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# Use of Apps and Social Media Platforms in the Digital Era for Illicit Drug Trafficking and The Challenges faced by the Empowered Agencies/Officers

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## ABSTRACT

*The proliferation of drugs using the Darknet has become extremely common these days. The use of Darknet for placing for orders and use of cryptocurrencies is here to stay. The empowered departments/agencies/officers are required to upgrade their skill and train the personnel for a result oriented performance in unravelling the mystery of the Darknet transactions.*

**Keywords:** APPs, social media, digital evidences, illicit drug trafficking.

## I. INTRODUCTION

The proliferation of drugs, particularly heroin, cocaine, methamphetamine, LSD, MDMA, etc. in our country these days has become extremely common. The routes adopted have changed drastically. Gone are the days, when India used to be seen as a transit country. With the rise of seizures at International Airports, Sea Ports, International Courier Terminals, Foreign Post Offices, and of course in non-customs areas, we can safely say that we have graduated and left our past behind from being a transit country to a country consumer. This has happened on account of the growth of population and affluence, particularly of the ever-expanding middle class. It is with this in view, that we see that the traditional methods of illicit drug trafficking, have been sidelined and newer and complex methods of illicit drug trafficking methods have been put into use. We see a drastic rise in the use of Information and Communication Technology in the proliferation of drugs. With the use of these technologies, it may be noted that the youth of the country has become a dominant force to reckon with. The youth is now more at ease and comfortable in the use of modern technologies. Targeting the tech-savvy youth, different approaches have been used by the ICT revolution to push drugs, including designer drugs, into the market. However, it must be acknowledged that there is a negative

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aspect to the improper and abusive use of the same technology, by the youth, to introduce drugs into the market.

What is concerning is how technology is being abused and misused. The misuse and abuse of technology are what is creating concern, especially for the departments that are empowered to implement the Narcotic Drugs and Psychotropic Substances Act, of 1985 (NDPS Act, 1985). The empowered departments tasked with executing the NDPS Act, of 1985 are facing significant issues and challenges due to the increasing use of numerous applications and social media platforms. This is a cause for great worry.

## **II. TECHNOLOGY AND DRUG MARKETS IN THE DIGITAL ERA**

Technology has certainly become omnipresent in our society. Among various organized crimes, drug trafficking can be singled out as the most infamous and has, of late, globally garnered the most attention. The prevalence of technology plays a crucial role in enabling drug markets to thrive. Darknet markets, social media platforms, instant messaging APPs, and communication and encryption technologies are utilized to facilitate and penetrate the sale of drugs, particularly hard drugs. These advancements in the field of technology have made the process of placing orders safer, more convenient, and easily accessible. Transactions can now be conducted using the latest smartphones, using cryptocurrencies, especially bitcoins, as the preferred medium of exchange, making it increasingly challenging for law enforcement to trace the drug deals. The anonymity afforded by these technologies has effectively resulted in a surge in illicit drug trafficking and has started putting hurdles for law enforcement agencies worldwide.

### **(A) Process of Illicit Drug Trade on Social Media**

The use of the Darknet or Deep Web is here to stay. We require a special browser to access the sites that operate in the Darknet or Deep Web and the reason for their popularity is the anonymity they offer. Anonymity is key to success in the intelligence field. The secret of the success of Darknet or Deep Web operations is that they exist on account of their popularity and the anonymity they offer. The features in this world are that the buyer and seller remain unknown to each other and the transactions are settled through cryptocurrencies, particularly Bitcoins. Despite, the Federal Bureau of Investigation, and other leading agencies across the globe shutting down the markets, new markets spring up immediately and the trade goes on unhindered. There is open advertisement by the dealers of the drugs on social media platforms, where the buyer and seller meet to finalize the deal.

### **(B) Survival of the Market on the Darknet**

The uniqueness of the markets on the Darknet is that they prosper and survive based on the "review." Much attention is paid to customer satisfaction and the matter of ultimate delivery in a safe and secure environment. Bad reviews earn a bad name and hence the markets in the Darknet world cannot survive. Hence, what is advertised is what is sold and there cannot be a difference between the two. Should the seller indulge in any activity unbecoming of him as a seller in the Darknet, he is sure to lose his clientele and ultimately, he would be out of business. The clientele spreads by word of mouth and that being the source of strength, the seller ensures and guarantees proper redressal of the grievances.

### **(C) Online Games and Trading in Drugs**

The trend has shifted to online games too. In online games, users can connect with almost anyone who can talk to strangers. Conversation can be carried out with symbols, avoiding any suspect words that could trigger attention. Online games such as "Grand Theft Auto" or "World of Warcraft" provide the perfect cover to discreetly sell drugs or find personnel.

