

**“OPERATION TERRORISM AND NARCOS”**

SNEHA VARDHANI\* & N. KEERTHI SIMHA\*

**ABSTRACT**

Besides wide range of counterterrorism strategies to combat the problems associated with terrorism, problems associated with drug addiction are also well documented. The idea of this research is not just to highlight the evident link between terrorism and drug trafficking but the subtle link between drug trafficking and drug addiction. India’s geographical location has been most vulnerable to drug trafficking and is a transit hub for narcotics cartels. “Until quite recently international narcotics cartels were the obedient creations of government and intelligence agencies that were searching for sources of “invisible” money to finance their own brand of institutionalized obsessive behavior. Today, these drug cartels have evolved, through the unprecedented rise in the demand for narcotics, into rogue elephants before whose power even their creators have begun to grow uneasy.”<sup>1</sup> There is symbiotic relationship between narcotic peddlers and terrorist-organized crime groups viz. providing security to the cultivating areas or security for transporting the narcotic substances. Enormous profits, rather than ideology, have held the alliance together. To cater to the increased demand, more quantities inflow India resulting in narcotic abuse due to the spillover effect. The research aims to document the actuality i.e., peak increase in the levels of availability of narcotics fueled by terrorism is steering substance (narcotics & psychotropic substances) addiction which is to be seen as a threat to security of the nation and citizens.

While THC (Tetrahydrocannabinol) is produced by cannabis (Narcotic) for a euphoric high – Narcotics trafficking produces a forbidding THC abbrv. *Threat to society, Hinders economy and Contributes to crime.*

**Keywords:** Narcotics, Terrorism, Illicit trafficking, Availability and Addiction.

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\* B.A. LL.B (Hons.) NALSAR University of Law, LL.M. Student at PGCL, Osmania University, Hyderabad.

\* B.A. LL.B (Hons.) NALSAR University of Law, LL.M. Student at Osmania University, Hyderabad.

<sup>1</sup> Terence McKenna, “Food of the Gods”, 1992, Bantam New Age Books, United States of America, pg.02.

## INTRODUCTION

*“Indian politics of communalism and criminalization, fanatic religious movements and irresponsible statements by political and religious leaders, human rights excesses, marginalized minority communities, high levels of youth unemployment, poverty, illiteracy, poor governance and prolonged delays in criminal justice provide an ideal fertile ground for terrorism to take root and thrive in the country.”*

*-Lt. Gen. VK Ahluwali.*

Terrorism<sup>2</sup> as defined in the Oxford Dictionary refers to *the unlawful use of violence and intimidation especially against civilians, in the pursuit of political aims*. Lethality of Terrorism has become an international issue with the increasing number of attacks by the terrorists across globe.<sup>3</sup> Due to the complexity involved in determining specifically the motive, targets and modus operandi of the terrorist groups, the act of ‘terrorism’ till date has not gained any universally accepted exhaustive definition.<sup>4</sup> “Terrorism and Counterterrorism” have been a global concern with much of discussions *having to do with prevention of terrorism, including deterring the radicalization and emerging concerns over recruitment of young terrorists, confronting violent extremism, and intercepting the financial flows fuelling terrorism.*<sup>5</sup> As per the *Global Terrorism Index (GTI) (2017)* around 25,673 lives have been lost due to terrorism in the year 2016. However, the Index marks a decrease of 22% in deaths caused by terrorism in 2016 compared to 2014 and 13% decline compared to deaths caused in 2015.<sup>6</sup>

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<sup>2</sup> It is derived from the French word ‘*Terrorisme*’ and word ‘*Terror*’ from the Latin language. It was coined during the period of French Revolution.

<sup>3</sup> As per the Global Terrorism Data (GTD) the numbers of terrorist attacks have crossed 170,000 across the world till July 2017. Also available at: <http://www.start.umd.edu/gtd/contact/>

<sup>4</sup> Lord Carlile, “The Definition of Terrorism”, March 2007, Q.C. Independent Reviewer of Terrorism Legislation, Presented to the Parliament, United Kingdom,. Also available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228856/7052.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228856/7052.pdf) and [http://www.e-ir.info/2009/05/14/why-has-defining-terrorism-proved-so-difficult/#\\_ftn1](http://www.e-ir.info/2009/05/14/why-has-defining-terrorism-proved-so-difficult/#_ftn1).

<sup>5</sup> Hellenic Republic, Ministry of Foreign Affairs on Terrorism. Source: <http://www.mfa.gr/en/foreign-policy/global-issues/terrorism.html>

<sup>6</sup> Global Terrorism Index: Measuring and understanding the impact of terrorism, Institute for Economics & Peace, START, 2017. Source: [www.economicsandpeace.org](http://www.economicsandpeace.org)

With a total of 11,072 terrorist attacks in 104 countries, fifty-five percent of all attacks took place in five countries namely Iraq, Afghanistan, India, Pakistan and the Philippines.<sup>7</sup>

India ranks eighth on GTI (2017) among the countries most affected by terrorism. *South Asian Terrorism Portal* (SATP) in “India Assessment-2016” marks the total terrorism/insurgency related fatalities across India to be 772, which is certainly the lowest since 1994.<sup>8</sup> The reduction in fatalities and terrorist attacks can be attributed to the downturn of the terrorist groups due to decline in their source of revenue, increased military attacks against them, increased surveillance and international cooperation.

