependence, drowsiness, and severe withdrawal symptoms. Meaning of Psychotropic substances. Psychotropic substances are chemicals that change the functions of the brain, such as mood, perception, and consciousness. Drugs like MDMA, LSD, cannabis derivatives, and amphetamines influence thinking, emotions, and sensory experiences. While some have medicinal value, the NDPS Act regulates them strictly because an excess of anything is harmful and can damage mental health.

Different Substances and Their Origins

1. Coca leaf – cocaine

* Cocaine (powder\ crack) is derived from the coca plant. It affects the brain and sensory system, creating instant stimulation. It is highly addictive and expensive.

2. Cannabis plant – charas, ganja, and bhang

charas is extracted from the resin of the plant, ganja is made from the dried flowers and upper leaves, and bhang is made from the seeds and leaves. It is often used in drinks like Thandai (all forms affect the brain and nervous system).

Opium Plant

Opium, Morphine, and Heroin

Opium is directly taken from the latex of the plant, morphine is a manufactured drug from opium, and heroin is chemically processed from morphine. (All heavily impact the brain, sensory system, and respiratory system.

LSD (Lysergic Acid Diethylamide)

It comes from lysergic acid and is sold in dots/ pills. LSD strongly affects the thoughts, senses, and the nervous system.

MDMA (3,4-Methylenedioxymethamphetamine)

MDMA is a synthetic drug, which means it is made in a lab and used in the form of pills/tablets. When consumed, it enhances blood pressure and heart rate, and affects the brain and nervous system of the individual, and this drug is popularly known as 'ecstasy'.

The NDPS ACT OF 1985

The Narcotic Drugs and Psychotropic Substances (NDPS) ACT OF 1985 IS THE PRINCIPAL LEGISLATION THROUGH WHICH India regulates narcotic drugs and psychotropic substances, providing a stringent framework to control the production, manufacture, cultivation, possession, sale, purchase, transport, storage, and consumption. Enacted to give effect to India's obligations under international drug control conventions and to replace earlier scattered laws, the act establishes a comprehensive system of offences, penalties, procedures, and enforcement agencies aimed at curbing illicit traffic while enabling limited medical and scientific use.

Background and Evolution

Before 1985, India dealt with narcotic drugs mainly under the opium acts of 1857 and 1878 and the Dangerous Drugs Act of 1930, which were considered inadequate against international drug trafficking. Till 1985 cannabis and its derivatives including bhang, charas, marijuana were not restricted in India and in 1961 USA adopted the single convention of narcotic drugs which was the 1st international treaty against drugs that clubbed hard drugs with cannabis and imposed a blanket ban on their uses except for research and medical use, USA also started a campaign for a global law against all drugs, opium and cannabis producing nationalized by India opposed this rule. Then, finally, in 1985, the Rajiv Gandhi government enacted legislation against all kinds of narcotics and psychotropic substances in 1985, called the NDPS ACT OF 1985. In line with the Single Convention on Narcotic Drugs and later treaties and influenced by growing global concern over cannabis and opium, parliament adopted the NDPS Act, which came into force on 14 November 1985 and has since been amended in 1988, 2001, 2014, and 2021 to enhance controls and refine penalties.

Scope, Structure, and Definitions

The act is divided into 6 chapters which has 83 sections Chapter 1 (sections 1-3) is a preliminary chapter that gives the title, extent, and key definitions like narcotic drug and psychotropic substances, chapter 2 (sections 4-7) creates authorities and officers to implement the act, while Chapter 2A (sections 7A-7B) establishes the national fund for control of drug abuse. Chapter 3(8-14) lays down the main prohibitions and rules for control and regulation of cultivation, manufacture, possession, sale, and use, permitting them only for medical or scientific purposes under license, chapter 4(15-40) lists offences and penalties using graded punishment based on drug and quantity, and covers abetment, financing and repeat offences. Chapter 5 (41-68) prescribes procedures for NDPS cases, including search, seizure, arrest, investigation, and safeguards like conditions for

personal search. Chapter 5A (68A-68Z) deals with forfeiture of illegally acquired property from drug trafficking, and Chapter 6 (sections 69-83) has miscellaneous provisions, rule-making powers, and protection for officers acting in good faith. Section 31 A allows the death penalty or enhanced imprisonment for certain serious commercial quantity offences when committed by repeat offenders, though courts now have discretion to award life imprisonment instead.

