

LEGALIZING MARIJUANA: A TRANSITIONAL SHIFT FROM 'RAMPANT PRODUCTION AND USAGE' TO 'CONTROLLED PRODUCTION AND USAGE'

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Marijuana or Cannabis was used in India since time immemorial, whether in the form of [charas](#) (resin), [ganja](#) (flower), and [bhang](#) (seeds and leaves) and what not, for deriving pleasure or as a means of recreation, it is high time India legalizes and decriminalizes the use of marijuana. Instead of launching a man hunt against drug peddlers, cartels, why can't our government save itself from all this trouble and legalize a culturally accepted substance that can help in

socio-economic development of the country? Implementation of stringent narcotic laws in 1986 made the sale, consumption, production and transportation of marijuana illegal in the country. 24 years on, here are some reasons to ponder upon why marijuana should now be legalized in India.

**1. It will eliminate illegal trade and associate crimes.**

Marijuana legalization (or decriminalization) will replace the black-market production and distribution with an 'overboard industry'. The terms like drug lords, criminals will be rephrased as '**farmers, merchants and retails clerks**' because of legalization of Marijuana.

**2. Marijuana addiction is rare.**

An epidemiological study showed that only 9 percent of those who use marijuana end up being clinically dependent on it and succumb to Marijuana use disorder. The 'comparable rates' for tobacco, alcohol and cocaine stood at 32 %, 15 % and 16 % respectively. If people are given a subjective MCQ, doesn't mean all will select the same answer, the same logic can be applied to legalization of marijuana, not all people will choose to get high on marijuana.

**3. Taxing marijuana will increase government's revenue.**

Legalizing and taxing marijuana can generate huge source of income for the Government, in Nepal majority of Govt income comes from tobacco and Cannabis manufacturing. By legalizing marijuana, marijuana could be known as a '**legal but a high taxed and regulated commodity like any other commodity**', because of which only few farmers opt for growing Cannabis in their plantation.

**4. It will create job opportunities in a country vastly dependent on agriculture.**

Legalization of marijuana can create job opportunities for millions of unemployed youths, like how a log of wood converted into a furniture fetches income to all the people associated to the process. There can be

plethora of jobs which can be created by the marijuana industry and help reduce India's unemployment rate. Farming being a seasonal activity, legalization marijuana can create a shift from the status-quo. Besides, marijuana has proven to be an effective drug for slowing the progress of Alzheimer's, treating patients with Parkinson's, legalization of Marijuana can create stakeholders from all walks of life.

**5. Marijuana has nominal withdrawal symptoms and its use can't be fatal.**

"I've heard you have to smoke something like 15,000 joints in 20 minutes to get a toxic amount of delta-9 tetrahydrocannabinol," <sup>ii</sup>says Dr. Paul Hornby, a biochemist and human pathologist. "I challenge anybody to do that." Not only is it virtually impossible to overdose on marijuana, the users face nominal withdrawal symptoms after consuming it.

**6. Prohibition leads to rampant use of marijuana.**

Though usage of marijuana has not been legalized, the usage of marijuana is quite rampant in India. The **Govt must grant license on certain terms and conditions which can be drafted after consulting Marijuana manufacturers, middlemen etc, so that there are only few known stakeholders in the Cannabis production market which can be marketed as per the guidelines set in consultation with the FDA of India.**

**In a year 60,000 kgs hash and 40,000 kgs opium is being produced in Himachal Pradesh, and in that, only 500kgs is seized<sup>iii</sup>.** By making it legal, the govt can add to state income, it can also help the local economy of hilly states with limited water and the huge demand for this drug can be legally fulfilled reducing the illegal crimes associated with this industry. **"More than 1,600 hectares of cultivable farmland and an additional 500 hectares of illicitly felled public forests are currently under cannabis cultivation."<sup>iv</sup>** Govt intervention and legalization can stop this from happening. It is a clear-cut situation of **'prohibition failing to curb the problem.'**

## **7. No uniformity in law regarding growing Marijuana in our country.**

However, different states have their own laws relating to consumption, possession, sale or purchase of weed or marijuana, legalizing and legislating a law which can bring about uniformity in law regarding consumption, possession, sale or purchase of weed or marijuana. For instance, Odisha is a state in which weed is legal in India and people commonly use 'chillums' to smoke weed within the state's territory. Uttarakhand is the first state in India to allow commercial cultivation of Hemp. Since its a rich crop that requires less amount of water, many other hilly states are considering the proposal to allow **controlled production of Hemp, and marijuana**. The other places where cannabis is popular and which go with the saying "**lassi, greener the better**" in India are, Jaisalmer, Pushkar, Varanasi, Mathura, Noida, and Hampi.<sup>v</sup>

**Along with legalizing, there can be age related restriction, which can be defined as per the Indian Majority Act, 1875.** And also there must be rules and regulations regulating the quality of marijuana produced in the country.

