



LAW, ENFORCEMENT, AND SOCIETY: A DECADAL REVIEW OF THE NDPS ACT IN MIZORAM

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ABSTRACT

The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) constitutes one of the most stringent penal statutes in India's criminal justice framework. Enacted to fulfil international treaty obligations and to combat narcotics trafficking, the Act reflects a prohibitionist paradigm rooted in deterrence and state control. Over the past decade, Mizoram owing to its strategic location along India's north eastern international border has experienced distinct enforcement realities under the NDPS regime. This article undertakes a socio-legal analysis of the NDPS Act as implemented in Mizoram. It interrogates the tension between punitive enforcement and procedural safeguards, evaluates judicial interventions that recalibrate state power, and examines the broader societal consequences of criminalization. The article argues that while the NDPS Act remains indispensable to narcotics governance, its effective application in border states demands a recalibrated approach integrating proportionality, rehabilitation, and community-based harm reduction.

Keywords: NDPS Act, Prohibition, Society, Criminalization, Judicial Interventions

I. Introduction

Drug control policy in India reflects a historically prohibitionist orientation, crystallized in the enactment of the Narcotic Drugs and Psychotropic Substances Act, 1985. Unlike many ordinary penal statutes, the NDPS Act adopts extraordinary procedural and evidentiary mechanisms designed to strengthen enforcement capacity. Reverse burden provisions, stringent bail restrictions, and severe sentencing collectively signal legislative prioritization of deterrence over rehabilitative justice. Mizoram's geographical proximity to Myanmar situates it within broader transnational trafficking networks historically associated with the "Golden Triangle."¹ Although India's statutory framework is nationally uniform, the

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¹ "Drug Seizures Rise Along Mizoram-Myanmar Border," The Hindu, August 5, 2022

enforcement landscape in Mizoram reveals how geography, socio cultural factors, and border vulnerabilities interact with the rigidity of the NDPS regime. This article first deals with the philosophical and international foundations of India's drug control policy, then looks into the structural features of the NDPS Act followed by Constitutional scrutiny and judicial interpretation. The paper also analyses Empirical Enforcement Realities in Mizoram (2015–2025 and Sociological and Criminological implication. Finally, the paper deals with the Normative critique and reform recommendations.

The philosophical and international foundations of India's drug control policy

The NDPS Act embodies a classical deterrence model, severe punishment is presumed to reduce criminal conduct. This reflects utilitarian penal theory, where punishment is justified as a means to prevent future harm. However, drug offences often involve addiction a condition increasingly understood through public health frameworks rather than purely criminal examples. The tension between criminalization and harm reduction remains central to NDPS jurisprudence. India's obligations under the Single Convention on Narcotic Drugs, 1961 and subsequent conventions required domestic legislation to criminalize illicit trafficking while permitting controlled medical use. The NDPS Act was enacted to harmonize domestic law with these international commitments. However, treaty compliance does not mandate the extreme severity present in certain provisions of the Act; states retain discretion regarding proportionality and procedural fairness.

II. Structural features of the NDPS Act

Comprehensive Prohibition

Section 8 prohibits production, possession, sale, purchase, transport, and consumption except for medical or scientific purposes. The breadth of this provision allows prosecution at multiple points within the supply chain.

Quantity-Based sentencing reform

The 2001 amendment introduced differentiation between small and commercial quantities. This reform aimed to address earlier criticism that addicts and minor carriers were subjected

to disproportionately severe penalties. In *E. Michael Raj v. Intelligence Officer*², the Supreme Court clarified that punishment should correspond to the actual narcotic content rather than total mixture weight. This marked a doctrinal shift toward proportionality.

Reverse Burden Provisions

Sections 35 and 54 create presumptions regarding culpable mental state and possession.⁷ Once possession is established, the accused must rebut presumed knowledge or intent. Such reverse burdens represent a departure from traditional criminal jurisprudence, raising constitutional concerns under Article 21. Article 21 guarantees that no person shall be deprived of liberty except according to procedure established by law. After *Maneka Gandhi v. Union of India*,³ procedure must be “just, fair, and reasonable.” The NDPS Act’s procedural rigor must therefore withstand constitutional scrutiny.

