

# Drug Trafficking Laws in South Asian Countries: Problems and Perspectives

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## **Abstract**

The global issue of Drug Trafficking has raised major concerns to the International and National communities to handle in the recent years. It is the most debatable and challenging problem faced by almost all the countries of the world. The problem has been multiplying due to various factors and significantly because it is lucrative for the criminals. It has posed challenges for the countries and its enforcement machineries owing to its dynamic nature.

At the International level, United Nations Office on Drugs and Crime has been involved in helping the Nations to remain safe from drugs through its normative and facilitative actions. It has established Field Offices in Europe, Asia, Africa, Middle East, Latin America, Caribbean and the Pacific to tackle the problem and coordinate with the Governments to initiate necessary actions. Apart from this, at the Domestic levels too, Nations have established their own mechanisms to deal with the issue.

In context to Asia, the name Golden Crescent has been given representing principal areas of Afghanistan, Iran and Pakistan as illicit opium production countries and Golden Triangle as certain south-eastern Asian Countries as one the largest Opium producing areas of the world. Due to the illicit production of drugs and its consequent illicit trade some of the Asian countries are affected the most. For the purpose of the present paper, the Author has taken into consideration countries like Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka as South Asian Countries. The present paper identifies the Drug policies of selected countries, their existing enforcement mechanism and the current problems and perspectives in context of transnational drug trafficking. The paper also discusses the International Law on controlling of Narcotic Drugs and Psychotropic Substances and the challenges thereto.

**Keywords:** Drug trafficking, drug abuse, NDPS, illicit trade, cross-border trafficking

## **Introduction**

Drug trafficking is a transnational issue faced by almost all the countries of the world. The Multifaceted Drug problem has serious consequences not only on the health of human lives but also on the economy of the country. Since drugs cause deterrent effects the production, manufacture, use or otherwise of it is much regulated by International and National communities. Considering the use of Narcotic Drugs and Psychotropic Substances (NDPS) for medicinal, scientific and industrial purposes, the existing international obligations necessitate that States through its regulated efforts provide for legal cultivation and manufacture of such drugs. However, the misuse of the same in context of drug trafficking cannot be negated and ignored. Scores of people in the world have been the victims of Drug abuse and are involved in drug trafficking which consequently increases the drug dependency. Further, drug dependency can be attributable to emotional, physical and psychological factors which bring a 'feel good' factor on its consumption and at times are considered as a status symbol especially amongst youth.

Various countries of the world have put in co-ordinated efforts to deal with drug trafficking. Considering the harmful effects it can leave on the health of human beings, the Sustainable Development Goals, 2030 in its point 3.5 focuses on to “Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol” and provides for coverage of treatment interventions (pharmacological, psychosocial and rehabilitation and aftercare services) for substance use disorders in 3.5.1. To achieve the target given in 3.5 concentrated efforts in the direction is the need of the hour.

### **International Framework**

The accrescent issue of drug trafficking and the problems created owing to unaccounted transborder dealings has been noted by United Nations seriously. A vigorous structure for addressing the issue of drug trafficking has been mandated on the Member States by its three prominent drug control treaties viz., the Single Convention on Narcotic Drugs of 1961 (as amended in 1972), the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The Conventions are mutually supportive and complementary to each other. To substantiate the Treaties, the United Nations Office of Drugs and Crimes was established in 1997 by combining the United Nations International Drug Control Program and the Crime Prevention and Criminal Justice Division in the United Nations Office. The approach addresses for coordinated, comprehensive response to the interrelated issues of illicit trafficking, abuse of drugs, crime prevention and criminal justice, international terrorism, and political corruption. Since the utility of certain drugs is significant for medicinal and scientific purposes, the Treaties provide for the grant of licenses by the competent authorities for its prescribed and legitimate uses.

The Single Convention on Narcotic Drugs, 1961 seeks to limit the possession, use, trade, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes. It also provides to combat drug trafficking through international cooperation in order to deter and discourage drug traffickers. A prohibitionist approach is adopted for the problem of drug addiction too. The scope of the Convention is broadened by including drugs whose effects are similar to those of opium, coca, and derivatives such as morphine, heroin and cocaine. The Commission on Narcotic Drugs and the World Health Organization are authorized to add, remove and transfer drugs among the treaty's four Schedules of controlled substances.

Convention on Psychotropic Substances, 1971 establishes an international control system for psychotropic substances. It responded to the diversification and expansion of the spectrum of drugs of abuse and introduced controls over a number of synthetic drugs according to their abuse potential on the one hand and their therapeutic value on the other.

