

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.  
All rights reserved.**

## ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

## ***PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT***

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

# LEGAL REFORMS AND REHABILITATION FOR DRUG VICTIMS

AUTHORED BY - T SAROJA DEVI & L. KEERTHANA

Assistant Professor

School of law

Vels Institute of Science, Technology & Advanced Studies, Pallavaram, Chennai.

## **Abstract:**

The issue of drug abuse has evolved from being a criminal concern to a major public health and social welfare challenge. In India, legal reforms have increasingly focused on treating drug addicts as victims in need of help rather than as offenders deserving punishment. The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, initially emphasized strict penalties, but subsequent amendments have introduced provisions that promote rehabilitation and decriminalization of personal consumption. Section 64A of the Act allows immunity from prosecution for addicts volunteering for treatment, marking a significant shift toward a reformative approach.

Rehabilitation centers and de-addiction programs, both government and NGO-led, play a vital role in reintegrating drug victims into society. Judicial initiatives, such as drug treatment courts, have also begun to prioritize counseling, therapy, and vocational training over incarceration. Despite these positive steps, implementation gaps persist due to inadequate infrastructure, social stigma, and lack of coordination between law enforcement and health agencies.

For effective rehabilitation, reforms must adopt a multi-disciplinary strategy that integrates legal aid, medical treatment, psychological counseling, and community-based support. Policy emphasis should move from punishment to prevention and reintegration, ensuring that victims of drug abuse are empowered to rebuild their lives with dignity and purpose.

**Keywords:** Drug abuse Legal reforms Rehabilitation NDPS Act Decriminalization.

## Introduction:

In India, Drug Victimization has emerged as a complex public health, social and legal challenge for the demanding from punitive frameworks in the rehabilitative approach to a more humane society. National debates focus on cartels, traffickers and cross -border smuggling and the individuals directly become the suffering person from the drug dependency- which is commonly labelled as offenders under the Narcotic Drugs and Psychotropic Substances (NDPS) Act of the layered vulnerabilities in the fact victims. Psychological distress, unemployment, trauma, poverty and the social exclusion are the individuals often come from the environments marked. In most of the cases, structural disadvantages play a role in copying the drug users by making criminalisation legally questionable and ethically problematic. Drug Victimization is looked through the narrow lens of criminal law but also through a multidisciplinary basis in human rights, social welfare and public health.<sup>1</sup>

India's legal response towards the drug usage strict enforcement has largely been driven. The NDPS Act, 1985 leads the criminals to imprisonment even for the little quantities of narcotic substances that need the requirement for the medical and psychological intervention instead of the punishment. Has created a cycle for this punitive approach where drug-dependent individuals into the criminal justice rather than receiving treatment, in moves further into stigmatising them and into the reintegration society. Both law and social reforms reinforced the attachment of stigma to drug use, which pulls the victims into isolation by limiting their access to health care, community help and the employment opportunities. This helps the structural exclusion but also worsens the addition along with that increases vulnerability to exploitation, repeated conflict and homelessness with legal enforcement.

In order to shape informal legal reforms, we should understand the drug victims. As victims of psychological, socio-economic and system pressures a shift moves as a rights-based and must compulsorily recognise the rehabilitative approach in the individuals drug-dependent. The legal reform will help not only towards the drug decriminalise use but also strengthen rehabilitation frameworks, helps to the increase of the mental health services and the process of reintegration socially. Is it possible for India to move from punishment to protection? Instead of punishment transforming the drug dependency into one that upholds dignity, health and human rights<sup>2</sup>

<sup>1</sup> <https://sgonliners.com/mental-health-stress-and-drug-use-how-universities-can-help/>

