

HABIBIA ISLAMICUS

(The International Journal of Arabic & Islamic Research) (Quarterly) Trilingual (Arabic, English, Urdu) ISSN:2664-4916 (P) 2664-4924 (E)
Home Page: <http://habibiaislamicus.com>

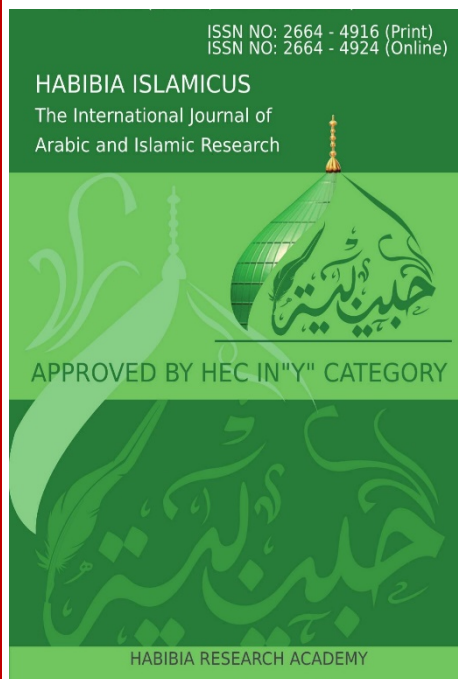
Approved by HEC in Y Category

We have indexed with IRI (AIU), Australian Islamic Library, ARI, ISI, SIS, and Euro Pub.

PUBLISHER HABIBIA RESEARCH ACADEMY
Project of JAMIA HABIBIA INTERNATIONAL,
Reg. No: KAR No. 2287 Societies Registration
Act XXI of 1860 Govt. of Sindh, Pakistan.

Website: www.habibia.edu.pk,

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TOPIC:

A CRITICAL EXAMINATION OF CONFLICTS IN NARCOTICS, PSYCHOTROPIC, AND PROHIBITED SUBSTANCES LAWS IN PAKISTAN: THE DILEMMA NEEDS TO BE RESOLVED

AUTHORS:

Dr. Faiza Khalil, PhD (Law) University of Karachi, Email ID: khalilahmedakyarn@gmail.com
Orcid ID: <https://orcid.org/0000-0002-3959-362X>

How to Cite: Khalil, Dr. Faiza, 2025. "A CRITICAL EXAMINATION OF CONFLICTS IN NARCOTICS, PSYCHOTROPIC, AND PROHIBITED SUBSTANCES LAWS IN PAKISTAN: THE DILEMMA NEEDS TO BE RESOLVED". Habibia Islamicus (The International Journal of Arabic and Islamic Research) 9 (4):13-29.

DOI: <https://doi.org/10.47720/hi.2025.0904e02>.

URL: <https://habibiaislamicus.com/index.php/hirj/article/view/341>

Vol. 9, No.4 || October –December 2025 || P. 13-29

Published online: 2025-12-30

QR. Code



**A CRITICAL EXAMINATION OF CONFLICTS IN NARCOTICS,
PSYCHOTROPIC, AND PROHIBITED SUBSTANCES LAWS IN PAKISTAN:
THE DILEMMA NEEDS TO BE RESOLVED**

Dr. Faiza Khalil

ABSTRACT:

The study scrutinizes Pakistan's fragmented legal framework governing narcotics, psychotropic substances, and controlled drugs. It is intended to highlight systemic inconsistencies, jurisdictional conflicts, and operational gaps arising from the basic statutory framework and its correlated legislation, the Customs Act 1969, Anti-Narcotics Force Act 1997, Anti-Money Laundering Act 2010, which address the trafficking, licensing and crime proceeds of the drugs. The article outlines the progression of law from colonial statutes such as the Opium Act 1878 and Dangerous Drugs Act 1930 to the contemporary Control of Narcotic Substances Act 1997 (CNSA) and its provincial successors, besides special legislation under Hudood Ordinance. The parallel legislation may, it is suggested, create impediments for the country in discharging its international obligations under the Single Convention on Narcotic Drugs 1961, the Convention on Psychotropic Substances 1971, and the 1988 Vienna Convention. The analysis underscores Pakistan's strategic vulnerability amid shifting Afghan opiate markets and the rapid expansion of methamphetamine trafficking, compounded by limited access to medical opioids and the absence of a rights-based rehabilitation regime. The article also advances a compelling case for consolidation into a unified Narcotics Control Code, harmonizing criminal, procedural, customs, financial, and health regulations. It argues that federal primacy is constitutionally imperative under the 18th Amendment due to international treaty obligations, FATF compliance, and transnational cooperation under mutual legal assistance regimes. Recommendations include: precision scheduling of substances, including drugs offences through digital markets, more focus on trafficking rather than possession, integrated asset recovery mechanisms, and institutional coordination between ANF, Customs, FIA, DRAP, and the judiciary. With Pakistan positioned at the crossroads of global trafficking routes, this article contends that a holistic, codified legal order, aligned with UNODC model laws, is essential to replace punitive fragmentation with a coherent framework of deterrence, accountability, rehabilitation, and international cooperation.

