

Addiction: Law and Practice in Bangladeshⁱ

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***Abstract:** In Bangladesh addiction has come as a dreadful curse on social life. Being addicted to intoxicant, men are extremely demoted. As a result frustration, indiscipline & mournful ripeness/end fall in personal life as well as its horrendous impact fall in social life and national life. Consequently the youths, the future of the nation, are running to the depth of darkness. This article explores the origin and causes of addiction and its bad impact on social life. This paper also highlights the national laws and Islamic laws about addiction and tries to show the present practice in Bangladesh. This article ends suggesting the Government how to overcome this problem.*

1. Introduction:

Addiction means the condition of being an addict.ⁱⁱ Addict is a person who is unable to stop taking drugs, alcohol etc.ⁱⁱⁱ Addiction includes all kinds of addictive substances like drugs, alcohol, tobacco, heroin etc. All kinds of addiction are dangerous and severely detrimental to health, hygiene and society. It finally results in death of the addicts. According to source at least three million lives are taken every year by this deadly poison. Bangladesh, the third largest Muslim state, is not free from such social problem. Every year a certain number of people die from this deadly poison.

The conscious people are seized with panic observing this situation. Because, the youths are the victims of this deep conspiracy. While the youths are the symbol of Justice in the way of truth against any wrong, they are being compelled to be addicted in disguise of modern civilization by the international morphia circle.^{iv} It is obviously an international conspiracy to break the backbone of the nation by indulging the youth in addiction. Now hundreds and thousands persons

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are suffering from this disease and the addicts have lost their hope of coming out of this drug-trap.^v

2. Origin of Addiction:

The history of addiction is very ancient. It is little known about the period of origin of addiction. Through gradual process man has come in touch with the addictive substances like wine, gaza, vang, afim, choros, coken, morphin, heroin etc. At the middle of the nineteenth century, the use of intoxicant began as painkiller medicine whose English term is drug. During the French revolution the defeated soldiers became addicted to redeem themselves from frustration. During the dreadful days of 2nd World War the use of drug also increased as ingredient of addiction for various reasons. Under this context, a vast circle of producing intoxicating substances emerged in the areas of America, Britain, Colombia, Bolivia, Brazil, Equador etc.^{vi} Thus the painkiller drug became a wide spread ingredient of addiction in western rich societies and became spread all over the world. According to World Health Organization (WHO), eighty percent of the people of the richest world was addicted to drug.^{vii} Now-a-days drugs are available mostly in the slum areas of the poor country.

There are various types of drugs. The most common drugs are Afim, Hasis, Heroine, Coken, Hemp. Marijuana, Brown, Sugar, LSD, Smark etc. Their using methods are also different. The methods include inhaling through nose, skin popping, injection, nail lining or the method of direct entrance into the blood flow. Among the various drugs, the heroine has transgressed the limit. If someone takes one sixteenth of one gram heroin two or three times, he must be addicted and it will almost be impossible for him to come out of addiction.^{viii} Then strong mental resource, proper treatment and non-stop caring are needed to overcome this devastating habit.

3. Smuggling of intoxicants:

With the origin of intoxicant, smuggling of intoxicants has taken a dangerous shape. International drugs smuggling network has emerged through boundary line or by air all over the world and at the same time there are also some international smuggling syndicates to accelerate the activities of those networks. It is noted that they established a Golden Triangle made of three countries –namely Myanmar, Thailand and South Vietnam, which were the golden land of intoxicants. Besides, the boundary lines of Bangladesh, India and Nepal are infamous for

smuggling intoxicants, which are called “Golden Waze”. Another three countries- Pakistan, Afghanistan and Iran are called “Golden Kitchen” for production of popi (intoxicative substance). Now smuggling intoxicant has become much known and is going on frequently through air, road and water. For the active role of the smugglers about fifty percent people of the world have become addicted.^{ix}

