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**A CRITICAL ANALYSIS OF DRUG TRAFFICKING IN ORGANIZED CRIME  
RELATED TO LAW AND ILLICIT TRAFFICKING**

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### **ABSTRACT**

Drug Trafficking is one of the most important issues in the countries and is a major social evil of modern times. Drug trafficking undoubtedly leads to better drug distribution, increasing the number of people and causing them to get addicted. It has spread among the young, the old, and the rich and the poor. Various types of drugs, like cocaine, marijuana, cannabis, morphine, heroin, LSD etc., are consumed by addicts worldwide. In India, an Act to control drug trafficking is NDPS (Narcotics drugs and psychotropic substances) Act 1985. It is illegal if a person who cultivate, produce, manufacture, sells, transport, or

Consuming any narcotics or psychotropic substances provides minimum punishment of 10 years in prison, Drugs and Cosmetics Act,1940, the prevention of illicit trafficking in narcotics drugs and psychotropic substances Act,1988. The amplitude of the numbers involved, the scope and essence of coexistence between these two criminal groups, and the fact that it is challenging to determine how broadly terrorist groups are engaged in the illicit drug trade all contribute to the unsettling nature of the role that drug trafficking plays in promoting and financing today's global terrorism. My paper will focus on the topic of drug trafficking in the context of organised crime and illegal trade.

**Keywords:** Drugs, NDPS, law, trafficking, punishment, terrorism.

### **Introduction**

The crime of illegally selling, transporting or importing controlled substances (such as heroin, cocaine, marijuana or other illegal drugs) is called drug trafficking. In recent years illegal trade and transportation of prescription drugs have become an increasingly serious problem, often referred to as drug trafficking. According to the ministry of justice, the sale and manufacture of narcotics account for more than one-fifth of all drug-related arrests. The United Nations Office on Drugs and Crime researches various illegal drug markets while closely monitoring them. Drug traffickers have many international relations. They try to manipulate an unstable economic position while the political climate, introducing drugs into society only for their benefit. They completely ignore the health and well-being of the people of the country. They hope to make huge profits from such illegal Activities if they do. Ignore the health and well-being of our citizens. It has also been observed that many terrorist Organizations are increasingly obtaining funds from the so-called drug mafia and underworld figures who engage in illegal activities and contribute to crime worldwide. The scope of these inhumane and illegal Activities is expanding rapidly, and the laws designed to control them become easily damaged and broken.



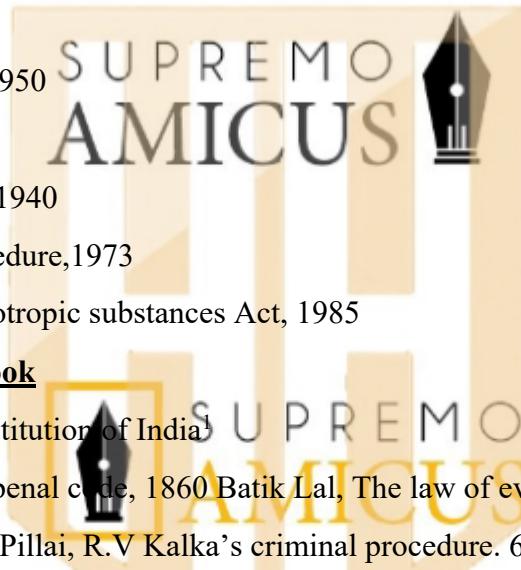
The drug epidemic is a clear and present danger to people's safety. It is the most pressing kind of anti-drug-trafficking violence. Gangs of young people cause, most notably, cocaine and much violence. Violence frequently erupts in the broad population, leaving innocent victims. There are also fears that armed gang violence is breeding the next generation of organized crime. Drug trafficking not only threatens the lives of these young people but also threatens the integrity and stability of the government. During this period, drug abuse has increased attention. Young people are addicted to this curse because they think it is a fashion trend, and their biggest mistake is not only Their life but also the lives of their families.

**A. Literature Review:**

For this paper, researchers have gone through various kinds of literature, like Primary sources and secondary sources. Primary sources are state law, Statutes and law reports, and the secondary sources are textbooks, journal articles, newspapers, etc.

**Primary sources Statutes**

1. The constitution of India, 1950
2. Indian penal code, 1860
3. Drugs and cosmetics Act, 1940
4. The code of criminal Procedure, 1973
5. Narcotic Drugs and psychotropic substances Act, 1985



**Secondary sources Text Book**

- i. DD BASU, The constitution of India<sup>1</sup>
- ii. S.N. Mishra, Indian penal code, 1860 Batik Lal, The law of evidence.
- iii. K.N. Chandrasekhar Pillai, R.V Kalka's criminal procedure. 6th end., 2014 News report

**Statement of problem**

Drugs have been used since prehistoric times, and there is no indication of stopping them. It is increasing day by day, and many people are exploited by this. Drug trafficking is the illicit or illegal movement of drugs moving from one place to another, which is against national and international law. There are many issues related to drugs and drug trafficking. There is a lack of education, poverty, unemployment, family issues, bad company, laws are not made properly and implemented, and a lack of awareness among people. People do not know how to handle the situation if they indulge in this drug Activity. Many illegal Activities of drugs have been done through the internet. They make a deal cyber and sell their drugs. Drug peddlers are influencing people and making them addicted towards drugs. Many criminal Activities include conspiracy,

<sup>1</sup> Durga Das Basu, Introduction to The Constitution of India 100-256 (24<sup>th</sup> ed., 2009).



bribery, corruption of public officials, illegal money transfer, import-export violations, and the crime of violence and terrorism also evolved into drugs.

