

5.Deportation Of Foreign Drug Offenders- National

Centre to fast-track deportation of foreign drug peddlers- Why MHA wants courts to drop ‘petty’ cases. The Union Ministry of Home Affairs (MHA) has initiated a strategic crackdown on foreign nationals involved in narcotics, prioritizing swift deportation over prolonged incarceration. This policy shift aims to streamline the judicial process and safeguard India’s internal security from transnational drug syndicates.

1. Current Landscape- Foreign Offenders in India

Data indicates that India is increasingly being used as a transit point or a consumer market by international networks, leading to a rise in foreign arrests.

2024 Arrests- Approximately 660 foreign nationals were apprehended for drug-related crimes.

Nationalities Involved- Predominantly from Nepal, Nigeria, Myanmar, Bangladesh, Ivory Coast, and Ghana.

Prison Burden (NCRB 2023)- There are 6,956 foreign inmates in Indian jails.

- 1. Convicts- 1,499
- 2. Undertrials- 5,167 (The largest group, contributing to prison overcrowding).

Geographical Concentration- Over 65% of these inmates are housed in West Bengal, Maharashtra, Delhi, and Uttar Pradesh.

2. The Imperative for Fast-Track Deportation

The MHA identifies four critical reasons why immediate deportation is preferred over long-term trials-

Reason	Impact
Prison Decongestion	Reduces the strain on state exchequers and the administrative burden on prison staff.
National Security	Disrupts the "local nodes" of transnational syndicates that often link drug trafficking to terror funding and organized crime.
Visa Integrity	Acts as a deterrent against the misuse of tourist or business visas for criminal activities.
Judicial Efficiency	Prevents "legal squatting" where offenders use slow-moving court cases to extend their stay in India indefinitely.

3. Legislative and Procedural Framework

The Immigration and Foreigners Act, 2025 (effective September 1, 2025), serves as the legal backbone for this initiative.

A. The Compounding Mechanism

The Act allows for the compounding of certain offenses, meaning the state can drop minor charges in exchange for immediate deportation. This bypasses the need for a full, multi-year trial.

B. The Standard Operating Procedure (SOP)

The MHA has issued a comprehensive SOP to handle complex legal scenarios-

Withdrawal from Prosecution- Police can apply to courts to withdraw charges against foreign nationals for petty offenses to facilitate immediate exit.

Post-Sentence Deportation- Guidelines mandate that convicts of petty offenses be deported the moment they complete their sentence or pay their fine.

Blacklisting- Individuals deported under these provisions are permanently blacklisted from re-entering India.

C. Administrative Oversight

Registration Officers- District SPs and DCPs are empowered as registration officers to manage foreign tracking.

FRRO Role- The Foreigners Regional Registration Office (FRRO) immediately cancels the visas of those charged, ensuring they are under strict surveillance until deportation.

4. Operational and Diplomatic Challenges

Despite the new laws, several hurdles remain-

Diplomatic Sensitivity- Deportation requires the "Home Country" to accept the individual. Strained relations or lack of travel documents (often destroyed by the offender) can stall the process.

Non-Refoulement Principle- Under international law, India cannot deport someone to a country where they face a threat of torture or death, complicating cases involving refugees or asylum seekers.

Coordination Gaps- The Narcotics Control Bureau (NCB), State Police, and Immigration must work in a "single-window" format, which is currently a work in progress.

5. Way Forward

To make the PRAHAAR against drug trafficking effective, the following measures are essential-

1. Digital Tracking- Utilizing the Integrated Check Post (ICP) data to monitor the movement of high-risk foreign nationals.
2. Bilateral Treaties- Signing more Mutual Legal Assistance Treaties (MLATs) to simplify the verification of identities with foreign governments.
3. Special Courts- Establishing dedicated fast-track courts for foreign nationals to ensure that due process is not ignored in the rush to deport.

Source- <https://indianexpress.com/article/india/centre-to-fast-track-deportation-of-foreign-drug-peddlers-why-mha-wants-courts-to-drop-petty-cases-10548583/#~~~text=To%20prevent%20prolonged%20stays%20of%20of%20prosecution%20in%20suitable%20cases.>

