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## BEYOND THE BUZZ: DECODING DESIGNER DRUGS AND THE LEGAL BATTLE AHEAD

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### INTRODUCTION

In the shadow of progress and pharmaceutical innovation, a silent crisis festers- one not borne of war or poverty, but of chemical seduction. Once linked to well-known chemicals, the global rise in drug usage has now spread to the unexplored realm of synthetic compounds, which are cryptic in form and disastrous in effect.<sup>1</sup> This situation necessitates quick, creative, and compassionate solutions because it cuts over national boundaries and regulatory barriers.

The preventive legal and regulatory frameworks intended to reduce drug abuse are nevertheless beset with flaws, frequently reactive rather than proactive, despite decades of legislative scaffolding. For every restricted substance, there are a dozen analogues waiting in secret labs that are structurally different enough to avoid categorization but strong enough to endanger lives. The law is lagging chemistry.

An important turning point in the international discussion on drug policy was the United Nations General Assembly Special Session (UNGASS) in 2016. It emphasized health-centric tactics, focusing on prevention, treatment, and human rights, while moving away from punitive dogmas. However, the implementation of these principles in domestic affairs has been inconsistent, disjointed, and occasionally unresponsive to the developing field of intoxication science.

Designer drugs, which are synthetic psychoactive chemicals created to replicate the effects of regulated substances while evading legal limits, are a phenomenon that arises within this framework.<sup>2</sup> Their widespread presence and the significant difficulties they present—from detection and control to prompt action and damage reduction—make them relevant for forensic purposes.

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<sup>1</sup> Krasowski, M. D., & Brown, J. (2016). The new wave of designer drugs: a review for criminal justice and forensic professionals. *Forensic Scholars Today*, 2(3), 5.

<sup>2</sup> Barko, M. A. (2021). Role of Forensic Chemistry and Analytical Instrumentation in the Identification of Designer Drugs.

As Forensic Science stands at the intersection of law, medicine, and morality, it must now rise to meet this new breed of threat – one that rewrites the rules faster than they can be enforced.

## CONTEMPORARY RELEVANCE

The country observed the **Aryan Khan drug case** in October 2021, not only as a media spectacle but also as a reflection of structural flaws in India's drug law enforcement strategy. Fundamentally, the case exposed the weaponization of public opinion, the brittleness of forensic credibility, and the ambiguity of possession versus intent. The extended detention raised important issues, even if Khan himself did not have any drugs recovered and there were irregularities in the chain of custody: Was the law upholding justice or just seeking publicity?

The infiltration of medications of the **Nitazenes class**<sup>3</sup> poses a more covert threat than courtrooms and cameras. Their strength surpasses that of traditional opioids, overpowering emergency responders and evading regular toxicological testing. They are chemically manufactured to circumvent current rules. Their existence serves as a terrifying reminder that the chemistry of addiction beyond the capabilities of control mechanisms.

The **Ministry of Home Affairs** has attempted to adjust its approach in response. A shift to a community-anchored, health-based strategy is signalled by the introduction of the **Nasha Mukti Abhiyaan** and the **National Action Plan for Drug Demand Reduction (NAPDDR)**. While **Anti-Narcotics Task Forces** tighten the knot on trafficking channels with coordinated precision, peer-led interventions enable local actors to stop vulnerability at its source.

However, as the Aryan Khan case demonstrated, forensic procedures lacking rigor and enforcement lacking accountability encourage abuse and mistrust. The future is not in punishing symbolism, but rather in combining public trust, judicial restraint, and forensic competence into a single, fair system.

## CASES IN SPOTLIGHT

### 1. Mohammad Shahbuddin v Assam<sup>4</sup>

The Supreme Court of India ruled in this case that merely having narcotics in one's hands does

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<sup>3</sup> Pergolizzi Jr, J., Raffa, R., LeQuang, J. A. K., Breve, F., Varrassi, G., & Raffa, R. B. (2023). Old drugs and new challenges: a narrative review of nitazenes. *Cureus*, 15(6).

<sup>4</sup> (2010) 2 SCC 437.

not indicate that one is aware of their illegality. In terms of drug legislation, this ruling emphasizes the crucial difference between possession and criminal intent. It highlights the need for mens rea, or guilty mind, in establishing criminal responsibility, making sure that people are not unfairly punished in the absence of proof that they were aware of the nature of their possession.

