

**132 IOIN-CRA-D-1218-2022 IN CRA-D-1218-2022****BHUPENDER SINGH VS STATE OF HARYANA**

Present: Ms. Bhavna Gupta, Sr. DAG, Punjab.

Mr. Manish Bansal, P.P., U.T. Chandigarh and  
Mr. Navjit Singh, Advocate for U.T. Chandigarh.

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1. Compliance report by way of affidavit of Mr. Surendra Singh Yadav, I.P.S., Director General of Police, U.T. Chandigarh, is taken on record.
2. Compliance report by way of affidavit of Mr. Gaurav Yadav, IPS, Director General of Police, Punjab, Chandigarh is also taken on record.
3. Suggestions in compliance with the order made by this Court on 22.05.2024 are tendered by the former Principal, Himachal Pradesh Police Training College, Daroh, District Kangra, now DIG, Central Range, Mandi, Himachal Pradesh, and, they are taken on record.
4. Drug detecting kit presented in Court, today by Ms. Soumya Sambasivan, IPS, DIG, Police, Central Range, Mandi, HP is also taken on record.
5. This Court in paragraph 4 of the order passed on 22.5.2024, para whereof becomes extracted hereinafter, had passed directions upon the Director General of Police, U.T., Chandigarh, to draw batches of Chandigarh Police Personnel, for theirs becoming optimally enabled to investigate the offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), thus through theirs becoming imparted training at Police Training(s) College, Daroh, District Kangra.

4. However, since the police officers/ officials of Chandigarh Police, are also required to be professionally trained, to investigate offences under the NDPS Act, thereupon, the Director General of Police, U.T. Chandigarh is directed to draw batches of Chandigarh Police personel, so that they become optimally enabled, to investigate offences under the NDPS Act, through theirs becoming imparted training, at Police Training College, Daroh, District Kangra.

6. The requisite compliance affidavit has been furnished by Surendra Singh Yadav, IPS, Director General of Police, U.T., Chandigarh. The requisite compliances to the above made directions are reported in paragraphs 2 to 4 thereof, paras whereof become extracted hereinafter.

*“2. That it is submitted that in compliance of directions issued by this Hon'ble Court, the office of the deponent had requested vide letter memo no. 28450-51/B-233/2024/UT/E-9 dated 31.05.2024 to the Principal, Himachal Pradesh Police Training College Daroh, District Kangra, to the effect that Chandigarh police intends to send 60 police personnel (ASI to Inspector) for training programs on NDPS cases in two batches (30 in each Batch) which is scheduled in the second and third week of June, 2024 at Himachal Pradesh Police Training College Daroh, District Kangra, H.P. So, to convey the Date/Schedule of the above said training for both batches as well as training charges for the same to proceed further in the matter. In pursuance to the above said letter- memo written by the office of the deponent, a communication memo no. DA-4/ courses on NDPS cases/2024/9079 dated 04.06.2024 has been received from the Principal, Himachal Pradesh Police Training College Daroh, District Kangra, by virtue of which the H.P Police Training College has given the schedule for Four days training module of investigating Officers on investigation in NDPS Cases with effective from 12.06.2024 to 15.06.2024. The copy of the above said letters memo annexed herewith as Annexure A-1 and A-2.*

3. That it is submitted that office of the deponent

*identified the 50 Investigating Officers including Inspector, SI and ASI posted in Police Stations, Crime Branch, CBO Cell, DCC, IRB, ANTF, AHTU, etc. of U.T. Chandigarh, for imparting them training pertaining to investigation in NDPS cases from Himachal Pradesh Police Training College, Daroh, Kangra and informed to the Principal, Himachal Pradesh Police Training College, Daroh, Kangra vide letter memo no. 29577-99/B- 233/2024/UT/E-9 dated 07.06.2024. The copy of the above said letter is annexed herewith as Annexure A-3.*

*4. That it is submitted that training has been imparted to 48 Investigating Officers comprising 1 Inspector, 33 Sub-Inspectors and 14 Assistant Sub Inspectors of Chandigarh Police at Himachal Pradesh Police Training College, Daroh, Kangra (Himachal Pradesh). A copy of the letter regarding completion of the training course/ relieving letter (No. DA-4/MDPS Act/ 23-24/10136-38 Dated-15.06.2024) of above said investigating officers issued by Superintendent of Police, Himachal Pradesh Police Training College Daroh, Dist. Kangra, H.P is annexed herewith as Annexure A-4.”*

7. This Court appreciates the promptness of the compliances, as made by the Director General of Police, U.T., Chandigarh, to the above made peremptory directions. Moreover, this Court also appreciates the readiness of the (supra), to deploy further batches of police personnels of U.T., Chandigarh, for trainings being imparted to them, at Himachal Pradesh Police Training College, Daroh, District Kangra, so that therebys their investigating skills become enhanced.

**Direction No. 1**

8. If so, this Court directs the Director General of Police, U.T., Chandigarh to draw further batches of Chandigarh Police personnel, to

undergo training at Police Training College, Daroh, District Kangra. The requisite expenses towards the board and lodging be forthwith remitted to the establishment of P.T., Daroh. The trainings to be imparted to them shall be, on the same curricula whereons trainings earlier also became imparted to the police personnel of Chandigarh Police. Moreover, the earlier deputed subject experts shall also be re-engaged, thus at the said establishment, hence to ensure the effective imparting of trainings to the police personnel of Chandigarh Police. Ms. Soumya Sambasivan, IPS is requested to through video conferencing oversee the said imparted trainings.

**Direction No. II**

9. Be that as it may, this Court had made certain directions, as carried in paragraphs 15 and 16 of the order made on 22.5.2024, paras whereof become extracted hereinafter, therebys the said directions are also required to be complied with by the Director General of Police, U.T., Chandigarh. The requisite affidavit with all the apposite statistics and inputs be ensured to be subsequently tendered on an affidavit sworn by the Director General of Police, U.T., Chandigarh.

*“15. Nonetheless, the Director Generals of Police, respectively of the State of Punjab and Haryana both, are directed to ensure, on the subsequent date of hearing, that they file their respectively sworn affidavits, thus with speakings qua the Investigating Officers concerned, who have been imparted trainings have completely imbibed in themselves, the nuances of intensive trainings as became imparted to them at Himachal Pradesh Police Training College, Daroh, District Kangra,*

*16. The above would emerge only when the investigations as become conducted by them, thus subsequent to trainings being imparted to them thus are fault free, therefore for ascerting that the earlier faults which were occurring in the earlier made investigations into crimes under the NDPS Act, have become undone. Resultantly the supra are directed to personally regularly monitor the investigation made into NDPS offences.*

10. Since no indolence is to etch in the minds of the already trained police personnel of Chandigarh Police, thereby they are required to be hereafters too successively, thus imparted trainings at such Police Training Colleges, as may hereafter deemed to be fit to be opted by the Director General of Police, Union Territory, Chandigarh.

**Direction No. III**

11. The compliance affidavit in respect of the directions, which occur in paragraphs (supra), do become complied with but only at the instance of Director General of Police, Punjab, but remain uncomplied with, at the instance of the Director General of Police, Haryana. Therefore, the said directions be ensured to be complied with, on the subsequent date of hearing by the Director General of Police, Haryana. The said compliances be reported on an affidavit to be sworn by the Director General of Police, Haryana.

12. It is necessary to refer to the relevant paragraphs of the said affidavit sworn by the Director General of Police, Punjab. The said paragraphs are embodied in paragraphs 5 to 7 of the affidavit tendered by him, paras whereof, become extracted hereinafter.

