



## Challenges and Reforms in Pakistan's Narcotics Law: A Critical Analysis of the Control of Narcotics Substances Act 1997

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### ABSTRACT

This research article examines the complex and diverse obstacles encountered by narcotics law enforcement and justice in Pakistan, as governed by the Control of Narcotics Substances Act (CNSA) of 1997. The study highlights key concerns, such as elevated rates of acquittal, inefficiencies within the system, and a backlog of cases in drug courts, emphasizing the necessity for comprehensive reforms. Furthermore, the article emphasizes the significance of tackling judicial corruption, enhancing human rights organizations, and implementing sophisticated reforms in sentencing and punishment to attain a fairer administration of justice. The research highlights the significance of diverse resources, such as enhanced investigative tools and police training, augmented resources for prosecutors, and the utilization of technology in law enforcement. Furthermore, it promotes the implementation of community-based initiatives to deter drug abuse and addiction, while emphasizing the essential role of research in guiding successful approaches. The author also proposed solutions that seek to achieve a harmonious equilibrium between the enforcement of laws and the administration of justice, thereby ensuring a more effective, equitable, and responsible approach to narcotics cases.

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## 1. Introduction

Although Pakistan's geographic position offers many benefits, its closeness to Afghanistan, the greatest illegal opium producer in the world, makes it susceptible to the scourge of drug misuse and trafficking. Unfortunately, Pakistan has been and continues to be the main conduit for the trafficking of illegal Narcotics produced in Afghanistan. The fact that Pakistan is also one of the countries with the biggest markets for these medications is even more alarming (Asad, 2006). The number of opiates trafficked into and through Pakistan significantly increased between 2001 and 2006, roughly coinciding with the rise in opium production in Afghanistan, which went from 185 metric tonnes in 2001 to 6,100 metric tonnes in 2006 before declining once more to 4860 metric tonnes in 2010. According to the United Nations Office on Narcotics and Crime's (UNODC) Report, Afghanistan Opium Poppy Survey, 82 percent of Afghanistan's poppy was produced in two of the country's five provinces near the Pakistani border in 2010 (Behrooz, 2021). In addition to Afghanistan, Pakistan's tribal regions have been significant poppy growers. The peak year for poppy production in Pakistan's tribal region was 1979, and the then-Pakistani government reacted by enforcing the Haddood Ordinance 1979. According to trends, Pakistan's poppy cultivation decreased to fewer than 600 hectares by 2000, but increased to 3100 hectares in the country's tribal regions by 2004. According to the Afghanistan Opium Survey 2004, opium cultivation reached a record 131,000 hectares in the same year. Currently, Afghanistan produces enough to satisfy 80% of global demand. 123,000 hectares were under cultivation in 2010; nevertheless, the Afghanistan 4 Opium Survey 2011 predicts a modest decline in opium production this year (Qureshi, 2017).

Many Pakistani administrations have been working hard to reduce the Narcotics threat, and they have had some success in doing so. When visiting Pakistan in 2006, Mr. Antoneo Maria Costa, Executive Director of the United Nations Office on Narcotics and Crime (UNODC), gave due recognition to this (Boon, Huq, & Lovelace, 2010). He said that Pakistan's win over the production of poppies was a true success story in a meeting with the then-Interior Minister, yet Afghan heroin continued to flow into Pakistan. The government of Pakistan took an important step forward in the fight against narcotics by passing the Drug Act in 1976. In subsequent years, additional ordinances were issued to combat drug-related crimes, including the Control of Narcotics Substance Ordinance 1996 (XCLV of 1996) and the Control of Narcotics Substance Ordinance 1997 (XLII of 1997). These ordinances were later repealed by the Narcotic Substance Act of 1997, which remains in effect today. In addition, the Anti-Narcotic Force Act of 1997 was enacted to establish a special force to investigate narcotics-related offenses. Finally, rules were established in 2001 to govern the control of narcotics substances and the disposal of vehicles and other articles involved in narcotics cases. As a result, the superior courts have been presented with a sizable number of drug-related criminal cases. The superior courts have the power to interpret and apply the law in complicated matters with significant stakes since they are the highest courts of appeal in many nations. The superior courts are essential in establishing the legal guidelines for drug-related offences and deciding the proper sentences for those found guilty in the context of narcotic offenses (Masood, 1979).

The legal definition of narcotic drugs, the standards for evaluating if a substance is a prohibited substance, and the proper punishment for drug offenses have all been made clearer as a result of judgements of these courts. Since judges have come to understand the complicated and frequently mitigating circumstances that may contribute to drug use and misuse, there has been an increasing tendency toward more lenient penalties for drug offenses in recent years. With a focus on rehabilitation and lowering recidivism rather than punishment and incarceration, this has led to a more nuanced and humane response to drug-related offences. Although some people have criticized the courts for being excessively liberal in their sentences for drug offenders, this tendency toward leniency has not yet gained widespread acceptance. They contend that drug offenses are significant crimes that endanger public safety and that individuals who deal in drugs should face severe penalties. As is clear from the title of the article, the author has presented this research against the backdrop of superior courts judgements, how through these judgements Control of Narcotics Substances Act, 1997, fits into the judicial precedents and administrative frameworks.