In this paper, we will cover the main reason for illegal Activities in drug trafficking in organized crime and their illicit trafficking.

### **Research method**

The research method is adopted mainly in a DMarchinal paper. It deals with studying existing laws, case laws, textbooks, etc.

### **Research tools**

The researcher used both primary sources and secondary sources. In the primary sources, there are various legislations, case laws and reports. For the secondary sources, many materials included law books, publications, and journal articles. The researchers relied on internet sources for the data and other information. Much information is being taken from the internet.

### **General Method of Analysis:**

In this study, we analyze the research questions and use a deductive approach to achieve the purpose of the study. It is based on logical reasoning for all primary and secondary information gathering in this study area.

### **Research aim:**

- To know about Drug trafficking Activities.
- To know the present status of drug trafficking.
- To identify the people's socio-economic condition.
- To know about the laws related to drug trafficking and how it works.
- To know the drug problem and Organized crime.
- To suggest to the people and make an awareness program of drug trafficking.

### **Research question:**

1. What is a drug, and how the drug trafficking affect today's children and youth?
2. What is the Mafia's involvement and the syndicate's involvement in drug trafficking?
3. What is the effect of covid-19 on illicit drug supply?
4. What are the laws and statutes that prevent drug trafficking?
5. What is the percentage of Active offenders that use addictive drugs?
6. Drugs and how drug trafficking affected today's children and youth?



It is crucial to distinguish the various ways in which children can become involved in the drug trade, which is sometimes considered a basic exploitative relationship between children and criminals. It is not always so straightforward. A middle-class adolescent distributing drugs to buy expensive aspirational things is not the same as a street-involved child selling drugs to survive or a child working her family's opium farm, who is not the same as a child soldier in Rio or a juvenile gang member in Honduras. The purpose of these distinctions, like the distinction between types of drug use and ways of consumption, is to ensure that proper reActions are given. Targeted. It is also important to note that drug dealing and consumption may be linked. According to a recent survey from Canada, the majority of 529 street-involved young individuals aged 14 to 26 acknowledged trafficking drugs. Those who sold narcotics were more likely than others to be crack cocaine users and homeless, with drug addiction and fundamental survival requirements driving their motivation.

The involvement of children in the drug trade in Brazil exemplifies this necessity. According to a hasty calculation conducted by the International Labour Organization (ILO) in 2002, such children came from the poorest families, had low educational attainment, were predominantly black or pardo, and found it difficult to leave the drug trade due to economic necessity, friendships, and police extortion. Imprisonment and death were two of their greatest worries. Although the intricacies of these issues and the treaty promises to avoid involvement in the drug trade, little Action has been taken to address them at the international level. The UNGASS process provides an opportunity to begin efforts to close this critical gap and increase policy attention to this issue.

### **Types of Drugs**

1. Depressants
2. Hallucinogen
3. Stimulants

#### **1. Depressants: -**

Depression weakens communication between the brain and the body, but it does not always diminish it. The following impacts occur when messages are delivered slowly Being able to respond to what is going on around you, as well as becoming accustomed to working with focus. Small doses of sedatives might make you feel relaxed, peaceful, and uninhibited.

Higher dosages can cause sleepiness, vomiting, nausea, unconsciousness, and death. Cannabis, opioids and alcohol are examples of depressants

#### **2. Hallucinogens: -**

Hallucinogens alter your perception of reality, allowing you to experience hallucinations. Your senses have been warped; what you see, hear, taste, smell, and feel are no longer the same. For example, you may see and hear things that do not occur and have strange thoughts and sensations.

In small doses, dizziness, paralysis, confusion, disorientation, or dizziness may occur.



High dosages may result in hallucinations. Like distress, anxiety, memory loss, panic and aggression.

LSD (Lysergic Acid diethylamide) and cannabis are examples of hallucinogens.

**3. Stimulants:**

Stimulants speed up the transmission of messages between the brain and the body. This can cause:

The heart is beating faster; blood pressure is rising body temperature is rising<sup>2</sup> - causing heat exhaustion, or even heat stroke, decreased appetite, restlessness insomnia. You may feel more alert, confident or energetic. Larger doses can cause anxiety, panic attacks, convulsions, stomach cramps and paranoia. Caffeine, cocaine and nicotine are examples of stimulants

Drug addiction rates have risen globally in recent years. Every year, narcotics such as heroin and cocaine kill 200,000 people globally. Drug addiction has also contributed to the breakdown of families.

1. The impact on human health and rising crime and death in the Community assures significant economic and social consequences. As a result, it has become a serious menace to society
2. Although significant efforts are devoted to preventing the spread of drug addiction, it is typically in the Community regardless of people, economic condition, educational level, race or ethnicity, or geography. Furthermore, young individuals are more likely to misuse drugs.
3. Adolescent substance misuse raises the likelihood of issues with well-being and health that come from illnesses such as interpersonal violence, road accidents, risky sexual behaviour, accidental pregnancy, and acquired immunodeficiency syndrome (AIDS). Increases the likelihood of harm or death. Academic issues: Research into the causes and prevention methods for teenage drug addiction is critical.
4. It is important to identify risk features and address modifiable risk factors to prevent teenage drug addiction. Many studies have sought to identify risk variables for adolescent drug and alcohol use.

