

Regulation of Controlled Drug Substances in SAARC Countries:

With Unique Attention to India, Bangladesh, Bhutan and Maldives

The global illegal drug trade represents a multi-dimensional challenge that has implications in the international community. Common illegal drugs trafficked internationally include cocaine, heroin, and methamphetamine; collectively known as controlled substances. The basis for the regulation is to control the danger of addiction, abuse, physical and mental harm, trafficking by illegal means, and dangers from the actions of those who have used these substances. The South Asian region is the principal trafficking route for psychotropic drugs, as it is sandwiched between the Golden Triangle and Golden Crescent, the major global producers of psychotropic drugs. This review article gives a preview of the contemporary state of the regulations pertaining to controlled drugs/substances in South Asian Association of Regional Corporation (SAARC) countries with unique attention to Bangladesh, Bhutan, Maldives and India.

Key Words: Controlled substances, Narcotic Control Act, NDPSSAA

Introduction

The south Asian region is the principal trafficking route for psychotropic drugs, as it is sandwiched between the Golden Triangle and Golden Crescent, the major global producers of psychotropic drugs. Locally-produced drugs like cannabis and opium are the major drugs of abuse in the countries of the region. The strong nexus between the terrorist organisations, drug traffickers and money launderers in South Asia has entrenched this menace. Most of the nations in the region are party to one or other of the UN conventions on drug trafficking, but their provisions are not incorporated into the domestic legal framework. Consequently, the legal provisions applicable in these countries are not sufficient to deal with the complexities of this trade.¹ The South Asian Regional Convention on Narcotic Drugs and Psychotropic Substances was signed on November

23, 1990 and entered into force on November 15, 1993.² Moreover, there are separate acts and regulatory authorities available in each of the representing countries for the control of misuse of controlled substances.

INDIA

Regulation of Controlled Drug Substances in India

Country Profile

- Capital – New Delhi^{3,4}
- Currency – Indian rupee⁵ (INR)
- Official language – Hindi
- Drug regulatory authority – Central Drug Standard Control Organization
- Narcotics regulatory authority – Narcotics Control Bureau

India is the only country authorised by the United Nations Single Convention on Narcotic Drugs (1961) to produce gum opium. Eleven (11) other countries, i.e. Australia, Austria, France, China, Hungary, the Netherlands, Poland, Slovenia, Spain, Turkey and the Czech Republic, cultivate the opium poppy, but they do not extract gum. The regulation of narcotic drugs and psychotropic substances is governed by the NDPS Act.

Regulatory Bodies for Narcotics in India:

- The Narcotics Control Bureau (NCB) is India's primary national drug control agency, established to prevent and combat the abuse of narcotic drugs and psychotropic substances.
- The Directorate of Revenue Intelligence (DRI) and the Indian Customs Service are also authorised to pursue narcotics investigations.
- The Central Bureau of Narcotics (CBN) is India's supervising agency over the licit cultivation of opium poppy in India. CBN is responsible for abuse prevention and enforcement functions, including investigations of violations of the NDPS Act, the issuance of licenses for the manufacture of synthetic

narcotic drugs, and export/import authorisations for narcotic drugs and psychotropic substances.

The most significant drug-related challenges facing India are the rise in methamphetamine manufacturing and trafficking, the diversion of licit controlled substances, the smuggling of pharmaceutical preparations containing narcotic drugs and psychotropic substances from India to neighbouring countries, and constraints on enforcement capacity and interagency coordination.

Narcotic Drugs Controlled under Indian NDPS Act⁶

"Narcotic Drug" means coca leaf, cannabis (hemp), opium poppy straw and including all manufactured drugs;

"Manufactured Drugs" means

(a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate (b) any other narcotic substance or preparation which the Central Government may, having regard to the available information as to its nature, or to a decision, if any, under any International Convention, by notification in the Official Gazette declare to be manufactured drug; Govt. of India's Notification S.O. 826(E) dated 14/11/1985 and S.O. 40(E) dated 29/01/1993 & S.O. 1431(E) dated 21/06/2011 wherein the Central Government has declared certain narcotic drugs and preparations to be manufactured drugs. According to these notifications preparations, admixtures, extracts or other substances containing any of these drugs also come under the definition of manufactured narcotic drugs.

