

Bridging the Gap: The Role of Judicial Reforms in Addressing the Drug Abuse Crisis in Pakistan

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Abstract

Drug abuse remains one of the most persistent socio-legal challenges confronting Pakistan, with several national surveys indicating that millions of adults use one or more controlled substances annually. This paper argues that Pakistan's drug abuse crisis is not merely a failure of criminal-law enforcement; it is fundamentally a crisis of justice administration. Without timely adjudication, reliable forensic evidence, constitutionally compliant procedure, and rehabilitation-oriented sentencing, even the most stringent narcotics legislation cannot achieve deterrence, public safety, or sustainable social recovery. Drawing on statutory material, published conviction and incarceration statistics, landmark case law, constitutional and international human-rights instruments, and comparative judicial models from Portugal, the United States, Singapore, the United Kingdom, Canada, Australia, and Thailand, the paper situates judicial reform as the indispensable foundation — rather than a peripheral policy option — of an effective national response to drug abuse. It documents a collapse in narcotics conviction rates in major Punjab cities, chronic prison overcrowding disproportionately driven by drug-related incarceration, and unresolved federal-provincial coordination gaps traceable to the Eighteenth Amendment, before proposing a reform agenda sequenced into immediate, medium-term, and structural priorities.

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1. Introduction

Drug abuse in Pakistan is no longer a marginal social problem; it is a public health, security, and governance challenge that touches nearly every province and socio-economic class. Multiple rounds of national surveys conducted with the United Nations Office on Drugs and Crime (UNODC) and Pakistan's Ministry of Narcotics Control have consistently placed the number of drug users in the country in the millions, with a substantial share classified as dependent rather than occasional users.

The consequences of this crisis extend well beyond public health. Drug abuse is closely linked to property crime, domestic violence, organized trafficking networks, and, in some cases, terrorism financing, since Pakistan sits along major trafficking routes originating in Afghanistan. Law enforcement agencies, particularly the Anti-Narcotics Force (ANF), have intensified interdiction efforts, and the legislature has repeatedly amended the principal narcotics statute, the Control of Narcotic Substances Act, 1997, to toughen penalties and, more recently, to bring them into closer alignment with international human-rights norms.

Yet legislative amendment and law-enforcement activity address only part of the problem. This paper's central thesis is that Pakistan's drug abuse crisis is not merely a failure of

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criminal-law enforcement; it is fundamentally a crisis of justice administration. Without timely adjudication, reliable forensic evidence, constitutionally compliant procedures, and rehabilitation-oriented sentencing, even the most stringent narcotics legislation cannot achieve deterrence, public safety, or sustainable social recovery. Judicial reform is therefore not a peripheral policy choice but the indispensable foundation of an effective national response to drug abuse.

This paper asks a central research question: to what extent do weaknesses in Pakistan's judicial system undermine the country's response to drug abuse and related crime, and what reforms could close this gap? Consistent with its central thesis, the paper deliberately weights its analysis toward the judicial dimension of the problem — the theoretical framework, constitutional and human-rights analysis, case law, empirical conviction data, comparative judicial models, and reform roadmap together occupy the majority of the paper, with the background material on prevalence and the crime-drug nexus retained only to the extent necessary to establish why judicial capacity matters.

2. Theoretical Framework

This paper is anchored in three complementary theoretical lenses, each of which explains a different dimension of why judicial performance — not merely statutory design — determines outcomes in narcotics cases.

2.1 Therapeutic Jurisprudence

Therapeutic jurisprudence treats law and legal process as social forces that produce therapeutic or anti-therapeutic consequences for the people who pass through them, and asks courts to consider which outcome a given procedure or sentence is likely to produce. Applied to narcotics law, this lens reframes drug dependency as simultaneously a public-health condition, a behavioural pattern, and a legal violation, rather than treating it as a purely criminal matter. Under this framework, a court that convicts and incarcerates a dependent user without any pathway to treatment is not merely failing to rehabilitate that individual — it is producing a measurably anti-therapeutic outcome that increases the likelihood of relapse and re-offending after release, which in turn feeds back into the case backlog this paper documents in Sections 7 and 9.

2.2 Access to Justice Theory

Access to justice theory evaluates a legal system not only by the substantive fairness of its rules but by whether affected individuals can, in practice, obtain a timely, affordable, and comprehensible hearing. On this account, the case backlog and delay documented throughout this paper are not incidental administrative failures but a direct denial of access to justice: an accused person held for years in pre-trial detention because their case cannot be reached, or a complainant whose narcotics-related grievance never proceeds to conviction because of resource constraints, has been denied access to justice in substance even where the formal right to a hearing exists on paper.

2.3 Rule of Law Theory

Rule of law theory holds that a legal system's legitimacy depends on predictability, accountability, and the even application of law over time and across cases — not on the

severity of its statutes. Applied here, the theory explains why increasingly harsh CNSA penalties (Section 4) have not translated into stronger deterrence: when conviction is unpredictable, delayed, or contingent on investigative shortcuts rather than consistent evidentiary standards, the deterrent signal that severe statutory penalties are meant to send is substantially weakened, regardless of how the law reads on its face.