KEYWORDS: *Single Convention on Narcotic Drugs 1961, Convention on Psychotropic Substances 1971, Vienna Convention, Unified Legislative Framework for Drug Control Trafficking & Rehabilitation, Anti-Money Laundering Act 2010, Mutual Legal Assistance (Criminal Matters) Act 2020, Customs Act 1969,*

INTRODUCTION:

Unlawful access to narcotic substances is widely witnessed these days globally and in Pakistan also. The use and dissemination of opium in South Asia has historical roots that date back to the Mughal and British Empire.¹ Overall results of the National Drug Use Survey Pakistan 2022-24 revealed that approximately 12 percent of the population, 9 percent of the adult male population and 2.9 percent of the adult female population,

equivalent to 6.7 million people had used a substance other than alcohol and tobacco during the preceding years. Cannabis is the most used drug, with estimates suggesting 3.6 million users in Pakistan (approximately 2.9% of the population aged 15-64). About 800,000 to 1 million users use heroin daily. It remains a significant concern due to its addictive nature. Use of Methamphetamine (“Ice”) has increased rapidly, and is quite high among the youth and students. Recent studies show that it may surpass heroin in the cities. Prescription drugs (Tramadol, Benzodiazepines, etc.): About 20% of drug abusers use prescription drugs, mainly because they are readily available. About 6.7 million people, or 6% of the adult population aged 15-64, use illicit drugs. Yet there is significant regional variation also as such Khyber Pakhtunkhwa has the highest prevalence, with almost 11% of the population affected.²

Pakistan is situated at the junction of shifting drug economies, a coastal State exposed to Indian Ocean trafficking lanes and a neighbour to Afghanistan, whose post-2022 opium ban has disrupted long-established drug flows. Along with Bangladesh, India, Maldives and Sri Lanka, Pakistan’s coastline remains vulnerable to maritime smuggling across the Eastern and Western Indian Ocean. The controlling activities have led to an increase in total meth seizures from 4.4 tons in 2022 to 11.4 tons in 2023, and crystal meth (“ice”) seizures jumped from 86.7 kg to 589.1 kg over the same period. Besides these, Pakistan has also remained one of the principal countries for cannabis-resin seizures in West Asia during 2021–2022, highlighting its strategic position for multiple commodity transactions and usage.³

Global Report Regarding Drug Offences and Policy Trends

In 2022, compliances with the international drug-related obligations were mostly made through the criminal justice system, with nearly 7 million people encountered by law enforcement agencies for drug offences globally. Strikingly, two-thirds of these activities resulted in charging the offenders for drug use or possession, rather than drug routing. This focus on low-level drug offence is further echoed in subsequent verdicts, as 1.6 million were ultimately convicted, with marginally more convictions resulting against personal use or possession rather than trafficking activities. Such inaction leads to unintentional facilitation of the carriers routing a huge quantity.

Medical treatment of drug offenders on behalf of the state also varied widely across jurisdictions. In about 40% of the countries with available data, possession or consumption remains a criminal offence, particularly in Asia and Africa with no medical facilities.

Emerging alongside is the global revival of interest in psychedelics, including LSD, MDMA, psilocybin, and ketamine. However, researchers warn that without comprehensive regulations, parallel and unregulated markets for psychedelics may emerge, potentially undermining public health objectives.

In sum, global drug policy today stands at a crossroads between punitive legacies and emergent health-based approaches. While criminal justice systems continue to absorb millions of non-violent drug users, access to essential treatment and regulated harm reduction remains deeply unequal. Legal reforms around cannabis and psychedelics reflect shifting societal norms, but they also underscore the need for measured oversight, scientific integrity, and equitable justice.⁴

Contextual Legislative Background in Pakistan:

Before 1997, Pakistan relied mostly on the Opium Act 1878, Dangerous Drugs Act 1930 as well as Drugs Act 1976 for medicinal narcotics until the Control of Narcotics Substances Act 1997 replaced this collaged framework with a unified, modern regime.