Compared to social, pharmacological, and physiological variables, personal and familiar factors were the most relevant for substance misuse. Students identified emotional tension, loneliness and worry, curiosity, and temporary irritation as effective individual variables.

**Economic and social consequences**

Adolescent drug misuse has higher social and economic consequences. Caused by the financial losses and suffering endured by victims of alcohol and drug-related crime, the increasing burden of assistance for young people unable to become independent and young adults, and the increased need for medical and other treatment services for these young people. To carry out.

<sup>2</sup> Types of drugs, Australian Government Department of Health and Aged Care, <https://www.health.gov.au/health-topics/drugs/about-drugs/types-of-drugs> (last visited Oct 28, 2022, 8:30 AM).



**What is the involvement of the Mafia and syndicate in drug trafficking?**

**Who is Mafia-** Mafia are those who deal with illegal Activities to earn money. There are hierarchies that deal with this; daily, they earn money from illegal Activities. Il- legal Activities are drug Trafficking, human trafficking, environmental crime etc. most of the syndicates

They are involved in drug trafficking and producing and selling the drugs in high quantity in different states.

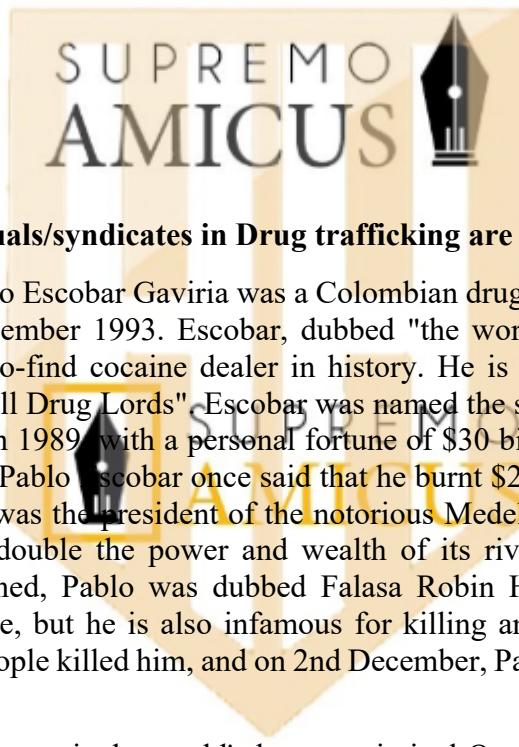
**Some of the Mafia and syndicates involved in drug trafficking are:**

- Hell's Angel
- D Company
- Camorra
- MS-13
- Yakuza
- Ndrangheta
- Sinaloa
- cartel Triads
- Bratva

**One of the famous Individuals/syndicates in Drug trafficking are**

**Pablo Escobar-** Pablo Emilio Escobar Gaviria was a Colombian drug kingpin who lived from 1st December 1949 to 2nd December 1993. Escobar, dubbed "the world's greatest criminal," was possibly the most difficult-to-find cocaine dealer in history. He is referred to as the "King of Cocaine" and the "Boss of All Drug Lords." Escobar was named the seventh richest person in the world by Forbes magazine in 1989, with a personal fortune of \$30 billion. He attempted to enter Colombian politics in 1986. Pablo Escobar once said that he burnt \$2 million in cash to get away from his daughter. Escobar was the president of the notorious Medellin Cartel, the world's most powerful drug cartel, with double the power and wealth of its rival, the Cali Cartel. For his assistance to the impoverished, Pablo was dubbed Falas Robin Hood, He is known for his donations to the poor's cause, but he is also infamous for killing anyone who gets in his way. Hundreds of thousands of people killed him, and on 2nd December, Pablo was killed from the roof by Search Block.

**Bratva** -The Russian mafia gang is the world's largest criminal Organization. According to law enforcement agencies, Bratava operates in most former Soviet republics. Allied countries across Europe and America. One criminologist believes it is the world's leading Organized crime Organization with a para-military Organization. Configuration. Their Organization may be because many of the main members are from the former Soviet Union. Public official. But Bratava starts with Dullening Rus. group Activity in the black market in the USSR before the collapse of the state. Today, it is believed that Bratava is working closely with the Russian government. Very Active in the New York area.





**Yakuza** -A Japanese criminal Organization is known as the Yakuza. Japanese law enforcement employs a different moniker for the group, referring to it as "nobles." The founder's name is mentioned in the majority of them (egg Yamaguchi group). The yakuza Organizations have a strong hierarchy, with senior members issuing direct commands to lower-level members. In other circumstances, tattoos denote their status within the institution. They have a stringent internal code that, if broken, will result in physical punishment.

The club's popularity has recently plummeted due to increased regulation and enforcement initiatives.

**D Company** – country of origin is India, and its major Activities are drugs, terrorism and assassination, and its membership is 5,000. D Company is the name given by the media to a criminal Organization created by Dagwood Ibrahim, a Mumbai-based Indian Muslim. His criminal enter- price specialized in the smuggling of heroin and Opium. On the other hand, Ibrahim became well-known for his suspected ties to al-Qaeda in the interim. He is suspected of being involved in terrorist Activities in India and Pakistan, according to US and Indian law enforcement agencies.