The following steps taken up by the Government of India have contributed directly/indirectly in combating terrorism: ‘Digital India’ to transform India into a digitally empowered cashless economy so that every transaction is noted – increases transparency, ‘Demonetization’ of Rs. 500 and Rs. 1000 notes to eliminate black money, counterfeit currency and terror funding.<sup>9</sup> The *South Asian Terrorism Portal* has a day-to-day record of terrorist/suspect arrests, military attacks, intelligence reports, terrorist incidents, clues and information gathered by various agencies on terrorism under a timeline titled ‘India-Timeline – Year 2017’. Measures such as Coastal Security Scheme, Joint Operation Centers to coordinate coastal security operations, National Command Control Communication Intelligence (NC3I) to analyze the data from radars, space, terrestrial ATS etc. and to track ships are strengthening the coastal and maritime security along the entire Indian coast as well as island territories.<sup>10</sup> There are about 21 Counter Insurgency and Anti-Terrorist (CIAT) Schools meant for training security forces apart from the renowned law enforcement agencies in India and the budget allocation of

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<sup>7</sup> Bureau of Counterterrorism and Countering Violent Extremism, U.S. Department of State Report on Terrorism, 2016. Source: <https://www.state.gov/j/ct/rls/crt/2016/272241.htm>

<sup>8</sup> South Asian Terrorism Portal; Report on India Assessment – 2016.  
Source: <http://www.satp.org/satporgtp/countries/india/index.html>

<sup>9</sup> Key features of Budget 2017-18. Source: <http://indiabudget.nic.in/ub2017-18/bh/bh1.pdf>; “Impact of demonetization of terrorism.” Source: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=168999> (Accessed on 2/12/2017).

<sup>10</sup> Report: ‘Smart Border Management: Indian Coastal and Maritime Security’, September 2017, FICCI, PWC.  
Source: <https://www.pwc.in/assets/pdfs/publications/2017/smart-border-management-indian-coastal-and-maritime-security.pdf>.

Rs. 97,187 crore to the Ministry of Home Affairs in Union Budget 2017-18<sup>11</sup> shows a firm intent to curb terrorism. Increase in budget allotted to internal security post 26/11 attack followed procurement of equipments with latest technologies that aid in hi-tech surveillance and for the prompt interagency coordination. Not to mention the timely amendments to anti-terrorism legislations that underlies a punitive approach towards all kinds of terrorist acts<sup>12</sup> and terror funding.<sup>13</sup>

SATP listed 50 Terrorist/Extremist Groups and 35 Active Terrorist/Insurgent/Separatist Groups in India operating especially from Jammu Kashmir, Punjab, Assam, Manipur, Meghalaya, Nagaland, and Tripura. The paramount question to these sustained terrorist activities is “*what source of revenue fuels terrorist activities*”? ‘Drug trafficking’ is one of the significant sources funding the terrorist organizations, drug cartels and organized criminal groups. *Global Terrorism Index* (2017) has listed primary and secondary sources of revenue funding global terrorism and for most of the terrorist organizations “drug trafficking” is seen as a significant secondary source of funding except for Taliban which makes \$400 million USD a year through opium trade as their primary source.<sup>14</sup> According to *the Survey by Afghan Ministry of Counter Narcotics and UNODC* (2017)<sup>15</sup> opium supply increased by 87 percent compared to levels in 2016 i.e., currently producing 9,000 metric tons of opium especially in Taliban controlled Afghanistan.

India’s vulnerability towards narcotic trade is not only because of her proximity to the major opium producing areas, trade route also known as the ‘**Golden Crescent**’ and the ‘**Golden**

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<sup>11</sup> Source: <http://www.prsindia.org/administrator/uploads/general/1489653099~~DFG%20-%20Home%20Affairs.pdf>

<sup>12</sup> Section 15 of the Unlawful Activities (Prevention) Act, 1967.

<sup>13</sup> Section 17 of the Unlawful Activities (Prevention) Act, 1967.

<sup>14</sup> Global Terrorism Index, 2017: The following are the four deadliest terrorist groups and their funding avenues – **ISIL** (Annual Revenue – US\$2 billion) earns from Oil smuggling but due to ISIL loss of control in Iraq & Syria, is shifting to drug trade. **Al-Qa’ida** (Annual Revenue – US\$250 million) from charities, NGOs, mosques and online forums but has more recently involved in crimes such as bank robbery, drug trafficking and hostage-taking. **Taliban**, apart from narcotic trade much of the revenue is earned through taxes for services as a secondary source. **Boko Haram** (Annual revenue US\$25 million) fundraising techniques include abducting for ransoms, kidnapping, extortion of various business and bank robberies and it helps facilitate trade in illicit drugs by ensuring their transit through Nigeria.

<sup>15</sup> United Nations Office on Drugs and Crime (UNODC) Source: [https://www.unodc.org/unodc/en/press/releases/2017/November/afghan-opium-production-jumps-to-record-level-up-87-per-cent\\_-survey.html](https://www.unodc.org/unodc/en/press/releases/2017/November/afghan-opium-production-jumps-to-record-level-up-87-per-cent_-survey.html) (Accessed on 13/12/2017)

**Triangle**' but also due to **growing illicit trafficking<sup>16</sup> and demand** for opium derivatives, cannabis and other pharmaceutical drugs within the country.

