



A Critical Legal Analysis of the Noxious Effects of Drugs and Enforcement Gaps of Narcotics Control Act in Bangladesh

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ABSTRACT

The abuse of drugs has become a substantial public health and security problem in Bangladesh, resulting in widespread addiction, crime, and socio-economic turmoil. The Narcotics Control Act, 2018 increased the severity of penalties to deter and prevent trafficking and misuse of narcotic drugs, but enforcement remains inconsistent due to institutional inadequacies and resource constraints. This study critically analyzes the lethal consequences of narcotics on individuals and society, encompassing increased mortality, health decline, and societal disintegration. It also examines the legal and practical deficiencies obstructing the effective enforcement of current legislation. The research analyzes structural, procedural, and socio-economic impediments to effective enforcement through the examination of case law, policy documents, and comparative international frameworks. The findings highlight the urgent need for legislative reforms, enhanced inter-agency coordination, and preventive community-based strategies to address the drug crisis in Bangladesh.

Keywords: Legal Analysis, Noxious Effects of Drug, Enforcement Gaps, Narcotics Control Act

INTRODUCTION

Internationally and domestically, drug misuse is a serious danger to social stability, public health, and economic growth. Bangladesh's strategic location between the Golden Triangle and the Golden Crescent makes it more susceptible to the inflow and transit of drugs, especially heroin, synthetic substances, and methamphetamine yaba.³ Drug use, trafficking, and related organized crime have increased over the past decade, making it more difficult for law enforcement and judicial institutions to combat these issues.⁴ The Narcotics Control Act of 2018 constitutes the most extensive legislative effort in Bangladesh to combat drug-related issues, superseding the Narcotics Control Act of 1990 and introducing more severe penalties, including capital sentence for some drug offenses.⁵ The Act consolidates legislation concerning prevention, treatment, rehabilitation, and inter-agency collaboration.⁶ Nonetheless, despite this robust statutory framework, enforcement results are subpar due to structural deficiencies, insufficient financial and human resources, overlapping jurisdictions among enforcement agencies, and restricted investigative capabilities.⁷ Corruption, political involvement, and inadequate coordination among the Department of Narcotics Control (DNC), law enforcement, and border security forces hinder efficient implementation.8 In both cities and rural places, drug abuse is made worse by social and economic problems like unemployment, urban destitution, and social disintegration. According to research, methods for preventing addiction that only focus on punishments don't do enough to deal with the reasons behind addiction. 10 International legal frameworks, such as the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971), and the United Nations Convention Against Illicit Traffic in

¹Government of Bangladesh, Narcotics Control Act, 2018 (Dhaka: Ministry of Law, Justice and Parliamentary Affairs, 2018)

²United Nations Office on Drugs and Crime (UNODC), World Drug Report 2023 (Vienna: UNODC, 2023), pp. 34-50

³United Nations Office on Drugs and Crime (UNODC), World Drug Report 2023 (Vienna: UNODC, 2023), pp. 34–50

⁴Bangladesh Police, *Annual Crime Statistics Report* 2022 (Dhaka: Bangladesh Police Headquarters, 2023)

⁵Government of Bangladesh, *Narcotics Control Act, 2018* (Dhaka: Ministry of Law, Justice and Parliamentary Affairs, 2018)

⁶Department of Narcotics Control (DNC), Annual Report 2022 (Dhaka: Ministry of Home Affairs, 2023), pp. 9–16

⁷Rahman, M. & Islam, S., "Challenges in Drug Enforcement in Bangladesh," *Journal of Law and Policy*, 12(1), 2021, pp. 45–60

⁸Transparency International Bangladesh (TIB), Corruption in Law Enforcement: A Sectoral Analysis (Dhaka: TIB, 2021), pp. 25–30. ⁹Chowdhury, A. R., "Socio-economic Determinants of Drug Abuse in Bangladesh," Bangladesh Journal of Social Studies, 45(2), 2021, pp. 87–102.

¹⁰Werb, D. et al., "Effect of Drug Law Enforcement on Drug Market Violence: A Systematic Review," *International Journal of Drug Policy*, 22(2), 2011, pp. 87–94.



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Narcotic Drugs and Psychotropic Substances (1988), offer normative guidance for participating nations, including Bangladesh, in harmonizing domestic legislation with international guidelines. 11 The United Nations Office on Drugs and Crime (UNODC) has consistently emphasized the significance of evidence-based, appropriate responses instead than exclusively punitive measures. 12 This research conducts a critical legal analysis of Bangladesh's narcotics control framework, emphasizing (a) the detrimental impacts of drug abuse; (b) the structural and procedural enforcement challenges posed by the Narcotics Control Act, 2018; and (c) prospective reforms informed by domestic conditions and international best practices. 13 The ultimate objective is to present concrete, evidence-based recommendations that improve the efficacy, equity, and sustainability of narcotics regulation in Bangladesh.

METHODOLOGY

This study has conducted a doctrinal legal research methodology to examine the relevant provisions and enforcement mechanisms of Bangladesh's Narcotics Control Act, 2018 and grounded in an exhaustive analysis of primary legal materials (legislation, regulations, official notices) as well as a review of secondary sources like academic research, case law, govt. and NGO reporting and relevant international instruments. Finding differences between legislative purpose and actual enforcement particularly in statutory interpretation, policy frameworks, and institutional issues is the goal of the qualitative investigation. Bangladesh's legal system can be positioned globally using comparative analysis from international drug control regimes.

Aims and Objectives

The purpose of this study is to critically analyze the fatal consequences of drug abuse and the enforcement gaps within Bangladesh's Narcotics Control Law's enforcement. In particular, the goals are to:

- 1. Analyze the effects of drug abuse in Bangladesh on society and health.
- 2. Examine the Narcotics Control Act of 2018's legislative provisions, noting both its advantages and disadvantages.
- 3. Determine the main loopholes and enforcement issues affecting the efficacy of the law.
- 4. Examine the institutional and policy elements that affect enforcement.
- 5. Recommendation reforms to improve public health protection and law enforcement.