Ibrahim is thought to have fled to Pakistan, according to the police. Meanwhile, his group has been concentrating on white-collar crimes, including fraud and blackmail.

**Camorra** -Camorra was founded in the early seventeenth century. It is unclear whether the group started as a loose alliance of criminals or grew into a criminal organization over time. As evidence suggests, they were secret soci- eties with a hierarchical Organization.

They were given power by politicians in the 19th century who wanted assistance in overthrowing the monarchy. The leaders of the Camorra, including law enforcement agencies, wielded Actual authority. Nonetheless, the government pursued an organization later.

Camorra is now a worldwide phenomenon. It is still in power in Italy, and the most contentious issue is how to manage Naples' waste management system.

These are some mafias and syndicates dealing with drug trafficking, i.e. one of the main illegal Activities they do to earn illegal money. Drug trafficking is one of the main activities, and many peoples indulge in this Activity. Mostly, they use the youth to earn money by selling drugs every day, and youth are getting addicted to drugs and want more drugs. And<sup>3</sup> the youth become members of the Mafia so they can get drugs at cheap rates from becoming the member.

### **What are the laws and statutes that prevent drug trafficking**

Narcotic trafficking is a global criminal transAction involving the cultivation, manufacturing, distribution, and sale of substances prohibited under the NDPS Act. Member States recognized the significance of developing international cooperation in combating the global drug problem in the Declaration on the Rule of Law.

<sup>3</sup> Indian laws relating to drugs and poisons - iPlaaders, , <https://blog.ipleaders.in/indian-laws-relating-to-drugs-and-poisons/> (last visited March 1, 2022, 2:30 PM).



For many years, there are so many conventions and legislations related to drug trafficking and how they combat drug trafficking. Every country has their laws to deal with drug trafficking and countries. States have signed different conventions to eliminate drugs from society.

"Despite the states, relevant organizations, civil societies, and non-governmental organizations' continuous efforts, the global drug problem... threatens socio-economic and political stability and sustainable development," the General Assembly said. I was aware of the situation.

**Indian laws are related to Drugs**

- . Indian penal code 1860<sup>4</sup>
- . The Indian Evidence Act of 1872<sup>5</sup>
- . The Drugs Act of 1940<sup>6</sup>
- . The drugs and cosmetics Act of 1940<sup>7</sup>
- . The drugs control Act of 1950<sup>8</sup>
- . The narcotic drugs and psychotropic substances Act. 1985<sup>9</sup>
- . The criminal procedure code, 1973<sup>10</sup>
- . The opium Act of 1878<sup>11</sup>
- . The dangerous drug Act of 1930<sup>12</sup>

<sup>4</sup> India Code: Indian Penal Code, 1860, , [https://www.indiacode.nic.in/handle/123456789/2263?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362) (last visited March 1, 2022, 10:56 AM).

<sup>5</sup> India Code: Indian Evidence Act, 1872, , [https://www.indiacode.nic.in/handle/123456789/2188?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2188?sam_handle=123456789/1362) (last visited March 1, 2022, 11:30 AM).

<sup>6</sup> the Drugs and Cosmetics Act, 1940, <https://indiankanoon.org/doc/1891720/> (last visited March 1, 2022, 11:59 AM).

<sup>7</sup> *Id.*

<sup>8</sup> the Drugs (Control) Act, 1950, , <https://indiankanoon.org/doc/1403255/> (last visited March 1, 2022, 6:50 PM).

<sup>9</sup> India Code: Narcotic Drugs and Psychotropic Substances Act, 1985, [https://www.indiacode.nic.in/handle/123456789/1791?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1791?sam_handle=123456789/1362) (last visited March 1, 2022, 7:10 PM).

<sup>10</sup> India Code: Code of Criminal Procedure, 1973, [https://www.indiacode.nic.in/handle/123456789/16225?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/16225?sam_handle=123456789/1362) (last visited March 1, 2022, 8:45 PM).

<sup>11</sup> Opium Act, 1878, , <http://www.bareactslive.com/ACA/ACT2844.HTM> (last visited March 28, 2022).

<sup>12</sup> dangerous drugs act 1930, , <https://indiankanoon.org/search/?formInput=dangerous%20drugs%20act%201930> (last visited March 1, 2022, 10:56 AM).



. The custom Act, 1962<sup>13</sup>

**The Indian penal code 274 defines the adulteration of drugs Intended or possibly** to sell or use such medicines or medicines in a way that reduces their effectiveness or alters or harms their effects. Those who know will be punished with imprisonment of up to 6 months or a fine of up to 1,000 rupees if sold or used for medical purposes as if they were not subject to such misconduct. Or both.

**The drugs and cosmetic Act, 1940** -This Act was revised twice, in 1964 and again in 2008. It is responsible for "the import, manufacturing, distribution, and sale of all types of pharmaceuticals (allopathic, Ayurveda, Unani, Siddha, and so on) and cosmetics." According to the Act, "any patented or proprietary pharmaceutical treatment should publish either the exact formula or a list of the contents on the label of the container." The amended Act has enhanced the severity of punishments for several offences, such as selling counterfeit drugs, medicinal and cosmetic adulteration, and hazardous pollution.

