INTRODUCTION

Stories relating to drug abuse that shock human conscience frequently capture the headlines of media reports. These continued streams of stories that appear in the dailies and journals comprising of drug addiction by students, celebrities and politicians, irrespective of gender have brought into centre stage, the inter-related aspects of a grave menace which is becoming more organized, highly sophisticated, diversified and wide-spread. The dark side of drug addiction has been lucidly spelt out by Richmond.P.Hobson thus:

Suppose it were announced that there were more than a million lepers among our people. Think what a shock the announcement would produce! Yet drug addiction is far more incurable than leprosy, far more tragic to its victims, and is spreading like a moral and physical scourge.... Most of the daylight robberies, daring holdups, cruel murders and similar crimes of violence are now known to be committed chiefly by drug addicts, who constitute the primary cause of our alarming crime wave. Drug addiction is more communicable and less curable than leprosy. Upon the issue hangs the perpetuation of civilization, the destiny of the world, and the future of the human race.

These stories assume popularity because of the adverse and dreadful impact-both long and short term- that drug does to mankind. Drugs which
benefit mankind when administered in the right way turn demonic and wreck people’s lives if abused. Drug abuse sucks money, time, health, family and even friends. It is virtually a *Pandora’s Box*.

The process of industrialization and urbanization, and the consequent migration have led to loosening of traditional methods of social control, rendering an individual vulnerable to the stresses and strains of modern life. The dynamic social milieu, among other factors, mainly contributes to the proliferation of drug abuse, both of traditional and of new psychoactive substances. The use of dependence-producing substances, in one form or the other, has become a universal phenomenon. The advancement in transport and communication systems has made drug smuggling a highly organized business where profits are enormous. By 1980, India had developed into a fairly big base for narcotic trade. By the end of 20th century drug addiction has become a major health problem in India with high alarming estimates indicating use of both natural and artificial drugs.

During the eighties itself, Government of India identified the problem of drug abuse and undertook many programmes including the enactment of Narcotic Drugs and Psychotropic Substances Act 1985 to control illegal drug
trafficking\textsuperscript{9}. However, statistics indicate a high concentration of drug addiction in certain social segments and high-risk groups such as commercial sex workers, transportation workers, and street children; and in North-Eastern States border areas and opium growing regions of the country.\textsuperscript{10}

Drug addiction is fairly high in college campuses and offices where very high level of work stress exists. As stated earlier, drug menace and its consequences have been particularly alarming in North-Eastern States. The situation in such States has been aggravated due to high incidence of Intravenous Drug Use (IDU), especially in the State of Manipur, leading to HIV/AIDS.\textsuperscript{11} The link between drug abuse and crime has already been well established and the government has taken note of it; but the new trend in Manipur and other States that brought to light the relationship between drug addiction and HIV/AIDS has stimulated the concern of health authorities too.\textsuperscript{12}

In this era of globalization, notable changes in the pattern of international drug trafficking, is visible. Such changes get reflected in the drug trafficking trends in India also.\textsuperscript{13} It is this situation that has prompted the present researcher to enquire into the socio-psycho-legal implications of drug addiction in India, the relationship between illegal drug trafficking and
narco-terrorism, the nature and extent of money laundering; and the effectiveness of Indian law and the international law to check drug trafficking.

**Significance of the Study**

Social system and economic system are always intertwined within the institutional framework of any society. The former is closely controlled by and connected with the latter. Every such system is destined to break down due to its inherent imperfections and internal contradictions. As far as independent India is concerned, nation-building is based on the long-cherished Constitutional ideals of economic, political and social justice as enumerated under the *Preambular* pledge. But the process of nation-building is confronted with many internal and external threats in the form of corruption, nepotism, social inequality, communal tensions, terrorism, black money, money laundering, large scale illegal drug trafficking and abuse of narcotics etc. Among these evils, production, manufacturing and trafficking of illicit drugs and the consequent narco-terrorism have unpredictable socio-psycho-legal implications; which in turn pave the way for a myriad of problems including corruption, political instability etc. It even creates a parallel economy affecting every segment of the national fabric in an unbelievable manner.¹⁴
Smuggling of narcotic drugs into India has assumed a serious magnitude in recent years. The mass of illegal drug traffic across the border resulted in the growth of drug traffickers, human traffickers, violent gangsters, money launderers and probably narco-terrorists: tens of thousands of criminals have been arrested.\textsuperscript{15}

To deal with the growing menace of smuggling in narcotic drugs and psychotropic substances, Indian Parliament enacted Narcotic Drugs and Psychotropic Substances Act in 1985, and a Narcotics Control Bureau was set up in 1986. The Act aims to counter drug abuse and illicit drug trafficking, and for that purpose, punishments for drug trafficking have been made more deterrent, with more realistic levels of fine\textsuperscript{16}. The Act was subsequently amended in 1989 for providing forfeiture of property, and in 2002 to rationalize the sentence structure. These amendments are positive steps in the right direction. However, the law proved to be ineffective in eradicating drug-abuse in the country\textsuperscript{17}.

