

LAWFOYER INTERNATIONAL
JOURNAL OF DOCTRINAL LEGAL
RESEARCH
(ISSN: 2583-7753)

Volume 1 | Issue 2

2023

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DRUGS PREVENTION LAWS IN INDIA-A CRITICAL ANALYSIS

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I. ABSTRACT

The use of drugs and narcotics substance has increased and the substances used have taken an impact on an individual's life many adults are using substantial use of these particular individuals could be cocaine, Heroin to increase the flow of dopamine and reduce stress. Many adults have taken it as an alternative to reduce stress. To control the use and prevent the use of drugs and narcotics and the pharmaceutical sectors use has become popular among adults as well as teenagers. They have just made use of these substances very common to use as it is specified in a quantity and is common among teenagers. The Drugs and Cosmetics Act, 1940 is legislation in India that regulates the import, manufacture, distribution, sale, and use of drugs and cosmetics in the country. The Act is administered by the Central Drugs Standard Control Organization (CDSCO), which is the national regulatory body for pharmaceuticals and medical devices in India. To ensure the safety, efficacy, and quality of drugs and cosmetics available in the market, and to protect the public from the harmful effects of substandard or spurious products. Drugs Control Act, depending on the specific laws and regulations that have been put in place. In some countries, the Act may be administered by a government agency or department that is responsible for enforcing the provisions of the Act and regulating the drug industry. In other countries, the Act may be enforced by law enforcement agencies, such as the police or the customs department. Teenagers need to be educated about the potential risks and dangers of drug use, as well as the potential consequences of drug abuse, such as legal issues, health problems, and social and personal consequences. Parents, educators, and other adults can play a critical role in helping teenagers understand the risks associated with drug use and in providing them with the knowledge and skills they need to make healthy, informed decisions about drugs. Also, there should be some measures to improve the stage of teenagers when they are using drugs or any substance which is

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impacting their lifestyle, so there is some measure as well discussed down for the improvement of Teenagers.

II. Keywords:

Drugs prevention, Use of Drugs, Drugs regulations, Drugs, CDSC

III. INTRODUCTION

Drug control is practically universal in affluent countries and is spreading more and more into third-world states. It is increasingly predicated on the idea that regulation is necessary to ensure that new technologies are safe. Drugs shall be properly promoted, accurately labeled, and safe and effective. In other words, the potential advantages and risks of modern medications are too significant to be left to the market and the unchecked operation of the pharmaceutical sector. The idea of regulating drugs and the pharmaceutical sector is a relatively modern development, although social control over the use of medications and those who dispense and prescribe them is a very old idea. Nearly 200 years ago, two events paved the way for the establishment of the contemporary pharmaceutical business and, subsequently, global drug regulation-

- a) In the United States and Europe, patent laws were put in place to give patented products, such as medications for several years following its introduction, and
- b) the discovery of pure morphine from raw opium by a German pharmacist in 1805 served as the foundational moment in the history of drug research.

Prior to being released onto the market, drugs are put through extensive testing. During clinical trials, they are initially evaluated on animals before being used on people. The drug's safety and efficacy profiles are examined.² Despite this, certain pharmacological side effects do not manifest until after the drug has been used by the broader public. Pharmacovigilance, a method of ongoing monitoring after the drug is introduced, is how these negative effects are discovered.

² "Prevention of Drug Use and Treatment of Drug Use Disorders in Rural Se" by John A. Gale MS, https://digitalcommons.usm.maine.edu/behavioral_health/25/ (last visited Oct. 25, 2023).

In India, the possession and use of drugs is regulated by the Narcotic Drugs and Psychotropic Substances Act (NDPS Act) of 1985. This act prohibits the possession, use, and distribution of certain drugs, including both illicit drugs and drugs that are available by prescription for medicinal purposes. There are several landmark case laws in India that have addressed the issue of possession of drugs for medication.

Since then, more regulation and scientific advancements have advanced concurrently, albeit occasionally in unison. With a focus on patented items and advertising directly to the public, patent laws in the United States and Europe created a way for industrial competition.