## **2. Literature Review**

The CNSA's preamble makes it plain that the law's goal is to "consolidate and revise the narcotics and psychotropic substance legislation and regulate the manufacture, processing, and trafficking of such Narcotics and substances" (Stewart, 1989). This legislation also aims to control the rehabilitation and treatment of drug users. The "cultivation of any cannabis plant, coca bush, or opium poppy or harvest any part of cannabis plant, coca bush, or opium poppy" is forbidden under this Act. The CNSA further states that it is illegal and punitive to possess narcotics, import or export narcotics, traffic in narcotics, or finance narcotics trafficking. Anyone who commits one of the aforementioned offences shall be punished by Section 9 of the Act, which stipulates various penalties depending on the amount of narcotics involved. If the drug amount surpasses one kg, the worst penalty is death or life in prison. It demonstrates that the Act imposes severe penalties for drug-related offences. The CNSA also granted the Police and Investigation agencies broad authority in drug-related matters. The investigating officer has the authority to enter and search for narcotics, seize and arrest suspects in public areas, stop and search any vehicle, conduct undercover and controlled operations, and arrest suspects without a warrant (2018 MLD 1237, 1311, 1835). While the legislation granted the investigating officer in circumstances covered by this Act broad authority, it also imposed certain constraints and even provided for penalties for the vexatious entrance, search, seizure, or arrest of an innocent person. The legislation further stipulates that no bail shall be given to an accused individual charged with a violation of this Act or of any other narcotics-related statute when the violation carries a death penalty (2007 Pcr. LJ 839).

It demonstrates how stringent the legislation is, forbidding even the granting of bail in certain situations. The fact that CNSA 1997 turned police officers become credible witnesses is another crucial factor. All searches and arrests are subject to the Code of Criminal Procedure, 1898's rules, except those in section 103. Although section 25 of CNSA 1997 exempts the use of

section 103 CrPC in drug prosecutions, section 103 CrPC nevertheless requires the participation of independent private witnesses during police searches. This clause was created in part because few ordinary citizens volunteer to testify against powerful and dangerous drug dealers; as a result, police witnesses are now considered competent under CNSA 1997 (Asad, 2006). Some of the most crucial ideas from the CNSA 1997 are those that have already been mentioned. In this respect, the is thorough and offers all additional information, including asset freezing and forfeiture, the creation of special courts, the rehabilitation of drug users, the National Fund for Control of Drug Abuse, and international cooperation in drug offences. All of the aforementioned information demonstrates how extensive, in-depth, and full the CNSA 1997 is, and how its effective execution may rid society of the pernicious effects of Narcotics. A few frequently used Justifications for Higher Courts Approaching Drug Cases First off, higher court judges are much more qualified and experienced than lower court justices (Uddin & Rahman, 2020). They determine the appeals while taking into account every particular, which is sometimes overlooked by the trial courts in drug cases. Second, the High Court judge has a mindset that strongly favours giving the accused the "benefit of the doubt." It is a well-known proverb in Pakistan's criminal justice system that it is preferable to exonerate 100 guilty people rather than condemn one innocent person. Higher court judges tend to adhere to this principle and give the accused the benefit of the doubt. Thirdly, in situations involving Narcotics, the quality of the police or other law enforcement organisations' investigations is quite low. The investigation officers lack training in contemporary investigative tactics and methodologies. In drug trials, investigating personnel who are ill-equipped and unskilled are a major factor in the eventual acquittal of the accused. Pakistan has just lately formed independent provincial prosecution offices; therefore, they are still in their infancy. Although the quality of prosecution is rising with time, there is still more work to be done (Niazi et al., 2022).

### **3. Role of Drug Courts and the Challenges They Faced**

Narcotics cases, which involve the illegal trafficking, distribution, or possession of drugs, are a serious and growing problem around the world. The prosecution and trial of these cases are a critical component of efforts to combat narcotics trafficking and its associated harms, including drug addiction, violence, and the spread of disease. The role of the judiciary in narcotics cases is crucial, as it is responsible for ensuring that defendants are afforded their constitutional rights, overseeing fair trials, determining appropriate sentences, protecting witnesses, facilitating international cooperation, combating corruption, and promoting public awareness. The legal profession and drug courts grapple with issues of gender discrimination and sexual harassment, highlighting systemic challenges within both domains (Jamshed, 2021). The judiciary plays a pivotal role in ensuring that the criminal justice system operates fairly and transparently, and that those accused of narcotics offenses are held accountable for their actions. In many cases, the judicial system is the last line of defense against the spread of drug addiction and related harms, and the decisions made by judges and other judicial officers can have a significant impact on the lives of those affected by narcotics use and trafficking. The Federal Government can create Drug Courts by publishing notices in the Official Gazette under Section 45 of the Act. These notices will specify the drug court's regional jurisdiction or the type of cases it will hear. The Federal Government certifies that each Drug Court must have a Chairman who is either a sitting or retired High Court judge, as well as two other members who are experts in the pharmaceutical or clinical fields. A Drug Court's site is decided by the federal government.

