

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines.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.

A HUMAN RIGHTS-BASED APPROACH TO REFORMING PENALTIES FOR DRUG ABUSE IN INDIA

AUTHORED BY - NEENALAKSHMI MOHAN

Abstract

The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, primarily regulates drug abuse, which remains a significant socio-legal issue in India. The Act's severe punitive measures usually ignore the fundamental rights and rehabilitation needs of drug-dependent individuals, despite the fact that its goal was to prevent drug abuse and trafficking. This doctrinal study, "A Human Rights-Based Approach to Reforming Penalties for Drug Abuse in India," aims to analyze the current criminal justice system using human rights principles.

The study evaluates whether current legislation complies with both constitutional protections such as the right to life, dignity, and personal liberty guaranteed by Articles 14 and 21 of the Indian Constitution, as well as international standards such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Emphasis is placed on the stigmatization of users, the dearth of effective rehabilitation programs, and the disproportionate punishment of juvenile drug offenders.

The study advocates for a shift away from punitive justice and toward a restorative and rehabilitative strategy that sees drug addiction as a public health issue rather than a criminal offense. By implementing human rights-based reforms and finding a balance between societal safety and individual dignity, the study aims to advance a legal environment that ensures justice and compassion.

Keywords: Drug abuse, Human rights, NDPS Act, Penal reform, Right to life and dignity

CHAPTER I INTRODUCTION

Drug abuse has emerged as one of among the most challenging socio-legal issues in modern India. Even though drug trafficking poses a threat to public order and national security, the rising number of drug-dependent individuals highlights the need for a more sensitive and thorough legal approach. The Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985 remains the main law intended to limit the production, sale, and possession of narcotic substances.

But over time, debates about whether its harsh penal laws truly serve justice have heated up, especially when it comes to drug addicts and minor offenders who require medical care rather than incarceration. Given this, it is imperative that the current legal system be re-examined in light of human rights, globally accepted norms, and constitutional safeguards.

The evolution of drug use and dependency in India has been shaped by a number of factors, such as urbanization, unemployment, stress, social influence, and easy access to substances. The Ministry of Social Justice and Empowerment has reported a sharp rise in substance use, including prescription drugs, heroin, cannabis, and synthetic drugs. States like Punjab, Maharashtra, Uttar Pradesh, and the Northeast have shown a particularly high frequency.

To encourage drug trafficking and enforce strict drug control, the NDPS Act imposed severe penalties, such as mandatory minimum terms. Drug-dependent individuals are subject to the same stringent regulations that, despite their success in fighting drug cartels, often force them into overcrowded prisons with limited opportunities for rehabilitation. This has caused a gap between the law's intended and actual outcomes, highlighting the urgent need to review India's approach to drug users.

CHAPTER II

LEGAL FRAMEWORK GOVERNING DRUG ABUSE IN INDIA

2.1 Historical Evolution of Drug Laws in India

Over time, India's narcotics laws evolved from colonial regulations to post-independence laws. The initial attempts during the British administration focused on regulating the production and trade of opium and were largely driven by financial incentives. Laws such as the Opium Act of 1857 and the Opium Act of 1878 allowed the colonial government to regulate opium production and levy taxes.¹

once becoming independent, the Dangerous Drugs Act of 1930, which was also drafted under British rule, continued to be in force.² Despite establishing criminal penalties for both possession and trafficking, this Act was inconsistent from one state to another. By the late 1970s, international concerns about drug trafficking and India's responsibilities under international conventions—particularly the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 UN Convention Against Illicit Traffic—made stronger domestic legislation necessary.³

This led to the creation of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, which consolidated all previous laws, strengthened penalties, and created a national drug control body.⁴

2.2 Overview of the NDPS Act, 1985

The NDPS Act of 1985 is the most important law in India who governs narcotic drugs and psychotropic substances. It is illegal to produce, manufacture, cultivate, possess, sell, buy, transport, or use narcotics or psychotropic drugs.⁵

The Act's two primary objectives were to:

- create a strict, deterrent-based legal framework to prevent drug trafficking; and
- comply with international drug control treaties.⁶

The Act created organizations like the Narcotics Control Bureau (NCB) and gave the Central Government authority to regulate controlled substances. In the hope to improve sentencing, distinction between traffickers and users, and correct drafting mistakes, changes were made in 1988, 2001, 2014, and 2021.⁷

2.3 Penal Provisions and Categorization of Offences

The accused's sentence is based on whether they were found in small, intermediate, or

commercial amounts of a prohibited substance because the NDPS Act employs a quantity-based sentencing system. This framework was created by the 2001 Amendment in order to ensure proportionality and differentiate between major traffickers, small-scale carriers, and addicts.