"Psychotropic Substances" means any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or materials included in the List of Psychotropic Substances specified in the Schedule to the NDPS Act, 1985. "Poppy Straw" means all parts (except the seeds of the Opium poppy after

harvesting whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom;

"**Controlled Substance**" means any substance which the Central Government may, having regard to the available information as to its possible use in the production or manufacture of narcotic drugs or psychotropic substance or to the provisions of any International Convention, by notification in the official gazette, declare to be a controlled substance.

Import and Export of Narcotic Drugs and Psychotropic Substances:

The Government of India has recently amended the NDPS Rules 1985 vide Gazette Notification No. GSR 224(E) dated 25th March, 2015, that may be called the Narcotic Drugs and Psychotropic Substances (Second Amendment) Rules, 2015, which has become effective from the date of publication in the official Gazette, i.e. 26th March 2015. After these amendments, the provisions relating to the import and export of narcotic drugs and psychotropic substances are as follows:

- Narcotic drugs or psychotropic substances [defined under section 2 (xiv) and section 2(xxiii) of the NDPS Act, 1985] can be imported into / exported out of India subject to Rule 53 of NDPS Rules 1985, provided that import into India or export out of India of narcotic drugs and psychotropic substances specified in Schedule I of these rules shall be for the purpose mentioned in Chapter VIIA.
- The import of (i) opium, concentrate of poppy straw, and (ii) morphine, codeine, thebaine, and their salts is prohibited, save by the Government Opium Factory.
- The import of morphine, codeine, thebaine and their salts by manufacturers notified by the government for manufacture of products to be exported or the import of small quantities of morphine, codeine and thebaine and their salts, not exceeding a total of 1 kg in a calendar year for analytical purposes, is permitted after following the procedure under rule 55 and subject to the

conditions as may be specified by the Narcotics Commissioner.

- Rule 55(3) and rule 58(3) of the NDPS rules, 1985 specifies that every application for an import certificate / export authorisation shall be in such a form and manner as prescribed by the Narcotics Commissioner. A fee of 1000 Rupees shall be paid (in the form of a demand draft drawn in favour of Drawing & Disbursing Officer, Central Bureau of Narcotics payable at Gwalior) to the Central Government along with the application for issue of each import certificate / export authorisation.

For import and export of the narcotic drugs and psychotropic substances, the following procedure is hereby prescribed:

1. Applicant for issuance of import certificate should be as per "IMP-1" along with the background information specified as "IMP-2".
2. For export the applicant will apply in the application form specified as "EXP-1" along with the background information specified as "EXP-2".
3. Correspondence which relates to matters concerned with "Narcotics Drugs and Psychotropic Substances" may be addressed to the Narcotics Commissioner in an envelope super-scribed "FOR NARCOTIC DRUGS".⁷

Manufacture of Psychotropic Substances:

1. No person shall manufacture any of the psychotropic substances defined under section 2(xxiii) of the NDPS Act, 1985, except in accordance with the conditions of a licence granted under the Drugs and Cosmetics rules, 1945 framed under the Drugs and Cosmetics Act, 1940 (23 of 1940) by an authority in charge of drugs control in a state appointed by the State Government.
2. Besides, every manufacturer of psychotropic substances is also required to register with the Narcotics Commissioner in terms of Rule 65 of the NDPS Rules.

Export / Import

Any narcotic drugs or psychotropic substances can be imported into / exported out of India subject to Rule 53 and Rule 53-A of the NDPS Rules, 1985.

The import of (I) opium, concentrate of poppy straw, and (II) morphine, codeine, thebaine, and their salts is prohibited save by the Government Opium Factory under the provision of Rule 54 of the NDPS Rules, 1985.

The import into and export out of India of any narcotic drugs or psychotropic substances specified in Schedule I is prohibited under the provision of Rule 53 of the NDPS Rules, 1985.

The export of any narcotic drugs or psychotropic substances or preparations containing any of such narcotic drugs or psychotropic substances specified in Schedule II shall be prohibited to the countries or to the region of such country specified therein, under the provision of Rule 53-A of the NDPS Rules, 1985. The manufacture of psychotropic substances specified in Schedule III can be allowed for export purpose only, under the provision of Rule 65(1) of the NDPS Rules, 1985. The import of psychotropic substances specified in Schedule III may be allowed for test / analysis purpose as well as for re-export purpose.