The legislation was initiated by the Opium Act of 1878, a significant colonial piece of legislation enacted in India to regulate the production, possession, and trafficking of opium. It was intended to preserve control over the opium industry, which had been a major source of revenue for the British East India Company and, later, the British Rule. The Act provided for penalties such as imprisonment and fines for violations, and delegated to police officials the power to enter, search, and seize property suspected of containing illegal opium. However, the intention of merely generating revenue is evident from relatively low penalties incorporated for the drug offenders, which were perceived as punishments for "revenue offenses" rather than serious crimes against public health. The Act is said to have institutionalized opium addiction in some Indian communities.⁵

Existing Legal Regime And Influence Of International Narcotics Control Frameworks

Pakistan had signed the Single Convention on Narcotic Drugs, 1961 in 1971 and ratified it in 1999. Likewise, it ratified the UN Convention on Psychotropic Substances, 1971 in 1977 and signed the UN Convention against Illegal Trafficking of Narcotics and Psychotropic Substances, 1988 in 1989 and ratified it in 1989.⁶

• **Control of Narcotic Substances Act, 1997 (CNSA), Federal Law**

For countries that are parties to international drug control conventions, obligations arise. These include measures across agriculture, commerce, health, and law enforcement. National legislation must therefore regulate production, trade, and distribution, with varying levels of control, and offences must be made punishable under criminal law. Special attention is required for psychoactive substances due to their dependence liability and abuse potential. The Single Convention imposes strict measures on the cultivation of opium poppy, coca bush, and cannabis. The states are also required to integrate the international obligations into a framework that guarantees restriction of psychoactive substances to legitimate medical and scientific use, while preventing diversion into illicit channels.⁷

Following Pakistan’s accession to the Single Convention on Narcotic Drugs, 1961, the country embedded the Convention’s twin obligations, restricting narcotics exclusively to medical and scientific purposes under Article 4(c), and adopting robust penal provisions under Article 36—into the Control of Narcotic Substances Act, 1997. Chapter II of the Act, particularly sections 4 to 11, criminalizes cultivation, possession, import, export, trafficking, manufacturing, and financing of narcotics, while sections 14 and 15 address aiding and abetting.

The Convention on Psychotropic Substances, 1971 extends these controls to synthetic substances. In Pakistan, psychotropics are prosecuted under the same CNSA prohibitions (sections 6 to 9) and supported by evidentiary provisions in sections 34 to 36, which govern testing laboratories and Government Analyst reports.

In implementing the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention), Pakistan addressed Article 5 on confiscation and Article 3(1)(b) on money laundering through a dual framework. Chapter IV of the CNSA (sections 37 to 44) deals with freezing, tracing, and forfeiture of drug proceeds, including those subject to foreign orders. The Anti-Money Laundering Act, 2010 (AMLA) supplements this by defining the money laundering offence in sections 3 and 4 and by listing key CNSA offences in Schedule I (Section VIII) as predicate offences. A Special Court under Control of Narcotics Substances Act 1997 may also charge and try an offender jointly for an offence other than the Act when so authorized by Federal Government. Section 12 deals with concealment or disguise by making a false declaration of assets.⁸

Articles 6 and 7 of the 1988 Convention, covering extradition and mutual legal assistance, are reflected in Chapter VIII of the CNSA (sections 56 to 66) and further elaborated in the Mutual Legal Assistance (Criminal Matters) Act, 2020, which formally designates the Secretary, Ministry of Interior as the “central authority”. This body is charged with receiving, processing, and responding to all requests for mutual legal assistance in criminal matters—including initiation of requests, gathering evidence, execution of search or seizure orders, freezing or confiscation requests, and handling foreign mutual legal assistance inquiries thereby aligning Pakistan's framework with international practice and improving procedural clarity and efficiency.

Pakistan has also operationalized Article 11 of the 1988 Convention in section 24 of the CNSA, which empowers authorities to conduct undercover operations, allow suspect consignments to proceed under surveillance, and employ tracking devices with appropriate approvals. To comply with Article 12, Pakistan issued the CNSA (Regulation of Drugs of Abuse, Controlled Chemicals, Equipment and Materials) Rules, 2001, establishing a framework for licensing, permit, and reporting to the International Narcotics Control Board (INCB), a compliance benchmark.

The Control of Narcotic Substances Act, 1997 later amended by the Act of 2022 brought about wide-ranging changes, aimed both at tightening Pakistan's domestic framework and at aligning it more closely with international drug control conventions. The Preamble of the Act was also revised to expressly emphasize forfeiture powers, strengthen Pakistan's commitment to the global drug control treaties of 1961, 1971 and 1988 as well as to include controlled substances alongside narcotic drugs and psychotropic substances into the previous legislation. The definitions in Section 2 were considerably expanded. The term "controlled substance" was refined to include forms such as *bhang*, *siddhi* and *ganja*, while a new and detailed definition of "illicit traffic" was introduced to cover cultivation, production, possession, financing, harbouring and conspiracies relating to narcotics. In addition, the term "international convention" was incorporated to ensure that the Act remains adaptable to future obligations under international law. The enforcement provisions were also strengthened. Section 4 extended liability to those who knowingly permit land to be used for the cultivation of prohibited crops. Section 5 removed judicial discretion by introducing a mandatory minimum sentence of one year's imprisonment, in addition to a fine. Most significantly, Section 9 was replaced in its entirety with a structured sentencing matrix that links punishment directly to the type and quantity of substance involved, ranging from terms of a few months to life imprisonment. Other penal sections were amended to increase punishments and ensure that imprisonment is generally coupled with fines.

