

Critical Analysis of Social and legal aspects of Drug Trafficking with Special Reference to Hanumangarh District

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Abstract:

Illicit drug economies predominantly emerge in countries and regions of conflicts, political instability and weak governance. The interrelation and the mutual impact of these phenomena have become evident. Drugs and conflict represent a serious obstacle to all development efforts in the affected areas. Indians still live in the countryside adds to the importance of recent findings about the extent of substance abuse in the rural areas. The process of industrialization has itself contributed new and cheaper pharmaceutical drugs widely abused by the poor and unemployed. At the same time, recent rapid economic growth (in the region of 8%) has created pockets of affluence which propel a market for the sorts of "designer drugs" more commonly consumed in western countries. The fact that India is the world's largest producer of licit opium gum has, despite strict controls, meant that some portion of this product is liable to diversion by unscrupulous farmers adding to the availability of drugs on the market. The concrete numbers of people addicted to drugs and the crimes and health issues related to drug abuse clearly shows that it is necessary for states all over the world to take action against this illicit drug trade. Also on the international level, instruments need to be provided to allow the states to take necessary action against drug abuse and drug trade. One of the transnational crimes related to drug abuse is the illicit trade in drugs by sea. Paper elaborated, significantly within the drugs and development community. The connection of drug problems to governance aspects has become another important matter of debate. Therefore, the present publication takes the recent discourse on conflict and governance related analysis into account and gives first recommendations for national drug control policies as well as national development cooperation.

Key Words: Abuse, trafficking, drug abuse, Countryside, Illicit, Policies

INTRODUCTION:

India contains 17% of the world's people, yet it accounts for only 2% of its GDP and 1% of its trade. Poverty remains pervasive – India is still home to 260-290 million poor. Per capita income growth has been slow and there is a great unevenness in the distribution of income. These conditions, together with the geographic location of India between the world's two largest producers of illicit opium, and the breakdown of traditional social capital resulting, in part, from large-scale rural-to-urban migration and its attendant

modernization influences, have all contributed to the rise in drug abuse in recent years. Nonetheless, the fact that most (70%).

Drug Trafficking In India:

There are millions of persons addicted to drugs including heroin, opium, cocaine etc. This involves carrying drugs from one country to another country or from one city to another city, and their distribution to addicts. The need of organization, contracts, and large sums of money puts the business outside the reach of most individuals and small criminal groups. These addicts get their supplies from “pimps”. Who get them from organized fact that police knows the gangs engaged in these activities, because they are fixed up, nobody get arrested.

While ganja consumption has always been widespread on campuses, more expensive drugs like cocaine and heroin are also finding their way in to colleges, they snort it smoke it, inject it and now have begun to sell it. Peddle seems to have become a means for college students to make easy money, with drug suppliers in increasingly engaging them as “agents” to sell the contraband on college campuses. The students are given 25% of the money or drugs free of cost, say intelligence sources.

Previously area were notorious for peddling, to beat the law enforcing authorities, the student peddlers operate through social networking sites and mobile phones to reach their clients. Some of them even drop out of college to take up peddling as a full time business, because it is quite lucrative it is hard to nab them as rarely get tipoffs from students, “said a narcotic control bureau (ncb) officer.

In an unsettling trend, colleges are fast turning into hotspots for the city’s underground drug dealings, say intelligence sources. Educational institutions have always been praying grounds for the drug mafia, but with law enforcement agencies stepping up vigilance at various vulnerable spots; drug suppliers have found a way to hood wink officials by using students as peddlers. While ganja and psychotropic drugs are the most widely circulated senior narcotic control bureau officials say more expensive drugs like cocaine and heroin are also finding their way on to campuses. “many students in elite colleges are from well-off back grounds and can afford to shell out a fortune to buy expensive drugs like cocaine, which cost as much as 3,000 a gram.

“the peddlers check the person’s back ground before he gives him or her drugs. Sometimes they deliver it at the students door step after the payment is made online “said rishab (name changed) a student of a college in district, rishab, a former drug addict and an “agent”, said he sold ketamine, marijuana and cocaine to make quick money “the drug created havoc on my body and I was forced to go rehab, during my rehabilitation session. I was made to realize that it wasn’t just are who was bearing the brunt of the abuse, but scores of other students as well, “he said”.