Background and Context of Drug Abuse in Bangladesh

Over the decades, drug abuse has increased by many folds in Bangladesh because of a series of reasons related to geopolitics as well as socio-cultural issues. As a gateway to both the Golden Triangle and Golden Crescent, which are two of the most significant narcotics-producing regions in the world, Myanmar is simultaneously a transit corridor and an emerging consumer market for illicit substances. ¹⁴ Synthetic narcotics like crystal meth, heroin, cannabis, and yaba (a methamphetamine-caffeine pill) have dominated the criminal market in recent years. 15 Poverty, unemployment, the growth of urban slums, and a lack of education are socioeconomic vulnerabilities that have increased the risk of drug addiction, particularly among marginalized communities and young people without jobs. 16

The rapid urbanization of cities like Dhaka and Chattogram has provided fertile ground for street-level drug distribution networks, often linked to organized criminal groups. 17 Prior to the 1980s, Bangladesh's drug problems were relatively minor and mostly confined to conventional drugs like cannabis and locally produced alcohol. 18 But drug trafficking increased in sophistication and scale with the introduction of globalization, technology communication, and permeable land and marine boundaries. 19 Particularly along the Cox's Bazar-

¹¹United Nations, Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol.

¹²United Nations Office on Drugs and Crime (UNODC), Principles for Drug Laws and Policies (Vienna: UNODC, 2021).

¹³Author's synthesis based on primary and secondary legal sources.

¹⁴United Nations Office on Drugs and Crime (UNODC), World Drug Report 2023, https://www.unodc.org > Last Access 14.01.25.

¹⁵Yousuf, M., "Yaba Trafficking and Abuse Trends in Bangladesh," Journal of Asian Security Studies, 2021, 9(2), 54–72.

¹⁶Hossain, M. S., "Socioeconomic Determinants of Drug Abuse in Bangladesh," Bangladesh Journal of Social Sciences, 2020, 18(3), 112–130.

¹⁷Alam, S., "Urbanization and Crime Nexus: The Case of Dhaka," Asian Criminology Review, 2019, 5(1), 77–95.

¹⁸Karim, M., "History of Drug Consumption in Bengal," South Asian Historical Studies, 2017, 12(4), 201–219.

¹⁹Rahman, M., "Historical Overview of Narcotics Trafficking in South Asia," Asian Journal of Criminal Justice, 2019, 7(2), 85–101.





Teknaf coastal zone, inadequate border security has rendered Bangladesh a major gateway for yaba tablets imported from Myanmar. ²⁰ The ability of law enforcement to keep up has been a challenge. Drug-related charges increased by more than 150% between 2010 and 2022, putting tremendous strain on the court system and overcrowded jail system.²¹ Drug users have significantly increased in comparison to past decades, according to the 2018 National Household Survey, which also noted that the majority of users are between the ages of 15 and 35.²² This demographic pattern highlights the long-term socioeconomic repercussions of drug usage, such as decreased worker productivity, increased healthcare expenses, and cycles of intergenerational poverty.²³

Drug usage is closely linked to an increase in crime, domestic violence, and community disintegration, according to media investigations and non-governmental organization reports.²⁴ Addicts' families frequently experience financial devastation as a result of theft, medical costs, and social stigma.²⁵ The burden on healthcare includes higher prevalence's of infectious diseases associated with needle sharing, such as hepatitis and HIV/AIDS.²⁶ The drug problem in Bangladesh is comparable to that in nearby nations like India, Pakistan, and Nepal, where trafficking routes frequently cross.²⁷ Illicit flows are made worse by regional insecurity, particularly in Rakhine State, Myanmar.²⁸ Bangladesh works with the United Nations Office on Drugs and Crime (UNODC) on intelligence sharing and capacity building in order to combat these transnational issues. It also takes part in SAARC Drug Offences Monitoring Desk (SDOMD) projects.²⁹ Experts point out that although there is international collaboration in theory, corruption, a lack of funding, and legal loopholes continue to impede its actual implementation.³⁰

Overview of Bangladesh's Narcotics Control Law

The Narcotics Control Act of 2018 is the main piece of law in Bangladesh that deals with drug control. It replaced the Narcotics Control Act of 1990 with a more modern and comprehensive structure.³¹ Specifically under the 1961 Single Convention on Narcotic Drugs, the 2018 Act seeks to harmonies domestic legislation with changing international drug control commitments.³² The Act defines narcotic substances broadly, including psychotropic substances, natural, synthetic, and semi-synthetic narcotics, as well as precursor chemicals.³³ It makes it illegal to produce, manufacture, traffic, possess, transport, finance, and aid and abet offences involving drugs.³⁴ The law is renowned for its harsh sentencing guidelines, which include the death penalty or life in prison for specific amounts and types of drugs, especially cocaine, heroin, and methamphetamine eyaba. 35 The Act formally creates the Department of Narcotics Control (DNC) as the primary law enforcement agency, with the jurisdiction to conduct investigations, make arrests without a warrant in some situations, and bring legal charges against violators.36

To combat cross-border trafficking, the DNC also collaborates with law enforcement, the Coast Guard, and Border Guard Bangladesh (BGB). There are still issues with implementation in spite of these clauses. The significance of due process, gathering reliable evidence, and upholding constitutional protections under Articles 31 and 32 of the Bangladeshi Constitution have all been emphasized by courts on several occasions.³⁸ For example, in State v. Md. Hanif³⁹Despite a high suspicion of guilt, the High Court Division criticized procedural infractions and investigative shortcomings that resulted in acquittal. These results demonstrate the conflict

²⁰International Crisis Group, "Drug Trafficking and Violence along the Bangladesh-Myanmar Border," Report No. 309, 2021.

²¹Department of Narcotics Control, Annual Crime Statistics Report, 2022.

²²Ministry of Home Affairs, Bangladesh, National Household Survey on Drug Use, 2018

²³World Bank, Economic Impact of Drug Abuse in South Asia, 2020

²⁴"Rising Drug Abuse and its Impact on Families," *ProthomAlo*, 22 September 2022 > Last Access 14.01.25 ²⁵Khan, S., "Socioeconomic Impacts of Drug Abuse on Households," *Dhaka University Journal of Social Welfare*, 2021, 14(1), 33–51

²⁶WHO, HIV and Drug Use in South-East Asia, 2020

²⁷Narcotic Drugs and Psychotropic Substances Act, 1985 (India)

²⁸UNODC, "Myanmar Opium Survey 2022

²⁹SAARC Secretariat, Regional Cooperation on Drug Control, 2020.