It is high time to revamp the entire law on this subject. It is this situation that has prompted the present researcher to enquire about the nature and extent of drug-trafficking in India. This study is an earnest attempt to trace the history of drug use and to analyse the present drug trafficking patterns, related
narco-terrorism, money laundering etc; and to evaluate the present Indian law in this regard, on the basis of a comparative study.

**Objectives of the Study**

The study was undertaken with the following objectives:

1. To trace out the historical setting of the use of drugs.
2. To analyse the present pattern of legal opium cultivation in India.
3. To ascertain the extent of drug addiction and its harmful impacts.
4. To ascertain the causes of illegal drug trade and narco-terrorism.
5. To bring into light the present drug trafficking trends and patterns in India.
6. To analyse the global trends in cultivation, production, trafficking and abuse of narcotic drugs with special reference to Asia, Latin America and other continents.
7. To make a theoretical enquiry into narcotic related money laundering in India.
8. To evaluate the present law – *international, regional and municipal* - and the enforcement system and to ascertain whether the existing law in India is in tune with the international conventions in this regard; and
9. To evolve recommendations: initially to control; and subsequently to eradicate drug addiction and illegal drug trafficking in India.

**Hypothesis**

1. The emergence of new forms of highly addictive and dangerous drugs in the Indian market and its abuse has created an explosive situation.

2. Drug addiction and drug dependence, narco-terrorism and related money laundering have become vicious social evils and political menace in India and now it has become often difficult to assess and control; and the municipal law as well as international law in this regard are inadequate.

3. Illegal trafficking of drugs to international markets and the increased domestic consumption gave India the status of a *consuming country* rather than a *transit country*.

4. The present law as well as the enforcement system is not fully satisfactory to break the unholy nexus between drug trafficking and money laundering.

5. The three wings of government-legislature, executive and judiciary-have failed to curb the menace of drug trafficking and drug abuse.
Research Methodology

The present research work is an enquiry into the extent of legal control over licit and illicit cultivation/production of opium and other narcotic and psychotropic substances. The purpose of the study is to ascertain the effectiveness of law as an instrument to check illegal drug trafficking in India. In order to assess the merits and demerits of the existing law in India, a critical evaluation of the present law in other countries becomes indispensable. Consequently, comparative method has been mainly used in this study to compare the position in other legal systems. The area of study is a complex and multi-dimensional one which requires a basic knowledge of different types of drugs and narcotics produced, illegally trafficked, used and abused in India. For that purpose, analytical and doctrinal methods are used. In addition, historical method has been used for bringing out the history and development of drug abuse and illegal drug trafficking.

Drug trafficking is a clandestine activity. Therefore, it is impossible to assess its magnitude. However, the quantity of drugs seized by enforcement agencies throw light to the rate of illegal activities connected with drugs. Hence, statistical method has also been employed.
Sources

For realizing the objectives of the study, materials from both primary and secondary sources have been utilized:

(i) **Primary Sources**: Indian statutes like Opium Act 1888, Dangerous Drugs Act 1930, the Narcotic Drugs and Psychotropic Substances Act 1985, Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, Juvenile Justice (Care and Protection of Children) Act, 2000, Prevention of Money Laundering Act, 2002, RBI’s guidelines on Money Laundering, Judgments of various courts in India. The United Nations Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the recommendations of the Financial Action Task Force (FATF) on Money Laundering, which was established at G-7 Summit held in Paris in 1989 are the primary sources for the study.

(ii) **Secondary Sources**: Books by reputed authors, answers to Lok Sabha questions, articles from journals, newspaper reports on drug seizure and addiction, Annual Reports of the Narcotic Control Bureau, Reports of the Central Bureau of Narcotics, Reports of the Committee of Ministry of Health and Family Welfare, Government of India, Annual Reports of International Narcotic Control Bureau, Reports of WHO, ILO and

**Review of the Existing Literature**

Presently, there are many text books containing detailed discussion and commentary on the bare provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. None of them is complete and comprehensive. No critical evaluation of the problems addressed in the present work has been undertaken so far. Hence, this study assumes importance.

