

Legalizing Marijuana- A Road Less Travelled

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Abstract

Marijuana a drug or herb of considerable conflict in India, is also known to have been circulated within the country, despite the laws in the country having declared its dealing, usage, trading and consumption as illegal. An herb or a drug has different names and these are all well-known throughout the globe – whether it is weed, ganjah, and even Mary Jane . It looks more like a grass and is essentially a greenish-grey dried flowers mixture. The dried flowers belong to the Cannabis Sativa plant. A number of laws have been drawn up around the world to make marijuana consumption, trade and purchase illegal in their respective jurisdictions. The scenario in India is getting changed as specifically Marijuana has religious and spiritual significance in Indian culture.

In this research article researcher thrown light on the cultural significances and medicinal use of the herb in Indian perspective along with critically analyzes NDPS Act, 1985 enforced in India

Keywords

MARIJUANA, CANNABIS, DECRIMINALISATION, LEGALISATION, MEDICINAL USE

Research Methodology

The study includes Marijuana laws, reports on the effects of Marijuana. The researcher has used a doctrinal research method for this research, as the research relies on secondary sources of data.

Introduction

Marijuana has a long and illustrative history. It has a colorful history in India antedate at least two millennia. Many people mistake Marijuana for a recreational drug only, but it is a versatile plant with numerous applications. Since ancient times, people have been using the cannabis plant and its various parts to improve their daily lives. However, until now, many of us have had no idea how useful it is. What is exactly Marijuana is The five plants are more clearly mentioned in Atharva Veda, Book 11, Hymn 8, 7 Verse 15:

"To the five kingdoms of the plants which Soma rules as Lord we speak.

Darbha, hemp, barley, mighty power: may these deliver us from woe."

The word 'Bhang' here refers to the cannabis plant.

Origin of Marijuana

The hemp plant was probably introduced into India by the original Aryan tribes sometime in the second millennium B.C. These migrating invaders most likely entered the Indian subcontinent through accessible passes in the area's high mountainous regions. Thus, in the early stages of Indian history, hemp was most likely a relatively unknown plant for the majority of the population centered on lowland doabs (interfluves) and riverine valleys-- Merlin (1973)

Cannabis is a fast-growing plant that originated in Central Asia and belonged to the Cannabis family. This annual flowering herb has traditionally been used to treat illnesses. Even in modern times, cannabinoids derived from the plant have proven to be beneficial to some patients.

Several Doctors wrote books about the use of Marijuana in 1500s; Garcia de Orta published a book about the helpfulness of bang, such as the book "Colloquia on the simple and drug-related issues of India" published in 1534. Cristobal Acosta wrote in 1590 a book on Bhang Recipes, entitled "Tract on East Indian Medicines."

Initially, In India white rulers attempted to outlaw the substance on several occasions. To discourage marijuana consumption, the Crown government-imposed Marijuana taxes in 1798. However, in 1893-94, the Indian Hemp Drugs Commission issued a report, eventually giving up when its commission declared that "moderate use of these drugs is the rule" and that "the injury is not marked" even among "exceptional" excessive users, and that "the effect on society is rarely appreciable." These astute observations have stood the test of time, with hundreds of studies conducted over the last century confirming these findings.

Importance of Marijuana in Indian Context

Since ancient times, Cannabis has played and continues to play a sacramental role in India. The ongoing utilization of Cannabis throughout thousands of years provides a great deal of insight into the beliefs and role of Cannabis, most probably in the ancient world.

The Sanskrit word for Cannabis comes from a former Indo-European root. The Sanskrit names of Bhang and Gangika are according to the origin of the crops of Alphonse de Candolle.

However, as would be shown, Indian Cannabis is ancient medicine and a spiritual intoxicant substance, even though this has been discussed. As Dr Tod Mikuriya, a late pioneer in medicine, remarked: "The nature of the earliest medical use of cannabis in India seems to be at odds." It was used as medicine before 1000 B.C. "The medicinal and sacred use of Mikuriya (1973)" in India predates records by letter (Atharva Veda, 1400 B.C..." (La Barre, 1980).

