

DISSERTATION

ON

**Drug Trafficking in Bangladesh: An Investigation of the Reasons
and Challenges of the Problem**

Course Title: Supervised Dissertation

Course Code: LAW 406

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ID: 2018-1-66-016

Semester: Spring 2022

Date of Submission: 8/5/2022

Acknowledgement

First of all, I am grateful to Almighty Allah, by whose grace I have been able to come so far. I am also thankful to my respected supervisor Monira Nazmi Jahan (Senior Lecturer, Department of Law, East West University). She has always guided me in this journey and provided various research supports to complete my project.

Finally, I want to thank my mother, who motivated me at every stage in this journey.

Declaration

I, Md. Saiful Islam Palash, do hereby confirm that the research paper titled " Drug trafficking in Bangladesh: An investigation of the reasons and challenges of the problem" has been prepared by my own effort and findings. I also declare that this research is my original work. It has not been submitted to any institution for any degree or any kind of publication earlier.

Signature

Table of Content

ABSTRACT.....	6
Chapter 1.....	7
Introduction	7
1.1 Introductory statement.....	7
1.2 Literature review.....	8
1.3 Research Objective.....	8
1.4 Research Questions.....	8
1.5 Research Methodology.....	9
1.6 Limitations	9
Chapter 2.....	9
Bangladesh's Involvement in Drug Trafficking	10
2.1 What is the actual meaning of drug trafficking	11
2.2 Types of trafficking.....	12
2.3 Which drugs are trafficked in Bangladesh.....	12
2.4 Method of drug trafficking	13
2.5 Theoretical framework of drug trafficking.....	14
Chapter 3.....	17
Characteristics of Bangladesh that are significant to drug trafficking	17
3.1 Social-economic status.....	17
3.1.1 Poverty.....	17
3.1.2 Unemployment.....	18

3.1.3 Economic motive and corruption.....	18
3.2 Geographical location.....	19
3.3 Drugs are in high demand.....	22
Chapter 4.....	25
Legislative & Social framework for the abolishment of drug trafficking	25
4.1 Bangladesh and drug-related legislation.....	25
4.2 Review of the Narcotics Control Act 2018.....	26
4.3 The reason why drug trafficking has not been stopped and possible solutions.....	28
4.4 Other measures that can be taken to prevent drug trafficking	30
Chapter 5.....	32
Conclusion.....	32
5.1 Findings.....	32
5.2 Recommendations.....	34
5.3 Concluding remarks.....	36
Bibliography.....	37

Abstract

This research work deals with drug trafficking in Bangladesh. Since Bangladesh is located at the core of three drug-producing regions, traffickers used this country as a transit point. Moreover, Poverty, lack of employment, and corruption are common problems in this country. In this research paper, I try to show what are the reasons behind drug trafficking in Bangladesh. The legal provision of a country plays a significant role in eradicating illicit drug use and trafficking. Even though Bangladesh has a national policy and a separate drug law to severely punish drug offenders, the review of drug trafficking and drug offenders reveals that current policy, law, and implementation are unsatisfactory. Therefore, it is necessary to find out the significant reasons and the problems of existing law to overcome this problem.

Introduction

1.1 Introductory Statement: Using and trafficking illegal drugs is a national as well as a worldwide issue. During the previous four decades, there has been significant growth in the use and trafficking of narcotics in Bangladesh.¹ In the beginning, the Drug Trafficking scene was dominated by heroin and phensedyl, then other narcotics. However, Yaba (tablets) have gained widespread popularity in Bangladesh over the last decades.² Even though Bangladesh is not known to be involved in the production of narcotics drugs or psychotropic chemicals, the usage and trafficking of illegals drug has become a major concern in Bangladesh which cannot be stopped even after taking drastic measures. It is true that cannabis is still cultivated in a few parts of Bangladesh but it is very insignificant compared to other drugs.³ The main reason for drug trafficking in Bangladesh is the geographical location of Bangladesh i.e. the location of Bangladesh at the root of three drug-producing regions. Drug traffickers used Bangladesh as a transit point. Moreover, the country's socio-economic condition is also responsible for drug-related crimes. Impoverishment, unemployment, corruption, and lack of education are driving people to drug trafficking. Over the last few decades, most countries across the World, international and local NGOs, and governments have reiterated their policy pledges, improved law and order, and increased efforts to combat the global drug problem by following UN conventions and other international treaties against narcotic drugs. The main purpose of this paper analyse the existing scenario and investigate the reason, loopholes of the current law, and challenges of combating drug trafficking in Bangladesh.

Chapter 1 discusses the introduction, objective, methodology, and limitations of my research work. In chapter 2, I try to discuss the history, meaning, types, methods, and theory of drug trafficking. In chapter 3 I try to point out the reasons behind drug trafficking in Bangladesh. In chapter 4, I show the legal provision and legal gaps against drug trafficking. In chapter 5 I have made a few recommendations to combat drug trafficking in Bangladesh and conclude my research work.

¹ Ahmadul Hasan, 'Bangladesh at the hub of three drug trafficking regions' (Dhaka, 7 January 2022)

² Syed Tashfin Chowdhury, 'Yaba, the 'Madness Drug', Is Finding New Routes Into Bangladesh' <<https://www.vice.com/en/article/59a73b/yaba-the-madness-drug-is-finding-new-routes-into-bangladesh>>

³ 'Drugs and Crime in Bangladesh' the independent (24 July 2017)

1.2 Literature Review: Drug trafficking is a burning issue in Bangladesh. Every country is plagued by the narcotics problem. Scholars have a lot of different ideas about how to stop drug abuse. Mahbubur Rahman, in his paper 'How much do drug users pay for drugs in Bangladesh', discussed the demand for drugs in Bangladesh.⁴ However, it could not point out how drugs come into Bangladesh. Md. Faruque Hossain, in his paper 'Drug abuse and its impact on Bangladesh,' investigates the causes and consequences of drug abuse.⁵ Md. Razidur Rahman in his paper, 'Drug trafficking in South Asia: A case study on Bangladesh,' addresses the problem of drug trafficking and how to eradicate the problem under old domestic law.⁶ It is clear that literature tries to find out the impact and how to eradicate the problem under international conventions and domestic law. However, the literature did not try to find out the solution under current domestic law and what are the loopholes in current domestic law. The criminals are getting out very easily taking advantage of the lacking of current law. This paper aims to investigate those loopholes in the law and other mentionable reasons that challenge combating drug trafficking.