Section 50 requires informing the accused of their right to be searched before a magistrate or gazetted officer. In *State of Punjab v. Baldev Singh*,⁴ non-compliance was held fatal to prosecution. This case reinforced procedural integrity within a stringent statute.

In *Tofan Singh v. State of Tamil Nadu*,⁵ the Supreme Court held that NDPS officers are “police officers” for purposes of Section 25 of the Evidence Act. Confessions made to them are inadmissible. This judgment significantly curtailed prosecutorial reliance on custodial confessions and strengthened constitutional safeguards.

Bail Restrictions under Section 37

Section 37 enacts similar conditions for bail in commercial quantity cases. The judiciary initially interpreted this strictly, as agreed in *Union of India v. Ram Samujh*⁶. However, subsequent jurisprudence reflects increasing judicial awareness of prolonged incarceration and under trial rights.

III. Empirical Enforcement Realities in Mizoram (2015–2025)

² *E. Michael Raj v. Intelligence Officer*, (2008) 5 SCC 161

³ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248

⁴ *State of Punjab v. Baldev Singh* (1999) 6 SCC 172

⁵ *Tofan Singh v. State of Tamil Nadu* (2021) 4 SCC 1

⁶ *Union of India v. Ram Samujh* (1999) 9 SCC 429

Mizoram's porous international border creates logistical enforcement challenges. Surveillance limitations, difficult terrain, and informal cross-border trade complicate interdiction efforts. While Sections 41–43 authorize search and seizure, effective enforcement depends upon institutional coordination and intelligence sharing.

Mizoram's community based social structure means drug abuse carries collective implications. Churches and NGOs actively participate in rehabilitation initiatives. Section 71 empowers governments to establish treatment centers. However, institutional capacity remains uneven. The NDPS regime remains enforcement heavy. Yet sustainable drug policy in Mizoram requires investment in prevention, counselling, and community reintegration

State-wide Trends

Between 2015 and 2025, Mizoram recorded significant increases in heroin and methamphetamine seizures, rising NDPS case registrations, increasing drug-related mortality, peaking in 2025.⁷ Seizures in 2024–2025 alone included over 112 kg heroin and 900+ kg methamphetamine state-wide.⁸ Coming to district wise analysis, from Jan-Sep, 2025, Champhai, bordering Myanmar, recorded 87 NDPS cases, 112 arrests, 12.6 kg heroin seized, 87.6 kg methamphetamine seized. Champhai accounts for the highest seizure volume, reflecting border vulnerability.⁹ Aizawl recorded 8.058 kg heroin seizure (2024), 20+ kg crystal meth (2025 operations). As administrative capital, Aizawl functions as transit and distribution hub.¹⁰ Lunglei reported smaller but significant seizures (approx. 0.341 kg heroin in 2025), indicating diffusion of trafficking routes southward.¹¹

Sociological and Criminological Implications

The enforcement of the NDPS Act in Mizoram over the past decade has significant sociological and criminological ramifications that extend beyond the immediate objectives of deterrence and criminal control. While the statutory framework is designed to suppress

⁷ Special Court (NDPS Cases), Aizawl, Mizoram, Statistical Records on NDPS Cases and Drug Seizures (2015–2025)

⁸ Special Court (NDPS Cases), Aizawl, Mizoram, Statistical Records on NDPS Cases and Drug Seizures (2015–2025)

⁹ Statistical records obtained from the Special Court (NDPS Cases), Aizawl, Mizoram, district-wise NDPS data for January–September 2025

¹⁰ Special Court (NDPS Cases), Aizawl, Mizoram, Statistical Records on NDPS Cases and Drug Seizures (2015–2025)

¹¹ Special Court (NDPS Cases), Aizawl, Mizoram, Statistical Records on NDPS Cases and Drug Seizures (2015–2025)

trafficking and consumption, the lived realities in Mizoram reveal complex interactions between law, social structures, and individual behavior.