*“5. That in compliance with the aforesaid order dated 22.05.2024, a detailed mechanism has been formulated to enable the Director General of Police, Punjab to personally monitor the investigation of cases registered under NDPS Act, 1985.*

*Under the aforesaid mechanism, Circular No. 13 of 2024 has been issued vide No. 7590/7633/CR-LA-4 dated 05.07.2024 to all the field units and other Police Offices/Wings. It has been provided in the aforesaid Circular No. 13 of 2024 that the work of Investigation*

*Officers shall be supervised by the supervisory hierarchy from SHO upwards. Each officer in the chain of command has been made responsible to ensure regular and personal monitoring of NDPS investigations so that the investigations conducted are of high quality and convictions are secured by meticulous investigations and successful prosecution. A copy of Circular No. 13 of 2024 is annexed alongwith and marked as ANNEXURE R-2.*

*In the aforesaid Circular No. 13 of 2024, it has been provided that accurate factual report about investigation of the cases, particularly cases under investigation with the Investigating Officers who were imparted training at HP, PTC, Daroh, Dharamshala, District Kangra, Himachal Pradesh, should be put up to the senior supervising officers. The senior supervisory officer should monitor the extent to which the investigating officers have imbibed the training imparted and make qualitative suggestion about the inputs which may need to be incorporated in the training itself based on the feedback, and, monitor the improvements in the quality of investigations into NDPS offences.*

*Under the aforesaid mechanism devised by this office, each supervisory officer has been asked to ensure regular and personal monitoring of NDPS investigations. The Special DGP, Special Task Force/Additional DGP, Special Task Force have been deputed to examine the reports submitted by the Range ADGPS/IGPS/DIGs and the Commissioners of Police in an analytical and critical manner and suggest course of action to the deponent. A copy thereof be also sent to the office of Director, Bureau of Investigation, Punjab. The aforesaid reports shall, inter-alia, contain the following:*

- i. Whether the Investigating Officers who were deputed for training at HP, PTC, Daroh, Dharamshala, District Kangra have imbibed nuances of investigation during*

*intensive training imparted to the 517 Investigating Officers and other Investigating Officers who would be further trained in due course of time.*

*ii. Whether investigation conducted by 517 Investigating Officers and other Investigating Officers who would be further trained in due course of time, is fault free and the fault(s)/shortcomings occurring earlier in the investigation are not repeated in the current investigation.*

*The analysis conducted by the STF shall include the performance of the Investigating Officers, the quality of supervision being exercised by the SHOs/Sub-Divisional Police Officers/SSPs, whether the training imparted is being reflected in the investigations being conducted by utilization of the concepts/new techniques in which the investigating officers have been trained, whether the compliance of the mandatory provisions of the NDPS Act is being effected, and any other observations which can improve the quality of NDPS investigations. The Director General of Police, Punjab would examine the monthly analytical report of the STF and would issue directions to the field officers on its basis.*

*6. That this Hon'ble Court has directed the Director General of Police, Punjab to file affidavit about nuances of intensive training imparted at HP PTC, Daroh, Dharamshala, District Kangra, Himachal Pradesh have been imbibed by the Investigating Officers. It can be ascertained from the earlier faults occurring in the investigations into crimes under NDPS, Act that have now been rectified in the current investigation conducted by the Investigating Officers. In this regard, the Director General of Police, Punjab has been directed to personally regularly monitor the investigations made into NDPS offences.*

*The Special Director General of Police, HRD has been asked to ensure study of investigations conducted prior to*

*and post training of Investigating Officers to ascertain that nuances of intensive training imparted at HP PTC, Daroh, Dharamshala, District Kangra, Himachal Pradesh have been imbibed by the Investigating Officers. Further, HRD Wing shall endeavour to fill-up any gap in the training imparted to the Investigating Officers in the State of Punjab. The HRD Wing shall update syllabus keeping in view the gaps noticed in the training imparted at HP, PTC, Daroh, Dharamshala, District Kangra, Himachal Pradesh and accordingly, schedule the training to be imparted to Investigating Officers for maintenance and enhancement of their investigative skills.*

*7. That this Hon'ble Court had further directed that investigating skills acquired by the trainees are both maintained and enhanced through successive trainings imparted to investigating officers at respective Police Training Colleges. These training courses be ensured to be conducted bi-annually.*

*In furtherance to above, the training curriculum for the training of Investigating Officers has been circulated to all the Training Centres of Punjab Police by the office of Special Director General of Police, HRD, Punjab. These Training Centres have been directed to incorporate this curriculum into their training programs. Further, syllabus for bi-annual training programs for Investigating Officers has been redrafted and instructions have been issued to all the Training Institutes to conduct bi- annual training programs for the Investigating Offices on the investigation of cases registered under NDPS Act, 1985. A copy of the aforesaid syllabus is annexed alongwith and marked as ANNEXURE R-3.”*

13. The above extracted paragraphs unfold that an oversight mechanism becomes devised by the Director General of Police, Punjab,



thus to ensure the optimal effectivity of investigations, as made in respect of offences covered under the NDPS Act.

**Direction No. IV**

14. Be that as it may, it is further expected, that the said made speakings in the above extracted paragraphs, rather do not remain on paper but also become ensured to be effectively galvanized hereafters. In consequence, for ensuring the above, the statistics in respect of the well workings of the said evolved mechanism, be ensured to be placed on record, thus on an affidavit to be sworn by the Director General of Punjab. The said affidavit be placed on record on the next date of hearing.

**Compliance by Ms. Soumya Sambasivan, IPS, Deputy Inspector  
General of Police, Central Range, Mandi, H.P.**

15. In addition, on the previous date of hearing Ms. Soumya Sambasivan, IPS, (the then Principal, Himachal Pradesh Police Training College, Daroh, District Kangra), now Deputy Inspector General of Police, Central Range, Mandi, H.P, had placed on record an affidavit carrying speakings in paragraphs 4 to 7 thereof, paras whereof become extracted hereinafter.

*“4. A new perspective into curbing the drug menace was introduced. Policing now needs to be more emphatic about the demand aspect of drugs whereas most of its time and astuteness is focussed on the supply side, in terms of apprehending the suppliers of psychotropic substances. Participants were familiarized with a drug detection kit, which uses urine as a sample to detect drugs like cocaine & heroine instantly. This would act as a very effective deterrent for high-risk adolescents, who are vulnerable to drugs, helping the law enforcing agencies to deter youth from substance abuse.*

*5. This test kit was obtained from Addiction Treatment*

*Facility (ATF), Kullu, a de-addiction and rehab center, under the Nasha Mukt Bharat Abhiyan (NMBA), a special initiative governed by the Ministry of Social Justice & Empowerment. These kits are not available in pharmaceutical shops and are sometimes found only in online markets at this point in time.*

6. *The states can make significant efforts to make these drug detection kits available to the police force, so that they can work with authorities in hospitals, schools, colleges, other educational institutions and Panchayats with Asha workers to conduct random screening tests which would be a revolutionary step in creating deterrence in youth who might be lured or tricked into the drug trap in the times to come. This will hit the consumption base eventually leading to reduction and eradication of drugs.*

7. *Also ATF facilities can be opened at State level too and doctors at panchayat and block level can be trained in addiction treatment at a large scale, who with the help of beat police can identify and addicts and treat them at the basic level”.*

16. On the basis of the said paragraphs embodied in the earlier sworn affidavit by Supra, this Court had passed certain directions which occur in paragraphs 11 to 13 of the order passed by this Court, on 22.5.2024, paras whereof become extracted hereinafter.

*“11. That there is under focussing on the demand aspect of drugs, and in case there is pointed focus on the said aspects, thus in the manners as detailed in the above extracted paragraphs, therebys there would necessarily emerge a well situation, wherebys there would not only be the requisite purposeful lessening of apposite demands from the addicts concerned, but naturally thereby there would occur a consequent fall in the ill indulgences into drug traffickings by the suppliers of either narcotic substances or psychotropic substance concerned.*

*12. Therefore, the above extracted paragraphs, which are at this stage not encyclopaedic in nature on the subject, therebys they are required to be more comprehensively dilated upon as such by the Principal of Himachal Pradesh Police Training College, Daroh, District Kangra, thus for therebys theirs being directed to be considered to be adopted, as a befitting model, by the other States in the Country.*

13. In consequence the Principal of Himachal Pradesh Police Training College, Daroh, District Kangra, is directed to, on the subsequent date of hearing, ensure her personal appearance before this Court, alongwith a complete and comprehensive report, with respect to the above. At this stage, somewhat imprecise suggestions, occur in paragraphs 4, 5, 6 and 7 of the compliance affidavit, suggestions whereof are well engineered, and also are well appreciated, but yet are required to be more fine tuned, as well as the requisite extensive and intensive dilations thereof are also required to be made.”

**Direction No. V**

17. In addition, a direction, as embodied in paragraph 18 of the order passed by this Court on 22.5.2024, became also rendered, direction whereof becomes extracted hereinafter. The said direction was respectively made, upon the Director Generals of Police of the State of Punjab and of Haryana, direction whereof, though becomes complied with at the instance of Director General of Police, Punjab but remains uncomplied with at the instance of Director General of Police, Haryana. Therefore, the Director General of Police, Haryana is directed to, on the subsequent date of hearing, even with respect of the said made directions upon him, place on record a compliance affidavit.