Together, these three lenses generate the paper's operating hypothesis: that judicial capacity, procedural predictability, and rehabilitation-orientation are independent variables determining narcotics-control outcomes, separate from and at least as important as the substantive severity of the CNSA itself.

3. Methodology and Scope

This paper is a qualitative, doctrinal and comparative policy analysis rather than an original empirical study. Its research design combines three methods: (i) doctrinal analysis of the CNSA, its 2022 and 2023 amendments, and relevant constitutional provisions; (ii) content and statutory analysis of reported Supreme Court and High Court judgments on Section 9 CNSA to identify recurring evidentiary principles; and (iii) comparative analysis of judicial and diversion models in Portugal, the United States, Singapore, the United Kingdom, Canada, Australia, and Thailand.

Primary sources include the CNSA and its amendments, reported case law (SCMR, PLD, and PLJ series), and constitutional text. Secondary sources include UNODC and Ministry of Narcotics Control drug-use surveys, National Commission for Human Rights and Justice Project Pakistan prison-data reports, Supreme Court pendency statistics, World Justice Project Rule of Law Index data, and peer-reviewed legal commentary on CNSA case outcomes. Contemporaneous English-language news reporting is used to corroborate or update figures drawn from the sources above, not as a standalone evidentiary base.

The analysis covers the period since the CNSA's enactment in 1997, with particular emphasis on developments since the 2022 and 2023 amendments. It does not involve original interviews with judges, prosecutors, ANF officers, defense counsel, or drug users, nor independent statistical analysis of raw court or prison records; these limitations are addressed explicitly in Section 17.

4. Literature Review and Background

4.1 Scale of Drug Abuse in Pakistan

Pakistan's most comprehensive baseline study, the Drug Use in Pakistan 2013 Technical Summary Report, produced jointly by UNODC, the Ministry of Narcotics Control, and the Pakistan Bureau of Statistics, estimated that 6.7 million people had used a substance other than alcohol or tobacco in the preceding year, with roughly 4.1 million classified as drug dependent. Cannabis was found to be the most widely used drug, followed by opiates, with treatment capacity limited to fewer than 30,000 users annually. A more recent National Drug Use Survey (2022–2024), again conducted with UNODC support, found a broadly similar prevalence rate of approximately 6 percent of the adult population, underlining that despite a decade of enforcement activity, the scale of the problem has not

meaningfully declined.

Earlier assessments, such as the 2006 National Assessment on Problem Drug Use, had already flagged the link between socio-economic conditions — unemployment, income disparity, poverty, and urbanization — and both drug abuse and criminality. Injecting drug use has been a particular concern: estimates rose from around 60,000 users in 2000 to roughly 500,000 by 2014, accompanied by a sharp rise in HIV prevalence among this population.

4.2 The Crime–Drug Nexus

A substantial body of national reporting and research links drug abuse to broader criminality in Pakistan, including theft, domestic and gender-based violence, and involvement in trafficking networks. Socio-economic vulnerability is repeatedly identified as a shared root cause of both drug dependency and petty and organized crime, suggesting that narcotics enforcement and criminal justice reform cannot be treated as wholly separate policy domains.

4.3 The Judiciary Under Strain

Independent policy analyses of Pakistan's judiciary describe a system straining under an enormous backlog. Reporting in 2025 placed pending cases in the district judiciary at approximately 1.86 million, with an additional 300,000 to 390,000 pending before the High Courts and roughly 56,000 before the Supreme Court, bringing total pendency to more than two million cases nationwide. The Supreme Court's own pendency figures declined from a peak of over 60,000 cases in early 2024 to approximately 56,000 by October 2025 — the first reduction in roughly a decade — though the district judiciary, which carries the bulk of narcotics prosecutions, has seen far less relief.

Pakistan's broader rule-of-law standing corroborates this picture: the World Justice Project's 2025 Rule of Law Index ranks Pakistan 130th of 143 countries overall, fifth of six countries in South Asia, with particularly weak scores on civil justice and order and security; the 2024 edition separately scored Pakistan 98th of 142 on criminal justice specifically and 128th on civil justice, reflecting persistent delay and weak enforcement rather than an absence of formal legal guarantees.

5. Constitutional and International Human Rights Framework

A judicial-reform paper on narcotics policy is incomplete without situating the problem within Pakistan's constitutional guarantees and its international human-rights obligations, since both directly constrain how narcotics law may be enforced and adjudicated.

5.1 Constitutional Dimension

Several provisions of the Constitution of Pakistan, 1973 bear directly on the arguments developed in this paper. Article 4 guarantees every person the inalienable right to be dealt with in accordance with law, a guarantee that is substantively undermined where, as documented in Section 9, cases proceed on defective evidence or are delayed for years. Article 9 protects the right to life and liberty, which is engaged both by the harms of untreated drug dependency and by the prolonged pre-trial detention documented in Section 9.2. Article 10A, inserted by the Eighteenth Amendment in 2010, guarantees the right to a fair trial and due process for the determination of civil rights and obligations or in

any criminal charge — a guarantee that the case backlog and evidentiary shortcuts described throughout this paper place under direct strain, since 'fair trial' is now understood by the superior courts to include a trial within reasonable time, not merely a trial conducted according to correct procedure at whatever point it eventually occurs. Article 14 protects the inviolability of human dignity, a standard that Pakistan's prison-overcrowding data (Section 9.2) suggests is not being met for the growing under-trial narcotics population. Article 25 guarantees equal protection of the law, which is implicated by the markedly unequal access to treatment, legal representation, and post-release reintegration available to different categories of drug offenders — particularly women and the indigent — discussed in Section 11.