Over-Criminalization

Strict liability elements risk penalizing vulnerable individuals. Critics argue that detention of addicts may aggravate re-offense. One of the most pressing concerns is over-criminalization. The Act's strict liability provisions and reverse burden clauses mean that individuals found in possession of controlled substances, even in small quantities, are often treated as culpable without thorough consideration of intent or background. This has led to a growing population of under trial prisoners, many of whom are low level users rather than organized traffickers. Prolonged pre-trial detention disrupts family organization, reduces access to education and employment, and raises long-term social marginalization.

Moreover, the criminalization of substance use in a society with strong communal ties, such as Mizoram, has current effects on community networks. Families experience stigma, social isolation, and economic hardship due to the confinement of a family member. This dynamic contributes to a cycle of vulnerability, where social isolation and economic precocity can increase the likelihood of repetition and substance dependence

Youth Vulnerability

Drug proliferation impacts youth employment, educational accomplishment, and family organization. Law enforcement alone cannot address underlying socio-economic problems. The impact of drug proliferation on youth populations in Mizoram is particularly serious. Increasing accessibility to heroin and methamphetamine in border districts, coupled with socio economic pressures has led to increased experimentation among adolescents and young adults. These demographic experiences disruptions in education, reduced employment prospects, and lessened cognitive and social development. Community institutions, including churches and NGOs, play a critical role in preventive and rehabilitative interventions, yet their capacity is limited relative to the number of need.

From a criminological perspective, the youth vulnerability observed aligns with strain theory, which postulates that social and economic pressures can drive individuals toward deviance when legitimate means of achieving societal goals are blocked. In Mizoram, youth who face

limited employment opportunities or social disregarding may turn to the illicit drug economy *as a coping mechanism or source of income.*

Community and Cultural Dynamics

Mizoram's community based social structure significantly influences the effects of NDPS enforcement. Churches, local councils, and NGOs serve as informal social regulators, mediators, and providers of rehabilitation services. The communal response to drug use is often rooted in moral and spiritual frameworks, emphasizing counseling, reintegration, and collective accountability. However, when enforcement is excessively punitive, it can undermine local mechanisms of social control, generating tension between the state and community actors. Criminologically, this situation highlights the tension between formal legal controls and informal social norms. Overreliance on penal mechanisms can weaken the efficacy of culturally rooted preventive measures, while a balanced approach integrating law enforcement with community led interventions can boost both compliance and social organization.

Recidivism and the Cycle of Dependency

Strict enforcement policies, particularly those involving confinement for minor possession or commercial quantity offenses, contribute to high reoffending rates. Empirical evidence from Mizoram shows that offenders released from prison without access to rehabilitation programs are more likely to reoffend. This pattern aligns with labeling theory, where the social labeling of individuals as "criminals" reinforces deviant identity and marginalization. The cycle of dependency is compounded by inadequate access to treatment and counseling services. Although Section 71 of the NDPS Act provides for government supported rehabilitation centers, limited institutional capacity and resource constraints restrict their reach, leaving many users without controlled support. This shortfall propagates both the demand for narcotics and the possibility of reoffending.

Gendered Implications

Sociological research indicates that drug enforcement in Mizoram also has gendered consequences. Women who use substances or are indirectly involved in drug related activities often face double stigma legal sanction and social condemnation. Limited female

representation in rehabilitation programs, alongside cultural barriers, further marginalizes women affected by substance abuse. Addressing gender specific vulnerabilities is essential to creating equitable and effective drug governance frameworks.

Criminological Theoretical Integration

From a theoretical standpoint, the Mizoram experience underscores the interplay of multiple criminological perspectives:

- i. **Deterrence Theory:** While the NDPS Act aims to deter trafficking and consumption through severe penalties, empirical data suggests deterrence is uneven, particularly in high-border-risk districts.
- ii. **Social Disorganization Theory:** Border districts with weaker institutional infrastructure exhibit higher drug prevalence, indicating that local social cohesion mediates law enforcement effectiveness.
- iii. **Harm Reduction and Public Health Frameworks:** Increasingly recognized as complementary to criminal law, harm reduction strategies including needle exchange programs, counselling, and rehabilitation address the root causes of addiction, mitigating recidivism and social harm.