Drug courts have the authority to hear and decide cases similar to a Court of Session under the Criminal Procedure Code (CRPC) of 1908. However, unlike that court, they are not required to reopen cases just because their makeup has changed. Instead, they can use the original evidence and records to make their decisions. The Drug Court must adhere to the procedure stated in the CRPC of 1898 when considering summons cases, unless otherwise specified by the Act. Anyone found guilty in a Drug Court can appeal their conviction within 30 days to a two-judge panel in the High Court. Importantly, these appeals are subject to the time limitations imposed by Sections 5 and 12 of the Limitation Act of 1908. As of now, Faisalabad, Lahore, Islamabad, Quetta, Rawalpindi, Gujranwala, Islamabad, Islamabad, Bahawalpur, and Karachi are the current locations of drug courts in Pakistan. Two drug courts were initially set up in Gujranwala and Multan by the Federal administration; the remaining four were set up in these cities by the Punjab administration. The goal of this distribution strategy is to efficiently handle drug-related problems nationwide.

#### **4. Obstacles in Performances of Drug Courts**

Despite having the structural model available through the legislation for outlining the formation procedures and working of the drug courts, these courts face many major obstacles daily in performing their assigned tasks. The author has discussed these problems below:

##### **4.1. Shortage of Resources and Manpower**

The majority of Pakistan's drug courts operate without permanent personnel, and members are frequently appointed on ad hoc basis. In an interview, a Drug Court officer noted, "The government recently come down hard on substandard and phoney medicines/drugs, which implies more strain on these courts." The sad state of the drug courts may be measured by the fact that just one officer is employed as a permanent member, while the remaining seven positions are vacant. These positions were intended to select "senior pharmacists" with extensive experience and understanding as permanent members to help the drug court chairman in technical topics such as determining illegality and proposing punishment. Rather of filling these positions with qualified officers, the government is relying on the services of 'visiting members' who are paid pitiful wages. For example, the Punjab government engaged Prof Mubashar Ahmad Butt, a retired grade 21 officer, as a visiting judge for the Lahore Drug Court for Rs600 each visit to assist the court (Satel, 1998).

##### **4.2. Lack of basic facilities**

It has been noticed that regular court sessions are disrupted due to the lack of continuous contracts for members. Cases cannot proceed without the necessary quorum. Since narcotics inspectors are already having trouble carrying out court orders due to delays in notifying suspects, the absence of a bailiff just makes matters worse. Inspectors are compelled to return seized drugs to their offices due to the lack of a malkhana for drug courts. This practice puts case materials at risk, as there have been instances of missing or destroyed evidence, which negatively affects prosecution efforts.

##### **4.3. Quality Control Board**

According to the reports, a huge number of cases were awaiting clearance since drug inspectors were not permitted to file a case without the consent of the provincial quality assurance board. According to the drugs legislation, if a provincial inspector discovers a violation of the act, he or she must always send the matter to the provincial quality assurance board for directions on what action to take, unless the board advises otherwise. According to the legislation, federal inspectors must send the matter to the central licencing board, the registration board, or any other entity designated for the purpose. According to reports, after collecting drug samples, inspectors were required to deliver them to authorities within seven days for testing or analysis, and then wait for clearance from the provincial quality control board. They went on to say that the board then studied the inspections and reports and gave the inspectors guidelines on how to handle the reports. According to the drug legislation, the board is required to convene at least one meeting every 60 days, but it has frequently failed to do so, causing delays in the clearance of cases for trial, according to the sources (Steffensmeier & Allan, 1996).

##### **4.4. The uncooperative attitude of Drugs inspectors**

The speed with which cases were resolved was also hampered when drug inspectors, who played a critical role in discovering and destroying counterfeit pharmaceuticals, refused to appear in court despite multiple notices and warrants being issued to them. According to court sources, there were only six drug inspectors for the entire city, and provincial drug inspectors' efficiency was also lacking. Even though a huge number of illegal vendors were allegedly selling inferior and phoney drugs across the province, just a few cases were recorded.

##### **4.5. Shortage of Technical Staff**

The technical members assist the courts and aid in the quick resolution of cases. The status of technical professionals in Pakistan's drug courts, on the other hand, is dire. The majority of the courts lack technical personnel, and those that do exist are severely undertrained and underpaid. These circumstances have prevented them from working to their maximum ability, and as a result, the functioning of drug courts has been hampered, and they are unable to complete the majority of cases within the time frames set (Wilson, Mitchell, & MacKenzie, 2006).