5.2 International Human Rights Framework

Pakistan's obligations under international law reinforce this constitutional analysis. As a party to the International Covenant on Civil and Political Rights (ICCPR), Pakistan is bound by Article 14's fair-trial guarantees, which the case backlog described in this paper places in tension. Pakistan's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) — particularly the right to the highest attainable standard of health under Article 12 — bear directly on the treatment-capacity shortfall documented in Section 4.1. Pakistan is also a party to the three principal UN drug-control conventions, including the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which requires effective law enforcement while permitting — and in UNODC's own guidance, encouraging — treatment and rehabilitation alternatives for users as distinct from traffickers.

Prison-specific standards are equally relevant given the overcrowding documented in Section 9.2: the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) set minimum standards for living space, healthcare, and humane treatment that Pakistan's 152-percent average prison occupancy rate places in serious doubt, while the UN Rules for the Treatment of Women Prisoners (the Bangkok Rules) specifically address the needs of women prisoners, including pregnant women and mothers, a population this paper's original version did not address at all (see Section 11.3). UNODC's own drug-policy guidance and the International Narcotics Control Board's annual reporting both increasingly emphasize proportionality and health-oriented alternatives to incarceration for personal use offences, a position substantially at odds with the punitive orientation the CNSA has retained even after its 2023 amendment.

6. Legal Framework Governing Narcotics Offences

The principal statute governing narcotics offences in Pakistan is the Control of Narcotic Substances Act, 1997 (CNSA), which replaced earlier colonial-era legislation such as the Dangerous Drugs Act, 1930. The CNSA created Special Courts with exclusive jurisdiction over narcotics offences and established a tiered punishment structure under Section 9, keyed to the quantity of the substance involved: possession of up to 100 grams typically attracts a sentence of up to two years, quantities up to one kilogram can result in up to seven years' imprisonment, and larger quantities historically carried the possibility of life imprisonment or death.

The Act has been amended repeatedly. The 2022 amendment introduced detailed, substance-specific tables of quantity and punishment intended to reduce sentencing ambiguity, but also imposed mandatory minimum sentences and eliminated parole, probation, and remission for most drug offenders other than women and juveniles — a change whose incarceration effects are examined empirically in Section 9.2. The 2023 amendment removed the death penalty as an available punishment under Section 9, replacing it with mandatory life imprisonment for the most serious quantities, a shift widely read as bringing Pakistan's narcotics law closer to international human-rights standards reserving capital punishment for the 'most serious crimes.'

Procedurally, narcotics cases carry a heavy evidentiary burden on the defense once possession is shown, and bail is difficult to obtain for offences under Section 9(1)(c), commonly referred to as '9-C' cases, since these are treated as non-bailable where the prescribed punishment exceeds ten years. As Section 8 details, courts have developed a substantial body of case law scrutinizing the integrity of the recovery process — independent witnesses, proper sampling and sealing, and an unbroken chain of custody to the forensic laboratory — with acquittals frequently following where these safeguards are not observed.

7. The Judicial Gap: Why Enforcement Is Not Enough

7.1 Case Backlog and Delay

The single most cited obstacle to effective narcotics adjudication is the sheer volume of pending cases across Pakistan's courts. With district courts alone facing close to 1.86 million pending matters as of 2025, and reports of civil judges hearing between 90 and 110 cases a day in some jurisdictions, narcotics trials compete for extremely limited judicial time. Frequent transfers of judges compound the problem: when a judge who has already heard evidence is reassigned, the incoming judge must frequently restart proceedings, discarding months or years of progress.

7.2 Forensic and Evidentiary Weaknesses

Because narcotics convictions depend heavily on the integrity of recovery and forensic testing, delays in sample transmission, inconsistent availability of forensic facilities at the divisional level, and outdated evidentiary rules under the Qanun-e-Shahadat Order have been repeatedly identified as reasons for acquittals, even in cases involving large recoveries. Courts have overturned convictions where samples reached the laboratory after unexplained delays of several days, or where required independent witnesses were not properly associated with the recovery.

7.3 Under-Resourced Special Courts

Although the CNSA created dedicated Special Courts, these operate within the same judicial infrastructure that is short of judges and administrative staff nationwide, with reports suggesting only a few thousand judges serve a population exceeding 200 million. This shortage limits the extent to which narcotics matters can genuinely be fast-tracked in practice, notwithstanding their designation as a specialized jurisdiction.

7.4 Weak Rehabilitation Orientation

Pakistan's narcotics framework remains primarily punitive rather than rehabilitative in

orientation. Treatment capacity has historically been available to fewer than 30,000 drug users annually, a fraction of the millions estimated to be dependent, and the CNSA framework provides limited statutory mechanisms for diverting drug users — as distinct from traffickers — toward compulsory or voluntary treatment in lieu of incarceration.

