



Legalisation of Marijuana: Sin or virtuous

Dr. Geetika Sood¹, Akash Gupta²

¹ Professor, HOD UILS, Chandigarh University, Punjab, India

² Research Scholar, Chandigarh University, Punjab, India

Abstract

This research is conducted to rejuvenate the long lost ancient culture which was suppressed by the western countries under the banner of global law against all drugs which included marijuana with other hard drugs and hence making it illegal in India. India is a country who open heartedly welcomes all the people with different culture like it's their own and accept various international laws for maintaining peace and harmony but it is really unfortunate that as we welcome new culture, we forget our own culture which is being practiced from centuries and easily get submissive towards western laws. Narcotic drugs and psychotropic substance Act, 1985 makes consumption, sale, purchase and cultivation of any form of marijuana to be illegal. This research paper will include the need to make an amendment in the existing NDPS Act in relation to regularise the laws against marijuana by understanding the necessity of marijuana. Also, it will include why marijuana has become a taboo among common people and why judiciary or parliament is least bothered to consider the matter.

“One must be protector of our culture and heritage rather than letting it go with the passage of time”.

Keywords: ancient culture, drugs, NDPS, taboo and judiciary

Introduction

In India the term marijuana which is being recognised by various names depending upon place to place which is generally known as Ganja, Weed, Charas, Hemp, Hashish and Bhang and has become a taboo or regarded as drugs. But what do we understand by drug, a drug is any chemical applied to any living material to affect in some way and in medical sense it is a medicine usually prescribed by a doctor to cure some illness. Some drugs are used for recreational purpose which are often prescribed by doctors such as alcohol, tobacco and caffeine which are readily available unlike cannabis (Marijuana) which is illegal despite of being natural product. The terms drug and drug abuse are relative in their nature, concept and meaning and have been always used in their relative perspective. There is almost no society that has not made the use of chemical substance to alter one's taste and state of consciousness^[1]. The implementation of draconian Narcotic laws in 1985 made the consumption, sale, purchase, production and transportation of marijuana illegal in India which was done after combating the United States pressure for 25 years and India finally gave into the demands of its western counterpart by clubbing marijuana with other hard drugs and criminalising it. Marijuana is one of the most commonly used illegal drug in the world which is estimated to be consumed by 125 million people in some form or other.

History

Cannabis was described in Chinese pharmacological literature as early as 2737 B.C. to be called as 'the Liberator of Sin', Americans described it as 'The lullaby of Hell'. It spread to India, where it was used and is still used extensively in Ayurvedic and Unani systems of medicine. It later came to

Europe via Middle East. In Paris hashish became vogueish in middle of 19th century among Bohemian artistic and literacy circles. The fashion, however did not last for more time and alcohol soon assumed the status of eminence^[2].

Even if we ignore the presence of cannabis in the culture of western countries that how they have embraced it, but we cannot disregard the consumption of bhang i.e. product of cannabis which is ubiquitous in India. Not only that, cannabis has a long history of use in India, which can be traced back to the Vedic age.

पञ्च राज्यानि वीरुधां सोमश्रेष्ठानि ब्रूमः।

दर्भो भङ्गो यवः सह ते नो मुञ्चन्व् अंहसः॥

“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^[3].”

The word 'भङ्ग' (bhang) here refers to the cannabis plant.

The Atharva Veda mentions cannabis as one the five most sacred plants on Earth which enlighten us by stating that, a guardian angel resides in its leaves. Ayurveda considers the cannabis plant to be of medicinal value and in the Sushruta Samhita (6 BCE) it is used to aid digestion and appetite. It also refers to it as a "source of happiness," a "joy-giver" and a "liberator". It is so common in Ayurveda that the Indian Hemp Drugs Commission in 1894 called it that "penicillin of Ayurvedic medicine". Among Muslims a system of medicine was practised known as Unani in the era of medieval India which also used cannabis as a cure for diseases of the nervous system and as an antispasmodic and anticonvulsive.

Positive aspects of Marijuana

It is said that it is a drug that helps the user to attain "ecstasy in the original sense of the world".

India has consumed and celebrated charas (hash), bhang and weed for centuries on various occasions such as Holi and Shivratri where millions of devotees consume it openly and is driven away in the world of Nirvana. Marijuana is just not any other drug, it contains secret ingredients which was acknowledged and appreciated by the primitive society of Hindus. It is very vague to say that anything which has negative effect on health either physically or mentally can be included under scope of hard drugs, if it is so then Alcohol and Tobacco which is consumed worldwide in enormous quantity shall be banned as they detriment liver and lungs respectfully. It is so easy to turn blind eye on the ill effects of alcohol and tobacco just because they are one of the important factor in state revenue collection but it is being done at the cost of people's health. Whereas, a natural herb has been made illegal and completely being oblivious about the positive effects of marijuana.