The Act also deals with asset restraint and confiscation. Under Section 62, Pakistan may, on a foreign request, apply to the High Court for a restraining or freezing order against assets believed to be the proceeds of narcotics offences committed abroad. Section 63 enables the enforcement in Pakistan of foreign restraining and forfeiture orders once registered by the High Court, provided they are in force and final, and that the person concerned had adequate notice of the foreign proceedings. Section 67 requires all banks and financial institutions to screen unusual or suspicious monetary transactions that could relate to narcotics activities and report them to the Director General. Failure to do so is punishable with imprisonment of up to three years or a fine. Finally, Section 68 creates a presumption against assets suspected to have been derived from drug trafficking. Where there is reasonable ground to believe that a person's assets were acquired around the time of, or after, the commission of a narcotics offence, and no lawful source is shown, it shall be presumed that the assets were obtained through drug-related dealings unless the contrary is proved.

However, despite these integrated measures for controlling illicit trafficking of drugs in substantive law, procedural lacunas in arrest, seizure of these substances and defective evidence are the causes which destroy the whole edifice of the state's case. Vague details about what was actually recovered, contradictions in witness testimonies, and failure to establish the ownership or existence of key items like vehicles from which narcotics were allegedly recovered are often recorded. These are the major factors which are leading

towards the acquittal of an accused.⁹ Although section 21 of CNS Act 1997 is broadly in line with modern exigency models (urgent risk of evidence destruction/escape), but it is stricter on rank/authorization and more explicit about recording and notifying superiors. In other countries, warrantless entry/search is permissible on probable cause or reasonable suspicion as well as exigent circumstances, but with robust post-search judicial review and remedial doctrines acting as the main safeguards.¹⁰ Such safeguards or standard operating procedures are yet to be designed in Pakistan. The Supreme Court, in its judgments, had pressed the principle that the chain of custody of seized narcotics must remain unbroken, safe, and secure from the moment of recovery until the samples reach the Narcotics Testing Laboratory. Any lapse or break in this chain inevitably casts doubt on the evidence and undermines the prosecution's case.¹¹ The Court further stressed the importance of protocols. A report that does not record these protocols has no sanctity in law and cannot enjoy the presumption of conclusiveness accorded to the Government Analyst's Report under section 36(2) of the Control of Narcotic Substances Act, 1997. Recognizing the need for credible and standardized forensic practices, the Court also issued directions to the Federal and Provincial Governments. It required that Government Analysts must possess the prescribed qualifications under Rule 3, which has been declared mandatory, and that testing protocols across Pakistan be standardized in line with international guidelines, including those of the United Nations Office on Drugs and Crime (UNODC), the Scientific Working Group for the Analysis of Seized Drugs (SWGDRUG), and ISO 17025:2017. Disciplinary action was also directed to be taken against officials who fail to comply with the Rules.¹²

• **Anti-Narcotics Force Act, 1997:**

The superintendence of the Anti-Narcotics Force (ANF) vests in the Federal Government, which thereby retains overall policy and control. The functions of the ANF are extensive. Its principal mandate is to investigate and prosecute all offences associated with the preparation, manufacturing, transportation or trafficking of narcotics, intoxicants, and chemical precursors. The jurisdiction encompasses attempts, conspiracies, abetments, and related offences not only under the Control of Narcotic Substances Ordinance 1996, but also under the Prohibition (Enforcement of Hudood) Order, 1979. The Force is further charged with the tracing and freezing of assets derived from narcotics offences, and with providing assistance and expert advice to other enforcement agencies. It serves as Pakistan's liaison with national and international narcotics bodies, represents the State in international fora, and coordinates projects for the eradication of poppy cultivation.

Under the Control of Narcotic Substances Act, 1997 (CNSA), all drug-related offences are declared to be cognizable and police is empowered to take immediate action without prior judicial authorization. Section 21 of this Act provides that the power to enter, search, seize, and arrest without warrant is not vested exclusively in the Anti-Narcotics Force (ANF) but it extends to police officers also, who should not be designated below the rank of Sub-

Inspector, duly authorized, establishing concurrent authority for the two agencies at the same time.