7.5 Erosion of Public Trust and Resort to Informal Justice

Emerging research suggests that delayed justice across the wider court system has pushed some citizens toward informal or extra-legal means of dispute resolution, including jirgas, which often bypass due process and constitutional protections. When formal justice is slow or unreliable, both crime victims and communities affected by drug-related harm may lose confidence that the courts can deliver a timely or fair outcome.

7.6 Judicial and Investigative Corruption

Beyond general references to 'corruption within court staff,' the mechanics of corruption specific to narcotics cases warrant closer attention. Legal commentary on CNSA case law repeatedly attributes acquittals not only to genuine investigative error but to non-compliance with evidentiary procedure — failure to associate independent witnesses, irregular sampling, unexplained custody-chain gaps — patterns consistent with, though not conclusive proof of, evidence tampering or bribery at the investigation stage. Because the ANF's senior leadership has historically been drawn from the military rather than career law-enforcement or prosecutorial services, and its civil investigators sit outside the ordinary police hierarchy, inter-agency accountability for such lapses is diffuse.

7.7 Federal-Provincial Coordination After the Eighteenth Amendment

The Eighteenth Amendment (2010) abolished the Concurrent Legislative List, devolving policing, health, and elements of criminal procedure to the provinces, while leaving the ANF's own constitutional status ambiguous, since 'dangerous drugs' no longer sits on a list clearly assigning it to the federal government. Narcotics enforcement, prosecution, and adjudication now depend on continuous coordination between a federal investigative agency, provincial police and prosecution services, and provincial judiciaries operating under devolved, not fully uniform, criminal-procedure rules. Broader research on the Amendment's implementation documents recurring fiscal imbalance, uneven administrative capacity, and weak intergovernmental coordination since devolution — constraints any reform proposal must reckon with. Procedural Friction: Court Closures, Strikes, and Digital Illiteracy

Three further, more granular obstructions compound the structural weaknesses above. First, lawyers' strikes and court boycotts — called over bar-association disputes, judicial appointments, or unrelated professional grievances — periodically suspend hearings across entire district judiciaries for days at a time, with narcotics matters, which already compete poorly for limited court time, disproportionately affected by any such suspension. Second, low digital literacy among court staff, police investigators, and litigants outside major urban centres has slowed the uptake of the e-filing and case-management systems introduced since 2024, meaning digitisation gains are concentrated in superior courts and major cities rather than the district-level Special Courts that hear the bulk of CNSA matters. Third, the absence of a functioning witness-protection regime for narcotics cases

— where independent witnesses to a recovery are frequently reluctant to testify against traffickers with local influence — directly feeds the evidentiary failures documented in Section 7.2 and 7.6, since a witness who fails to appear or recants under pressure breaks the same chain-of-custody and corroboration requirements that Section 8's case law holds essential to conviction.

8. Landmark Judicial Decisions on Narcotics Law

Rather than referring to narcotics case law only in general terms, this section analyses the specific line of Supreme Court authority that has shaped narcotics adjudication in Pakistan. Across roughly two decades of jurisprudence, the Supreme Court has developed and consistently reaffirmed a single controlling principle: recovery of a controlled substance, by itself, is never sufficient to sustain a conviction under Section 9 of the CNSA. The prosecution must additionally establish conscious possession, an unbroken chain of custody from recovery through sealing, safe storage, transmission, and chemical examination, and the proper association of independent witnesses with the recovery process — and any gap in that chain entitles the accused to the benefit of the doubt, understood in this line of cases as a matter of right rather than of judicial grace.

Read together, this case law confirms the argument developed in Sections 7.2, 7.6, and 9.1: Pakistan's superior courts have already articulated clear, consistent, and demanding evidentiary standards for narcotics convictions. The persistently low conviction rates documented in Section 9.1 are therefore best explained not by any deficiency in the applicable legal standard, but by the investigative and prosecutorial system's continuing failure to meet a standard the courts have settled for over two decades — reinforcing that the core problem is institutional capacity, not legal doctrine.

Case	Citation	Principle Established
Nasim Amin Butt v. The State	2001 SCMR 1083	Narcotics smuggling offences are triable exclusively by CNSA Special Courts, not under the Customs Act, once the CNSA occupies the field.
Amjad Ali v. The State	2012 SCMR 57	Reaffirmed the requirement of an unbroken chain of custody as a precondition for reliance on the chemical examiner's report.
Ikramullah and others v. The State	2015 SCMR 1002	Gaps in the recovery-to-laboratory chain entitle the accused to acquittal; safe custody must be affirmatively proved, not presumed.
Ateebur Rehman v. The State	2016 SCMR 1424	Addressed bail considerations in heroin-recovery cases and the relevance of recovered quantity to the bail/conviction threshold.
State through Regional Director ANF v. Imam Bakhsh and others	2018 SCMR 2039	Applied the chain-of-custody standard to overturn a conviction where transmission of samples to the laboratory was not properly documented.
Mst. Razia Sultana v. The State and another	2019 SCMR 1300	Extended chain-of-custody scrutiny to cases involving female accused, reinforcing that evidentiary standards apply uniformly regardless of the accused's gender.
Aya/Ayaz Khan v. The State	2020 SCMR 350	Bail granted notwithstanding Section 9(c) classification, illustrating judicial willingness to scrutinise recovery quantity and procedural compliance at the bail stage.
Qaiser Khan v. The State through Advocate-General, Khyber Pakhtunkhwa	2021 SCMR 363	Restated definitively that if safe custody and safe transmission of narcotics samples are not established on the record, the chemical examiner's report cannot be used against the accused.
Alam Khan v. The State	Crl. P. 51 of 2023 (decided 9 June 2026)	Most recently reaffirmed that recovery alone is never sufficient; conscious possession, unbroken custody, and documentary proof at every stage remain