As per the *Narcotics Control Bureau* (2016), in India the amount of Opium seized was 2,251 kg followed by seizing of 2,94,347 kg. Marijuana/Ganja, 2,805 kg. Hashish, 1,675 kg. Heroin, 62 kg. Morphine, 28 kg. of Cocaine, 24,107 kg. Methaqualone, 21,272 kg. Ephedrine, 2,661 kg. Acetic Anhydride, 1,687 kg. ATS in 2016. A comparative study of *NCB Annual reports* from 2012-2016 **depict a sheer increase in the narcotic seizures, destruction of narcotic drug yielding plants, cases registered, arrests made and the conviction rate** under NDPS Act, 1985.<sup>17</sup> This infers either an increase in the drug trade or a stringent law enforcement system in activity or even both.

The idea of this research is not to suggest a systematic merging between drug trafficking groups and terrorist organizations and conclude it as “narcoterrorism” but to understand the symbiotic relationship of narcotic trade with terrorism which is resulting in huge availability of narcotics in India. Consequently, relate such availability of narcotics leading to drug abuse and criminal behavior. ‘Narcotics’ as used in the research refer to “Narcotic drug” as defined under the Indian law as “*coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs,*”<sup>18</sup> and “Psychotropic substance” meaning “*any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in the list of psychotropic substances specified in the Schedule*”<sup>19</sup>. The word ‘drug’ in this research refers to ‘narcotic drugs and psychotropic substances’.

As enshrined in the Constitution of India under Article 47 “*mandating State to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and drugs which are injurious to health*” and the international drug control treaties to which India is a

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<sup>16</sup> Section 2 (viii b) defines illicit trafficking as (i) cultivating any coca plant or gathering any portion of coca plant; (ii) cultivating the opium poppy or any cannabis plant; (iii) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-State, export inter-State, import into India, export from India or transshipment, of narcotic drugs or psychotropic substances.”

<sup>17</sup> Narcotic Drugs and Psychotropic Substance Act, 1985 is the anti-drug law of India. It prohibits, except for medical or scientific purposes, the manufacture, production, trade, use etc. of narcotic drugs and psychotropic substances.

<sup>18</sup> Section 2 (xiv) of Narcotic Drugs and Psychotropic Substances Act, 1985.

<sup>19</sup> Section 2(xxiii) of the NDPS Act, 1985.

signatory namely, Single Convention on Narcotic Drug, 1961 as amended by 1972 Protocol, Convention on Psychotropic Substances, 1971 and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,<sup>20</sup> Indian Government implemented an extreme legislation “The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985” as a commitment to prevent drug abuse and trafficking.<sup>21</sup> Drug trade as an illegal activity is difficult to measure, because of which much of demand and supply is not known and victims go unreported.

The roots of drug trade and development of global initiatives to combat the drug menace especially with India as a stakeholder can be traced back to Royal Commission, 1892, which inquired into the opium production, consumption in India and its export to China. The Commission along with evidences from secular practitioners, medical missionaries, international traders and civil servants submitted its report concluding that *opium prohibition was neither necessary nor wanted by the Indians themselves, that British government should not interfere in its production and consumption in the Indian princely sates, and that its use in India did not cause any ‘extensive moral or physical degradation’ : ‘the habit is generally practiced in moderation, and... when so practiced injurious effects are not apparent.’*<sup>22</sup> And it’s interesting to know that it was Britain’s obsession for Chinese Tea (among other Chinese products) made “Britain run into a loss in their trade with China, and began to import Indian-grown Opium to China. Britain was consuming 12 million pounds of tea each year and this great demand for tea resulted in a net trade surplus of 150 million pounds to the Qing Dynasty, China. Thus, British were forced to pay in silver which later lost its significance. *While there was a growing culture of opium use in the Qing Dynasty, the British were all too willing to provide the supply to meet this demand in exchange for financial gain and tea.*”<sup>23</sup> This created a triangular trade between England, China and India – ended in a war known as the “*OPIUM WAR*”.

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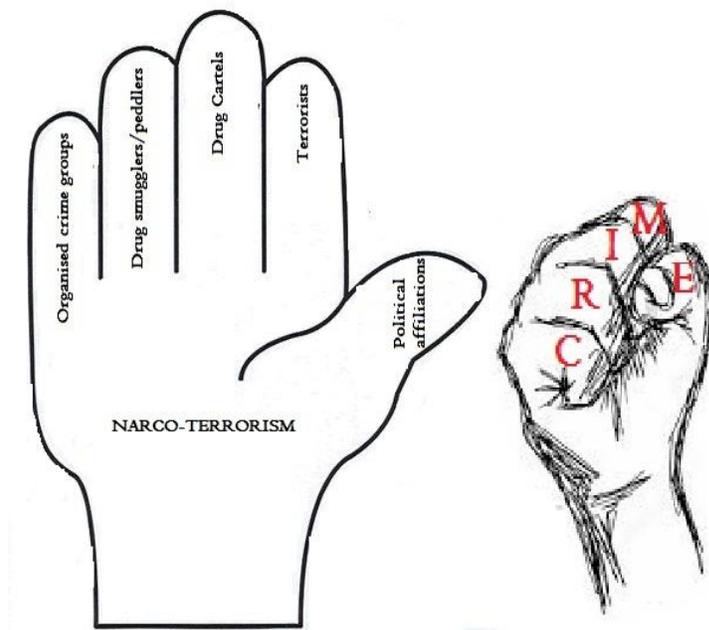
<sup>20</sup> Source: <http://www.unodc.org/unodc/en/treaties/index.html?ref=menu>side

<sup>21</sup> The Act came into force from 14<sup>th</sup> November, 1985. The Narcotics Control Bureau is the nodal agency exercising the powers and functions of as an enforcement agency under the Act.