## **2. Union of India v Bal Mukund<sup>5</sup>**

The ruling upheld the need for rigorous adherence to procedural laws in drug-related situations. The Supreme Court emphasized the significance of following the letter of the law in drug-related charges by ruling that procedural infractions, such as disregarding the required formalities during an accused person's arrest and search, might make evidence inadmissible. The constitutionally guaranteed due process rights of persons are upheld in this case.

## **3. State of Punjab v Baldev Singh<sup>6</sup>**

The right to privacy during searches was the subject of the Punjab v. Baldev Singh case. The Court decided that searches of people, cars, and property must follow constitutional protections and that a search may be illegal if there is no search warrant or probable suspicion. The balance between the obligations of law enforcement and the defence of individual rights under Article 21 was highlighted in this ruling.

## **4. Gonzales v Raich<sup>7</sup>**

The U.S. Supreme Court affirmed the federal government's right to prohibit marijuana, including for medical purposes, in *Gonzales v. Raich*, citing the Commerce Clause. Despite state-level reforms supporting the use of medical marijuana, the decision was made. The Court's decision highlights how federal law can take precedence over state laws in matters pertaining to interstate commerce, even in cases where states take a more permissive approach. Cases like *State v. Fry*<sup>8</sup> and *State v. Wright*,<sup>9</sup> which questioned the validity of state prohibition statutes in light of state medical marijuana programs, vigorously fought this

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<sup>5</sup> (2009) 12 SCC 518.

<sup>6</sup> (1999) 6 SCC 172.

<sup>7</sup> 545 US 1 (2005).

<sup>8</sup> 168 Wn.2d 1.

<sup>9</sup> 588 N.W.2d 166.

decision.

### 5. Harm Reduction Network v Union of India<sup>10</sup>

In *Harm Reduction Network v. Union of India*, the Supreme Court ruled that the death punishment for drug trafficking charges was unconstitutional. According to Article 21 of the Indian Constitution, the Court ruled that the death penalty in this case infringed upon the right to life. This case challenged the ethical and legal basis for such harsh punishments in drug-related cases, signaling a move toward harm reduction and rehabilitative strategies.

### 6. Minister of Justice and Constitutional Development v Prince<sup>11</sup>

The South African Constitutional Court decided to decriminalize the personal use of cannabis in this landmark case. The Court acknowledged that regulations that forbade the personal, non-commercial use of cannabis were unconstitutional and acknowledged that the right to privacy is a basic component of an individual's autonomy. This decision reflects a move away from criminalization and toward personal freedom and public health, which is consistent with global trends supporting harm reduction and the reexamination of harsh drug laws.

## APPLICATION OF FORENSIC SCIENCE PRINCIPLES

Forensic toxicology is the sentry of justice at the intersection of medicine, chemistry, and law; it decodes poisons, tracks down drugs, and deciphers the silent signs of intoxication. Its importance has never been greater in a time when designer pharmaceuticals rule the landscape. The science offers a story—one of synthesis, consumption, and consequence—rather than just verifying existence.<sup>12</sup>

This story is told using tried-and-true forensic techniques, each of which magnifies the truth.

According to the **Law of Individuality**, no two substances—not even those belonging to the same family—are chemically similar. Despite being designed to resemble, every designer medicine has a distinct molecular fingerprint. This fingerprint connects a material to a suspect,

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<sup>10</sup> SCC OnLine Del 1506.

<sup>11</sup> 2018 (6) SA 393 (CC). (S.Afr.).

<sup>12</sup> Inman, K., & Rudin, N. (2000). *Principles and practice of criminalistics: the profession of forensic science*. CRC Press.

an effect to its source, and a crime to its perpetrator.

Every interaction leaves a trace, according to Locard's **Principle of Exchange**. These traces, which can be minute residues on clothing, fibres from packaging, or chemical particles clinging to paraphernalia, are frequently undetectable when synthetic drugs are involved. The silent witnesses are these people.

Forensic science recognizes that drugs, like evidence, are dynamic through the **Law of Progressive Change**. They may lose their identity, change their potency, or deteriorate in form when exposed to light, heat, or moisture. It is essential to comprehend this deterioration since truth deteriorates with time if it is not taken into consideration.