Procedure Followed for Processing of Applications / Requests from Companies for Above Functions

(I) Manufacturing Licence / Renewal of Manufacturing Licence

Any company / applicant desirous of manufacturing any synthetic narcotic drugs shall apply to the Narcotics Commissioner in a prescribed manner along with the necessary documents.

The manufacture of narcotic drugs is governed by an estimate system. While allowing the manufacturing licence, it is ensured that the total quantity of drug allowed to be manufactured during any year does not exceed the annual estimated requirements of India as furnished and subsequently published by to the International Narcotics Control Board, Vienna, Austria.

As regards the renewal of manufacturing licences, the manufacturers are required to apply to the Narcotics Commissioner at least 30 days before the expiry of

their licence along with the relevant documents.

On the basis of the demands made by the manufacturers and being mindful of their performance, i.e. internal consumption and export of the drug, the manufacturing licences are renewed for the suitable quantities within the estimates of that drug for the year.

(II) Export Authorisations for Export of Narcotic Drugs and Psychotropic Substances

Any company / applicant desirous of obtaining export authorisation shall apply to the Narcotics Commissioner in a prescribed manner along with the necessary documents.

The export of narcotic drugs and psychotropic substances is governed by an estimate system. While allowing export authorisation, it is ensured that the annual estimated requirement in respect of particular narcotic drugs and psychotropic substances (as published by INCB, Vienna, Austria) does not exceed the estimated requirement in respect of the importing country. Such export authorisations are allowed by the Central Bureau of Narcotics subject to the following conditions:

- a. Any kind of amendment as well as extension in validity of export authorisation would not be allowed.
- b. The shipment should be made in one consignment within the validity of the export authorisation.
- c. The exporter is required to submit export details immediately after effecting export.

(III) Import Certificate for Import of Narcotic Drugs and Psychotropic Substances

Any company / applicant desirous of obtaining an import certificate shall apply in a prescribed manner submitting the necessary documents. The import of narcotic drugs and psychotropic substances is governed by an estimate system. While allowing an import certificate, it is ensured that the estimated requirement of a particular narcotic drug and psychotropic substance (as reported to the INCB and subsequently published by INCB)

does not exceed the requirement in respect of India. Such import certificates are granted subject to condition that the importer will submit the import details immediately after effecting import, and any kind of amendment or extension in validity of export authorisation would not be allowed.

MALDIVES

Controlled Drug Substance Regulations in Maldives

Country Profile

- Capital - Male
- Currency - Maldivian rufiyaa (MRF)
- Official language - Dhivehi
- Drug regulatory authority - Maldives Food and Drug Authority
- Narcotic Drugs Regulatory Authority - Maldives Narcotics Control Board

The Republic of Maldives is a nation of islands, situated about 400 miles south west of Sri Lanka in the Indian Ocean. It consists of 1190 coral islands spread well over 90,000 square miles. The islands are grouped into 26 natural atolls that together form a chain 820 km in length and 130 km at its widest point. Administratively, the islands are grouped into 20 atolls. The Maldives is very well connected with the outside world through its international airport and sea ports. It is potentially vulnerable as a point for the illegal shipment of precursor chemicals or large quantities of drugs destined for other countries.⁸

Drug Situation in Maldives:

In the Maldives, drug trafficking and drug abuse appear to be by-products of the country's recent increased exposure to the outside world. Drug abuse was reportedly not a problem before the mid-1970s. The appearance of drug abuse in its present form seems to have coincided with the development of tourism in early 1970s. This period also witnessed increased overseas travel by Maldivians. With the introduction of heroin, drug abuse among the young age group escalated dramatically.

Despite stringent drug laws, intensive efforts to prevent drug entry by several agencies there has been growing concern about the problem of drug abuse. In order to

prepare a National Master Plan for Drug Abuse Control in the country, the government approached UNODC to support a detailed assessment of the drug scenario in the country. A preparatory mission visited Maldives in 1999 with financial support provided by UNODC to prepare guidelines for a Rapid Situation Assessment Survey.⁹

Preventive Measures - Law on Drugs:

A number of measures have already been taken to control the situation. The demand reduction aspect is under the narcotics control board (NCB). In terms of primary prevention, the government has taken the initiative to amend the law and to deal with the few cases of drug abuse detected in the principal Legislative Act of the Maldives, many awareness programmes have been instituted. The Law on Drugs, which was enacted in the 1970s, dealing with narcotic drugs and psychotropic substances is Law No. 17/77. The law on drugs then was thus very simple and reflective of the prevailing situation at that time. However, due to many changes that have taken place in the country since the adoption of the first Law, the government revised the Law to effectively deal with the drug menace and to take measures to combat drug trafficking and to prevent the abuse of drugs in the changed circumstances. Consequently, the government in 1995 introduced substantial amendments to Law No. 17/77 by providing for severe penalties for the manufacture, importation and sale of narcotic drugs in the Maldives. The Law at present prescribes life imprisonment for such offences. Further, for the first time, provisions were made for treatment and rehabilitation of drug users.