**The opium Act, 1878** -This Act gives the state government the authority to set rules governing opium possession, transportation, interstate import and export, and sale. Opium used in violation of this Act is subject to seizure. The vessels, packages, and coverings in which Opium amenable to confiscation is discovered, as well as any other contents, if any, in which Opium may be hidden, as well as the animals and Conveyances used to transport it are all subject to seizure. Opium that has not been claimed is likewise vulnerable to seizure. In all of these circumstances, a magistrate orders the confiscation of the property. The State Government has the authority to set rules governing the disposition of all items seized under this Act.

**The Dangerous Drugs Act, 1930** -This law covers the entire range of narcotics and includes various measures to protect smuggled narcotics and related goods. In particular, it states that pollutants, materials, equipment and utensils used in connection with Acts punished by law will be confiscated. In addition, the law stipulates that dangerous drugs, materials, appliances, or container, packaging, and sleeves in which appliances may be found, as well as other contents (if any), animals, vehicles, and vessels that may be confiscated. It stipulates means such as. Some shipments deliberately used to transport the same are subject to seizure. According to the law, uncollected narcotics can also be confiscated<sup>14</sup> In such situations, the court hearing the case will issue a confiscation order. The central government is empowered to regulate the disposal of all confiscated goods under this law.<sup>15</sup>

<sup>13</sup> India Code: Customs Act, 1962, [https://www.indiacode.nic.in/handle/123456789/2475?view\\_type=browse&sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2475?view_type=browse&sam_handle=123456789/1362) (last visited March 1, 2022, 10:56 AM).

<sup>14</sup> Prashant Baviskar & Zigishu Singh, Blog.iplerader, <https://blog.ipleaders.in/indian-laws-relating-to-drugs-and-poisons/> (visited on 1 March 2022, 10:30 AM)

<sup>15</sup><https://www.teamleaseregtech.com/resources/Acts/article/119/narcotic-drugs-and-psychotropic-substances-Act-1985-narcotic-drugs-and/> (last visited March 1, 2022, 8:45 PM).

**The Narcotic Drugs and Psychotropic substances Act, 1985 -**

What is the difference between narcotic drugs and psychotropic substances?

Coca-leaf, cannabis (hemp), Opium, and poppy straw are all examples of narcotic substances, as are all synthetic medications.

Any drug, natural or manufactured, or any natural material, or any salt or preparation of such substance or material<sup>16</sup> listed in the Schedule's list of psychotropic substances is referred to as a "psychotropic substance."

The Narcotic Drugs and Psychiatric Substances Act of 1985, often known as the NDPS Act, forbids the body from producing, cultivating, selling, purchasing, transporting, storing, and consuming any narcotic drug or psychotropic substance.

It was created in 1985 to fulfil India's treaty responsibilities under the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, as well as the Single Convention on Narcotic Drugs and Psychotropic Substances.

**Objectives:**

To prevent, combat, and regulate narcotic drug and psychotropic substance-related operations.

To make property obtained from or used in the illegal trafficking of narcotic drugs and psychotropic substances forfeitable. To carry out the terms of the International Narcotic Drugs and Psychotropic Substances Conventions and all other pertinent topics. To add or remove psychoActive drugs from the list.

The NDPS Act prohibits the manufActure / production / cultivation / ownership / sale / purchase /transportation / storage / consumption of narcotics or psychotropic drugs without the appropriate permission of the relevant authorities.

**OFFENCES AND PENALTIES**

Cultivation of opium, cannabis or coca plants without a license	Rigorous imprisonment of up to 10years + fine of up to Rs.1 lakh <sup>17</sup>	Opium - 18(c) Cannabis - 20Coca-16

<sup>16</sup> Taxmann and posts by Taxmann V all, “Understanding Drugs and Substances under Narcotic Drugs and Psychotropic Substances Act (NDPS Act)” (*Taxmann Blog*, April 6 , 2022, 10:37 AM)  
<<https://www.taxmann.com/post/blog/understanding-drugs-and-substances-under-narcotic-drugs-and-psychotropic-substances-act-ndps-act/>> accessed 2022

<sup>17</sup> Section 18 in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/325366/> (last visited March 1, 2022, 8:45 PM).



Embezzlement of Opium by licensed farmer	Rigorous imprisonment -10 to 20 years + fine Rs. 1 to 2 lakhs (regardless of the quantity) <sup>18</sup>	19
Production, manufActure, possession, sale, purchase, transport, im- port inter-state, export inter-state or use of narcotic drugs and psychotropic substances	Small quantity - Rigorous imprisonment up to 6 months or fine up to Rs. 10,000 or both. More than small quantity but less than commercial quantity - Rigorous imprisonment. Up to 10 years + fine up to Rs. 1 Lakhs. Commercial quantity <sup>19</sup> - Rigorous imprisonment of 10 to 20 years + fine Rs. 1 to 2 Lakhs	Prepared opium-17 Opium – 18 Cannabis - 20 ManufActured drugs or their preparations-21 Psychotrop-ic substances -22
Import, export or transhipment of narcotic drugs and psychotropic substances <sup>20</sup>	Same as above	23
External dealings in NDPS- i.e. engaging in or controlling trade whereby drugs are obtained from outside India and supplied to a per- son outside India	Rigorous imprisonment of 10 to 20 years + fine of Rs. 1 to 2 lakhs (Regardless of the quantity) <sup>21</sup>	24
Knowingly allowing one's premises to be used for committing an of-fence <sup>22</sup>	Same as for the offence	25
Violations of controlled substances (precursors)	Rigorous imprisonment up to 10years + fine Rs. 1 to 2	25A

<sup>18</sup> Section 19 in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/128102/> (last visited March 1, 2022, 8:40 PM).