The forensic lab is energized by the **Principle of Comparison**, which compares confiscated materials to verified criteria. Instead of just identifying, chromatographic and spectrometric methods compare, guaranteeing that every conclusion is linked to a recognized standard in science.

The foundation of toxicology is the **Principle of Analysis**. Liquid chromatography, infrared spectroscopy, and gas chromatography-mass spectrometry (GC-MS) are not merely instruments; they are extensions of the forensic eye that can dissect intricacy with surgical precision.

However, absolutes are uncommon even in science. When dealing with incomplete data, inference is governed by the **Law of Probability**. An imperfect trace, a half-burned pill—all of these speak in probabilities and percentages. The toxicologist must balance certainty and possibility in this situation.

Lastly, we are reminded that evidence is not always direct by the **Law of Circumstantial Facts**. When carefully analyzed, symptoms, anomalous medication possession, and behavioral patterns—all of these pieces, while indirect, create a mosaic of guilt or innocence.

These ideas work together to support the contemporary battle against designer pharmaceuticals. They make sure that science takes the lead—and keeps it high—in the conflict between artificial deception and judicial clarity.

## LITERATURE REVIEW

|                            |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Title</b>               | <b>The New Wave of Designer Drugs: A Review for Criminal Justice and Forensic Professionals<sup>13</sup></b>                                                                                                                                        | <b>Role of Forensic Chemistry and Analytical Instrumentation in the Identification of Designer Drugs<sup>14</sup></b>                                                                                                           | <b>Old Drugs and New Challenges: A Narrative Review of Nitazenes<sup>15</sup></b>                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Author</b>              | <b>Jerrold Brown and Matthew Krasowski</b>                                                                                                                                                                                                          | <b>Mariah Barko</b>                                                                                                                                                                                                             | <b>Joseph Pergolizzi, Robert Raffa, Jo Ann, Frank Breve and Giustino Varassi</b>                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Year</b>                | <b>2016</b>                                                                                                                                                                                                                                         | <b>2021</b>                                                                                                                                                                                                                     | <b>2023</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Citation</b>            | <b>Krasowski, M. D., &amp; Brown, J. (2016). The new wave of designer drugs: a review for criminal justice and forensic professionals. <i>Forensic Scholars Today</i>, 2(3), 5.</b>                                                                 | <b>Barko, M. A. (2021). Role of Forensic Chemistry and Analytical Instrumentation in the Identification of Designer Drugs.</b>                                                                                                  | <b>Pergolizzi Jr, J., Raffa, R., LeQuang, J. A. K., Breve, F., Varrassi, G., &amp; Raffa, R. B. (2023). Old drugs and new challenges: a narrative review of nitazenes. <i>Cureus</i>, 15(6).</b>                                                                                                                                                                                                                                                        |
| <b>Research Objectives</b> | Increasing awareness of designer drugs amongst forensic, clinical and law enforcement professionals to remove the threat of designer drugs which has proven to be problematic given the fuzzy legal status and low manufacturing costs of the same. | Understanding the various categories of designer drugs and the various instruments to identify the components of designer drugs. Analysis of such drugs to put proper policies into place to ultimately save the lives of many. | Nitazenes as drugs had emerged long ago in the market, however, due to the lack knowledge about these drugs beyond the academic circles as well as the fact that Nitazenes is often found mixed with other substances makes detection and regulation harder. The primary objective of this paper is to better inform drug users, first responders and healthcare professionals about these 'new old drugs' that are infiltrating the drug abuse system. |

<sup>13</sup> Krasowski, M. D., & Brown, J. (2016). The new wave of designer drugs: a review for criminal justice and forensic professionals. *Forensic Scholars Today*, 2(3), 5.

<sup>14</sup> Barko, M. A. (2021). Role of Forensic Chemistry and Analytical Instrumentation in the Identification of Designer Drugs.

<sup>15</sup> Pergolizzi Jr, J., Raffa, R., LeQuang, J. A. K., Breve, F., Varrassi, G., & Raffa, R. B. (2023). Old drugs and new challenges: a narrative review of nitazenes. *Cureus*, 15(6).