Trafficking definition:- The selling or involvement in commercial activity of something for which commercial activity is unlawful.

Criminal Definition of Drug Trafficking:-

Criminal laws defines drug trafficking as knowingly being in possession, manufacturing, selling, purchasing or delivering an illegal, controlled substance. Thus drug trafficking laws cover many different stages in a drug transaction, and not just the actual sales. Drug trafficking is one of the most serious criminal, offenses and usually results in 1st degree felony charges.

Why college students turn to drugs the high rates of drug abuse among college students can be attributed to a number of factors, including.

- **Stress:-**as students are facing the high demands of course work. Part time jobs. Internship, social obligations and more, many turn to drugs as a way to cope.
- **course load:-**more students than ever are taking stimulants, such as adder all, to help them stay awake long enough to study or complete assignments by their due dates all too often, these prescription drugs are obtained without a legitimate prescription.
- **Curiosity:-**college students are exploring many new aspects of their lives in personal and professional realms. It's not uncommon for that self-exploration to dip in to drug experimentation. Peer pressure:-college students who are surrounded by other people experimenting with recreational and performance-enhancing drugs are more likely to try these substances for themselves.

Objectives of the Study:

- Discussing about the drugs and society.
- Trace out the drug trafficking methods in India.
- Analyze the social legal aspect in this context.
- Trace out the legal acts for controlling illegal drugs.
- Policy conclusions and suggestions.

METHODOLOGY

This research paper is based on secondary data review studies from various pin pointed studies.

Socio legal aspects of drug trafficking:

Students, stimulants and other illicit drugs:-while not as popular or prevalent as alcohol or marijuana, party or club drugs like cocaine, heroin, ecstasy and lsd still have a place

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on college campus as well. Casa reports that between 1993 and 2005. Illegal drug use including heroin and cocaine increased 52 percent ecstasy is one of the more popular club or rave” drugs. It’s a stimulant and hallucinogenic derivative of methamphetamine, a monitoring the future study found that 12.7 percent of college students had used ecstasy at least once in their lives. These drugs alter mood and enhance sensation acting as stimulants or uppers, and some as hallucinogens.

Just like the other drugs, however, these drugs carry some heavy short and long term side effects and risk factors. Ecstasy is often used to increase pleasure and can lead to risky sexual behavior cocaine and heroin are highly addictive and increase heart and blood pressure putting users at high risk for fatal over doses. These drugs alter brain chemistry and can bring about severe withdrawal symptoms. Poly-drug use or the use of more than one drug at a time is common among college students especially at the party or club scene and increase all of the risk factors.

Rise of “study drugs” prescription drug abuse. A growing epidemic on college campuses is the abuse of prescription medications. These medications are easy to obtain either through a valid prescription or from another students’ prescription. According to a study in the journal of addictive diseases 62 percent of a group of students with a valid, prescription for ADHD medications were diverting it to students without prescriptions. Using a medication beyond its intended purpose is considered abuse and can be dangerous. The CDC reports that 100 people die in the united states daily from drug over doses with a majority of them being prescription drug related.

REVIEW OF LITERATURE:

This annual report covers all the trends in the field of drug abuse, prevention, drug law enforcement and coordination during the calendar year 2015. Narcotics control bureau, since its inception in 1986, is discharging its functions as the national nodal agency & acting as a repository and reference point for all data relating to the enforcement of drug laws in India. The bureau assesses & analyzes the emerging trends & challenges in drug abuse and illicit trafficking for an effective prevention & enforcement regime within the country. Bureau is committed to sustained efforts for capacity building & training of agencies involved in enforcing the drug laws. The bureau lays special emphasis on its mandate of coordination with both national and international organizations & creating synergy amongst all stakeholders.

Historical and contemporary contributions to the study of addiction, including those made by social anthropologists and other professionals, are examined through the perspective of sociological theory and research methods. The application of sociological theories and research methods to studies in the sociology of addiction is illustrated with specific examples. Emphasis is placed upon addiction as an interactive process marked by movement through a series of stages in a deviant career. A primary interest of this paper is the ways in which heroin addicts and alcoholics make sense of their substance

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use and changes in how they see themselves throughout this process. Similarities between narcotic and alcohol addicts in this process are noted. The ways in which substance abuse affects and is affected by interpersonal relationships, especially husband-wife and familial interaction, is reviewed. The use of narcotics among women, physicians and pharmacists is discussed. Ethnographic research on heroin and skid row subcultures are presented. The role of social control of substance abuse is examined, including research on the creation of laws controlling substance use and police responses. A number of rehabilitative approaches, including methadone maintenance, therapeutic communities, and innovative programs are examined.