1.3 Objective of the study: The study aims to find out the reasons and challenges of drug trafficking in Bangladesh. The overall aims of the study are listed below:

- a) To investigate the reasons and challenges of drug trafficking in Bangladesh.
- b) To find out the lacking of the law regarding drug trafficking.
- c) To analyse the legislative framework regarding drug trafficking and the roles played by the government in limiting and combating this phenomenon.

1.4 Research Questions: This research topic has several potential questions. However, this research focused on the following questions. The following questions will be answered in order to achieve the research's goal:

1. Why is drug trafficking so prevalent in Bangladesh?
2. Whether the Narcotics control act 2018 effective in preventing drug trafficking?

⁴ Mahbubur Rahman, 'How much do drug users pay for drugs in Bangladesh', April 2004

⁵ Md. Faruque Hossain, 'Drug abuse and its impact on Bangladesh,' November 2017

⁶ Md. Razidur Rahman, 'Drug trafficking in South Asia: A case study on Bangladesh,' September 2014

1.5 Research methodology: This research is descriptive and suggestive in nature. This study is based on primary and secondary data collected from books, online journals, statutes, newspapers, websites, etc. Existing information was gathered from a variety of sources in order to comprehend the causes of the challenge and the present situation in Bangladesh pertaining to drug trafficking.

1.6: Limitation: I confronted some limitations when doing this research. If there is sufficient time for this research, it might be able to get a better result. Due to the covid-19 pandemic, it was difficult to get the resources that were only in the library and for the most part, this research was reliant on online resources to complete. Without this limitation, the research could be more insightful and better organised.

Chapter 2: Bangladesh's Involvement in Drug Trafficking

The use and abuse of drugs are not a new occurrence. Since the beginning of time, people have been abusing drugs that travel from one person to another by the exchange of hands at one moment. Drug trafficking is one of the biggest problems for many countries in the world. It is not an overnight crime. Looking back at the history of Drug trafficking, England was the first country to introduce it in the nineteenth century.⁷ The British Crown was enriching its coffers by exporting opium to China.⁸ In 1758, the British East India Company ascended to the throne of Bengal and Bihar, assuming control of the region's trade and commerce.⁹ In this context, the British East India Company started the first opium cultivation and opium trade in India. Since India annexed Bangladesh, it has had a tremendous impact on this country. Moreover, since then, there has been such a demand for drugs in India alone that the British ruling class has commented on drugs that "The use of Cannabis in India was such an integral part of the people's lives that it could not and should not be prohibited."

Bangladesh has multiple neighbors, including India, Pakistan, Myanmar, China, and Nepal. Among them, Bangladesh shares borders directly with India and Myanmar. Because of its location at the center of Asia's three Drug trafficking regions, Bangladesh is used as a hub for the transit of drug trafficking in neighboring nations. The 2006 annual report of the International Narcotics Control Board (INCB) stated that Bangladesh is currently the primary transit hub for heroin trafficking and migration from South East Asia to the European Market.¹⁰ The report states that the uncoordinated border between Bangladesh and India contributes to cross-border drug

⁷ HISTORY.COM EDITORS, 'History of Drug Trafficking' (2017) <<https://www.history.com/topics/crime/history-of-drug-trafficking>>accessed 9 April 2022

⁸ Julie Lerat & Christophe Bouquet, 'The Story of Drug Trafficking' (2020) <<https://yami2.com/en/catalogue/the-story-of-drug-trafficking>>

⁹ Ben Johnson, 'The East India Company and its role in Ruling India' (2015) <<https://www.historic-uk.com/HistoryUK/HistoryofEngland/The-East-India-Company>>

¹⁰ Bangladesh transit route for heroin trafficking (2008)

<<https://web.archive.org/web/20080404211317/http://www.bangladeshnews.com.bd/2008/03/07/bangladesh-transit-route-for-heroin-trafficking>>

trafficking.¹¹ According to the Department of Narcotics Control, around 100000 people are involved in Bangladesh's illegal drug trade.¹²

2.1 What is the actual meaning of Drug trafficking?

The Bangla word for trafficking is 'Pachar'. It has a modest conation which implies that transfer from one place to another. If the term Pachar is used in connection with sub-section 29 (a) or (b) of section 2 of the Bangladesh Drug Control Act of 2018 phrase " Madok Pachar" refers to the illegal transfer of substances that have been identified as drugs by law. Drug trafficking is a broad phrase that encompasses a wide range of activities involving narcotic drugs and psychotropic chemicals, including manufacturing, cultivation, import, smuggling, and promotion. Drug trafficking refers to crimes involving the tools and means of transportation used in the commission of the crimes and the diversion of precursors and chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances, as well as crimes involving proceeds used in or resulting from illicit trafficking.¹³ There are numerous legal definitions of drug trafficking. The United Nations Office on Drugs and Crime (UNODC) has the most concise definition of drug trafficking. According to UNODC, "Drug trafficking is a global illicit trade involving the cultivation, manufacture, and sale of substances subject to drug prohibition laws."¹⁴ According to the Narcotics Control Act 2018, the cultivation, production refining, carry, transport, import, export, supply, buy, sell, keep, preserve, store, exhibit, or using any intoxicant is illegal.¹⁵ Any

¹¹ ibid

¹² Shaheen Mollah, Muntakim Saad & Mohammad Jamil Khan, 'Mohammadpur Geneva Camp: Exiled yaba lord reclaims throne' The Daily Star (2 March 2020)

¹³ Justia < <https://www.justia.com/criminal/offenses/drug-crimes/drug-trafficking>>

¹⁴ Melody Okereke, 'Menace of drug abuse and illicit trafficking in Nigeria' Vanguard (8 July 2019) <<https://www.vanguardngr.com/2019/07/menace-of-drug-abuse-and-illicit-trafficking-in-nigeria>>

¹⁵ Narcotics Control Act 2018

person who does the above-mentioned prohibited act on the territory of Bangladesh should be prosecuted under section 36 of the Narcotics Control Act 2018 of Bangladesh.