<sup>19</sup> Section 18 in The Narcotic Drugs and Psychotropic Substances Act, 1985, *supra* note 16.

<sup>20</sup> Section 23 in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/654722/> (last visited March 1, 2022, 8:40 PM).

<sup>21</sup> Section 24 in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/1373137/> (last visited March 1, 2022, 9:40 PM).

<sup>22</sup> Section 25 in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/1089586/> (last visited March 1, 2022, 10:40 PM).



	lakhs <sup>23</sup>	
Financing Traffic and harbouring offenders	Rigorous imprisonment of 10 to 20 years + fine Rs. 1 to 2 lakhs <sup>24</sup>	27A
Attempts, abetment and criminal conspiracy	Same as for the offence	Attempts-28 Abetment and criminalconspiracy - 29

Preparation to commit an offence	Half the punishment for the offence <sup>25</sup>	30
Repeat offence	One and half times the punishment for the offence Death penalty in some case	31 Death - 31A
Consumption of drugs	Cocaine, morphine, heroin- Rigorous imprisonment up to 1 year or fine up to Rs. 20,000 or both. Other drugs- Imprisonment up to 6 months or fine up to Rs. 10,000 or both. Addicts volunteering for treatment enjoy immunity from prosecution	27 Immunity - 64A
Punishment for violations not elsewhere specified	Imprisonment up to six months or fine or both <sup>26</sup>	32

<sup>23</sup> Section 25A in The Narcotic Drugs and Psychotropic Substances Act, 1985, , <https://indiankanoon.org/doc/1624837/> (last visited March 1, 2022, 10:40 PM).

<sup>24</sup> Section 27A in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/935721/> (last visited March 1, 2022, 8:44 PM).

<sup>25</sup> Section 30 in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/634898/> (last visited March 2, 2022, 8:40 AM).

<sup>26</sup> Section 32 in The Narcotic Drugs and Psychotropic Substances Act, 1985, <https://indiankanoon.org/doc/1434671/> (last visited March 2, 2022, 8:40 AM).

**SMALL AND COMMERCIAL QUANTITIES**

The quantities for some common drugs are as follows: -<sup>27</sup>

Amphetamine	2 grams	50 grams
Buprenorphine	1 gram	20 grams
Charas/Hashish	Charas/Hashish	1 kg
Cocaine	2 grams	100 grams
Codeine	10 grams	1 kg
Diazepam	20 grams	500 grams
Ganja	1 kg	20 kg
Heroin	5 grams	250 grams
MDMA	0.5 gram	10 grams
Methamphetamine	2 grams	50 grams
Methaqualone	20 grams	500 grams
Morphine	5 grams	250 grams
Poppy straw	1 kg	50 kg

**The United Nations' efforts to combat the global drug problem are based on three major international drug management agreements.**

- 1. The single Convention on narcotic Drugs of 1961**<sup>28</sup> (as amended in 1972)
- 2. The Convention on psychotropic substances of 1971.**<sup>29</sup>

<sup>27</sup> "Punishment for Offences | Department of Revenue | Ministry of Finance | Government of India" (*Punishment for Offences | Department of Revenue | Ministry of Finance | Government of India*, April 6, 2022, 10:37 AM) <<https://dor.gov.in/narcoticdrugspsychotropic/punishment-offences>> accessed 2021>

<sup>28</sup> Single Convention on Narcotic Drugs, <https://www.unodc.org/unodc/en/treaties/single-convention.html> (last visited March 2, 2022, 9:40 AM).

<sup>29</sup> Convention on Psychotropic Substances, <https://www.unodc.org/unodc/en/treaties/psychotropics.html> (last visited March 2, 2022, 8:40 PM).



### **3. The United Nations conventions against Illicit Traffic in narcotic drugs and psychotropic substances of 1988<sup>30</sup>**

India signed and ratified these three treaties; India's efforts to prevent substance abuse and smuggling date back to the entry into force of three treaties.

#### **The single Convention on narcotic Drugs of 1961<sup>31</sup>**

To combat drug trafficking and addiction, the United Nations developed a treaty known as the General Convention on Drugs (CND) in 1961. The Act makes drug manufacturing and possession illegal and establishes a structure for enforcing the law. Different drug classes, for example, are classified and labelled as Schedule I, II, III, or IV and are penalized accordingly.

The General Narcotic Convention covers a wide range of substances, including but not limited to cocaine, Opium, morphine, heroin, cannabis, psychiatric drugs, and their derivatives. as well as any substance that has a drug-like effect. More than 184 countries have signed the treaty, indicating that they have formally accepted its contents and have made or agreed to put the treaty into effect on a national level.

In recent years, the Convention on Narcotic Drugs has been criticized as an ineffective relic of an era

When governments often believed that the illicit drug trade could be curbed through regulation and law enforcement. However, the failure of drug systems worldwide has led to a setback. However, many countries have tried to break the treaty to legalize drugs, and the drug system that existed in the treaty continues to this day.

International treaties such as the General Convention on Narcotic Drugs are best understood as the basis for the legislation created in each country. Every country accepting the treaty as a signatory must implement the treaty as national law, it can make the law stricter, but it cannot make the law less strict. Binding international law is the only drug convention that casts a shadow over all countries accepting it. In other words, it cannot be violated, reformed or ignored by any individual nation.