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 is adopted with a purpose to promote co-operation among the Parties so that they may address more effectively the various aspects of illicit traffic in NDPS having an international dimension. The Convention obligates the parties to take necessary measures, including legislative and administrative measures, in conformity with the fundamental provisions of their respective domestic legislative systems. It provides comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor

chemicals. It provides for international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.

The International Narcotics Control Board is established as an independent, quasi-judicial body charged with promoting and monitoring Government compliance with the three drug control treaties. It also administers controls on drug production, international trade, and dispensation. The problem of drug trafficking and abuse being faced by almost all the countries of the world, a proactive response is seen for agreeing to the Three Drug Conventions being adopted by most countries of the world. The fundamental goal of the international drug control system is assuring the health and welfare of humankind. That goal is to be achieved through twin actions: ensuring the availability of internationally controlled substances for medical and scientific purposes and, in the case of precursor chemicals, also ensuring their legitimate industrial use; and preventing the diversion of controlled substances into illicit channels.

### **Drug Policies in selected South Asian Countries**

The Author has considered the legal framework of drugs in selected South Asian Countries i.e. Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka. The United Nations Committee for Development has declared Afghanistan, Bhutan, Bangladesh and Nepal as the least developed countries, whereas India, Pakistan and Sri Lanka are identified as developing countries. The rationale behind considering the above 7 countries lie on the premise that all the countries are either least-developed countries or developing nations. Further, the problem of Drug trafficking and abuse is found to be more or less similar in terms of domestic and transnational illicit dealings. All the countries within the scope of study are the signatories to the three UN treaties. All the countries are wedged between the world's two largest areas of illicit poppy cultivation, commonly referred to as the Golden Crescent and the Golden Triangle except Afghanistan which is considered to the hub for illicit cultivation and illicit transfers of drug worldwide. All the countries have exhibited a long history of drugs which also includes some traditional varieties too.

These jurisdictions too have certain commonalities in its drug regulations but stark differences are seen in the patterns of its execution. The paper runs through the legislative framework of these jurisdictions and attempts to identify the problems and perspectives in drug framework.

The UNODC has identified certain trends and patterns of drug trafficking in South Asia which can be summed up as under:

- Trafficking of heroin from Pakistan to Afghanistan into India. Further trafficking from India to neighbouring countries of South Asia, Europe and the American Continent.
- Illicit cultivation as well as wild growth of cannabis in India. Trafficking of cannabis from Nepal to India.
- Increase in trafficking of cocaine from Americas and Europe into India.
- Diversion of pharmaceutical preparations and prescription drugs containing narcotic drugs and psychotropic substances from India to neighbouring countries in South Asia.

- Diversion of controlled licit chemicals and pharmaceutical preparations containing ephedrine and pseudoephedrine from the manufacture of Amphetamine-type stimulants (ATS). Trafficking of precursors from North East India to Myanmar.
- Trafficking of ketamine from India to various destinations, mainly in South East Asia.

### **Legislative Framework**

The legislative framework in the seven jurisdictions within the scope of this paper dates back to the early part of 20<sup>th</sup> century followed by amendments in the recent past to match with the requirements of UN treaties on drugs.

The Republic of Afghanistan has adopted new Counter Narcotics Law in 2005 to prohibit all kind of dealings in NDPS except for medicinal, scientific, industrial, research and forensic purposes. The Law provides classification (in 4 tables) of narcotic drugs, Psychotropic substances and preparations thereof, as well as substances used in their manufacture and prohibits the same.

Table 1 Prohibited drugs of abuse

Table 2 Strictly controlled substances and pharmaceutical preparations (High risk drugs of abuse)

Table 3 Controlled substances and pharmaceutical preparations (Risk drugs of abuse)

Table 4 Substances used in the manufacture of narcotics drugs and psychotropic substances (Precursors)

In Bangladesh The Narcotics Control Act was enacted in 1990 and Narcotics Control Rules were framed in 1999 under this Act. The Act was further strengthened through an amendment in 2002 wherein 22 precursor chemicals were included in its schedules. The rules under this law are: The Narcotics Control Rules, 1999. The National Narcotics Control Board Fund Rules, 2001. The Private Treatment and Rehabilitation Center Rules 2005. The Prohibition Rules, 1950 (still in force as per NC Act 1990).

The Special Power Act, 1975 that covers smuggling activities includes drug smuggling too.