Following are some of the important and positive points of legalising marijuana in India:

1. Taxation of marijuana is a tool for rapid growth of government's revenue

Marijuana is one of the most consumed drug among youngster and middle aged persons so its legalisation and taxation will provide enormous growth in the government's revenue that will otherwise go to International drug cartels. In an open letter to US President George Bush, around 500 economists, led by Nobel Prize winner **Milton Friedman**, called for marijuana to be "legal but taxed and regulated like other goods".

2. Elimination of illegal trade and similar crimes

Decriminalization of marijuana will replace the black-market production and distribution with an 'overboard industry. Rules and regulations will be instituted and the trade will be 'populated by the government, farmers, merchants and retails clerks, not by criminals or drug dealers'. Most important aspect is that, major funding of terrorist organisation operating near Indian borders are done through sale of marijuana and its other forms, so this will ultimately lead to major breakdown of terrorist activities specially in the state of J&K.

3. Marijuana addiction is rare

Addiction is a vague term and hence cannot be implied in all things, it can be simply put forward as "Addiction of anything even as something as pure as water can be intoxicating" According to epidemiological, only 9 percent of those who use marijuana end up being clinically dependent on it. Whereas the 'comparable rates' for tobacco is 32 percent, for alcohol is 15 percent and for cocaine is 16 percent. Even some people are habitual of consuming tea and coffee on daily basis which contains caffeine which is also addictive and if left suddenly, will show ill effects on body.

4. Legalisation will create virtuous employment

Legalization of marijuana for medical and recreational purpose in Colorado has created 10,000 new jobs in the area.

Abundance of job opportunities have erupted by the marijuana industry and it can help reduce India's unemployment rate. If it is regularised by the government, mass shifting of locals to cities can be avoided due to unemployment and hence reducing overburdening of metropolitan cities.

5. Marijuana is crucial in medical science

Medical science has explored the benefits of marijuana which has surfaced in recent times specially countries like China and Australia are working rigorously to understand the benefits of marijuana. Its use can done for treating patients suffering from glaucoma, it prevents cancer from spreading to other parts of the body, reduces anxiety, slows the progress of Alzheimer's disease, improves metabolism and is even said to spur creativity in our brain. Today, China is the fastest growing economy in world which is working on the medical benefits of marijuana and acknowledged its importance in the field of medical science and Australia has become world's largest exporter of medical marijuana.

6. Better life for locals

In states like Himachal Pradesh and Tamil Nadu, where cannabis plants grow, marijuana is the only source of income for many locals, best example is Malana^[4] However, being a banned substance, the farmers are forced to sell it at a very cheap price to the drug dealers and they face additional pressure from the police as well, who are paid to destroy the cannabis plantations. Legalizing marijuana will end this 'war on drugs' targeting our own countrymen.

7. Legalization will promote consumer safety

Product safety is of most important factor for a consumer specially when it is related to health, in India, dealers often mix hash and weed with chemicals or other drugs like afeem to improve the taste, colour, texture or 'high' of the stuff. Legalization will improve the quality of marijuana sold to the users because government will regulate the production and sale of the drug. Marijuana product testing is becoming a standard requirement for legalized marijuana markets. This means consumer are better informed about the marijuana they use^[5].

8. Use of Marijuana can't be fatal

According to Dr. Paul Hornby, a biochemist and human pathologist, 15,000 joints in 20 minutes can get a toxic amount of delta-9 tetrahydrocannabinol which can be fatal to the body. Not only it is virtually impossible to overdose on marijuana, the users face nominal withdrawal symptoms after consuming it.

9. Prohibition of marijuana has gone haywire

An unreported study stated that 60,000 kg of hash and 40,000 kg of opium is produced in Himachal Pradesh. Out of that, only 500 kg is seized annually. As per reports of 2015, in Himachal Pradesh seizure of Charas was reported to be 283.43kg which shows how the system has failed to implement provision of law^[6]. The rate is rapidly increasing resulting in more crimes related to it. Presently, it is easy to buy marijuana in India and its consumption is widespread among the youth. So, it is fair to say that prohibition has failed

to curb the 'unending problem'.

10. Marijuana is better option than alcohol

Marijuana consumption was never regarded as a socially deviant behaviour any more than drinking alcohol was. In fact, keeping it legal was considered as an 'enlightened view'. It is now medically proven that marijuana is less harmful than alcohol. Unlike alcoholics, stoners don't indulge in rash driving or violent fights. Under the influence of marijuana, they tend to be calm and aware of tackling the situation with same care as of working normally.

11. Reducing burden of courts

Indian courts are already burdened with enormous amount of cases, if we could exclude marijuana from the purview of NDPS Act, 1985 which would be great contribution in providing ease to the courts. Specially states like Himachal Pradesh and Uttarakhand where majority of cases registered are related to marijuana.

Negatives of marijuana

We Indians are very good at finding cons in almost every aspect before understanding the true nature of such object. We must understand the reality that everything which is creation of god is very precious and must be nurtured with utmost care, marijuana is one of the 5 sacred plants recognised mostly by the ancient Hindu culture which needs to be preserved.