In the ancient Ayurvedic Indian Medicine system, there are several references to Cannabis. Ayurveda's mythological origins can be traced back to about 5,000 years ago when wise men came to the Himalayas. The Sages, who came from all over the country, exchanged their knowledge of healing, which was passed down verbally for several generations before being committed to writing around the first century AD.

In India, Cannabis is unlawful. However, how overwhelmingly it is in the social and spiritual landscape in India is remarkable. It is prevalent among ascetics and mendicants and is often consumed as part of celebrations and a variant known as 'bhang.' Cannabis is so deeply entwined with India that it is named after one Hinduism's most important deities, Shiva.

Uses of Marijuana

For thousands of years, an ancient crop known as hemp has been used to make paper and textiles. The oldest relic of the human industry is a scrap of hemp fabric from around 8,000 BC.

Industrial hemp is a non-psychoactive strain of the cannabis plant. It cannot get anyone high because it contains less than 1% THC. Whereas,

Marijuana is the strain containing the psychoactive ingredient. It has undergone multiple breedings, cross-breedings, and in-breedings, resulting in thousands of strains today.

THC is the main ingredient in Marijuana that makes it appealing. It is well-known for its mind-altering properties and mood swings. As a result, Marijuana remains illegal in the majority of countries and states.

Industrial Use of Marijuana

Cannabis (Industrial Hemp) is a farm commodity grown for the production of a variety of products. Fiber-boards and furniture with food and beverages, cosmetics and personal care products, nutritional supplements, manufacture and textile, yarns and spun fibers are included in these products, paper, construction, etc.," it was stated.

Farmers would benefit greatly from cannabis cultivation if there were no prohibition on the cultivation of industrial Cannabis."

Uses of Marijuana as food

From the past to the present, the cannabis plant has proven beneficial to humans and even animals. Here are some of the uses of marijuana plants that helps to understand how useful they are , just like animal Food as Hemp seeds are for birds as oats are for horses.

Hemp seed oil was used widely in Europe before hemp was outlawed. Regardless, numerous studies have shown that it has health benefits such as cholesterol control.

Criminalizing Marijuana Post-independence

After independence, India continued to defy foreign pressure by opposing the inclusion of Marijuana in the Convention on Narcotic Drugs in 1961, citing its role in social and religious customs. The international community granted India a reprieve on the condition that the government did not export Marijuana and that it be criminalized within 25 years. Therefore the Narcotic Drugs and Psychotropic Substances Act was conceived in India in 1985, which allowed bhang while criminalizing Marijuana (equivalent to banning cigarettes but allowing beedis).

Western countries have been forced to make Marijuana illegal. These western countries have now legalised weed in some parts of their country and are in the process of legalizing weed in other parts of the country after realizing its utility. Cannabis has been a part of our culture for millennia. People's lives are being ruined all the time by allowing substances like tobacco and cigarettes, but something more natural and spiritual is being separated and drawn out of society.

The Narcotic Drugs and Psychotropic Substances Act of 1985, also known as the NDPS Act, makes it illegal to manufacture, own, deal in, transport, or consume psychotropic substances.

There were no changes following the implementation of the Narcotic Drugs and Psychotropic Substances Act.

Following independence, the Narcotic Drugs and Psychotropic Substances Act of 1985 was enacted without taking into account the herb's benefits or the history of its use in India. "The issues addressed by members of Parliament were primarily limited to the problem of illicit drug trafficking and drug addiction among young people," It is also claimed that it is 'unfathomable' that the government operates bhang-shops in the country while Marijuana is illegal, given that the content of both is the same.

The Narcotic Drugs and Psychotropic Substances Act contains 83 sections that include all types of drugs such as marijuana, hashish, bhang, smack, heroin, cocaine, and group all types of drugs in one act. There was no distinction between hard drugs and soft drugs, and all drugs, including Marijuana, were prohibited.

It must be clear that it does not seek to utterly de-regulate marijuana use but instead insists that regulations must adhere to the requirements of "reasonable restriction."