Real-World Barriers in Preventing Drug Abuse and Trafficking

ILLEGAL CULTIVATION OF DRUGS IN INDIA

Hilly and remote regions like Himachal Pradesh, Uttarakhand, parts of Jammu & Kashmir, and the northeast often become hotspots for illegal cannabis cultivation. The terrain is difficult to monitor, police access is slow, and villagers may depend on it for income due to a lack of employment.

PEDDLING AND STREET LEVEL SUPPLY

Drug peddling usually happens in small packets and is controlled by local networks. Peddlers target students, tourists, and urban youth, making it easy for drugs to circulate even in cities. Most peddlers work under pressure from bigger suppliers.

WHY DOES DRUG SELLING USUALLY HAPPEN AT NIGHT?

Due to less police patrolling, reduced public movement, easier escape routes, and the darkness, help to avoid identification of the peddlers, and they could escape easily after selling drugs. That is why most sales, handovers, and deliveries are conducted late at night.

SMUGGLING NETWORKS

Smuggling involves larger, organized groups moving drugs across state or international borders. These methods include concealing drugs in vehicles, the courier parcel method, body packing, and generally, routes like hidden forest or river routes are used by these smugglers, and these smuggling finances bigger criminal economies.

COURTROOM PROCEDURES UNDER NDPS ACT

The accused is presented before a magistrate within 24 hours of his arrest, then the chargesheet is filed within the mandated time (often 60-180 days). The evidence includes seizure reports, chemical analysis, and witness statements, and the trial of the accused is strict because NDPS is a special law with harsh punishments on the basis of the amount of crime he has committed according to the NDPS Act, and the courts also examine if all mandatory procedures were followed.

DEFENCE GENERALLY TAKEN IN NDPS CASES

The violation of section 50 of NDPS act so section 50 states that a person being searched has the right to be searched before a magistrate or gazzeted officer and if the police violates section 50 by not offering search before a magistrate or gazzeted officer then the accused can claim the entire search and recovery as illegal

which can weaken the prosecution's case, defense can also argue that without independent witness (which are neutral bystanders not police present during search or seizure to ensure fairness, transparency and prevent false allegations) the raid lacks credibility, improper sealing or tampering of samples creates doubt about whether the seized substance is the same as produced in the court. Claims of false implications arise when procedures are not followed suggesting that the accused was wrongly framed or evidence planted and if the police conduct a search without a warrant and don't follow mandatory procedures then the defense can argue that the search was unlawfully conducted and any recovery from such an illegal search becomes doubtful allowing the accused to challenge the validity of evidence and weaken the prosecution's case.

THE SILENT DESTRUCTION: HOW DRUG ABUSE RUINS LIVES

Drug abuse often begins as an experimental or social part, mostly at a party, under pressure, or curiosity. But over time repeated use charges the mindset of the consumer because what they started as an occasional use soon becomes their essential need for survival because they get dependent and then the user believes that they cannot survive without drugs their cravings become stronger, mood swings worsen and their life starts revolving around obtaining and using the drug their work, relationships, social life suffers with weakened health deteriorating mental stability and loss of control addiction can ruin not just one life but an entire family's peace and stability. The effects of addiction are wide-ranging, including physical and mental health decline. Addiction can damage vital organs, impair judgement, increase anxiety or depression, and cause physical and neurological harm. The users face social and financial collapse; they often lose jobs, savings, and respect, which leads to social isolation, unemployment, and poverty. When drugs take over, relationships become strained, dependence may trigger aggression, neglect, and violence within households, destroying trust and safety, and leading to family breakdown and domestic abuse the one of the most tragic illustration is the Sushant Singh Rajput case, after investigations by Narcotics Control Bureau (NCB) including the chats indicating drug supplies the agency alleged that he was supplied narcotic drugs and psychotropic substances and had developed an extreme drug addiction. "Accused abetted Sushant Singh Rajput to extreme drug addiction: NCB draft charge| Mumbai news" (The Indian Express). Multiple accused were charged with procuring and supplying drugs, including ganja, LSD, and other substances, to him. Whether drug abuse directly caused his death remains a mystery, but the case starkly underscores how powerful and destructive addiction can become. Once addiction grips a person, it often seems like there is no escape. The mind and body both become prisoners of addiction. Without timely intervention, rehabilitation, and a supportive social environment, drug abuse can obliterate dreams, destroy families, and leave survivors physically, mentally, socially, and emotionally scarred.