In Bhutan, Narcotic Drugs, Psychotropic Substances and Substance Abuse (NDPSSA) Act was enacted in 2005. Narcotic Drugs, Psychotropic Substances and Substance Abuse Act of Bhutan 2015 was re-enacted in 2015 and amended in 2018 to include substance abuse. The 2015 Act repealed the Act of 2005

India enacted the Narcotic Drugs and Psychotropic Substances Act, 1985 the latest amendment of which was seen in 2014. The Act is in furtherance to the obligations under International Conventions on NDPS. It provides for stringent provisions for the control and regulation of activities relating to NDPS. To deter with the benefits derived from the activities of banned substances, the Act provides for forfeiture of properties derived from illicit traffic in NDPS. Apart from 1985 legislation, there exists Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 which provides for detention of person involved in illicit trafficking of NDPS.

In Nepal, the principal legislation for drug abuse is Narcotic Drugs (Control) Act, 2033 (1976). The Act is made applicable to its citizens as well as foreigners, who, while residing in a foreign country, conduct transaction of export or import of narcotic drugs from or into Nepal in contravention of this Act.

India, Pakistan and Bangladesh earlier were British India which had the Opium Act, 1852, The Opium Act, 1878 and The Dangerous Drugs Act, 1930, which were followed till their specific legislations were enacted. These legislations were found to be inadequate to provide a comprehensive framework for drug trafficking in wake of international developments and hence new legislations were enacted in tune with international standards. In Pakistan, the Control of Narcotics Substance Act, 1997 was enacted in order to fulfil the international obligations arising out of three treaties. The law is enacted to regulate the prohibitions of import, export, trafficking, manufacture etc. of narcotic drugs, controlled substance, prescribes punishments for contraventions, trials, treatment and rehabilitation. Further, The Anti Narcotics Force Act, enacted in 1997 provides for constitution of the Force, its administration, functions, powers and authority etc. It is a single mandated Force under the Ministry of Narcotics Control working closely with domestic counterparts and international partners.

The Sri Lankan Government has played a proactive role prohibiting the illegal drug trade vide a number of legislations since the early 20<sup>th</sup> Century. Illicit drugs are referred to as Dangerous drugs, which are governed by several Ordinances and Acts and Gazettes of Parliament. Poisons, Opium and Dangerous Drugs Ordinance No. 17 of 1929 as amended in 1984 and 1986 is the main law that prohibits, restricts and regulates the drug trafficking. The Act separately provides for Poisons, poppy, coca and Indian hemp plants and dangerous drugs. It provides for registered consumers and vederalas and the terms and conditions for registration. It includes provisions relating to Transit and Transshipment of Opium and Dangerous Drugs and Plants. The Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act No 1 of 2008 was enacted to give effect to the UN Conventions and South Asian Association for Regional Co-Operation Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; The Establishment of Precursor Control Authority Regulations, No. 1 of 2010 have been notified vide Gazette Extraordinary 1653/7 May 10th 2010 in accordance with 2008 Act. National Dangerous Drugs Control Board Act No. 11 of 1984 established a statutory body called The National Dangerous Drugs Control Board (NDDCB). Drug Dependent Persons (treatment and rehabilitation) Act No. 54 of 2007 has been enacted to provide for the treatment and rehabilitation of drug dependant persons.

Apart from the above specific legislations for controlling the use and illicit trade in drug, these countries do have a supplementary framework under their Customs Act, Criminal Procedure Code, and Penal Laws to support the mechanisms.

The salient features found similar / common in the legislations of all the selected jurisdictions are:

- Specification of substances covered under the laws

- Prohibitions imposed for cultivation, production, manufacture, possession, sale, purchase, storage, transport, supply, export, import, distribution and consumption of prohibited substances
- Bifurcation of quantities of NDPS and punishments based on the severity of such quantities
- Death penalty or life imprisonment being the highest punishment
- Special Courts/Designated Courts to try offences under the legislations
- Procedure for investigation, search and seizure provided
- Forfeiture of property acquired vide illegal dealings of NDPS
- External dealings prohibited and in certain circumstances permitted after necessary authorization from competent authorities
- Licensed cultivation permitted for medicinal, scientific and industrial purposes
- Provisions for precursors/controlled substances with certain dealings permitted after licences
- Provisions on deaddiction and exemption from punishment if the victim undergoes treatment

### **Enforcement Mechanisms**

Each of the jurisdictions under study has established well-defined executive mechanisms to trap and control prohibited activities under their legislations. The mechanism also includes involvement of multiple authorities for a comprehensive mechanism. An overview of the functional mechanism in each of the selected countries is hereby provided for understanding how drug related laws are provided to be implemented.