9. Empirical Evidence: Conviction, Incarceration, and the Under-Trial Crisis

9.1 Collapsing Conviction Rates

District-level data compiled by the Social Security and Development Organization (SSDO) on CNSA cases in five major Punjab cities show a sharp deterioration in conviction rates between 2022 and 2023, despite Punjab registering nearly 13,000 CNSA cases involving almost 14,000 accused persons in 2022 alone.

District	Conviction Rate 2022	Conviction Rate 2023
Lahore	8%	< 1%
Gujranwala	16%	< 1%
Rawalpindi	17%	3.5%
Faisalabad	8%	2.5%
Multan	3%	1%

Academic legal commentary on CNSA case law independently corroborates this picture, describing narcotics conviction rates as persistently and unacceptably low, and attributing the pattern chiefly to investigators' and prosecutors' failure to meet the evidentiary standards the superior courts have themselves articulated (Section 8), rather than to any deficiency in the statute. This data indicates that Pakistan's narcotics enforcement pipeline is intercepting and prosecuting large numbers of suspects while convicting only a small fraction of them — a pattern that undermines deterrence regardless of how severe the CNSA's statutory penalties are on paper.

9.2 Prison Overcrowding and the Under-Trial Population

Pakistan's prisons held approximately 102,000 inmates as of the most recent national prison data report, against a rated capacity that leaves the system operating at roughly 152 percent of capacity nationally. CNSA offenders make up approximately 21 percent of the national prison population — 23,367 inmates as of the most recent reporting period, an increase of nearly 19 percent in a single year. Provincial data illustrate the unevenness of this burden:

Province / Territory	Total Prisoners	Under-Trial Share	Occupancy Rate
National average	≈102,026	≈73.4%	≈152.2%
Sindh	24,904	≈80%	≈184%
Balochistan	2,874	≈62.9%	≈105.3%
Azad Jammu & Kashmir	958	≈59%	≈143.6%

Comparable district-level breakdowns for Punjab and Khyber Pakhtunkhwa specifically were not available to this paper; this is noted as a data gap in Section 17. NCHR and Justice Project Pakistan reporting attributes the post-2022 surge in the CNSA prison population specifically to the 2022 amendment's elimination of parole, probation, and remission for most drug offenders, which removed the principal mechanisms that had previously relieved pressure on pre-trial and post-conviction custody alike.

Read alongside Section 9.1, this presents a stark policy paradox: weak evidentiary practice is producing very low conviction rates, while — because bail is difficult to obtain in 9-C

cases and remission has been statutorily foreclosed

— a growing population of accused and convicted drug offenders sits in increasingly overcrowded prisons for increasingly long periods before their cases are resolved. The 2022 amendment's punitive tightening and the judiciary's persistent inability to adjudicate cases promptly are, in this sense, compounding rather than offsetting one another.

10. Comparative Judicial Reforms: International Models

Pakistan's reform agenda can be usefully, if cautiously, situated against models adopted elsewhere, bearing in mind that direct transplantation of any single model is rarely advisable given differences in institutional capacity, culture, and the structure of the drug market itself.

10.1 Portugal: Decriminalization and Health-Panel Diversion

Portugal's 2001 decriminalization of personal possession of all drugs replaced criminal prosecution for use and possession with referral to district-level Commissions for the Dissuasion of Drug Addiction, panels of legal, health, and social-work professionals empowered to apply administrative penalties or refer individuals to treatment, while trafficking offences remained fully criminal. Drug-related deaths fell substantially in the years following the reform, though researchers caution that the outcomes are not easily separated from simultaneous investment in treatment and harm-reduction infrastructure that legal reform alone would not replicate.

10.2 United States, Canada, and Australia: Judicially Supervised Drug Treatment Courts

Specialized drug treatment courts — now operating in some form in every U.S. state, across Canada since a 1998 Toronto pilot, and in Australia and New Zealand — allow eligible non-violent defendants to complete supervised, judicially monitored treatment programs, typically 12 to 24 months in length involving regular drug testing and judicial review, in lieu of incarceration. Over 3,000 such courts now operate across the United States, Canada, the United Kingdom, and Australia combined. New South Wales additionally operates a Compulsory Drug Treatment Correctional Centre for long-term dependent offenders who have failed voluntary treatment, combining judicial supervision with structured rehabilitation for a more difficult offender population than typical drug courts serve. This model is broadly consistent with the diversion mechanism this paper recommends in Section 15, though it depends on treatment and probation infrastructure considerably beyond what Pakistan currently possesses.