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Trafficking of narcotics by terrorist groups as a quid pro quo for the funds which are utilized to create terror in the form of assassination, extortion, hijacking, bombing, kidnapping and the general disruption of the government to divert attention from illicit drug operations can be described as "narco-terrorism". In other words, narco-terrorism is "terrorism conducted to further the aims of drug traffickers". Narcotic traffic which was started as an organized cross border crime has now emerged as a global threat because of its diabolic alliance with terrorist groups. Considering india to be a transit hub as well as a destination for drug trafficking, the emphasis has been largely on ensuring the security of the borders by preventing the easy ingress and egress of the drug trafficker along with their consignments through the borders. In this respect, the most important measure undertaken by india was the construction of border fences. Border fences were erected first along the borders with Pakistan. This process began in the mid-1980s, when large numbers of terrorists as well as huge quantities of drug from pakistan began to enter India. In later years, fences were built along the India-bangladesh border in order to prevent illegal migration. These fences also acted as a barrier to the free movement of drug traffickers. The positive feature of the construction of such fences is that it has reduced the inflow of drugs from across the borders.

The structure of illicit drug markets is not well defined. This is particularly true of illicit markets that operate, at least in part, above the retail level. In this paper we contrast two hypotheses concerning how such markets are structured. The first posits an

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oligopolistic market composed of a relatively small set of large, hierarchically organized distribution networks. The second hypothesis posits a cottage industry of drug trafficking composed of many small groups of traffickers that form and break-up easily. Using data collected from federal, state and local drug investigators in the Washington Baltimore area, we examine the behaviors of traffickers investigated in 1995, 1996 and 1997. These data suggest that the cottage-industry hypothesis is a better characterization of drug trafficking in the Washington-Baltimore area than the concentrated-industry hypothesis. We conclude by drawing some implications for the control of wholesale drug markets.

This report focuses on social determinants of drug use, and structural interventions to address those social determinants. It draws upon recent research on the social epidemiology of health. The report incorporates a developmental perspective, noting that the influence of the environment is important and cumulative across the life

Course of individuals. Given the broad scope of this report, the authors adopted a methodological approach of integrating, as much as possible, the findings of existing reviews of the literature in each area addressed. As such, the report cannot examine any issue in great depth. Rather, the aim is to provide the reader with a broad understanding of the complex development.

Strategies for community-based sociological practice are discussed. The role of the sociologist in helping communities to recognize a social problem is analyzed in the context of social construction of reality theory. Once a community accepts that it has a problem with adolescent drug abuse, control and peer association theories can guide sociologists who wish to join with community leaders to combat drug abuse. By strengthening bonds among community organizations, parents, and other groups, the community tolerance for drug abuse is reduced and support for peer prevention is built. This paper discusses the role of the sociologist in defining drug abuse as a problem and in mobilizing community resources to deal with it. Based on an on-going intervention project, strategies are introduced for practicing sociologists, who wish to assist communities in the prevention of and intervention with adolescent drug abuse. Grounded in social construction of reality, social control, and peer association theory, the model may be generalizable to other forms of social deviance of concern to communities

"take no prisoners," a slogan of wars ruthlessly fought, has as its equivalent in the war on drugs launched and conducted by the Reagan and Bush administrations, "make them all prisoners." American prison and jail populations tripled between 1980 and 1993, primarily due to increased numbers of drug convictions and longer sentences for drug offenders. These patterns, the intended effects of recent drug policies, might have been justifiable if there had been grounds when the war was first launched in 1988 and 1989 for believing that drug use was increasing.

