

# Implementation of Control of Narcotic Substances Act, 1997: A Case Study of Rehabilitation of Addicted People in Malakand Division

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Drugs are cheap and easily available and it has ruined numerous lives in Pakistan. The prevailing laws for rehabilitation are not fully implemented in true sense. This study inquire about the hazardous impact of the drug addiction, the dynamics of the problem and the available options for its control to find out the level of adequacy and effects of the current narcotics related legislation, its impact and goes further to frame policy recommendations assisting our government to introduce reforms in the context of drugs abuse. The researcher collected qualitative data through interviews and observations from different law enforcing agencies and rehabilitation centres in Malakand Division and analysed it. The researcher concluded that we can use the power of the law not as a blunt tool but as a way to nudge people towards an outcome that is better for them and better for the community. The harm reduction working hand in hand with law enforcement can take us into a new approach to drug crimes and our nation desperately needs that.

**Key Words:** Narcotization, Narcotic Act, Law, Drugs, Rehabilitation



## **Introduction**

Conducting research on sensitive areas like, laws, institutions and policies are indeed very perilous tasks; particularly where you can see a hanging sword of leading consequences on your neck. We have to admit the fact that at the time of independence narcotics control was not placed on the table of priorities and is the basic reason behind the dearth and scarcity of literature in this department. Similarly, constitution of Pakistan showed no sympathy, resulting in complete disregard by the legal academics. According to Khalily (2001) keeping the alarming conditions of narcotization there is a desperate need to conduct academic research to open the door for legal assistance.

## **Problem Statement**

Legislation is vital to regulate human life and laws are made for human welfares and Anti-Narcotics laws also exist for the said purpose in Pakistan. These laws have two aspects, one is punishment and the other is rehabilitation of addicted citizens. Different institutions working on punishment are successful up to somehow. Thousands of addicted people, suppliers and producers of narcotics are arrested and punished under relevant laws but only dozens are rehabilitated in years. According to an estimate more than 8 million people are drugs addicted in Pakistan. Every year more than 46 thousand people die due to Narcotization (Shafiq et, al., 2006). Family after family has been destroyed and this is the worst kind of problem a family can encounter (Dole et, al., 1968). We need to have a closer look just how our lives are affected and what can be done to fix the crises. It's a deadly smirch that is now full treated in every class and every age group. Drugs are cheap and easily available and it has destroyed countless lives. Prosecution of drugs crimes are excessive and less effective. This is a war worth waging therefore it is cry of the day to rehabilitate the addicted population so that they can live a normal life and contribute to national development.

## **Objectives of the Study**

- To find out the hazardous impact of the drug addiction.
- To analyse the efficiency of “Control of Narcotic Substances Act 1997” with special reference to its rehabilitation provisions.
- To find out ways for control of narcotisation.
- To fill out the gaps between the intention of legislature and the realities of laws.

## **Significance of the Study**

The undertaken study is worth of great importance as it seeks to explore, diagnose and tries to impede the future of Pakistan from going into the grip of raging drugs epidemic. This research will play a very effective role in launching various treatment and rehabilitation programs for the



addicted people within our community and even within our prisons. Besides these, the study is desired to play a key role in stopping this abuse by developing an aesthetic sense in the general public through awareness and enlightening their opinion. It will make our justice system less processed in terms of punishing drug addicts and more active in improving their capacities in living a productive life in the society.

### **Research Questions**

The following are the key question which the study shall try to answer;

1. What is the connection between narcotization, criminal behaviour and the law?
2. What potential problems do we see in the prevailing legislation and how it can be improved?
3. How far the federal and the provincial governments have accomplished the task of rehabilitation of drug addicts as mandated by the prevalent laws?
4. What our law enforcement machinery can do in keeping this hazard out from the hands of our citizens?

### **Literature Review**

In the direction of highlighting drug addiction and un-veiling various factors that leads a human mind towards anti-social behaviour a research was conducted by Muhammad Tahir. According to Khalily (2001) there are multiple factors which mark difference between an addicted person and non-addicted person. The research work revolves around the behaviour of the addicts and non-addicts only and does not through light on legal area.