<sup>22</sup> Frank Dikotter, Lars Peter Laamann, Zhou Xun, ‘*Narcotic Culture: A History of Drugs in China*’, 2004, C. Hurt & Co. Publishers, pg.104.

<sup>23</sup> Source: <https://opiumwarexhibition.wordpress.com/2014/11/22/tea-and-opium-culture/> (Accessed on 12/12/2017).

According to Terence McKenna “*People are creatures of habit. Culture is largely a matter of habit, learned from parents and those around us and then slowly modified by shifting conditions and inspired innovations. When habit consumes us, when our devotion to them exceeds the culturally defined norms, we label them as obsessions. We can become obsessed with almost anything: with a behavior pattern such as reading the morning paper or with material objects, land and property or power over other people. An obsession with chemical constituents of foods and drugs (metabolites) is labeled an addiction.*”<sup>24</sup> Various studies and newspaper reports indicate that drug consumption and trafficking are showing an increased trend. Seizure data also supports this observation. About “29.5 million people across the globe are engaged in problematic drug use and suffered from drug use disorders, including dependence” according to the *World Drug Report (2017)*.<sup>25</sup>



The number of drug cartels operating in each country is increasing, not to mention India’s very own underworld don Dawood Ibrahim’s “D Company” which is also involved in drug

<sup>24</sup> *Supra* note 1.

<sup>25</sup> Source : <http://www.unodc.org/wdr2017/>

trafficking.<sup>26</sup> Though drug trade is difficult to measure because it is an illegal activity, illicit cultivation, trafficking and abundant availability of narcotics must not be ruled out.

Considering the following help fathom out the magnitude of drug circulation in India:

- *Annual Report (2016)* released by *Narcotics Control Bureau* under Ministry of Home Affairs is a comprehensive note on *drug trafficking scenario in India* including the 'supply reduction and demand reduction efforts taken up against trafficking and abuse.'<sup>27</sup>
- The quantities of various drugs seized in 2016 have increased drastically, almost doubled from that of 2012-2015, especially **Cannabis/Marijuana**<sup>28</sup> with 2,94,347 kilos being seized. 8,438 acres of cannabis/marijuana yielding farm area, 6,512 acres of poppy plant area were destroyed by enforcement agencies.<sup>29</sup>
- About **40,660 persons involved in drug trafficking** were prosecuted with 31,150 of them being convicted and the rest 6,664 acquitted. A total number of **38,975** persons including foreigners were arrested, charged under NDPS Act, 1985.<sup>30</sup>
- As per the *World Drug Report (2016)*: "*The joint UNODC/WHO/UNAIDS/World Bank estimate for the number of people who inject drugs (PWID) for 2014 is 11.7 million (range: from 8.4 to 19.0 million), or 0.25 per cent (range: 0.18-0.40 per cent) of the population aged 15-64. Among people, who inject drugs, one in seven is living with HIV and one in two is living with hepatitis C.*"<sup>31</sup>
- As per the latest *World Drug Report (2017)* "*In 2015 about a quarter of a billion people used drugs. Of these, around 29.5 million people - or 0.6 per cent of the global adult population - were engaged in problematic use and suffered from drug use disorders,*

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<sup>26</sup>News report: <http://indiatoday.intoday.in/story/dawood-ibrahim-international-drug-racket-links-kathmandu/1/679397.html> (Accessed on 17/12/2017)

<sup>27</sup> Annual Report, 2016 (Narcotics Control Bureau) Source: [http://narcoticsindia.nic.in/upload/download/document\\_idcfa45151ccad6bf11ea146ed563f2119.pdf](http://narcoticsindia.nic.in/upload/download/document_idcfa45151ccad6bf11ea146ed563f2119.pdf)

<sup>28</sup> United Nations Office on Drugs and Crime reported "Cannabis as the most widely abused illicit substance in the world."

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Source: [https://www.unodc.org/doc/wdr2016/WORLD\\_DRUG\\_REPORT\\_2016\\_web.pdf](https://www.unodc.org/doc/wdr2016/WORLD_DRUG_REPORT_2016_web.pdf)

*including dependence. Opioids were the most harmful drug type and accounted for 70 per cent of the negative health impact associated with drug use disorders worldwide.*<sup>32</sup>

- The *Global Drug Survey* (2016) report highlights the stark increase in number of people purchasing the top ten drugs, namely cannabis, MDMA, cocaine, amphetamines, LSD, magic mushrooms, prescribed & non prescribed opioid medication, nitrous oxide, ketamine and poppers, **on dark net and using bitcoins.**<sup>33</sup>
- On the other hand the number of *Integrated Rehabilitation Centre for Addicts* (IRCA) aided by Ministry of Social Justice and Empowerment, yet, run by voluntary organizations have been on rise with **397 IRCAs**<sup>34</sup> currently functioning across the country apart from **other non-aided NGOs and Rehabilitation Centers** established by virtue of Section 71 of the NDPS Act, 1985<sup>35</sup>.
- In order to curb the drug demand and to create awareness about the ill-effects of substance abuse, the Ministry of Social Justice & Empowerment has been implementing the ‘*Scheme of Prevention of Alcoholism and Substance (Drug) Abuse*’ since 1985, now with a new nomenclature ‘*Scheme of Assistance for the Prevention of Alcoholism & Substance (Drugs) Abuse and for Social Defence Services*’ effective from 1<sup>st</sup> January 2015. Grants sanctioned under the said scheme is Rs. 30.74 crore (2014-2015) with 1,08,855 beneficiaries, **Rs. 36.15 crore** (2015-16) with 1,46,124 beneficiaries<sup>36</sup> and currently, **Rs. 46.00 crores** (revised budget’2016-17). This financial assistance is received by voluntary agencies for setting up/running IRCAs, Regional Resource and

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<sup>32</sup> *Supra* note 25.

