

## Presidential Address In The Inaugural Session Of The Workshop

*Justice Ashok Desai*

Way back in 1917, Gandhiji mentioned with pain that opium habits are sapping away the manhood of the Nation. By the end of last Century, Lady Nicotine delivered several babies - each one, in repercussion, has been more cruel and dreaded than the other.

The Working Paper of this workshop elaborately, but pin pointedly focused on the challenges. Rightly it is maintained, that the scourge of “drug trafficking and abuse” is one of the mighty challenges, before the civilization.

Invariably dangerous drugs are synthesised with the aid of particular chemicals, which are technically referred to as “Precursor Chemicals”. Presently, misuse and abuse of such precursors have been a global phenomenon.

International strategies to wage a war against the menace have been laid down in United Nations Conventions of 1961, 1971, and lastly in 1988. All these conventions appealed to the member nations to make endeavours and adopt such measures as practicable to prevent drug abuse. In the last one, precursor control was specifically a focal point. It emphasized on effective legal measures to be established to prevent diversion of precursor chemicals for production of illicit drugs.

India, being a party to the convention, and in order to discharge its international obligations, incorporated a scheme of precursor control in the prevailing enactment (NDPS Act, 1985). The scheme under Customs Act 1962 and the Foreign Trade (Development & Regulation) Act 1992, also participated in the legislative mission. Inter-alia, EXIM Policy under the Act of 1992 further attempts to regulate, international trade in precursor chemicals.

The long experience of this sub-continent shows that even though the law has the majesty, its operation in the field is most modest. Traffic rules have not been able to discipline the vehicular traffic in this country. The legal precepts have always been badly in need of non-legal aid.

In the global scenario, plight of India is very vulnerable. Indian pharmaceutical companies are big consumers of precursor chemicals. And then, India is sandwiched between regions potentially notorious for illicit drug manufacturing. To those drug lords, Indian soil is suitable for trafficking. Challenges before this sub-continent are thus more than formidable.

In the SAARC region, the United Nations Office on Drugs and Crime has accepted the challenge. The New Delhi Charter 1997, on Global Drugs Law has candidly recognized the vital role of UNODC. Global Drugs Law also envisaged revamping of Criminal Justicing System. Crowding of prisons with petty drug peddlers or carriers will not help. Severity as well certainty of results of the system will go a long way to effectively fight the menace.

The organizers of this workshop also aim to look beyond legislative parameters so as to identify factors, which contribute to the illegal trafficking in precursor chemicals.

Precursor Control Programme as explicit from working paper is comprehensive and multi-dimensional. In her introductory address, Ms. R. Ehmer, Regional Representative and during the inaugural address, Shri A.K. Bhandari, emphasised the eradication of all probabilities and possibilities of misuse and abuse of precursor chemicals, by resorting also to non-legal measures.

While dealing with precursor control, all concerned have to bear in mind, that we are on a slippery ground. We have to walk cautiously and cannot move fast, apparently for the reason that the precursor chemicals have dual purpose, legitimate as well as illegitimate. It is like a cashewnut, which provides tremendous calories advantageous to human body, but if fermented, it supplies an intoxicant (fenny). Acetic Anhydride, a precursor chemical is essential for legal industrial use. However, it is diverted for clandestine production of heroin.

By legislative measures, therefore, we cannot prohibit the marketing or trading of precursor chemicals. We are, thus, in a very delicate situation. While regulating the legitimate use, we have to prevent diversion of these precursor chemicals for production of dangerous drugs. And, here lies the challenge. Moreover, the crime is skilful and criminal is sophisticated, with supreme ability of planning and resources.

Earlier speakers furnished appropriate dimensions, to lead the discussions. The participants shall deliberate on various aspects and shall workout meaningful conclusions.