



Evaluating the Effectiveness of Narcotic Control Bureau in Curbing Illicit Trafficking in Narcotic Drugs: A Legal Analysis

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Abstract

Drug trafficking is the illegal trade of drugs across states and countries, this is a term refers to the smuggling marijuana, cocaine, heroin, opium and prohibited substances. Different routes are used by criminal networks to transport other illicit products as criminal's device ever more creative ways of disguising illegal drugs. It is a major gain of money for organized criminals to perform illegal activities. Economic discrepancies and non-existence of service prospects in certain areas are among the common grounds of drug operating. Planned law-breaking criminal activities cannot get advantage from illegitimate accomplishments. Substance trading is a severe subject that create threat to the public, monetary, and governmental structures of the country. The illegal occupation of drugs is a constant phenomenon and it continues to develop highly with innovative skills and procedures. In this article the aim of the Researcher is to study role and function of legal agencies under the provision of the Narcotic Drugs and Psychotropic Substances Act, 1985 Keywords: Illegal trade, Smuggling, Opium, Heroin, Legal agencies

Introduction

Trading in drugs has become problematic in India is the result of numerous outer and in- house elements. Major ecological issues inducing countries substance condition is nearness to the opium farming nations like Iran, Afghanistan and Pakistan in the West along with Thailand, Laos, besides Myanmar in the East region is deteriorated by the existence of a lengthy oceanic limit. This has reduced India as a terminus and a passageway for opiates and artificial medication. Unlawful crop development of Cannabis and Opium Poppy is the subject of apprehension. Battle opposes illicit substance transportation face different aggravations due to the appearance of the dark web and the rise in the growth of seafaring paths. The welfare and security of social order can only be protected from such developing defies by advanced determination. An up to date yearbook published by Narcotic Control Bureau (NCB) reveals that about seventy percent of the black marketing of contraband takes place on aquatic routes in the Bengal and Arabian ocean. The report gives an indication that these worldwide drug peddlers practicing such prohibited activities are centered in Afghanistan and Pakistan is likely to upsurge. The United Nations Office on Drugs and Crime (UNODC) World Drug Report, 2022 shown that opiate market is the world's biggest epicenter in India in relation to consumers and is susceptible to widen stock commencing from border State.

Almost major illegitimate narcotic substances transactions are happening on hidden websites because of secrecy and little exposure. The existing style of drug transaction has become outdated and diverted the attention of substance abusers to an attractive method of using virtual currency to make on-line payment besides doorway product distribution facility. There was no statutory control over drugs and narcotics in India before the introduction of the NDPS Act, 1985

Rules preceding the year 1950 concerning sedative material governed under the opium Act, 1857 and 1878 in addition to the Dangerous Act 1930. The consolidation of these laws took place in 1950 after the creation of the opium division, now recognized to be the Central Bureau of Narcotics (CBN). It is accountable for the administration of the legal farming of cannabis besides being held liable to implement regulations on the unlawful occupation and exploitation of narcotic substances.

Government's desire to decrease resource and consumption response is indispensable to ratify act making rigorous adequate provisions to dissuade the structured group of drug merchants so that law execution agencies would probe and impeach substance associated wrongdoing. Different central and state government owned bureaus are authorized to implement the law under the control of the Act. This will help scatter the execution of rules distant and wide ranging. It is conceivable for governments to inform fresh ranks of office bearers related to any department to put into effect the law.

Problem of the Study

Darknet marketplaces normally practice digital currencies for businesses. It provides an advanced level of secrecy paralleled to customary disbursement systems. It also endorses worldwide transactions, supporting purchasers and

traders to link, control, and manage illicit business deals. Due to this international spread, legal agencies facing challenges to detect monetary affairs related to the drug industry. In such a situation, it becomes challenging for rule implementation institutions to efficiently track and suppress similar happenings.