<sup>33</sup> Source: <https://www.globaldrugsurvey.com/past-findings/the-global-drug-survey-2016-findings/>

<sup>34</sup> Detailed list of state wise IRCAs receiving grand-in-aid from Ministry of Social Justice and Empowerment- Source: <http://socialjustice.nic.in/writereaddata/UploadFile/list%20of%20irca%20uploaded%20in%20website.pdf>

<sup>35</sup> Section 71 (1) NDPS Act reads as “The Government may, in its discretion, establish as many centres as it thinks fit for identification, treatment, education, after-care, rehabilitation, social re-integration of addicts and for supply, subject to such conditions and in such manner as may be prescribed, by the concerned Government of any narcotic drugs and psychotropic substances to the addicts registered with the Government and to others where such supply is a medical necessity.”

<sup>36</sup> Annual Report (2016-17), Department of Social Justice and Empowerment. Source: [http://socialjustice.nic.in/writereaddata/UploadFile/SJ\\_English\\_AR\\_16-17\\_Final636257833904136297.pdf](http://socialjustice.nic.in/writereaddata/UploadFile/SJ_English_AR_16-17_Final636257833904136297.pdf)

Training Centres (RRTCs),<sup>37</sup> for holding Awareness-cum-de-addiction camps (ACDC) and Workplace Prevention Programmes etc.

- According to the *Annual Report (2016-17) of Department of Social Justice and Empowerment*: Rs.4.00 crores has been granted towards *education work for prohibition on drug abuse*, Rs. 3.00 crores for the *national survey to be conducted by National Drug Dependence Treatment Centre (NDDTC) under All India Institute of Medical Sciences (AIIMS) to assess the extent and pattern of substance abuse*<sup>38</sup>, Rs. 2.20 crore for *National Institute for Social Defence*<sup>39</sup>.
- The *Drug Abuse Monitoring System (DAMS)* has been made operational since 2016 where profiles of patients/help seekers is registered and saved.<sup>40</sup> And a National toll free helpline - *drug de-addiction helpline Number 1800-11-0031* has been launched since January 2015 to help alcohol and drug abusers (their families and societies at large).<sup>41</sup>
- To strengthen the **enforcement capabilities** of the State machinery working in the field of Drug Law Enforcement, the Government of India, has introduced a scheme in the year 2004 i.e. “*Assistance to States*”. **Rs. 5.00 crores** was allocated under the said scheme and by the end of 2016 Rs. 3,99,99,876 was sanctioned to fifteen states.<sup>42</sup>
- During 2016-17: “*NCB carried out 657 awareness and educational programmes as part of drug demand reduction activities including 193 programmes in various schools/ colleges throughout the country. And Sixty one day sensitization programmes on drug abuse prevention has been assigned by the NISD to Kendriya Vidyalaya Sangathan (KVS) in the North-Eastern Region. So far, 47 programmes have been conducted*

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<sup>37</sup> Twelve Non-Governmental Organizations (NGOs), with long years of experience and expertise in treatment, rehabilitation, training and research have been designated as Regional Resource and Training Centers (RRTCs) for different regions of the country.

<sup>38</sup> An MoU has been signed by Ministry of Social Justice and Empowerment with NDDTC under AIIMS in August 2016. News report: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=149353> (Accessed on 16/12/2017)

<sup>39</sup> National Institute of Social Defence (NISD), Delhi is an apex body for training, research and documentation in the field of alcoholism and drug demand reduction.

<sup>40</sup> Source: <http://www.nisddams.gov.in/private/login.aspx?ReturnUrl=%2f>

<sup>41</sup> News report: <http://southasia.oneworld.net/news/government-launches-helpline-for-drug-abusers-in-india#.WjkAK9KWZ6o> (Accessed on 12/12/2017)

<sup>42</sup> *Supra* note. 27.

*covering 4900 students. Lastly, NISD had conducted 36 Drug Abuse programmes for 1190 beneficiaries”<sup>43</sup>*

Thus, these statistics **indicate “drug menace” bedeviling the world**. With the escalating levels of attention by the Government of India being turned towards ‘drug trafficking’ and ‘drug abuse’ and manifest circulation and seizure of narcotics & psychotropic substances bespeak the gravity of availability of narcotics. This increased circulation of narcotics is emerging as a serious problem having an impact on our health, families, society, individual freedoms, and economy and is a plausible threat to national security. Much of literature review on narcotic trade suggest “demand reduction strategies” are an ideal panacea.