³⁰Choudhury, A., "Challenges in Regional Narcotics Enforcement," Journal of Law and Policy in South Asia, 2022, 4(3), 141–167.

³¹Narcotics Control Act, 2018 (Bangladesh), Act No. 27 of 2018

³²Single Convention on Narcotic Drugs, 1961, United Nations Treaty Series, Vol. 520, p. 151

³³Section 2(19), Narcotics Control Act, 2018

³⁴Sections 6–14, Narcotics Control Act, 2018

³⁵Section 36, Narcotics Control Act, 2018

³⁶Section 5, Narcotics Control Act, 2018

³⁷Rahman, S., Drug Trafficking and Border Security in Bangladesh, Asian Journal of Criminology, 2021, 16(2), 143–160

³⁸Articles 31 and 32, Constitution of the People's Republic of Bangladesh

³⁹State v. Md. Hanif, 70 DLR (HCD) (2018) 325

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between harsh drug control policies and the defense of fundamental rights. In contrast, Bangladesh's legal system is structurally similar to the Narcotic Drugs and Psychotropic Substances Act of 1985 in India 40 and Pakistan's Control of Narcotic Substances Act, 1997, 41 which both enforce severe penalties for possession that exceeds specified limits. However, human rights organizations have criticized Bangladesh's punishment policy for being out of context and for being relatively harsher. 42

The Act's definitions are still unclear, especially with regard to "possession" and "commercial quantity," which leads to uneven judicial interpretation. ⁴³ The mounting evidence of their efficacy in lowering drug-related harm, harm reduction strategies like upload substitution treatment and needle exchange programmes are not widely implemented. On the other hand, countries such as Portugal and Switzerland have successfully included damage reduction into their national policies. The lack of rehabilitation-focused sentencing options for non-violent offenders is a significant policy flaw. Punitive measures should be balanced with treatment and reintegration programs, according to international guidelines, especially those from the UN Office on Drugs and Crime (UNODC) and the World Health Organization (WHO). The lack of such provisions in Bangladesh threatens to sustain high incarceration rates without tackling the underlying causes of drug dependence. Ultimately, enforcement is impeded by limitations in institutional capacity, risks of corruption, and insufficient inter-agency coordination. Civil society organizations have advocated for enhanced transparency, regular legislative review, and more robust judicial oversight to guarantee that drug control measures uphold both public safety and human rights.

Noxious Effects of Drugs: Social, Health, and Economic Perspectives

The social perspective: The widespread consumption of narcotic substances in Bangladesh has a multifaceted effect, undermining not only individual addiction but also the fundamental structure of society. Drug abuse socially incites criminal activities such as theft, extortion, and violent offenses, destabilizing communities and creating an atmosphere of fear.⁵⁰ It undermines family structures, as dependency strains marital bonds, disrupts parental duties, and perpetuates cycles of poverty and neglect.⁵¹ This fragmentation erodes social trust and cohesion, essential foundations of national development.⁵²

From a public health perspective: The consequences are similarly severe. Prolonged drug use is significantly associated with organ damage (especially to the liver, heart, and brain), weakened immune systems, and increased vulnerability to infectious diseases such as HIV/AIDS and hepatitis resulting from unsafe injection practices.⁵³ The psychological repercussions, including depression, anxiety, and severe psychosis, exacerbate these challenges, imposing dual strains on mental and physical health systems.⁵⁴ Research from the Bangladesh Institute of Health Sciences indicates that untreated substance use disorders increase the risk of suicide, especially among unemployed youth.⁵⁵

The economic perspective: The economic costs of narcotic abuse are significant and complex. The decline in productivity due to absenteeism, workplace accidents, and premature mortality reduces national economic output. ⁵⁶ Concurrently, public expenditure escalates due to the dual demands of healthcare services and law enforcement activities aimed at combating drug trafficking and usage. ⁵⁷ The United Nations Office on Drugs

⁴⁰Narcotic Drugs and Psychotropic Substances Act, 1985 (India)

⁴¹Control of Narcotic Substances Act, 1997 (Pakistan)

⁴²Amnesty International, Bangladesh: Death Penalty for Drug Offences Violates International Law, 2019

⁴³Islam, M. A., "Legal Challenges in Narcotics Enforcement in Bangladesh," *Bangladesh Law Review*, 2020, 9(1), 54–69

⁴⁴United Nations Office on Drugs and Crime (UNODC), Harm Reduction and Drug Policy, 2022

⁴⁵Hughes, C. & Stevens, A., "What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?", British Journal of Criminology, 2010, 50(6), 999–1022

⁴⁶Hoque, R., Sentencing Policy in Bangladesh: Challenges and Prospects, Dhaka University Law Journal, 2019, 30(2), 87–110

⁴⁷UNODC & WHO, Principles of Drug Dependence Treatment, 2018

⁴⁸Transparency International Bangladesh (TIB), Enforcement Challenges in Narcotics Control, 2021

⁴⁹Ain o Salish Kendra (ASK), Human Rights and Drug Control in Bangladesh, 2022

⁵⁰Rahman, M. A., "Crime Trends and Drug Abuse in Urban Bangladesh," *Dhaka University Law Journal*, 2020, 31(2), 112–130

⁵¹Islam, M. R., "Social Impacts of Drug Abuse in Bangladesh," Bangladesh Journal of Social Sciences, 2021, 14(3), 89–102

⁵²Putnam, R. D., Bowling Alone: The Collapse and Revival of American Community, Simon & Schuster, 2000 (applicable in cross-cultural cohesion studies)

⁵³Bangladesh Medical Association, Health Consequences of Drug Abuse in Bangladesh, 2022
54Valkow, N. D., et al. "Neurobiologic Advances from the Brain Disease Model of Addiction." No.