After all the above discussion, we can describe Drug trafficking as the trafficking of drugs that are illegal to make, export, or import and unlawful drugs for illicit use in both domestic and international arenas.

2.2 Types of Trafficking

There are two sorts of drug trafficking. One is internal drug trafficking, and another one is smuggling at the international level.

A. Internal Drug trafficking: Certain readily available substances reach the country's citizens through internal drug trafficking. Since cannabis herbs (Ganja) and Phensidyl are available at reasonable prices, this drug is highly demanded. Women and children are currently being used in internal drug trafficking.

B. International Drug trafficking: Even though Bangladesh is not renowned internationally as a drug-producing country, weed has a special demand worldwide. Cannabis herb is widely grown in Kushtia, which is a region of Bangladesh. Otherwise, Bangladesh is only used as a gateway for drug trafficking by neighboring countries.

2.3 Which Drugs are trafficked in Bangladesh?

Bangladesh does not even manufacture any narcotics drugs or psychotropic substances. However, issues such as drug trafficking are incredibly prevalent in this country, which is increasing day by

day. There were numerous sorts of drugs in circulation throughout the world at that moment. Opiates, Methamphetamine, Codeine, pethidine, morphine, heroin, and cocaine are the most well-known drugs in the present world.¹⁶ Since India and Myanmar board Bangladesh, drugs are mainly smuggled from those countries, and Bangladesh is used as a transit route in this case. These two countries are the primary sources of drugs in Bangladesh.

Bangladesh has a significant demand for a certain drug. Among them, the element of Yaba tablet produced in Myanmar and Phensedyl come From India, and cannabis is cultivated in some regions of Bangladesh.¹⁷ Since there is a massive demand for these few drugs worldwide and these drugs are produced in the vicinity of Bangladesh, these particular drugs are smuggled across Bangladesh to various destinations.

2.4 Method of Drug trafficking

Drug traffickers employ a range of tactics for drug trafficking. The inventiveness of drug traffickers knows no bounds. We know that borders were opened, and trading and customs agreements were negotiated after the 1990s, particularly after the end of The Cold War (1991), allowing the routes to be expanded to encompass China, Central Asia, and Russia.¹⁸ The containers that are crossing the border either by land or sea, drug traffickers are taking advantage of this opportunity. Since there is no opportunity to open such a large container, traffickers use this

¹⁶ Jennifer Acosta Scott, 'What are the most commonly used drugs?' <<https://www.everydayhealth.com/addiction/commonly-abused-drugs>>

¹⁷ UNB, 'Bangladesh's illegal drug problem lies in it's geographical location: Home Minister' The Business Standard (14 November 2021) < <https://www.tbsnews.net/bangladesh/bangladeshs-illegal-drug-problem-lies-its-geographical-location-home-minister>>

¹⁸ Chouvy, Pierre-Arnaud (2010). *Opium: Uncovering the Politics of the Poppy*. Cambridge, MA: Harvard University Press. P.63.

container for drug trafficking. Corruption among security forces at the port and at the border facilitates this. Furthermore, in the case of '*Hossain vs State*' we've found that the vehicle's engine compartment and the lorry's cab are used for drug trafficking.¹⁹ Drug trafficking through vegetables and fruits is being encountered while transporting goods to different parts of Bangladesh. Traffickers are smuggling drugs by swallowing small Yaba capsules, which are later scanned and detected in their stomachs. Moreover, drugs are concealed within the human body, and especially women are smuggling drugs into private parts of their bodies. Soles of the shoes, walking sticks, and car tires are used to hide drugs during drug trafficking.

2.5 Theoretical framework of Drug trafficking

Theories usually connect a collection of occurrences to a particular place. Criminological theories can be used to explain why people become involved in drug trafficking.

1. Law of Imitation by Gabriel Trade

The idea of imitation was explained by the famous criminologist Gabriel trade.²⁰ According to his laws of imitation, people copied others and learned from others. That is why criminal behavior is also a learned behavior. He said that there are three laws of imitation-

a. The Law of close contact: When an acquaintance gets involved in the drug trafficking business and gets rich overnight, it inspires others to get involved in drug trafficking.

b. Inferiors imitate Superiors: It has been seen that influential people in society are getting richer and more powerful through drug trafficking. It entices the inferiors to involve in this crime.

¹⁹ Hossain vs State [2018] 70 DLR

²⁰ Freda Adler, Gerhard O.W. Muller & William S. Laufer, Criminology (9th edn, 2020)

c. Law of insertion: In this case, new behavior takes the place of the old one. People used to commit theft, robbery, and murder in the past. But compared to those crimes, drug trafficking is a very demanding and lucrative sector. That's why people are getting involved in drug trafficking.

2.Chicago School

Robert E. Park and Ernest. C Burgess founded the Chicago School of human ecology.²¹ They created the theories of social disorganisation. It states that the environment in which a person lives and grows up impacts him. When the situation of society is chaotic, the ability to exert control becomes weaker. As a result, everyone in society is oblivious to their social responsibilities. If we look at the condition of Bangladesh, we will see its reflection. A significant percentage of the population in Bangladesh lives below the poverty level. This society is in a state of disarray. The people of the society are notorious for flouting rules and regulations. Thus, a chaotic society encourages people to commit more crimes like drug trafficking.