Objectives of the Study

The article aims

To study the function of the Narcotic Control Bureau to prevent unlawful drug transporting To study Drug Seizures by the NCB

To study Destruction of the illicit agriculture of narcotic drugs

Research Methodology

Researcher has used fully Doctrinal, non-empirical, library based research constructed on secondary information gathered from different relevant sources like Books, Articles, Bare Act, Thesis of earlier researchers, Magazines, Reports of government agencies and different organizations, Online study material available on authentic websites, Newspapers, Annual Reports on World Drug (UN), DRI and NCB (2021-2023)

Object of the NDPS Act

The Narcotic Drugs and Psychotropic Substances Act, 1985 was modified firstly in 1988, further known as the Prevention of illicit Trafficking in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1988, to become effective on July 4, 1988 are the major drug laws. A person is not permitted to produce, manufacture, cultivate, possess, sell, purchase, transport, store, and consume any narcotic drug or psychoactive material, and it is illegal under the said act except for medicine and scientific use. Effective March, 1986, under the provisions of the NDPS Act, the Narcotic Control Bureau was set up to prevent illegal trafficking in narcotic drugs. The Act is legislated and envisioned to achieve India's agreement responsibilities under the process of the only Convention on Narcotic Drugs and Psychotropic Substances and United Nations Resolution in contrast to unlawful traffic flow in Sedative and Psychoactive material. It was recognized to support the complete application and administration of the Act of 1985, second time in 2001, and thirdly in 2014, as per the requirement. Most recently, it was revised in 2021. The law is applicable to the entire India. It covers every citizen of the country and outside the country besides, people on vessels and airships recorded in the territory of India.

The Narcotic Control Bureau is the principle law implementation and intellect institute particularly has task to fight against drug trafficking and illegal substances under the Ministry of Home Affairs, Government of India which is accountable for struggling with drug trafficking and misuse of illegal substances was formed on 17 March 1986 to support complete enforcement of the Narcotic Drugs and Psychotropic Substances Act, 1985 and combat its consequences of execution and the Prevention of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Act, 1988.

Role and function of Narcotic control bureau under NDPS Act, 1985

There is a provision made in the NDPS Act to create central law enforcement and intelligence agencies under the ministry of home affairs. The main task although hard and usually not pleasure giving, is to combat drug trafficking and the use of illegal substances under the provisions of the Act. MoHA of Government of India is responsible for the maintenance of internal security and domestic policy under the multifarious responsibilities,

Delhi is the center of operation for the NCB. It is clearly notified by the government, subsequently delivering an order in question before the H.C. of Kerala, that the status of the bureau is statutory in nature and a central institution. This central authority is to carry out legislation, Worldwide Resolutions like South Asian Association for Regional Cooperation (SAARC) besides United Nations agreement in opposition to the illegitimate movement of narcotic material in NDPS Act, 1988.

The part of NCB as the lead institution in regard to the subject of drug regulation application in India has increased reputation in current intervals It was formed in the calendar month of March 1986 under Section 4 (3) of NDPS Act, 1985, that foresees an ability for ensuring actions as may be stated, under the direction and dominance of the Central Government. The notification dated 17-3-1986 establishing the NCB design the subsequent document for the Bureau as below

- Bringing together of activities by many officials, State Governments, and all the experts below the Customs Act, 1962, the Drugs and Cosmetics Act, 1940 being primary Act and current functioning rules with reference to the implementation of the basic law.
- Application of the responsibilities in regard to take strong efforts against illegitimate circulation of narcotic substances as discussed in different transnational agreements.
- Support to the competent body in overseas nations and related to the worldwide system of government with a vision to enabling harmonization and widespread steps to prohibit and crackdown illicit traffic in sedative.
- Supporting States, improving their drug law prosecution work. Collection and distribution of brain power. Study and scrutiny of impounding data, styles, and method of working
- To make available National Drug Enforcement Figures. Relationship with transnational organizations namely,

Customs Cooperation Council, Regional Intelligence Liaison Office (RILO), United Nations International Drug Control Program (UNDCP), International Narcotics Control Board (INCB) and the International Criminal Police Organization (INTERPOL). National communication focal point for information gathering and inquiries.

- To stopover the farming, trading, and distributing of narcotic substances, which is not legal
- Organization of accomplishments taken by the Ministry of Health and Family Welfare, and different linked Departments of governments, with reference to problems involving prescription misuse.
- Responsibility for the execution of a local check on chemicals used for the preparation of illegal substances is allocated to the Bureau. The Bureau is accountable for the administration of the requirements of the Act with the assistance of ten regional and local administrative centers
- Besides being a party to Global Agreements on Narcotic Drugs and Psychotropic Substances, India has signed Joint Covenants/LOI absolutely on narcotics connected subjects with fourteen different nations, criminal including drugs concerning glitches with nine states.