In Bangladesh the situation is more dangerous. A number of smugglers are active and are smuggling intoxicants under the auspices of their godfathers without any interruption. Since it is a profitable immoral and illegal business, the smugglers are becoming millionaire over night. If they are arrested, they come out by spending lacs of taka through bail. Nobody can keep them in the jail. We can cite here an incident. Nurjahan, age-45, wife of Khorshed Alam of 151, South Goran, Dhaka, is a slum resident.^x She has been smuggling heroin for about eight years. Her three sisters – Honufa, Rubina and Rashida are also involved in this business. They have a deep relation with top terrorist Sweden Aslam of Capital, Dhaka. Since they are women, it is easier for them to conduct such illegal business in disguise. Eight years ago Nurjahan was slum poor woman but she is now millionaire through heroine business. Once she would live in Shantipur slum but now she has a multi-storeyed building. She came to this profession by hand of heroine smuggler Boro Mia. She was appointed as second in command. Since she was woman, she was out of doubt. Availing this opportunity, she used to bring heroin from delivery place to Nayabazar Astana and sold them. Gradually she became out of touch and about a hundred cadres were under her control. That Astana was turned into Nurjahan Astana and Police did not enter there in fear. That was a place where heroin was taken and that is why it was all time darkened. Every day about 20-30 lacs taka’s heroine was sold from this Astana. However, Nurjahan was arrested and recently her Astana has been evicted.^{xi}

4. Causes of Addiction:

The following causes are identified for addiction:

4.1. Launching a survey all over the world it is seen that because of failure in appointment, education, love etc. the disappointed youths fall in addiction to redeem themselves of sorrow, money scarcity, family chaos, social unrest etc. for the time being. Then addiction takes its place strongly in them and they ultimately fail to come out of addiction.^{xii}

4.2. It is also true that the so-called civilized rich countries are spreading intoxicant's business through various multi-national organizations in the hope of acquiring huge money. Thus they compell the people to be involved in addiction tactfully under a plan and also divert them from the way of truth to the way of Satan.^{xiii}

4.3. The modern psychologists opine in respect of cause of addiction that because of lacking of sound recreation in social life, maximum smuggling of intoxicants are happening. For this reason more or less 50 crores people among the 500 crores people of the world have been addicted.^{xiv}

4.4. Failure in love, disappointment, family disorder etc. social and family related matters are highly responsible for addiction.^{xv}

5. Legislations to combat addiction in Bangladesh:

Bangladesh became independent in 1971. After independence the laws, enacted during British and Pakistan period, remain in force in Bangladesh. So naturally Opium Act, 1857, Opium Act, 1878, Excise Act, 1909, Dangerous Drugs Act, 1930 and Opium Smoking Act, 1932 are enforced in Bangladesh. But these are not sufficient to make the country free from addiction. That is why "Intoxicant Control Ordinance, 1989" a more effective law, was declared.^{xvi} Subsequently it was passed in the parliament as "The Intoxicant Control Act, 1990."^{xvii} This Act came into force on 2 January, 1990. The earlier laws were suspended.^{xviii} The main provisions of this Act are as follows:

5.1. Establishment of Intoxicant Control Board:

To meet up the objectives of this Act, there shall be 'National Intoxicant Control Board' which will make necessary rules and regulations to control possible bad effect created by intoxicant and will take proper steps to implement those.^{xix}

5.2. National Intoxicant Control Board Fund:

To make the people aware of bad effect of intoxicant use and to facilitate the treatment and rehabilitations of the addicts, the Board can make fund to collect excess money in addition to general budget-allocation.^{xx}

5.3. Intoxicant Control Directorate:

To meet up the objectives of this Act, the Government shall establish “Intoxicant Control Bureau” which will assist the Board to discharge its all functions.^{xxi}

5.4. Production etc of intoxicants except Alcohol are prohibited:

Irrigation, production, processing, carriage, transport, import, export, supply, sale, buy, containing, reserve, storing in warehouse, exhibition of all kinds of intoxicants except alcohol are prohibited. The goods or such things, which are used to produce intoxicant, are also prohibited in the same manner as above. Provided that, by dint of license or permission or pass that can be done only to make medicine approved under this Act or for the use of scientific laboratory. There are also some restrictions over alcohol. It needs license and without the prescription of competent doctor, one Muslim will not be permitted to drink alcohol.^{xxii}

5.5. Classification of Intoxicants: The intoxicants are also classified in the following manner:^{xxiii}

5.5.1. A Class Intoxicants- This class includes- Opium, Poppy, any Afim, Opium Derivatives-(viz- Morphine, Codeine, Thebaine, Noscapaine, Norco tine, Papavarine etc), any artificial intoxicants like Afim (viz- Pethidene, Meperdine, Methadone, Dextromoramide, Dilydrocodeine, Meperdine Fentanyl, Pentaxocaine, Hydrophine, Omnepone, Alphaprodine, Demeral, Oxycodone, Etrophine, Lofentanyl, Alfentynyl, Alphamethy Fentanyl, 3-Methyl Fentanyl, Asscetrophine, Acetylmethadol, Alphacetyl-methadol, Betaprodine), Cocaine, Cocaine derivatives, Tetrahydrocannabinol, Cannabis resin, Charas, Hashish, Acetic anhydride, Mescaline etc.