3. Social learning theories

According to Sutherland, "Criminal behavior is learned." Social learning theorist Ronald Akers had updated his approach to supporting this point of view.²² Akers showed that it is common for people to try to justify their illicit behavior by providing meaning to their actions; this is known as a specific definition favorable to breaking the law²³. He further showed that people learn from each other, supporting imitation. However, in this scenario, imitation is dependent on the reward-to-

²¹ K Wahl-Jorgensen, 'The Chicago School and Ecology' [2006]

²² N.V. Paranjape, Criminology & Penology with Victimology (16th edn,2015)

²³ Sheikh Hafizur Rahman Karzon, Theoretical and Applied Criminology (first published 2008) 165

punishment ratio. People refrain from participating in any activity that results in punishment rather than rewards. If we come to the context of Bangladesh, then we see that this country is a corrupted country, and the government's legal system is venal. Since the people of the administration are corrupted, the criminals are not adequately punished for giving bribes even though they have committed significant crimes. Drug trafficking is easier and more profitable than other crimes in the present situation. Since the reward is greater than the punishment, the offender is more likely to commit the crime.

Chapter 3: Characteristics of Bangladesh that are significant to drug trafficking

Causes of drug trafficking: Numerous factors contribute to drug trafficking in Bangladesh. The use and trafficking of illicit substances have risen dramatically during the last few decades. We know that Bangladesh is impoverished and overburdened due to its vast population. Due to the high population density, the Government of Bangladesh is struggling to meet the people's daily needs. That is why people are readily enticed into a dangerous lifestyle by lacking basic knowledge, leading to the unfortunate consequence of drug trafficking. In Bangladesh, Drug trafficking is caused by a combination of economic and social issues.

Moreover, due to the geographical location, Bangladesh is suffering quite well. Some specific sections are deeply responsible for drug trafficking. These are as follows-

3.1 Social Economic Status

3.1.1 Poverty: Poverty affects most Bangladeshi citizens in every aspect of their social and economic lives. Poverty has been identified as one of the primary motivators of drug trafficking. This is one of the most critical challenges facing our country. The majority of people cohabited and led terrible lives. The cost of daily necessities is increasing quickly that it has already exceeded the average person's purchasing power. Around 15% of the country's population is poor.²⁴ The hope of a better life, no matter how implausible, is worth the risk for those living in abject poverty. Poverty gives criminals access to those who have no other option to live. That means impoverished people who have no other means of a substance may choose to assist the drug lords.

²⁴ Mehedi Hasan, 'Survey: New poor in Bangladesh stands at 24.5 million' Dhaka Tribune (Dhaka, 20 April 2021)

3.1.2 Unemployment: In both developed and developing countries, there is a high association between unemployment and drug use. For a long time, Bangladesh has had a severe unemployment problem. Even though our country's population is growing at an alarming rate, work prospects in our country are minimal. Employment and skills development options, particularly for the youth, are essentially non-existent due to the rising landlessness and insufficient investment in rural industry. Traffickers are taking advantage of the circumstances to entice unemployed people to become involved in drug trafficking. Drug trafficking is most prevalent among young people. It compromises those who have recently entered or entered the workforce because of the high unemployment rates in many nations; finding jobs is frequently a challenge. The mental frustration of not finding the right employment drives the youth towards drugs. As a result, inadequate employment initially pushes individuals to engage in drug use, leading to involvement in drug trafficking at a higher level. Thus, unemployment in a country has a significant impact on people's motivation to engage in drug trafficking, particularly youth.

3.1.3 Economic Motive and Corruption: In the current economic system, the poor become poorer while the rich become more prosperous. The destitute are caught in a revolving door of poverty. If we look closely, we will notice that the highest castes of society are using their position of power to trade drugs because drug trafficking is one of the most lucrative and straightforward enterprises in the world, which implies that many people may earn from it. Individuals involved in drug trafficking earn handsomely from their activities, perhaps more than they do in a legitimate job. The money that smugglers make by smuggling drugs is sufficient to allow them to live a pretty luxurious life. The amount of money made through drug trafficking is not restricted to only this. People all over the world are affected by the drug trade. It turns out that the global drug market is

worth more than \$300 billion a year, and it grows every year.²⁵ People who sell drugs make money; however, it is tough to determine how much money they make. These drug traffickers have much money, and they are so organised that they can operate freely in a number of nations due to their financial resources for bribing police and politicians. Certain law enforcement Officers (e.g; Army, Police, DB) are also engaging in the same behavior.

Moreover, the biggest problem that Bangladesh is currently facing is the free living of Rohingya people. Bangladesh is now hosting over 9,00,000 Rohingya in overcrowded camps.²⁶ Some limits on the procurement of lawful work are preparing the ground for introducing new illegitimate ones. These people are only permitted to work in the UNCHR organisation's jobs within the camp. The money they receive in exchange is insufficient to feed themselves and their families. Drug dealers take advantage of these vulnerable refugees in the camps. They are paid based on the weight and volume of the 'Yaba' shipment. For example, they can receive 10,000 takas for bringing 5000 tablets which is incredibly lucrative. Because of the Naf River that runs between Myanmar and Bangladesh, contacting dealers provides an easy way out for many Rohingyas. Since these people can easily earn huge amounts of money through the smuggling of Yaba in Bangladesh, it is incredibly motivating for drug trafficking.