Normative critique and reform recommendations

Comparatively, some jurisdictions increasingly adopt harm reduction policies emphasizing treatment over incarceration. India's NDPS framework remains predominantly punitive. The Mizoram experience suggests that uniform statutory severity may not produce uniform outcomes. Context-sensitive adaptation is necessary. The enforcement of the NDPS Act in Mizoram over the past decade presents both legal and normative challenges that demand careful scrutiny. While the Act is framed within a strong deterrence oriented paradigm, several structural, procedural, and social issues highlight the need for context sensitive reforms. Normative critique of the NDPS Act in the Mizoram context involves examining the principles of proportionality, constitutional fairness, social equity, and human rights, and balancing these against the imperatives of narcotics control.

The NDPS Act's prohibitionist model prioritizes zero tolerance approaches over rehabilitative or public health strategies. While deterrence is an important policy goal,

empirical data from Mizoram demonstrates that strict enforcement alone does not necessarily reduce substance use or trafficking. Champhai, for example, consistently registers the highest seizures and arrests despite intensive policing. This suggests that geography and transnational trafficking networks can limit the efficacy of a purely punitive framework. Normatively, this raises questions about the ethical justification of strict liability and reverses burden provisions. Sections 35 and 54 presuppose knowledge and intent once possession is established, effectively inverting the presumption of innocence. Such provisions may violate Article 21's guarantee of due process by placing an unreasonable evidentiary burden on defendants, particularly marginalized populations, low-level users, or individuals unaware of substance legality.

Moreover, stringent bail restrictions under Section 37, particularly for commercial quantity offenses, have led to prolonged pre-trial detention, which contributes to overcrowded prisons and undermines rehabilitation opportunities. These systemic consequences reflect a misalignment between law enforcement objectives and social justice principles, raising normative concerns about fairness, proportionality, and equality before the law.

Based on legal, empirical, and sociological analysis, the following multi-level reform measures are recommended:

Legal and Procedural Reforms

- i. **Reconsider Reverse Burden Provisions:** Amend Sections 35 and 54 to align with constitutional principles of innocence until proven guilty. Introduce context sensitive defences for minor possession or non-commercial use.
- ii. **Bail Reform:** Revise Section 37 criteria to minimize prolonged pretrial detention, particularly for low-risk defendants, with mandatory review mechanisms.
- iii. **Sentencing Flexibility:** Introduce judicial discretion in sentencing, allowing consideration of socio-economic context, addiction, and rehabilitation potential.

Rehabilitation and Public Health Integration

- i. **Expand Treatment Infrastructure:** Increase funding and capacity for Section 71 rehabilitation centers in Champhai, Aizawl, and Lunglei. Ensure accessibility for women and youth.

- ii. Community-Led Programs: Strengthen partnerships with churches and NGOs to implement prevention, counselling, and reintegration initiatives.
- iii. Harm Reduction Strategies: Institutionalize needle exchange, addiction counselling, and methadone maintenance programs, adopting a public health-oriented approach alongside enforcement.

Intelligence led Enforcement

- i. Border and District-Specific Strategies: Prioritize surveillance and interdiction in high-risk districts like Champhai, using data-driven intelligence and predictive analytics.
- ii. Inter-Agency Coordination: Improve collaboration between police, customs, health authorities, and community actors to streamline enforcement while minimizing social harm.

Socio-Legal Awareness and Education

- i. Launch public awareness campaigns highlighting legal consequences, addiction risks, and available rehabilitation services.
- ii. Incorporate school-based and youth-targeted programs to reduce initiation and proliferation of drug use.

Gender-Sensitive Policy Interventions

- i. Create dedicated rehabilitation programs for women affected by drug use, addressing stigma, childcare, and employment reintegration.
- ii. Include gender-responsive training for law enforcement to mitigate bias in arrests and prosecutions.