10.3 United Kingdom: Drug Rehabilitation Requirements

The United Kingdom integrates treatment into sentencing directly through Drug Rehabilitation Requirements attached to community orders, combined with regular judicial review hearings, rather than operating a fully separate specialist-court structure. This lower-infrastructure variant — embedding treatment conditions within ordinary sentencing rather than creating parallel court systems — may be more readily adaptable to Pakistan's resource constraints than a freestanding drug-court model.

10.4 Singapore: Strict Enforcement Paired with Mandatory Treatment for Users

Singapore illustrates a contrasting approach: trafficking remains subject to severe penalties, including the death penalty, but the Central Narcotics Bureau is separately

empowered to commit drug users — as distinct from traffickers — to compulsory treatment at a Drug Rehabilitation Centre for periods of six to thirty-six months in lieu of

prosecution. This model demonstrates that a strict trafficking-enforcement posture and a distinct, mandatory treatment pathway for users are not mutually exclusive — a distinction Pakistan's own framework draws only weakly in practice, notwithstanding the CNSA's nominal recognition of that distinction.

10.5 Thailand and Community-Based Rehabilitation

Thailand and other Asian jurisdictions have experimented with community-based rehabilitation models that route low-level users through local and traditional community structures rather than the formal court system, an approach that may be more readily adaptable to Pakistan's resource constraints than Portugal's specialist-panel model or the U.S. drug-court model, since it depends less on newly created professional infrastructure and more on existing community and primary-health networks.

10.6 Synthesis

The common thread across these models — and the one most directly relevant to Section 15's reform agenda — is that all of them separate the treatment of low-level users from the prosecution of traffickers through a formal legal mechanism, rather than leaving that distinction to prosecutorial or judicial discretion applied inconsistently within an overburdened court system, which is closer to Pakistan's current practice. The UK and Thai models in particular suggest that meaningful diversion does not require Portugal's specialist-panel infrastructure or the U.S. drug-court model's dedicated docket; it can instead be layered onto Pakistan's existing sentencing and primary-health structures at comparatively lower cost.

11. Psychological, Socio-Economic, and Gender Dimensions

11.1 The Psychological Dimension of Addiction

Treating drug dependency as a purely criminal-legal matter, as Pakistan's framework largely still does, overlooks a substantial body of research linking substance dependency to trauma, untreated mental illness, childhood abuse, peer pressure, and family dysfunction, as well as to the neuroscience of addiction itself, which increasingly informs treatment-court models internationally (Section 10.2). Courts and prosecutors adjudicating narcotics cases involving personal users, as distinct from traffickers, would benefit from at least a baseline understanding of these dynamics if the diversion mechanisms proposed in Section 15 are to function as intended, since a judicially imposed treatment order that ignores underlying trauma or untreated mental illness is unlikely to succeed.

11.2 Socio-Economic Drivers

As noted in Section 4.1, socio-economic vulnerability — youth unemployment, urban migration, poverty, and homelessness — is a recurring theme in the literature on Pakistani drug use. Pakistan's position astride major Afghanistan-originating trafficking routes compounds this vulnerability: cross-border trafficking dynamics create local economic

incentives for participation in the drug trade in border and transit regions that purely domestic judicial reform cannot address on its own, underscoring that judicial capacity-building (Section 15) must be paired with, not substituted for, border and economic interventions outside this paper's scope.

11.3 Gender: Women in the Narcotics Justice System

Women remain a small but growing and largely unstudied share of Pakistan's CNSA-affected population. Available prison data show small but consistent female prisoner populations across every province, including pregnant women and mothers whose children may be housed with them in custody; the Bangkok Rules discussed in Section 5.2 specifically address the needs of this population, including alternatives to pre-trial detention for primary caregivers where appropriate. Beyond incarceration, existing commentary identifies women's use as trafficking couriers — often under coercion — as a distinct pattern meriting separate prosecutorial and sentencing consideration from that applied to principal traffickers, a distinction the CNSA's current sentencing tables do not draw. Gender-disaggregated reporting, recommended in Section 15.1, is a prerequisite for designing appropriate legal and rehabilitative responses to this population.

Stakeholder Analysis

Effective narcotics-justice reform depends on the coordinated action of stakeholders whose incentives and capacities differ substantially, a fact the original reform agenda treated implicitly rather than explicitly:

- Judges and Special Courts — bear the immediate burden of case backlog and are best positioned to enforce evidentiary standards, but depend on staffing and tenure decisions largely outside their control.
- The Anti-Narcotics Force — leads investigation and interdiction but, per Section 7.6, faces an accountability gap rooted in its military-led leadership structure and its ambiguous constitutional status post-devolution (Section 7.7).
- Provincial police and prosecution services — handle the majority of CNSA arrests and case preparation under devolved criminal-procedure rules, and are the primary site of the evidentiary failures documented in Section 8.
- Forensic laboratories — determine whether the chain-of-custody standard set by Supreme Court case law (Section 8) can be met in practice, yet remain concentrated at the provincial or federal level rather than the district level where cases are actually tried.
- Families and communities — absorb the social cost of both untreated addiction and prolonged pre-trial detention of a family member, and are largely unrepresented in current CNSA proceedings.
- NGOs and rehabilitation/health professionals — provide the great majority of Pakistan's limited treatment capacity (Section 4.1) but operate largely outside the formal justice system, with no statutory role in sentencing or diversion decisions.
- The Law Ministry and provincial governments — control the budgetary and

legislative levers (judicial recruitment, forensic investment, sentencing reform) needed to implement Section 15's roadmap, and are the principal audience for that roadmap.