IV. DRUGS PROTECTION LAWS – GLOBAL PERSPECTIVES

United States and European drug laws. A little more than a century ago, England passed the first specific drug control law in 1900, Switzerland established a federal agency tasked with drug regulation, the Interkantonale Kontrollstelle FTIR Heilmittel (UK). Before passing the Pure Food and Drug Act of 1906 in the US, Congress debated the matter for more than 30 years. Early discussions and laws placed a strong emphasis on safeguarding consumers against blatantly false advertising and the sale of tainted and adulterated food and medications. Even though most European nations created some sort of drug regulation in the early 20th century, several only had rudimentary systems in place as late as 1960. One of the first nations to establish drug safety and efficacy regulations was Sweden, followed by Norway. The legislation in Norway dates back to 1928³, but Sweden was the first country to establish a medication regulatory regime that enforces rigorous controls over a medication regulatory regime that enforces rigorous controls throughout 1934 marketing and approval. To provide advice to the state, a Board on Pharmaceutical Specialties was created. Consequently, the only medications that could be marketed were those on a collection of 2,500 to 3,000 registered pharmaceuticals. Evaluations were made based on effectiveness, safety, the truthfulness of the advertising, and fair pricing⁴.

³ WILLIAM M. WARDELL, *CONTROLLING THE USE OF THERAPEUTIC DRUGS: AN INTERNATIONAL COMPARISON* (1978).

⁴ JENNIFER MCNEELY & ANGELINE ADAM, *SUBSTANCE USE SCREENING AND RISK ASSESSMENT IN ADULTS* (2020), <http://www.ncbi.nlm.nih.gov/books/NBK565474/> (last visited March 12, 2023).

V. DRUG POLICIES IN INDIA - ITS STAGES

The Import, Manufacture, Distribution, and Sale of Drugs and Cosmetics in India are regulated under the Drug and Cosmetics Act, of 1940. The Act designates the sale of subpar medications as a serious offense since these medications have the potential to cause people harm. A jail sentence or fine may be issued by this Act. Additionally, the Central Drugs Standard Control Organization (CDSCO) was created to carry out the duties imposed by the Drugs and Cosmetics Act. The State Health Department is required to control drug production, sales, and distribution. Drug inspectors oversee the execution on the ground. The Central Drugs Standard Control Organization of the Health Ministry and Welfare (CDSCO) oversees the regulation of medications in India. Directorate General of Health Services is in charge. DCGI, the Drugs Controller General of India, is in charge of overseeing CDSCO's regulation of pharmaceutical products.

The majority of India's pharmaceuticals are governed by the Drugs and Cosmetics Act, pharmaceutical product policy (DCA). The DCA was initially passed in 1940 and has subsequently undergone numerous amendments.⁵

The Medications & Cosmetics Act 1940 and the Drugs & Cosmetics Rules 1945, The Pharmacy Act of 1948, as well as the Drugs & Magic Remedies (Objectionable Advertisements) Act of 1954, were both passed, all regulatory issues relating to the import, production, sale, and advertisements of drugs in India.⁶

*State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*⁷ In this case, the Gujarat High Court upheld the conviction of a group of individuals who had been found guilty of cultivating and possessing cannabis. The court found that the evidence presented at trial, including testimony from witnesses and physical evidence, was sufficient to support the conviction.

⁵ INDIAN DRUG REGULATORY SYSTEM: MOVING TO A NEW ERA, PHARMATUTOR, <https://www.pharmatutor.org/articles/indian-drug-regulatory-system-moving-new-era> (last visited Feb 25, 2023).

⁷ 2005 8 SCC 534. 66

*State of Tamil Nadu v. K. Chandra*⁸ In this case, the Madras High Court upheld the conviction of an individual who had been found guilty of possession of cannabis. The court found that the individual had intentionally and knowingly possessed the drugs, and that there was sufficient evidence to support the conviction.

*State of Maharashtra v. Sanjay Dutt*⁹ In this case, the Bombay High Court upheld the conviction of an actor who had been found guilty of possessing illegal firearms and possessing cannabis. The court found that the actor had deliberately and knowingly possessed the drugs and that there was sufficient evidence to support the conviction.

Within India's present regulatory regime, the relevant laws govern the production, sale, importation, sale, and medical trials of cosmetics and pharmaceuticals and Other laws may have an impact on how medicines are made, distributed, and sold in India. The crucial ones are Industries (Development and Regulation) Act, 1951, Trade and Merchandise Marks Act, 1958, The Factories Act and the Indian Patent and Design Act, 1970.