There is an apparent “increase in demand for narcotics” accompanied by “increase in available quantities i.e., supply” to meet the demand needs. This might sound like a “**supply-demanded equilibrium**” but not for India. In flow of drugs through India is soaring and India has become a transit hub for supplying chain/drug cartels catering to the demands across the globe because of which there is a **huge spillover of narcotics within the country**. Now, this results in **more supply/easy availability regardless of the rate of demand in the country**. The *Law of Demand* says “*there is an inverse relationship between price and quantity demanded.*”<sup>44</sup> When the quantity available is more than what is required it results in driving prices low because consumer’s opportunity cost to acquire decreases, and involves less tradeoffs to acquire the product. The same is the case with India due to its vast coastline measuring around 7,516.6km and her proximity to Asia’s biggest illicit opium producers namely Golden Crescent (Afghanistan, Iran and Pakistan) and Golden Triangle (Laos, Thailand and Myanmar). Plenty of narcotics are not only smuggled into India but en route via India and such **easy availability coupled with low-priced narcotics** broadens the probability of increased narcotic users turning into abusers and makes **youngsters, even children vulnerable to narcotic use**. Increase in demand can also be linked to **huge profitability of its trade by peddlers**. Naturally derived narcotics are mixed with psychoactive chemical synthesizers to increase the bulkiness and fetch more profits. Another dimension to this problem is consumption of **liquid form of synthetic**

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<sup>43</sup> *Supra* note. 36.

<sup>44</sup> Also available at: <https://www.investopedia.com/terms/l/lawofdemand.asp>

**marijuana replacing smoking and synthetic drugs or designer drugs**, where random lab-synthesized liquid chemicals are sprayed on the cannabinoid plant material to mimic the effect of Tetra Hydro Cannabinol (THC).<sup>45</sup> Examples of synthetic cannabinoids sold under brand names are “K2” and “Spice”, which recently have been banned by the United States of America owing to 130 suspected overdoses on the said drugs.<sup>46</sup>

**Law of the Land: Narcotics and Psychotropic Substances Act, 1985** (NDPS Act) is a consolidated Indian law relating to Narcotic Drugs and Psychotropic Substances. In 1988, the NDPS Act was supplemented by the **Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988**<sup>47</sup> to provide for preventive detention of people suspected or accused of involvement in narcotic drugs and psychotropic substances trafficking. Violations of the prohibitions imposed under the NDPS Act with regard to *cultivation, production, manufacture, possession, distribution, trafficking, sale, import and export etc. of narcotic drugs and psychotropic substances is an offence*. Under the Act, the punishment for offence depends on the quantity of narcotic drug involved – *whether it is a small quantity or more than small but less than commercial quantity or commercial quantity as notified for each drug*.<sup>48</sup>

The statistics and reports by Narcotics Control Bureau do not reveal the number of cases registered or convictions made against ‘users of small quantities’ and ‘traffickers with large quantities’. It might not seem significant after 2001 amendment to NDPS Act<sup>49</sup>, **to categorize users arrested for possession of small quantities as against peddlers in possession of commercial quantities or more than small quantity but less than commercial quantities because the law itself does not distinguish between ‘possession for personal use’ and ‘possession with intent to sell for profit’**. NDPS Act targets *everybody in possession of narcotics and psychotropic substance* and charges a criminal case against them. Supreme Court

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<sup>45</sup> The ill-effects of synthetic drugs are available at: <https://www.drugs.com/illicit/synthetic-marijuana.html>

<sup>46</sup> Also available at: <http://edition.cnn.com/2016/07/17/health/synthetic-drug-k2-schumer-legislation/index.html> (Accessed on 12/12/2017)

<sup>47</sup> Act No. 46 of 1988.

<sup>48</sup> Punishment for Offences under NDPS Act, 1985 by Department of Revenue. Also available at: [http://www.dor.gov.in/Punishment\\_for\\_Offences](http://www.dor.gov.in/Punishment_for_Offences)

<sup>49</sup> With NDPS (Amendment) Act, 2001 the category of “possession of small quantity intended for personal consumption” was done away with and presently possession of small amounts regardless of his intent attracts minimum punishment of six month imprisonment or fine or both.

in *Inder Sain v. State of Punjab*<sup>50</sup> for the first time was called upon to answer whether “possession” means conscious possession and held that the word “*possess*” connotes some sort of knowledge about the thing possessed. Later in *Madan Lal and another v. State of Himachal Pradesh*<sup>51</sup> the Apex Court held that “once possession is established, the person who claims that it was not a conscious possession has to establish it because how he came to be in possession of the same is within his special knowledge.” **NDPS law is a stringent legislation and is using a single strategy – “deterrence” to deal with narcotic use, abuse and trade but users need acceptance, abusers need warning and it is peddlers who need punishment.** This swinging effect of NDPS Act criminalizing everything to do with narcotic drugs and psychotropic substances is creating a stigma around the society and is also **spreading a negative hype** that generates curiosity among the youngsters. Policies must priorities **increased participation of society in organizing talks and mentor programmes – “let people take the lead”** than awareness and education camps by enforcement agencies or rehabilitation centers. And the two best examples are: First the **Naga Mothers Association (NMA)** which was formed in 1984 in Nagaland to combat drug abuse and alcoholism. What makes it unique and successful is the fact that the association is formed by a group of mothers of Nagaland who share the grief and trauma of those mothers and families who have been victims of drug abuse.<sup>52</sup> Second is Ricky Donnell alias **“Freeway” Rick Ross** was a former drug kingpin in Los Angeles who was making \$200 USD per day trafficking cocaine. After serving an imprisonment for more than fifteen years till 2009 has turned into an author<sup>53</sup>, philanthropist and is now a sought after public speaker and mentor millions of people across America against Drug addiction.

The law must be lenient with ‘users in possession of small quantities for personal consumption’ because they may be first time users, college-going students whose careers and life is at stake if charged a criminal offence under NDPS Act, innocent possessors,

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<sup>50</sup> AIR 1973 SC 2309.