**Scheme of the Work**

The contents of the present work are divided into six chapters, excluding introduction and conclusion. The introductory chapter speaks about the necessity of carrying out this work.

The **First Chapter** - ‘**DRUG ADDICTION : HISTORICAL SETTING AND THE CLASSIFICATION OF DRUGS**’ - makes an enquiry into the historical setting of the use and abuse of drugs and the licit cultivation of opium in India. In addition,
the motivation for drug usage, its harmful effects with special reference to opium, cannabis, morphine and cocaine and the efforts made by Government de-addiction centres etc. have also been enquired into. Thereafter, definitions of the terms ‘drug abuse’, ‘drug addiction and dependence’ are detailed. In the modern world, the types of narcotic and psychotropic substances produced and used are innumerable in terms of its degree of effectiveness. Hence, a brief narration is made with regard to the classification of drugs and various forms of drugs available in the market.

Drug trafficking is not an isolated phenomenon. The menace has spread its tentacles all over the world. Hence, the present world wide illegal drug trafficking scenario has been portrayed in the Second Chapter – “THE GLOBAL DRUG SCENARIO: A COMPARATIVE ANALYSIS”. On the basis of the regional groupings used in the Report of the International Narcotics Control Board (2009), a brief analysis of the present situation in various continents, is attempted in this chapter.

Since illegal drug trafficking has become one of the largest organized crimes in India; and as the menace of illegal drug trafficking goes on increasing day by day, the Third Chapter- “ILLEGAL DRUG TRAFFICKING
IN INDIA” - has been designed for a discussion on this burning issue. This chapter makes a review of illegal drug trafficking in India based on available statistical data relating to region-wise pattern of illegal trade and recent drug seizures all over India. Narco-terrorism which is an emerging threat to nation building has also been covered in this chapter.

In India, hawala system or underground banking is used extensively for drug trafficking and remittances of money by both non-resident Indians and resident Indians; and about 8% of the black money is from crime: bribery, drug trafficking and terrorist activities. Hence, a detailed analysis of various money laundering methods, the impact of money laundering in economy and society, and the role of Government in combating money laundering etc. has been done under Chapter Four – “MONEY LAUNDERING IN INDIA : AN OFFSHOOT OF DRUG TRAFFICKING”. In addition, the effectiveness of the law to check money laundering has also been assessed in this chapter.

Chapter Five –“INTERNATIONAL AND REGIONAL INITIATIVES AGAINST DRUG TRAFFICKING” provides for a detailed discussion on the various international and regional initiatives against illegal drug trafficking, with special reference to the foundations of international drug control, the U.N.
Drug Control Conventions, the enforcement machinery and the control mechanisms.

Chapter Six – “INDIAN LAW TO CHECK ILLEGAL DRUG TRAFFICKING: A CRITICAL EVALUATION” addresses the efficiency of drug law enforcement agencies and the Indian legislation to check illegal drug trafficking, Constitutional and legal framework and the effectiveness of Narcotic Drugs and Psychotropic Substances Act 1985; and the technical flaws in the Act.

Finally, the conclusion and the recommendations for the reduction of drug use have been projected in the Last Chapter.
References

1. See the nationwide radio broadcast entitled "The Struggle of Mankind Against Its Deadlist Foe", quoted in David F. Musto, The American Disease, p.191.


3. Dr. Edward H Williams cites Dr. Christopher Kochs: "Most of the attack upon white women of the South is the direct result of the cocaine crazed Negro brain." Dr. Williams concluded that "Negro cocaine addicts are now a known Southern menace." (New York Times, Feb. 8, 1914)


9. For a critical evaluation of the Act See, infra Chapter VI.

10. Present rough estimates show that about 3 million population depend on drugs (0.3% of the population) excluding those depend on alcohol. Though this estimate is less than the earlier prediction of 15 million drug addicts by the end of 2004, the number is increasing. Details of cases registered by authorities indicate that such population comes from diverse socio-economic, cultural, religious and linguistic backgrounds. See, Narcotic Control Bureau Report, 2009.

11. In some States of north-east, 70% of all injectable drug users are HIV positive. (socialjustice.nic.in/social/drugdemand.htm)


14. Supra n.2 at p.5.

15. Moreover, the impact of the massive influx of illegal aliens cannot be ignored. During recent past drug trafficking and related crimes have considerably been increased in South especially in Kerala. It gives clear evidence to the change in trafficking trends. See, “Marked Rise in Drug-Addiction”, Indian Express, (1.8.2001).