The amendment of 1995 provides a comprehensive mechanism for the treatment and rehabilitation of drug users and a system of parole for first-time users. The amended law also has two tables, one containing a list of prohibited drugs and the other containing a list of controlled substances. The Government of the Republic of Maldives is determined to bring about a reduction in the demand for and the supply of illicit drugs.¹⁰ This determination was reinforced

with the establishment on the 16th November 1997 of the Narcotics Control Board, which is responsible for coordinating demand reduction efforts, management of rehabilitation programmes, and maintaining communication with national and international drug control and law enforcement agencies.

Awareness Programmes:

- A number of continuing drug awareness programmes which are aimed at various sectors within the community are being conducted or organised by the Narcotics Control Board.
- An awareness programme for all the parents of school children of Grade 7 in schools in Malé is conducted annually. The Atoll Awareness Programme aims to cover the entire Maldives within the next three years, with programmes conducted in every inhabited island in the country. These awareness programmes target atoll and island chiefs, healthcare workers, teachers and island committee chairpersons. Seven atolls have so far been covered under this programme.
- A prevention programme is being planned to run for all Atoll chiefs and island chiefs in Malé, outlining a comprehensive plan of action. The development of youth counsellors for the atolls is also a major concern. Television and radio advertisements about the dangers of drugs are routinely shown and information is available to the public.
- It had started the medical detoxification services at its rehabilitation centre at Himmafushi Island. In the area of tertiary prevention, we are rehabilitating the affected individuals. There is a plan to upgrade the facilities at its halfway house.
- Recently the government has formed a national task force in the area of substance use to coordinate and plan various activities.

Narcotic Drug Control Framework Convention Adherence

The Government of the Republic of Maldives has ratified all three UN conventions related to narcotic drugs; namely, the Single Convention on Narcotics Drugs, 1961 (as amended

by the 1972 Protocol), the United Nations Convention on Psychotropic Substances, 1971 and the United Nations Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, 1988.

Legislation:

Official recognition of the drug problem came in 1977 when a person was arrested with 350 grams of hashish. As a result, the first principal legislative act of the Maldives dealing with narcotic drugs and psychotropic substances (Law No 17/77 - The Law on Drugs) was passed the same year in order to help the legal system deal with it, and to act as a deterrent. Since the adoption of the Law on Narcotics Drugs, the many social and economic changes brought in the country have resulted in an increase in the magnitude and nature of the problem. Hence, the government in 1995 introduced substantial amendments to Law No. 17/77.

Institutions:

The National Narcotics Control Bureau (NNCB) was established

through a Presidential Decree on the 16th November 1997, which strengthened the efforts aimed at addressing the issues of drug control. The National Narcotics Control Board is primarily responsible for the co-ordination of demand reduction and awareness building programmes, maintaining communication with international drug control agencies and management of rehabilitation programmes. Further amendments to the law in 1995 brought the management of the Drug Rehabilitation Centre (DRC), previously under the Ministry of Health, directly under the NNCB.¹¹

The primary functions of the NNCB are drug demand reduction, awareness building, management of rehabilitation programmes and maintaining communication with international drug control agencies.

The Drug Control Bureau of the Police Headquarters and Maldives Customs Service together are



responsible for illicit drug seizures in the country.

The Ministry of Health plays an important role in demand reduction issues. The main policy-making body for the AIDS control programme is the National AIDS Council, a multi-sectoral body of government institutions and NGOs.

National Policy: The government has stated its determination to bring about a reduction in the demand for and supply of illicit drugs. This was reinforced with the establishment on 16th November 1997 of the NNCB, which is responsible for coordinating demand reduction efforts, management of rehabilitation programmes, and maintaining communication with national and international drug control and law enforcement agencies.