“18. Moreover, the Director Generals of Police of the State of Punjab and of Haryana, shall also file suggestions supplementing and augmenting, the suggestions which occur in the affidavit sworn by the principal concerned. The compliance affidavit of U.T., Chandigarh, be filed on the subsequent date of hearing. He is also directed to forthwith ensure that all the requisite expenses towards the board and lodging of the police personel concerned, becomes deposited with the establishment of Principal of Himachal Pradesh Police Training College, Daroh, District Kangra.”

18. In pursuance to the direction (supra), as made upon Ms. Soumya Sambasivan, IPS, Deputy Inspector General of Police, Central Range, Mandi, HP, she personally appeared before this Court and placed on record, the apt comprehensively drawn well suggestions, thus for ensuring that the demand of drugs which is now in full spate amongst

various sections of society rather suffers some erosion. The said suggestions are as under:-

**Suggestions of Ms. Soumya Sambasivan, IPS, Deputy Inspector  
General of Police, Central Range, Mandi, H.P,**

19. **Suggestion relating to Addiction**

For curbing the demand of drugs by addicts theretos, therebys the drug detection kit, which has been placed on record, can be most usefully employed by all concerned.

20. Though, the term ‘addict’ is defined in Section 2(i) of the NDPS Act, thus as under:-

(i) “addict” means a person who has dependence on any narcotic drug or psychotropic substance;

21. However, there is no further amplificatory definition rendered qua the term “dependence”, therebys the said term remains somewhat nebulous. Resultantly, the connotation to become imparted qua the term “dependence” thus to the considered mind of this Court, hence may become gauged from employment of the drug detection kit. However, yet the purchasing and stocking of the said kit, rather is a primary requirement, thus for its becoming usefully employed for detection purposes, rather for therebys the detected users of narcotic drugs and psychotropic substances, who but are dependent thereons, thus becoming detoxified at de-addiction centres.

**Direction No. VI**

22. Necessarily, hence the Directors of Health Services, respectively in the State of Punjab, and, in the State of Haryana, besides in the Union Territory, Chandigarh are directed to ensure the purchasing and stocking of the said drug detection kit(s). The said drug detection

kit(s) shall be made readily available at the de-addiction centres, which are hereafter directed to be established both at the Sub-Divisions level, and, also at the District Headquarters concerned.

23. Before proceeding to make directions, thus for the employments of the said detection kits vis-a-vis the drug addicts for therebys curbing demands thereof, which ultimately may curtail the supply chain. Resultantly, when therebys there would be to a large extent reduction in drug trafficking. Importantly also, when given the spate in the commission of offences under the NDPS Act, thus therebys when it is but imminently clear, that penology has not fully subserved the purpose of curbing drug trafficking(s) therebys alternative theretos remedial measures are required to be evolved. Consequently, the employment(s) of the drug addiction kit naturally becomes a keen weapon for identification of the drug addicts, as on the apposite identification(s) being made, thus the drug addicts may become voluntary sent for detoxification at the de-addiction centres. Therefore, therebys there is a dire, and, imperative necessity cast upon the de-addiction centres to carry out the exercise of detoxification of drug addicts, and, in that regard, this Court would be making the hereinafter directions upon all the concerned. Moreover, therebys there would be a definite curtailment on the demand side but with a concomitant well effect of therebys there being a curtailment in drug trafficking.

24. **Suggestion relating to Narcotic Drugs**

Though Section 27 of the NDPS Act, provisions whereof become extracted hereinafter, penalizes a consumer of any narcotic drug or psychotropic substance, to the extent that rigorous imprisonment

extending upto six months becoming imposable upon the consumer of narcotic drugs or psychotropic substances, besides the consumer concerned also becoming amenable for an alternative thereto sentence of fine, thus extending to Rs. 10,000/- becoming imposable, upon him, or both the sentences (supra) are amenable to be imposed upon the consumer of narcotic drugs or psychotropic substances.

**“27. Punishment for consumption of any narcotic drug or psychotropic substance.**—Whoever, consumes any narcotic drug or psychotropic substance shall be punishable,—

(a) where the narcotic drug or psychotropic substance consumed is cocaine, morphine, diacetylmorphine or any other narcotic drug or any psychotropic substance as may be specified in this behalf by the Central Government by notification in the Official Gazette, with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to twenty thousand rupees; or with both; and

(b) where the narcotic drug or psychotropic substance consumed is other than those specified in or under clause (a), with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.]”

25. The said provision to the considered mind of this Court, is to be read in alignment with Section 64-A of the NDPS Act, provision whereof becomes extracted hereinafter.

**“64-A. Immunity from prosecution to addicts volunteering for treatment.**—

Any addict, who is charged with an offence punishable under section 27 or with offences involving small quantity of narcotic drugs or psychotropic substances, who voluntarily seeks to undergo medical treatment for de-addiction from a hospital or an institution maintained or recognised 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:*

*Provided that the said immunity from prosecution may be withdrawn if the addict does not undergo the complete treatment for de-addiction.”*

26. Since there is an inter se alignment inter se the provisions embodied in Section 27 and in Section 64-A of the NDPS Act, thereby the statutory immunity from prosecution, as contemplated therein, thus vis-a-vis those addicts volunteering for treatment, but also requires its becoming effectively galvanized.

27. The said provisions are not to remain on the statute book but are required to be fully mobilized into action. The reason for the fullest galvanization becoming made qua the above statutory provisions, is to ensure, that thereby but the dire requirement of activations thereof spurring, thus on the part of the State agencies, rather for ensuring the detoxification of drug addicts, who voluntary choose for their detoxification, thus at the hospital(s) or institution(s) maintained or recognized by the Government or local authority. As stated (supra), the said volunteering(s) by the drug addicts to undergo detoxification hence is to purvey qua them, thus not only a channel whereby they navigate into the main stream, but also thereby the apposite curtailment(s) rather happening on the demand side, thus with an inevitable corollary thereof, inasmuch as, thereby there being decimation in the trafficking of drugs. Ultimately thereby, there would be lessening of investigating burden, upon the investigating officer(s) vis-a-vis the offences covered within the NDPS Act, besides there would be lessening of burden, upon the trial

Courts in respect of offences covered within the said Act.

28. The salient underpinning(s) of the above extracted provision, is the necessity of the accused being charged for an offence punishable under Section 27 of the NDPS Act. The further statutory requirement for enforcing the hereinabove statutory provision, is embedded in the factum, that such a person who faces a charge for an offence punishable under Section 27 of the NDPS Act or faces a charge vis-a-vis offences involving small quantity of narcotic drugs or psychotropic substances, thus is required to be volunteering to undergo medical treatment for de-addiction from a hospital or an institution maintained or recognised by the Government or a local authority. Furthermore, in terms of the thereunder proviso, yet the said granted immunity from prosecution becomes amenable to become withdrawn if the addict does not undergo the complete treatment for de-addiction. Moreover, for determining whether as a matter of fact, the person concerned is a consumer, thus the drug detection kit, is required to be employed upon him. Therefore, there is an imperative requirement that before he volunteers to undergo treatment at the de-addiction centre concerned, the apposite satisfaction is but be drawn either by the Public Prosecutor concerned, thus through the voluntary employment of the drug detection kit upon him at the centre concerned, or satisfaction being drawn by the learned trial Judge concerned, thus through his making a direction, upon the nodal officer concerned, supervising the de-addiction centre concerned, to with the consent of the consumer, employ upon him the drug detection kit, so that therebys on his being declared to be a drug addict, thus resultantly a direction becoming passed for his undertaking the de-addiction treatment,



on completion whereof statutory immunity for prosecuting a consumer/addict may become granted.