Mufti (2004) investigated about the brief history of narcotization in Pakistan; with main focus on Peshawar. In this study he tries to explore the statistics in terms of addicted people and goes further to pin point the contributing factors. Though this is a very welcome contribution but still relationship between narcotization and criminal behaviour remains neglected.

According to Ray (1999) there is a very close and complex connection among narcotics addiction, criminal behaviour and penal policies, as these are almost interconnected and inter located with each other. In his research work he further classified the categories of narcotics substances and its incriminating factors. Besides this, Ray tries to reach the actual factors that lead to addiction and produces statistical data of every narcotics substance use in America. Indeed it is a very fair attempt to provide first hand original data to the Legal System, since this research work is conducted on the American society and legal system; it encouraged me to attempt the same in our society.

The above cited literature shows that most of the available data is in the form of factual essays, newspaper articles; journal articles which is not the academic research requirements. Other



researchers like Richard (1992), Pakistan Economic Survey (2006, 2007), Smith (1984), Malik & Sarfaraz (2011) and available data very clearly suggests that there is a desperate need to conduct a comprehensive research work in order to explore the nexus among, narcotization, crime and the law. As we see that this area of law remained neglected. By perusing the actual conditions it is perceived that still there are much more of the un-covered areas which warrant an academic investigation. With a hope from Almighty Allah; this study might become a concrete step in eliminating the menace with which the beloved people of Pakistan are faced with no ray of hope.

### **Research Methodology**

Since the undertaken study falls in the category of social sciences; the method applicable to social sciences are adopted accordingly. In order to get the desired result the following steps were taken. Perception survey on rehabilitation in Malakand Division was conducted in July and August 2019. The survey was conducted in 06 districts of Malakand Division including; Buner, Malakand, Lower Dir, Shangla, Swat and Upper Dir. It leads us to understand and explore the factors that fuel the fire of narcotics epidemic.

According to Oliver James & Martin Lodge (2003), in the field of Social Sciences and Public Policies, researchers use Policy Transfer and Lesson Drawing methodology, aiming for understanding the intrinsic aspect of the policies put in operation and looks forward for its improved output. This difference in research approaches has a consequential impact on research design. For instance, the qualitative part of the study comprised of the data collected from the real life experience of the people through interviews. Here, in order to generate first hand rich, broad and thick description and to dive into the real understanding of the ground reality various means were adopted to discover the original facts/ data. Data was collected from seasoned lawyers, ANF, Police Department, Levis and Rehabilitation Centres in Malakand Division. There are eleven rehabilitation centers in Khyber Pakhtunkhwa of which two are situated in Malakand Division. One rehabilitation center is located in District Swat and the other is in Dir Lower. 143 addicted persons were admitted in District Swat and 91 were admitted in Dir Lower. Thus, data regarding 234 addicted persons was collected. Population of the study is difficult to estimate so the researcher focused the addicted persons admitted in rehabilitation centres. A storytelling technique was used and debates were conducted,, open ended questions were asked and other points were raised with rehabilitated persons, their families and guardians, seasoned lawyers, ANF, Police Department, Levis and administration of rehabilitation centers. The responses were analysed and transcription was made. Storytelling is a method by which events are recounted in the form of a story. The method is generally used in the field of organization and management studies.