International Cooperation: Many workshops and training programmes have been carried out recently with the cooperation of various international agencies to increase awareness among government officials. Customs officials and operational staff from regional airports / seaports met in May 1999 to exchange information on trends of drug smuggling within the region. In September 2000, the Government of Maldives and UNDP (Maldives) signed a three-year project funded by the Government of Italy to strengthen the drug control programmes in the Maldives. The broad development objective is to protect the youth from drug abuse through drug prevention measures and to provide them skills for productive employment.

The Government of the Maldives contributes fully to international initiatives in drug control regarding both control of supply and drug demand reduction. The government is a signatory to the 1990 SAARC Convention on Narcotic Drugs and Psychotropic Substances.

BANGLADESH

Regulation of Controlled Drugs in Bangladesh

- Country Profile
- Capital - Dhaka
- Currency - Bangladeshi taka (BDT)
- Official language - Bengali

- Drug regulatory authority - Directorate general of drug administration
- Narcotics Control Board - Department of Narcotic Control, Bangladesh

There were only some colonial laws (the Opium Act 1878, the Excise Act 1909, the Dangerous Drugs Act 1930, the Opium Smoking Act 1932 and the Prohibition Rules 1950) inherited from the British and Pakistani period. These laws were intended and designed for earning government revenues through excise-levying activities.

The government of the People's Republic of Bangladesh enacted the Narcotic Control Act in 1990, repealing all the colonial laws with a view to dealing with drug problems true to the aspiration of the country's society.

The Narcotics Control Act 1990:

The Narcotics Control Act 1990¹² was passed in 1990 by repealing all previous laws for control of narcotics, treatment and rehabilitation of drug addicts. The government has enacted the Narcotics Control Act, 1990 as amended in 2000, 2002 and 2004, in order to update the law.

Features of Narcotics Control Act 1990:

The Narcotics Control Act 1990 (as amended in 2000, 2002 and 2004) has the following salient features, reflecting the growing needs for effective action against drug smuggling on the one hand, and corroborating on the other the international efforts to contain this problem.

1. The Narcotics Control Act 1990 came into force on 2nd January, 1990.
2. Interception of illicit drug trafficking through law enforcement, control of narcotic drugs and psychotropic substances used in medical, industrial and scientific purposes coupled with treatment and rehabilitation of the drug addicts underlie the propriety of this law.
3. It provides legal coverage for establishment of the Department of Narcotics Control (DNC) as the nodal agency of the government to fulfill the objectives of the law in question. It also provides the

legal basis for the formation of the National Narcotics Control Board (NNCB) as the highest policy-making body of the government for formulating necessary policies and strategies to combat the drug problem in the country.

4. The Narcotics Control Act 1990 empowers not only the Department of Narcotics Control but also the other agencies of the government, like the police, the BDR (the border security force), the customs and the coastguard for drug enforcement activities.
5. Further, the law provides for mutual cooperation among the different law enforcement agencies as and when required, for conduct of search, seizure and arrests.
6. The law introduces an effective licensing system for controlling import, export, manufacturing, processing, distribution, sale, transport, possession and use of licit narcotic drugs, psychotropic substances and precursor chemicals. The Narcotics Control Rules 1999 is the legal instrument for carrying out the licensing provisions enshrined in the law. This law prescribes deterrent punishment for various categories of drug offences, as well as for breach of the conditions of the licenses issued under the law.
7. The law prescribes the highest penalty of death sentence for the offenders accused of possessing either heroin, cocaine or cocaine derivatives exceeding the quantity of 25 grams. Similarly, the illegal possession of pethidine or morphine or possession of tetrahydro-cannabinol exceeding the quantity of 10 grams renders the offender or offenders concerned liable to death sentence or life-long imprisonment. The death sentence has also been prescribed for certain other drug offences of a serious nature (Section 19 of the law).
8. The law takes the wisdom of the three major UN Conventions and the SAARC Convention on narcotic drugs and psychotropic substances, particularly in regard to forfeiture of sale proceeds from illegal drug business, freezing of bank accounts and property, sending of juvenile offenders to the correction centre in lieu of imprisonment, inclusion of

the controlled delivery technique, compulsory maintenance of accounts of licit drugs by the license holders, incorporation of the 22 precursor chemicals, and so on.