5.5.2. B Class Intoxicants- This class includes- Hemp plant, Herbal cannabis, Vang Vang tree or such other trees used as source of addiction, Alcohol, All types of wine, rectified spirit, Beer, LSD, Barbiturates, Amphetamine, Methyl Amphetamine, Phencyclidine, Psilocybin, Nicocodine, Methaqualone.

5.5.3. C Class Intoxicants- This class includes Tare, Pochuie, Denatured spirit, Methylated spirit, Chlordiazepoxide, Diazepam, Oxazepam, Lorazepam, Flurazepam, Clorazepate, Nitrazepam,

Triazolam, any other Cidetive, Tranculyzer or Hypnotic medicine not mentioned in class B or other stimulants, Deprezant medicine not mentioned in classes A & B.

5.6. Rules of prohibition regarding prescription of intoxicant:

Without written permission of Director General, Doctor cannot prescribe any of the intoxicants mentioned in classes A & B as medicine. Any one other than the Doctor cannot prescribe any of the intoxicants mentioned in class C as medicine.^{xxiv}

5.7. Punishment under this Act:

If any one violates any provision of section 9, he will be punished amounting to minimum two years to maximum life imprisonment for committing crime for A class intoxicants, minimum 6 months to 15 years imprisonment for B class intoxicants and not more than one year imprisonment or fine of TK 10,000/= or both for C class intoxicants.^{xxv} If any one keeps any instrument, which is used to produce intoxicants, he will be punished for 2 to 15 years imprisonment with fine as additional.^{xxvi} Punishment for letting houses or vehicles to use in commission of crime is imprisonment of not more than five years or fine or both.^{xxvii} If any one does anything mentioned in Section 9 or 10 without license, he will be punished for minimum two years to maximum 10 years imprisonment.^{xxviii} For violation of any condition of license, not more than 5 years imprisonment or fine-TK 10,000/= or both will be imposed upon the violator.^{xxix} Besides,, the abetment to commit such crime is also included as crime under this Act.^{xxx}

5.8. Other provisions:

There is also medical facility for the treatment of the addicts to overcome such curse like addiction.^{xxxi}

Various healths related programmes for the masses in Bangladesh have been widely acclaimed world over. Yet another step that will have far reaching effect on the teeming millions of the country has been taken. The Jatiya Sangsad on 14 March, 2005 passed a Bill imposing ban on smoking at public places and in public transports and on advertisements of tobacco products.^{xxxii} Health and Family Welfare Minister Dr. Khandakar Mosarraf Hossain introduced the Bill entitled "Smoking and Tobacco Usage (Control) Act. 2005."^{xxxiii} Implementation of the new law will definitely curb smoking in Bangladesh and this will have positive impact on the health and life

expectancy of Bangladeshi people. It is said in the preamble of this Act that since Bangladesh has signed the “Framework Convention on Tobacco Control (FCTC)” passed by WHO on its 56th Convention, on 16 June, 2003 and ratified it on 10 May, 2004, to enforce provisions of the convention, Bangladesh has enacted this Act. This Act repeals “The East Bengal Prohibition of Smoking in Show Houses Act, 1952 (E.B.Act XIII of 1952)” & “The Intoxicant Substances Cultivation (Control) Act, 1988 (E.B.Act VL of 1988)”^{xxxiv}

It was observed before the passing of this Act that smoking (bidi, cigarettes) is a severe burden on our society. It works like a double-edged sword particularly for the poor. On the one hand, it takes its toll on their health, on the other; it diverts money away from the purchase of food and other essential items. Rickshaw pullers, for example, demands more calories and nutrition due to their hard labour. Many of them are chain smokers and buy more cigarettes and less food. They deprive themselves of nutrition and calorie and inhale poison instead and also deprive the members of their families of economic support. Thus they are doubly affected and fall easy prey to various diseases. Besides, non-smokers are affected when they come in contact with them. Like the drugs addicted, smokers also become smoking addicted.