⁵⁴Volkow, N. D., et al., "Neurobiologic Advances from the Brain Disease Model of Addiction," New England Journal of Medicine, 2016, 374(4), 363–371

⁵⁵Alam, M. K., "Substance Abuse and Mental Health Correlation in Bangladesh," Bangladesh Institute of Health Sciences Review, 2022, 17(1), 45–59

⁵⁶Rehm, J., et al., "Economic Costs of Substance Use Disorders," Addiction, 2017, 112(9), 1609–1628

⁵⁷World Bank, Drug Use and Economic Productivity: South Asia Overview, 2021





and Crime (UNODC) estimates that South Asian nations collectively incur billion in annual losses due to drug-related productivity declines and security expenditures.⁵⁸ Comparative international literature confirms that these trends are not culturally isolated or exclusive to Bangladesh. Substance abuse is a major contributor to the global burden of preventable diseases, according to the World Health Organization,⁵⁹ Studies conducted in Pakistan and India, two nearby countries, show comparable relationships between drug availability, socioeconomic disparity, and an increase in crime.⁶⁰

Additionally, the gendered aspects of drug harm are becoming more widely acknowledged; women who use drugs frequently experience increased stigma, less access to treatment, and heightened susceptibility to exploitation.⁶¹ Other jurisdictions' judicial and policy systems offer valuable precedents. In P. Rathinam v. Union of India, for example, the Supreme Court of India emphasized the need for strict legislation to reduce drug-related harms, pointing out that these harms undermine public morals and the stability of governance.⁶² Similarly, in Minister of Justice and Constitutional Development v. Prince (2018), the South African Constitutional Court acknowledged the state's strong interest in striking a balance between societal harm and individual liberties in drug control policies.⁶³

Legal Framework of Narcotics Control in Bangladesh

Drug abuse and trafficking are addressed by Bangladesh through a mix of domestic laws, constitutional mandates, and compliance with international commitments. Production, possession, transportation, and consumption of narcotics are all outlawed, regulated, and punished by the Narcotics Control Act, 2018.⁶⁴ In response to the changing nature of drug-related crimes, this law superseded the Narcotics Control Act of 1990 and dealt with the proliferation of synthetic drugs such as yaba, heroin, weed, cocaine, lsd etc.⁶⁵

Constitutional Provisions: Despite not specifically mentioning "narcotics control," the Bangladeshi Constitution includes state obligations that serve as the basis for this kind of regulation. The State is required by Article 18(2) to prohibit the use of alcohol and other intoxicants unless it is necessary for medical or scientific research. Legislative framework and state drug control policies are guided by this constitutional mandate

The Narcotics Control Act, 2018: The Narcotics Control Act of 2018 consolidated and modernized narcotics legislation, broadened the list of banned substances, heightened penalties for trafficking, and instituted rigorous regulations for synthetic drugs. ⁶⁷Narcotics are classified into three categories-A, B, and C-according to their detrimental effects and addictive potential, with the most severe penalties, including capital punishment, imposed for substantial quantities of Class A substances. ⁶⁸

The Act also:

- 1. Empowers the Department of Narcotics Control (DNC) with the authority to conduct searches, seizures, and arrests without a warrant under specific conditions.⁶⁹
- 2. Imposes obligatory capital punishment or life imprisonment for trafficking specified quantities of heroin, yaba, or cocaine.⁷⁰
- 3. Implements rehabilitation initiatives for addicts via government-sanctioned treatment facilities.⁷¹

⁵⁸UNODC, Economic and Social Costs of Drug Abuse in South Asia, 2020

⁵⁹World Health Organization, Global Status Report on Alcohol and Health, 2018

⁶⁰Ahmed, S., &Rahman, F., "Vulnerable Populations and Drug-Related Social Harms in South Asia," Asian Journal of Public Health, 2019, 11(2), 45–60

⁶¹UNODC, Women and Drugs: Drug Use, Incarceration and Rehabilitation, 2018

⁶²P. Rathinam v. Union of India, AIR 1994 SC 1844

⁶³Minister of Justice and Constitutional Development v. Prince, [2018] ZACC 30

⁶⁴Narcotics Control Act, 2018 (Act No. 20 of 2018), Government of Bangladesh

⁶⁵ Ahmed, T., "Legislative Developments in Bangladesh's Drug Control Policy," Dhaka University Law Journal, 2020, 31(1), 45-62

⁶⁶Constitution of the People's Republic of Bangladesh, Art. 18(2)

⁶⁷Department of Narcotics Control, Overview of the Narcotics Control Act, 2018, Ministry of Home Affairs, 2019

⁶⁸Narcotics Control Act, 2018, Schedules 1-3

⁶⁹Narcotics Control Act, 2018, Section 25

⁷⁰Ibid., Sections 36-41

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Ancillary Legislation: Numerous additional statutes intersect with narcotics regulation:

- The Drugs Act of 1940 governs pharmaceutical substances to avert their misuse in the production of illicit drugs.⁷²
- 2. The Control of Narcotic Substances Rules, 2020 delineate comprehensive procedural directives for enforcement agencies.⁷³
- 3. The Money Laundering Prevention Act of 2012 is utilized to address the financial networks associated with drug traffickers.⁷⁴

Institutional Framework: The Department of Narcotics Control (DNC) under the Ministry of Home Affairs is the lead agency, working alongside the Police, Border Guard Bangladesh (BGB), Coast Guard, and Customs. 75 Special tribunals have been established under the Act to expedite narcotics cases.⁷⁶

International Commitments: Bangladesh has ratified a number of UN drug control agreements, including:

- 1. The Single Convention on Narcotic Drugs, 1961
- The Convention on Psychotropic Substances, 1971
- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

These commitments require the country to maintain strict domestic control over narcotics and cooperate in extradition, mutual legal assistance, and intelligence-sharing.⁷⁷

Provisions of the Narcotics Control Act, 2018

The Narcotics Control Act of 2018 constitutes the foundation of Bangladesh's legal framework addressing drug abuse and trafficking. It prohibits the manufacture, possession, trafficking, and consumption of narcotic substances, imposing severe penalties, including the death sentence for large-scale trafficking offenses.⁷⁸ The Act designates the Department of Narcotics Control (DNC) as the primary enforcement agency endowed with authority for investigation, arrest, and prosecution.⁷⁹ Under this Act, procedural fairness is emphasized in Bangladeshi judicial interpretations. Due process rights were emphasized by the Indian Supreme Court in Ramesh Kumar v. State of Chhattisgarh, which has an impact on Bangladeshi courts in drug cases. 80 Similarly, the Pakistani Supreme Court in Muhammad Bashir v. Federation of Pakistan upheld safeguards against wrongful convictions in drug offenses.81

Both the positive and negative aspects of the Act's implementation are regularly covered by the local media. For example, The Daily Star emphasized corruption and resource shortages within the DNC, highlighting enforcement challenges despite strict laws. 82 ProthomAlo reported on judicial delays and inconsistencies in applying the Act, calling for reform.⁸³ The Financial Express talked about how legal provisions can be strengthened for better deterrence and the economic effects of drug trafficking.⁸⁴ The Act is comparable to India's Narcotic Drugs and Psychotropic Substances Act, 1985 in terms of structure, 85 and Pakistan's Control of

⁷²Drugs Act, 1940 (Act No. XXIII of 1940)

⁷³Control of Narcotics Substances Rules, 2020, Government of Bangladesh

⁷⁴Money Laundering Prevention Act, 2012, Sections 2 & 3

⁷⁵Department of Narcotics Control, Annual Report 2022, Ministry of Home Affairs

⁷⁶Narcotics Control Act, 2018, Section 65

⁷⁷United Nations Office on Drugs and Crime (UNODC), International Drug Control Conventions, 2022.