## **5. Narcotics Cases in the light of Judgments of Superior**

Drug offences and the role of the superior courts in their adjudication are complex and contentious issues that are the subject of fervent debate on both sides. Under this heading, the author will look at recent drug cases that have been heard by the superior courts, examining the rulings that have been made and their wider repercussions on drug policy and the administration of justice.

### **5.1. Case Laws**

The following are a few of the significant narcotics-related case laws in Pakistan:

#### **5.1.1. Muhammad Munir v. The State (2001)**

The appellant in this case was detained for having 500 grams of heroin. The appellant was given a life sentence after being found guilty by the trial court. Because the prosecution had not proven that the material they had taken from the appellant was heroin, he appealed his conviction. The prosecution had provided enough evidence, according to the Supreme Court, to establish that the substance taken was heroin, thus it upheld the trial court's ruling (Abbas, 2011).

#### **5.1.2 Muhammad vs. The State (2010 SCMR 927)**

The case pertained to narcotics discovered in a vehicle, with evidence indicating that the driver, who was in the driver's seat, was accountable for transporting the narcotics. Section 9(6) of the "Control of Narcotic Substances Act, 1997," does not specify any condition that possession must be exclusive to the driver (Advocate, 2011). It was determined that a person driving a vehicle is responsible for it, and any items found inside would be considered under their control and possession.

#### **5.1.2. Khasif Amir v. The State (PLD 2010 SC 1052)**

In this instance, it was determined that the driver, who was in the driver's seat of the vehicle, was accountable for transporting narcotics if they were aware of it. The law did not stipulate any conditions or requirements for exclusive possession. Thus, any items discovered in the vehicle would be considered to be under the driver's control and possession.

#### **5.1.3. Ghulam Murtaza v. State**

Significantly, a special panel of the Lahore High Court ruled in Ghulam Murtaza v. State<sup>vii</sup> that the CNSA's silence on drug classes does not require a blind view of the specific medicines at issue. Various illegal narcotics listed in the Control of Narcotics Substances Act, 1997, vary significantly in their harmful nature and effects, where a large amount of one substance could be less harmful than a small amount of another. As a result, in many cases, a sentencing strategy based solely on the amount of the recovered material may result in oppressive and unfair outcomes, as well as punishments that may be excessively cruel and severe. In that case, the honourable judge went on to establish a standard for convictions based on the amount and makeup of the substance. The ANF appears to be in favour of varying sentencing guidelines to account for the relative danger of the drug at issue. In Ameer Zeb v. State, the Honorable Supreme Court of Pakistan affirmed the same standard. Unfortunately, the courts operating under the CNSA have not incorporated these regulations, and as a result, sentencing continues to be inconsistent with the highest court's explicit directives and results in arbitrary and capricious sentences.

## **6. The Main Factors highlighted in the Judgment of Superior Courts**

In cases involving drugs or narcotics, the Higher Courts often give the following important reasons for letting the accused go free.

### **6.1. Late Submission of First Investigation Report (FIR)**

In the case of State vs. Abdul Ali, the Supreme Court found the accused not guilty because there was no explanation for why there was a delay between the arrest of the accused and the filing of the FIR against the accused. There have been several high court rulings on this issue, and it is a well-known rule that a delay in filing a FIR is fatal to the prosecution case, especially in drug cases. It is the job of the Police Department to make sure that a First Information Report (FIR) is filed as soon as possible in all narcotics cases, because if it isn't, it can be used to get the accused person off.

## **6.2. Witness Statements Contradiction**

One of the most common reasons for acquittals in drug cases by higher courts is that the witnesses' statements don't match up. In drug cases, most witnesses are police officers, including the person who filed the complaint. No private person wants to be a witness in these cases, and the Controlled Substances Act of 1997 says that there is no need for private witnesses in drug cases. In many cases, police witnesses aren't well-prepared (Advocate, 2011). This could be because they don't have enough time, aren't interested, have hidden agendas, or the prosecutor isn't interested. When this happens, the accused are often found not guilty by higher courts. In the case of Minhaj Khan vs. State, there were big differences between what witnesses said and what the accused said. The Police Department needs to pay attention to this issue because in drug cases, all the witnesses are usually police officers. Before going to court to face the cross-examination of defence counsel, witnesses need to know everything there is to know about the case. Before the witness testifies in court, the prosecutor needs to prepare them.

## **6.3. Sending Samples to the Chemical Examiner**

When we look at some of the most recent decisions made by higher courts in drug cases, we can say that the most important thing is to get samples of the drugs that have been found and give them to the Chemical Examiner. In Kamran Shah vs. State, the Supreme Court said that samples must be kept safe and sent safely for the accused to be found guilty. In Razia Sultana vs. State, the Supreme Court ruled that the Chemical Examiner report can be used when it is not clear that samples were kept safely and sent to the right place. In Abdul Ghani vs. State, the Supreme Court found the accused not guilty because the head constable who took the samples to the office of the Chemical Examiner was not there to testify (Gopal, 2022). To prove that the samples were kept safely and sent to the Chemical Examiner, the Police Officer in charge of the Malkhana where the samples were left must testify in court. It is also important to write down the statement of the police officer who brought the samples from Malkhana to the Office of the Chemical Examiner. These two witnesses are very important in proving that samples were kept safe and sent to the Office of the Chemical Examiner.