Tobacco smoke contains more than 4000 chemicals, many of which are known to be cancer-causing agents.^{xxxv} Smoking cigarettes increases the risk of lung cancer. It may cause other types of cancer like leukemia, cancer of the kidneys, pancreas, stomach and cervix. Lung damage from smoking increases the risk of pneumonia, bronchitis and emphysema. Smoking substantially increases the risk of cardiovascular disease including stomach, heart attack, aortic aneurysms and poor blood circulation, hardening of the arteries and lowers the level of high density lipoprotein (HDL), stomach ulcers, sudden death etc.^{xxxvi} Thus smoking affects almost every organ of the body. The medical specialists opine that if smoking is taken from the age of 15, it will decrease 20 years from the life of smokers.^{xxxvii}

Under the Smoking and Tobacco Usage (Control) Act, 2005 smoking in public places and transports is prohibited and it prescribes penalty of tk 50 for the smokers.^{xxxviii} Public places include educational institutions, government, semi-government and autonomous offices, libraries, lifts, hospitals, clinics, court buildings, airports, sea and river port buildings, railway stations, bus terminals, ferries, cinema halls,

covered exhibition centres, theaters, children's parks and other places designated by gazette notification.

Thus smoking in public places in Bangladesh is a criminal offence. One may hurt oneself intentionally but one has no right to hurt others. According to the opinion of physicians indirect smoking or passive smoking poses a threat to the health of the non-smokers. It is often found that insensible people puff smoke in a crowded bus or the like. They do not even have an iota of consideration for women or children around them. Smokers don't pay any heed to those who even politely request them not to smoke in that environment. Besides, frequently loud voice of defiance of the smokers is heard. This newly introduced law will enhance the moral courage of the sufferers to oppose such offenders.

This law also provides banning of putting up billboards and printing leaflets and handbills or any other documents, including films and videotapes containing advertisement of tobacco. At the same time, this Act also provides 'three months' imprisonment or a fine not more than taka one thousand or both for advertising tobacco in the national dailies or in any other media.^{xxxix} This law, therefore, will definitely help to curb smoking in Bangladesh.

Actually the purpose of an advertisement is to promote a product, allure people to buy it and boost the sale. The flashy billboards, colourful advertisements for cigarettes in the dailies and on the television with stationary warning: "Smoking is bad for health" is a mockery and hypocrisy. It entices smokers to buy more cigarettes; it allures young non-smokers to fall in the trap of smoking. Arranging competition and making any offer of scholarship or donation to publicize tobacco products offend a sensible mind. The net result of all these is constant rise of number of smokers and increase of consumption of cigarettes in the society.

The law prohibiting smoking in public places has come into force but the scene is otherwise in tobacco fields. Smoking is punishable but not tobacco cultivation.^{xl} Despite the anti-smoking campaign by the Government, NGOs and Civil Society, tobacco cultivation has been increased substantially in seven southwestern districts including Rangpur and Nilphamari in last two years (2003-2004) in place of other crops like wheat, mustard seeds and vegetables, mainly due to assistance to farmers by Cigarette and Bidi companies which provide interest-free loans, seed, fertilizer, technical support and by back

facilities to farmers.^{xli} According to one report Cultivation of tobacco has increased in the districts of Kushtia, Rangpur, and Nilphamari rapidly.^{xlii} Tobacco cultivation in one bigha of land costs up to Tk 1500 but the product can be sold at tk 6000 to tk 10,000.^{xliii}

Notwithstanding it is a matter of hope that several thousands farmers of Sundarganj of Gaibandha District said goodbye to tobacco.^{xliiv} They vowed to replace tobacco with vegetables and wheat in their fields in a “field day program”. It was arranged by government’s Agricultural Extension Department and some NGOs. There the farmers declared voluntarily that cultivation of wheat and vegetable is easier and more profitable than tobacco. The contributions of District Agriculture Department, Donor Agency Oxfam, Dhaka based NGO Padakhep (step) and Local NGO Ekota are praiseworthy in this regard.

Although “The Smoking and Tobacco Control Act, 2005” passed and came into force on March 26, 2005, but cigarettes are still sold in the open place. Youths continue to buy and smoke in public heedless of the law enforced and billboards advertising tobacco products can be found. One can conceive this reality from a view snapped from a public place published in the Daily Star.^{xliv} Smoking in public place is punishable offence as stated above but what about in other places? Why is it not prohibited everywhere? Our suggestion to the Government is that smoking and all kinds of addiction should be banned and stopped irrespective of place and persons. Since the majority of the people of Bangladesh are Muslims and religious minded, the Islamite view towards addiction should be upheld and motivated. Now we turn to highlight on Islamic Penal laws about addiction.