3.2 Geographical location of Bangladesh: Bangladesh is surrounded by major markets for illicit drug trafficking. This country plays a significant role in the illegal global trade in methamphetamine, heroin, and yaba. It is a source, destination, and transit point for these illegal flows. It had been stated in some foreign media reports that Bangladesh is being utilised as a transit

²⁵ Barkemeyer law firm, 'What are the causes of Drug Trafficking' (2021) <<http://lawyercarl.com/what-are-the-causes-of-drug-trafficking/>> accessed 14 April 2022

²⁶ Sreeparna Banerjee, 'Drug trafficking and Rohingya refugees in Bangladesh' (15 March 2019)

point for narcotics destined for South America and the Middle East.²⁷ Bangladesh is strategically located in the core of three drug-producing regions: The Golden Triangle, The Golden Crescent, and The Golden Wedge.²⁸ Even though Bangladesh does not produce drugs, the geographical location makes it prone to drug misuse.

Drug Trafficking in Golden Triangle:

The Golden Triangle, which includes Myanmar, Laos, and Thailand, is located in Bangladesh's southern-eastern portion.²⁹ Among them, Bangladesh has a 271 kilometers land border with Myanmar.³⁰ Myanmar is the source of nearly all opium produced in the Golden Triangle regions. Moreover, Myanmar is also known for producing crystal meth, which is used to make yaba tablets.³¹ Through the Teknaf border crossing point, yaba has entered Bangladesh from Myanmar. For the last few years, Rohingya refugees have been playing a significant role in smuggling yaba from Myanmar to Bangladesh as the border has opened for them. On 20-1-2020, during a confrontation with BGB in Bandarban, a Rohingya man who was suspected of being a yaba trader was killed.³² This is not just one incident. Nowadays, Rohingyas are often caught smuggling drugs that they are bringing from Myanmar.

Drug trafficking in Golden Crescent: One of Asia's two primary sources of illicit opium cultivation is known as the "Golden Crescent", located in the northwest corner of Bangladesh. This region includes three countries: Afghanistan, Iran, and Pakistan.³³ The crescent is named from the

²⁷ Bangladesh as a transit for drug smuggling,2020 <https://www.thedailystar.net/editorial/news/bangladesh-transit-drug-smuggling> accessed 6 May, 2022

²⁸ Ahmadul Hasan. (n 1)

²⁹ ibid

³⁰ Helen James, Security and Sustainable Development in Myanmar' (First published 2006) p.120

³¹ Myanmar: Meth capital of the world,2019 <https://theaseanpost.com/article/myanmar-meth-capital-world>

³² Vaishali Basu Sharma, 'Why Bangladesh's Yaba Drug Epidemic Continues to Fester' The Wire(25 January 2021)

³³ Ahmadul Hasan. (n 1)

rugged terrains that run along the boundaries of these countries. Drugs produced in the golden crescent regions are exported from India. We know that Bangladesh shares a four thousand-kilometer land border with India on three sides of Bangladesh. Drugs such as heroin, hashish produced in (the Golden crescent), Phensidyl, and injectable drugs are brought into Bangladesh from India via the eastern and western borders.³⁴

Moreover, Indian north-eastern states are used by international drug smugglers from Nigeria, Srilanka, and other countries to import the drug into Bangladesh.³⁵ Pharmaceutical items containing narcotic medication, primarily codeine, are highly prevalent in South Asia. Phensedyl, a codeine-based syrup, is smuggled into Bangladesh from the Indian market. In the case of '*Badal Kumar Paul v State*,' the police found 250 bottles of phensidyl in possession of Appellant in front of Malik bari at the village, Taherpur under police station Chowgacha, Jessore³⁶. The author finds that India surrounds this region to the west of Bangladesh. The author also finds that many different types of drugs have been smuggled across the border between India and Bangladesh, including heroin, marijuana ganja, Brown sugar, and cough syrup. A well-developed network of Railway and river connections has made smuggling pharmaceuticals containing dextropropoxyphene and codeine from India to Bangladesh. In the case of "*Arif vs State*," we have found that the police of Baolia station near the Rajshahi border arrested the Appellant and seized 500 grams of heroin under the bike seat.³⁷ Such drug trafficking is a daily occurrence in the border areas. Nowadays, poor women and children working for cruel drug lords are frequently used to transport drugs across the border. As these people do not make anyone suspicious, they can easily cross the borders

³⁴ ibid

³⁵ ibid

³⁶ Badal Kumar Paul v State [2003] 55 DLR

³⁷ Arif v State [2009] 61 DLR

without being caught. Ultimately, we may conclude that Bangladesh's geographical location, notably its long border with India and Myanmar, makes it ideal for drug trafficking.

3.3 Drugs are in huge demand: The number of drug addicts in Bangladesh is increasing daily. Everyone is addicted to a variety of drugs. In Bangladesh, all sort of drug is readily available. In Bangladesh, drug users spend 70cr taka every day.³⁸ According to World Health Organization (WHO), approximately 10% of the outpatients are currently accessing the country's hospital with addiction-related issues involving heroin, marijuana, and phensedyl.³⁹ The tendency of drug consumption is higher in youth teenagers, whose ages range from 15-to 30. The author finds that drug addiction affects over 43% of the country's unemployed population, and there are 7.5 million drug addicts in Bangladesh.⁴⁰ At this time, all adolescent youngsters are addicted to smoking. As a result, the demand for tobacco products is steadily expanding. In Bangladesh, unemployment is a common scenario. For this reason, the youth, especially jobless educated people, suffer from frustration. As a result of depression, they started to abuse drugs. If we look at the seizure list and the cases of drugs for the last few years, we can understand the demand for drugs.