<sup>51</sup> AIR 2003 SCC 465.

<sup>52</sup> News report: <https://timesofindia.indiatimes.com/india/TOI-Social-Impact-Awards-Lifetime-contribution-Naga-Mothers-Association/articleshow/17963150.cms> (Accessed on 12/12/2017)

<sup>53</sup> Rick Ross is the author “*Freeway Rick Ross : The Untold Autobiography*” (2014) with Cathy Scott as the co-author. Also available at : <http://www.freewayrickyross.com/>

mere carriers or transporters,<sup>54</sup> women and even children.<sup>55</sup> **It is for the law to target peddlers and supply source and it is society's job to repair the abusers.** However, the *National Policy on Narcotic Drugs & Psychotropic Substances*, 2012 reaffirms demand reduction of drugs by way of “*awareness building, Community based intervention for motivational counseling, identification, treatment and rehabilitation of drug addicts, and Training of volunteers/service providers and other stakeholders with a view to build up a committed and skilled cadre.*”<sup>56</sup>

## CONCLUSION

An increase in the following: magnitude of the problem as a global crisis, regional and international cooperation, rate of incarcerations,<sup>57</sup> number of people affected by the crisis, rate of deaths due to overdoses, suicides, psychosis and criminal behavior triggered by substance abuse, not to mention the increasing deterrent changes in laws and policy, number of public awareness campaigns and rehabilitation centers. This must be seen analogous to an increase in the following: production rate of narcotics especially in Afghanistan shares a border with Pakistan which is the ideological headquarters for deadliest Islamic terrorist groups viz. Lashkar-e-Taiba (LeT), Hizbul Mujahideen (HM) and Jaish-e-Mohammed (JeM), together are responsible for most of the terror attacks in Jammu & Kashmir and other parts of the country, India,<sup>58 59</sup> massive

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<sup>54</sup> In *Raju v. State of Kerala* (AIR 1999 SC 2139) the appellant had served 10 years of rigorous imprisonment and was imposed a fine of Rs 1 lakh for possession of 100 mg of heroin worth Rs 25.

<sup>55</sup> News Report on ‘*Children as young as 13 years are buying and using LSD in Schools of Hyderabad*’. Source: <https://www.ndtv.com/hyderabad-news/hyderabad-uncovers-students-at-top-schools-buying-lsd-other-drugs-1720513> (Accessed on 12/12/2017)

<sup>56</sup>Source: <http://ssep.gov.in/sites/default/files/Drug%20Prevention%20Division.pdf>

<sup>57</sup> According to Sentence Project, which compiles criminal justice data “*there are more people behind bars for drug offense than the number of people who were in prison or jail for any crime in 1980.*” Source: <http://www.sentencingproject.org/criminal-justice-facts/>

<sup>58</sup> Major terror attacks being 2001 Parliament attack, 2002 Akshardham Temple Attacks, Delhi serial bomb blasts in 2005, Mumbai Train Blasts in 2006, 26/11 Mumbai Attacks in 2008, 2016 Pathankot airbase attack among other attacks. Also available at: [http://www.satp.org/satporgtp/countries/india/document/papers/Pakistan\\_report/Anex\\_C.htm](http://www.satp.org/satporgtp/countries/india/document/papers/Pakistan_report/Anex_C.htm)

<sup>59</sup> News reports assert close links between the anti-Indian terrorist organizations with Taliban and ISI. Also available at : <http://indianexpress.com/article/world/world-news/afghan-taliban-let-isi-pakistan/>; [http://news.bbc.co.uk/2/hi/south\\_asia/1804228.stm](http://news.bbc.co.uk/2/hi/south_asia/1804228.stm); <http://indiatoday.intoday.in/story/lashkar-hizbul-mujahideen-terror-kashmir/1/854626.html> (Accessed on 16/12/2017)

conversions of licit narcotic cultivations into illicit cultivations,<sup>60</sup> diversion of pharmaceutical preparations and prescription drugs containing psychotropic substance, dark net market and misuse of courier services, robust nexus between narcotics and terrorism - between narcotics and crime hand in hand with continued globalization and unregulated marketplace firming this network. John Arquilla (2015) said “*It takes a network to defeat a network.*”

**The purpose of this research is to link two questions:**

1. How expensive are terrorist activities?
2. How inexpensive are narcotics?

The terrorist organizations need funding of ‘hundreds of millions’ to carry out their “operation terrorism.” Generating of such funds is through the illegal channels and rate of profits generated through “*narcos* (narcotic trade)” are an eye candy for such organizations and individuals in need of easy money.<sup>61</sup> According to Kleiman (2004) “Illicit drugs and its trafficking contribute to terrorism in *five ways*: supplies cash for terrorist activities, creates chaos in countries, generates corruption in law enforcement, military and other institutions destabilizing the nation, provides services useful for terrorist actions and common infrastructure such as smuggling capabilities, illicit arm acquisition, money laundering and other documents and lastly, competing law enforcement and intelligence attention.”

The prices of narcotics in India have ‘dropped tremendously’ with marijuana being sold for Rs.50/- (100gms), Hashish sold for Rs.500 (10gms)<sup>62</sup>, Opiates being sold for anywhere between Rs.1,000 – Rs. 2000 depending on the potency, LSD Blot for Rs.1,000/-<sup>63</sup> and prices of precursors such as acetic anhydride, ketamine, mandrax, ephedrine, pseudo-ephedrine used in making Amphetamine Type Stimulants (ATS) etc. need not be discussed as they are produced legally by pharmaceutical industries of India.