Impact of Criminalizing Marijuana under NDPS Act,1985

Members of the United Nations met in Geneva in 1972 to sign the Single Convention on Narcotic Drugs. At that time, the Nixon administration in the United States wanted member countries to enact strict drug-control legislation. India also took part in the convention, so it decided to enact a law relating to drug control as decided by the Nixon administration as a result NDPS Act,1985 came into force 18 years later. However, though it was criminalized under NDPS Act,1985 The user of Marijuana kept its consumption for recreational and other purposes as it is even after the use of Marijuana banned, reason behind is a failure in the strict implementation of the provisions of law, and while drafting the said law minimal discussion and debate happened. In NDPS Act of how users are regarded as addicts, there must be a clear distinction between a recreational user, a dependent, and an addict. A recreational user is someone who uses a narcotic or psychotropic substance for fun and is not addicted or dependent on any drug and he is also considered as a drug abuser and criminalizes.

Arguments in favour of Criminalizing Marijuana

The effects of Marijuana are felt in the central nervous system (CNS). Marijuana is designed to reduce pain, inflammation and spasm and seizure control help. However, specific long-term adverse effects on the CNS must be taken into account.

THC, the primary psychoactive substance in Marijuana, causes the brain to create much dopamine, a "feel good" chemical that is naturally present. It can improve sensory perception and time perception. THC changes the way you process hippocampus information, which may affect your judgment. Since the hippocampus is responsible for memory, forming new memories while high may be challenging.

Argument in favour of De-criminalising Marijuana

If Marijuana is legalized in our country, our government could earn much money. According to the 'India Times,' an average joint weighs 0.32 grams, so 1 gram equals three joints, implying that Delhi rolls 114 million joints and Mumbai rolls 97 million joints each year. According to a study published in 'India Today' in the year 2020, if Cannabis is legalized in India, Mumbai and Delhi can earn Rs 725 crore and Rs 641 crore, respectively, is sold at the same price as cigarettes. If India had kept Marijuana legal in 1985, it would have been used for good, and people would use it without fear.

The Great Legislation India Movement Trust filed the petition through advocates Avinash K Sharma and Ashutosh Nagar. The petitioner is being represented by Senior Advocate Arvind Datar and

advocate J Sai Deepak; this petition has been filed in the Delhi High Court requesting that Marijuana be decriminalized.

It is also stated that it is "incomprehensible" that the government operates bhang shops in the country, given that the content of both Cannabis and bhang is the same.

The arguments that putting Cannabis on the same level as dangerous and lethal chemicals is arbitrary, unscientific, and unreasonable. The 'herb's medicinal properties have also been highlighted. The list of psychotropic substances in the Schedule of the NDPS Act, 1985 mentioned 77 names. Unlike the program published by the United Nations, this program has no soft or hard drug categorization or classification. Soft medicines are naturally occurring and non-synthetic. They are lowly addictive and cause the human body less harm.

On average, eight lakh people die from cancer each year, demonstrating the level of relief that this plant can provide. Furthermore, approximately 82,000 cases of HIV infection are reported each year." It has also been claimed that Marijuana is also an effective analgesic and aids in treating chronic pain.

Conclusion

Marijuana use for medical, recreational, and industrial purposes has become legal in several western countries, including the United States and the Netherlands. Marijuana is widely consumed in India, even though it is technically illegal. Marijuana decriminalization may also provide the government with better tools for more effectively regulating the market.

Why not make use of such a versatile plant? It has advantages, such as the fact that hemp is now being grown in India for the hemp industry. So if hemp is legalized, we will use the plant for hemp fibers so that we will get long fibers from just this one plant and the best part about this plant is that if we cut it, it will grow back quickly.

Books:

- 1) Practical Approach to Narcotic Drugs and Psychotropic Substances Act, 1985 by K P Singh
- 2) Single Convention on Narcotic Drugs [1961] pdf
- 3) W. Mackworth, Report of The Indian Hemp Drugs Commission (Volume 1, 1893-94) 264

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Mahratta