³⁸ Manzurul Alam Mukul, 'Drug addicts spend Tk 70cr everyday in Bangladesh' <https://www.risingbd.com/english/Drug_addicts_spend_Tk_70cr_everyday_in_Bangladesh> accessed 7 May 2022

³⁹ ibid

⁴⁰ Arifur Rahman Rabbi, '43% of unemployed population addicted to drugs' Dhaka Tribune (27 February 2019)

Seizure List:

Drugs	2013	2014	2015	2016
Heroin	123.73	78.3	107.539	266.785
Cannabis herb(in kg)	35012.54	35988.56	40916.284	47104.6555
Phensedyl (bottle)	9,87,661	7,41,137	8,70,210	5,66,525
Yaba (tablet)	28,21528	65,12,869	33,79,880	2,94,50,178

Source: Statistics on the seizure of drugs by all agencies Bangladesh, Annual Drug Report of Bangladesh 2016

Comparison of Police Cases in Bangladesh: 2019

Unit Name	Dacoity	Robbery	Murder	Kidnapping	Theft	Burglary	Arms Act	Narcotics
Dhaka Range	7	11	75	12	70	28	18	1731
Sylhet Range	4	5	20	1	33	7	1	139
Chittagong Range	4	11	74	6	51	25	54	1108
Rajshahi Range	5	8	29	8	40	5	25	1166
Rangpur Range	1	2	33	0	38	8	4	551

Source: Comparative crime statistics 2019 by Bangladesh Police

The above list of confiscated drugs and the gradual increase of drug cases compared to other crimes shows that the demand for drugs has exploded in Bangladesh.

Chapter 4: Legislative & Social framework for the abolishment of drug trafficking

4.1 Bangladesh and Drug-Related Legislation: Bangladesh has signed all three U.N Conventions against drug misuse and trafficking. These International treaties are; (Single Convention on Narcotics Drugs 1961, Convention on Psychotropic Substances 1971, and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988), which established various drug regulations. Previously drug issues were governed by the Opium Act 1857 (Act XIII of 1857); Opium Act 1878 (Act 1 of 1878); Excise Act 1909 (Act V of 1909); Dangerous Drugs Act 1930 (Act II of 1930); and Opium Smoking Act 1932 (Act X of 1932).⁴¹ However, over time, it was necessary to modify these ancient legislations. Despite the fact that all of these laws had been updated, several legal obstacles still necessitate the passage of new legislation to resolve all of the issues in a centralised manner. As a result, in 1990 a new law was passed by the parliament of Bangladesh called the Narcotics Control Act 1990, which abolished previous drug-related laws. This act established the Department of Narcotics Control as the primary government entity responsible for drug enforcement. The Narcotics Control Board was also established under the legislation as the highest government authority for Bangladesh's Narcotic Control Policy. Although this law was amended in 2000, 2002, and 2004, the principles of the three international conventions that Bangladesh ratified have not been fully implemented by this law. The Narcotics Control Act 1990 failed to include all of the Narcotics named in those three international conventions. This law could not play a significant role in preventing drug crimes, as many drugs, such as Yaba (Amphetamine) tablets and some narcotics analgesics were not included

⁴¹ Md. Akhtarzaman, 'Narcotics Control Act, Rules and Procedures' (first published 2019)

in this law. As a result, in 2018, the Narcotics Control Act 2018 was passed to control drugs, reduce supply and demand and prevent abuse and smuggling of drugs.

4.2 Review of the Narcotics Control Act 2018: Bangladesh has ratified all the three U.N Conventions of 1961, 1971, and 1988 and the SAARC Convention on Narcotics Drugs and Psychotropic Substances 1990. Under these agreements, Bangladesh has imposed limits on importing the precursors because it is located close to heroin producing region in South Asia. The Narcotic Control Act 2018 has been prepared in compliance with all the principles of these conventions. Sec 36 and 37 of the act prohibited all criminal activities involving narcotic drugs psychotropic substances and precursors chemicals.⁴² Rules for the licensing were also developed and implemented in this act. Import, export, purchase, manufacture, process, or transport narcotics for any other use are prohibited under section 9 of this act.⁴³ However, it can be done if the operation is for medical, industrial, or scientific purposes under a license or permits. Because the section provides for the use of drugs in the manufacturer of medicine, industrial use, and scientific research. The Narcotics Control Department is in charge of issuing licenses, permits, and passes under section 13.⁴⁴ However, section 14 said they would not give licenses or permits to those who have criminal records.⁴⁵ According to section 15 (A) of the Act, if any condition is violated for the first time, the violator will be required to sign an affidavit promising not to violate the conditions in the future and will be subject to a fine of not more than one lakh taka.⁴⁶ However, if the condition is violated for a second time, the pass issuer has the authority to revoke the license. To acquire precursors, importers must obtain an import license and an import authorisation from the

⁴² Narcotics Control Act 2018

⁴³ ibid

⁴⁴ ibid

⁴⁵ ibid

⁴⁶ ibid

Department of Narcotics Control. In the new law, various drugs have been placed in different categories under section 36 and determine punishment according to the quantity of the drugs. The new law placed Yaba and Amphetamines in the 'A' category of drugs not included in the previous law. According to the new law, transporting, trading, storing, producing, processing, applying, and using amphetamines containing less than 200 grams of Yaba or its main ingredient is punishable by five years to 10 years imprisonment. However, when the amount seized is above 200 grams, the punishment is the death penalty or life imprisonment. The logic of the punishment is questionable when comparing its punishment with the previous amount. Additionally, the law raises significant concerns concerning heroin penalty. In the jurisdiction where more than 25 grams of heroin carries the death penalty or life in prison, less than that amount is punishable by 5-10 years imprisonment. It should be noted that the provisions of the law are incredibly stringent. However, there has been much room for erroneous applications.

Section 21 of the law, as revised in 2020, specifies that an accused person may be held or arrested in a public location if the officer-in-charge has a "belief" that drug violations are occurring or are likely to occur in the area where the accused is found. If the officer in charge has reason to believe that this is the case, he can be searched or arrested on the spot. Searches and arrests without a warrant are dealt with in Section 23 of the statute. Section 55 deals with presumptions regarding the incidence of drug crimes. A person who is found in possession of any drug, or who is found in possession or control of any other drug, or who is found to be in possession of any drug-making equipment, equipment, or substance essential for the creation of drugs, is classified as a separate person, as stated. In the absence of proof, that would be equal to a violation of the law. Following all of this, it is evident that the Narcotics Control (Amendment) Act, 2020 is founded mostly on the 'conjecture,' 'believe,' and 'suspicion' of the official in charge, rather than any other evidence.