<sup>2</sup> <https://www.ijfmr.com/papers/2023/5/7172.pdf>

### **Need for victim - Centric legal Reforms:**

The NDPS Act, the current legal framework on Narcotics in India is primarily governed by this Act. Has long been criticised for the first move to criminalise care. The Act was designed to curb trafficking and organised crime to ensure strict punishment, Socio-economic distress wide net traps to the individual who consume drugs out of vulnerability. Towards the view its results drug-dependent persons enter into the criminal justice system but not into the health system. So therefore there is an urgent need for victim-centric legal reforms that help the drug users as individuals support them, not incarceration.<sup>3</sup> A victim-centric framework must shift the underlying philosophy from deterrence to rehabilitation, used globally, the contemporary public health models with aligning drug laws. Victim-centricity is rooted in multiple layers of vulnerability - poverty, mental illness, family breakdown and lack of social support etc. but the criminalisation does not help in any of the root causes. Additional laws like the creation of gender-sensitive services focus on youth rehabilitation, by way of recognising the unique vulnerabilities faced by women, adolescents and the rural populations. In Portugal Country, the criminal penalties for consumption that leads to better health outcomes as the result in the removal of criminal penalties, reduces the overdose death. But in India, through the courts and enforcement agencies by the way of counselling, treatment and based on community rehabilitation programs in the jail.

The NDPS Act as per the currently not clear safeguards of the rights, that to the recovering individuals resulting in the long term social exclusion. One of the important essentials is recognising the rights of drug victims. There should be a guarantee for the legal reforms for the protection of the individuals from employment and housing and should be confidential. In order to lead towards the punishment, India can prioritize healing, long term social awareness and well being, dignity, but a victim-centric legal approach creates a reintegration pathway instead of the punishment.

### **Rehabilitation as a Rights-Based Imperative:**

Rehabilitation for drug-dependent people grounded in constitutional protections, international human rights standards is not for the social welfare or medical, based on the right-based obligation and to the core principles of dignity and equality. An approach that India's Constitution supports implicitly, Article 21 the right to life and personal liberty also includes

---

<sup>3</sup> <https://www.cenikor.org/resources/the-effects-of-addiction-on-family-and-friends/>

the right to medical care, rehabilitation and the right to health. Drug dependent persons in order to protect their physical and mental health are required to proper treatment. Addiction that leads towards the criminalising violates the constitutional guarantee by not providing adequate rehabilitation. The state encourages to give to the public proper health and to create conditions that foster human dignity in the Directive Principles. Under these constitutional principles a rights-based to the rehabilitation treatment should be based on legal and moral commitment but not as a charity.<sup>4</sup>

International covenant on Economic, Social and Cultural Rights (ICESCR)<sup>5</sup> is the human rights Instruments which emphasise the highest attainable standard of health. But the countries are increasingly giving compulsory punishment for drug use instead of giving treatment and protecting them by degrading or discriminatory practices. Both legal legitimacy and public health outcomes strengthens the global norms with these domestic aligning in India.

How rehabilitation is delivered by a right-based approach that reshapes, mostly the victims will be free from coercion, demands voluntary, evidence based and community oriented often leads with poor centres that regulate de-addiction. Therefore along with these counselling, medically assisted therapies, supported by social and safe recovery. In order to address the women and adolescents, who face heightened barriers and stigma care. And the justice system helps to recover drug-dependent individuals by care, respect and the genuine chance at recovery rather than perpetuating harm.<sup>6</sup>

### **Legal Issues<sup>7</sup> :**

Alcohol and drug counselors providing vocational rehabilitation (VR) services directly or through referral need to be aware of legal and ethical issues in three areas: discrimination against recovering individuals, welfare reforms, and confidentiality.

- 1. Discrimination examines:** The Rehabilitation Act, which protects individuals with disabilities, including individuals with substance abuse disorders. But not those who are currently engaged in illegal drug use and two are not in treatment.

---

<sup>4</sup> <https://www.scribd.com/document/946906054/Health-Law>

<sup>5</sup> [https://link.springer.com/rwe/10.1007/978-1-4020-9160-5\\_533/](https://link.springer.com/rwe/10.1007/978-1-4020-9160-5_533/)

<sup>6</sup> <https://www.psychowellnesscenter.com/Blog/trauma-informed-living-what-it-means-and-why-it-matters/>

<sup>7</sup> Substance Abuse and Mental Health Services Administration (US) 2000

2. How those laws apply to individuals recovering from substance abuse disorders when they seek equal access to social service agencies and programs, including vocational and educational training programs.
3. The workforce investment act of 1998, which reorganized the delivery of federally funded vocational training services, and how the Act might affect individuals in substance abuse treatment.
4. How the laws protecting individuals recovering from substance abuse disorders when they seek equal treatment in the area of employment
5. Remedies available to those who suffer discrimination.