The Ministry of Counter Narcotics was made functional in Afghanistan under the new law. The Ministry of Counter Narcotics as the leading Ministry in counter narcotics affairs was responsible for coordinating and evaluating the implementation of the Law. The Minister for Counter Narcotics, assisted by other Ministries, bodies and institutions, was supposed to prepare a National Drug Control Strategy, and propose revisions to the strategy at regular intervals but not less than every three years. The Ministry was also responsible for evaluating the implementation of the NDCS. Based on the Presidential Degree No 139 issued on 28<sup>th</sup> January 2019, the Government of Afghanistan has dissolved the Ministry by transferring its duties and responsibilities to the Ministry of Interior. A Special Narcotics Force is established within the Ministry of Interior to detain those involved in drug trafficking, to seize illegal drugs, and to use reasonable force in the conduct of its operations, including against those who impede its operations.

The Ministry of Interior is now mandated to coordinate with the relevant government ministries and agencies, such as the Ministry of Agriculture, Irrigation and Livestock, the Ministry of Public Health and the National Statistics and Information Organisation. It is also tasked with reviewing “the overall duties of Ministry of Counter Narcotics in the areas of drug demand reduction and

treatment of addicts, alternative livelihood” and with working on the “consolidation of relevant policies and strategies related to counter narcotics and all other relevant activities

The Counter Narcotics Drugs law under Article 54 imposes duties on other Ministries to check the drug abuse and drug trafficking like National Directorate of Security shall obtain intelligence on drug cultivation, production, and trafficking, and shall prepare strategic and operational intelligence reports related to counter narcotics; The Ministry of Public Health for detoxification and rehabilitation; The Ministry of Education and Ministry of Higher Education to include illicit drug use prevention-related subjects into the curriculum of their educational institutions; The Ministries of Culture and Information, Public Health, Religious Affairs (Hajj and Awqaf) and other relevant bodies shall, in consultation with the Ministry of Counter Narcotics, promote public campaigns against illegal drug cultivation, production, trafficking, and use. Ministries of Agriculture, Food Stuff and Animal Husbandry, Rural Rehabilitation and Development, Public Health, and Interior shall adopt Measures for prevention of illegal plants and assist them towards cultivation of licit crops. Ministry of Foreign Affairs to coordinate international actions.

Further, the following law enforcement agencies are empowered to seize illegal drugs, drug crimes proceeds, and related materials and equipment:

- (a) the Counter Narcotics Police;
- (b) the Afghan Special Narcotics Force;
- (c) the National Police;
- (d) the Border Police;
- (e) the Afghanistan Customs staff.

To counter the illicit trade, the United States of America allotted Special Inspector General for Afghanistan Reconstruction (SIGAR) through its congressional oversight on Afghanistan reconstruction. U.S. counternarcotics effort in Afghanistan showed detailing on how the Departments of Defense and State, the U.S. Agency for International Development, and the Drug Enforcement Administration (DEA) tried to deter farmers and traffickers from participating in the cultivation and trade of opium, build Afghan government counterdrug capacity, and develop the country’s licit economy. Apart from USA, UK and Japan have also assisted Afghanistan in regulating the illicit trade.

In Bangladesh, the Department of Narcotics Control administered by the Ministry of Home Affairs, is responsible for implementing drug law enforcement and drug abuse control programme guided by a ministerial level National Narcotics Control Board. DNC has an intelligence-gathering and operational role and oversees the implementation of demand reduction initiatives. It is also charged with co-coordinating the efforts of the other Bangladesh enforcement agencies (police, customs, Bangladesh Rifles and coastguard). The DNC does not collate national arrest and seizure statistics, in part because the other agencies are reluctant to disclose the necessary material. Further, Committees are established at National level, Divisional level and District levels.

In Bhutan, the Bhutan Narcotics Control Agency is established in 2006 and is mandated to play a supervisory, monitoring and regulatory role and is Nodal Agency for all matters relating to drugs. A Narcotics Control Board and a Secretariat is associated with UNODC.