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|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Methodology</b>   | This paper follows a qualitative, descriptive methodology that reviews the various types of designer drugs in the market.                                                                                                                | This paper follows a qualitative, descriptive methodology by reviewing existing literature on various tools of forensic analysis, explaining how each tool works and using graphical representations of each tool to gain a better understanding.                                                                                                              | This narrative review draws on peer reviewed articles, along with information on authoritative sources such as the DEA and CDC websites. Relevant references and bibliographies were attached keeping in mind the paucity of substance on this niche topic.                                                                                                                                                                                                                          |
| <b>Key Findings</b>  | The paper puts forth the various types of designer drugs prevalent in the streets and its impact on the human body. Furthermore, it also lays down the various methods through which these drugs are often left unchecked by the system. | Identification process of these designer drugs makes it possible for these drugs to become schedules appropriately under the Controlled Substances Act so that these substances can no longer be considered as a legal way to get high. The most effective forensic instrument to be used for this process is the Gas Chromatograph with an Infrared Detector. | It was seen that the commercial failure of Nitazenes, limited its knowledge to academic interests until its sudden emergence into the illicit street market. Furthermore, the drug is available in various formats and can be mixed with inert substances that further the impact upon consumption. DEA has now temporarily put numerous Nitazenes on its Schedule I. Additionally, there is a need identified to develop rescue protocols for drug testing and drug rehabilitation. |
| <b>Research Gaps</b> | While this review highlights the emergence of new designer drugs and the challenges they pose for detection and regulation, it reveals a clear gap in the development of accessible, real time                                           | This paper shows that while current forensic tools are effective, they are mostly used after a drug has emerged. There is gap in creating fast, standardized methods to detect                                                                                                                                                                                 | This paper merely acts as narrative description of the problem at hand. While it does a great job at bringing in awareness about the recent insurgence of Nitazenes associated overdoses, it does very little to put forth measures to curb the                                                                                                                                                                                                                                      |
|                      | screening tools and uniform legal                                                                                                                                                                                                        | and regulate new designer drugs in                                                                                                                                                                                                                                                                                                                             | same. Furthermore, its analysis is restricted to a                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|  | frameworks to effectively monitor and control these substances before harm is widespread. | real time. | curative approach rather than integrating a preventative approach. |
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## LEGAL AND REGULATORY FRAMEWORKS

### A. Indian Legal Landscape

#### 1. Constitutional Provisions

Article 21<sup>16</sup> of the Indian Constitution, which protects the right to life and personal liberty, including the right to healthcare, offers a strong framework for combating drug abuse. This supports the government's obligation to treat addiction and safeguard the general public's health. The state is also required by Article 47<sup>17</sup> to control intoxicants and enhance public health. A collaborative legal framework for addressing drug usage is made possible by the Concurrent List, which permits both the federal and state governments to enact laws on matters pertaining to drug control.

#### 2. *Bhartiya Nyaya Sanhita*<sup>18</sup>

With a focus on efficient prosecution and accelerated legal proceedings for drug related offenses, the *Bhartiya Nyaya Sanhita*, 2023, fortifies India's drug control policies. Although it has been criticized for ignoring the importance of rehabilitation and harm reduction, its provisions centre on mandatory sentence, drug trafficking, and organized crime.

#### 3. *Special Acts*

##### a. Narcotics Drugs and Psychotropic Substances Act<sup>19</sup>

India's drug laws are primarily governed by the Narcotic Drugs and

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<sup>16</sup> India Const. art 21

<sup>17</sup> India Const. art. 47

<sup>18</sup> The *Bhartiya Nyaya Sanhita*, 2023, No. 45, Acts of Parliament, 2023 (India).

<sup>19</sup> The Narcotics and Psychotropic Drugs Act, 1985, No. 21, Acts of Parliament, 1985 (India).

Psychotropic Substances Act (NDPS Act). Strict penalties are imposed for drug-related offenses under sections such as 71<sup>20</sup> (trafficking penalties), 39<sup>21</sup> (misuse of prohibited substances), 64<sup>22</sup> (drug trafficking), and 64A<sup>23</sup> (forfeiture of property in drug trafficking). Reform proposals, however, draw attention to its punitive aspect and emphasize the necessity of a change toward rehabilitation and the decriminalization of small infractions.

b. Drugs and Cosmetics Act, 1940<sup>24</sup>

In India, the production, distribution, and sale of narcotics and psychotropic substances are governed by the Drugs and Cosmetics Act. Assuring that pharmaceutical items are not abused and that regulated substances do not end up on the illicit market is crucial.