In the case of Zahida Perveen vs. State, the Lahore High Court said that safe custody of case property from the time it was found until it was brought to court was not proven. Because safe custody of case property and a sample of it is needed for conviction, the accused person was allowed to file an appeal. In these cases, recovery is not just a piece of evidence to back up the other evidence; it is the charge and the punishment. If the prosecution can't prove that the person is in safe custody, the case is over.

## **6.4. Delay in Sending Samples**

In the case of Gul Hassan vs. State, the accused were found not guilty because samples were sent to the office of Chemical Examiner 25 days after the crime was committed and there was no reason for the delay. Rule says that the samples must be sent to the office of the Chemical Examiner within 72 hours. In the case of Javed vs. State, the court noticed that samples were sent after a delay of four days, and the head constable who is in charge of Malkhana was not brought to court as a witness. For these reasons, the accused was found not guilty. In the case of Samiullah vs. State High Court, the accused person was not found guilty because samples were sent to the Office of Chemical Examiner 20 days late. In the case of Nasir Rajpoot VS. State High Court, the accused were found not guilty because samples were kept by the police for five days without any explanation before being sent to the office of the Chemical Examiner. In Farzand Ali vs. State Rangers, the accused was caught with drugs, but Inspector Rangers sent the samples to the office of the Chemical Examiner instead of the Police Investigation Officer. Because neither safe custody nor safe transport could be proven, the High Court found the accused not guilty. It is the job of the Police to send samples from cases involving drugs to the Chemical Examiner. In this case, there must be strict rules, and the Police Department must make sure that these rules are followed to the letter. The Prosecution Department could also help in this way if they had the power to tell the investigation officers what to do at the beginning of the investigation.

## **6.5. Police Witnesses for Drug Cases**

Section 25 of the Control of Narcotic Substances Act of 1997 says that section 103 of the Criminal Code does not apply to drug cases. It means that there is no need to use private, independent witnesses in drug cases, and that police officers can be trusted as witnesses in drug cases. Even though section 25 of the CNSA of 1997 says that private witnesses can't be used, higher courts have said many times that private witnesses are important in drug cases. For

example, in one case, the High Court said that section 25 of the CNSA doesn't allow section 103 of the CrPC to be used. However, this doesn't mean that the Investigation Officer of Police can always keep independent witnesses out of the case (Kachwaha, 1982). In a recent ruling by the Supreme Court, it was said that police witnesses, who work for the government, were just as reliable as any other witnesses to prove the charge. Their evidence was subject to the same rules of proof and scrutiny as any other type of witness, and their statements could be taken at face value as long as there was no bias, weakness, or mistake in their deposition. Even though there are decisions both for and against the use of independent witnesses, Investigation Officers still need to use them whenever they can to help the Prosecution's case.

## **7. Factors outside of the courtroom that Results in High Acquittal Rate**

Since a long time ago, Pakistan has been engaged in a war against drugs, and law enforcement authorities have been apprehending drug traffickers and sellers and carrying out repressive operations against them. Yet, Pakistan's high incidence of acquittals in drug-related offences raises questions about the efficiency of the legal system in prosecuting these crimes. Acquittal rates measure the proportion of cases in which the defendant is cleared of all charges. The high incidence of acquittals in drug cases in Pakistan means that a lot of drug traffickers and dealers escape punishment. The conviction rate for drug offenses in Pakistan is only 3%, one of the lowest rates worldwide, according to a UNODC research. This indicates that just three of every 100 people detained for drug-related offenses are found guilty; the other ninety-three are found not guilty (Sehgal, 2010). The high acquittal rates in drug prosecutions in Pakistan are caused by a number of factors. The law enforcement agencies' limited capacity for investigation and prosecution is a major factor, to start. Police and prosecutors lack the technical know-how and resources necessary to thoroughly investigate and prosecute drug cases. In court, defense attorneys may simply refute their frequently poor evidence and witness testimony. Because of this, courts frequently dismiss weak cases, which raises the likelihood of acquittal. Corruption in the legal system is another factor contributing to the high percentage of acquittals in drug cases. The relationships that many drug dealers and traffickers have with influential figures in the legal system and the government allow them to utilize their influence to have their cases dropped or acquitted. Because of this, it is challenging for law enforcement officials and prosecutors to carry out their duties and convict drug traffickers (Shukla, 2014).

