

**TOPIC NO. 19**  
**ROLE OF VARIOUS NATIONAL LAW ENFORCEMENT AGENCIES IN**  
**PRECURSOR CONTROL**

<b>DURATION OF SESSION:</b>	<b>1 HOUR</b>
<b>SUGGESTED METHOD:</b>	<b>LECTURE</b>
<b>TRAINING AIDS:</b>	<b>OHP, POWERPOINT PRESENTATION</b>
<b>AIM OF THE SESSION:</b>	

This session aims at providing the participants an understanding of the role that can be played by the various national law enforcement agencies in implementing the precursor control mechanism in each country.

**OBJECTIVE OF THE SESSION:**

At the end of the session, the participants would be in a much better position to detect/prevent diversion attempts of precursors and discharge their overall responsibilities under the chemicals and precursor control mechanism in the country.

**POINTS TO BE COVERED:**

- In SAARC countries, generally, more than one enactment provides for and more than one enforcement agency is tasked to exercise regulation or control over precursors.
- Imports and exports of precursors are regulated by customs officers under the customs laws in accordance with specific provision of other laws such as Export/Import Policy of the Country, Explosives Act, Drugs Act, depending upon which precursor chemical falls within the ambit of what particular law.
- There is already some movement towards having a single law to deal with all the precursors used in manufacture of narcotic drugs and psychotropic substances.
- Even if control over precursors is to be exercised under a single enactment, enforcement of the control system may still be handled by officers of several departments as per powers bestowed on them under the law.
- Whereas each country would decide as to which enforcement agencies would administer precursor control, generally speaking, the officers of the following agencies are likely to be concerned with precursor control in various countries of the SAARC region:
  - Customs and Excise Department;
  - Officers of the Narcotics Department, for instance Narcotics Control Bureau and the Narcotics Commissioner in India, Anti-Narcotic Force in Pakistan, Narcotics Bureau in Sri Lanka or Narcotics Drugs

- Control Law Enforcement Unit in Nepal;
- Police Departments;
- Border Guard Departments

### **ROLE OF CUSTOM AND EXCISE OFFICERS**

If diversion of precursor chemical is attempted during import/export/transit, role of customs becomes very important during -

- Examining the documents relating to import/export, transit of a precursor consignment; and
- Physically examining or test checking the chemicals that are proposed to be imported or exported.

If diversion is made by staying outside the system i.e. through outright smuggling, the role of customs is that of anti-smuggling.

### **PRECURSOR CONTROL THROUGH DOCUMENT EXAMINATION**

- Since, in some of the SAARC countries, export/import policy is being used to act as a tool for exercising control over import/export of precursors, this particular role of the customs assumes great significance.
- Where so provided, custom officers have to ensure that the precursors do not come into or go out of the country without the NOC from the competent authority.
- Responsibility of ensuring that the requirement has been fulfilled, where export of a particular substance to the importing country is subject to PEN, also falls on the customs.
- The examination of documents affords the customs officers a chance to identify suspicious transactions constituting an attempted diversion.
- Answers to a number of questions such as given below can enable customs officers to identify suspicious transactions.

#### *EXPORT CONSIGNMENTS*

- Was the form of payment in conformity with normal commercial practice?
- Was there any unusual request for shipping or delivery?
- Are specific requests, if any, for packaging/labelling in conformity with normal commercial practice and/or means of transport?
- Does the transaction involve a combination of controlled chemicals, which can be used illicitly to manufacture a controlled drug?
- Does the order involve an unusual mixture containing a high

- content of a precursor chemical?
- Is the means of transport (for instance by air) consistent with the value of the precursors?