**Direction No. VII**

29. Therefore, unless a standing operating procedure for galvanizing the said statutory provision is formulated, besides is put into action, respectively at the instances of the States of Punjab and Haryana, and, by the U.T., Chandigarh, thereupon, the said Section would remain a mere spectator or would remain an idly spoken provision in the statute book. Resultantly, therebys the holistic purpose for which, it has been engrafted in the said statute would become completely defeated. Consequently, for obviating the above ill-consequences, rather besetting the workability of the above statutory provision, hence with a holistic purpose for curbing the demand side, besides with a well corollary thereof, which but is for ebbing the menace of drug trafficking. Resultantly, the Chief Secretaries to the States of Punjab and Haryana, and, the Advisor to the Administrator, U.T., Chandigarh, are directed to draw standing operating procedure(s) with unequivocal echoings therein to ensure (i) that an application with the consent of the person facing a charge qua the commission of an offence punishable under Section 27 of the NDPS Act, becomes filed before the learned trial Judge concerned, so that, the learned trial Judge concerned renders an order directing the voluntary detoxification of the person concerned, at the de-addiction centre concerned. The factum of his being a consumer or an addict be ensued to be gauged through consensual employment upon him of the drug detection kit at the de-addiction centre concerned. (ii) that on completion of the treatment at the de-addiction centre concerned, thus an

order may become passed by the learned trial Judge concerned, so that thereby the person concerned, thus may become immune from further prosecution(s) in respect of the charge drawn against him for the commission of an offence punishable under Section 27 of the NDPS Act (iii) that for ensuring that no untoward incident occur at the centres concerned, a direction is passed, upon the Directors General of Police concerned, to ensure that an adequate posse of police personnel becomes deployed at the centres concerned, but in plain clothes.

**Direction No. VIII**

30. In addition, the mere preparation of the said standing operating procedure(s) is not sufficient to completely render workable the said provision, provision whereof but for the reasons (supra) is engrafted in the apposite statute with the insightful legislative wisdom hence for curtailing the demand side. Therefore, directions are also required to be passed, upon the learned trial Judges concerned, within the territorial jurisdiction of this Court, to the extent that upon theirs becoming seized with a report under Section 173 Cr.P.C or the corresponding thereto provisions carried in Section 193 Bharatiya Nyaya Sanhita, 2023 to, before proceeding to draw a charge qua an offence punishable under Section 27 of the NDPS Act, to elicit from the accused concerned, his voluntariness to employ vis-a-vis him the drug detection kit. Subsequently, upon his being affirmatively declared to be a drug addict, thereupon, the learned trial Judge concerned, may proceed to after seeking the further apposite consent of the accused, send him for detoxification treatment at the de-addiction centre concerned. In sequel, the learned trial Judge concerned, on an application in that regard becoming preferred by

the Public Prosecutor concerned, may proceed to grant immunity in terms of Section 64-A of the NDPS Act, thus for therebys, making the said provision fully awakened, but the making of an order qua the said withdrawal from prosecution, thus at the stage (supra), rather may be deferred until the drug addict is certified by the Rehabilitation Centre concerned, to have completed the detoxification treatment which he underwent at the centre concerned.

31. Conspicuously, the said immunity extends not only to those addicts, who volunteer for treatment but amplifyingly the said immunity can be opted to be availed by the persons who indulge in the trading of small quantity(ies) of narcotic drugs or psychotropic substances.

32. Reiteratedly, the benefit of Section 64-A of the NDPS Act, thus is to be purveyed at the instance of the trial judge concerned, wherebefore whom, stands the person charged for an offence punishable under Section 27 of the NDPS Act, and, who but is a person who is a consumer of narcotic drugs or psychotropic substances.

33. Be that as it may, reiteratedly the factum of the person being a consumer of any narcotic drugs or psychotropic substance can only become fathomed on employment of a drug detection kit, upon him which as stated (supra), thus is required to be imperatively purchased and stocked by all the concerned. Therefore, reiteratedly after seeking the consent of a charged person vis-a-vis the apposite offence, thus for employing vis-a-vis him, the drug testing kit, hence for detecting whether he is a consumer of drugs or is an addict thereof, thereafter the learned trial Judge concerned, is required to be sending the said drug addict to undergo treatment for de-addiction from the hospital or the institution

maintained by the Government or the local authority. Resultantly, reiteratedly therebys if the complete treatment for de-addiction is undergone by a consumer or by an addict, thereupon the learned Public Prosecutor, may file an application seeking withdrawal of the prosecution launched against the person charged for an offence under Section 27 of the NDPS Act, 1985, and, also therebys the learned trial Judge concerned, may pass orders permitting such withdrawal from prosecution wherebys there would be an immunity, as contemplated in Section 64-A of the NDPS Act, thus from further prosecution qua the addict volunteering for treatment.

34. Conspicuously therebys unless a consumer or an addict is proven to be a consumer or an addict, thereupon, the benefit of the immunity envisaged in Section 64-A of the NDPS Act, thus cannot be availed by him nor can become granted to him through the aegis of the learned Court concerned, thus on an apposite application becoming filed before it by the learned Public Prosecutor concerned. Necessarily also, therebys the direction (supra) for purchasing, and, stocking of the drug testing kit, thus at the centres concerned, is a dire necessity, besides is obviously a dire necessity even for purveying to the accused, thus the statutory benefit(s) thereof, as become envisaged in Section 64-A of the Act.

**Direction No. IX**

35. The provisions embodied in Section 64 of NDPS Act, provisions whereof become extracted hereinafter, may also become opted by the accused concerned, for extension of benefits thereof to him/them, but subject to his/theirs making a full disclosure of the whole

circumstances leading to such contravention.

**“64. Power to tender immunity from prosecution.—**

*(1) The Central Government or the State Government may, if it is of opinion (the reasons for such opinion being recorded in writing) that with a view to obtaining the evidence of any person appearing to have been directly or indirectly concerned in or privy to the contravention of any of provisions of this Act or of any rule or order made thereunder it is necessary or expedient so to do, tender to such person immunity from prosecution for any offence under this Act or under the Indian Penal Code (45 of 1860) or under any other Central Act or State Act, as the case may be, for the time being in force, on condition of his making a full and true disclosure of the whole circumstances relating to such contravention.*

*(2) A tender of immunity made to, and accepted by, the person concerned, shall, to the extent to which the immunity extends, render him immune from prosecution for any offence in respect of which the tender was made.*

*(3) If it appears to the Central Government or, as the case may be, the State Government, that any person to whom immunity has been tendered under this section has not complied with the conditions on which the tender was made or is wilfully concealing anything or is giving false evidence, the Central Government or, as the case may be, the State Government, may record a finding to that effect and thereupon the immunity shall be deemed to have been withdrawn and such person may be tried for the offence in respect of which the tender of immunity was made or for any other offence of which he appears to have been guilty in connection with the same matter.”*

36. Be that as it may, Section 64 of the NDPS Act, provisions whereof becomes extracted hereinabove, but is a precursor to Section 64-A of the NDPS Act, inasmuch as, Section 64 of the NDPS Act comes into play post the filing of a report under Section 173 Cr.P.C., before the

learned trial Judge concerned, whereas, Section 64 comes into play prior to the filing of a charge sheet against the accused. Therefore, the statutory empowerments, as contemplated in Section 64 of the NDPS Act are to be exercised not by the learned trial Judge concerned, but the extension of the statutory benefits, vis-a-vis the accused, thus as contemplated in Section 64 of the NDPS Act are to be exercised, rather by the Executive. However, the extension of the benefits vis-a-vis the accused, thus as contemplated in Section 64 of the NDPS Act are subject to the conditions or ingredients thereof becoming satiated. The said conditions are delineated hereinafter.

- (i) The accused making a full and true disclosure of the whole circumstances relating to such contravention.
- (ii) The said immunity being conditional in nature, and ;
- (iii) in case the condition underpinning, the immunity as becomes purveyed to the accused in terms of sub-Sections (1) and (2) of Section 64 of the NDPS Act, becoming breached, thereupon, the authority concerned, becoming empowered to for well informed reasons to withdraw the immunity, whereafters the drug addict concerned, or the drug peddler concerned becomes amenable for becoming tried for the offence in respect of which the tender of immunity was made or for any other offence qua which he appears to have been guilty in connection with the same matter.