On this premise, it is possible to detain a person without obtaining a warrant for their arrest. This is the law's most significant flaw.

Section 44 of the Act mandates a special Tribunal. This section also states that until the establishment of the Tribunal, the Additional District Judge or Session Judge can hold drug trials on top of their regular duties. To make the process easier, a gazette notification must be published. However, since enacting the law, it has not been possible to form Tribunals in all districts. As a result, all the cases filed under this law are stuck. Since the section states that until the Tribunal is established, the government may, by notification, appoint any district judge or session judge of the district concerned to be in charge of the additional Tribunal in his own capacity. In March 2020, the laws Ministry recommended amending the Act to allow Judicial Magistrate to try drug cases in which the accused may be sentenced to seven years or less. The idea was intended to choose a loophole in the Act. If the charge against the accused does not involve the death penalty, life imprisonment, or a sentence of more than seven years in jail, the accused will undergo a summary trial. Moreover, the summary trial should follow the Criminal Procedure Code, 1898 (CrPC). However, we know that only 1st class Judicial Magistrate and Metropolitan Magistrate are permitted to conduct summary trials under the Criminal Procedure Code, Where the Narcotics Control Act 2018 prohibits any judge lower than an Additional District Judge from conducting summary trials.

4.3 The reason why drug trafficking has not been stopped and the possible solutions: We can see from the preceding discussion in this research paper that due to its geographic location, lack of regional collaboration, and lack of law enforcement capacity, there is no long-term solution of drugs problem. Certainly, Bangladesh's drug problem is a transnational one. Since Bangladesh is surrounded by drug-producing (Golden Triangle, Golden Crescent, and Golden Edge), smugglers

easily find their way to enter any part of Bangladesh. After the Convention "War on Drugs," the Teknaf route has become very difficult for drug trafficking; as a result, traffickers have developed a new route. At that moment, the Naikhayangchari path is becoming very popular.⁴⁷ I have also discussed that Bangladesh is not a drug-producing country. No precursors are exported from Bangladesh. The majority of the imports come from India, Malaysia, Singapore, China, Japan, the United Kingdom, and Italy.⁴⁸

However, Bangladesh has to face this drug problem dramatically. If we want to extirpate drug trafficking, it is first necessary to shut off the sources of supply. In that case, Myanmar has to give more effort to combat drug smuggling over the Bangladesh Myanmar border. Bangladesh also needs help from India to combat other narcotics like phensedyl. Bangladesh must intensify its diplomatic efforts with Myanmar and India in order to develop a conduit through which the supply from the sources may be curtailed. It will be challenging to manage the drug issue in Bangladesh unless there is coordinated regional cooperation.

On the other hand, Bangladesh has failed to reduce drug demand by enforcing strict laws and extra-judicially killing drug abusers. Aside from the legislative actions, the government has not addressed several topics that should be included in the master plan for substance abuse prevention in Bangladesh. The Narcotics Control Act 2018 mandates the establishment of Tribunals in each district to hear the drug-related cases. Since the Tribunal was not established until later, the drug case trial was postponed for an extended period of time. According to a report of the Supreme

⁴⁷ Md. Mufassir Rashid, 'Control the alarming drug problem before it's too late' The Independent (Dhaka, 25 January 2021)

⁴⁸ How do you know where a drug is manufactured? <<https://advpharmacy.com/blog/2020/03/05/how-do-you-know-where-a-drug-is-manufactured>> accessed 9 May 2022

Court 2019, 1 lakh 55 thousand 6 cases are pending in 64 districts.⁴⁹ Due to the lack of proper judicial process, drug traffickers have the courage to engage in trafficking.

4.4 Other measures that can be taken to prevent drug trafficking:

Taking a more comprehensive approach: The use of illicit substances, and the preventive approach that goes with it, should not be addressed in isolation from more significant societal challenges since it is closely tied to other social problems. For example, a significant portion of Bangladesh's youthful population is impacted by chronic drug use; also, involvement in any gang culture significantly increases the chance of drug addiction. As a result, a consistent strategy must be adopted by integrating several tactics that concentrate on demand, supply, and harm reduction elements.

It should be highlighted that the problem of substance abuse has been elevated to the level of a public health concern in many nations and that this is more likely to contribute to the prevention of drug misuse. The new law passed in Bangladesh in 2018 grants discretion to courts dealing with drug-related offenses to offer rehabilitation to a person addicted to drugs (if the court is satisfied that he has not been involved in any other drug-related offense); however, in practice, this provision is not implemented correctly.

Surveillance of Drug lords: Large drug mafias have escaped unharmed during the 'War on drugs'. They make a weekly net profit of around BDT 10 million through their networks that extend beyond borders.⁵⁰ Many media stories implicate politicians, drug control officials, law

⁴⁹ Saeed Ahmed, 'Misapplication of drug laws' The Daily Inqilab (2 December 2021)

⁵⁰ Khandakaer Farzana Rahman, 'Is punitive action enough to prevent abuse of drugs?' The Daily Star (5 February 2019)

enforcement officials, professional criminals, and others in this ring. Substance misuse in Bangladesh cannot be prevented unless yaba high-profile traders and dealers are prosecuted.

Preventative initiatives in the early stages: The Department of Narcotics Control in Bangladesh frequently organises awareness campaigns through electronic and print media, but little is done in school, family, and community contexts. This technique must be evidence-based and preferably inspired by similar socio-cultural settings to achieve higher success rates. Advocacy campaigns, school-based interventions, family-based programs, and community-based interventions are necessary components of drug prevention initiatives. Uncovering the harms of drug use, strengthening skills to resist social pressure, and dispelling the myth that drug use is normal for young people should be the focus of a master plan. To prevent adolescents from getting addicted to drugs through smoking, families must instill in their children an awareness of the danger of drugs.