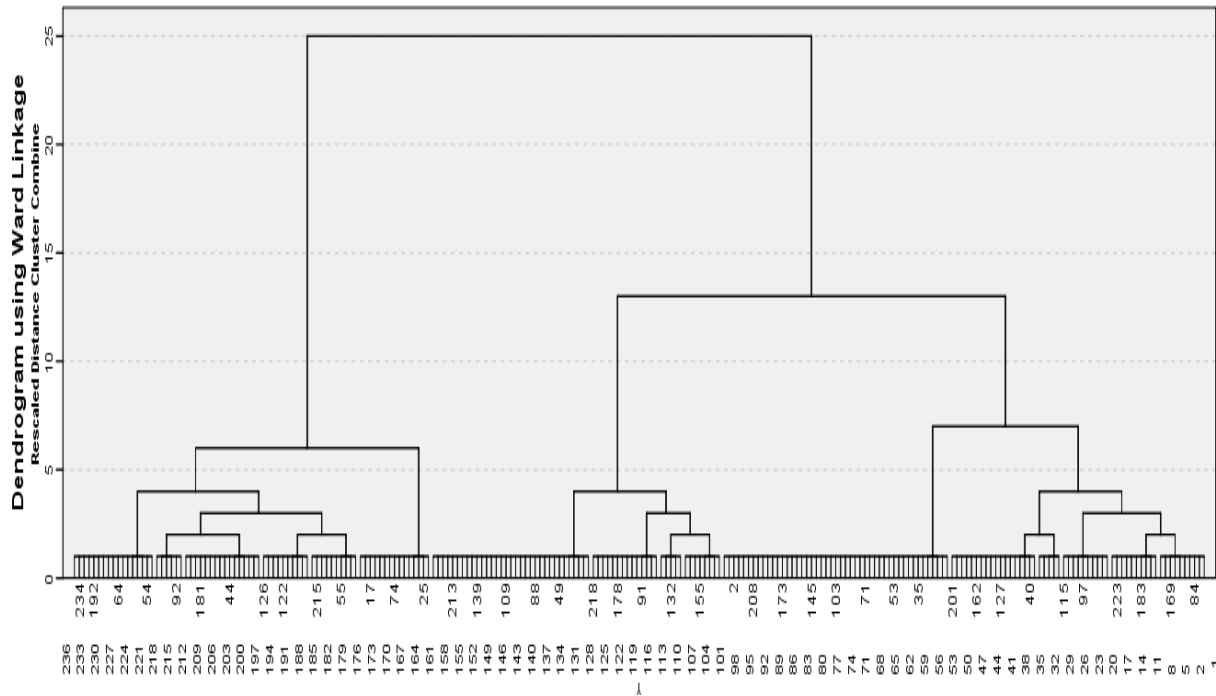
As suggested by Rambir Singh and G.S Bajpai, to get a clear picture of the actual background with in which the law works and to learn the impact of the law in the social environment, study of the laws were also included in this interdisciplinary research. Furthermore; the importance of available literature on the problem in hand cannot be overlooked, after careful preliminary review of the available literature this concept paper was circulated with legal experts, lawyers, judges, welfare workers and experts from academia to get their feedback. Careful analysis of the views given by the Islamic Jurists already given in the weekly, monthly or annual reports of various organizations was made. Again the annual reports of Human Rights Commission of Pakistan and other International Communities were carefully studied for the purpose to have a close look and understanding of the various obligations that Pakistan bears to the international community in terms of recognizing, implementing and enforcing laws for drug use and drug trafficking. Moreover, other numerous literature resources were extensively utilized and were thoroughly examined by the researcher. Conclusion was drawn after a thorough discussion and reasoning with experts.

#### **Analysis and Interpretation of Interviews**

Drugs are threats to human lives on earth and from centuries it has destroyed millions of lives. To minimize the effects of drugs, laws are made and implemented. To analyse the effectiveness of prevailing law “Control of Narcotic Substances Act, 1997” in rehabilitation of addicted population in Malakand division in terms of connection between narcotization, criminal behaviour and the law, potential problems in the prevailing legislation and success of governments in accomplishing the task of rehabilitation of drug addicts as mandated by the prevalent laws, the data collected through interviews and observations were coded and subjectively analyzed after thorough discussion with subject experts and were compared with already available facts in the form of literature.

Laws and judicial system are key pillars of an ethical and moral society; decisions of the court have far-reaching impact on every sphere of life. Every decision of the court is like a brick or layer of bricks in the wall of the societal structure. Thus laws can be utilised for mitigating the impacts of drug abuse and rehabilitation of affected population.

## Demographic Analysis



Cluster analysis was conducted to analyse demographic characteristics of the addicted population. Based on demographic characteristics i.e. age, gender, qualification, religion, marital status and period of addiction, the population was grouped. On the basis of maximum similarity the overall 234 addicted persons were grouped in 15 and on minimum similarity they were grouped in two different groups. On medium level similarity in characteristics the population made three groups as can be seen in above figure. From the data it is evident that majority of the addicted population lies between 20 to 50 years of age and a considerable portion is from below 20 years while few of the addicted persons were above 50 years. In above mentioned rehabilitation centers, no female addicted person was found thus the total population was composed of male. The data further shows that all categories of academic qualification from illiterate to graduates exist in the population. Illiterate and graduates are more than matriculated and intermediate qualification. Based on religion the overall population was Muslims and on marital status majority of the addicted were unmarried. Majority of the people were addicted for one year or less than ten years and some of them were either below one year or beyond ten years.