India involves several authorities at the Central, State and District Levels and makes them responsible for the functioning of drug related laws. The mechanism involves The Narcotics Control Division, The Central Bureau of Narcotics, The Narcotic Control Bureau and Other Agencies like the Directorate of Revenue Intelligence, Central Bureau of Investigation, Customs Commission, and Border Security Force. NDPS Act is administered by the Ministry of Finance, Department of Revenue. However, matters pertaining to Drug Demand Reduction are handled by the Ministry of Social Justice & Empowerment. Ministry of Health, Government of India, which is responsible for all health issues, runs several drug de-addiction centres in the Government hospitals across the country. The Narcotics Control Bureau, under the Ministry of Home Affairs, coordinates actions by various functionaries (Central and State) under the NDPS Act. The State Governments also have their own Health Departments and Social Welfare Departments each of which has its own set of activities relating to Drug Demand Reduction. The National Policy on NDPS is implemented with a specific objective to serve as a guide for all authorities involved at different levels including the NGO and international organisations and also to re-assert India's commitment to combat the drug menace in a holistic manner.

In Nepal, the highest body responsible for overall formulation of policy matters in the areas of drug abuse control and law enforcement is the National Coordinating Committee. Under this, the Executive Committee for drug abuse control has the overall administrative responsibility for the implementation of the approved policy and programmes. The Chief Narcotic Drug Control Officer heads this Committee. A separate Drug Law Enforcement Unit has been set up at the Centre as per the provision made in the Master Plan for Drug Abuse Control for the effective control of illicit drug trafficking. This unit has been empowered to investigate and prosecute the drug offenders.

In Pakistan, the existing framework on law enforcement for illicit drug and drug abuse is handled by multiple departments of federal and provincial government involving authorities at each level. Anti Narcotics Force established under ANF Act is a principal agency in Pakistan for combating supply and demand reduction of illicit narcotic drugs that enter Pakistan mainly through the long porous border with Afghanistan. The Anti-Narcotic Force has been assigned the central role in combating drug trafficking by the Control of Narcotics Substances Act, 1997. The ANF has the primary responsibility for interdicting the production, smuggling, trafficking and abuse of narcotics and illicit psychotropic substances. It is also responsible for arrests, drug seizure, investigation and prosecution of offenders. To guard the border areas and to undertake counter drug-trafficking operations, Frontier Corps are deployed alongside the sensitive borders of Pakistan. Anti-Narcotics Policy 2010 has been developed to address both Pakistan's prevailing drug situation and changes in the global narcotics environment that have emerged since the 1993 Narcotics Policy. In order to reduce the health, social and economic costs associated with drug trafficking and substance abuse in Pakistan, this new Policy outlines a number of objectives targeting supply reduction, demand reduction and international cooperation, developed in accordance with international best practice. The focus areas of the Policy are drug supply



reduction, strengthening the existing law enforcement agencies, different treatment to drug traffickers and drug users. Ministry of Narcotics Control Pakistan is established for drug control policy making and planning. The Ministry of Health oversees the use of NDPS for medicinal purposes. Apart from the Ministry, Frontier Corps, Pakistan Customs, Pakistan Coast Guards, Police, Rangers, Airport and Maritime Security Forces also are involved in combating drug trafficking.

In Sri Lanka, National Dangerous Drug Control Board (NDDCB) is the pioneer government institution which discharges its functions with an aim to eradicate the drug menace from Sri Lanka. Among the other functions, providing treatment to the drug dependants and rehabilitation of drug dependants are main roles of the NDDCB. The Board is under the purview of the Ministry of Law & Order and Southern Development. The Board is the principal national institution charged with the formulation and review of the national policy relating to the prevention, control, treatment and rehabilitation of drug abusers and is given powers to advice and makes recommendation to the Minister on such policy. Further, the Board assists various departments and institutions to achieve their tasks in relation to drug abuse, prevention and control, and conduct epidemiological studies and maintain databases. Further, the Board monitors and helps relevant agencies to fulfil obligations under the United Nations and SAARC Conventions ratified by the government. The Board co-ordinates with the government and the International Narcotics Control Board, and represents at the Commission on Narcotics Drugs.

Sri Lanka National Policy for the Prevention and Control of Drug Abuse is also been framed for matters relating to elimination of the drug problem to reduce the drug supply and use. The national policy is based on three main aspects such as law enforcement and implementation, prevention and assistance. The enforcement of illegal drug trade is done by Police Narcotics Bureau and NDDCB. Also, the Excise Department, Customs and Navy do drug operations. The Drug Law Enforcement subcommittee of NDDCB coordinates the policy planning in relation to the drug problem and drug law enforcement activities in the country. The Ministry of Health monitors the entry of controlled substance into the country doing random searches in pharmacies. Rehabilitation Centres across Sri Lanka are maintained by NDDCB as well as NGOs and Counselling service and residential treatment facilities are being provided for the drug addicts at some treatment centres. Precursor Control Authority is established under 2008 Act to control and regulate precursors.