**Direction No. X**

37. Even the said statutory provision(s), but with an insightful legislative wisdom to bring to book the drug warlords, who rather deploy

the drug peddlers for trading(s) in narcotic drugs or psychotropic substances, thus has remained inactioned or has remained idle on the statute book. If it is to be galvanized, the hereinafter directions are required to be made, upon the Chief Secretaries to the States of Punjab and of Haryana, and, upon the Advisor to the Administrator, U.T., Chandigarh:-

(i) Since the Central Government or the State Government(s) concerned, are empowered to exercise the thereunders echoed apposite statutory leverages but yet the apt “designated authority”, by whom the said statutory empowerment, thus is to be exercised, rather has not been created, either at the instance of the State of Punjab, State of Haryana, or at the instance of the Adviser to the Administrator, U.T., Chandigarh. Therefore, also the said statutory provisions remain idle. In consequence, directions are passed upon the Chief Secretaries to the States of Punjab and Haryana, and, upon the Advisor to the Administrator, U.T., Chandigarh to forthwith constitute a “designated authority” to thus proceed to exercise the statutory leverages as bestowed by sub-Sections (1) and (2) of Section 64 of the NDPS Act, respectively upon the Central Government or the State Government(s).

(ii) The investigating officers concerned, are also peremptorily required to be completely mentored in respect of making the said provisions well functional, inasmuch as, the imperative (supra) underlined condition therein, rather

for the exercisings of discretion(s) by a designated authority, is the apt dire necessity, rather for the person claiming immunity, but on his making a full and true disclosure of the whole circumstance relating to the contravention.

**Direction No. XI**

38. The salient nuance of the hereinabove provision, is that, it has imminent proclivity towards unearthing incriminatory echoings from the drug peddlers concerned, who are deployed by the drug warlords. Naturally, the person purveying evidence in respect of the engagements of drug warlords in drug trafficking, but thus subserves the salutary well being of the entire society, as therebys there would be a curtailment in the supply side, which would ultimately have a cascading well effect, upon the reduction in drug trafficking. Furthermore, the plenitude and amplitude of the said provision is not limited only to immunity from prosecution being renderable, only qua the offences covered under the NDPS Act, but also is extended to immunity from prosecution for any offence, rather even under the IPC or under the Central Act or the State Act. Therefore, since the person revealing information about the incriminatory participation, thus directly or indirectly of any person rather in the ill act of drug trafficking, is to be bestowed the immunity from prosecution, in respect of an offence under the NDPS Act or under the IPC or either in the Central Act or in any other State Act. Resultantly, therebys unless the person is facing prosecution for the offences as named therein, thereupon alone he can be granted immunity from prosecution. Moreover, the said immunity from prosecution, thus is extendable but only when the person claiming immunity renders a full and truthful



disclosure in respect of the offences covered under the NDPS Act.

39. Therefore, in other words, the fullest and truthful disclosure is to be made in respect of offences covered within the NDPS Act, but if the informer/accused is alleged to commit an offence either under the NDPS Act or under the IPC or under any Central or State Act, therebys too, the said informer, who makes a fullest and truthful disclosure in respect of the offence covered under the NDPS Act, thus is purveyed a statutory privilege to seek immunity from prosecution, but when he is an accused qua an offence under the NDPS Act or under the IPC or under any Central or State Act.

40. Resultantly, for fully activating the said provision, a standing operating procedure is required to be formulated at the respective instances of the Chief Secretaries to the States of Punjab and Haryana, and, at the instance of the Advisor to the Administrator, U.T., Chandigarh, thus for the following purposes:-

(a) Peremptory mentorings being made to the investigating officers concerned vis-a-vis any person who is an accused qua an offence under the NDPS Act, qua the said accused becoming ensured to become awakened about his amenability for becoming provided, thus immunity from prosecution in respect of the said offence(s), but subject to his making the apposite full and truthful disclosure.

(b) The investigating officer(s) concerned be peremptorily mentored to after making the relevant awakenings to the accused, to elicit from the accused concerned, the full and truthful disclosure about the contravention made in respect

of the offences covered under NDPS Act. The elicitation, as made by the investigation officer concerned, be forwarded to the apt designated authority, so that resultantly the apt designated authority, thus proceeds to make a well considered, and, well informed order, thus granting immunity from prosecution to the maker of the disclosure.

(c) The said made order may become forwarded to the Public Prosecutors concerned, so that in terms thereof, the same becomes filed before the learned Criminal Court of competent jurisdiction.

(d) In sequel thereof, the learned trial Judge concerned, may accept the said granted immunity from prosecution, thus to the accused rather by the designated authority, and, therebys also may permit the prosecution to withdraw prosecution against the accused.

41. However, the obstacle in the apposite elicitations being made from the accused by the investigating officer concerned, is the ill-assumed over-lordship by the drug warlords over the drug peddlers, which may debar the drug peddlers engaged or deployed by the drug warlords, rather against theirs unveiling the names of the drug warlords, who work behind the curtains. Resultantly, the well effects thereof which is but to ensure the happenings of steep declines or cascading falls in the demand of drugs, but obviously would become threatened or baulked. For overcoming the said obstacle, a well evolved mechanism be preemptorily evolved, and, be purveyed to this Court on the subsequent date of hearing.

**Direction No. XII**

42. However, the said Section appears to be also not effectively made workable, but reiteratedly for the reasons that no apt “designated authority”, becomes created, thus for making the said statutory provision effectively workable. It appears, that it has not been made workable for the further reason, that there is no large scale public dissemination about the existence of provisions (supra) in the statute. Resultantly, a direction is required to be made, upon the Directors, Public Relations in the States of Punjab, Haryana and in U.T., Chandigarh, to proceed to make the fullest disseminations by all the concerned, about the existence of the said provisions.

43. Reiteratedly, to a large extent also it appears, that drug peddlers who may choose to seek the extension qua them of the benefit envisaged in Section 64 of the Act of 1985, rather may become deterred from availing the benefits thereof, but for the simple reason, that the drug warlords, who work behind the curtains, rather apprehending that such made disclosures about the previous illegal transactions, thus by the seeker of the benefits contemplated in Section 64 of the NDPS Act, but obviously would result in their names becoming unraveled. In sequel, therebys they would actively engineer ill-tactics or employ ill-strategems, thus to withhold the deployed drug peddlers from either making a full and true disclosure to the investigating officer concerned or in theirs accessing the designated authority to be created by the Supra.

44. The withholdings or the said created ill-deterrence(s), rather by the drug warlords vis-a-vis the drug peddlers employed by them for drug trafficking, is also required to be curbed. In that endeavour, the State

Governments are respectively required to be creating an effective boosting mechanism, whereby the drug peddlers who opt to avail the benefit of Section 64 of the NDPS Act, become encouraged to even without theirs being found in conscious and exclusive possession of any narcotic drugs or psychotropic substance, at the crime site, thus make a full and true disclosure about theirs being merely employed as drug peddlers by the drug warlords. Resultantly, therebys, the drug warlords would become nabbed, and, therebys there would also be a consequent useful effect in curbing the drug menace.

**Further suggestions**

45. The National Action Plan for Drug Demand Reduction (for short 'NAPDDR') has also been prepared with the hereinafter extracted objectives.

- (i) Create awareness and educate people about the ill-effects of drugs abuse on the individual, family, workplace and the society at large and reduce stigmatization of and discrimination against, groups and individuals dependent on drugs in order to integrate them back into the society;
- (ii) Develop human resources and build capacity for working towards these objectives;
- (iii) Facilitate research, training, documentation, innovation and collection of relevant information to strengthen the above mentioned objectives;
- (iv) Provide for a whole range of community based services for the identification, motivation, counselling, de-addiction, after care and rehabilitation for Whole Person Recovery (WPR) of addicts;
- (v) Formulate and implement comprehensive guidelines, schemes, and programmes using a multi- agency approach for drug demand reduction:

(vi) Undertake drug demand reduction efforts to address all forms of drug abuse;

(vii) Alleviate the consequences of drug dependence amongst individuals, family and society at large.”

46. Since massive large scale mechanism involving various agencies is required to be created for ensuring the completest accomplishment of the hereinafter extracted objectives, as enshrined in NAPDDR, therefore, the following components are envisaged to be admissible for financial assistance under the NAPDDR.

(i) Preventive education and Awareness Generation

(ii) Capacity Building

(iii) Treatment and Rehabilitation

(iv) Setting quality standards

(v) Focused Intervention in vulnerable areas.

(vi) Skill development, vocational training and livelihood support of ex-drug addicts.

(vii) Survey, studies, evaluation, research and innovation on the subjects covered under the scheme

(viii) Programmes for Drug Demand Reduction by States/Uts

(ix) Programme Management

(x) Any other activity or item which will augment/ strengthen the implementation of NAPDDR.