9. The law provides the legal basis for the Chemical Laboratory of the Department of Narcotics Control and its proper functioning in respect of forensic analysis of all seized drugs and suspicious substances. This lab, established in Dhaka, caters to the needs of all the agencies charged with the responsibilities of drug enforcement and thereby it plays an important role in quick disposal of drug cases under trial.
10. The amendment of 2000 to the law brings about the government's first foray into the control of precursor chemicals from a drug control point of view.
11. An amendment of 2002 has introduced the minimum time limit of 15 days for completion of investigation of drug cases filed under this law.
12. Another amendment in 2004 redefines alcohol by reducing the lowest limit of alcoholic strength from 5% to only 0.5%. Any liquid preparation containing more than 0.5% alcohol shall fall within the purview of the law. This amendment is intended to safeguard our young generations from the clutches of the so-called energy (alcoholic) drinks and their bad impacts.
13. The law has 61 Sections in all. It has two Schedules, of which the first lists the narcotic drugs and psychotropic substances, including the 22 precursor chemicals. The second schedule on the other hand lays down the rates of excise duties to be imposed on domestically produced liquor and alcoholic spirit.

Relevant Provisions of the Narcotics Control Act (NCA) 1990

Section 9: Restriction on import, export, sale, purchase, manufacture, processing, transport, possession, use or any other kinds of operations except for medicinal, scientific, or legitimate industrial purposes under licence, permit or pass.

Section 11: Provision of issuing licence / permit / pass

Section 12: Restriction on issuing

licence to persons with criminal records.

Section 19: Penal provision of imprisonment for two to 15 years for precursor-related offences.

Section 20: Imprisonment for two to 15 years and fine for keeping utensils and apparatus of precursors.

Section 21: Imprisonment for five years and fine for knowingly letting out places, transport, establishment or apparatus for the commission of an offence.

Section 22: Imprisonment for two to 10 years for illegal handling of precursor chemicals without licence, permit or pass.

Section 23: Imprisonment for five years and fine for breach of the condition of a licence, permit or pass for a precursor chemical.

Section 25: Imprisonment for up to 15 years for abatement or conspiracy.

Sections 27 & 28: Cancellation and suspension of licence / permits of drugs and precursor chemicals.

Section 32: Inspection of licence for drugs and precursors.

Section 33: Seizure and confiscation of illicit drugs and precursors.

Section 46: Financial investigation and freezing of assets.

Section 50: Specialised Chemical Examination Laboratory for quick examination of drugs and precursors.

National Narcotics Control Board (NNCB):¹³

The Narcotics Control Act 1990 was passed in 1990 by repealing all previous laws for control of narcotics, and treatment and rehabilitation of drug addicts. For achieving the objectives of this law, a high-powered committee styled 'National Narcotics Control Board' was formed in the same year. The committee is headed by the Home Minister with the Director General of the Department of Narcotics Control acting as the Member-Secretary.

Functions and Responsibilities of the Board:

1. To frame policies for prevention of possible injurious effects of narcotics and to take measures for their implementation.
2. To undertake any research or survey for the collection of data and information relating to various aspects of narcotics.

3. To frame policies related to manufacture, supply, use, and control of narcotics.

4. To frame policies relating to treatment and rehabilitation of narcotics addicts and to take measures for their implementation.

5. To undertake educational and publicity measures for creating necessary public awareness about the evil effects of narcotics.

6. To maintain liaison with all the concerned ministries and agencies relating to anti-narcotics matters and to coordinate all such activities.

7. To take any measure necessary for the performance of the aforesaid functions and responsibilities.

Meeting:¹⁴

- a. Subject to the other provisions of this section, the Board shall determine the procedure of its meetings.
- b. All meetings of the Board shall be held at the place and time as determined by the Chairman.
- c. The Chairman shall preside over all meetings of the Board and in his absence any other member of the Board nominated by him shall preside.
- d. The quorum of a meeting of the Board shall be constituted by one-fourth of the total members.
- e. No action or proceeding of the Board shall be illegal on the ground that any defect or vacancy exists in the constitution of the Board nor shall such an action or proceeding be questioned only on that ground.

BHUTAN

Controlled Drug Substances Regulation in Bhutan

Country Profile

- Capital – Thimphu
- Currency – Bhutanese ngultrum (BTN)
- Official language – Dzongkha
- Drug regulatory authority – Drug Regulatory of Bhutan (DRAB)
- Narcotics Regulatory Authority – Bhutan Narcotics Control Board, Bhutan Narcotics Control Agency

The Bhutan Narcotic Control Agency (BNCA)¹⁵ was established in 2006 following the enactment of the Narcotic Drugs Psychotropic Substances and Substance Abuse Act in 2005. It functions as the secretariat to the Narcotic Control

Board and is the nodal agency of the government for all matters related to narcotics drugs, psychotropic substances and substance abuse.