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Or that tougher penalties would reduce drug trafficking. To the contrary, drug use in America had been declining since the early 1980s,⁴ and there existed no plausible grounds for believing that increased penalties would reduce drug trafficking. The war on drugs included law enforcement, treatment, and educational components, but the White House Office of National Drug Control Policy ("ONDCP") loudly proclaimed that emphasis should be given to law enforcement. One sign of the law enforcement emphasis was an ONDCP insistence, year after year, that

Federal funding be split 70-30 in favor of law enforcement over other programs.⁵ Another sign was its persistent refusal to accept a "treatment on demand" approach to drug treatment even when it was known that tens of thousands of drug users in cities wanted but could not gain admission to treatment programs.

Current theories of drug addiction tend to be moralistic rather than scientific. Any satisfactory theory must attempt to account for the fact that the repeated administration of opiates sometimes is followed by addiction and sometimes is not. The factor which accounts for this differential effect appears to be the person's knowledge or belief, supplied him by his cultural milieu, concerning the nature of the distress that accompanies the sudden cessation of the opiate. If he fails to realize the connection between this distress and the opiate he escapes addiction, whereas if he attributes the discomfort to the opiate and thereafter uses the opiate to alleviate it he invariably becomes addicted. Addiction is generated in the process of using the drug consciously to alleviate withdrawal distress. No exceptions to this theory could be found. It is confirmed by analysis of certain aspects of addict argot and by the consideration of certain types of crucial cases. The theory provides a simple means of accounting for many aspects of the habit. It is methodologically significant in that it is based upon case data and is at the same time universal in form and subject to definite verification or disproof.

THE SOCIAL AND ECONOMIC IMPACT OF DRUG TRAFFICKING

Many studies have been done of the drug phenomenon but governments have focused on the dangers it posed to health or on stamping it out. In 1996 UNESCO's management of social transformation programmed (most) launched a research project to study the economic and social transformations connected to international drug trafficking. It was started and supervised by the late anthropologist Christian Jeffrey China expert Guilhem Fabre and economist Michel Schiray and carried out by a team of sociologists, ethnologists, anthropologists, and economists, with support from the UN Office for Drug Control and Crime Prevention.

The political influence of criminal networks seen locally but also at regional and national level, obviously poses the question of the gap between the law on paper and its

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enforcement. Only the small time traffickers seem to be targeted by the police who, along with the courts, seem unable to move against certain political and economic interests. This happens to such an extent that it sometimes threatens the whole legitimacy of such institutions. Situations where the rule of law is prevented, with summary executions by police under cover of arrests that supposedly go wrong, do not auger well for the future of such societies.

The report also says, "if the illegal traffic of drugs represents only a small percentage of economic activity in comparison to the formal legal economy, nevertheless the money laundering of the profits from the totality of the illegal activities controlled by the criminal networks can have an effect on financial crises.

Before it ends up on banks drug money can travel different routes through the coffee trade for example, the film industry or trade in gold or precious stones depending on the country. This link between criminal networks and national economies can no longer be ignored, either at national or international level, by authorities in charge of working out how best to fight drug trafficking. And other studies like the present one are clearly needed.

DRUG TRAFFICKING OFFENCES ACT:

Act 4 of 1990-in force March 1991 (S.R.O 1/1991) amended by Act 9 of 1991-in force 6 September 1991, amended by S.R.O 47/1996-in force 9th July 1996, amended by Act 3 of 2004-in force 1st Jan 2005 (S.R.O 73/2005)

Experts say that there is nexus between drug traffickers of India and that of other countries such as Afghanistan, Malaysia, and Burma. Hence tough laws are needed to deal with drug dealers. When the NDPS act was enacted in 1985, it did not stipulate death penalty.

Legal Provisions:

"Drug trafficking offence" means

- a) An offence under section 5 (3) or 6 (3) or 7 (3) of the drugs. (prevention of misuse) act (importation and exportation, production, supply and possession for supply of controlled drugs).
- b) An offence under the customs (control and management) act relating to improper importation or exportation of controlled drugs.
- c) An offence under section 21 of this act.
- d) An offence under section 11, 13 or 17 of the criminal justice (international co-operation act).