But everything existing in nature is being accompanied by both pros and cons, similarly the marijuana has become a taboo after its inclusion in NDPS Act, 1985 and presently no judiciary no legislature is ready to give an eye to the campaign for legalisation of marijuana in India, whereas more than 9 states of America have decriminalised the use of cannabis for recreational use and which is followed by many countries. Marijuana has been criticised all over the world due to its ill effects on the health and various other factors which will be discussed hereunder:

1. Addiction and gateway to other chemical substance

Like any other thing, it is debatable that cannabis is a highly addictive substance which produces dependence and is toxic for the brain. It is presumed to be gateway to harder substances. The countries which legalised cannabis are increasingly realising that in the garb of cannabis, they have legalised drug warlords and their business. They have increased the vulnerabilities of the youth. The lure of escape from the everyday world that cannabis offers is irresistible for many people.

The legalisation of cannabis in cities like Amsterdam led to an increase in crime, from mugging to prostitution. The legalisation of cannabis is achieving nothing other than glorifying drug lords as businessmen who earn revenue after playing havoc with the social and mental health of societies. In a society where people are just getting literate, the danger posed by cannabis and other hard drugs can be devastating for the country's health, especially the youth.

2. Severe health effects

The debate on legalisation of cannabis is erroneous as we compare it with alcohol and nicotine, the two biggest killers. It

is considered that Cannabis is poisonous for both the soul and mind. It creates a false or virtual world of pleasure which is not in our control and for which we pay a heavy price in the form of a motivational syndrome, psychosis, schizophrenia and bipolar disorder in vulnerable individuals.

It has also been seen that the places where cannabis is easily available are scenes of many a heinous crime. Besides, cannabis is the gateway to substance dependence history for many patients. Anything which is being inhaled by the nose and the same cannot be filtered by the lungs is injurious to health, even the polluted cities like Delhi contributes in major depletion of a person's day to day life even when he is far away from all the intoxicating material. But it is believed that humans since their existence have the tendency to be dependent on some intoxicating items.

3. Against society's morals

From the very beginning of human civilisation, society has played a vital role in shaping the personality of human behaviour and anything which is not in accordance with the norms of the society is to be considered as wrong. Earlier consumption of marijuana was meant for the sadhus who have left their homes in search of true light or nirvana and for the member of society it was considered as an immoral act. And the same was followed by their descendants and ultimately made the consumption of marijuana as a taboo.

In the present scenario, use of marijuana for medical use has been welcomed by most of the countries and consumption of marijuana for recreational purpose has taken the shape of campaign for its legalisation which is worldwide. In India, people of Delhi have come on road for protesting in favour of legalising marijuana. Now with the rapid growth of westernisation and remembering of our own culture has led a change in mindset of society but it is still a long distance to travel.

4. Penalty for consuming Marijuana

As Per Narcotic Drugs and Psychotropic Substance Act, 1985 consumption, purchase, sale, cultivation or transporting marijuana is illegal and shall be punishable under the Act. The punishment includes from Rehabilitation centre to 20 years' imprisonment or fine or with both^[7].

Conclusion

It is found from the research that, there is a clear need to prioritize policies focused on regularising and decriminalising the use of marijuana for medical and recreational purposes. Medical benefits of marijuana can be explained from following points:

- Alleviate symptoms of a wide range of debilitating medical conditions, including cancer, HIV/AIDS, multiple sclerosis, Alzheimer's Disease, epilepsy, and Crohn's Disease
- Act as a safer and more effective alternative to narcotic painkillers
- Treat severe pain
- Reduce nausea induced by cancer chemotherapy
- Stimulate appetite in AIDS patients
- Reduce intraocular pressure in people with glaucoma
- Reduce muscle spasticity in patients with neurological

disorders

- Help manage some mental health conditions, particularly PTSD

After considering all the benefits of marijuana, Indian judiciary and legislature have turned blind eye on the matter for legalising marijuana, they have turned a Hindu culture into a taboo under the influence of western countries in 1985 but now when the world has opened their arms to welcome the benefits of medical marijuana, Indian legislators are still living in dark age. Now it is high time to legalise the marijuana in India initially for medical use and later for recreational purpose as well. More than 30 countries have decriminalised the use of marijuana subject to their respective legislations after considering the necessity of their people and to stabilise the condition which was caused before decriminalising it. In India, states like Himachal Pradesh, Uttarakhand, Kerala and Eastern states of India have majority of people who are either directly or indirectly engaged in relation to consumption or sale or purchase of marijuana, from this aspect it must be understood that there is necessity to legalise and regularise the laws specially for these states to provide better living for the locals and better quality of marijuana for the consumers. Legalisation will also lead to decrease in drug mafia and illicit contribution to terrorist funding.

So instead of spending more and more money on arresting drug offenders and cutting down marijuana plantations, it is necessary that the government should save itself from all this trouble by legalising a cultural accepted substance that can help in socio-economic development of the country and make effective regulations for the implementation of better policies that would benefit all the person related to this aspect.

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