Section 21(a) & Section 22(a) or offences involving small quantity, punishment is:

- Imprisonment up to 1 year, or Fine, or Both.⁸ This is provided under:
- Section 21(a) (for manufactured drugs and preparations),
- Section 22(a) (for psychotropic substances).

Addicts or juvenile offenders who possess narcotics for personal use are distinguished by this clause. The purpose of the comparatively light sentence is to prevent low-level offenders from overcrowding prisons.

Quantity Lesser than Commercial but Greater than Small (Intermediate Quantity)

When the quantity is more than “small” but less than “commercial”, punishment is:

- Imprisonment up to 10 years, and fine up to ₹1 lakh.⁹ This is stated in:
- Section 21(b) for narcotic drugs, and
- Section 22(b) for psychotropic substances.

It emphasizes middlemen and peddled goods who play a role in the production supply chain but are not serious traffickers.

Commercial Quantity (Section 21(c) and Section 22(c))

For commercial quantity, which is specified in government notifications, punishment is:

- Minimum 10 years imprisonment, extendable to 20 years, and
- Fine not less than ₹1 lakh, which may extend to ₹2 lakhs or more.¹⁰ Applicable under:
- Section 21(c) (manufactured drugs),
- Section 22(c) (psychotropic substances).

Of the most severe consequences are meted out to large-scale traffickers. The mandatory minimum sentence reflects the Act's goal of dissolving up coordinated drug groups.

Sections Related to Consumption and Addict Protection Section 27 – Punishment for Consumption

Section 27 differentiates drug consumers from traffickers. Punishment:

- For cocaine, morphine, heroin: imprisonment up to 1 year or fine up to ₹20,000.
- For other drugs: imprisonment up to 6 months or fine up to ₹10,000.¹¹

2.4 Constitutional Safeguards: Articles 14, 19 & 21

While the State police have jurisdiction across drug offenses, the NDPS Act must adhere to

constitutional protections.

Article 14 (Right to Equality)

Penalties must be impartial and equitable. The argument that mandatory minimum sentences violate equality has been used to challenge them.¹²

Article 19 (Personal Freedoms)

Despite the fact that drug possession is not a fundamental right, restrictions on travel, privacy, and lifestyle must be reasonable.¹³

Article 21 (Right to Life and Personal Liberty)

Courts have placed a strong emphasis on access to de-addiction and recovery, fair procedures, and compassionate treatment of addicts. In *Sunil Batra v. Delhi Administration*, the Supreme Court underlined that even prisoners are entitled to dignity under Article 21¹⁴. Despite not being an NDPS case, it affects how offenders are treated by the law.

In NDPS cases, courts consistently ruled that the requirements for a fair trial, proper search and seizure protocols, and protection from wrongful arrest are of greater significance than severe penalties.¹⁵

2.5 Judicial Interpretation of NDPS Penalties

1. State of Punjab v. Baldev Singh (1999)

The accused must be informed of his right under Section 50 to be searched in front of a magistrate or gazetted authority, the Supreme Court ruled. Noncompliance could taint the trial.¹⁶

2. E. Micheal Raj v. Intelligence Bureau (2008)

The Court emphasized that when figuring out commercial quantity, the actual drug amount—rather than the entire mixture—should be considered. As a result, young criminals were spared the same punishments as human traffickers.¹⁷

3. Tofan Singh v. State of Tamil Nadu (2020)

The Supreme Court ruled in a landmark case that officers under the NDPS Act are police officers and, therefore, their taped confessions are not admissible under Section 25 of the Evidence Act. This improved the rights of those who were accused and protected people from coerced confessions.¹⁸

4. Mohan Lal v. State of Punjab (2018)

The Court decided that an officer cannot be both an investigating officer and a complainant in order to maintain fairness in NDPS investigations. It's These cases demonstrate that despite the NDPS's stringent provisions, the courts frequently

intervene to protect constitutional rights and prevent abuse of power.¹⁹

CHAPTER III: HUMAN RIGHTS PERSPECTIVE ON DRUG OFFENCES

3.1 Understanding Drug Addiction as a Public Health Issue

Drug addiction is increasingly recognized on a global scale as a chronic illness rather than a moral or criminal failing. According to medical research, addiction is classified as a psychosocial disorder that impacts both behavior and brain function.²⁰ Criminalizing addicts frequently results in cycles of jail rather than rehabilitation. Drug addiction must be addressed with medical intervention, counseling, harm-reduction services, and community-based rehabilitation, according to the World Health Organization (WHO). Despite laws such as Section 64A of the NDPS Act, which grants amnesty to addicts seeking voluntary treatment, law enforcement in India continues to treat addiction as a criminal issue. This approach often violates human dignity and the right to health because addicts are typically denied access to treatment and receive punitive rather than supportive care.²¹

3.2 Application of UDHR, ICCPR, and Other International Instruments

A framework for assessing how nations ought to handle people involved in drug usage or drug-related offenses is provided by international human rights law.