Recommendations completely on drug-related matters for mutual settlements with twenty- four realms have been proposed and are in the process at different stages of confirmation. At the operative stage drug law application policy has concentrated upon opposing illicit trading through proper surveillance, prohibition and inspection, destroying unlawful drug produces, thwarting seepage coming out of permissible opium yield, applying a government of native and universal trade restrictions on chosen unlawful elements, and directing properties obtaining out of drug transporting due to seizure and penalty.

The primary drive of the NCB is to combat with drug trafficking happening in the country continuously with the support of Central Bureau of Investigation (CBI) Central Economic Intelligence Bureau (CEIB), office of State Excise and Prohibition, Customs and Central Excise, State Police Department besides additional government law regulating institutions and intellect together on nationwide, local platform. Funds and instructions are made available to work forces of organizations answerable for application of rules in the battle of illicit drug activities. Country's borderlines locations of black marketing events occur because of overseas vendors are under the surveillance of bureau of narcotic control

Organization

Indian capital is the Head Quarter of NCB. Its divisions on the ground and administrative centers are controlled by regions and are situated in Delhi, Chennai, Mumbai, Bengaluru, Kolkata, Chandigarh, Ahmedabad, Jodhpur, Jammu, Patna Guwahati, Lucknow and Indore. In addition to this due to current squad reformation in the Bureau fresh work places come into existence at Itanagar, Jaipur, Visakhapatnam, Agartala, Gorakhpur, Bhopal, Srinagar, Jalpaiguri,, Cochin, Raipur., Former branch offices like Imphal, Mandi, Amritsar, Mandsaur and Dehradun were elevated to Zone specific divisions in similar localities else moved to different site to execute superior legislation in view of novel approach in unlawful substance transferring.

Indian Police Service (IPS), or Indian Revenue Service (IRS) -ranked officer is generally appointed as the Director General of the NCB directly. The other government authorities in this institution are designated from the Parliamentary forces. Narcotic control agency is associated with the Home Ministry and signified on the Economic Intelligence Council. The NCB is not under the scope of Section 24(1) of The RTI Act 2005.

Major Narcotic Drug & Controlled Substances Seized During 2018-2023 (Figure in Kg)

Table-1

Particulars	Year					
Drug	2018	2019	2020	2021	2022	2023
Opium	4307	4488	5212	5161	3805	8533
Morphine	20	125	11	131	129	210
Heroin	1258	3231	3838	7197	5410	2986
Cannabis	391275	342045	581644	812545	718376	628612
Cocaine	35	66	19	364	218	292
Hashish	337	686	841	325	1001	969
Ephedrine	9717	214	121	24265	333	40
Pseudoephedrine						
Acetic Anhydride	431	1774	1357	387	1224	3406

Source: Narcotics Control Bureau, Annual Report 2023

Task and achievements

Drug peddlers adopt the most modern technology the darknet, which is a concealed cyberspace area to sell, distribute, and shift narcotic and psychoactive material. Chief handler Dipu Singh engaged in supplying nearly 100 packages in the clutch of sexual inducement tablets in a foreign country was detained by detective of the zonal unit of Delhi division of NCB from Lucknow under an 'Operation Trance' in the calendar month of February 2020. It is an opening case of

darknet custody by legal agency. In this situation it becomes inspiring to obtain evidence and clue since it is expressed in code. The mode of financial transactions are concluded in terms of digital currency like Bit coins.

The NCB sought prominence in the case of artist Sushant Singh Rajput's passing away. The reason for the bereavement was unknown despite different viewpoints and subsequently, the Enforcement Directorate (ED) established couple of chats on WhatsApp of actress Rhea Chakraborty above certain illegal drugs. NCB, ED, and CBI combined, registered an FIR against an actress under section 22, 27, and 29 of the NDPS Act 1985.

Legal agency in the year 2020 delivered a notification to several superstar personalities in the film industry pertaining to the illegal use of drugs and other intoxicants. It took some of them into custody after discovering drugs in their households and work place.

Drug Seizures by Narcotic Control Bureau

NCB Sub- Imphal Zone with the support of Border Security force seized shipment of a big amount of Opium intended to be distributed to a person at Changoubung village alongside Imphal-Dimapur Road on 13-08-2021. The squad obtained sixty sachets containing 60 kg and 350 gm. Further on primary interrogation and inspection, additional measure of doubtful narcotic, whole weighing one hundred thirty-two kg and five fifty gm., was taken into custody by the probing agency.

