

## **Drug Trafficking in India: The Legal Perspective**

**By: Yash Soni**

### **Introduction:**

We all are familiar with the two faces of coin i.e. heads and tails similarly, the world is developing from the one face and getting devastated on another. Drugs is something which plays a very lead role in this mishap. Drug is that substance or medicine which easily gets mix with the blood of consumer and excess intake of the same effects the functioning of the human body such that the physical and mental health is deeply harmed.

If we talk about the supply of drugs the biggest route of trafficking the drugs is captured by the Afghanistan, Pakistan and the Indian Ocean, for which there are various consumer countries. According to an article from Hindustan Times 1kg heroin is worth of 6.5 crores [1].

This addiction of drug not only destroys the life of the individual but also of their family and dependents which may include unborn child. The most drug addicted age group is of 18-35 years. In India the major proportion of the teens involve in the drug consumption are 60% in the state of West Bengal and Andhra Pradesh and nearly about 35% in the Uttar Pradesh and Haryana in the same percentage. In India about 7% or more people are committing suicide in which 3.3% of them were due to the influence of drug abuse.

As India is the one of biggest market for drug consumers, so the supply is fulfilled according to the consumer's demand. There are various methods of consuming drugs such as smoking, injecting, or snorting depends on the consumer how effectively it influences his/her brain. Some of the very common drugs remains in

the highest demand are: Codeine, Fentanyl and fentanyl analogs, Heroin, Morphine, Opium, Oxycodone HCL, Hydrocodone bitartrate, acetaminophen, Anabolic Steroids, LSD (lysergic acid diethylamide).

### **How did Drug trafficking started in India?**

About 900 years ago, the Arab Merchants arrived India and introduced with the Opium drug which was to be used as the medicine for curing the disease such as for analgesic effects but later on the people started consuming as an addiction. People then started consuming this drug as pill or with the water.

Later in 1300, the cultivation of the Opium started in the country's western coast, but when the demand increased in the country the farmers were unable to feed the same, then the drug was imported from the middle of the globe.

When Britishers in 1720 stepped in India, they saw this product as the great source of business and started exporting the Opium to the other countries and China was the first client of the drug and imported about 14 Tons of the Opium drug in the same year. But in year 1729 China banned smoking of the Opium drug, but didn't banned the importation of the same.

In 1793 The Indian Government banned the Opium but the British East India Company took over the control of the cultivation of the Opium in India therefore the exportation of the Opium remains continue to float. This gave to huge profit to the Britishers and they expanded the cultivation of the opium business.

In 1799 when China completely bans the use and importation of the opium the illegal importation/trafficking or say smuggling started and when the China opposed this importation then in 1839-1842 the First Opium War was fought between the China and the British army including Indian army. China got defeated and the trade between the China and the India of the Opium continued. Then again

after the getting defeated in the Second Opium War in 1857 the China finally legalizes the trade of the opium. In the same year the Colonial Government enacted the Opium Act, 1877 which promoted the regulation for the cultivation of opium poppy, its manufacturing, and its domestic sale and export conditions.

Later in 1878, the Opium Act, 1878 came into the picture for the domestic use of the Opium in the local streets of India. In this act the consumer of the opium drug first had to get in register as the user of the Opium drug and then hen can get the access of the Opium drug. Also for which the smoking of the Opium was banned but the eating and drinking remains to be valid.

In 1893 the Royal Commission guided that the excessive of the drug Opium is leaving negative impact in the health of the people therefore this excess consumption should be ban but if we talk about the positive end of this drug it is very much helpful in curing harmful various diseases and shall be used for the medicinal purpose only. But in the year 1912 The Hague International Opium Convention was held by the Britain where in this convention Britain signed the treaty that wherever the territory is captured or ruled by them the use of the Opium will remain effective, in the terms of manufacturing and the trade.

In 1920, India partially banned, the use of Opium as more than a “Tola” i.e. 10 grams of the opium is declared as illegal to possess.

In 1930, the Colonial government enacted an act i.e. Dangerous Drugs Act, 1930 which imposes the complete seize in the practice of Consumption of the Opium Drug but this was again in the partial sense as it was permitted in the use of medicinal purpose.

Meanwhile, Punjab 1980, there had been cases of Sikh militancy involved in the drug trafficking case. The Wagah-Attari border was repeatedly used by the

miscreants to carry drugs across the border. [3] The Samjhauta Express was made to run between Amritsar and Lahore for the trafficking of Illegal drugs from the cross border Pakistan to India on a regular basis. Amritsar became the main center of the Heroine. In the same concept a movie name as Uda Punjab was all about the drug abuse by the higher percentage of youth in the Punjab region and how this poison is affecting the life of many.

