

Analysis of the Control of Narcotics Substance Act 1997 in the Context of Environmental and Ecological Harm in Pakistan



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Abstract: *The scheme is the legal examination of the connections between Narcotics laws and Environmental Protection laws in Pakistan. It will analyze gaps in existing anti-narcotics legislation and the resulting impacts on ecosystems and environmental outcomes. The research aims to ultimately incorporate comprehensive legal reforms responsive to the socioeconomic drivers and ecological effects of narcotization. In this regard available legislation on drugs within Pakistan and International conventions have been studied in depth, historical aspect has been covered with the help of case studies along with integrated drug policies. Ecological effects of narcotics and legal combating to environmental preservations are also addressed. Put forward transformational adaptability and mitigation measures of narcotics via suggestive legal reforms more cohesive and environmentally friendly. Efforts have been made to reveal the liaison between narcotics drugs and environmental sustainability.*

Keywords: Narcotics laws, Environmental law, Drug trafficking, legal reform, Pakistan.

Introduction

Addiction is a lingering disease categorized by drug taking with detrimental significance. As per traits primary choice to take drugs is to volunteer for the people at large but regularly in take channelize the use and habitual usage drag them into addiction. Our religious injunctions rank human beings as the Crown of all creatures so it is necessary to take the right full path for submitting themselves for the fulfillment of holy commands. Focusing on exertion for permissive nourishment and staying away from Haram is one of the key demands of Islam. Alcohol and narcotics drugs including najis are altogether excluded in Islam owing to physical and mental adverse effects. Addiction forms the basis for ethical deterioration, and physical and mental

unconsciousness hence resulting in extreme levels of destruction of families and communities.

For a long internationally drug usage was regarded as a social, ethical, and economic evil. In 1909, when the principal International Conference on Narcotic Drugs was held in Shanghai under the patronage of the United Nations the matter gained extensive global attention. From 1912-1972 around twelve conjoint drug regulator treaties were settled down to coup with drug economy. The convention namely Narcotic Drugs of 1961, was amended by the Protocol in 1972 in the same context the Convention on Psychotropic Substances 1971 protracted the drug control to new phenomena of synthetic Psychoactive

drugs. As a preventive measure, the Convention also addresses the area of issuance of licenses, production, cultivation, manufacturing, storage, and trading of narcotics material. International collaboration is needed at the time to get rid of drug abuse with special insights for a sustainable society, drawing the policies to mitigate the consequences and ensuring good governance. Sustainable Development Goals laid by the United Nations pay heed to the role of governments to take steps to prevent the usage of narcotics drugs. World Health Organization as a part of the United Nations showed concern in major areas of drug prevention, vulnerability and risk factors, treatment and rehabilitation extensive care of sufferers (Kleven, Jiles & Holmberg, 1912).

LITERATURE REVIEW

Coherence, protection, sovereignty, and financial stability are regarded as key features for peaceful survival in this era of globalization. Pakistan as a sovereign state is lacking the stated attributes for peacefully globally surviving. Pakistan is not only to counter the traditional security threats but also to address the non-traditional civic threats. Narcotics trafficking and usage is such a dilemma in Pakistan that is more violent and deadly than traditional threats (Chandran.D, 1998). The Government of Pakistan is familiar with this endangered factum of being International reputation and detrimental effects on its citizens kept drug eradication at its high action plans

(Niazi, Zaman, & Ikram, 2009). Pakistan has consented to several International conventions and treaties to coup with this social evil. The 1961 Convention on Narcotic Drugs, the Convention on Psychotropic Substances 1971, and the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances 1988 necessitate not only taking necessary steps for its prevention but also safeguarding to aware the public and restoration (UNODC, 2013). In 2010 Government of Pakistan lodge a program to implement drug laws, particularly in educational institutions concerning combat demand, supply, and usage of drugs (annual report, 2010). The efforts put in by the political regimes in Pakistan