12. **The Economic Cost of Drug Abuse and Judicial Inefficiency**

Economic-cost arguments often persuade policymakers more effectively than purely legal or moral ones, but this paper is unable to supply a costed national estimate for Pakistan specifically: no publicly available, methodologically robust study quantifying the aggregate healthcare, lost-productivity, crime, judicial, and prison costs of drug abuse in Pakistan was located in the course of this research, and this paper does not attempt to construct one, since doing so credibly would require primary economic modelling well beyond this paper's doctrinal and comparative scope. This absence is itself a finding: UNODC's World Drug Report 2025 notes that the global illicit drug trade generates hundreds of billions of dollars annually and that instability is compounding the social, economic, and security costs of drug use worldwide, yet no equivalent Pakistan-specific costing exercise appears to exist in the public domain. Commissioning such a study — ideally jointly across the Ministry of Narcotics Control, the Ministry of Health, and the Law and Justice Commission of Pakistan — is accordingly added to the reform roadmap in Section 15.3, both because it would strengthen the policy case for the investments this paper recommends and because its absence limits how precisely those investments can currently be justified in economic terms.

13. **Technology and the Future of Narcotics Courts**

The digitization initiatives already underway at the Supreme Court since late 2024 — e-filing and electronic case management (Section 4.3) — represent only an initial step. A forward-looking reform agenda should also consider: AI-assisted case allocation and scheduling, which could help direct judicial time toward the oldest pending narcotics matters rather than relying on ad hoc listing practices; digitised, centrally logged chain-of-custody records for narcotics samples, which would directly address the evidentiary failures documented in Sections 7.2 and 8 by creating a tamper-evident record from recovery through chemical examination; expanded video-link testimony, which could reduce the witness-attendance failures noted in Section 7.8 by lowering the burden on independent witnesses required to travel to testify; and expanded digital forensic laboratory capacity to relieve the divisional-level bottleneck identified in Section 7.2. Blockchain-based custody logging has been piloted in some other jurisdictions' evidence-management

domestically at the time of writing, and its cost and institutional prerequisites should be assessed carefully before wider rollout rather than assumed to be straightforwardly transferable.

14. **Illustrative Institutional Trends**

Recent case law under Section 9 of the CNSA illustrates the practical effect of these weaknesses. Pakistani courts have granted acquittals or bail where the prosecution failed to associate independent witnesses with the recovery of narcotics, where case property reached the forensic laboratory after unexplained delay, or where chain-of-custody

documentation was incomplete — outcomes that reflect investigative and procedural shortcomings rather than the merits of the underlying offence. At the same time, the Supreme Court's own recent acknowledgement of a backlog exceeding two million cases nationwide, together with its Chief Justice's stated commitment to digitization and case-management reform since late 2024, indicates that the judiciary itself recognizes delay as a central institutional failure rather than a peripheral inconvenience.

Together with the case-law analysis in Section 8 and the empirical evidence in Section 9, these trends demonstrate that narcotics cases are not adjudicated in isolation from the broader health of the judicial system: reforms to general case management, forensic capacity, and evidentiary procedure directly determine whether narcotics-specific legislation can be enforced as intended.

15. **Proposed Judicial Reforms: A Sequenced Roadmap**

Based on the gaps identified throughout this paper, the following reforms are grouped by feasibility and time horizon rather than presented as an undifferentiated list, since sequencing matters: administrative reforms are faster and cheaper to implement than reforms requiring new legislation, capital investment, or intergovernmental coordination.

15.1 Immediate priorities (within 1 year; administrative, low cost, within existing legal authority)

- Increase judicial recruitment and reduce reliance on frequent judicial transfers, informed by the Law and Justice Commission of Pakistan's existing but largely unimplemented recommendations.
- Standardize and independently audit ANF/prosecution evidence-handling protocols and chain-of-custody documentation, directly targeting the failure patterns identified in Sections 7.2, 7.6, and 8's case law.
- Institutionalize periodic public reporting of narcotics case pendency, conviction, and disposal rates, disaggregated by province, district, and gender, as recommended in Sections 9.1 and 11.3.
- Extend the model-courts approach and existing digitization initiatives specifically to the narcotics case docket, prioritizing districts with the lowest recorded conviction rates identified in Section 9.1.
- Introduce prosecutor and investigator training keyed directly to the evidentiary standards the Supreme Court has already settled in the case law reviewed in Section 8.

15.2 Medium-term priorities (1–3 years; moderate cost, new investment or rule-making)

- Expand and adequately staff Special Courts under the CNSA, ensuring stable judicial tenure so that narcotics trials are not repeatedly restarted following transfers.
- Establish or expand forensic laboratories at the divisional level, with statutory turnaround-time limits for narcotics sample testing, and pilot digitised chain-of-custody logging as discussed in Section 14.