VI. THE CENTRAL DRUGS STANDARD CONTROL ORGANIZATION (CDSCO)

The Official Drugs Standard Control Organization is indeed the federal drug agency formed to conduct out all the national administration's powers under the Drugs and Cosmetics Act (CDSCO). It reports to the Directorate General of Health Services of India's Department of Health and Parent Health. CDSCO includes six zonal offices, four sub-zonal offices, 13 port offices, & 7 laboratory across the country.

As per the Drugs and Cosmetics Act, CDSCO is accountable for assessing new pharmaceuticals, clinical testing, creating medication regulations, evaluating the effectiveness of imported pharmaceuticals, and synchronizing actions of State Drug Control Organizations by offering expert guidance in order to bring conformity to the Drugs and Cosmetics Act's regulation.¹⁰

⁸ AIR 204, 1985 SCR Supl. (2) 100

⁹ 1995 SCC (6) 189 JT 1995 (7) 378 1995 SCALE (5)759

¹⁰ What parents should know about teen drug abuse, MAYO CLINIC, <https://www.mayoclinic.org/healthy-lifestyle/tween-and-teen-health/in-depth/teen-drug-abuse/art-20045921> (last visited April 04, 2023).

VII. AFFECTS THE BRAIN WHENEVER ANYONE USES DRUGS

Numerous drugs influence the brain's "reward centers," which causes euphoria and floods the brain with the dopamine. When a reinforcement system is functioning properly, a person is compelled to repeat preservation behaviours including ingesting and spending time with friends and family. Dopamine spikes in the rewarding circuit encourage pleasurable but risky activities such as heroin use, pushing users to repeat the activity.

A person is compelled to repeated preservation activities including such ingesting and spending time with friends and family. Dopamine spikes in the rewarding circuit encourage pleasurable but risky activities such as heroin use, pushing users to repeat the activity. As a consequence, the user gets a lower pleasure than when they first started using the substance. This is referred to as forbearance. They can use more of the chemical to achieve the same high. These cognitive impairments usually cause a person's ability to appreciate formerly rewarding activities such as nutrition, sexuality, or interpersonal relationships to deteriorate with time.

Long-term usage also changes other chemical control systems in the brain, influencing activities such as: Study, Decision making, Learning, Stress / Anxiety, Behaviour, Memory¹¹.

Teenagers drugs misuse may have the following negative consequences:

1. **Addiction to drugs**-Adolescent drug users are more prone to acquire serious drug issues later in life.
2. **Poor decision-making abilities**-Adolescent drug use is related with poor judgment in personal and social connections.
3. **Sexual behavior**- High-risk sexual behaviour, unsafe sex, and unwanted pregnancy have all been connected to drug use.

¹¹ National Institute on Drug Abuse, *Understanding Drug Use and Addiction DrugFacts*, NATIONAL INSTITUTE ON DRUG ABUSE (2018), <https://nida.nih.gov/publications/drugfacts/understanding-drug-use-addiction> (last visited Feb 12, 2023).

4. **Mind-body problems-** Drug misuse can aggravate or raise the danger to one's psychological health illnesses such as anxiety / stress.
5. **Driving when intoxicated-** Travelling while as in presence of any substance can impair a motorist's motor skills, endangering the vehicle, occupants, and the someone else on the road.
6. **Academic performance changes-** Substance misuse can have a negative impact on academic achievement.

Drug usage can lead to addiction, severe disability, sickness, and death. The following are some of the health hazards associated with commonly used drugs:

1. **Cocaine-** Cocaine is associated with an increased risk of Heart condition, hemorrhage, and convulsions are all possibilities.
2. **Ecstasy-** Ecstasy can cause hepatic and heart failure.
3. **Inhalants-** Long-term inhalant usage may affect the heart, lungs, liver, and kidneys.
4. **Marijuana-** Early and regular use is related with a risk of memory, memory, problem - solving skills, and concentration impairment, as well as a risk of schizophrenia later on in life (schizophrenia, hallucination, or paranoid).
5. **Methamphetamine-** Long-term or high-dose use may result in psychotic behaviour.
6. **Opioids-** Overdoes pose a risk of respiratory distress or death.
7. **Electronic cigarettes (vaping)-** Overdoes pose a risk of breathing difficulties or death.