In addition, Pakistan's protracted and onerous legal system also plays a role in the high rate of acquittals. Pakistani courts can take years to conclude cases, and during the trial, the accused are given bail, allowing them to carry on with their drug-related businesses. Also, the drawn-out legal procedure causes witnesses to become fearful or disinterested in the case, which damages the prosecution's case and leads to acquittals. Concern should be expressed over Pakistan's high rates of acquittal in drug-related crimes. Corruption in the court system, the lengthy legal procedure, and the law enforcement agencies' poor investigative and prosecuting capabilities are all elements in the issue. Pakistan must make investments in enhancing the technical capabilities of its law enforcement agencies and the fairness of its judicial system in order to overcome this problem. Strict accountability procedures must be in place to guarantee that those who engage in corrupt activities are held accountable. To safeguard the safety of witnesses, witness protection programs should be established and the legal procedure should be accelerated. Pakistan can only win the drug war and successfully prosecute drug traffickers and dealers if these problems are addressed. The author has discussed in quite some detail the various factors that are directly and indirectly linked with high acquittal rates in narcotics cases.

### **7.1. Corruption in the Legal System**

The corruption in the legal system is a significant element in Pakistan's high acquittal rates. Judges and attorneys have occasionally been exposed as corrupt, and they have been known to take unfair advantage of the legal system. The law enforcement and justice systems in Pakistan are plagued by a chronic corruption issue. To carry out their duties, police officers, attorneys, and judges frequently ask for bribes. This undermines the rule of law and jeopardizes the justice system's integrity. Transparency International's Corruption Perception Index places Pakistan 124th out of 180 nations, indicating a high level of corruption in the nation's public institutions. People's trust in the judicial system has decreased as a result, and they no longer believe that the courts can fairly administer the law. Pakistan's high incidence of acquittals has also hurt the nation's overall security condition. Knowing that they are unlikely to be apprehended

or held accountable for their acts gives criminals and terrorists more confidence. As a result, crime rates have gone up and the nation's law and order have gotten worse.

Also, the nation's human rights status has been impacted by the high acquittal rates. Due to Pakistan's high acquittal rates, numerous instances of human rights offenses go unpunished. This has made it more difficult for victims to receive justice and given those who violate human rights a sense of impunity (ur Rahman, 2021). Pakistan's high incidence of acquittals has also affected the nation's economy. Business operations in the nation have been hampered by the absence of an effective justice system. Due to the high levels of corruption and the absence of an effective justice system, investors are reluctant to make investments in Pakistan. Due of this, foreign investment has decreased, which has slowed the nation's economic expansion. As a result of Pakistan's high acquittal rates, the country's legal system, security situation, human rights, and economy have all suffered significantly. The administration must act right away to address the problem and regain the trust of the public in the justice system. As a result, Pakistan will become more prosperous and stable, with respect for the rule of law and impartial justice (Mahrwald, 2009).

## **7.2. Insufficient funding**

Pakistan's law enforcement organizations, in particular the police, have a significant lack of funding. It is challenging for the police to perform their jobs successfully since they are understaffed, undertrained, and under-equipped. Police officers are frequently put through lengthy shifts with no downtime, and many police stations are devoid of necessities like electricity and running water. In addition, the nation's legal system is overworked, with a lack of judges, courtrooms, and support staff, which causes protracted delays in the adjudication of cases. Discrimination is a serious issue in Pakistan's court system, especially when it comes to minorities and weaker groups. Many accounts of police violence and extrajudicial executions of members of minority communities, including Christians and Hindus, exist. In addition, women and girls frequently experience discrimination when pursuing justice, particularly in situations involving sexual assault and domestic abuse. Inequality is maintained and the rule of law is undermined by the legal system's failure to defend these defenceless populations. The Pakistani justice system is similarly unreliable and ineffective. Because of the prosecutors' inability to successfully present the case in court and their lack of resources, the accused is frequently found not guilty (Murphy, 1983).

## **7.3. Investigation ineffectiveness**

Pakistan's law enforcement organizations frequently do not carry out in-depth investigations into crimes, which can result in the false conviction of innocent persons or the failure to bring charges against those responsible. Police are frequently under pressure to finish investigations quickly, which results in poor investigations that don't adhere to proper processes. A case may also rely on suppositional evidence or witness testimony because forensic investigations and evidence gathering are frequently insufficient.

## **7.4. Absence of witness protection**

In Pakistan's legal system, the absence of witness protection is a serious issue. Threats or intimidation are frequently leveled at witnesses who provide information against powerful people or criminal groups, which might prevent potential witnesses from coming forward or hinder the investigation. Due to this, a culture of impunity may persist and wrongdoers may not be brought to justice. The rule of law is still being undermined and injustice is still being perpetuated through several flaws in Pakistan's justice and law enforcement systems (Blanchard, 2009). To ensure that everyone receives justice, there are several issues that must be resolved, including corruption, a lack of resources, prejudice, ineffective investigation, and inadequate witness protection. To create a just and equitable society, there must be a coordinated effort to restructure the legal system, fund law enforcement, and safeguard the rights of marginalized groups.