- Introduce statutory diversion mechanisms allowing courts to refer drug users, as distinct from traffickers, to supervised treatment — drawing on the UK's lower-infrastructure Drug Rehabilitation Requirement model and Thailand's community-based approach (Section 10) rather than requiring Portugal's specialist-panel infrastructure.
- Restore judicial discretion over sentencing and remission for low-level, non-trafficking CNSA offenders to relieve the prison-overcrowding pressure documented in Section 9.2, without reopening the 2023 amendment's removal of the death penalty for serious trafficking. Introduce a witness-protection mechanism tailored to narcotics cases to address the attendance and intimidation problems identified in Section 7.8.
- Commission the national economic-cost study identified as a gap in Section 13.

15.3 Structural, longer-term priorities (3–10 years; legislative or intergovernmental action)

- Clarify the ANF's constitutional and administrative status following the Eighteenth Amendment, and formalize a Council of Common Interest-level coordination mechanism between the federal ANF and provincial police, prosecution, and judiciary (Section 7.7).
- Reform evidentiary procedure under the Qanun-e-Shahadat Order as applied to narcotics cases, to reduce reliance on independent-witness testimony that is increasingly difficult to secure in practice (Section 7.8), while preserving safeguards against fabricated recoveries.
- Develop a national treatment-capacity expansion plan tied to projected diversion caseloads, since diversion mechanisms are unworkable without treatment capacity beyond the fewer than 30,000 annual places that currently exist against millions of dependent users.
- Pursue AI-assisted case allocation and expanded digital/video-testimony infrastructure for narcotics courts specifically (Section 14), once the underlying digitisation base from Section 16.1 is in place.
- Develop dedicated sentencing, custody, and reintegration protocols for women and juvenile CNSA offenders, informed by the Bangkok Rules and consistent with the 2022 amendment's existing carve-out for these groups (Sections 5.2 and 11.3).

16. Limitations of the Study

This paper has several limitations that should inform how its conclusions are used. First, it is a doctrinal and secondary-source synthesis rather than a primary empirical study: it does not draw on original interviews with judges, ANF officers, prosecutors, defense counsel, or drug users, and its conviction and prison-population figures are drawn from published compilations rather than independent statistical analysis of raw records. Second, the conviction-rate data in Section 9.1 is drawn primarily from Punjab; comparable district-level breakdowns for Sindh, Khyber Pakhtunkhwa, and Balochistan were not available to this paper and may show a different pattern. Third, because the 2022 CNSA amendment's

sentencing changes are recent, this paper can only observe their early effects on the prison population through 2025; their longer-run effects on incarceration and deterrence remain to be established by future research using multi-year data. Fourth, the comparative material in Section 10 is illustrative rather than a rigorous comparative-law study, and this paper does not attempt a formal cost-benefit analysis of adapting any specific foreign model to Pakistan's institutional context. Fifth, the economic-cost discussion in Section 13 identifies an absence of reliable Pakistan-specific data rather than filling that gap, since doing so credibly would require primary economic modelling beyond this paper's scope. Future research building on this paper would benefit from primary interviews with narcotics-court judges and prosecutors, a systematic multi-province dataset of CNSA case outcomes, a formal feasibility and costing study for the reforms proposed in Section 16, and a dedicated national costing study of the economic burden of drug abuse.

17. Conclusion

Pakistan's drug abuse crisis is not merely a failure of criminal-law enforcement; it is fundamentally a crisis of justice administration. The Control of Narcotic Substances Act, 1997, as amended in 2022 and 2023, provides a reasonably detailed and increasingly rights-consistent punishment framework, and the Supreme Court has, across two decades of case law reviewed in Section 8, articulated clear and demanding evidentiary standards for narcotics convictions. Yet chronic case backlogs, judicial understaffing, weak forensic infrastructure, unresolved federal-provincial coordination gaps, procedural friction from court closures and unprotected witnesses, and a largely punitive rather than rehabilitative orientation combine to blunt both the deterrent and corrective functions of the law — a conclusion now reinforced by empirical evidence of collapsing district-level conviction rates and a prison system in which drug offenders make up a growing, disproportionately under-trial share of an already severely overcrowded population.

Recent reform efforts — including model courts and digitisation of Supreme Court case management — show that meaningful improvement is possible, but their scale so far falls well short of the backlog's size, particularly at the district level where the great majority of narcotics prosecutions occur, and where conviction rates in several major cities have fallen below five percent. Comparative experience from Portugal, the United States, Singapore, the United Kingdom, Canada, Australia, and Thailand (Section 10) shows that separating the treatment of users from the prosecution of traffickers through a formal legal mechanism is achievable at varying levels of institutional cost, and that Pakistan need not adopt the most resource-intensive versions of that model to make meaningful progress. Bridging this gap will require sustained investment in judicial capacity, forensic infrastructure, and rehabilitation-oriented diversion mechanisms, sequenced according to the feasibility roadmap in Section 16, grounded in the constitutional and international human-rights obligations set out in Section 5, and alongside a clearer institutional settlement, post-Eighteenth Amendment, of which level of government is responsible for delivering them. Judicial reform, in short, is not a peripheral policy choice in Pakistan's response to drug abuse — it is the indispensable foundation without which no other intervention, however well designed, can succeed.

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