On getting definite intellect related to the illicit operation of a large quantity of Opiate carried out to the Marwar area of state Rajasthan in the western side from Manipur, on 2nd of July, 2021 a team of officers captured a Tata truck proximate to Jalore-Bhinmal Road State Highway and seized 41 kilos and 206 grams of Opium. Two individuals inhabitants were apprehended and presented in front of Additional Chief Judicial Magistrate (ACGM) Jalore for legal custody.

Naval Ship of India caught a boat of Shrilankan national registered at Nigambo/Dikovita/Trinco, carrying a team of five individuals going for catching fish navigating in a nation less location. Total 337 kg of Heroin, a Satellite phone, and more transmitting gadgets were seized after the detailed exploration of the vessel was completed on the day of 20th, 2021. Bureau Executives of the Cochin Sub regional division recorded incidence. The entire team of persons on the sailboat admitted a secret plan of transporting smuggled material to supply unlawful substance merchants centered at Lanka coming from Iranian watercraft out of areas outside government dominion. On the grounds of unforced declaration, investigating agency arrested all 5 entities.

After the receipt of top-secret news on 20.01.2023 pertaining to possession of huge amount of illegal Opium along with poppy of opium by 3 Indians, Indore group of officers impacted the confiscation of 10.286 kg opium in addition to 7 kg and 220 gm. of Poppy Straw at Dhaba, named Khalsa Punjab on Mandsaur- Neemach Highway M. P.

Following the retrieval of material and confessional declarations, suspected three persons were taken into custody by legal authority on 21 January 2023 in lieu of breaking section 8/15/18/25/27A and 29 of the Act.

Regional Director leading a zonal team of executives, got underhanded details about a person carrying 20.326 kg of Heroin on 15 November 2022. Primarily, the grievance in the case of 17 individuals was lodged on May, 2023; subsequently, an additional accusation was initiated against 20 alleged on December, 2023. After a comprehensive study and adequate proof were officially recorded. Nodal agencies Bangalore territorial division grasped 16 kg of Cocaine in measures taken by the bureau at Mira Road, Thane, and M.S. 2 persons were detained.

Obliteration of illegal agriculture

On 31.01.2023, top officials of the NCB, Kolkata Zonal Unit, in cooperation with Excise division, Native Police, and Shareholders wrecked the illicit farming of Opium Poppy grown above 70 acres of land in Debagram, Bankura, and 50 acres of land in Purvanthar, West Bengal.

On 03.02.2023, Officers of NCB, Kolkata Zonal Unit in coordination with Local Police destroyed illicit cultivation of Opium Poppy spread over 110 acres of land at Bankura, West Bengal.

In the NDPS Act and following provisions under the UN Drug Control Resolutions, the crop growing of cannabis is not legal. The essential corrective remedies started by law enforcement agencies are to ascertain and put to end illegitimate farming. Throughout 2023, the region under illicit cannabis cultivation was around 22507 acres in the states of Tripura and Uttarakhand, J&K, Gujarat, H.P. and Odisha. The same was consequently devastated by various Central & State organizations.

Demand Decrease Activities organized by NCB

The United Nations General Assembly in a judgment delivered in December, 1987, declared 26th June of each year as the "International Day against Drug Abuse and illicit Trafficking". In fulfillment of this declaration, it is witnessed everywhere in the globe to educate people consciousness in anticipation of the danger of drugs.

To alert the common people, especially pupils, concerning the harms of drug misuse, NCB HQs besides Zonal Components, in collaboration with several State and Central institutions, State Anti – Narcotics Task Forces, (NGOs) organizes many mindfulness schemes, this is not routine job but distinct in the area of drug interdiction, it takes action in flowing antinarcotic misuse alertness between the commonalities taking help of different schemes.

Month wise Recognition program organized by NCB Zonal Unit during the year 2023**Table-2**

Month	Programmes	Total Participants
January	30	3,380
February	42	20,657
March	53	28,386
April	32	6,560
May	41	11,275
June	312	2,21,604
July	35	15,515
August	31	6,736
September	21	7,580
October	34	5,826
November	35	5,720
December	55	14,864
Total	721	3,48,103

Source: Narcotics Control Bureau, Annual Report 2023

Drug controlling agency conducted Seven hundred twenty one recognition and instructive events in various States, Union Territories all over the nation as share of drug response weakening activities from corner to corner of the country during 2023. The presence of around 3, 48,103 members was acknowledged.