### **Problems and perspectives**

This section of the paper aims to identify the problems and perspectives in the selected jurisdictions. As mentioned earlier, each of these jurisdictions are under a tremendous pressure to ensure execution of illegal dealings in drugs and somehow it seems that they have not been successful in prohibiting the illegitimate trade. Existing literature suggests certain inherent complications which make the execution of the illicit dealings a challenging task.

It is been presented through available data that people in Afghanistan are involved in illegal cultivation of opium which is huge in quantity and has become an important means for their livelihood. The total area under opium poppy cultivation in Afghanistan was estimated at 224,000 hectares (202,000 - 246,000) in 2020, which represents an increase of 37% or 61,000

hectares when compared to 2019. According to the United Nations, in 2020, Afghanistan accounted for about 85 percent of global opium production. Afghanistan is a hub and a central point for illicit trafficking of drugs as they are supplied in most countries of the world except Latin America through illegal routes and smuggling activities. The Balkan is traditionally been known for such trafficking; however, the southern routes have also been noticed for such trade towards the European region. It is estimated that Afghanistan produces over 80 percent of the world's illicit opium, which ultimately fuels a global opiate trade that generates tens of billions in profits for corrupt officials, drug traffickers, organized criminal groups, and insurgents across the globe. The UNODC report shows that in rural Afghanistan, the opium trade has become increasingly acceptable, i.e. that farmers sell their illicit produce in community and district markets, whereas previously, traders came directly to the farm to buy it. This is perhaps the most significant indicator of the extent to which the illicit economy has become valid in these communities and in the country. Even, the then Governments have been unsuccessful in controlling the prevalent illegal cultivation spread across the country. It is clear that counter narcotics efforts have largely been futile and the factors that can be attributed are failures of counter narcotics programs, lack of security, a poor economy, weak governing institutions, and failures of the wider reconstruction effort. Further, Afghanistan has been in news in recent times due to Taliban taking over the government. A decree was issued by rulers on 3<sup>rd</sup> April 2022 declaring a prohibition of cultivation of poppy and that the violators will be fined as per the law. The decree also laid that any sort of dealing with Narcotics is strictly banned and stringent judicial actions will be taken on the infringers. However, the decree seems only to be on paper and the drug trade has seen a huge hike under Taliban Rule.

The drug problem in Bangladesh has specific characteristics. It is a transit country for drugs produced in the Golden Triangle and, to a much lesser degree, the Golden Crescent. Smuggling activities are carried from India to Bangladesh through its boundaries which are used for transit as well as for consumption of people in the country. It is not believed to manufacture any narcotic drugs or psychotropic substances illicitly nor does it manufacture any precursor chemicals except hydrochloric acid and sulphuric acid, still the illicit drug abuse is seen on rise and is a challenge for the executive machinery to control. The problem of drug abuse and drug trafficking is further intensified because of Rohingya refugees living in the camps who are believed to be indulged in crazy pill 'yaba' popular amongst youth of Bangladesh. These drugs are produced in clandestine laboratories in the China Myanmar border. Supplying Yaba from directly from the factory to other parts of the country and elsewhere is seen as a lucrative business for many involved in drug trafficking. The name used to denote this crazy pill did not fall into the category of drugs specified in 1990 Act. To remove this anomaly and to include Yaba within the framework of Narcotics Law, to strengthen the existing legal framework and to provide for stringent punishments, Narcotics Control Act, 2018 was enacted in Bangladesh repealing the 1990 law. The Act has introduced provisions of death sentence as maximum punishment for anyone involved in producing, smuggling, distributing or using over 5 grams of banned drug yaba or amphetamines. In spite of legislative reforms to check illicit trade of Yaba pills, the situation doesn't seem to be under control due to its spread and illegal dealings.

Bhutan being a country with a huge youth population has witnessed the drug problem being on rise especially in urban areas. More than 60% of the male students from class IX-X and XI-XII reportedly had friends using cannabis, alcohol or solvent (sniffing) whereas about one third of the female students said so. Further, it is accentuated that use, possession and illegal transactions of controlled substances have increased in recent years. Although, the Royal Bhutan Police is reported to have conducted seizure operations, the problem still persists.