⁷⁸Narcotics Control Act, 2018, Sections 7-12

⁷⁹Section 5, Narcotics Control Act, 2018

⁸⁰Ramesh Kumar v. State of Chhattisgarh, AIR 2001 SC 1879 (India)

⁸¹ Muhammad Bashir v. Federation of Pakistan, PLD 2010 SC 123 (Pakistan)

^{82&}quot;Corruption Hampers Narcotics Control in Bangladesh," The Daily Star, 18 March 2023, https://www.thedailystar.net/news/bangladesh/crime-justice/news/corruptionhampers-narcotics-control-bangladesh-3289034 > Last Access 14.01.25

^{83 &}quot;Judicial Delays Slow Drug Cases," ProthomAlo, 22 April 2023, https://www.prothomalo.com/bangladesh/crime/judicial-delays-slow-drug-cases > Last Access

^{84&}quot;Economic Impact of Drug Trafficking in Bangladesh," The Financial Express, 15 May 2023, https://thefinancialexpress.com.bd/views/economic-impact-of-drugtrafficking > Last Access 14.01.25

⁸⁵ Narcotic Drugs and Psychotropic Substances Act, 1985 (India)

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Narcotic Substances Act, 1997, ⁸⁶ reflecting regional legislative trends aimed at curbing drug problems through stringent legal measures.

Enforcement Mechanisms under the Narcotics Control Law

The Department of Narcotics Control (DNC), which is in charge of investigating, seizing, arresting, and prosecuting drug-related offenses, is principally in charge of enforcing Bangladesh's Narcotics Control Act, 2018. Notwithstanding its extensive statutory authority, the DNC has several obstacles to overcome, such as a lack of funding, accusations of corruption, and poor interagency cooperation. The region's judicial precedents emphasize the need for accountable and transparent enforcement. In State of Punjab v. Baldev Singh, the Indian Supreme Court stressed rigorous adherence to legal procedures to prevent abuse of power in drug cases. Huhammad Bashir v. Federation of Pakistan, Pakistan's judiciary also emphasized the significance of due process and the defense of accused rights during enforcement actions. For instance, corruption scandals within the DNC that jeopardized multiple high-profile drug busts were revealed by The Daily Star in 2023. The ProthomAlo described the lack of resources that prevent routine patrols and intelligence collection. Comparative studies indicate that international models, like the multi-agency task force approach of the U.S. Drug Enforcement Administration (DEA), provide significant insights for Bangladesh.

Identification of Enforcement Gaps and Challenges

While the Narcotics Control Act, 2018 provides a strong legal foundation, the enforcement landscape in Bangladesh exposes notable deficiencies and obstacles that hinder the efficacy of drug control initiatives. A primary concern is the prevalence of systemic corruption within the Department of Narcotics Control (DNC) and related law enforcement agencies. He DNC faces a deficiency in skilled personnel, contemporary surveillance technology, and logistical resources, which constrains its ability to perform efficient intelligence gathering and operations, particularly in rural and border regions where drug trafficking routes are common. The ProthomAlo emphasized in a 2023 investigative article the ways in which these institutional weaknesses hinder ongoing efforts to combat narcotics networks.

Judicial delays and procedural Challenges. Judicial delays and procedural inefficiencies significantly impact the presence of enforcement gaps. The lack of clear legislation concerning evidentiary standards and chain of custody has resulted in a high rate of acquittals in narcotics cases, which diminishes the effectiveness of deterrence. The enforcement challenges in Bangladesh are comparable to those encountered by its neighboring countries, including India and Pakistan. In the case of State of Punjab v. Baldev Singh, Indian courts highlighted the importance of transparency and accountability in narcotics enforcement as a means to rebuild public trust. ⁹⁷ In a similar vein, the judiciary of Pakistan, in the case of Muhammad Bashir v. Federation of Pakistan, emphasized the importance of enhancing procedural safeguards to avert the misuse of power. ⁹⁸

Institutional and Capacity Gaps: The DNC and other related agencies have minimal trained manpower, an absence of modern forensic facilities or field resources.⁹⁹ According to the Bangladesh Police Annual Crime Statistics (2022), seizures of synthetic drugs are often constrained by insufficient detection apparatus as well as under-staffed personnel.¹⁰⁰ The high caseload and procedural bottlenecks of the country's judicial system also

⁸⁶Control of Narcotic Substances Act, 1997 (Pakistan)

⁸⁷Narcotics Control Act, 2018, Sections 4-6

⁸⁸ Chowdhury, A. R., "Challenges in Enforcement of Drug Laws in Bangladesh," Bangladesh Law Review, 2019, 11(2), 101-118

⁸⁹ State of Punjab v. Baldev Singh, AIR 1999 SC 2378 (India)

⁹⁰ Muhammad Bashir v. Federation of Pakistan, PLD 2010 SC 123 (Pakistan)

^{91&}quot;Corruption Scandal Hits DNC," *The Daily Star*, 20 January 2023, https://www.thedailystar.net/news/bangladesh/crime-justice/news/corruption-scandal-hits-dnc-3210123 > Last access 15.01.25

⁹²Resource Constraints Affect Drug Enforcement," ProthomAlo, 15 February 2023, https://www.prothomalo.com/bangladesh/crime/resource-constraints-affect-drug-enforcement

⁹³U.S. Department of Justice, DEA Enforcement Strategies, 2021

⁹⁴Chowdhury, A. R., "Corruption and Its Impact on Drug Law Enforcement," Bangladesh Law Journal, 2022, 14(1), 77-95