to address the multi-faceted evil of drugs are matchless. The matter has been kept on a priority basis for a long. Pakistan endorsed the United Nations Protocol of 1946 in 1948 & also made efforts to the extinction of usage of drugs under terms of International agreements of 1912, 1925, and 1931. Progress took place in 1979 and 1983 when Hudood Laws were promulgated with strict compliance and capital penalties respectively. Pakistan paid great heed to poppy cultivation as in 1995 Presidential Ordinance was issued in alignment with the United Nations Drug Control Convention. One of the functional agencies was introduced in 1994 by the Government of Pakistan to combat Narcotics mob-based activities within the country along with a special focus on border-sharing areas, airports, dry ports, and logistics. In 1997 National Assembly of Pakistan legislated proper laws on the substance of The Anti-Narcotics Force Act, 1997 (ANF) & Control of Narcotics Substance Act, 1997 with extendable jurisdiction in the then tribal areas. In 2001 Special Narcotics Courts in five major cities of Pakistan i.e. Peshawar, Lahore, Karachi, Islamabad, and Quetta were constituted to look into the matters of drug prosecutions. Much-needed narcotization has been addressed substantively, procedurally, and administratively but still gap was felt owing to new techniques of narcotism in society. To cater with this issue in 2022 the Control of Narcotics Substances (Amendment) Act, 2022 has been passed.

EXPLORATION QUERIES

The research aims to clarify the queries:

1. To explore the relationship that exists between narcotization & ecological sustainability?
2. To analyze the principal legislation on Narcotics Drugs whether it addresses the ecological effects or otherwise?

ANALYSIS OF THE PRIMARY NARCOTIC LEGISLATION IN PAKISTAN“THE CONTROL OF NARCOTIC SUBSTANCES ACT 1997”

The Control of Narcotic Substances Act 1997 is the principal legislation with the aim of not only

freeing the country from narcotization but also focusing on prohibition and rehabilitation of addicts. The Act contains an exhaustive list of words in explicit form. Minute expression related to narcotism has been tried to cover in the definition clause; further care has been taken in calculating the facts and figures in cases of liquid narcotic substances. Legal prohibitions are imposed on cultivation, possession, import, export, trafficking, and financial trafficking; owing, processing, and operating narcotics are dealt with penalty. Prohibition and penalty are extended for the cases of acquisition, aiding, abatement, and association (II of CNSA, 1997). Act, 1997 also empowers the judicial setup for handling the cases of Narcotics substances. Search, seizure, confiscation, and investigational empowerment enable the authorities under the provisions to take cognizance of narcotics matters. The Act, 1997 provides provisions related to freezing and forfeiture of assets where reasonable grounds are available that the same have acquired out of involvement in narcotics bargaining with extendable action against not only the convict but also against his relatives, family members, and associates. Alienation by way of sale, gift, lease, and a likewise transaction is considered illegal under Act, 1997 (IV of CNSA, 1997). Act, 1997 provides provisions related to the establishment, composition, jurisdiction, powers, and functions of a special judicial court system to deal with cases of anti-narcotics drugs. Besides other enumerated penalties major penalties of Death and life imprisonment are also awarded to the guilty. Judicial hierarchy has been given in the Act to empower the aggrieved person to file an appeal against the decision to a higher forum. Act, 1997 directs the Government concerned at the Provincial level to establish rehabilitation centers for maintaining records relating to registration, treatment, education, and reformation of addicts. Act, 1997 also provides for the development of a National Fund for the control and eradication of abuse of drugs from society. The main of the constitution of the said fund is to collect revenue from the federal, and provincial, sale proceeds of forfeited assets, fines, and any grants from organizations and invest in mental projects to bear the

expenditures. The Act, of 1997 pays heed to international cooperation in terms of channeling the narcotic controlling laws worldwide. Under the provisions of the Act, 1997 Federal Government as a legal entity of Pakistan can coordinate, request, participate, guide, seize, collect evidence, raid, trace, and take assistance from other countries to combat issues of narcotics. The due procedure has been illustrated in the Act 1997 for pursuing legal assistance in other countries of the world. Attention has been extended via the application of the Law of Extradition to deal with the cases of foreigner's involvement in narcotics drugs within the limits of Pakistan. These cases are prosecuted under the directions of High Courts within Pakistan and the ministry concerned (VIII of CNSA, 1997). The Act, 1997 provides clauses for tracing and investigating suspicious financial gain and also addresses the acquisition of assets out of the gain of narcotics dealings whatever the form is.

For ascertaining the assets of officials of different stakeholders of Pakistan, The Act, 1997 binds the departmental assistance solicited from time to time and submission of reports to the Director General for keeping and updating the record of employees. The Act, of 1997 also provides for the delegation of powers and functions entrusted under this Act to Provincial Governments for efficacy and narcotics-free society (IX of CNSA, 1997).