VIII. DRUG PREVENTION STRATEGIES IN INDIA

There are some other strategies to prevent teen drug abuse:

1. **Recognize your teen's activities-** Keep a watch on your teen's movements. Find out what things your child enjoys that are adult-supervised and urge them to engage.

2. **Make rules and assign consequences-** Explain your family customs, such as abandoning a drug-involved party and avoiding driving with a narcotic driver. If your teen breaks the rules, make sure the punishments are consistent.
3. **Discover your teen's friends-** If your teenager's peers' experiment with drugs, he or she could feel forced to do so as well.
4. **Keep note of all prescription prescriptions-** Create a list of all the prescribed in your home.
5. **Understand what your teen is doing-** Keep a watch on your teen's whereabouts. Identify your teen's favourite adult-supervised activities and push him or her to engage in those.
6. **Establish ground rules and consequences-** Explain your family's rules, such as not attending a drug-related party and not traveling with a narcotic driver. Punish your teen regularly if he or she violates the rules.
7. **Find out about your teen's friends-** Your teen may feel compelled to attempt drugs if his or her peers do.
8. **Create a record of all prescription medications-** Create a list of all your prescribed and an over medication.
9. **Provide support-** Whenever your teen achieves, give him or her praise and support. A solid link for both you and your teen may help keep your teen away from the drugs.
10. **Set a good example-** Consume alcohol in moderation. Legal drugs should be taken exactly as prescribed. Don't experiment with illegal drugs.

If you believe or realize that your adolescent is testing with or abusing drugs, take the following precautions:

1. **Speak with him or her-** It is never too early to intervene. Casual drug usage can progress to compulsive use or addiction, resulting in accidents, legal troubles, and health issues.
2. **Promote honesty-** Talk softly and clearly, expressing your concerns. Provide specifics to back up your opinion. Check out any promises he or she made.

3. **Concentrate on the behaviour, not the person-** Stress that drug use is hazardous, but it does not imply that your kid is a nasty person.
4. **Check in Frequently -** Spend extra time with your kid, be aware of his or her activities, and discuss issues when he or she gets back home.
5. **Seek Expert assistance-** If you fear your adolescent is abusing drugs, seek assistance from a doctor, therapist, or other socialized health care professional.

That it's never too soon to start talking about drug usage with your adolescent. Such discussions can help your youngster make much better judgments in the upcoming. There are detailed references available.¹²

IX. CONCLUSION

In conclusion, the prevention of drug use among teenagers is a complex and multifaceted issue that requires a comprehensive approach that addresses the root causes of drug use as well as the social and cultural factors that contribute to drug use among young people. Some effective measures that can be taken to prevent drug use among teenagers include education and awareness campaigns, support and counseling services, and community-based prevention programs that aim to build resilience and strengthen protective factors among young people. It is also important to ensure that appropriate laws and policies are in place to deter drug use and to provide support for those who are struggling with addiction. By addressing the problem of drug use among teenagers in a comprehensive and proactive manner, we can help to create a safer and healthier future for all young people. The use of drugs among teenagers is a serious issue that requires a comprehensive approach to prevention.

Some effective measures that can be taken to prevent drug use among teenagers include educating young people about the risks and dangers of drug use, providing access to support and resources for those who are struggling with substance abuse, and enforcing laws and regulations that prohibit the possession and use of drugs. It is

¹² What parents should know about teen drug abuse, MAYO CLINIC, <https://www.mayoclinic.org/healthy-lifestyle/tween-and-teen-health/in-depth/teen-drug-abuse/art-20045921> (last visited Dec 18, 2022).

also important to address the underlying social and economic factors that contribute to drug use, such as poverty, social isolation, and lack of access to education and employment opportunities. By taking a multifaceted approach to drug prevention, it is possible to reduce the prevalence of drug use among teenagers and promote healthy, drug-free communities.