Chapter 5: Conclusion

5.1 Findings:

Since there is a theoretical study, it is extremely difficult to make a final remark or a clear conclusion on the subject, as the nature and types of drugs evolve with time. In this research paper, the author tries to investigate the reason and find out the challenges of the problem. The research paper has found that -

- (1) Drug trafficking is a transitional crime. This problem is affecting not only Bangladesh but also the entire world.
- (2) Poverty and lack of employment are prompting people to become involved in drug trafficking.
- (3) People are becoming involved in drug trafficking because it earns more money in less time and is more rewarding than other crimes.
- (4) The demand for drugs is growing every day; that is why new substances are constantly entering the country. The demand cannot be stopped due to a lack of education and awareness about drugs.
- (5) The geographical location of Bangladesh is mainly responsible for drug trafficking. Despite the fact that Bangladesh is not a drug-producing country, the problem remains unsolved due to the lack of effective cooperation among the countries from which narcotics are smuggled into Bangladesh.
- (6) Involvement of a large number of Rohingya refugees in drug trafficking is a greater threat to the country.

(7) The studies also found that one of the reasons for increasing drug trafficking is the involvement of policymakers and law enforcement agencies in corruption.

(8) According to section 11 of the Narcotics Control Act, there is some restriction on the consumption of Alcohol. Muslim people need licenses or permits for drinking Alcohol. It is not appropriate when people of a particular religion have one provision, for the rest different provisions.

(9) We know that amphetamine is used to make Yaba. The current law cannot clear whether it is 5 grams of yaba or amphetamine since 5 grams of yaba is small. However, 5 grams of amphetamine can make a few thousand yaba.

(10) As per section 30 of the Act, the drug must be received from the accused or in his possession. However, those who regulate or invest in the drug trade do not transport, supply, sell or stockpile drugs. Thus this law cannot catch the real Godfather. Though in order to control drugs, they need to be caught first.

(11) Although there is a provision in the Act to establish a separate tribunal for trial, it has yet to be established.

(12) Section 55 deals with presumption on drug offences. The main basis of this section is the 'Conjecture', 'belief', and 'doubt of the officer in charge. On this basis, it is possible to arrest anyone without a warrant.

(13) Although there is a law against drugs, however, so far, it is not being appropriately implemented as it has some severe errors.

5.2 Recommendation:

1. The central and state governments need to emphasise employment and income generation plans for unemployed youth and vulnerable families through socio-economic development.
2. The State should take responsibility for the care and maintenance of street children who are involved in drug addiction and drug trafficking.
3. Monitoring and inspecting the supply system for drugs need to be more consistent and transparent, and it must be free of corruption.
4. Under section 7(A) of the Narcotics drugs and psychotropic substances Act, 1985 of India may constitute a fund for control of drug abuse which will work only to meet the expenditure incurred in connection with combating illicit traffic in narcotics drugs, psychotropic substances. We also need such types of funds that will work separately, especially for drug control.
5. According to section 9 of the Narcotics Drugs and Psychotropic Substances, Act 1985 of India, the government can permit and regulate the cultivation, production, manufacturer, and transport of opium, coca leaves, or other Narcotics substances. Bangladesh government should adopt this provision and take over the control of the location where cannabis is produced in Bangladesh, and the volume of the production should be set at a specific rate.
6. According to 27(A) of India's Narcotics drugs and psychotropic substances act 1985 of India, whoever indulges in the financing, directly or indirectly involved in illegal traffic activities, will be brought under the law. There is a provision for the death penalty under section 31(A) of the same act in case of recurrence of the same crime. Bangladesh should bring this provision to catch drug lords instead of small traffickers to eradicate the drug problem from the root.

7. The Narcotic drugs and substances act 1985 of India has given the power to the court to release offenders on probation. Since even the severe punishment of the present law of Bangladesh cannot play a proper role in controlling drug trafficking, probation can be applied experimentally as an alternative punishment. Though Bangladesh is using probation in this matter, the rate should be increased.
8. The loopholes that exist in the current law need to be rectified, and speedy justice needs to be done.
9. More taxes should be imposed on tobacco production and duty-free sales should be stopped.
10. Those working in drug control must continually seek out new pipelines for drug smuggling.
11. The most important factor in reducing the demand for drugs is to create public awareness. In order to accomplish this, the ministry of information, education, social welfare, and the local government should come forward to take the necessary steps to provide drug education at an early age. By bolstering anti-drug social programs, the public can be made more aware of the hazard of drugs. Along with the government NGOs can play a big role in conducting regular anti-drug campaigns in different districts of the country.
12. Since drugs are a major threat to every country, each country needs to build more bilateral arrangements and must make each other the highest collaborator.
13. No medicine should be sold without a prescription from a doctor who has been approved by the government to do so.
14. The Rohingya problem must be solved as soon as possible and until then the refugees must be kept under strict surveillance.
15. All relevant government personnel must be trained in order to implement and monitor the national action plan.

16. Since most of the drugs come from Myanmar and India, Bangladesh must intensify its diplomatic efforts with Myanmar and India in order to reduce the supply from sources.
17. Finally, SAARC countries must adhere to SAARC's drug control regulations as well as other international laws against narcotics drugs.

5.3 Concluding remarks:

Drug trafficking is a big problem because it has a big impact on society. The use of illicit drugs can wreak havoc on any nation. Every country should take preventive measures to control drug trafficking as soon as possible if they want to sustain their own nation. Although the current law of Bangladesh shows how seriously the government has taken the drug problem, the efforts are not enough yet. In order to prevent drugs, it is necessary to create social awareness among all about the bad aspects of drugs. Furthermore, Bangladesh's transnational qualities necessitate an increase in diplomatic effort in addition to increased security, monitoring, awareness, and punishment. To combat the threat of drug trafficking and smuggling of consumer and commercial goods, all stakeholders in South Asia's government should work together to develop short and long-term solutions.

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