## **III. (DIS)ADVANTAGES OF MODERN INFORMATION TECHNOLOGY**

Certain APPs e.g. Telegram, and Signal, to cite a few can be signalled out for their usage. These Apps ensure that third parties are unable to access the data as it transfers from one device to another. These APPs provide an efficient route to illicit drug markets by connecting drug users. Wickr, another popular APP, allows users to set messages to "auto-destruct" between 6 seconds to 6 days. Messages are purged with no traces left behind. APPs use end-to-end encryption on all messages and files, including pictures and videos. Contactless method of drug sales is a stark reality. Use of messengers with data encryption functionality, such as Telegram, Signal, and Wickr, Snapchat, Instagram, Facebook, the mushrooming of online pharmacies and crypto markets development of modern information technology has had a substantial positive effect on the illicit drug trade and has significantly contributed to the boosting of sale and implicitly contributing to their illegal/illicit production and their distribution. Accessed using smartphone-enabled social media and messaging applications younger generation is very comfortable with social media. Electronic services and money transfer systems are key added features for their survival. The APPs advertise the availability of illicit drugs and preview the same. As the Darknet can be accessed through smartphone-enabled social media and messaging applications, they are a quick, reliable, and safe medium for dealings.

The possibility of the risk of encountering enforcement agencies in public spaces is eliminated to the maximum extent. Be that as it may, having placed the order, the delivery must take the

physical form, and the widely used mode for transmitting the same is the Foreign Postal Office and the International Courier Terminal routes.

Encrypted secret communications between known sellers and buyers are put into use. In addition, digital images or icons are also employed to convey the exact requirement.

The APPs-mediated drug trade plays a significant role in the growth of the buyer and the seller. Once a drug buyer gets connected to a seller, he can see digital images and information about the quality and price of the drugs thereby completely avoiding the risk of drugs being tracked or intercepted through the postal system. With sophistication being the hallmark of sale, we find drugs being hidden in publicly accessible places, such as parks, before the location is sent to the customer once the purchase has been made. Such a sale to the buyers is called "dead drops". This type of sales effectively minimizes the reach of the empowered officer to reach the main person pushing drugs in the market for a variety of reasons. The use of cryptocurrencies in drug transactions, while making it easy and safe, is also used to launder the sale proceeds.

#### **IV. CHALLENGES FACED BY INVESTIGATORS**

**Effect of Globalisation:** Transactions are carried out across borders. Hence, we will have to deal with cross-border transactions and jurisdictional issues. In a scenario, where the buyers are caught and simultaneously the seller is traced out, the empowered officer/department would not be able to reach the seller's destination quickly. Furthermore, the exchange of information between different enforcement agencies would have a different impact as they would have their priorities. The use of Bilateral Agreements/MOUs is a step forward in this direction. Having said that, there could be a possibility of the empowered department not having such agreements/MOUs with all the countries, particularly from where the drugs are sourced. The cooperation and response would depend upon various factors, including political factors, at a given point in time

**Industry tie-up:** To stay afloat, the empowered departments must tie up with industry leaders and there should be frequent sharing of information and technology. In the absence of the same, the empowered department cannot do a quality investigation

**Jurisdiction:** Darknet allows for placing orders that cross the boundaries of local, state, and national jurisdictions. The multi-jurisdictional structure of illicit Darknet markets presents huge investigatory challenges, even before the case reaches the Courts.

**Rate of change:** The rate of change concerning tactics and techniques for successful evidence collection is constantly changing and evolving. Cases spanning jurisdictions outside the

territorial jurisdiction of India will face issues associated with the agency collaboration, and different enforcement priorities. Such challenges multiply when the same happens in multiple countries, with whom we do not have any bilateral understanding/MoU, etc.

**Reliance on MLAT:** Law enforcement agencies worldwide rely on Mutual Legal Assistance Treaties (MLATs) or bilateral agreements to share information related to criminal investigations in other jurisdictions. There might not be an MLAT between the country investigating a crime and the country where the evidence exists. The MLAT process is generally slow and cumbersome.

## V. THE MULTIJURISDICTIONAL NATURE OF CRIME

Investigating Officers face issues that affect other criminal investigations in which computers are involved, especially regarding digital evidence. Vendors say in the Netherlands/ Belgium/ Germany can sell to buyers in various countries say in Asia (India, Nepal, Sri Lanka, Bangladesh) and in several States of India. The illegal activity cuts across not through various sectors of the Governments at various levels but also involves law enforcement agencies across the globe. Cross-jurisdictional relationships and cooperation are essential for an effective investigation

**Familiarity or otherwise with Darknet:** The investigator should be familiar with how the transactions are conducted on the Darknet and how the evidence, particularly the digital evidence, is to be collected. In the absence of the investigator not knowing the threads of the game, it is impossible to move forward. Hence, the investigator is not only required to be sensitive to the case but also tech-savvy.

**Bridging of knowledge gap and skill:** With the rapid growth of technologies, the importance of having dedicated and qualified personnel is here to stay. Finances for constant upgradation of technology and upgradation of the skill of the personnel is the need of the hour. There should be resource allocation for frequent upgradation of technology and that of personnel. As new methods are devised to defeat the process of law, the empowered department should not be lagging in making use of advanced technology in the booking of cases.