The consumption of drugs in small quantity in India has a traditional background as they have been used for medicinal, recreational and religious purposes since centuries. The concerns for widescale dealings in illicit trade of drugs is seen post 1980. India's proximity to the Golden Crescent and Golden Triangle (the major opium production regions in the world) has made India a hub of drug trafficking. Drugs arrive into India from Afghanistan, Iran, Pakistan, Thailand, Myanmar, and Bhutan through its shared borders with these countries. Depending upon the nature and geography of the border, as well as the production, demand and supply of drugs, different borders have different trafficking patterns. Reports from United Nations, the US State Department, and Australian Crime Commission indicate that India has become a hub for transshipment of heroin originating from the Afghanistan-Pakistan region to the rest of the world. Towards the North-Eastern and Eastern regions of India also the ingress and egress of drugs has been a prominent issue. Having a long coastal border has also become a challenge for the Authorities to check illegal trafficking. India faces dual problem with respect to drugs as they are produced domestically and also is used for illegal trafficking for supply to other parts of the world.

On top of these issues lies the passive attitude of the concerned Authorities, unreliable fencing across the borders, corruption in various agencies, turf wars between various agencies, lack of manpower and infrastructure, poor drug detection training and procedural delays also hamper the effectiveness of the country's drug prevention efforts. However, recently the National Investigation Agency in India has conducted searches and raids across the country to trace drug traffickers and have taken necessary actions against them. Further, India has the 3<sup>rd</sup> largest Pharmaceutical Industry and is a provider of generic drugs throughout the world. Clandestine manufacturing and siphoning of synthetic drugs, as well as illicit trade in chemical precursors is also a concern and challenge for the enforcement authorities.

Nepal, a landlocked country between India and China is susceptible to a number of transborder crimes, prominent amongst them is drug trafficking. It is clearly used as a transit route for supply of drugs from Asia to other regions and continents. Also, the rate of drug users is seen on a rise with an increment of 11.36% every year according to its Narcotics Control Bureau and Ministry of Home Affairs. In 2019-20, as many as 4,259 persons were arrested for their involvement in smuggling drugs. This international trade involves growers, producers, couriers, suppliers and dealers.

Pakistan shares its borders with four countries: China to the northeast; Afghanistan to the west and northwest; Iran to the west; and India to the east. This geographical juncture makes Pakistan a natural transit country and a staging post for global trade of drug and is easily exploited for cross-border trafficking. It is one of the countries falling within the Golden Crescent, apart from Afghanistan and Iran which is known for its cultivation of illegal opium. As noticed above,

Afghanistan is known as an epicentre of illegal production of harmful drugs and a major supplier to the world through smuggling activities. As Pakistan shares a common border of 2,611 kilometres with Afghanistan, the illicit drug trafficking from Afghanistan poses a serious social, political and security problems. With the Taliban taking over the rule, the Pakistan enforcement mechanisms have conducted seizure operations against the drugs sent from Afghanistan.

The transit route issue has two dimensions: first, the smuggling of heroin and other drugs from Afghanistan to rest of the world; and secondly, an inward smuggling of precursor chemicals. Pakistan sits on one of the world's busiest drug trafficking corridors, largely due to the cultivation of opium poppy and cannabis in Afghanistan. A recent UNODC report underscored that about 40 per cent of the drugs (heroin & hashish) produced in Afghanistan are transited through Pakistan generating a considerable opiate supply for export as well as also for domestic use.

The extensive and prevalent situation poses challenges for its Law enforcement agencies to check cross borders and domestic illicit dealings. Firstly, due to its geographical proximity to Afghanistan and the demand of drugs across the world, structurally it is a major challenge to reduce the drug trafficking. Secondly, certain transactional challenges are non-convergence of its multiple drug law enforcement authorities. Also, financial and resource gap in handling the drug problem is also a problem.

Some of the further challenges identified are: porous and unprotected borders with Afghanistan, Afghan refugees in Pakistan (around 3 million), lack of control on financial transactions which happens through hawala/hundi systems, prevalent security system due to war on terror, corruption within Drug control mechanism, poor and uneducated population, increase in the number of drug addicts, lack of modern technology for detection of drugs and weaker witness protection regime.

It is however, reported that the problems of poppy cultivation and drug production have largely been resolved, however, it being used by global drug traffickers as a transit route and also the domestic drug abuse in the country is growing.