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<sup>60</sup> Also available at : <http://www.bprd.nic.in/WriteReadData/userfiles/file/201608020552270235597Report.pdf>

<sup>61</sup> News report on ‘*Synthetic opiate en route from India destined to be sold by ISI group to raise funds for their attacks*’ Also available at : <https://www.ndtv.com/india-news/24-million-fighter-drug-painkillers-from-india-meant-for-isis-seized-in-italy-report-1771294> (Accessed on 16/12/2017)

<sup>62</sup> Source: [http://factsanddetails.com/india/People\\_and\\_Life/sub7\\_3h/entry-4187.html](http://factsanddetails.com/india/People_and_Life/sub7_3h/entry-4187.html)

<sup>63</sup> News report: <https://www.thenewsminute.com/article/hyderabad-police-arrest-techie-drug-peddler-and-aide-12-blots-isd-seized-73168> (Accessed on 16/12/2017).

According to *Narcotics Control Bureau* (2016) “*Precursor chemicals are dual-use chemicals that have both legitimate and illegitimate uses. These are chemicals that can be used in the manufacture of illicit narcotic drugs and psychotropic substances. India has notified seventeen precursor chemicals as ‘controlled substances’ under the NDPS Act.*”<sup>64</sup> The news reports heavily suggest illegal preparation of precursors especially Mandrax, ATS/Meths in Indian labs and pharmaceuticals and further trafficking to destinations in South East Asia, Europe and Africa.<sup>65</sup>

India, in selected areas legally grows opium poppy and so far the only country producing opium gum. According to Tathagata Satpathy, Member of Parliament from Odisha, who is opposed to a ban on cannabis said “*In Odisha (where cannabis consumption is not illegal) people smoking chillum is a common sight. It is not something you can make note of, just as you don’t notice someone drinking water or having tea.*”<sup>66</sup>

When **affordability** and **access** to narcotics is feasible, likelihood of narcotic-**addiction** followed by its ill-effects on health and society is pervasive. A sizeable quantity of narcotic circulation is still undetected and the market for which is evolving every day.

## SUGGESTIONS

Indian culture records use of cannabis, opium and other naturally derived plant material from centuries for medical and recreational purposes. But with the increase in population, globalization and great demand overseas in an unregulated marketplace has given ‘use of narcotics’ a new dimension where **use of narcotics is being misused**. India for all the reasons discussed earlier is **encountered with the inevitability of drugs in its every nook and corner**. However, in India drug addiction and drug trafficking involving increased threat posed by established drug cartels have not assumed such a serious magnitude as in some of the western countries, but there are no grounds for complacency. Examples to list are Haqqani network in

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<sup>64</sup> India’s NDPS Act designates five as “Schedule A” substances: acetic anhydride, ephedrine, pseudoephedrine, n-acetylanthranilic acid, and anthranilic acid. Source: <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253272.htm>

<sup>65</sup> News report on ‘2300 Methaqualone tablets being seized,’ Source: <http://www.newindianexpress.com/cities/hyderabad/2017/apr/07/rs-92-lakh-worth-methaqualone-tabs-seized-from-hyderabad-1591062.html> (Accessed on 17/12/2017)

<sup>66</sup> News report: <https://timesofindia.indiatimes.com/india/Cannabis-ban-is-elitist-It-should-go-Tathagata-Satpathy/articleshow/46732106.cms> (Accessed on 12/12/2017)

Afghanistan, FARC (Revolutionary Armed Forces of Colombia), Mexican drug war, not to mention “The King of Cocaine” Pablo Emilio Escobar (drug lord in Colombia), who was responsible for killing thousands of people including a successful murder plot against Colombian presidential candidate. Pablo offered to clear off nation’s debts in return avoid his extradition to USA by Colombian Government and planned to surrender at the luxurious prison (la cathedral) built by himself –for himself. This case was once a living epitome of ‘narco-terrorism’.

Thus, India **must secure its porous border** to avoid becoming a hotbed for narcotics that will widen **the scope for bigger crimes**. There is a need to make an **accurate assessment of the extent, pattern and trends of substances abuse in the country** and **identify vulnerable groups and areas**. Hence, alongside a timely national survey more online surveys, school surveys, knowledge and information sharing must be encouraged. Reaching **common society representation**, for example, medical experts, patient groups, victims can uphold viable plan of drug policies, in formulating **a less deterrent law**. More research and development is required on narcotic use, addiction and repercussions on nation security as well as citizen security. The upcoming debate on ‘**legalization of non synthetic drugs**’ in the Parliament on the Legislative Bill submitted by Member of Parliament from Patiala, Mr. Dr. Dharamvira Gandhi<sup>67</sup> and National ‘**Survey on trends and patterns of substance abuse in India**’ by NDDTC of AIIMS are to shed more light on narcotics in India. We, as a society must stand up and take responsibility and stand for the war against **terrorism and narcotics**.

*“Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal and terrorist networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency.”<sup>68</sup>*

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<sup>67</sup>News report: <http://www.hindustantimes.com/punjab/aap-mp-gandhi-s-bill-seeking-opium-legalisation-cleared-for-tabling-in-parliament/story-itanKX3vRrhuXJPdgnJD6N.html> (Accessed on 17/17/2017)

<sup>68</sup> U.S. National Security Strategy, 2010.