**India’s inputs for the report of the Office of the High Commissioner for Human Rights on human rights challenges in addressing and countering all aspects of the world drug problem**

Addressing and countering the world drug problem presents significant human rights challenges, as drug policies and practices can have a disproportionate impact on the same. The Narcotic Drugs and Psychotropic Substances (NDPS) Act is the primary law in India that deals with drug offences and drug-related crimes. While the NDPS Act provides measures to address drug trafficking and drug abuse, it also includes provisions for promotion and protection of the human rights of all individuals, including individuals with drug use disorders. Some of the important provisions of NDPS Act in this context are as under:

a) The NDPS Act provides for a graded system of punishment with the quantum of punishment varying with the quantity of drug/substance involved in a case. The objective behind this scheme of punishment is to differentiate between the drug traffickers and drugs addicts.

b) Special provisions are being made under the NDPS Act for addicts volunteering for treatment. Any addict, who is charged with an offence punishable under section 27 (Punishment for Consumption) or with offences involving small quantity of narcotic drugs or psychotropic substances and who voluntarily seeks to undergo medical treatment for de-addiction from a hospital or an institution maintained or recognized by the Government or a local authority and undergoes such treatment shall not be liable to prosecution under section 27 or under any other section for offences involving small quantity of narcotic drugs or psychotropic substances.

c) Any person being searched under the NDPS Act has a right to be searched before a Gazetted Officer or a Magistrate (Section 50). The officer searching the person has to explain to the person that he has a right to be searched before a Gazetted Officer or a Magistrate and if the person wishes to be searched before a Gazetted Officer or a Magistrate he should be taken to the Gazetted Officer or the Magistrate and searched.

d)  A fund namely “National Fund for Control of Drug Abuse” has been constituted under the NDPS Act to support initiatives related to drug abuse prevention, treatment, and rehabilitation. Its primary objective is to provide financial assistance to states and other organizations that are engaged in drug abuse control activities. The fund is used for various purposes such as awareness campaigns, drug treatment and rehabilitation centres, training programs for professionals, research, and development of infrastructure related to drug control.

e) The Act also provides for tendering immunities in special cases such as immunity to offenders by the government in order to obtain their evidence in the case. Juvenile offenders are governed by the Juvenile Justice (Care and Protection of Children) Act, 2000.

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