Welfare reforms, looks at the new federal legislation governing public assistance and how it can affect individuals recovering from substance abuse disorders.

Confidentiality, outlines the requirements of the federal confidentiality law and reulaitons and describes ways in which counselors can communicate with vocational training programs and employers.

### **Discrimination in employment and employment related services<sup>8</sup>:**

Clients in substance abuse treatment who are entering or are in the job market sometimes encounter employer rejection or discrimination because of a history of substance use. For example, a computer training program might refuse to accept an applicant with a substance abuse disorders history. Or a business may fire a secretary when it discovers that her request for medical leave was to allow her to enter a treatment program for alcoholism.

This section below outlines the protections federal law currently affords people with substance abuse disorders, as well as the limitations of those protections and the available legal remedies. It describes how counselors can help clients deal with the issue of discrimination as they enter the job market.

Range of disabilities protection:

Both the Rehabilitation Act and ADA extend protection from discrimination to individuals

1. Who have a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring fro one's self,

---

<sup>8</sup> Substance Abuse and Mental Health Services Administration (US) 2000

performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

2. Who have a record of having an impairment that substantially limits one or more major life activities, including “a history of such impairment or a misclassification of having such impairment.
3. Who are regarded as having such an impairment: those with an impairment that does not substantially limit major life activities but that is treated by others as such, those whose impairment results solely from the attitudes of others toward the condition or disease, and those they have no impairment but are treated as though they have a disability. This includes persons who are denied services or benefits because of myths, fears and stereotypes associated with a disability.

Protection for individuals with substance abuse disorders:

For those seeking benefits and services, an individual with a substance abuse disorders is included in the definition of “individual with a disability” in many, but not all instances. The federal regulations implementing ADA and the Rehabilitation Act make a distinction between individuals whose substance abuse disorders involve alcohol and those who use illegal drugs.

Alcohol-dependent and alcohol-using individuals: The Rehabilitation Act and ADA provide limited protection against employment discrimination to individuals who abuse alcohol but who can perform the requisite job duties and do not pose direct threat to the health, safety or property of others in the workplace.

Users of illegal drugs: individuals who no longer are engaged in the illegal use of drugs and have completed or are participating in a drug rehabilitation program are offered some protection. The Rehabilitation Act and ADA ad protect employees who

1. Have successfully completed a supervised drug rehabilitation program or otherwise have been rehabilitation and are no longer engaging in the illegal use of drugs
2. Are participating in a supervised rehabilitation program and are no longer engaged in illegal drug use.
3. Are erroneously regarded as engaging in illegal drug use.

The Drug free workplace Act

Another Federal law, the Drug free workplace Act may also affect clients in recovery.

The Act requires employers who receive Federal funding through a grant or who hold Federal contracts to certify they will provide a drug free workplace. The certification means that affected employers must

1. Notify employees that “ the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specify the actions that will be taken against employees
2. Establish an ongoing drug awareness program to inform employees of the dangers of drug abuse in the workplace, the availability of any drug counseling or employee assistance program, and the penalties that may be imposed for violations of the employer’s policy
3. Take appropriate action against an employee convicted of a drug offence when the offence occurred in the workplace.
4. Notify the federal funding agency in writing when such a conviction occurs

### **Social-legal Dimensions of Drug Abuse:**

In India, drug abuse can’t be understood clearly as a medical or criminal phenomenon. Both in social realities and the legal structures situated at the intersection. In the drug-dependent world, the social legal dimensions of drug abuse reflect the societal pressures, economic vulnerabilities, cultural attitudes and the legal answers that shape the lived experiences of the individual. Creating a complex environment under each dimension that reinforces the other way and in which the victims are often trapped among the social stigma and punitive laws rather than rehabilitative measures that are being supported.