## B. International Comparisons

### 1. United States of America

a. Controlled Substances Act<sup>25</sup>

Drugs are categorized by the CSA into five schedules according to their potential for misuse and medical usage. Although it offers a regulatory framework, it has trouble keeping up with the fast-evolving designer pharmaceuticals.

b. Federal Analogue Act<sup>26</sup>

The CSA is expanded by the FAA to include chemicals that are comparable to those on the list of controlled substances. Although it is essential for regulating newly developed designer pharmaceuticals, its implementation is

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<sup>20</sup> The Narcotics and Psychotropic Drugs Act, § 71, 1985, No. 61, Acts of Parliament, 1985(India).

<sup>21</sup> The Narcotics and Psychotropic Drugs Act, § 39, 1985, No. 61, Acts of Parliament, 1985(India).

<sup>22</sup> The Narcotics and Psychotropic Drugs Act, § 64, 1985, No. 61, Acts of Parliament, 1985(India).

<sup>23</sup> The Narcotics and Psychotropic Drugs Act, § 64A, 1985, No. 61, Acts of Parliament, 1985(India).

<sup>24</sup> The Drugs and Cosmetics Act, 1940, No. 23, Acts of Parliament, 1940 (India).

<sup>25</sup> 21 U.S.C. §§ 801-971 (2018).

<sup>26</sup> 21 U.S.C. § 813 (2018).

complicated and necessitates empirical evidence of chemical similarities.

c. Casey Law<sup>27</sup>

This law strikes a balance between criminal accountability and the need for treatment and rehabilitation by emphasizing involuntary rehabilitation for those engaged in synthetic drug trafficking.

## **2. United Kingdom**

The UK's 10-Year Drug Strategy: "From Harm to Hope"<sup>28</sup> is a well-rounded alternative to harsh criminalization, the UK's strategy emphasizes prevention, treatment, rehabilitation, and law enforcement in relation to drug addiction.

## **3. Punitive v Reformative Approach**

As a result of the global debate over punitive vs reformative drug policies, some nations—such as the United States—continue to use punitive measures, while others—such as the United Kingdom and European countries—are increasingly implementing rehabilitation and harm reduction programs.

## **C. International Conventions**

1. *1961 Single Convention on Narcotic Drugs*- This convention aims to limit the production, distribution, and use of narcotics drugs to medical and scientific purposes, providing the foundation for international drug control.

2. *1971 Convention on Psychotropic Substances* - This treaty regulates psychotropic drugs and addresses the growing concern over new synthetic drugs that were emerging at the time of its drafting.

3. *1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*- This convention aims to enhance international cooperation in tackling

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<sup>27</sup> Ky. Rev. Stat. Ann. §§ 222.430-222.437 (LexisNexis 2023).

<sup>28</sup> Humphries, C. (2023). 'From harm to hope': the UK government's 10-year drug plan to cut crime and save lives—an emergency medicine perspective. *Emergency medicine journal*, 40(3), 237-238.

drug trafficking and criminal organisations involved in drug distribution.

4. *Transnational Crime Convention*- This treaty facilitates the fight against organised crime related to drug trafficking, emphasizing international cooperation for enforcement and prevention.

## CRITICAL ANALYSIS

### A. What are Novel Psychoactive Substances?

The rise of synthetic narcotics known as Novel Psychoactive Substances (NPS), which are intended to replicate the effects of restricted substances, presents serious problems for forensic science and regulatory frameworks.<sup>29</sup> Although NPS are frequently chemical variants of already-approved illegal substances, their quick spread and ongoing modification make it difficult to classify them under current drug schedules.

Effective regulation of these compounds is delayed because of this unclear classification. Despite developments in technology such as GC-MS, LC-MS, and IR Spectroscopy, which offer vital insights into chemical structures, the difficulties in regulating NPS are exacerbated by a lack of timely scientific procedures for identification. However, because these compounds are dynamic, forensic techniques must be updated on a regular basis.