This mandate of the police is reinforced under the Code of Criminal Procedure, 1898, a general procedural law for the trial of offences. Sections 154 to 156 impose a duty upon the police to prevent and arrest the offenders found in the commission of cognizable offences unless and until a case is specifically entrusted to the ANF. The ANF Act 1997, itself recognizes this overlap. Section 6(8) empowers the Federal Government, through a written order, to transfer or entrust any narcotics case initially handled by the police, customs, FIA, or other enforcement bodies to the ANF.

The Triangular Relationship Between CNSA, Customs Act, and ANF

The Control of Narcotic Substances Act, 1997 (CNSA), operationally is also dependent on the Customs Act, 1969, besides the Anti-Narcotics Force (ANF). Although each law has its own statutory mandate, their jurisdictions intersect so frequently that they form what may be described as a triangular relationship of substantive law, border enforcement, and specialized prosecution.

The Customs Act preexists the CNS Act, however, it regulates the flow of goods across Pakistan's borders. Narcotics and precursor chemicals are often trafficked through ports, airports, and land customs stations. As a result, customs officials serve as the first line of defense against drug trafficking. The Customs Act empowers these officers to interdict and seize prohibited goods, including narcotics, during the process of import, export, or transit. Section 156 of the Customs Act provides penalties for smuggling and possession of contraband, and in practice this frequently overlaps with the penal provisions of the CNS Act 1997.

Drug Regulatory Authority of Pakistan (DRAP)

Some substances in Pakistan sit in a grey zone. The Drug Regulatory Authority of Pakistan (DRAP) recognizes them as essential medicines that hospitals and pharmacies rely on for treatment but at the same time under the Control of Narcotic Substances Act, 1997, they are treated as illegal substances when smuggled, trafficked, or misused.

Take morphine and diazepam for example. If they are smuggled or sold on the black market, as a narcotic under the CNSA, they carry serious criminal penalties.¹³ But when the same substances are produced in controlled doses and prescribed by doctors, they become critical medicine for treatment of patients in surgical cases, and other medical emergencies.¹⁴ DRAP also oversees the legal supply chain, ensuring that manufacturers, importers, and pharmacies are licensed and trade while remaining in the permissible area and quantity and prescriptions are properly controlled. Violations usually result in administrative penalties, fines, or imprisonment up to 10 years. The sentence may extend to life imprisonment in case of a subsequent offence.¹⁵ At the same time, banning illegal

trafficking and abuse in CNS Act 1997, penalties are much harsher, ranging from imprisonment to life or even the death penalty, depending on the quantity of the drug. This dual status makes coordination between authorities essential. Only by working together the two systems can prevent outflow of medical drugs into the black market while ensuring patients have access to the treatments.

Hudood laws

Yet there is another aspect to this subject, Hudood Laws, which are still in field.¹⁶ According to this law intoxicant means an article specified in the Schedule I and includes intoxicating liquor.¹⁷ The schedule covers leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis Sativa L.*) including all forms known as Bhang, Siddhi or Ganga. Charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing or transport. Opium and opium derivatives as defined in the Dangerous Drugs Act, 1930 (II of 1930) are also included. Coca leaf and coca derivatives as defined in the aforesaid Act and lastly Hashish.

Whoever imports, exports, transports, manufactures or processes any intoxicant; or bottles them, possesses, sells or serves any intoxicant; or allows any of these acts within his premises, shall be punished under Hudood Laws with imprisonment for a term which may extend to five years and with whipping not exceeding thirty stripes, and shall also be liable to fine. The same nature of acts in respect of opium or coca leaf or opium or coca derivatives shall be punishable with imprisonment for life or with imprisonment which is not less than two years and with whipping not exceeding thirty stripes, and shall also be liable to fine.¹⁸

Provincial Laws

The province of Khyber Pakhtunkhwa passed its own provincial CNSA in 2019 and an Amendment Act in 2025 which further refined the definitions of narcotic, psychotropic, and recreational/drug precursor substances. It clarified that “controlled substances” follow international conventions and can be updated via notifications. The provincial legislature has enacted multiple definitions and legal provisions, revisiting the previous ones to align with evolving drug categories.