Universal Declaration of Human Rights (UDHR)

The rights to life, liberty, and personal security (Article 3) as well as health and well-being (Article 25) are safeguarded by the UDHR.²² Excessive criminalization of drug users may violate fundamental rights by restricting freedom, denying access to healthcare, and cruelly treating people.

International Covenant on Civil and Political Rights (ICCPR)

According to ICCPR Articles 6 and 9, states must ensure that any restrictions on liberty are justifiable, fair, and proportionate.²³ Mandatory minimum sentences under the NDPS may conflict with the ICCPR's emphasis on proportionality and individualized justice.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

According to Article 12 of the ICESCR, states must provide access to healthcare and rehabilitation services.²⁴ When addicts are criminalized instead of treated, the covenant's rules are broken.

3.3 Right to Life and Personal Liberty in the Context of Drug Offenders

Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which is widely interpreted to encompass dignity, fairness, and humane treatment.²⁵ In addition to animal existence, the Supreme Court has repeatedly held that the right to life encompasses the right to health, privacy and rehabilitation. Significant decisions like *Sunil Batra v. Delhi Administration* emphasize that prisoners have a right to human dignity and cannot be subjected to cruel treatment.²⁶ Even when it is not directly related to NDPS, the case has influenced courts to prioritize humane treatment for those accused of drug offenses.

In *Tofan Singh v. State of Tamil Nadu*, the Supreme Court ruled that confessions made by NDPS employees are inadmissible because they are "police officers," protecting drug offenders from coercive interrogation and ensuring justice.²⁷ Therefore, to protect their right to life and liberty, drug offenders must have access to treatment, fair trials, and proportionate punishment instead of severe criminal penalties.

3.4 Issues of Disproportionate Sentencing

One of the most criticized aspects of the NDPS Act is the mandatory minimum penalty, especially for "commercial quantity" offenses. The Act stipulates a minimum sentence of ten years in prison, regardless of mitigating circumstances.²⁸

Among the issues are:

- No judicial power to reduce punishments because of coercion, poverty, or individual circumstances
- Serious traffickers are often punished similarly to young criminals who act as messengers.
- breach of the proportionality principle in Article 14
- Strict bail requirements leading to prolonged pretrial detention (Section 37 NDPS).

In *E. Michael Raj v. Intelligence Bureau*, the Supreme Court stated that only the pure drug content, not the mixed weight, must be considered when determining a sentence, acknowledging concerns about disproportionate punishment. This reduced the possibility that young offenders would be punished for trafficking.²⁹ International human rights legislation emphasizes proportionate punishment and personalized sentencing, which are incompatible with strict mandatory minimums.

3.5 Stigma, Discrimination, and Social Exclusion of Addicts

In India, drug-dependent people still experience pervasive stigma that takes many different

forms, such as social rejection, discrimination in the workplace, denial of access to healthcare and education, increased police surveillance, and loss of family or community support. Addicts are pushed to the periphery of society by this stigma, which frequently forces them to hide their illness and put off getting treatment or rehabilitation, which exacerbates their susceptibility and reliance.³⁰ René Because a criminal record significantly limits future work, housing, and social reintegration chances, the NDPS Act's criminalization of consumption perpetuates these patterns of exclusion and traps people in a cycle of marginalization.

Human rights standards state that everyone has the right to equality, respect, and dignity as well as equal access to essential services like healthcare. The Supreme Court affirmed in *Maneka Gandhi v. Union of India* that the right to life under Article 21 includes the right to live with dignity, extending constitutional protection to treat everyone humanely, including drug addicts.³¹ Persistent stigma and prejudice undermine this fundamental constitutional value by denying addicts fair treatment, equal opportunity, and the opportunity to reintegrate into society. Such exclusion is incompatible with India's human rights obligations and undermines the objective of creating a humane legal framework based on rehabilitation rather than punishment.