### B. Toxicology of Designer Drugs

Another serious issue with synthetic medications is their toxicity. These drugs are frequently designed to target particular brain receptors, which can have detrimental physiological effects. They have a significant and often unpredictable effect on the human body, ranging from lethal overdoses to chronic health issues.<sup>30</sup>

### C. Burden on Emergency Services and Forensic Laboratories

Emergency services and forensic labs, which are frequently unprepared to handle the growing volume and complexity of cases, are now under an excessive amount of strain as

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<sup>29</sup> Pergolizzi Jr, J., Raffa, R., LeQuang, J. A. K., Breve, F., Varrassi, G., & Raffa, R. B. (2023). Old drugs and new challenges: a narrative review of nitazenes. *Cureus*, 15(6).

<sup>30</sup> Tomilin, K. Nitazenes: A Dangerous Class of Synthetic Opioids.

a result.

#### **D. Issues of Mislabeling and absence of standardised manufacturing and regulation**

Mislabelling is a serious problem with these medications. NPS are frequently marketed as legal substances, so users aren't aware of the risks they present. The extensive overuse and abuse of these medications is a result of this lack of transparency as well as user knowledge gaps.<sup>31</sup> The issue is made worse by the lack of regulated supervision and established production procedures, which results in inconsistent potency and purity and makes medical care and law enforcement more difficult.<sup>32</sup>

#### **E. Budgetary and infrastructural deficits in forensic systems**

The problem is made worse by India's forensic science systems' limited funding and inadequate infrastructure.<sup>33</sup> The timely processing of evidence is hampered by the lack of skilled staff and the frequently inadequate funding for forensic labs. Forensic capacities are limited, which slows down the judicial system and postpones justice for impacted parties and society.

#### **F. Cultural and textual distortions enabling drug use**

The normalization of drug use in society is greatly influenced by cultural and linguistic distortions. In India, cannabis-based bhaang is customarily drunk as a sacrifice to Mahadev (Lord Shiva) on holidays like Holi and Maha Shivaratri. Its potential for abuse may be hidden by this spiritual connection, which could result in its casual acceptance. These chemicals are frequently exalted in cultural representations found in media, religious texts, and folklore, which skews public opinion. Cultural customs must be respected, but there is an urgent need to raise knowledge of the dangers of abuse and encourage responsible usage so that negative effects are identified and dealt with.<sup>34</sup>

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<sup>31</sup> Barko, M. A. (2021). Role of Forensic Chemistry and Analytical Instrumentation in the Identification of Designer Drugs.

<sup>32</sup> Krasowski, M. D., & Brown, J. (2016). The new wave of designer drugs: a review for criminal justice and forensic professionals. *Forensic Scholars Today*, 2(3), 5.

<sup>33</sup> Slavova, S., O'Brien, D. B., Creppage, K., Dao, D., Fondario, A., Haile, E., ... & Council of State and Territorial Epidemiologists Overdose Subcommittee. (2015). Drug overdose deaths: let's get specific. *Public health reports*, 130(4), 339-342.

<sup>34</sup> Motyka, M. A., & Al-Imam, A. (2021). Representations of psychoactive drugs' use in mass culture and their impact on audiences. *International journal of environmental research and public health*, 18(11), 6000.

## G. Addressing Substance Use Disorder as a health condition

It is crucial to redefine substance use disorder (SUD) as a medical disease rather than a criminal offense. People with SUD are frequently criminalized under the present system, which exacerbates stigma and makes treatment more difficult to obtain. A more well-rounded legal strategy is required, one that places more emphasis on harm reduction and rehabilitation than only punitive actions.

## H. Overcriminalisation and the need for a balanced legal approach

Vulnerable people are disproportionately targeted by the overcriminalization of drug use, which frequently views addiction as a crime rather than a medical illness. A well-rounded legal strategy is required, emphasizing harm reduction, addiction treatment, and mental health care while placing more emphasis on rehabilitation than punishment.<sup>35</sup> By treating addiction as a public health concern and distinguishing between traffickers and casual users, the legal system will be less burdened, and the stigma associated with drug consumption will be lessened.<sup>36</sup>

## I. Critical appraisal of Indian policy programs

Indian policy frameworks like the **National Program for Tobacco Control and Drug Addiction Treatment and the National Action Plan for Drug Demand Reduction (NAPDDR)** are positive moves. These initiatives are criticized, meanwhile, for their inadequate execution and narrow scope. Despite its ambition, the NAPDDR lacks the strong enforcement tools required to bring about lasting change. Likewise, the National Program for Tobacco Control has not been as successful in reducing drug addiction as anticipated. More active community engagement, more public education efforts, and improved interaction with healthcare systems are necessary for both projects.