IV. Conclusion

The NDPS Act remains central to India's narcotics governance architecture.¹² Over the past decade, Mizoram's enforcement experience highlights both the strength and rigidity of the

¹² The Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, Acts of Parliament, 1985 (India)

statutory framework.¹³ On one hand, the Act provides law enforcement agencies with a comprehensive legal toolkit, encompassing broad prohibitions, reverse burden provisions, strict bail regimes, and mandatory minimum sentencing. Judicial interventions particularly in *Baldev Singh* and *Tofan Singh* have recalibrated the balance between state power and individual liberty, the case have incrementally rebalanced state authority with constitutional safeguards, reinforcing due process, procedural integrity, and the protection of individual liberties, These decisions underscore the importance of continuous judicial oversight in maintaining proportionality within a regime that prioritizes deterrence Yet the broader challenge persists: how to reconcile deterrence with rehabilitation, and enforcement with constitutional fairness.¹⁴ Sustainable narcotics governance in Mizoram requires an integrated model where law, enforcement, and society function in coordinated equilibrium. On the other hand, empirical data from 2015–2025 demonstrates persistent enforcement challenges in Mizoram. Champhai, as the primary border district, accounts for the majority of NDPS cases, arrests, and drug seizures, highlighting the interplay of geographic vulnerability and transnational trafficking networks. While Aizawl functions as both a hub for distribution and an administrative center, Lunglei demonstrates the diffusion of illicit substances to southern districts, suggesting that trafficking patterns are expanding beyond border regions. These findings illuminate the limitations of a purely punitive approach and the necessity of context sensitive, district specific strategies. The sociological implications are equally significant. Over-criminalization, particularly of low-level offenders and dependent users, risks exacerbating social marginalization and recidivism. Youth vulnerability, community disruption, and the strain on rehabilitative institutions illustrate that enforcement alone cannot achieve sustainable outcomes. In Mizoram, community based activists, such as churches and NGOs, play an essential role in prevention, counselling, and reintegration. Integrating these activists into a all-inclusive governance framework is critical for reducing both supply and demand.

Comparative analysis further strengthens the case for reform. Jurisdictions such as Portugal and certain European nations have demonstrated that harm reduction, proportional sentencing, and diversion programs can coexist with law enforcement objectives without undermining deterrence. Mizoram's experience suggests that a uniform statutory approach

¹³ Based on statistical records and case data obtained from the Special Court (NDPS Cases), Aizawl, Mizoram (2015–2025)

¹⁴ *State of Punjab v. Baldev Singh* (1999)6 SCC 172

across India may produce uneven outcomes if local social, geographic, and infrastructural realities are not considered.

- i. Policy implications are clear. The NDPS framework must evolve to incorporate:
- ii. Reassessment of reverse burden provisions, ensuring alignment with constitutional guarantees and proportionality.
- iii. Bail and pre-trial reforms to prevent excessive incarceration and safeguard the rights of under trial prisoners.
- iv. Expansion of rehabilitative infrastructure, including treatment centers under Section 71, with sufficient funding and community engagement.
- v. Enhanced border intelligence and district-specific enforcement strategies to target trafficking while minimizing collateral social harm.
- vi. Institutionalization of harm reduction measures, emphasizing prevention, education, and community reintegration alongside punitive enforcement.

Without a doubt, sustainable narcotics governance in Mizoram and India more broadly requires a multidimensional approach where law, enforcement, society, and constitutional fairness function in coordinated stability. Enforcement must be tempered by proportionality and rehabilitation, while policy must remain responsive to local realities and international best practices. By settling deterrence with treatment, state authority with civil liberties, and legal uniformity with regional specificity, India can achieve a more balanced, effective, and socially sustainable narcotics governance system.

In conclusion, Mizoram's decade long experience under the NDPS Act is a persuasive case study of the complex intersection between law, geography, and society. It demonstrates that while legislative consistency is essential to combat trafficking, enduring success requires implanting empirical evidence, community participation, constitutional safeguards, and rehabilitative mechanisms at the heart of policy implementation. Only through such an integrated model can the goals of deterrence, public health, and social impartiality be simultaneously realized.