With the cases involving Darknet rising by the day, the number of officers with the requisite fine technical skills is insufficient. The ratio of the skilled officer to the cases being booked should be balanced. Further, to increase the requisite personnel, training is the need of the hour and all the empowered officers should be mandatorily asked to undergo the basic process of Darknet transactions *viz.* how the dark web is accessed through Tor, how buyers and sellers communicate and exchange currency, and how goods and services are delivered. Awareness is

required on the part of the empowered officer which can aid in recognizing and identifying relevant evidence during a preliminary investigation. Information, such as login credentials or other potentially useful things, can be identified, collected, and catalogued once persons are suspected of entering such Darknet transactions. Further, on account of a lack of understanding about how digital evidence is to be managed and accounted for in a way that is very similar to how physical evidence is managed, the empowered officers should be sensitized on this aspect as well as the collection of evidence for Darknet related cases require additional care and handling,

**Evidence access and preservation:** The constitution of a good investigation team is *sine qua non* for the success of a case. The specialized team should be well conversant in handling and collecting digital evidence and preserving it too. In the search and seizure process, the investigation team would encounter live machines/devices. It should be ensured at all costs that the retrieval of evidence is in tune with the laws of the land. Furthermore, the well-constituted team shall follow an integrated approach to crack the case. The use of digital currencies (public and private keys) should be obtained with utmost care by the investigation team. While preserving electronic devices, it should always be remembered that the chain of custody is strictly followed and implemented.

Digital evidence collected in dark web investigations should be obtained using acceptable forensic methods. Obtaining live machines is important for accessing information before suspects can conceal, obscure, or delete incriminating data. Capturing data requires careful attention from qualified personnel to avoid contaminating or losing data that often can be volatile or temporary. Empowered officers should be trained to look for specific Darknet browsing or Virtual Private Network (VPN) applications on phones, PGP Keys (Pretty Good Privacy (PGP) is an encryption system used for both sending encrypted emails and encrypting sensitive files), and indications of cryptocurrency transactions. Challenges related to the availability and duration of evidence also present difficulties for investigators. There is not a free-access archive for historical content on the dark web. Therefore, investigators need to document the listings that might be useful as evidence so that they can be used.

**Encryption:** Misuse of encryption and anonymization tools used to protect their communications. Understanding the trend based on the cases booked for effective monitoring. The misuse of encryption and anonymization tools used by illicit drug traffickers to protect their communications or stored data or alter their financial transactions and consequently avoid detection is a challenge. There is increasing misuse of and reliance upon secure communication APPs providing end-to-end encryption. The use of multi-layered encryption by illicit drug

traffickers creates significant challenges for investigators.

**Technical needs and challenges anonymity and access:** The empowered officer should be trained in a manner to meet the challenges of Darknet transactions. He should be sound enough to understand the nuance of the digital transactions. This is because of the reasons that Darknet users enjoy a high degree of anonymity to engage in the transaction of illicit drug traffic while evading detection by law enforcement. This is achieved using such networks as Tor which encrypts a user's identity and shields illicit online activity from surveillance. Tor users, for example, maintain near anonymity by routing their traffic through a series of computers, or "nodes," around the globe, making it nearly impossible to trace their activity or identify their IP addresses. Network traffic is encrypted and passed through at least three nodes before it reaches its destination.

**Use of cryptocurrencies:** All Bitcoin (and other cryptocurrencies) transactions, are recorded in an online public ledger, referred to as the blockchain. However, the identifying characteristics of participants involved in each transaction are not recorded. Hence, correlation with the transactions becomes extremely difficult. Crypto-currencies continue to be exploited, with Bitcoin, being the currency of choice, in criminal markets and as payment. Bitcoin is the primary cryptocurrency encountered by law enforcement in the context of criminal investigations. Knowledge of and experience in how to investigate, trace, and seize cryptocurrencies should grow in commensuration with the growth and use of crypto-currencies.

**Resource Allocation:** It is extremely important to have a set of dedicated personnel for Darknet investigations with the latest tools and technology in place. All empowered officers should be qualified individuals who can further the cause of their investigation and such resources, initially when set up, should be available for inter-agency cooperation and coordination.

## **VI. CREATING AWARENESS ON THE DARKNET AMONGST THE EMPOWERED DEPARTMENTS/OFFICERS**

The NDPS Act, of 1985 is implemented in India by various empowered officers of the Central Government and State Government. To bring about uniformity in the knowledge and access to the latest trends, there is a strong requirement to create awareness amongst all the empowered officers. By this, we would have uniformity. As of now, on account of different levels of awareness being experienced, there is limited familiarity amongst the empowered departments and empowered officers regarding the Darknet and how it is used to facilitate illicit drug trafficking. The relative lack of experience with investigatory techniques for Darknet-related crimes can make it difficult to build a solid criminal case.



## **VII. CONCLUSION**

Given the gradual shift in the manner of conducting illicit drug trafficking and transactions, all the empowered departments must rise to the occasion meet and overcome the challenges, and build a strong and resilient and dedicated personnel to tackle the menace of illicit drug trafficking through the Darknet.

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