#### **Core exceptions**

Two major Drug allowances in the single conventions

1. Medicinal purpose
2. Scientific research

The only Convention explicitly states that the use of narcotic drugs for medical purposes is required. Contracting States can implement the General Convention on Narcotic Drugs by default,

<sup>30</sup> Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, <https://www.unodc.org/unodc/en/treaties/illicit-trafficking.html> (last visited March 2, 2022, 1:40 PM).

<sup>31</sup> Single Convention on Narcotic Drugs, *supra* note 26.



with a predefined exception for the drug's medicinal uses. Countries, for example, could legalize the use of morphine for pain relief.

Remember that international law is a standard. In many signatory countries, medical marijuana is illegal. In the United States, most states have legitimate the use of medical marijuana, but the federal government Continues to officially ban its use (while allowing states to make their laws). Furthermore, many states, including California and Massachusetts, have even legalized recreational marijuana use, despite the federal ban.

Because states have different laws, the application of medical marijuana laws in the United States can lead to confusing and often confusing situations. For example, federal law specifically prohibits the transportation of narcotic substances. Since there is no federal recognition of medical marijuana, the transportation of medical marijuana across state borders technically violates federal law. Therefore, you should never transport medical marijuana across state borders; even with a valid state license, you may be subject to criminal liability for drug trafficking.

### **The Convention of psychotropic substances, 1971**

The goal of negotiating this new treaty was to respond to the diversification of drug use to control a whole new range of psychoactive substances (which became popular in the 1960s), such as amphetamines, barbiturates, benzodiazepines, and psychedelic drugs, all of which were categorized into four Schedules.

During the negotiations for the 1971 Convention on Illicit Traffic in narcotic drugs, it became clear that the large pharmaceutical industries in Europe and the United States were exerting pressure, fearing that their products would be subjected to the same stringent controls as all those founded by the Single Convention. The necessity for a new treaty was urged based on an (empirically dubious) contrast between the 1961 Convention's 'narcotics' and a so 'psychotropic drugs,' a contrived term with no clear definition. "The most major global manufacturing countries attempted everything to limit the reach of control to nothing," said a UN Department of Narcotic Drugs official and secretary of both the Working Group of the Delegation Conference at the time. "Keep control measures to a bare minimum and weaken them so that they do not obstruct free international trade..." Except for Schedule I, the 1971 Act provided a less stringent regulatory framework than the Single Convention's Schedules, which imposed strict regulations on medications derived from plants.

Schedule I substances are those that the Commission of Narcotic Drugs (CND) currently does not recognize as having any medical effect and are regarded to represent a substantial risk to public health. Synthetic psychedelics like LSD and MDMA, sometimes known as Ecstasy, are among them. Schedule II substances include amphetamine-like stimulants with limited therapeutic usefulness, certain analgesics and Dronabinol\*, often known as tetrahydrocannabinol (THC), a key component of cannabis.

Schedule III comprises barbiturates with fast to average effects, Flunitrazepam and certain analgesics like buprenorphine, which have been the subject of serious addiction despite being



medically helpful. Several milder barbiturates, such as phenobarbital and other hypnotics, hypnotic anxiolytic, benzodiazepines, and some weaker stimulants, are included in Schedule IV.<sup>32</sup>

### **The united nation conventions against Illicit Traffic in narcotic drugs and psychotropic substances of 1988**

In the 1970s and 1980s, the political, historical, and social environment led to the adoption of more oppressive measures, which led to the establishment of the 1988 Convention. Increased demand for cannabis, cocaine, and heroin for non-medical purposes, primarily in the developed world, prompted large-scale clandestine production in nations where these plants were traditionally produced to meet market demand. International drug trafficking swiftly grew into a multibillion-dollar industry dominated by criminal organizations. The fast growth of the illicit drug trade provided a rationale for intensifying a fight that quickly escalated into a full-fledged drug war. The political response in the United States, which was the fastest-growing market for controlled substances, was to declare war on the supply from other countries.

President Richard Nixon invented the term "war on drugs" in 1971, designating drugs (and their use) as the US's "public enemy number one." Mexico was the first country targeted in this battle. This country had given vast quantities of illegally grown cannabis to the counter-cultural revolution in the 1960s. It had also become the principal source of heroin for the US market by 1974. However, the first military counter-narcotic operations in this battle were conducted in the Andes. US army special troops were deployed to provide training on destroying coca plantations, cocaine laboratories, and drug trafficking networks. The conclusion of the cold war and the weakening of the fight against world communism in the late 1980s freed up enormous amounts of military resources.

The 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances<sup>33</sup> was established to combat the illegal trafficking of narcotic drugs and psychotropic substances. The treaty required governments to adopt criminal sanctions to combat illicit drug manufacture, possession, and trafficking. Special measures against the illicit cultivation, manufacturing, possession, and trafficking of psychoactive substances, as well as the diversion of precursor chemicals, were established, as well as a mutual legal aid agreement, including extradition. Two tables attached to the 1988 Convention list precursor chemicals, reagents, and chemicals often utilized in the clandestine synthesis of narcotics and psychotropic compounds.

<sup>32</sup> The UN Drug Control Conventions, Transnational Institute, <https://www.tni.org/en/publication/the-un-drug-control-conventions> (last visited April 5, 2022, 3:15 PM).