## **8. Breaking some of the misconceptions regarding Marijuana**

- A well-known 2012 study from New Zealand evaluated marijuana use and cognitive ability in more than 1,000 individuals over a 38-year period. The researchers reported an association between ongoing marijuana use and cognitive decline. In particular, they found that:
  - 1) People who started using marijuana heavily as adolescents and continued as adults lost an average of six to eight IQ points by the time they reached midlife.
  - 2) Among the group above, people who stopped using marijuana as adults didn't regain lost IQ points.
  - 3) People who started using marijuana heavily as adults didn't experience any IQ loss.<sup>vi</sup>

Still, there may be some potential brain benefits to using marijuana. For instance,

a 2017 study reported that a low dose of delta-9-tetrahydrocannabinol (THC) restored age-related cognitive deficits in mice.<sup>vii</sup> So, it is still uncertain as to how Marijuana affects cognitive function of brain, probably more research into this arena can answer the question regarding usage of Marijuana and cognitive function of brain.

- It is very rare for a cannabis user to experience schizophrenia and other mental disorders and also to be diagnosed with Marijuana Use disorder ( because of nominal withdrawal symptom).
- It is also believed to stimulate creative side of human brain.
- It also reduces the rate at which metastasis happens in cancer patients. Cannabis is truly an amazing medicine for many cancer and treatment-related side effects — nausea, vomiting, loss of appetite, pain, depression, anxiety, insomnia.<sup>viii</sup> Cannabidiol (CBD) is an anti-cancer effect creating drug. <sup>ix</sup>

### **9. Human mind has a penchant for venturing into the forbidden, mysterious pathway**

Many people start using Marijuana from a young age because of their penchant for venturing into a less explored, forbidden, mysterious path. Legalizing Marijuana may normalize this human tendency.

### **Conclusion**

Cannabis was known and used in India since time immemorial, India also followed suit when its western counterparts illegalized it completely. The reasons mentioned in this article shows that Cannabis has various uses and like anything too much is too bad. But now the time has come for legalization of Cannabis in India. Can't we be known as the first country which legalized marijuana and created a transitional shift from '**rampant production and usage**' to '**controlled production and usage**'?

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1. Sec 2(iii) of NDPS Act, 1985, cannabis (hemp)” means—.

(a) charas, that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish;

(b) ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and

(c) any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom;

2. Vigneshwara R., “The case for legalizing and regulating Cannabis”

<https://www.google.com/amp/s/m.thewire.in/article/health/cannabis-marijuana-india-legal/amp>

3. Darji Prachi., “Is Weed or Marijuana Legal in India?” <https://www.myadvo.in/blog/is-weed-or-marijuana-legal-in-india/>

4. Darji Prachi., “Is Weed or Marijuana Legal in India?” <https://www.myadvo.in/blog/is-weed-or-marijuana-legal-in-india/>

5. Cathline Chen., “Now You Can Get Marijuana Legally In These 6 Cities In India”

<https://www.whatshot.in/delhi-ncr/you-can-get-marijuana-legally-at-these-6-cities-in-india-c-13804>

6. Vandergriendt Carly., “Does weed kill brain cells? And 5 other things to know”

<https://www.healthline.com/health/does-weed-kill-brain-cells>

7. Vandergriendt Carly., “Does weed kill brain cells? And 5 other things to know”

<https://www.healthline.com/health/does-weed-kill-brain-cells>

8) Ahn Eugene., “Can Cannabis cure cancer?” <https://integrativeonc.org/news/research-blog/277-does-cannabis-cure-cancer>

9) Ahn Eugene., “Can Cannabis cure cancer?” <https://integrativeonc.org/news/research-blog/277-does-cannabis-cure-cancer>.