### **Narcotization and Law**

After thorough discussion with legal experts, community elders and related officials, their point of view is summarised. According to them narcotisation has centuries old history. Law has two different aspects in this regard. On one side the laws are made to prevent drugs and narcotics but due to medical use of narcotics it is challenging to identify its positive and negative uses. A large portion of our society is tribal where culture and traditions are more powerful. Different laws are made to prevent and mitigate negative use of narcotics of which one is “Control of Narcotics Substances Act 1997”. This act is implemented and is successful up to satisfactory level in mitigating use of narcotics. Thousands of addicted and suppliers of narcotics are punished every year but those who are addicted are ignored in term of rehabilitation as very limited number of addicted people are registered in Malakand Division.

### **Criminal Behaviour and Law**

Based on facts identified in formal and informal discussion with police officers, lawyers and judiciary officials, it can be disclosed that crimes cannot be eliminated from society; rather it can be mitigated through better implementation of relevant laws. Laws become active when crime is already committed. It ignores sources of crimes. There are different causes of crimes, many people are criminal by birth and some people when suffer a lot and not compensated by law resort to commit crimes. One of the most important sources of crimes is narcotics and drug use and here it means mis-use of drugs. When people continuously use drugs, their internal body system like nervous system is mainly affected. Then they don't differentiate between good and bad and become criminals. In a welfare state like Pakistan laws must not exist only for punishment, but must ensure society's welfare as well. For this purpose laws may be extended beyond punishment and sources of crimes and criminal behaviour may be addressed. The addicted people deserve to be treated like patients at state expenses and they may not be simply put behind the bars which will further deteriorate their already downtrodden lives.

### **Potential Problems in Prevailing Legislation**

To identify lapses in existing laws, the case was presented in front of rehabilitation centres in-charges, legal experts, police officers and ANF employees and their responses were coded and recorded. According to police and ANF officers, it is very difficult for them to keep addicted people in safe custody. They become violent and disturb whole police station. They cry and ask for drugs inside police station and try to harm themselves if they don't find drugs. Further they face problems in investigating the case as addicted people are almost mad and their responses are not valid and reliable. Legal experts and centers in-charges told that existing laws are more focused on punishment rather than rehabilitation.



## **Governments Performance in Rehabilitation**

Government of Pakistan, being a welfare state is trying to uplift life standard of its citizens in its scarce resources. According to Officials of Social Welfare employees, parliamentarians, and officials of rehabilitation centers, government is utilising its resources and exploiting each and every opportunity to overcome the victimisation of drugs/narcotics. Thousands of people are recovered each year and they become normal citizen but it is a very small portion of addicted population. Budget allocated every year is very low as one addicted person needs thousands each month and the treatment continues for years. Major part of addicted population is out of centers and they don't register themselves willingly. Existing infrastructure and human resource is insufficient to approach every addicted person and make him useful citizen. It will need more attention from government officials and billions increase in budget.

## **Gap for Improvement**

### **Conclusion**

We can use the power of the law not as a blunt instrument but as a way to nudge people towards an outcome that is better for them and better for the community. The harm reduction working hand in hand with law enforcement can take us into a new approach to drug crimes and our nation desperately needs that. This is epidemic and instead of punishing we should seek therapy, rehabilitation and drug treatment. So many of the drug addicts are not criminals; they are addicts, some suffer from addiction and mental disease. Is it justice that they should be sent to jails for the reason that they are victims to drug and not criminal defendants.

### **Recommendations**

1. Supply and Demand Reduction
2. Priority Areas to be Addressed
  - Schools and Community Based Prevention Program
  - Controlling the Sale of Narcotics Substances
  - To Start up Drugs Abuse Information Unit
  - Implementations Strategies

The following are the key areas in the Implementing Strategies;

- ✓ Drug Abuse Prevention
- ✓ Narcotics Treatment and Rehabilitation
- ✓ Drugs Monitoring System





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