Drug abuse that are deeply connected socially such as unemployment, poverty, urban migration, family instability and mental health challenges. The slow higher rates of substance dependence lead towards the higher rates of substance that weaken social support systems communities and limited education. The hardship of socio-economic or trauma from the per pressure and the finding for escape further moves the vulnerable person into drug usage. Early intervention avoids the social stigma. The families of the victims mostly prevent speaking the addition due to the fear of shame, victims fear of social exclusion or moral judgment. In order that drug abuse is hidden it results in severeness, worsening the process of dependency and isolation.<sup>9</sup>

---

<sup>9</sup> <https://quizlet.com/578441074/substance-abuse-quizzes-flash-cards//>

In India, it legally led towards the historical center on control and punishment towards drug abuse. Even for the small quantities of the drug consumption and possession the NDPS act criminalises and it leads towards the arrest, imprisonment and the prosecution. The factors that move to the vulnerability, this approach treats the underlying socio-economic in its ignorance, treats the drug users offenders. To encounter police stations, the legal framework disproportionately affects the needly, unemployed youth, individuals homeless and the marginalized communities. The system results already become the further victimised the criminalisation where already vulnerable,

It creates the gaps between the socio-legal interaction, diversion programmes helps to lead to the awareness of many of the drug victims and to have access to legal representation. During enforcement, women, young offenders, people from marginalised castes or tribes face heightened discrimination. First through addiction and then through legal systems and societies that lack gender-sensitive support structures.

A different view of dimension and the uneven distribution of de-addiction and the rehabilitation services is the limited availability. Altogether without the help of leaving them or unregulated private facilities into forcing victims through, many regions lack affordable or community-based treatment centres. Absence of trained professionals, poor coordination between health and law enforcement agencies and the underutilization due to bureaucratic delays are the legal provisions mandating rehabilitation.

Therefore, the social-legal view of drug abuse persplex through revealing the addiction is a social vulnerability and also a legal issue. The major addressing needs to be reformed in the way of acknowledgement of these overlapping truths, and also in the movement from criminalisation to social support, healthcare access, rights protection and the community-based interventions.

### **Limitations of the Existing Legal Framework (NDPS Act Analysis):**

The backbone of India's drug control regime, is the Narcotic Drugs and Psychotropic Substances (NDPS) Act,<sup>10</sup> 1985. But there are the limitations in its structure and the implementation reveal in the undermine effectiveness and disproportionately injure the

---

<sup>10</sup><https://www.ijlra.com/post/narcotic-drugs-and-psychotropic-substances-act-1985-a-legal-and-empirical-analysis-of-its-effectiv>

individuals drug-dependent. This act was enacted to regulate the usage of the narcotic substances and to curb trafficking. There is the blurry line between the traffickers and the victims, towards its punitive framework. Rather than supported, individuals suffering from the addiction are criminalised in the need for critical reforms<sup>11</sup>.

NDPS Act - one of the core limitations is its stringent penal approach. Long term imprisonment often leads to the act of criminalizing consumption towards the possession of small quantities, and even preparatory acts. Treating both the view as criminal offences, between the personal use and the commercial trafficking failure to differentiate them. Incarceration of drugs-dependent of the individuals in order to the absence of a clear victim-sensitive distinction that is it required treatment rather than punishment. Further it restrict judicial discretion is one of the mandatory minimum sentences discretion,<sup>12</sup> that avoids the courts from a compassionate approach involving the addicts' cases.

The lack of provisions is another major limitation.<sup>13</sup> It is for treatment-based alternatives. Section 64A in the Act says the immunity from prosecution for the addicts volunteering the treatment and motives the rehabilitation. And the provisions are poorly implemented and it leads to the unknown victims and highly bureaucratic. Mostly the law agencies play the role in arresting rather than treatment centres diversion. This reinforces the punitive character of the act that mismatch between legislative intent and the ground-level enforcement.

Section 50 of the NDPS Act is search and seizure, and it also suffers from the investigation and the procedural inconsistencies. Lack of the legal knowledge or representation to access often leads to acquittals of actual offenders in the offenders vulnerable addicts in the system. Minor procedural collapse conversely that process to escape the traffickers in the conviction. This reveals an imbalance of an enforcement procedure that is neither effective nor just.