47. The above said components carrying therein apposite scopes, eligible organizations and norms for financial assistance(s) etc. are further elaborated as under:-

48. **Preventive Education and Awareness Generation**

Preventive education and awareness generation programmes to address specific target groups (vulnerable and at risk groups) in their neighbourhood, educational institutions, workplace, slums etc. with the purpose of sensitising the target groups and the community about the impact of addiction and the need to take professional help for treatment.

The programmes would be carried out through collaborative efforts of other Central Ministries, State Governments, Universities, Training Institutions, NGOs, other voluntary organizations etc.

**Scope:** Though the NAPDDR lists out an indicative list of programmes to address specific target groups, the implementing agencies may devise other innovative interventions for early prevention of drug abuse. Efforts should be made to develop a prevention strategy that is based on scientific evidence, both universal and targeted, in a range of settings. With an aim to expand the outreach and specifically focus on vulnerable groups, the implementing agencies may consider the following:

- a) The programmes should start at the school level and continue with college students.
- b) Parents/teachers should be sensitised to develop skills to understand the psychology of the youth and to help them keep away from substance abuse and to accept the need for treatment.
- c) High-risk groups like commercial sex workers, mobile population like tourists and truck drivers, children of alcoholics and drug addicts, children of HIV affected parents, street children, prisoners and school dropouts should specifically be addressed through these programmes.
- d) The awareness programme should be appropriate to the local culture and in the local language. Utilization of audio visual aids such as OHPs, slides, CDs, Power Point, films,

TV and Radio Spots etc. and use of innovative methods like street plays, puppet shows, seminars, group discussions are to be included.

c) People holding positions of respect and credibility like Panchayat leaders, school/ college Principals/teachers/ Lecturers etc. should be associated with the programmes.

**Eligible Organizations:** Financial assistance shall be provided for carrying out preventive education and awareness generation programmes in collaboration with the following organizations/institutions:

- i. Panchayati Raj Institutions (PRIs), Urban Local Bodies (ULBs), organizations/institutions fully funded or managed by State/ Central Government or a local body;*
- ii. Nehru Yuva Kendra Sangathan (NYKS), National Service Scheme (NSS);*
- iii. Universities, Social Work Institutions, other reputed educational institutions, Association of Indian Universities, Kendriya Vidyalaya Sangathan (KVS), NCERT, SCERT;*
- iv. Regional Resource Training Centres (RRTCs) and IRCAs of Ministry of Social Justice and Empowerment working in the field of drug demand reduction with good track in performance;*
- v. Organizations/Institutions associated with Awardees who have been conferred National Awards for outstanding services in the field of prevention of alcoholism and*

*substance (drugs) abuse;*

*vi. Any other organization/institution considered fit and appropriate by the Project Management Committee.*

**Norms for Financial Assistance:** An Annual Action Plan will be prepared during each financial year for carrying out preventive education and awareness generation programmes in collaboration with organizations/institutions specified above. Financial assistance would then be provided as per AAP to the NISD and/or State Governments or other organizations. Institutions would be eligible to receive advance upto 100% for conducting the programmes. Every organization/institution receiving funds under this component shall submit Utilization Certificates (UCs) to the NISD in the prescribed format after completion of the programme.

**Media Publicity:** Preventive Education and Awareness generation through media publicity would also be accorded adequate focus for which a well targeted media campaign to spread the message against ill effects of drug abuse through social, electronic, print, digital and online media will be launched.

#### **49. Capacity Building**

Training is an important component for capacity building and skill development of various stakeholders and the service providers. Training is important to ensure effective prevention, appropriate treatment and for holistic management of drug addicts. It is also important to have



exposure to the new trends regarding the kind of drugs abused, medical and psychiatric problems, new medicines/methodologies available for the treatment of addiction through participation in training programmes and conferences.

**Scope:** Capacity building programmes would be undertaken to provide intensive training to personnel in the identification, treatment, after-care, rehabilitation and social reintegration of drug addicts. To create a pool of trained human resources personnel and service providers, the following list of programmes have been enlisted under the NAPDDR:

- i. Training of teachers and counsellors on different assessment tools for early identification of drug use and associated factors.
- ii. Workshops, Seminars and interactions with parents.
- iii. Training programmes on de-addiction counselling and rehabilitation for social workers functionaries of IRCAs, working professionals etc.
- iv. Orientation Courses in the field of drug abuse prevention for functionaries of IRCAs including nurses and ward boys.
- v. Training Course for service providers, both in Government, Semi-Government and Non- Government Settings.
- vi. Training programmes for representatives of PRIs and ULBs, police functionaries, paramilitary forces, judicial officers, bar council etc. on drug abuse prevention.

vii. Training of staff in Prisons and Juvenile Homes and ICPS functionaries in order to ensure respectful, non-judgmental and non-stigmatizing attitude of the staff and for ensuring appropriate referrals and treatment.

viii. Basic Training Course in awareness of drug use and dependency associated health problems and various treatment approaches so as to develop a core group of peer educators, counsellors etc. to assist in dissemination of accurate information about drugs, their use, issues of dependency, treatment options and for overall improvement of behavioural issues associated with drugs.

ix. Specialized training for those who work with vulnerable groups, such as patients with psychiatric co-morbidities, children and women, including pregnant women.

x. Any other training/skill development which furthers the objectives of NAPDDR.

**Eligible Organizations:** Financial assistance shall be provided for carrying out capacity building programmes specified in above para in collaboration with the concerned Ministries/Departments/Organizations/Institutions of the Government of India as well as the State Governments such as SCERTS/DIETs, educational institutions, RRTCs, Medical Institutions etc.

**Norms for financial assistance:** An Annual Action Plan (AAP) will be prepared during each financial year for carrying out the above programmes. Financial assistance

shall be provided as per the AAP to NISD and/or to the State Government or other organizations. Institutions would be eligible to receive advance upto 100% for conducting the programmes. Every organization/institution receiving funds under this component shall submit Utilization Certificates (UCs) to the NISD in the prescribed format after completion of the programme.

**50. Treatment and Rehabilitation**

The Ministry of Social Justice and Empowerment is implementing a Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse under which, financial assistance is given to the voluntary organizations and other eligible agencies for, inter-alia, running and maintenance of Integration Rehabilitation Centres for Addicts (IRCAs). These IRCAs provide services for Preventive Education and Awareness Generation, identification of addicts, motivational counseling, detoxification/de-addiction and Whole Person Recovery, after care and reintegration into the social mainstream.

**Scope:** The NAPDDR for 2018-25 focuses on availability of IRCAs in each district, conversion of existing IRCAs into treatment clinics, availability of drug addiction treatment facilities in Government Hospitals and closed settings such as prisons, juvenile homes etc. While the Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse would continue to emphasize on

presence of IRCAs in each district and conversion of existing IRCAS into treatment clinics in order to provide out-patient services to drug addicts, the Scheme for implementation of NAPDDR would augment focus on these, as also the following areas:

- i. Establishing and assisting de-addiction centres in Government Hospitals and Medical Colleges.
- ii. Establishing and assisting de-addiction centres in closed settings such as Prisons and Juvenile Homes and for special groups such as women and children in need for care and protection etc.
- iii. Establishing and assisting residential stabilization programmes as Model Rehabilitation Centres

**Eligible Organization:** Financial assistance shall be provided for running and maintenance of treatment and rehabilitation facilities specified in para (supra) in collaboration with the Ministry of Health and Family Welfare, National Drug Dependence Treatment Centre (NDDTC), AIIMS, State Governments, National AIDS Control Organization (NACO), Institutions under Integrated Child Protection Scheme (ICPS) and other eligible organizations/institutions.

**Norms for financial assistance:** The Ministry of Social Justice and Empowerment would apportion a certain amount in the internal budgetary allocation for establishing and assisting de- addiction centres as given above. Funds would

be provided to the NISD/States/UTs/Organizations for providing financial support to the eligible agencies/organizations as per the procedure prescribed by the Ministry from time to time. Such proposals will be assisted with the approval of the Steering Committee. Every organization/institution receiving funds under this component shall submit Utilization Certificates (UCs) to the NISD at the end of each financial year in the prescribed format.