### *IMPORT CONSIGNMENTS*

Answers to the following questions can help customs officers to narrow down to suspicious import consignments of precursors, which can be followed up and seized, if they are diverted and used in illicit manufacture of drugs:

- Was the form of payment in conformity with normal commercial practice?
- Was the exportation authorised by the exporting country?
- Was there any unusual request for shipping or delivery?
- Are specific requests, if any, for packaging/labelling in conformity with normal commercial practice and/or means of transport?
- Does the transaction involve a combination of controlled chemicals, which can be used illicitly to manufacture a controlled drug?
- Does the order involve an unusual mixture containing a high content of a precursor chemical?
- Is this the first time that the importer or operator has been associated with a transaction involving this particular chemical or group of chemicals?
- Was the order placed by a broker? Are other trade intermediaries involved (especially in third countries)?
- Has the ultimate consignee complied with all legal and administrative requirements of the importing country?

### *TRANSIT CONSIGNMENTS*

Answers to the following questions in respect of such transit consignments may assist customs identify any suspicious circumstances associated with a transaction in the precursors.

- Are there sound grounds for routing the consignments through this particular transit country?
- Is this the first time that the operator has been associated with a transaction involving this particular chemical or combination of chemicals?
- Have all legal and administrative requirements of the transit country been met?
- Was the exportation authorised by the exporting country?
- Was there any unusual request for shipping or delivery?
- Does the transaction involve a combination of controlled chemicals, which can be used illicitly to manufacture a controlled

drug?

- Does the order involve an unusual mixture containing a high content of a precursor chemical?

Intelligent examination of documents by customs can provide clues if the description of the chemical in the document has been kept vague to cover a diversion attempt.

### **PRECURSOR CONTROL THROUGH EXAMINATION OF GOODS**

- At times, percentage checks are prescribed. In some countries, selective examination is conducted by customs on the basis of risk profiling.
- Consignments can be subjected to thorough examination to see if precursors are not sought to be exported or imported by mentioning a general description over the containers of precursors.

### **ANTI-SMUGGLING ROLE OF CUSTOMS**

- Customs authorities posted on land borders and engaged in general preventive duties can also contribute immensely in precursor control.
- Customs officers are required to enforce special restrictions over notified precursors in bordering area if so decided by a country.

### **ROLE OF EXCISE OFFICERS**

- Where excisable, temptation to evade excise duty acts as another motivating factor to divert the chemicals. It is the job of excise officers to unravel such cases of suppression of production or surreptitious removal. In the process, diversions of these substances can also get detected.
- Officers of custom and excise departments carry out road checks to prevent smuggling or evasion of excise duty. If they have powers to seize precursors that contravene precursor control law, they can proceed against the contraband precursors if diverted precursors are noticed.

### **ROLE OF POLICE DEPARTMENT**

- Police have a much greater presence in all the SAARC countries than officers of any other agency. Where in a country the law regulating transportation etc. of precursors authorises the police officials to enforce such regulations, the presence of police on roads may help in checking suspicious movements of precursor chemicals.

### **ROLE OF NARCOTICS DEPARTMENT**

- Where the domestic law requires that import or export of precursors

- cannot take place without an NOC from the Narcotics authorities, officers from the Department have to make necessary enquiry or verification about the genuineness of the proposed transaction.
- One of the officers in the Narcotics Department is generally designated to act as competent authority for PEN. Sending of PEN is an effective instrument to prevent diversion of precursors in the course of international trade.
  - Competent Authorities have other roles also, such as:
  - Real-time interface with INCB and competent authorities of other countries;
  - Providing assistance in precursor diversion investigation to their counterparts;
  - Furnishing reports and returns to the INCB, which function too has an important bearing on precursor control;
  - Scrutiny of the periodical reports submitted by manufacturers etc. of precursors to Narcotics Department may throw up clues about surreptitious removals or diversion of precursors.
  - The Narcotics department is responsible for the following:
  - Educating the chemical industry and trade and soliciting their Co-operation;
  - Taking the lead in organising precursor training programmes;
  - Maintaining national database on precursors, which also helps them to exercise better control over precursors both within the country and during international trading.

#### **ROLE OF BORDER GUARD DEPARTMENTS**

- The role of these border forces in precursor control is akin to customs' anti-smuggling work.