## **8. Importance of Legislative Reforms in Pakistan's Narcotics Enforcement and Justice**

Pakistan is one of the nation's severely afflicted by the worldwide drug problem. The illegal drug trade has become a significant concern for the Pakistani government and society, as it not only creates health issues but also security and economic issues. The nation has struggled for decades with drug trafficking and addiction, and despite efforts to combat the issue, it remains



pervasive. Reforms to the law are essential to addressing the drug problem in Pakistan. Legislation that is out of date and ineffective is one of Pakistan's major problems concerning drug enforcement and justice. The 1997 Narcotics Control Act is the primary law governing drug-related crimes in Pakistan. However, the act's scope is limited and it does not address several essential aspects of drug trafficking and addiction. There is a need for comprehensive legislative reforms that can address the country's emerging drug-related challenges. The expansion of the extent of the current legislation is a crucial aspect of Pakistan's narcotics enforcement and justice reforms. Current law covers only drug trafficking and excludes drug misuse and addiction. The new legislation should include treatment and rehabilitation provisions for substance addicts (Windle, 2009). It should also address illegal drug cultivation and the diversion of chemicals used to manufacture illegal narcotics.

The imposition of harsher penalties for drug-related offenses is another crucial aspect of Pakistan's legislative reforms in drug enforcement and justice. Current drug trafficking and possession penalties are insufficient, and offenders frequently receive lenient sentences. The new law should include harsher penalties for drug producers and traffickers. The penalties should be commensurate with the gravity of the offense and serve as a deterrent for those involved in the drug trade. Additionally, the new legislation must address corruption within law enforcement agencies. Corruption poses a significant obstacle to the enforcement of Pakistan's drug laws. The new legislation should include provisions to guarantee the openness and accountability of law enforcement agencies. It should also include protections for whistle-blowers and sanctions for corrupt officials. The issue of drug addiction must also be addressed as part of Pakistan's legislative reforms regarding narcotics enforcement and justice. The new legislation should prioritize substance addict treatment and rehabilitation. It should provide adequate funding for substance treatment programs and include provisions for the establishment of treatment centres. Additionally, the law should encourage the participation of non-governmental organizations (NGOs) in the provision of substance treatment services. Moreover, the new legislation should prioritize prevention over enforcement alone. Include provisions for substance education and awareness programs in the legislation. The programs should target vulnerable groups, such as infants and adolescents. The programs should provide accurate and current information about the dangers of drug use and the repercussions of drug addiction. For the effective enforcement of drug laws and the provision of justice in Pakistan, legislative reforms are crucial. Current legislation is insufficient and fails to address several essential aspects of drug trafficking and addiction. The new legislation should enact stricter penalties for drug-related offenses, address corruption within law enforcement agencies, prioritize the treatment and rehabilitation of drug addicts, and place a greater emphasis on prevention as opposed to enforcement alone. Only through comprehensive legislative reforms can Pakistan effectively combat the drug problem and assure the safety and health of its citizens in the future (Naz, Jamshed, & Kazmi, 2016).

## **8.1. Recommendations**

Drug abuse has been a problem in Pakistan for a long time. Despite official efforts to control the drug trade, abuse and trafficking of drugs are nevertheless widespread throughout the nation. A comprehensive strategy is needed to address the drug trade because it is a complex problem. The author has discussed these strategies under separate headings below:

### **8.1.1. Increment of Resources**

Increasing the resources available to law enforcement authorities is the first method that may be used to enhance the enforcement of drug laws in Pakistan. In Pakistan, law enforcement organizations frequently lack personnel, funding, and compensation. They struggle to effectively address drug misuse and trafficking as a result. The government may give these organizations the equipment they need to properly enforce drug prohibitions by boosting the resources available to them (Falco, 1979). This can involve hiring more cops, giving them better instruction, and equipping them with better tools. Increased law enforcement agency cooperation is a different tactic that can be used. Drug trafficking is a global problem that necessitates international and domestic agency collaboration. The government can better track and stop drug trafficking routes by increasing cooperation between these authorities. Increased communication, intelligence sharing, and collaborative activities can accomplish this.

### **8.1.2. Impose harsh penalties**

The present criminal sanctions in Pakistan for drug misuse and trafficking are insufficient to serve as a deterrence. The government can send a clear message to drug dealers and users that their behavior won't be tolerated by toughening up the punishments. This may entail harsher penalties, longer prison terms, and asset forfeiture. The fourth option is to increase the effectiveness of the legal system. Pakistan's legal system is infamously cumbersome and dishonest. Because of this, it is challenging for law enforcement organizations to successfully prosecute drug users and traffickers. The government may ensure that drug traffickers and abusers are tried promptly and fairly by increasing the effectiveness of the legal system. This might entail hiring more judges, giving them better training, and streamlining the legal system. The fifth tactic available is to raise public knowledge of the risks associated with drug misuse. Drug use may rise in Pakistan because many people are unaware of the risks associated with drug abuse. The government can discourage drug use and make it more challenging for drug traffickers to find consumers by raising public knowledge. Public service announcements, educational initiatives, and community outreach can all help with this.