**51. Setting Quality Standards**

Efforts to develop modules for treatment of addicts of different categories and age groups in order to create uniformity in treatment protocol across the country will be undertaken under the NAPDDR. While developing such modules, emphasis should be given on integrating scientifically established mechanisms for diagnosis of drug disorders as well as integrating pharmacological (such as detoxification and opioid agonist and antagonist maintenance) and psychosocial (such as counselling, cognitive behavioural therapy and social support) interventions based on scientific evidence and focused on the process of rehabilitation, recovery and social reintegration.

A Manual of Minimum Standards of Services would also be developed to bring about standardization and quality control in services being delivered by various government as well as private de-addiction centres.

With an aim to standardize and improve the quality of the drug addiction treatment facilities across the country, efforts for recognition of de-addiction centres by resorting to third party accreditation through an appropriate Agency/Authority such as National Accreditation Board for Hospitals and Healthcare Providers (NABH) will be undertaken.

**Norms for Financial Assistance/Eligible Organization:** As elaborated in paras (supra).

**52. Focused Intervention in vulnerable areas**

Drug and Substance abuse is one of the major problems affecting children and youth in school and out of school/college. This problem impacts negatively on the academic, social, psychological, economical and physiological development among the abusers. It is seen that drug and substance among the youth are influenced by literacy level, peer pressure, curiosity or urge to experimentation, availability of drugs and substance etc. The vulnerability of injecting drug users (IDUs) to get co-infected with HIV/AIDS, due to sharing of needles and syringes and risky sexual behaviour makes the problem of drug abuse even more serious.

The Ministry of Social Justice and Empowerment would undertake focused intervention programmes in vulnerable districts across the country with an aim to increase community participation and public cooperation in

the reduction of demand for dependence-producing substances and promote collective initiatives and self-help endeavour among individuals and groups vulnerable to addiction or found at risk including persons who have undergone treatment at IRCAs as a follow up measure. For this purpose, vulnerable districts would be identified in the country based on studies/surveys and feedback from IRCAs and other stakeholders. The following intervention programmes would be carried out in the identified districts:

**Community based Peer led Intervention (CPI) for Early Drug Use Prevention among Adolescents**

Community based Peer led Intervention programmes would be launched in the identified districts depending upon the requirement. Through these programmes, youth would be trained as Peer Educators to lead peer led community intervention and implement early prevention education especially for vulnerable adolescents and youth in the community. This programme would also provide referral and linkage to counselling, treatment and rehabilitation services for drug dependents identified in the community. The activities under this programme include:

- a) Outreach activities in the community among young vulnerable population for community mapping and assessment
- b) Identification and Training of youth as Peer Educators to lead peer led community intervention

- c) Behavioural change communication sessions for community by Peer Educators
- d) Individual, group and family counselling
- e) Screening and assessment of clients on substance use disorder
- f) Ensure referral and linkage to service centres
- g) Complimentary therapies including art, music & dance for early recovery
- h) Follow up care including family counselling

The following strategies would be adopted under this programme:

- (a) The Peer Educators will focus on creating awareness among the community members on prevention of drug abuse.
- (b) The Peer Educators will be supported by coordinator and trainer adequately trained in the delivery of evidence-based early prevention interventions on drug use.
- (c) Render psychosocial interventions including educational sessions on ill effects of drug use, risk assessment on drug use among youth and linkage for treatment and rehabilitation.

### **Outreach and Drop In Centres (ODIC)**

Outreach and Drop In Centres (ODICs) would be established in the identified districts to conduct outreach activities in the community for prevention of drug abuse with a special focus on youth who are dependent on drugs. The ODICs would provide safe and secure drop-in space for drug users in the



community. These centres shall have the provision of screening, assessment and counselling and would provide referral and linkage to treatment and rehabilitation services for drug dependents. The activities that would be carried out by ODICs are given below:

- a) Outreach activities in the community among young vulnerable population.
- b) Behaviour Change Communication (BCC) one to one group sessions in community by Outreach Workers.
- c) Screening and assessment of clients on substance use disorder.
- d) Drop-in-Center facility for people vulnerable/dependent on drug use.
- e) Individual, group and family counselling.
- f) Provision of consultation with doctor for referral and linkage with treatment facility.
- g) Safe and secure space for drug dependent youth accessible, in the community.
- h) Complimentary therapies including art, music & dance for early recovery.
- i) Follow up care including family counselling.

The following strategies would be adopted under this programme:

- a) The centre will be led by trained staff, staffed by multidisciplinary team adequately trained in the delivery of evidence-based interventions.

- b) Comprehensive outreach, screening and counseling system comprising of evidence-based and integrated psychosocial interventions will be provided.
- c) Basic services including outreach, drop-in and counselling support to the clients.
- d) Render psychosocial interventions including cognitive behavioural therapy, motivational interviewing and linkage for treatment, rehabilitation and vocational training.

**Eligible Organization:** Funds would be transferred to the NISD for further disbursement to eligible agencies/organizations on the basis of procedure prescribed by the Ministry from time to time.

**Norms for financial assistance:** The following guidelines would be followed for implementation of these programmes:

NISD would invite proposals from the following organization/institutions for running these programmes:

- i. A Society registered under the Societies' Registration Act, 1860 (XXI of 1860) or any relevant Act of the State Governments/ Union Territory Administrations or under any State law relating to the registration of Literary, Scientific and Charitable societies, or
- ii. A Public Trust registered under any law for the time being in force, or
- iii. A Company established under Section 25 of the Companies Act, 1956; or

- iv. Panchayati Raj Institutions (PRIs), Urban Local Bodies (ULBs), organizations/institutions fully funded or managed by State/Central Government or a local body; or
- v. Universities, Social Work Institutions, other reputed educational institutions, NYKS, and such other well established organizations/ institutions which may be approved by the Steering Committee.

The proposals, accompanied with the relevant documents and duly recommended by District Magistrate/Deputy Commissioner/Collector or State AIDS Control Society (SACS) of NACO, shall be sent to the NISD for consideration. The proposals, complete in all forms, would subsequently be screened by a Screening Committee constituted in NISD for this purpose.

The quantum of assistance shall be 100% of the budget norms on the admissible items enumerated under CPI and ODIC.

Every organization/institution receiving funds under this component shall submit Utilization Certificates (UCs) to the NISD at the end of each financial year as per prescribed format. The organizations/institutions shall also submit prescribed progress reports to the NISD.

All such assistance shall be as per the provisions of the General Financial Rules, 2017 (Govt. of India).

53. **Skill Development, vocational training and livelihood support of ex-drug addicts**

In order to promote meaningful livelihood activities and employment to instill a sense of purpose and self-esteem in individuals to steer them away from drugs, programmes for skill development, vocational training and livelihood support of ex-drug addicts would be carried out through National Backward Classes Finance and other Development Corporations of the Ministry of Social Justice and Empowerment. In addition to this, vocational training and livelihood programmes would also be carried out in collaboration with Ministry of Women and Child Development, Ministry of Skill Development and Entrepreneurship and its affiliated institutes and State Governments.

**Norms for financial assistance/Eligible Organizations:**

Financial assistance shall be provided to National Backward Classes Finance and other Development. Corporations of Ministry of Social Justice and Empowerment, affiliated institutes of Ministry of Skill Development and Entrepreneurship and State Governments on the basis of their proposals.

54. **Programmes for Drug Demand Reduction by States/UTs**

Addressing the problem of drug abuse will require concerted action at different levels of the Government. The responsibility for actions at the field level lies within the

purview of the State/ UT Government. Thus, the States and UTs, with the support of Central Government, may like to plan and take specific initiatives, taking into account their local considerations. They may devise specific and suitable strategies for drug demand reduction in their identified areas. In this context, the States/UTs may send proposals which meet the objectives of NAPDDR.

**Organization/ Institution / Department:** Concerned Departments of State Governments / UT Administrations.

**Norms for financial assistance:** The Ministry would apportion a certain amount from the internal budgetary allocation for drug demand reduction programmes to be carried out by States/UTs and release as per the proposals.

55. **Surveys, Studies, Evaluation, Research and Innovations on the subjects covered under the Scheme**

With an aim to develop measures based on scientific evidence that are relevant to different socio-cultural environments and social groups, continuous research and studies would be undertaken in collaboration with other apex institutions on drug use pattern and relevant areas.

To expand the coverage and quicken the process of treatment and rehabilitation, testing and implementation of innovative ideas shall be supported under NAPDDR.