After the Independence, in 1985 Government of India enacted “The Narcotic Drugs and Psychotropic Substance Act”, 1985, in this act the government repealed all the past Act restricting the Opium drugs usage. According to this act the manufacturing, selling, importing, exporting and consuming all were seized. The cultivation of medicinal level opium was only allowed and also the exportation and importation of the same.

In 2014 the government of India imposed some relief in the Narcotic Drugs and Psychotropic Substance Act”, 1985 by permitting the use of Morphine for the medical purpose. This gave much easy access of the Opium for the medical use of the doctors whenever necessary.

In 2016, Indian Parliament Member Mr. Dharamvira Gandhi initiated the proposal of passing the bill in the parliament for legalizing the Opium and cannabis in the country, not because he was in the support of the illegal drugs but he was against the consequences which were getting boost due to the banning of drugs such as for the smuggling purpose the drug mafia gang is getting indulge seeking this as a good business, harming human’s physical and mental stability, destroying not only the individual’s life but also of his dependents and relatives and includes various other crimes being faced by the society. [2]

Goa is the one of the biggest hub of the rave party in which mostly the locals, outsiders and the foreigners from various countries are a part and the culture of the Goa attracts everyone to visit at least once. Where some visit for the enjoyment while others only visit for the enjoyment of the club parties, alcohol, drugs etc.

*In unfortunate case of Nigerian Obodo Uzomo Simeon's death in Goa in 2013 is still afresh in the public memory. Things turned ugly when Goan BJP MLA Michael Lobo justified his murder saying that "98 per cent Nigerians, African nationals in Goa are involved in drugs". The allegations of involvement of Russian drug mafia in the murder of British teen Scarlett in Goa in 2008 was a growing indication of Goa slipping into the hands drug mafias. [4]*

### **Legal Bodies of Government that enforces Drugs regulations:**

Drug abuse is getting momentum nowadays and also the youth is dropping this addiction, thinking this as trend is their biggest mistake because it is not affecting themselves rather staking the lives of their dependents and family. The Government of India is taking very active decisions regarding the restrain of Drugs trafficking and also to improve the physical and mental strength, so that it will return in the good contribution for the development of the Indian Society. Following are the legal bodies governing the drug abuse in the society:

- Narcotics Control Division
- Central Bureau of Narcotics (CBN)
- The Narcotic Control Bureau (NCB )
- Other Agencies- Directorate of Revenue Intelligence, Central Bureau of Investigation, Customs Commission, Border Security Force

## **Laws that govern the Drug Abuse in India:**

In India the drugs abuse was not properly governed, but after 1985, legislature passed Narcotic Drugs and Psychotropic Substances Act, (NDPS Act) in 1985. The act was enacted to win the battle against the Drug trafficking, for this act criminalized the cultivation, trade, import, export and any kind of local consumption of narcotic drugs and psychotropic substances.

The Act was amended thrice in the year of 1989, 2001 and 2014, and made the punishment much stiffer than before. According to this Act any kind of offence relating to the drug is taken as the serious issue and is considered cognizable with non-bailable offence.

In Chapter IV of the Act fine and punishment varies with the drug offence, accuse for small quantity of drugs the punishment is 6 months rigorous imprisonment or fine of Rs.10,000 or both.

More than small quantity but less than commercial quantity of drugs the punishment is 10 years rigorous imprisonment or fine of Rs.1,00,000 or both and for commercial quantity of drugs the punishment is 10-20years rigorous imprisonment or fine of Rs.2,00,000 or both. Under Chapter II of the Act there are laws imposed on the drug addicted people to cure them and improve their health by sending them in the rehabilitation centers.

This is far better than the previous Act, as it spreads pressurizes the society to think more than 10 times before handshaking with the drugs.

## **Conclusion:**

India today is suffering with so many health issue which includes mental and physical health, this is due to the youth wearing the blanket of drugs. There are so many steps taken by the government and the active people of the country to promote and positively aid the consequences of the drug abuse such as, in Cinema halls before the movie starts a small social video is played, also in YouTube, even many channels are working towards resolution of this serious issue by making social experimental videos so to spread the awareness in the society.

***Drug is a poison, it provides short term enjoyment with long term pain.  
So be aware, be safe.***

## **References:**

- [1] <https://www.hindustantimes.com/mumbai-news/peddler-arrested-in-mumbai-with-1kg-heroin-worth-rs6-5-crore/story-qKndbU8kd1GntmRIN5gDQL.html>
- [2] <https://www.newsgram.com/how-drugs-like-heroin-opium-cocaine-marijuana-make-way-into-india>
- [3] <https://www.talkingdrugs.org/a-brief-history-of-opium-in-india>
- [4] <https://www.newsgram.com/how-drugs-like-heroin-opium-cocaine-marijuana-make-way-into-india>