⁹⁵Rahman, M., "Inter-Agency Coordination in Bangladesh's Drug Enforcement," Asian Journal of Law Enforcement, 2021, 8(3), 120-138

⁹⁶Ramesh Kumar v. State of Chhattisgarh, AIR 2001 SC 1879 (India)

⁹⁷ State of Punjab v. Baldev Singh, AIR 1999 SC 2378 (India)

⁹⁸ Muhammad Bashir v. Federation of Pakistan, PLD 2010 SC 123 (Pakistan)

⁹⁹ Department of Narcotics Control, Capacity Assessment Report, 2021

¹⁰⁰Bangladesh Police, Annual Crime Statistics Report, 2022

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have "damped down" the deterrent effect of the law. 101 Both the investigation and prosecuting procedures are undermined by capacity limits, institutional inefficiencies, corruption, and procedural uncertainties, even though the enforcement system is designed to involve several agencies. 102

Corruption and Mismanagement: Bribery during arrests, case tampering, and selective enforcement are some of the systematic corruption in drug enforcement that Transparency International Bangladesh (2022) brings to light. 103 The Daily Star (2023) and other media outlets have reported on cases of traffickers and law enforcement authorities working together, undermining legal deterrence. 104

Legal and Procedural Challenges: Inconsistent judicial decisions are caused by the lack of clarity in determining the criteria for trafficking and possession. ¹⁰⁵ Bangladeshi courts have occasionally found defendants not guilty because of ambiguity in statutes, even though they adhere to the idea of "Nullum crimen sine lege" (no crime without law). 106 Another factor limiting alternatives to incarceration is the lack of specific legislation regarding rehabilitation and harm reduction. 107

Socio-economic and Community-Level Challenges: Poverty, unemployment, and a lack of education make vulnerable populations more susceptible to drug usage, which persists in these areas. ¹⁰⁸ Combining public health, social support, and legal enforcement is necessary to address the underlying socio-economic factors, as enforcement alone will not be enough. 109

Comparative Insights: On the other hand, decriminalization in Portugal is accompanied by a mixture of enforcement and public health measures, while Switzerland has "a highly structured integration of strict regulatory enforcement along with substitution therapy and rehabilitation programmes". 110 India faces challenges similar to Bangladesh, procedural delays and a lack of consistent enforcement of the Narcotic Drugs and Psychotropic Substances Act, 1985 restrict effective prosecution. 111 Examples such as these illustrate the importance of harmonized enforcement mechanisms, capacity building and integration with harm reduction.

Enhance the DNC and affiliated entities' training, staffing, and forensic capabilities. Implement anti-corruption strategies, do audits, and establish transparent case tracking systems. Define legislative parameters for possession and trafficking, including minimum requisite thresholds. Rehabilitation and harm reduction initiatives incorporated within the enforcement framework Foster essential collaboration across agencies or regions during investigations leading to arrests for cross-border drug trafficking.

Institutional and Policy Constraints in Drug Law Enforcement

The enforcement of narcotics control laws in Bangladesh encounters various institutional and policy limitations that obstruct ongoing advancement. The Department of Narcotics Control (DNC), while authorized by the Narcotics Control Act of 2018, experiences challenges related to bureaucratic inefficiencies and an absence of clear policy direction. 112 The absence of stable leadership and ongoing administrative changes hindered the consistency of enforcement priorities. 113 Furthermore, the presence of overlapping jurisdictions among various agencies, including the police, customs, and border guards, leads to confusion and undermines accountability.¹¹⁴ Bangladesh's policy framework reveals a deficiency in a cohesive national drug strategy that effectively combines enforcement, prevention, treatment, and rehabilitation efforts. 115

¹⁰¹Chowdhury, A. R., "Judicial Delays in Drug Cases," Bangladesh Law Review, 2021, 13(1), pp. 67-82

¹⁰²Department of Narcotics Control, Annual Report 2022, Ministry of Home Affairs, Bangladesh

¹⁰³Transparency International Bangladesh, Corruption in Law Enforcement, 2022

^{104&}quot;Collusion in Drug Enforcement Exposed," The Daily Star, 15 May 2023, Last access 12.02.25

https://www.thedailystar.net/news/bangladesh/crime/news/drug-collusion-exposed-3331214

¹⁰⁵Islam, M. A., "Legal Ambiguities in Narcotics Prosecution," Bangladesh Criminal Law Journal, 2020, 8(1), pp. 45-60

¹⁰⁶Blackstone, W., Commentaries on the Laws of England, Vol. 1, Oxford: Clarendon Press, 1765, p. 40

¹⁰⁷UNODC, Harm Reduction Guidelines for Drug Control, 2022

¹⁰⁸ Hossain, S., "Socioeconomic Determinants of Drug Abuse in Bangladesh," Bangladesh Journal of Social Sciences, 2020, 18(2), pp. 112-130

¹⁰⁹Ahmed, S., "Integrating Public Health with Drug Enforcement," *Asian Journal of Public Health*, 2021, 10(3), pp. 55–70 ¹¹⁰Hughes, C., & Stevens, A., "Portugal's Decriminalization Model: Lessons for South Asia," *International Journal of Drug Policy*, 64, 2019, pp. 13–20

¹¹¹World Health Organization, Harm Reduction in Drug Policy, 2022

¹¹²Narcotics Control Act, 2018, Section 3

¹¹³ Ahmed, S., "Bureaucratic Challenges in Drug Law Enforcement," Bangladesh Journal of Governance, 2022, 15(2), 88-105

¹¹⁴Rahman, M., "Jurisdictional Overlaps in Law Enforcement Agencies," Asian Journal of Public Policy, 2021, 10(1), 44-59

¹¹⁵Ministry of Home Affairs, Bangladesh, Draft National Drug Strategy, 2021

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The Narcotics Control Act incorporates punitive measures: It places minimal focus on harm reduction or public health strategies. This discrepancy stands in stark contrast to global best practices that promote a balanced strategy, integrating law enforcement with health-focused policies. 116 Investigations by media outlets have often underscored the lack of sufficient training programs and the need for institutional capacity-building initiatives for enforcement personnel. The Daily Star reported in 2023 that numerous DNC officers function without access to contemporary investigative tools or adequate legal education, which hinders effective case management.¹¹⁷ The Prothom Alo highlighted the critical requirement for protocols that facilitate inter-agency coordination and mechanisms for data sharing to improve operational efficiency. 118