CHAPTER IV

CRITICAL ANALYSIS OF PUNITIVE VS. REHABILITATIVE APPROACHES

1.1 Limitations of the Current Punitive Model

Deterrence through harsh fines is the main objective of the NDPS Act's punitive structure, but this approach has several significant disadvantages. The criminalization of use, strict bail requirements under Section 37, and mandatory minimum sentences have resulted in the imprisonment of thousands of addicts and low-level offenders who require medical help rather than incarceration.³² Instead of reducing drug use, research shows that punitive policies lead to overcrowding in prisons, heightened stigma, and permanent barriers to rehabilitation.³³ The strict limitations on judicial discretion also prevent judges from considering individual circumstances such as addiction, coercion, or socioeconomic vulnerability.³⁴ These disadvantages demonstrate that the punitive strategy is incompatible with human rights standards and inappropriate for long-term drug control.

1.2 Global Best Practices: Portugal, Canada, and Switzerland

Many countries have effectively made the shift from strict criminalization to innovative, health-oriented drug laws. By decriminalizing personal drug possession in 2001 and redirecting resources from law enforcement to treatment, Portugal is renowned for having decreased overdose deaths, HIV infections, and general drug-related suffering.³⁵ Canada has implemented a public health strategy that includes safe supply programs, supervised consumption sites, and diversionary activities to reduce stigma and improve health outcomes.³⁶ Switzerland was a leader in medically supervised injecting facilities, community-level harm reduction, and heroin-assisted therapy (HAT), all of which led to significant drops in crime, mortality, and public drug use³⁷. These examples from around the world demonstrate that treating drug use as a health issue rather than a criminal offense benefits society more.

1.3 Role of Rehabilitation Centres and De-addiction Programs

Recovery and withdrawal facilities are crucial for treating addiction as a chronic illness that requires long-term care. This is acknowledged by Section 64A of the NDPS Act, which provides immunity to addicts pursuing voluntary treatment; however, its implementation is still deficient. Problems like understaffing, a lack of skilled workers, poor facilities, and inconsistent care quality are common in both public and private rehabilitation centers.³⁸ Studies show that community-based treatment, behavioral therapy, psychiatric counseling, and social reintegration support significantly improve recovery rates when compared to incarceration. Strengthening rehabilitation frameworks would encourage an inclusive, rights-based approach to drug policy in addition to reducing crime and relapse rates.

1.4 Restorative Justice as an Alternative Model

Rehabilitative justice offers a revolutionary substitute for punitive regimes by placing more of an emphasis on rehabilitation, accountability, and reintegration than on punishment alone. It emphasizes repairing harm through dialogue, community engagement, and tailored solutions rather than imposing lengthy incarceration.³⁹ In the context of drug offenses, restorative justice advocates for structured treatment plans, counseling, community service, and diversion programs as alternatives to incarceration.⁴⁰ In countries that have implemented restorative frameworks, reintegration outcomes for drug offenders have improved, community safety has increased, and recidivism rates have decreased.⁴¹ If restorative justice were integrated into India's drug policy, it would ensure proportionate responses, safeguard human rights, and be in line with the constitutional values of justice, dignity, and rehabilitation.

1.5 Restorative Justice as an Alternative Model

By emphasizing rehabilitation, accountability, and reintegration rather than just punishment, restorative justice provides a transformative alternative to punitive regimes. Instead of enforcing long-term incarceration, it places an emphasis on healing harm via communication, community involvement, and customized solutions.⁴² Restorative justice promotes community service, counseling, diversion programs, and structured treatment plans as alternatives to jail in the context of drug offenses. Recidivism rates have decreased, community safety has increased, and drug offenders' reintegration results have improved in nations that have used restorative frameworks.⁴³ " Restorative justice would guarantee proportionate responses, protect human rights, and be consistent with the constitutional principles of justice, dignity, and rehabilitation if it were incorporated into India's drug policy.

CHAPTER V

CONCLUSION AND SUGGESTION

A review of India's drug control framework reveals a necessary shift from punitive excess to a balanced, rights-oriented approach that promotes both public safety and individual dignity. Reducing mandatory minimums, clearly distinguishing between addicts, petty carriers, and organized traffickers, and granting judges greater discretion to take into account variables like age, socioeconomic status, and intent are the first steps in overhauling NDPS penalties.

Alongside legal reforms, India's public health and rehabilitation systems must be significantly improved. Establishing community-based harm-reduction services like safe-use counseling, opioid substitution therapy, and post-treatment reintegration programs, expanding the number of government-funded de-addiction centers, improving accessibility in rural areas, and integrating mental health support are some ways to accomplish this. A robust drug policy must be grounded in human rights principles to ensure that enforcement does not violate people's rights to equality, life, dignity, and a fair trial.

