

Drug Dependence And Its Medicolegal Aspects

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Abstract

Drugs should normally be used for sound medical reasons only but with the increasing stresses of life and the varieties of drugs available, they are now being used for recreation, in an attempt to enhance performance & to promote well being, etc. The number of drugs which are being used for Addiction is increasing day by day.

Drug Dependence is the impaired control over the use of psychoactive substances Often characterized by physiological dependence. Our society is flooded with psychoactive substances that alter the mood & twist perception. Drug Dependence or Addiction is harmful to the individual as it leads to mental & physical degeneration. It is very harmful to the society as it leads to moral degeneration.

Most governments have designed legislation to criminalize certain types of drugs used. Although the legislation may be justifiable on moral or public health grounds, it can make addiction or dependency a much more serious issue for the individual.

Keywords – Drug abuse, Drug dependence, Psychotropic drug

Introduction

Drug dependence or drug addiction is a growing problem in India defined as a disease in 1956 by the World Health Organization and the American Psychiatric Association, *drug abuse* is the illicit consumption of any naturally occurring or pharmaceutical substance for the purpose of changing the way, in which a person feels, thinks or behaves, without understanding or taking into consideration the damaging physical and mental side-effects that are caused. It is a substance, which is not food and which, when ingested, affects the functioning of the mind or the body or both.

The common drugs of abuse amongst children and adolescents in India are tobacco and alcohol but use of illicit and stronger drugs like cannabis, opium or even intravenous use of drugs such as heroin have also been reported. A new trend has emerged in drug and substance abuse with children now taking a cocktail of drugs through

injection and often sharing the same needle, which increases their vulnerability to HIV infection.

Though drug addiction has become a large phenomenon in India in the past two decades affecting all segments of society, the use of whitener, alcohol, tobacco, hard and soft drugs is an especially wide spread phenomenon. It is difficult to assess the problem, estimate social and economic costs and design intervention strategies.

However according to a nationwide survey spread over 13 states by the NGO in association with the Ministry of Women and Child Development and other organization, 32.1% children, below the age of 18, have tasted alcohol, bhang, ganja, heroin or other form of narcotics. According to other recent data, among those involved in drug and substance abuse in India, 13.1% are below 20 years.

Heroin, opium, alcohol, cannabis and propoxyphene are the five most common drugs being abused in India. People start on drugs for a number of reasons, from curiosity, recreation to the need to cope with stress but drug abuse and addiction lead to a complex set of social, medical and economic

problems with serious implications. Some substances present in easily available products like cough syrups, pain relief ointments, glue, paint, gasoline and cleaning fluids are directly toxic and often abused by children. Even a single session of repeated inhalant abuse can disrupt heart rhythms and cause death from cardiac arrest or lower oxygen levels, enough to cause suffocation. Regular abuse of inhalants can result in serious damages to vital organs including brain, heart, kidney and liver as well as in mental complications. Physically, the body develops also tolerance for it. This can lead to increases in consumption, which eventually leads to physical dependence.

Drug Dependence

Definition

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Drug abuse and dependence 'represents different ends' the same disease processes. Over the long-term, this dependence results in physical harms, behavioral problems and association with people that have seen seems abused. The actions of drugs are misused in all fields. This misused is not limited to therapeutic purposes, but to terminate the frustrated lives as well. During the past few years, dramatic changes have occurred in the field of drugs abuse. Magnificent increases is everywhere in the number of drug users who are the member of dominant culture. These users turn to some form of crude amateur crime like burglary, robbery and even the prostitution to support their habits. Juvenile's addiction in the larger cities has become a major problem causing substantial harm to the society.

Types-

1. physical dependence / physiological dependence
2. psychic dependence / psychological dependence
3. cross-dependence →
4. drug dependence ← toleration

WHO classification

1. Suppressant of central nerve
2. Nicotine or tobacco
3. Opioid
4. antimelancholic
5. cannabis
6. hallucinogenic drug
7. Fugitive compound

Psychotropic drug

1. Repeated medication,
2. Affect C.N.S excited/inhibited
3. to bring about psychological dependence
 - 1) Sedative hypnotics / antianxiotic
Barbiturates, benzodiazepines
 - 2) psycho stimulant
Amphetamines, Ritalin, caffeine
 - 3) psychodelic
Cannabinol, cannabidiol

Controlled drugs

Drug abuse is the use of illegal drugs, or the misuse of prescription or over-the-counter drugs. A controlled (scheduled) drug is one whose use and distribution is tightly controlled because of its abuse potential or risk. Controlled drugs are rated in the order of their abuse risk and placed in *Schedules* by the Federal Drug Enforcement Administration (DEA). The drugs with the highest abuse potential are placed in Schedule I and those with the lowest abuse potential are in *Schedule V*.

Causes of Drug dependence

A normal person has no tendency to become a drug addict and is most unlikely to become one, even when all the facilities are available (Reddy, 1999). However, the hereditary factors, peer pressure, anxiety, emotional disturbances, environmental stress, depression, unstable personality, recreation, too much gain, adverse social reactions, physical inability to do a job, curiosity,

chronic pain from cancer, etc., are some of the causes of drug addiction. Peer pressure can lead to drug use or abuse, but at least half of those who become addicted have depression, post-traumatic stress disorder and ADD (attention deficit disorder).