THEORETICAL AND PRACTICAL GAPS TO BE ADDRESSED

After going through the clauses of The Act, 1997 it has been revealed that concerns of Environmental Protection and Ecological threats by usage of Narcotics drugs are not addressed. Least provision is not talking about the effects of narcotics drugs on bio diversity, pollution, deforestation, reduction in agricultural production, emissions, effluents, chemical reactions, health care resistance and more important the sustainability of universe and its preservation. The Act, 1997 is lacking the socio, environmental, cultural and ethical aspects. Penalties enumerated in The Act, 1997 are not detrimental in nature with imposition of nominal fines. Although provision is provided for Death

penalty in cases of grave nature yet the same has been skipped owing to non-availability of cogent and reliable evidences. Overlapping agency roles also cause enforcement issues. The Act, 1997 encourages the environmental degradation from trafficking activities like chemical waste dumping and encroachment on forests for drug farming. One of the dilemmas is that major Statutes on Environment i.e. The Pakistan Environmental Protection Act (PEPA), 1997 and allied Provincial Forest, Wildlife and Pollution Control Policies are silent and least bothers to indicate narcotics trade as a threat to ecological preservation and sustainability. Pakistan's Environmental Laws negated to identify illicit drug crop farming and manufacturing as ecological hazards. Conceptually address is not enough until proper and clear responds to these ecological repercussions through legal means is carried out. Further absenteeism of environmental impact assessment and maintaining quality assessment requirement for licit drug production and chemical diversion safeguards threaten the environment and hence moving towards one of the causing factor of climate change. Weak chemical disposal affect the bio diversity and ecological wellbeing. Hence advancing the notion of Climate justice at risk as no mechanism has been stated in The Act, 1997 for rehabilitation of area affected and raid upon by authorities. Further probing into the role of institutional composition one of the major lack is having Environmental regulator representation on key drug control bodies like the Pakistan Narcotics Control Board. The role of the apex court of Pakistan with reference to suomoto notice is not witnessed in The Act, 1997. Public interest litigation one of the major concerns for protecting the fundamental rights are legally not recognized by the Act, 1997. Although in the history of Pakistan first ever case on environmental laws was filed on the basis of recognizing the principle of public interest litigation (PLD1994). Illicit Drug usage is now prevalent threat world widely specially targeting fledgling cohort in Pakistan. Particularly youth addiction is one of the alarming threats as educational institutes are not protected from shackles of drug abuse. The

Act, 1997 is also silent relating to the matters of creating awareness among society in general and particular in youth as survey reported that various factor i.e. peers stress, scholastic anxiety, fame, family stress and curiosity drags the healthy one into the pool of narcoticism. It is high time that proper role should entrust to the institution composed under the Act, 1997 with reference to inculcate awareness among illicit drug use and environmental sustainable development with international standards.

SCOPE

This analysis will prove itself as an eco-centric lens to influence policy-makers to integrate Pakistan's Anti-narcotics laws and environmental Protection laws for sustainability. Legally require environmental impact assessments and restoration plans for narcotics cases involving mass cultivation, production, and chemical waste dumping along with recover funds to support habitat rehabilitation initiatives. It will assist in revising fines and penalties for drug offenses leading to irreversible ecological damage and ensure deter entity of regulations. Foster alternative sustainable livelihoods in marginalized drug-vulnerable communities through legal and policy provisions to reduce dependence on the illicit drug economy (Sajid & Asraf, 2020).

RECOMMENDATIONS AND CONCLUSION

This research will pave the way as groundwork to examine Pakistan's narcotics laws' limitations concerning environmental protection. The research aims to ultimately inform comprehensive legal strategies addressing the socioeconomic and ecological aspects of illicit drug farming, trafficking, production, prevention, reformation, and rehabilitation. It is a need of the time that properly amended laws should be legislated and enforced by the Government. Along with legislation it is also recommended that illicit drug education should be inculcated in the curriculum since the very start of education level. It is recommended that consolidated revision of Narcotics law should be carried out in alignment with principles of the Environmental Protection Act, 1997 as a parent

law. It will enhance the prevention and advance the development that meets the prerequisites of the existing generation without compromising the ability of future generations to meet their needs as Earth is the only planet to share and live in common. Further, it is recommended that besides providing a judicial forum for the prosecution of narcotics cases it would be beneficial that a proper tribunal should be established for entertainment of said cases.

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