Sindh Control of Narcotic Substances Act, 2024, a provincial law, governs narcotic drugs, psychotropic substances, and precursor chemicals within Sindh. It enacted definitions, enforcement mechanisms, established special courts, and enhanced police powers within provincial jurisdiction. These provincial departures create a more complex enforcement landscape, legislative gaps and raise coordination issues between jurisdictions. The law stands away from the merger of trial of other offences with the offence under CNSA as was prescribed in s. 45(1) of the federal law. The law is also silent about compliances with international obligations. There are presently no effective mechanisms for international

trafficking jurisdiction, cross-border cooperation, or integration with anti-money laundering controls, and most importantly obligations arising under the FATF framework. Although these matters fall within the federal domain, the moment a province legislates in areas touching narcotics control, it becomes mandatory to structure executive channels for reporting, data-sharing, and coordination with the federation to ensure compliance with national and international requirements. The Narcotics Control Wing of Excise, Taxation & Narcotics Control, Department Sindh Karachi was although notified vide SGA&CD's Notification dated 19.02.2013 with the motive to enable the implementation of the Control of Narcotics Substance Act, 1997 and to fight its violation through prevention of illicit trafficking of Narcotics Drug, opium, liquor, intoxicating preparation and to eradicate the menace of Narcotics from the Province, but the Wing currently is in establishing phase.¹⁹

LEGAL CONFLICTS WITHIN THE EXISTING LAWS

The substantive legal framework governing narcotic drugs and psychotropic substances is marked by overlapping statutory regimes, each purporting to operate with a *non obstante* clause asserting effect “notwithstanding anything contained in any other law for the time being in force.”²⁰ This legislative technique has resulted in parallel, and at times competing, spheres of authority within Pakistan's narcotics control architecture. Concurrently, the Constitution has entrusted the Federation with exclusive authority over matters related to the implementation of international treaties, conventions, and agreements as well as the extradition and surrender of fugitives and accused persons to foreign governments. These subjects are expressly enumerated within the Federal Legislative List.²¹ Here, the provinces could not play their role. Under the constitutional framework, where a provision contained in a provincial enactment is repugnant to a provision of a federal law, particularly one falling within a field over which Parliament enjoys exclusive legislative authority, the federal enactment shall prevail. This constitutional supremacy applies irrespective of whether the parliamentary statute was enacted prior to, or subsequent to, the provincial law. This principle affirms the hierarchical relationship embedded in the federal structure and ensures uniformity in matters reserved exclusively for the Federation.²² Recently, the Supreme Court has ruled that federal legislation would prevail over repugnant provincial laws, declaring that the Control of Narcotics Substances Act, 1997 supersedes the Khyber-Pakhtunkhwa Control of Narcotics Substances Act, 2019 in cases of conflict.

The ruling was handed down by a division bench headed by Justice Muhammad Hasham Kakar while hearing a narcotics case, in which the court held that the federal law would govern sentencing where the two statutes prescribe differing punishments for the same offence. The judgment assumes significance as it reinforces constitutional supremacy under Article 143 and clarifies that provincial legislation imposing harsher penalties cannot override a validly enacted federal statute occupying the same field. Addressing the matter present before it, the Honorable Court held that both the trial court and the appellate court had fallen into an error of law by applying the provincial statute. It noted that once the FIR

was registered under the federal law and evidence recorded by the Special Court established under that law, the petitioner could only be convicted and sentenced under the Act of 1997. Accordingly, the SC set aside the petitioner's conviction under the provincial law and convicted him under the federal statute.²³

ALIGNMENT WITH UNODC MODEL LAWS.

Besides observing the inconsistencies, parallel jurisdictions and configuration gaps, it is imperative to analyze the local laws comparing them with the international scheme. The member states are required to adapt the proposed provisions by UNODC to bring them, where necessary, into line with their constitutional principles and basic concepts of their legal system, and to ensure that they fit their existing legal structure with the proposed model. In various provisions, the proposed bill by UNO sets out options for enacting states to flag up choices. A state may also supplement the model provisions in whatever ways it considers necessary to best achieve its drug control goals. The model does in itself constitute a coherent whole, so caution needs to be exercised if a state wishes to substantially modify the content of these provisions, or to omit them altogether. The model is deliberately drafted to include detail normally left to subordinate legislation, in order to make the Bill as self-sufficient as possible, and to reduce the normally heavy burden associated with drug control regulation.

Below is the comparison of a federal and a provincial law with the prescribed model of UNO which identifies gaps, weaknesses, and implementation shortcomings in these statutes.

Sindh Control of Narcotics Substances Act 2024 and the Unified Legislative Framework for Drug Control, Trafficking & Rehabilitation.

DEFINITIONS

The Sindh law contains traditional, old-style definitions (e.g. cannabis, cocaine, opium) without digital/chemical evolution and fails to capture New Psychoactive Substances, designer drugs, crypto markets, dark net trafficking and bitcoin based supply. There is no analogue or substitution concept. Traffickers may exploit chemical variants freely by modifying molecular chains.

REGULATION, LICENSING & CONTROL

For the sake of regulation and control of the use of drugs, a separate federal statute was enacted as the Drug Regulatory Authority of Pakistan Act 2012 having no nexus with the narcotics law.