The public health dimension of drug abuse is not addressed in the act. The provisions lack accessible rehabilitation centres mandating, social reintegration mechanisms or mental

---

<sup>11</sup> <https://www.doverecover.com/blog/wealth-and-addiction>

<sup>12</sup> <https://leppardlaw.com/criminal-law/sex-crimes-defense/eustis-fl-solicitation-of-a-minor-lawyer-near-you-3/>

<sup>13</sup> <https://arxiv.org/html/2510.18328v1>

health support. Rather than a medical condition as a criminal act as a result, addiction continues to be viewed. Rehabilitation frameworks further marginalised vulnerable groups in the absence of gender-sensitive, adolescent-specific.

The NDPS Act finally has not achieved its intended objective based on the deterrence model. Synthetic substances are increasingly available in the Drug trafficking networks, moves continue to expand and the number of drug-dependent individuals rising in individuals. That prioritises punishment over prevention, care and harm reduction these trends reveal the shortcomings of a law. The NDPS Act's in the essence reflect a mismatch distinguish legal design and ground realities necessitating reforms that gives rehabilitation, rights protection and the public health.<sup>14</sup>

### **Strengthening Law Enforcement Through Public Health Approaches:**

In the context of drug abuse enforcement strengthening requires a shift from a purely punitive mindset with public health systems to one of the collaborates. Strategies under the NDPS Act, traditional enforcement focused on arrest, prosecution and incarceration. These measures are the essential while dismantling trafficking networks addressing individual level they have proven ineffective drug dependency. Drug related issues deals to sustainable framework, humane and more effective offers the approach a public health under the law enforcement.

Allowing law enforcement agencies to target their resources on high- level traffickers on drug-dependent individuals rather than wasting capacity under a public health approach emphasises pervention, early intervention and harm reduction and rehabilitation. The police officer can identify the signs of addiction who are trained in public health principles that refers the individual to treatment facilities, consellers and collaborate with social workers and NGOs. In the result of that it motivates the voluntary treatment, unnecessary arrests and avoids overcrowdign in prisons.<sup>15</sup>

Models from the countries like portugal demonstrate leads towards the services helps to decrease the overdose deaths with policing integrating, drug-related crime and recidivist. In

---

<sup>14</sup><https://www.stibbe.com/publications-and-insights/the-current-status-of-the-ai-act-navigating-the-future-of-ai-regulation>

<sup>15</sup> <https://study.com/learn/lesson/death-penalty-history-pros-cons.html>

order to preventing addition rather than harm occurs they play a proactive role such as programmes in needle exchange, safe-use education simply we say harm-reduction initiatives, mental health services, opioid substitution therapy programmes and community health centres where the law enforcement agencies partner exist.

Improvement of the trust between the communities and the police furthermore a public health-based strategy. victims seeks help when they know they will not be criminalised. Rather than instruments of punishment, referrals enable police to act as recovery gateways in the diversion programmes, drug courts and the mandatory treatment. Evidence-based interventions, reduce crime and promoting social stability, ultimately integrating public health principles that strengthens the law enforcement. Both health and social issue that recognises the addiction in order to real solution lie in treatment, not imprisonment <sup>16</sup>

### **Conclusion:**

In India a complex, drug Victimization interplay of social vulnerability, inadequate rehabilitation mechanisms and the legal punitive structure. Particularly, NDPS Act has highly prioritised over care Criminalisation, individual drug-dependent trapping in cycles of individual stigma and social exclusion. This approach neither addresses the root causes of addiction nor it leads towards long-term recovery. Health conditions rather than a crime helps towards the victim-centric legal reforms is one of the essential systems to create a great jump from the drug dependent.

A rights-based rehabilitation model offers a more humane and effective alternative. By ensuring access to treatment, mental health care, community support, and reintegration opportunities, such an approach restores dignity and promotes sustainable recovery. International human rights standards and constitutional protections in India both support this paradigm shift. Decriminalisation of personal consumption, diversion to treatment rather than prosecution, and expansion of gender-sensitive and youth-friendly rehabilitation services are necessary steps to modernise the country's drug policy.

Ultimately, addressing drug abuse requires a collaborative effort between legal institutions, healthcare systems, communities, and policymakers. By embracing reforms that

---

<sup>16</sup> <https://nscr.nl/en/why-many-victims-of-sexual-abuse-do-not-seek-help/>

balance public health with justice, India can move toward a compassionate, evidence-based framework that truly protects and rehabilitates drug victims rather than punishing them.