### **8.1.3. Increase the use of technology**

The use of technology can be a potent weapon in the fight against drug abuse and trafficking. This can involve employing drones for surveillance, tracking drug traffickers on social media, and using big data to spot patterns and trends in drug trafficking. Law enforcement organizations can keep one step ahead of drug traffickers and abusers by embracing technology. To increase border security is the seventh possible tactic. Drug traffickers frequently use Pakistan's shared borders with other nations to bring drugs into and out of the nation. The government can make it more difficult for drug traffickers to cross the border by enhancing border security. This can involve the deployment of more border guards as well as the employment of more sophisticated equipment, like scanners and sensors.

### **8.1.4. International Cooperation**

The fight against the drug trade must be broad because it is a complicated problem. The government can strengthen the enforcement of Pakistan's drug laws by putting the ideas mentioned above into practice (Abbas, 2011). These tactics include boosting funding for law enforcement organizations, enhancing agency coordination, stiffening penalties for drug trafficking and abuse, enhancing judicial system effectiveness, raising public awareness of the risks of drug abuse, utilizing technology more frequently in law enforcement, and strengthening border security. Although these tactics might not entirely eradicate the drug trade in Pakistan, they can greatly diminish it and make the nation's residents safer. Yet it's crucial to remember that all parties involved must have the political will, dedication, and cooperation to put these initiatives into action. The government must give the war on drug misuse and trafficking top priority status and provide law enforcement agencies with the appropriate funding and resources. Drug traffickers and users must be expeditiously and fairly prosecuted, according to the judiciary. Drug usage must be made more dangerous by educating the public and encouraging them to report any suspicious activity to law enforcement.

## **9. Conclusion**

The Pakistani court system has struggled with the issue of drug crime acquittal rates for a long time. All those involved in the battle against drug trafficking and misuse are concerned about the consistently high acquittal rates that persist despite the efforts of law enforcement organizations and the legal system. These tactics include raising the standard of investigations, strengthening the ability of law enforcement organizations, and maintaining the impartiality and effectiveness of the judicial system. One of the main conclusions of the research chapter is the necessity of addressing the issue of police inefficiency and corruption. The study has brought to light the significance of educating police officers in the most recent methods of investigation and equipping them with the tools they require to carry out in-depth and successful inquiries. It is crucial to make sure that the police are held responsible for their conduct and that dishonest personnel are disciplined. Another important result is the need to increase the judiciary's capability to handle drug matters. This entails ensuring that the courts are impartial and unaffected by political pressure, as well as giving judges the instruction and tools they need to manage challenging drug cases. In terms of narcotics offences, the study chapter offers a general road map for enhancing Pakistan's law enforcement and justice systems. It is obvious that a thorough and well-rounded strategy including every stakeholder, including the legal system, the judiciary, and civil society organizations, is required (Chohan, 2012).

In conclusion, it is highly recommended to implement a set of measures to effectively tackle the existing problems in Pakistan's narcotics law enforcement and justice system. Firstly, there is a strong imperative for reform in the investigative and prosecution system. The police must be equipped with advanced tools and provided with comprehensive training to carry out meticulous investigations. Concurrently, it is crucial to allocate sufficient resources to prosecutors to effectively present compelling cases in court. Furthermore, it is imperative to tackle the issue of judicial corruption promptly. It is necessary to take specific measures to ensure that judges and attorneys are held responsible, thereby strengthening the integrity of the legal system and guaranteeing fair and unbiased justice. The drug courts face multiple challenges that slow down the case resolution process, including inspectors' reluctance, inadequate facilities, and part-time appointments. With the Gujranwala drug court now closed, it is more important than ever to schedule appointments quickly so that court processes are not obstructed. Additionally, supporting human rights organizations is highly prioritized. To enable these groups to hold perpetrators responsible and deter further human rights abuses, sufficient financing is crucial. In conclusion, the study stresses the critical need for an all-encompassing plan to address the problems plaguing Pakistan's justice and drug enforcement systems. The idea is always to make things better with the resources we have, which include things like new technology, community-based initiatives, and solid legal frameworks. As the landscape of drug-related challenges is constantly shifting, these joint efforts aim to improve the capacity of law enforcement and legal professionals to combat drug abuse and illegal trade.

The rule of law, public safety, and harm brought on by drug misuse can all be improved in Pakistan by lowering the acquittal rates in drug offences. In conclusion, decreasing the number of drug offenses that are exonerated is a critical undertaking that needs the cooperation of all parties involved. The solutions outlined in this research article offer a foundation for action, but they will only be successful if they are carried out consistently and in a coordinated way. Although there will be a big task, the rewards could be worth it. Pakistan's residents' lives can be improved through cooperating and enhancing the country's justice and law enforcement systems.

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