TRAFFICKING & SERIOUS CRIME

The Unified Framework includes online facilitation, hosting dark websites, promotion, encrypted sales as crimes but SCNSA only addresses physical offence types like possession, sale or transport. There is no liability for digital trafficking through Telegram, WhatsApp and Instagram in drug markets. The international model criminalizes

encouragement, promotion and advertisement, but no such provision is present in this local law. No recognition of gang networks, cartel financing, cyber delivery.

PERSONAL USE, DEPENDENCY & REHABILITATION

No legal distinction in penalizing found between the *user and trafficker* under SCNSA. Rather, it rests upon the discretion of a judge. Addicts are criminalized with no right to treatment. Even no screening is mandatory for the possessor or the user. The judiciary has only punitive tools

ADMINISTRATION, COMPLIANCE, ENFORCEMENT

Assets forfeiture is allowed in SCNSA but there is no integration with FIA / Anti-Money Laundering laws. Narcotic finance networks remain untouched as no procedure is provided for the recovery of proceeds of crime. The Sindh coastline, Karachi Port, Keti Bandar are left vulnerable.

Control of Narcotics Substances Act 1997 and the Unified Legislative Framework for Drug Control, Trafficking & Rehabilitation.

TRAFFICKING & SERIOUS CRIME

Core trafficking offences such as possession, import & export, financing, are strong, but no express online-facilitation/promotion offences are described within the framework. However, robust entry/search/arrest powers for public places as well as conveyance are present. Detailed asset chapter for freezing, tracing, forfeiture, foreign-conviction forfeiture as well as mutual legal assistance between the states is also present. There is a provision for the establishment of National Fund, but it has not been seen in operation for the control of illicit trafficking.

PERSONAL USE, DEPENDENCY & REHABILITATION

CNSA 1997 has a Treatment & Rehabilitation chapter and National Fund support, but no comprehensive pre-charge treatment, court-ordered programs, suspension/discharge on completion, time-crediting, structured panels exist as comparable to the Unified *Model*.²⁴

Pakistan’s Compliance with International Obligations

Pakistan has deepened its role in regional cooperation while engaging at different international levels. In April 2024, its customs and border authorities are engaged with counterparts from Central Asia and Europe in expert-level meetings under the UNODC/WCO Passenger and Cargo Border Team Interregional Network to improve data sharing on high-risk consignments. Within the long-standing “Triangular Initiative,” Pakistan continues senior-official and ministerial-level coordination with the Islamic Republic of Iran and Afghanistan to tackle opiate and precursor flows.

On the regulatory and health fronts, Pakistan is situated in a region where consumption of opioid analgesics and psychotropic medicines remains among the lowest globally and reporting is uneven. INCB has encouraged all States in West Asia to maintain accurate

annual statistics under the drug control treaties and to keep up-to-date “annual legitimate requirements” for ephedrine and pseudoephedrine to prevent diversion while ensuring medical availability.

The Afghan opium ban has had second-order effects relevant to Pakistan’s threat picture. Reduced heroin availability along the Balkan and northern routes, together with high opium prices and uncertainty about stocks, raises the risk of substitution toward potent synthetics. Pakistan’s sharp rise in methamphetamine seizures during 2023 is consistent with this substitution dynamic and with reports of ongoing meth manufacture in or linked to Afghanistan, including possible use of non-controlled precursors and online distribution methods.

Against this backdrop, law-enforcement activity in Pakistan has moved on several fronts: maritime awareness and interdictions across the Arabian Sea; joint targeting of freight, express courier and postal streams; and participation in multilateral trainings on precursors, synthetic opioids, and digital-era trafficking (including crypto-enabled payments and dark-web markets). Regionally, Pakistan’s engagement through SCO, CARICC-linked dialogues, and UNODC technical platforms (for postal security, real-time communications, and high-definition targeting) reflects a pivot toward faster intelligence cycles and precursor-focused controls.

Pakistan’s priorities in the future would likely remain threefold: sustaining coordinated maritime and land-border interdictions as traffickers exploit the southern route; scaling precursor surveillance and forensics to keep pace with agile synthetic-drug supply chains; and improving health-system access to controlled medicines while expanding evidence-based treatment and harm-reduction services. With Afghan agricultural livelihoods in flux and synthetic markets on the rise, Pakistan’s blend of cross-border cooperation, targeted enforcement, and balanced health policy will be decisive in shaping outcomes along the region’s most contested trafficking corridors.²⁵

Conclusion & Proposals

Ultimately, this research paper concludes that the jurisdictional conflicts examined above necessitate a coherent legislative response. It is proposed that the recommendations set out below be incorporated into the statutory scheme.