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- e) An offence of attempting to commit any of those offences whether under section 20 of the drugs (prevention of misuse) act or at common law, (inserted by act 3 of 2004),
- f) An offence under section 2001 the drugs (prevention of misuse) act (attempting to commit any offences)

The Narcotic Drugs And Psychotropic Substances Act 1985:

The statutory control over narcotic drugs was being exercised under the opium act 1857, the opium act 1878 and the dangerous act, 1930. The provisions of these enactments were found to be inadequate because of the passage of time and developments in the field of illicit drug traffic and drug abuse at national and international level to consolidate and to amend the existing laws relating to narcotic drugs a comprehensive legislation was considered to be necessary. Accordingly the narcotic drugs and psychotropic substances bill was introduced in the parliament.

The scheme of penalties under the present acts is not sufficiently deterrent to meet the challenges of well organized gangs of smugglers, the dangerous drugs act, 1930 provides for a maximum term of imprisonment of 3 years with or without five and 4 years imprisonment with or without five for repeat offenses further no minimum punishment is prescribed in the present laws, as a result with drug traffickers have been some times let off by the few years been increasingly facing the problem of transit traffic of drugs coming mainly from some of our neighboring countries and destined mainly to western countries

The narcotic drugs and psychotropic substances act 1985, commonly referred to as the ndps act, is an act of the parliament of India that prohibits a person to produce/manufacture cultivate, possess, sell, purchase, transport, store, and / or consume any narcotic drug or psychotropic substance, the narcotic drugs and psychotropic substances bill 1985 was introduced in the lok sabha on 23rd august 1985. It was passed by both the houses of parliament received assent from then president Giani Zail Singh on 16th September 1985, and came into force on 14th November 1985. The NDPS act has since been amended thrice in 1988, 2001 and 2014. The act extends to the whole of India and it applies also to all Indian citizens outside and to all persons on ships and aircraft registered in India.

Punishment for Possession of Illegal Drugs:

The NDPS act appeared to conceive strict punishments for drug trafficking to expand implementation powers, implement international convention that India is associated with and to direct psychotropic substances. A predominantly reformatory statute, NDPS furnishes the regulation of drugs. It expresses that capital punishment can be granted as a form of punishment under the act. The 2014 amendment held that the decision to

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grant capital punishment lies at the discretion of the court and rather stipulates 30 years of detainment as a substitute.

With a specific and goal to supplement the NDPS act, the prevention of illicit trafficking in narcotic drug and psychotropic substances act came in to existence in 1988. It contains provisions relating to the preventive detention of any and each person who is associated with or accused of drug trafficking. The worry for combating drug trafficking magnifies once the judiciary started to rely on article 47 of the Indian constitution which endorses the restriction on the utilization of drugs and directs the state to endeavor to decrease and abolish the utilization of drugs, with the exception of when it is utilized for scientific purposes.

Punishment for offences: NDPS act considers drug offenses as very grave and serious in nature and so, punishments for then is very stiff offenses under this act are cognizable and non-bailable. The quantum of sentence and five differ with the offence for most of the offences, the punishment relies up on the quantity of drug included little amount. More than little however of as much as the business amount or business amount of drugs. Commercial and small amounts are notified for each drug.

Under NDPS act, criminal conspiracy, abetment and even attempt to carry out an offence pull in the same punishment as the offense itself. Habitual or repeat offenses attract 1 and half times the punishment and capital punishment in some cases. Since the punishments under this act are rigid and inflexible, a few procedural safe guards have been given in the act. A few immunities are additionally accessible under the act.

CONCLUSIONS

1. Mumbai is considered to be the major drug trafficking center in india. Terrorism becomes even more divesting when it is combined with illicit drug trafficking, illicit drug trade forms the main funding sources of the terrorist groups.
2. In India production of illicit opium is permitted for medicinal and scientific purposes it is mainly grown the 3 states, Uttar Pradesh, Rajasthan and Madhya Pradesh, subject to governments strict licensing supervision and control. Tami Nadu, Kerala and Andhra Pradesh are centres cannabis related drugs, while in northern states like Uttar Pradesh, Bihar and Madhya Pradesh poppy (from which opium is derived) is cultivated.
3. International drug traffickers as well as large scale local drug leaders are mostly unscrupulous criminals. Aiming the huge profits from drugs, they are able to use of technology available regardless of the cost, to avoid police interference, law enforcement agencies behind the preparatory in upgrading their technology. Though there has not been alarming escalations in the supply of drugs in the country in the last decade, most of the terrorist attacks are connected with the illicit drug traffickers illegal drug business is having three sides, production, trafficking and consumption.

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