6. Islamic Penal Law about addiction:

Islam has finally stood against any sort of addiction. It prohibited addiction through different phases:

1st phase:

“They ask you concerning wine and gambling. Say- in them there is great sin and some profit for men but the sin is greater than the profit”.^{xlvi}

Here wine literally is understood to mean the fermented intoxicating juice of grape and dates. Analogically, it includes all fermented liquor and any intoxicating liquor or drug.

2nd Phase

1. “O, you, who believe don’t approach to the prayer in a state of intoxicating until you can understand all that you say”.^{xlvii}

3rd Phase:

“O, you who believe, intoxicants and gambling and sacrificing to stones and divination by arrows are acts of Satan. So abstain from such that you may prosper”.^{xlviii}

The prophet (Sm) also gave a strict ruling prohibiting wine supporting the last Phase. Abdullah Ibn Omar ® narrated that the Prophet (Sm) said –Allah’s curse will be on (i) wine (alcohol), (ii) Producers of wine, (iii) the persons who order for wine, (iv) seller, (v) buyer, (vi) carriers, (vii) to whom it is carried, (viii) the person who enjoys its price, (ix) drunkard, (x) the persons who administer wine.^{xlix}

From the above discussion it is clear that in first phase addiction was discouraged and in 2nd phase the Muslims were ordered not to approach to prayer (Salat) in a state of intoxication and finally it has been prohibited. Here wine (Khamar) includes all sorts of addiction. This is the provision of Islam, violation of which is a punishable offence. According Shari a law addict shall be scourged eighty strips on the back.¹ Even if the addict takes wine for the 4th time, he will be sentenced to death.ⁱⁱ

7. Conclusion:

Along with the restriction on smoking and ban on advertisement of cigarettes, there should be an increasing awareness campaign against not only smoking but also all kinds of addiction. Let there be a culture of dislike for this multifaceted evil. Particularly let the young generation develop distaste for the destructive habit. Habitual smokers are to be motivated to quit smoking. The sooner they quit smoking, the greater the benefit is for them. However in most cases, no matter how long or how heavily a person has smoked, quitting smoking reduces a smoker’s risk of disease and increases life expectancy.

The bold step taken by the government by introducing this historic law is highly commendable. It is hoped that the law will be implemented effectively and will not be flouted or ignored. We share the dream of

Dr. Khandakar Mosharrf Hossain, Health & Family Welfare Minister, that the new law will have effect on the health and life of mass people in the whole of the country. Bangladeshis as a nation have a hunger for doing something good collectively, achieving something that will enhance their image. This law has given the opportunity not only to free the nation from the burden of smoking but to set an example for other developing nations where the curse of smoking is ever increasing. It is suggested that the government will enact laws prohibiting all types of addicted substances like alcohol, heroin, drugs etc consolidating all laws prevalent in Bangladesh and monitor the implementation of those laws. Besides, import of all kinds of addicted substances including cigarettes shall be banned and the law enforcers are advised to implement those laws letter and spirit so that young generations can be saved from destruction.

References:

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- ⁱ The Article was presented in a Seminar on 27 April, 2005, organised by the Department of Law, IIUC.
- ⁱⁱ Oxford Advanced Learner's Dictionary, Oxford University Press, 5th edition, 1995 (11th impression, with corrections, (1999) PP.14.
- ⁱⁱⁱ Ibid.
- ^{iv} The Daily Sangram, 29 April, 2005.
- ^v The Daily Sangram, 29 April, 2005.
- ^{vi} Ibid.
- ^{vii} Ibid.
- ^{viii} The Daily Sangram, 29 April, 2005.
- ^{ix} Ibid.
- ^x The Daily Naya Diganta, 3 May, 2005.
- ^{xi} Ibid.
- ^{xii} The Daily Sangram, 29 April, 2005.
- ^{xiii} Ibid.
- ^{xiv} Ibid.
- ^{xv} Ibid.
- ^{xvi} Bangladesh Statutes, 42 DLR (1990) P 28
- ^{xvii} op.cit, P 71

ⁱⁱ Ibid.