<sup>33</sup> Gehlot A, "What Is the Punishment for Possession of Illegal Drugs And Narcotic Substances? - iPleaders" (*iPleaders*, April 6, 2022, 10:37 AM) <<https://blog.ipleaders.in/illegal-drugs-narcotic-substances/>> accessed April 2022>

**34Cases on Drug Trafficking****Drug, peddler, supplier let off in Fardeen khan cocaine case**

Two men, who had supplied drugs to Bollywood Actor Fardeen Khan in 2011, were acquitted for want of evidence on Monday by the special court that hears cases under the narcotic drugs and psychotropic substances (NDPS) Act<sup>35</sup>. The Accuse, Nasir Shaikh and tony Gnomes, were booked for supplying drugs to the Actor.

Shaikh was arrested by the narcotics control bureau (NCB) while selling 1 gram of cocaine to khan outside an ATM on Juhu-tara road on 5th May 2001. He got 15 grams of cocaine from Ghomes and delivered 1 gram to the khan.

Khan was initially charged for attempting to purchase a small quantity of drug and was booked under section 21(a) punishment for contravention involving a small quantity and sec 28(c) attempt to commit an offence of NDPS Act. The special court had granted the Actor immunity from the prosecution in February 2012 after he went through a de-addiction process. However, the trial against the two Peddlers was still being heard.

**Mundra Adani Port Drug Haul case**

The case comes from the Directorate of Revenue Intelligence's (DRI) seizure of 2,988.21 kg of heroin on 16th September at Mundra Port in Gujarat. On 6th Marchober, the case was handed over to the NIA.

Aashi Trading Company of Vijayawada, Andhra Pradesh, had heroin shipped to them from Afghanistan via Iran's Bandar Abbas Port and detected in two containers at Mundra Port. The presence of "semi-processed talc stones" was asserted.

Following an instruction from the Union Ministry of Home Affairs, the NIA stated it had opened a case. The NIA has also used Section 17 (the penalty for raising funds for terrorist Acts) and Section 18 (punishment for raising funds for terrorist Acts) of the IPC and the Narcotics Drugs and Psychotropic Substances (NDPS) Act, in addition to portions of the IPC and the NDPS Act The Unlawful Activities (Prevention) Act (penalties for conspiring to commit terrorist attacks) (UAPA). Last month, a special court in Gujarat for NDPS ordered the DRI to examine whether the "Mundra Adani Port, its administration, and its authority benefited in any way" from the consignment's import.

**Aryan khan Drugs cruise case**

On Marchober 3, the NCB conducted a raid on the cruise ship off the coast of Mumbai and arrested Aryan Khan, the son of a Bollywood superstar. The federal agency that detained him charged him

<sup>34</sup> *Id.*

<sup>35</sup> Gehlot A, "What Is the Punishment for Possession of Illegal Drugs And Narcotic Substances? - iPleaders" (*iPleaders*, April 6, 2022, 10:37 AM) <<https://blog.ipleaders.in/illegal-drugs-narcotic-substances/>> accessed April 2022



with drug possession, use, sale/purchase, conspiracy, and aiding and abetting, all of which are violations of the NDPS Act.

On March 30th, the High Court issued its operational ruling granting him bail and detailing the 14 terms of his release. One such stipulation was the submission of a one lakh rupee personal bond with one or two sureties of the same amount.

Within its five-page judgement, the High Court ordered the three defendants to surrender their passports to the NDPS court and report weekly to the NCB office. In addition, they need approval from the special court in India before they may leave the country.

### **Various NGOs related to drugs**

In India, there are various NGOs related to Drugs abuse dealing with addicts through a programme of motivational counselling, treatment follow-up and social reintegration of recovered addicts.

- « Vienna NGO committee on drug
- « New York NGO committee on drug
- « Stairs Ngo
- « Guwahati Chapter, Ashram road, ulubari, Guwahati. NESPYM House no.41 (top floor) 781007.<sup>36</sup>

### **CONCLUSIONS**

Researcher to conclude that the development of every nation depends on society, children and youth, so we have to be aware of drugs

- Recognizing the significance of preventing adolescent drug misuse in light of the lasting effects it can have on a community is crucial. We need a new generation unaffected by the growing problem of drug resistance, especially to antibiotics.
- Substance abuse and addiction are complex disorders that affect many areas of a person's life, making it difficult to find an effective therapy.
- An effective treatment plan will often consist of a number of different parts, each of which is aimed at a different facet of the condition and its effects.
- Effective addiction therapy aids the patient in kicking their drug habit for good, staying clean, and returning to a life of meaningful contribution at home, at work, and in the community.
- In order to attain the ultimate aim of prolonged abstinence and recovery, most individuals require long-term or repeated bouts of care.

<sup>36</sup> Vienna NGO Committee on Narcotic Drugs, , <https://vngoc.org/> (last visited April 5, 2022, 4:00 PM).



**Suggestions:** -

There are some suggestions regarding the changes that can be made in the law and its application so that everyone knows how to cure and take help from the government.

- All the laws must be strict and implemented by law and enforcement agencies. Drug education and camping should be there in schools and colleges.
- The mandate states to contribute info to an easily searchable national database. Make awareness among youth and children.
- There should be drug-related NGOs in every state.
- It is necessary to conduct regular orientation and working out programmes to ensure that appropriate information is provided to address law enforcement's indifference to the performance of their duties.

It is just not possible for the government to fight the battle alone. Every individual in society should contribute to this effort.