The Key Objectives of BNCA are:

1. To carry out advocacy and public awareness programmes on the ill effects of drugs and alcohol abuse.
2. To carry out awareness and advocacy programmes on the ill effects of drugs and alcohol abuse and provide services to drug users through drop-in centres (DICs).
3. To rehabilitate drug- and alcohol-dependent persons by providing detoxification, treatment, counselling, and community support programme and after care services.
4. To develop IEC materials to carry out mass campaigns amongst all sections of the youth on the ill effects of drugs and alcohol abuse.
5. To curb the rising drug trafficking.
6. To enhance capacity development within the agency and amongst all stakeholders in drug and tobacco law enforcement, prevention, and treatment and rehabilitation services.
7. Enhance the coverage of tobacco and drug control, prevention, treatment and rehabilitation services in the country.
8. Strengthen coordination and communication processes with relevant agencies and enhance/establish cooperation in regional and international organisations for technical and financial assistance on research, surveillance and exchange of information.

The above-mentioned objectives are implemented through the three divisions namely the Demand Reduction Division, the Supply Reduction Division and Tobacco Control Programme. The Demand Reduction Division is responsible for prevention, early detection, treatment, rehabilitation and after-care services of drug dependent persons and drug users.

Acts, Rules and Regulations:

1. Narcotic Drugs, Psychotropic Substances and Substance Abuse Act 2005 (NDPSSAA)¹⁶

It consists of the following chapters:

Chapter 1 Preliminary-The Title, Commencement and Scope of the Act

Chapter 2 Classification of Drugs, Precursors and Controlled Substances

Chapter 3 Control of Licit Activities

Chapter 4 Special Provisions

Chapter 5 Educational Measures

Chapter 6 Treatment & Rehabilitation

Chapter 7 Narcotics Control Board

Chapter 8 Bhutan Narcotics Control Agency

Chapter 9 Enforcement Measures

Chapter 10 Special Investigating Techniques

Chapter 11 Drug Related Money Laundering and Regulated Measures

Chapter 12 Regulatory and Criminal Offences

Chapter 13 International Cooperation

Chapter 14 Amendments, Authoritative Text and Definitions

National Drug Control and Framework: Convention Adherence

Bhutan is a party to the United Nations Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, 1988. It became party

to the 1961 and 1971 Conventions on 24 and 18 August 2005, respectively.

Licit Control

The Health Ministry authorises the issues of the import licences by Ministry of Trade and Industry for controlling the import of precursor chemicals. The Health Ministry authorises the issuance of import licences and authorisations for licit drugs and, to some extent, precursors. Bhutan has no pharmaceutical industry; most of the precursor chemicals are imported from India. At present, Bhutanese authorities tend to rely on Indian authorities to control imports of precursor chemicals from India, however this will change under the proposed new Bhutan legislation.

International Cooperation

Bhutan is an active participant in regional initiatives to address the drug issue. The government is a signatory to the 1990 SAARC Convention on Narcotic Drugs and Psychotropic Substances. Bilateral and multilateral conventions are self-executing under Bhutan's law, but need domestic

Country	Drugs Involved	Major Acts Involved	Narcotic Regulatory Authority	Status
Bangladesh	Cannabis, heroin, opium, marijuana, codeine-based cough syrups like Phensedyl	Narcotic Control Act, 1990	Department of Narcotics Control (DNC); National Narcotics Control Board (NNCB)	Producer and Transit country
Bhutan	Cannabis, heroin	Narcotic Drugs, Psychotropic Substances and Substance Abuse Act 2005 (NDPSSAA)	Customs Department, Ministry of Home Affairs	Transit country made use of mostly by insurgents in northeast India
India	Opium, heroin, cannabis	Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS)	Customs and Excise Department, Department of Revenue, Narcotics Control Board (NCB), Central Bureau of Narcotics (CBN)	Producer and transit country
Maldives	Cannabis, heroin	Law No.17/77, 1977	Narcotics Control Board (NCB), Drug Control Board (DCB) of Police Headquarters	Transit country



implementing legislation to be fully effective.

The following table gives the summary of the drugs, acts and regulatory authority and trade status in each country.

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