Drug dependence results from series of factors, including social and family issues, availability or fashion trend. Personality is another factor that may play an important role in the predisposition, precipitation or perpetuation of abuse or dependence behaviors. Stopping the use of the drug can result in a specific withdrawal syndrome (http://www.emedicinehealth.com/drug_dependence_and_abuse/article_em.htm) and usually carry the opposite symptoms than the effects of the substance used.

Drug abuse is not a matter of moral weakness or faulty willpower. It is a vicious cycle that actually causes change in the brain, leading to stronger and impulses to use. Without help, drug abuse destroys families and takes lives.

Most of the countries have designed legislation to criminalize certain types of drug use. These drugs are often called "*illegal drugs*" but generally what are illegal are their unlicensed production, distribution, and possession. These drugs are also called "*controlled substances*". Even for simple possession, legal punishment can be quite severe including the capital sentence.

India has braced itself to face the menace of *drug trafficking* both at the national and international levels. Several measures involving innovative changes in enforcement, legal and judicial systems have been brought into effect. The introduction of *death penalty* for drug-related offences has been a major deterrent.

Acts and Laws related to Drugs in India

At present the following Acts and Rules made here under that governs the manufacture, sale, import, export, and clinical research of drugs and cosmetics in India.

1. The Drugs and Cosmetics Act, 1940
2. The Pharmacy Act, 1948
3. The Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954
4. The Narcotic Drugs and Psychotropic Substances Act, 1985

5. The Medicinal and Toilet Preparations (Excise Duties) Act, 1956
6. The Drugs (Prices Control) Order 1995 (under the Essential Commodities Act)

Some other laws:

There are some other laws, which have a bearing on pharmaceutical manufacture, distribution and sale in India. The important ones being:

1. The Industries (Development and Regulation) Act, 1951
 2. The Trade and Merchandise Marks Act, 1958
 3. The Indian Patent and Design Act, 1970
 4. Factories Act 1948
- The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 –
 - Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 2 (d)

Initiatives developed or that may be developed by government and non-government organizations to drug abuse

Health education and awareness of the public in general and of the youngsters at school and in community is essential. Community based programs are beneficial for prevention and treatment of substance abuse among children and adolescents. Seminars, rallies, media campaigns as well as plays and games to reach children and especially the most vulnerable of them, those living on the streets, those deprived of parental care or child laborers have been already organized but must still be developed.

A national master plan for substance abuse was evolved in 1994 which focuses on the establishment of treatment and rehabilitation centers, training in substance abuse for primary care doctors and other personnel, collaborating with non-governmental organizations and carrying out education and awareness building programs. There are currently in India about 359 counseling centers for drug abuse prevention that also propagate awareness. The government finances also more than 50 NGOs, which are engaged in drug abuse prevention activities. A tripartite agreement between the government, ILO and UNDCP has been signed

to help full rehabilitation and recovery of drug addicts.

Conclusion

Regardless of the legal implications, a drug addict who is otherwise a respectable member of the dominant culture cannot be regarded as a criminal, simply because he uses drugs. He has an unfortunate personality defect.

Treatment cannot take place unless the individual attends for treatment. He must come to learn with the possibility of a life without drug taking. Unfortunately, drug takers, as a rule, have little or no motivation to undergo treatment. Alcoholics tend to deny that their consumption is abnormal; others openly defend their habits. Long-term treatment is not only a medical problem, but needs the cooperation of psychologists and sociologists. Strong family support, social rehabilitation and training for gainful employment are the most important components after weaning addicts away from drug dependency to prevent relapses. It is a disease and not a character defect. A person being treated for this condition requires the same respect as a person with any other medical condition. A drug known to have serious side effects and which has been banned in parts of Europe is still available in India, despite reports in the press of several deaths in the subcontinent among people who had been taking it.

There has been a media furor in India over reports of adverse reactions to nimesulide, a nonsteroidal anti-inflammatory drug, which has been reported as causing liver toxicity. Although it was approved for use in India in 1994 for painful inflammatory musculoskeletal disorders, it is often used for pain relief and fever.

References

1. <http://cdsco.nic.in/html/law.htm>.
2. <http://ncdap.nisd.gov.in/dams/>
3. Anil Aggrawal, Narcotic Drugs, National Book Trust, India (1995) pp. 52.
4. Office of National Drug Control Policy Web Site.
5. India Emerging as Big Cocaine Market, Pradeep Thakur, Times News Network June 4 (2006).
6. National Survey on Drug Use and Health (Substance Abuse and Mental Health Administration Web Site).

7. Monitoring the Future (University of Michigan Web Site).
8. World Health Organization, Neuroscience of Psychoactive Substance Use and Dependence (2004).
9. National Survey on Drug Use and Health (Substance Abuse and Mental Health Administration Web Site).
10. M. Herkenham, A. Lynn, Little MD, et al. Cannabinoid Receptor Localization in the Brain. Proc. Natl. Acad. Sci., USA **87(5)**, 1932–1936 (1990).
11. H. G. Pope, A. J. Gruber, J. I. Hudson, M. A. Huestis and D. Yurgelun-Todd, Neuropsychological Performance in Long-term Cannabis Users, Arch Gen Psychiatry, **58(10)**, 909–915 (2001)
12. 18. www.ilo.org