This requires training for law-enforcement agencies, rights-based judicial guidelines, and routine oversight mechanisms to prevent misuse of NDPS provisions. Looking ahead, a comprehensive policy roadmap for India should include decriminalization of consumption, adoption of evidence-based harm-reduction strategies, collaboration with international best-practice models, and coordinated action between health, social justice, and law-enforcement ministries. Such reforms would enable a shift from a retributive system to one that recognizes

addiction as a chronic health condition rather than a moral or criminal failing.

In order to safeguard both individual rights and the welfare of society, the study's conclusion ultimately highlights the necessity of a fair, compassionate, and scientifically based approach to drug regulation. This will guarantee that social justice, public health, and rehabilitation—rather than fear, punishment, and exclusion—are supported by India's legal system as it evolves.

¹ The Opium Act, 1857 (India).

² Dangerous Drugs Act, 1930 (India).

³ Single Convention on Narcotic Drugs, Mar. 30, 1961, 520 U.N.T.S. 151; Convention on Psychotropic Substances, Feb. 21, 1971, 1019 U.N.T.S. 175; United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Dec. 20, 1988, 1582 U.N.T.S. 95.

⁴ Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE.

⁵ NDPS Act 8- 27

⁶ Government of India, Statement of Objects and Reasons, NDPS Act, 1985.

⁷ Narcotic Drugs and Psychotropic Substances (Amendment) Acts of 1988, 2001, 2014 & 2021 (India).

⁸ NDPS Act, sec- 27.

⁹ NDPS Act, sec- 21(b).

¹⁰ NDPS, Act sec- 21(c)

¹¹ NDPS Act, sec 27

¹² INDIA CONST. art. 14

¹³ INDIA CONST. art. 19

¹⁴ Sunil Batra v. Delhi Admin., (1978) 4 SCC 494.

¹⁵ Noor Aga v. State of Punjab, (2008) 16 SCC 417.

¹⁶ State of Punjab v. Baldev Singh, (1999) 6 SCC 172.

¹⁷ E. Micheal Raj v. Intelligence Bureau, (2008) 5 SCC 161.

¹⁸ Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1.

¹⁹ Mohan Lal v. State of Punjab, (2018) 17 SCC 627.

²⁰ World Health Organization, *Neuroscience of Psychoactive Substance Use and Dependence* (2004).

²¹ World Health Organization, *International Standards for the Treatment of Drug Use Disorders* (2016).

²² Universal Declaration of Human Rights art. 3, 25, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

²³ International Covenant on Civil and Political Rights arts. 6, 9, Dec. 16, 1966, 999 U.N.T.S. 171.

²⁴ International Covenant on Economic, Social and Cultural Rights art. 12, Dec. 16, 1966, 993 U.N.T.S. 3.

²⁵ INDIA CONST. art. 21.

²⁶ Sunil Batra v. Delhi Admin., (1978) 4 SCC 494.

²⁷ Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1.

²⁸ NDPS Act sec-21(c), 22(c).

²⁹ E. Micheal Raj v. Intelligence Bureau, (2008) 5 SCC 161.

³⁰ World Health Org., *Stigma and Discrimination in Healthcare Settings* (2017).

³¹ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248.

³² NDPS Act, No. 61 of 1985, § 37 (India).

³³ United Nations Office on Drugs and Crime, *World Drug Report* (2023).

³⁴ E. Micheal Raj v. Intelligence Bureau, (2008) 5 SCC 161.

³⁵ Caitlin Elizabeth Hughes & Alex Stevens, *What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?*, 50 British J. Criminology 999 (2010)

³⁶ Government of Canada, *Canadian Drugs and Substances Strategy* (2022).

³⁷ European Monitoring Centre for Drugs and Drug Addiction, *Switzerland Country Drug Report* (2020)

³⁸ World Health Organization, *Harm Reduction: Evidence, Impacts, and Challenges* (2012).

³⁹ NDPS Act, No. 61 of 1985, § 64A (India).

⁴⁰ Ministry of Social Justice and Empowerment, *Annual Report on Drug Rehabilitation Centres* (2022).

⁴¹ World Health Organization, *International Standards for the Treatment of Drug Use Disorders* (2016).

⁴² United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* (2020).

⁴³ John Braithwaite, *Restorative Justice & Responsive Regulation* (2002).