**Eligible Organization/Norms for financial assistance:** Financial assistance shall be admissible to NISD, other government and private institutions and eligible organizations for the activities to

meet the objectives given in the Scheme based on the merit of the proposal to be approved by the Steering Committee.

**56. Programme Management**

A Project Management Committee would be constituted under the chairpersonship of the Joint Secretary (SD), Department of Social Justice and Empowerment to monitor the implementation of components under this Scheme on day to day basis. The Committee would include Director (DP), Department of Social Justice and Empowerment, Director, NISD, head of TSU etc. The chairperson of the committee would be authorized to invite representatives of any other Ministry/ Department of the Government of India, State Government, NGOs and experts for the Meeting.

The Ministry would decide notional allocation for each of the components under this Scheme at the beginning of each financial year.

**Programme Management Unit at NISD**

The Ministry of Social Justice and Empowerment has established a National Centre for Drug Abuse Prevention (NCDAP) at NISD, New Delhi to serve as an apex body for training, research and documentation in the field of alcoholism and drug demand reduction. For implementation of the NAPDDR, NCDAP in the NISD has been identified as a nodal agency which would serve as a focal point for carrying out drug demand reduction activities in a mission mode with identified timelines and targets.

The NCDAP would work as a Project Management Unit (PMU) for implementation of the NAPDDR. It would be responsible for conceptualizing, framing and implementing the activities of the NAPDDR across the country and liasoning with various stakeholders for conduction of programmes covered under the NAPDDR. For this purpose, experts/consultants on the subject would be engaged by NISD as per prevailing norms of the Government of India.

**Technical Support Unit (TSU) for Monitoring and Evaluation**

A Technical Support Unit (TSU) will be engaged by the NISD for monitoring the activities being carried out under the NAPDDR during the period 2018-2025. The TSU will serve as a monitoring, evaluation, research and capacity building arm of the NISD.

**Eligible Organization:** A suitable agency shall be hired by the NISD as TSU on the basis of extant rules and procedure of the Government of India.

**Norms of financial assistance:** Funds shall be transferred to the NISD depending upon the requirement.

Director, NISD is authorized to approve and release entire fund for different projects/programmes under various components of the NAPDDR, beyond the delegation of power mentioned in bylaws of NISD, for which fund has been transferred by the Ministry of Social Justice and Empowerment to the NISD.

The Ministry of Social Justice and Empowerment and NISD would formulate and establish any further monitoring mechanisms

for effective implementation of various activities under the Scheme.

Similarly, the Ministry of Social Justice and Empowerment/NISD would carry out Impact/Assessment Studies on effectiveness of the programmes being carried out under this Scheme.

The Ministry of Social Justice and Empowerment would review and modify the guidelines and implementation arrangements based on progress of implementation of NAPDDR, whenever deemed necessary.

Every organization/institution receiving funds under this Scheme shall submit Utilization Certificates (UCs) as per GFR, 2017.

57. **Any other activity or item which will augment/strengthen the implementation of NAPDDR**

Since the focus of NAPDDR is also on availability of IRCAs in each district and conversion of existing IRCAs into treatment clinics, funds available under this Scheme may also be utilized for meeting the committed liabilities under the Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse in case its budget is fully utilized during a given financial year.

Financial assistance would also be admissible to the activities/programmes recommended by the NCCDR, Steering Committee and the State Governments for strengthening the overall objective of the Scheme.



**Direction No. XIII**

58. However, for achieving the above stated objectives, thus successful campaigns and apposite disseminations are required to be launched at the instance of the Governments concerned. In that regard, the Public Relation Departments concerned, are required to be resourced by the Governments concerned. Therefore, a direction is passed, respectively upon the Chief Secretaries to the States of Punjab and Haryana, and, upon the Advisor to the Administrator, U.T., Chandigarh, to ensure the promptest establishment(s) of a Special Cell in each of the Sub-Divisions and Districts in the respective States, rather for effectively disseminating awareness about the ill-effects of consumption of drugs. Moreover, the Supra are also directed to within the Sub-Divisions, Divisions and Districts deploy sufficient staff along with all the requisite wherewithals, rather for ensuring that the NAPDDR (supra) with components above stated, thus become fully achieved.

59. Since some of the components (supra) are contemplated to be admissible for financial assistance, thereupon, the said apposite admissible components vis-a-vis financial assistance, thus are required to be ensured to be promptly purveyed the financial assistances, but only to the eligible organizations/entities concerned. The above is a dire necessity, as therebys the laudable object behind the NAPDDR, thus would become forwarded. Therefore, the Chief Secretaries to the States of Punjab and Haryana, and, the Advisor to the Administrator, U.T., Chandigarh, are directed to ensure, that a sufficient quantum of funds is forthwith released to the entitled organizations/institutions concerned. The said disbursement of the said finances be ensured to be initially made

by the supra to the Collectors of the revenue districts in the States of Punjab and Haryana, and, in the Union Territory, Chandigarh, so that subsequently there are further onward transmissions to the organizations/institutions concerned, who are entitled to seek financial assistance(s), thus for carrying forward the laudable objective, as embodied in the NAPDDR, which but ensure the effacings or eradications rather of all the ill effects of drug trafficking, and, of consumption thereof, thus upon the socio economic fabric of society.

60. Moreover, since the non-government organizations are also eligible for rendition qua them of financial assistance(s), rather for the accomplishment of the apposite components (supra), thereupon, the Chief Secretaries to the States of Punjab and Haryana, and, the Advisor to the Administrator, U.T., Chandigarh, are directed to make a direction, upon the above created Special Cell(s) in the Divisions and Districts, thus for ensuring the enlistings of eligible organizations, who thereafter may become purveyed the apposite financial assistance(s), thus for ensuring the forwardings of the apposite objectives cast under the NAPDDR. Subsequently, financial assistance to the said organizations be forthwith released hence to make the above directions fully activated.

61. However, yet the funds released are required to be regularly audited by an Auditor to be appointed at the Sub-Divisions and Districts concerned, thus by the Governments concerned.

62. This Court records its profound appreciation to the Director General of Police, Punjab and to the Director General of Police, U.T., Chandigarh. However, they are directed to, on an affidavit to be sworn on affidavits, render compliances to the above passed directions upon them.

The appreciation awarded to the above be entered in the service records of the above.

63. This Court further records its profound appreciation for the worthy suggestions purveyed by Ms. Soumya Sambasivan, IPS, DIG, Police, Central Range, Mandi, HP, and, by the Director General of Police, Punjab as well as by the Director General of Police, U.T., Chandigarh, which have led this Court to pass the above made directions, upon the concerned, which are but imperative for not only making workable the above statutory provisions but also are oriented towards reductions in the demand/supply of the drugs but with a consequent effect qua there being decimation in drug trafficking. The above would obviously well benefit the society. The appreciation awarded to the above be entered in the service records of the above. Moreover, this Court would hereafter welcome any further suggestions, from all the officer(s) (supra), as they may hereafter render to this Court.

64. Moreover, this Court also places on record its appreciation for the subject experts deployed at PTC, Daroh, thus to impart training to the police personnel concerned. The appreciation awarded to the above be entered in the service records of the above.

65. Lastly, directions (supra) passed upon the Chief Secretaries to the States of Punjab and Haryana, and, the Advisor upon the Administrator, U.T., Chandigarh be ensured to be complied through an affidavit being sworn by each, and, the same becoming tendered before this Court on the subsequent date of hearing.

66. Moreover, the directions (supra) do have a wholesome purpose of benefitting the entire society. Therefore, when the entire

country is facing a threat to its socio economic fabric through massive and rampant consumption of drugs arising from rampant drug trafficking. Resultantly, this Court deems it fit and appropriate to direct the Registrar (Judicial) of this Court to circulate a copy of this order, to all the Chief Secretaries, and, also to all the Directors General of Police in all the federal States in the Union of India, so that this order may become considered to be complied with.

67. Copy of this order be also forwarded to all the trial Courts concerned respectively in the States of Punjab, Haryana, and in U.T., Chandigarh. Moreover, a copy of this order be forthwith transmitted to all the supra.

68. List for the afore purpose on 23.8.2024.

**(SURESHWAR THAKUR)**  
**JUDGE**

**(SUDEEPTI SHARMA)**  
**JUDGE**

**July 12, 2024**  
Gurpreet