## POLICY RECOMMENDATIONS

When it comes to designer medications, waiting is disastrous. **Actions now taken will not**

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<sup>35</sup> Slavova, S., O'Brien, D. B., Creppage, K., Dao, D., Fondario, A., Haile, E., ... & Council of State and Territorial Epidemiologists Overdose Subcommittee. (2015). Drug overdose deaths: let's get specific. *Public health reports*, 130(4), 339-342.

<sup>36</sup> Madras, B. K. (2012). Designer drugs: an escalating public health challenge. *Journal of Global Drug Policy and Practice*, 206(1).

**have been taken soon enough.** Therefore, the policy response needs to be proactive rather than reactive; it should be grounded in knowledge, driven by empathy, and fearful of change.

1. **Prosecution must come after prevention.** Peer counselling, digital tools, and schoolbased instruction must all be included in national and state initiatives to detect substance use patterns early.
2. **Complete restrictions frequently result in illegal marketplaces.** Afghanistan's opiate ban's unintended consequences serve as a reminder that outright prohibitions without alternatives or treatment facilities can encourage crime rather than reduce it. India's model needs to strike a balance between reform and regulation.<sup>37</sup>
3. **Establish same-day access guidelines for medicinal opioids** and investigate intramuscular and intranasal administration methods that minimize abuse without sacrificing effectiveness. Pharmacovigilance-based prescription guidelines can reduce abuse without sacrificing treatment.
4. **Addiction is an illness, not a deviation.** Empathy, healing, and scientific knowledge should be the main themes of public message. In order to change the public's perception, the media, educational institutions, and medical facilities must work together.
5. **Invest in drug development to produce compounds with selective receptor affinity**—drugs that alleviate anxiety or pain without producing euphoric or addictive side effects. By design, this is prevention rather than merely treatment.

The legal system in India needs to be prepared to handle new psychoactive substances. By using **proactive scheduling** that is guided by toxicity databases and worldwide alerts, hazardous materials can be kept out of regulatory gaps.

6. Designer medications are not limited by geography. To respond quickly to new chemicals and overdose clusters, India should take the lead in developing **real-time**

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<sup>37</sup> Holland, A., Copeland, C. S., Shorter, G. W., Connolly, D. J., Wiseman, A., Mooney, J., ... & Harris, M. (2024). Nitazenes—heralding a second wave for the UK drug-related death crisis?. *The Lancet Public Health*, 9(2), e71e72.

**worldwide networks** for toxicological reporting.

7. **Synthetic drug analysis experts** must be employed, certified, and equipped in laboratories. It is essential to set aside funds for forensic research and development, which includes quick testing kits, AI-assisted compound identification, and portable gadgets.

Essentially, India needs to develop a scientific, strategic, and sensitive policy arsenal because the fight against designer pharmaceuticals involves more than just control—it also involves caring.

## CONCLUSION

When it comes to drug-related charges, courts are taking a more nuanced approach, striking a balance between harsh penalties and acknowledging addiction as a medical condition. Legal decisions are sometimes influenced by the dichotomy between hard and soft drugs, with hard substances usually carrying heavier punishments. In its 2011 Report, the Standing Committee stressed the need to treat casual users and addicts differently, supporting rehabilitation for those who are addicted rather than punitive measures. Addiction is increasingly being recognized as a health concern, necessitating complex legal and regulatory remedies, as drug policies change around the world.

The struggle against drug abuse is a fight for human potential, life, and dignity, not just for legal reasons. The intersection of science, policy, and law necessitates a proactive, caring strategy that looks past the criminal to the heart of the addict. As we go, let us not only uphold the law but also design a future in which prevention wins out over destruction and healing is valued over punishment. Along the way, the intersection of global cooperation, policy reform, and forensic science will light the way to a more equitable and healthy society. The foundation of a future in which drug misuse encourages recovery, resilience, and optimism rather than crippling lives is action taken today.