1) Constitutional & Structural Architecture

1.1 Federal Primacy & Consolidation

- **Consolidation into Unified Code**

All the laws related to the subject could be consolidated in a single statute. A consolidating statute brings together all statutory provisions on a particular subject into a single enactment, with only minor amendments or improvements. Its primary object is

reproduction of the existing law, not substantial change. In construing a consolidating Act, courts apply a strong presumption that Parliament did not intend to alter the existing law. Words used in a consolidating statute are presumed to bear the same meaning as in the original enactments consolidated. A codifying statute not only consolidates but also states the entire law on a subject, incorporating case law and principles ensuring continuity.²⁶

- Add a non-obstante clause clarifying federal override where international obligations (1961, 1971, 1988 Conventions) and FATF compliance are implicated.
- Insert a repugnancy savings clause: provincial provisions stand unless inconsistent with treaty-driven federal standards.

1.2 Cooperative Federalism

- Create a Narcotics Coordination Council (NCC) with members including ANF, FIA, Customs, DRAP, Interior, Health, IT, Provincial Home & Health, and Judiciary representatives.
- Mandate Inter-Governmental Rules for reporting, case entrustment to ANF and provincial data submission for onward transfer to International Narcotics Control Board.

2) Substantive Offence Design: Focus on Trafficking, Not Use

2.1 Clear Differentiation

- Statutorily distinguish “Personal Use/Dependence” from “Supply/Trafficking.” While suggesting a lighter threshold for personal use.

2.2 Punitive Focus on Supply Chain

- Create specific offences for:
 - Digital trafficking (encrypted platforms, dark web, e-commerce intermediaries, crypto payments).
 - Promotion/advertising/facilitation of drug sales online/offline.
 - Precursor and equipment diversion (exacting licensing & record-keeping duties).
 - Enhance penalties in the DRAP Act

3) Sentencing & Disposition Framework

3.1 Proportionality Matrix

- Adopt a Sentencing Grid (drug type × quantity × role)

Although we have comprehensive scheduling of offences with regard to their type and quantity possessed or carried by the offender but their penalization is left to the discretion

of the judge. First-time, low-level sellers who do not have a criminal history may be penalized with the minimum possible sentence with mandatory vocational/education orders.

4) Evidence, Forensics & Due Process

4.1 Chain-of-Custody Statute

- ISO/IEC 17025 standards in laboratories are to be ensured to be closely located to police stations.

4.2 Digital & Financial Evidence

- Crypto tracing provisions; compel Virtual Asset Service Providers /exchanges to keep KYC/record retention and use machine learning algorithms to automatically find hidden patterns, trends, and correlations in large datasets to be admitted as electronic evidence.

5) Customs & Maritime Controls

A practical executive-level strategy would be to introduce Joint Maritime Tasking Orders as an operational policy directing ANF, Pakistan Navy, Customs, and the Maritime Security Agency for all counter-narcotics missions at sea. This joint venture would enable the Government to synchronize surveillance, interdiction, and intelligence flows. Under this executive framework, all maritime agencies would operate through a unified tasking cycle, supported by clear hot-pursuit protocols. The executive may also mandate the integration of AIS analytics to identify suspicious vessel behavior. By directing agencies to share real-time data, pool maritime intelligence, and conduct coordinated patrols, a modern, intelligence-driven counter-narcotics posture would evolve across Pakistan's maritime domain.

6) Financial Intelligence

Real-time Suspicious Transaction Reports/Cash Transaction Reports, Application Programming Interface between banks, FIU, ANF are to be ensured. Sanctions to be made more stronger for non-reporting.

7) Technology & Online Markets

- Criminalize hosting/operating drug markets, sale via messaging apps for trafficking. Clear definitions of crime through technology must be included.

Anticipated outcomes

The proposed amendments or re-visitation by the legislature is expected to yield a multifaceted impact across enforcement, justice, and public health dimensions. It aims to sharpen deterrence against financiers, manufacturers, and organized cartels by introducing

targeted offences, mechanisms for asset denial, and an expanded cyber-jurisdiction to detect transnational criminal networks. At the same time, it seeks to induct rehabilitation for the drug users by emphasizing upon treatment besides imprisonment, making it state responsibility.

Further, by strengthening evidentiary protocols in accordance with international standards and ensuring a secure chain of custody for seized materials, the legal framework will enhance evidentiary integrity and minimize acquittals that often result from procedural lapses. The proposed consolidation also promises improved compliance with international conventions and Financial Action Task Force (FATF) standards, fostering stronger cross-border cooperation, prevent conflict of similar laws and most significantly reduction of delay in trial. Ultimately, these reforms are expected to contribute to better health outcomes, improved human-rights adherence, and a more balanced approach between law enforcement and social rehabilitation.

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