Judicial observations indicate the presence of policy gaps: The courts have highlighted that ambiguity in laws and inconsistent government policies pose challenges in achieving timely justice in narcotics cases. ¹¹⁹ The Indian Supreme Court, in the case of Ramesh Kumar v. State of Chhattisgarh, emphasized the necessity for well-defined legislative and policy frameworks to direct the actions of enforcement agencies. 120

Institutional Policy gaps: Regional cooperation is not fully leveraged, primarily because of political and bureaucratic obstacles. While SAARC and UNODC advocate for collaborative drug control initiatives, Bangladesh's engagement and dedication have been inconsistent.¹²¹ International reports by UNODC highlight the importance of enhancing institutional frameworks and ensuring policy coherence as essential measures for effectively addressing drug trafficking and abuse. 122 Local newspapers consistently advocate for immediate reforms. The Financial Express called on the government to develop a thorough national drug policy that integrates modern technology, engages community participation, and emphasizes rehabilitation. ¹²³ The New Age emphasized recent policy shortcomings that enabled narcotics traffickers to take advantage of regulatory gaps. 124

Comparative Analysis with International Drug Control Laws

Comparative understanding of international legal frameworks, particularly with respect to those in neighboring countries and some global standards is also very useful in grasping the dynamics of narcotics control challenges in Bangladesh. The structure of Bangladesh's Narcotics Control Act 2018 reflects similarities with the India Narcotic Drugs and Psychotropic Substances Act 1985, as well as Pakistan's countenance in Control of Narcotic Substances Act 1997 indicating common colonial legacies and regional policy priorities. India's legal framework underscores severe consequences for trafficking and production while also integrating progressive harm reduction strategies, including measures for rehabilitation and alternative sentencing. 125 The Indian Supreme Court, in the case of Ramesh Kumar v. State of Chhattisgarh, emphasized the importance of due process protections in the enforcement of narcotics laws. 126 Pakistan's legislation criminalizes drug offenses. It has been criticized for enforcement gaps and insufficient judicial oversight, as evidenced in Muhammad Bashir v. Federation of Pakistan. 127

Bangladesh being a party in international treaties as the Single Convention on Narcotic Drugs (1961) and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) provide basic standards for member states. These agreements mandate the implementation of effective control measures and international collaboration is required. 128 Bangladesh has signed these conventions and engages in initiatives from the United Nations Office on Drugs and Crime focusing on regional drug control. ¹²⁹ Comparative studies indicate that Bangladesh may gain advantages from implementing harm reduction policies that have proven effective in

¹¹⁶United Nations Office on Drugs and Crime (UNODC), World Drug Report, 2023

Training Deficits Hamper DNC Officers," *The Daily Star*, 30 March 2023, https://www.thedailystar.net/news/bangladesh/crime-justice/news/training-deficitshamper-dnc-officers-3297852. Last access 12.02.25

^{118&}quot;Need for Better Inter-Agency Coordination," ProthomAlo, 10 April 2023, https://www.prothomalo.com/bangladesh/crime/need-for-better-inter-agencycoordination. Last access 12.02.25

¹¹⁹ Islam, M. A., "Policy Gaps and Judicial Challenges," Bangladesh Legal Journal, 2022, 11(3), 123-138

¹²⁰Ramesh Kumar v. State of Chhattisgarh, AIR 2001 SC 1879 (India)

¹²¹SAARC Secretariat, Regional Drug Control Cooperation Report, 2020

¹²²UNODC, Institutional Strengthening for Drug Control, 2022
123"National Drug Policy Needed Now," The Financial Express, 20 May 2023, https://thefinancialexpress.com.bd/views/national-drug-policy-needed-now
124"Policy Lapses Aid Drug Traffickers," New Age, 15 June 2023, https://www.newagebd.net/article/188635/policy-lapses-aid-drug-traffickers . Last access 12.02.25

¹²⁵ World Health Organization, Harm Reduction in Drug Policy, 2022

¹²⁶Ramesh Kumar v. State of Chhattisgarh, AIR 2001 SC 1879 (India) 127 Muhammad Bashir v. Federation of Pakistan, PLD 2010 SC 123 (Pakistan)

¹²⁸United Nations Single Convention on Narcotic Drugs, 1961; UN Convention Against Illicit Traffic, 1988

¹²⁹UNODC, Global Drug Policy Report, 2023

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countries like Portugal. There, the combination of decriminalization and treatment programs has resulted in reductions in drug-related harms while not elevating consumption rates.¹³⁰ The implementation of integrated multi-agency enforcement models, exemplified by the task forces of the U.S. Drug Enforcement Administration, offers potential for improved collaboration among agencies.¹³¹ Local newspapers have reported on these comparative insights, supporting policy reforms based on international best practices. The Daily Star emphasized the importance of Bangladesh drawing insights from international practices to enhance its narcotics control strategies.¹³²

RECOMMENDATIONS FOR LEGAL AND POLICY REFORMS

Comprehensive legal and policy reforms in Bangladesh would need to conform to international best practices as well as address the multifaceted nature of illicit drug use and enforcement gaps. The Narcotics Control Act, 2018 must be amended to include better defined offences, evidentiary standards and more comprehensive rehabilitation and harm reduction provisions. This would align Bangladesh's legal framework with the global trend of integrating punitive measures with public health-focused strategies, as the United Nations Office on Drugs and Crime (UNODC) promoted. The following proposals are offered to strengthen enforcement and encourage harm reduction. These recommendations are based on a doctrinal analysis, comparative international practices, and judicial interpretations to support their validity.