Sri Lanka is an island state which makes it difficult and impossible to seal its borders which are used for transnational crimes including drug trafficking. Although Sri Lanka is not a significant manufacturer of illicit drugs except Cannabis cultivation which is produced in large scale, due to its geographical location between two major poppy growing areas i.e. between golden crescent and golden triangle it becomes more vulnerable to illicit trafficking. It serves as a transshipment hub for heroin trafficked from India. Smuggled drugs are also used for local consumption and poor implementation due to political and other reasons is seen as a major problem in Sri Lanka. The recent financial crises faced in Sri Lanka have given a wide room to the drug traffickers as they have taken advantage of the situation.

Common challenges from World Drug Report, 2021

- Replacement of natural and semi-synthetic drugs with synthetic drugs

- Emergence of New Psychoactive Substances (NPS) many amongst them are not under international control. 541 different NPS on the market in 2019 of which 48 NPS were found just in 2018
- The information on the NPS trafficking and its abuse patterns and trends is very limited and not widely available to the policy makers for taking informed policy decisions.
- Support to other organised crimes due to drug trafficking
- Covid lockdown and pursuant unemployment making people vulnerable for drug trafficking and drug abuse
- Likelihood of more farmer to take up illegal cultivation due to pandemic
- Lack of cooperation amongst nations to conduct joint operations due to budgetary problems and technical issues like language barriers and agreements
- Use of clear web, deep web and dark net for sale and purchase of drugs over internet
- Use of social media platforms and groups as a meeting point for sellers and buyers
- Vendors on the clear web adapt quickly and constantly seek to exploit legal loopholes
- Lack of regulations to control cryptocurrency market used for suspicious transactions
- Increase in population at most risk of drug use is highest in countries with low level of income, in particular in Africa and, to a lesser extent, in Asia, rather than in Europe or North America.
- In 2019, an estimated 275 million people worldwide aged 15–64, or 1 in every 18 people in that age group, had used drugs at least once in the previous year (range: 175 million to 374 million). This corresponds to 5.5 per cent of the global population aged 15–64
- Increase in Drug-related deaths

### **Conclusion and Suggestions**

Addressing the concerns faced by these South-Asian Countries under study has been a challenging task not only for the domestic enforcement authorities but also for UNODC. Drug trafficking in most of the circumstances affect the countries at a regional level and hence to address the issue, the SAARC Convention on Narcotic Drugs and Psychotropic Substances was held on 23 November of 1990. This Convention came into force on 15th November of 1993. The objectives of this Convention have been to eliminate the root causes of the problem of abuse of narcotic drugs and psychotropic substances, including the illicit demand for such drugs and substances and the enormous profits derived from illicit traffic. The Convention is drawn on the lines similar to the existing framework on NDPS available at the International level which reiterates to its Member Countries to adhere and take stringent actions against drug trafficking. The Convention recognizes the importance of strengthening and enhancing effective legal means for regional cooperation in criminal matters for suppressing international criminal activities of illicit traffic in narcotic drugs and psychotropic substances in the region. However, in spite of varied joint and individual efforts, the Nations have to an extent failed to check the issue of drugs.

The problem of drugs is three-fold: its illegal production, illegal trafficking and drug abuse. Drug trafficking is the most lucrative business, with profits higher than of the entire oil industry and second only to the arms trade. It is because of this reason that the issue has gone beyond the controls of the enforcement authorities.

Further, it is found that the Nations under study have been facing certain common issues like transit route for drug trafficking through the country, drug trafficking within the borders and alarming consumption ratios especially among the younger populations, problems in implementation of existing laws, unaccounted online drug trade through darknet and most importantly weaker enforcement of sanctions as per the law.

Concentrated actions are needed to be taken in these Nations so as to address the issue of illegal drug production, trafficking and consumption. Governments across countries should collaborate with NGOs and voluntary bodies for rehabilitation and restoration of victims of drug abuse especially the younger populations. Ground level efforts monitoring the illegal cultivation, production, manufacture and illicit transactions should be tracked. Looking into the vastness of the geography and country, enforcement authorities should take step by step actions which can include region-wise actions for illegal cultivation, production and manufacture. It is high-time that stricter implementation of laws be taken and those guilty under the provisions of law be punished without unnecessary delays. Special forces should be created and put onto the ground having powers to take actions under the legislations. Piecemeal efforts by the enforcement authorities is not desirable hence only harsh impositions of penalties coupled with persistent efforts can to be solution of the problem. It seems that to handle the entire illegal racket joint actions at the National and international levels with the intervention of UNODC will definitely lead to reduce and problem under study.

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