PREVENTION AND DETECTION MECHANISMS AGAINST ALL ILLEGAL DRUG NETWORKS

Preventing and detecting illegal drug trafficking requires a coordinated system of enforcement, intelligence gathering, and border leave monitoring. Under the NDPS Act of 1985, agencies such as police, NCB, DRI, and customs are empowered to take action under sections 41-43 (search and seizure), 50 (search of a person), and 53 (empowerment of officers). One of the strongest tools used is the raid mechanism, which is used by the police and narcotics agencies, allowing the authorities to act on secret information or surveillance inputs. They help authorities reach the source of illegal cultivation, peddling spots, nighttime drug exchanges, and hidden storage locations. Properly conducted raids following NDPS procedures, like recording information, the presence of independent witnesses, and proper seizure, can break entire supply chains and act as a strong deterrent. Another important mechanism is espionage or intelligence-based information gathering. This includes undercover officers, local informants, digital surveillance, tracking suspicious financial transactions, and monitoring communication networks. Espionage helps to identify hidden drug routes, secret cultivation sites in hilly regions, and links between peddlers and big suppliers. It allows agencies to strike at the right time and target organized networks rather than just small peddlers. To prevent smuggling across borders, strict import export checking plays a major role. Airports, seaports, and land borders use scanning machines, sniffer dogs, chemical swabs, and baggage profiling to detect concealed narcotics. Custom officers track high-risk parcels, suspicious travelers, and shipments coming from known drug-producing regions. Advanced systems like X-ray scanners, container tracking, and cargo inspections reduce the chances of drugs entering or leaving the country unlawfully. Together, these mechanisms, such as raids, espionage, and border checks, help to disrupt illegal drug networks at multiple levels. They ensure that enforcement agencies not only catch offenders but also prevent drugs from reaching communities, thereby reducing the overall social and health damages caused by narcotic abuse.

Conclusion

The problem of illegal drug trafficking in India continues to challenge law and society, law enforcement, and public health systems. While the NDPS Act provides a strict legal framework, effective implementation requires multi – layered prevention and strong detection mechanisms. One of the most urgent needs is enhanced checking of vehicles and transport routes, as many trafficking chains rely on highways, private vehicles, and trucks to move drugs across states. Increased vigilance at checkpoints, combined with technology-based surveillance, can significantly reduce smuggling attempts. And awareness is also very important, especially among the youth. Workshops in schools, colleges, rural areas, and high-risk communities help people to understand the real dangers of drug consumption, addiction, health damage, domestic violence, and the destruction of a peaceful and healthy life, and also of a family. On legal grounds, drug peddlers and repeated offenders must face mandatory and proportionate punishment, ensuring that those who profit from destroying lives are held accountable. Security must also be intensified in regions known for illegal cultivation with drones, satellite imaging, and geo -tagged field monitoring to identify hidden farms. Alongside strict

enforcement, the government should support rehabilitation for addicts by offering them de-addiction therapy, counselling, and reintegration programs so that vulnerable individuals are treated as patients, not criminals. Better coordination between enforcement agencies, NCB, DRI, customs, and state police can close intelligence gaps that traffickers exploit. With smuggling increasingly happening through online channels, monitoring of dark web networks and parcel deliveries has become essential, and lastly, collaboration with neighboring countries is crucial to stop drugs coming from international trafficking routes. The fight against narcotic drugs and psychotropic substances requires a balanced approach of strict enforcement, modern technology, and compassionate rehabilitation. Only then can we effectively dismantle illegal drug networks and protect their communities from the silent destruction caused by drug abuse.