"**Nasha Mukh Bharat**" a distinctive Awareness Campaign was solemnized for the period 12.06.2023 to 26.06.2023, programs like Anti-drugs Awareness competitions, Meeting, Study group, Guidance ,Theatre Street play, Cyclothon, Marathon, Two Wheeler March, besides wakefulness through Social Network, Electronic Print Media and Drug Discarding etc. were prearranged

Drug Detection Kits

Drug governing machinery acquires and makes available narcotic identifying devices to the Drug rule and regulations Administration bureau throughout the country. These present an easy, accurate, and accessible process for 'on the spot' experiment of doubtful substances that any general staff member can easily handle it. DD equipment is of three types as below:

A) Narcotic Drugs B) Precursor Chemicals C) Ketamine

Bureau of narcotic Head Office got possession of the DD tools from Hindustan Antibiotics Ltd., Pune since 1989 and dispersed to every territorial division of the agency and then to more law application machinery fall into relevant dominion. These were circulated to the State Police and other Drug Law Application Agencies during the year 2023 as follows:

a) Standard size Narcotics–1826nos. b) Precursors Chemical– 535 nos. c) Ketamine – 243 nos.

Major Findings and Conclusions

While evaluating the effectiveness of Narcotic Control Bureau it is revealed that region of South-West and East Asia is the biggest source of supply of Opiates to India leading to rise in occurrences of the trading of narcotic substances through the dark net, including digital currency transferring of unlawful drugs, using drones near India-Pakistan boundary and participation of overseas citizens in the trading and distribution interconnection of Heroin and Cocaine. This worldwide drug occupation comprises cultivators, manufacturers, shipping agents, dealers, and brokers, having an impact on neighboring countries, weakening governmental financial strength, spoiling and harming people in societies. The NCB has elevated some sub-zonal units to zonal and moved to different localities for excellent implementation of the Drug Act, and it has offices in many cities and metropolitan areas. It is the central law enforcement and intelligence organization formed under the NDPS Act, 1986. Its main function is to prevent nonstop illicit drug activities in the country with the assistance of the CBI, CEIB, and the Office of State, Customs, and Central Excise besides the police department.

This Narcotic drug control agency has acquired remarkable importance in recent times, the reason being both domestic and international. In spite of having limited manpower, it is coping with these challenges. Intelligence, Enforcement, and coordination, being the aim, are the three pillars on which the work and mandate is based. It helps to investigate, detect, and disrupt organized drug trafficking groups across the border. Different Narcotic substances like Opium, Heroin, Cocaine, Cannabis, and Hashish have been seized by the NCB in huge quantities during the year 2018-2023.

Bureau of Narcotics Control plays a significant part in the destruction of a large amount of illegitimate agriculture of drugs with the help of topmost executives of zonal units of Kolkata to put to end unlawful farming of narcotics in the North-East region of the country in 2023. Different Central & State institutions ruined about twenty-two thousand five hundred and seven acres of land under the illicit cultivation of marijuana in the states of Himachal Pradesh, Jammu & Kashmir, Odisha, Uttarakhand, Gujarat and Tripura.

It is an effective coordinating entity between various narcotics and drug law enforcement agencies within the country and as a center point with internal agencies like UNODC, INCB, etc. The NCB has turned to expect changes in immoral policies and schemes. Dope peddlers are using different new technologies to give effect to the illegal supply of narcotic drugs from the border. Drug vendors are taking the help of innovative technology to challenge drug law enforcement agencies globally. This includes the use of the darknet to sell drugs, the use of untraceable internet-based technology for related communication, and the use of drones to transport narcotics from the neighbors' boundary. This law enforcement institution is working closely with other affected nations to show effectiveness in the increasingly high-tech fight against illicit substances. Many intelligent and effective schemes like **"Free Drug India"** consciousness base camp along with other alertness and instructive programs were arranged from the authorized network or drive of bureau which proved to be encouraging the adolescence and pupils of the country keeping them away from the harmful consequences of sedatives. One of the major effective steps taken to become aware of doubtful illicit trading in narcotic substances on the spot, Narcotic identifying kits are acquired and made available by the Narcotic Bureau Agency to drug law implementing institutions throughout the country. The effectiveness of all these activities was such that several authorities of the State and Central Government, in addition to non-government organizations, stood in support of the bureau in this campaign

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