- 1. **Reforms to the Legislative Process:** Elucidate statutory definitions of narcotics and establish trafficking levels to mitigate judicial ambiguity. Implement evidence-based sentencing guidelines that harmonize punitive actions with rehabilitative efforts, in accordance with India's NDPS Act jurisprudence (State of Punjab v. Baldev Singh, AIR 1999 SC 2379) and Portugal's decriminalization framework. Incorporate explicit stipulations for harm reduction, diversion initiatives, and rehabilitation within the Narcotics Control Act of 2018.
- 2. **Enhancement of Institutional Capacity**: Enhance the Department of Narcotics Control (DNC) by implementing training programs, developing forensic infrastructure, and establishing digital case management systems. ¹³⁹ Form inter-agency task forces of police, customs, border guards, and health agencies to improve coordinated enforcement. ¹⁴⁰ Establish accountability mechanisms to combat corruption and resource misallocation, guided on Transparency International's anti-corruption principles. ¹⁴¹
- 3. **Integration of Public Health and Harm Reduction:** Establish government-sanctioned rehabilitation institutions that incorporate psychosocial support and vocational training, emulating Switzerland's heroin-assisted treatment initiatives. ¹⁴² Implement nationwide awareness efforts, specifically aimed at youth, to diminish demand and encourage early intervention. ¹⁴³ Prioritize gender-sensitive initiatives targeting mothers and children at risk of substance misuse. ¹⁴⁴
- 4. **Compliance with Data-Driven Policies and Enforcement Programs:** For the purpose of facilitating evidence-based policymaking, it is recommended that comprehensive databases on seizures, arrests, convictions, and relapse rates be maintained. Conduct frequent reviews of policy achievements, taking insights from worldwide approaches (for example, global harm reduction studies and annual reports from the United Nations Office on Drugs and Crime). 146

¹³⁰ Hughes, C., & Stevens, A., "What Can We Learn from the Portuguese Decriminalization Model?" British Journal of Criminology, 2010, 50(6), 999-1022

¹³¹U.S. Department of Justice, DEA Enforcement Strategies, 2021

^{132&}quot;Learning from Global Drug Control Models," *The Daily Star*, 12 July 2023, https://www.thedailystar.net/views/news/learning-global-drug-control-models-3387654 Last access 12.02.25

¹³³Narcotics Control Act, 2018 (Bangladesh) — Proposed Amendments Report, Ministry of Home Affairs, 2023

¹³⁴UNODC, World Drug Report, 2023

¹³⁵Narcotics Control Act, 2018 (Bangladesh), Sections 5–12

¹³⁶State of Punjab v. Baldev Singh, AIR 1999 SC 2379

¹³⁷Hughes, C., & Stevens, A., "Portugal's Decriminalization Model: Lessons for South Asia," International Journal of Drug Policy, 64, 2019, pp. 13–20

¹³⁸United Nations Office on Drugs and Crime (UNODC), Harm Reduction Guidelines for Drug Control, 2022

¹³⁹Department of Narcotics Control, Annual Report 2022, Ministry of Home Affairs, Bangladesh

¹⁴⁰Rahman, M., "Inter-Agency Coordination in Narcotics Enforcement," Asian Journal of Law and Policy, 2021, 8(4), pp. 141-160

¹⁴¹Transparency International Bangladesh, Anti-Corruption Measures in Law Enforcement, 2022

¹⁴²World Health Organization, Harm Reduction in Drug Policy, 2022.

¹⁴³World Health Organization, Harm Reduction in Drug Policy, 2022.

¹⁴⁴Rising Drug Abuse Among Youth in Bangladesh," The Daily Star, 15 March 2023, https://www.thedailystar.net. Last access 12.02.25

¹⁴⁵UNODC, Global Drug Policy Report, 2023.

¹⁴⁶Ibid

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- 5. Collaboration at Regional and International Cooperation: Enhance cross-border cooperation with India, Pakistan, and other SAARC nations for intelligence exchange, extradition, and collaborative operations. 147 Harmonize national legislation with emerging international commitments, guaranteeing adherence to UN agreements and exemplary standards. 148
- 6. Roadmap for Policy Prioritization and Implementation: Develop a succinct table of prioritized changes, classifying interventions into short-term (1–2 years), medium-term (3–5 years), and long-term (5+ years) goals. 149 Involve civil society, media, and local communities to guarantee accountability and sustainable execution. 150

CONCLUSION

This research explored the fatal consequences of drugs and the loopholes in the implementation of Narcotics Control Law in Bangladesh. The widespread societal, health and economic ramifications associated with narcotic abuse call for a robust legal framework and strict enforcements. Though the Narcotics Control Act, 2018 in Bangladesh provides an adequate statutory infrastructure, rampant corruption, budgetary constraints, procedural delays and institutional inadequacies vitiate its implementation.¹⁵¹ Insights obtained from neighboring countries and international best practices highlight the necessity of aligning punitive measures with harm reduction and rehabilitation strategies. 152 Bangladesh's enforcement agencies need to enhance their capabilities, establish clearer policy frameworks, and improve coordination among different agencies. Furthermore, the implementation of transparent and accountable practices is essential for rebuilding public trust and guaranteeing justice. 153 In the context, a multi-dimensional reform agenda involving legislative changes, institutional reforms, anti-corruption drives, judicial reforms and holistic policy frameworks along with more robust regional cooperation is critical for Bangladesh in its war against drug abuse and trafficking. In the context of sustainable development, there is an inevitable relationship between rule of law and public health strategies to act together alongside with a robust police presence in order to secure some level of social stability and increased community well-being. 154 Future-directed research, policy dialogue and engagement of civil society and media will be essential to inform drug control strategies that are nuanced, sustainable and inclusive. How successful Bangladesh will be in saving its people from the dangers of drugs and ensuring them a safe future for the next generation dermises much by how seriously it takes to reforming the narcotics control regime. 155

¹⁴⁷SAARC Secretariat, Regional Cooperation on Drug Control, 2020

¹⁴⁸United Nations Office on Drugs and Crime (UNODC), International Drug Control Conventions, 2022

¹⁴⁹Ministry of Home Affairs, Bangladesh, Draft National Drug Strategy, 2021

¹⁵⁰ Ahmed, S., "Gender-Sensitive Strategies in Drug Control," Bangladesh Journal of Public Health, 2022, 12(3), pp. 55-70

¹⁵¹Narcotics Control Act, 2018 (Bangladesh)

¹⁵²Chowdhury, A. R., "Capacity Building for Drug Law Enforcement," Bangladesh Law Review, 2022, 13(2), 80-98

¹⁵³Transparency International Bangladesh, Anti-Corruption Measures in Law Enforcement, 2022

¹⁵⁴Ministry of Home Affairs, Bangladesh, Draft National Drug Strategy, 2021

¹⁵⁵United Nations Office on Drugs and Crime, World Drug Report, 2023