X. REFERENCES

- “Prevention of Drug Use and Treatment of Drug Use Disorders in Rural Se” by John A. Gale MS, https://digitalcommons.usm.maine.edu/behavioral_health/25/ (last visited Dec 25, 2022).
- WILLIAM M. WARDELL, CONTROLLING THE USE OF THERAPEUTIC DRUGS: AN INTERNATIONAL COMPARISON (1978).
- P. K. M. Lunde, M. Andrew & I. Baksaas, *Drug Utilization Studies – an Instrument in Drug Research*, in EPIDEMIOLOGICAL CONCEPTS IN CLINICAL PHARMACOLOGY 57 (Helmut Kewitz, Ivar Roots, & Karlheinz Voigt eds., 1987).
- Drugs and pharmaceuticals | National Health Portal Of India, https://www.nhp.gov.in/drugs-and-pharmaceuticals_pg (last visited Dec 18, 2022).
- Martin Levey, *FOURTEENTH CENTURY MUSLIM MEDICINE AND THE HISBA**, 7 MEDICAL HISTORY 176 (1963), <https://www.cambridge.org/core/journals/medical-history/article/fourteenth-century-muslim-medicine-and-the-hisba/1ED8DC49FF5EEF00C64299AF98375A48> (last visited Dec 18, 2022).
- INDIAN DRUG REGULATORY SYSTEM: MOVING TO A NEW ERA, PHARMATUTOR, <https://www.pharmatutor.org/articles/indian-drug-regulatory-system-moving-new-era> (last visited Dec 18, 2022).
- P R Lee & J Herzstein, *International Drug Regulation*, 7 ANNUAL REVIEW OF PUBLIC HEALTH 217 (1986), <https://doi.org/10.1146/annurev.pu.07.050186.001245> (last visited Dec 18, 2022).
- Join ResearchGate for free, RESEARCHGATE, <https://www.researchgate.net/signup.SignUp.html> (last visited Dec 18, 2022).
- Orphan drugs (1985 edition) | Open Library, https://openlibrary.org/books/OL2868692M/Orphan_drugs (last visited Dec 18, 2022).
- Pills, Profits, and Politics - Milton Silverman, Philip Randolph Lee - Google Books, https://books.google.co.in/books/about/Pills_Profits_and_Politics.html?id=pBdjSx8SfwcC&redir_esc=y (last visited Dec 18, 2022).
- Prevention of drug use and treatment of drug use disorders in rural settings – revised version.

- Regulation of therapeutic goods, WIKIPEDIA (2022), https://en.wikipedia.org/w/index.php?title=Regulation_of_therapeutic_goods&oldid=1105661934#India (last visited Dec 18, 2022).
- JENNIFER MCNEELY & ANGELINE ADAM, SUBSTANCE USE SCREENING AND RISK ASSESSMENT IN ADULTS (2020), <http://www.ncbi.nlm.nih.gov/books/NBK565474/> (last visited Dec 18, 2022).
- GRAHAM DUKES, THE EFFECTS OF DRUG REGULATION: A SURVEY BASED ON THE EUROPEAN STUDIES OF DRUG REGULATION (2012).
- R. G. Penn, *The state control of medicines: the first 3000 years.*, 8 BRITISH JOURNAL OF CLINICAL PHARMACOLOGY 293 (1979), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1429842/> (last visited Dec 18, 2022).
- Duncan Campbell, *The world in drugs use 2009*, THE GUARDIAN (2009), <http://www.theguardian.com/news/datablog/2009/jun/24/drugs-trade-drugs> (last visited Dec 18, 2022).
- National Institute on Drug Abuse, *Understanding Drug Use and Addiction DrugFacts*, NATIONAL INSTITUTE ON DRUG ABUSE (2018), <https://nida.nih.gov/publications/drugfacts/understanding-drug-use-addiction> (last visited Dec 18, 2022).
- What parents should know about teen drug abuse, MAYO CLINIC, <https://www.mayoclinic.org/healthy-lifestyle/tween-and-teen-health/in-depth/teen-drug-abuse/art-20045921> (last visited Dec 18, 2022).
- World-drugs-report-graphi-001.jpg (940×934), <https://static.guim.co.uk/sys-images/Guardian/Pix/pictures/2009/6/24/1245863161392/World-drugs-report-graphi-001.jpg> (last visited Dec 18, 2022).