



DECriminalization of Narcotics: The Samurai Way

Vivek Yadav

Student, Maharishi Law School, Noida

KEYWORDS :

Meaning

An addictive drug which affect mood and behaviour whi9ch induces drowsiness, stupor or insensibility and relieves pain.

NDPSACT

Narcotic Drugs and Psychotropic Substances Act, 1985 which is commonly known as **NDPS act**. It is an act in which the **Parliament of India** prohibits a person to to produce, posses, sell, purchase, transport, store and consume any narcotic drug or psychotropic substance. **NDPS bill, 1985** was introduced in **Lok Sabha** on **23rd August 1985**. The President **Giani Zail Singh** gave the assent and this was passed by both Houses of Parliament on **16th September 1985**, it came into action on **14th November 1985**. This act has been amended thrice in 1988, 2001 and 2014. The act extended to the whole of India and it applies to all the Indian citizens outside the India to all persons on ships and aircraft registered in India. **Narcotics Control Bureau** was set up on March 1986. The act was designed to fulfill India's Treaty obligation under:

- Single convention on Narcotic Drugs.
- Convention on Psychotropic Substances
- United Nations Convention Act Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance.

Background

Earlier there was no legislation regarding narcotics in India until 1985. Cannabis smoking has been known since 2000 BC. It was first mentioned in **Atharvaveda**. **Indian Hemp drug commission** and **Indo-British study of cannabis usage in India appointed in 1893**, found that the use of this drug in moderate quantity is not practically attended by no evil results at all. It does not produce any injurious effect on mind and no moral injury. Cannabis and its derivatives were legally sold in India until 1985. **Ganja** and **Charas** were considered by upper class Indians as the poor class intoxicant, although the rich consume **Bhang** during Holi. The United States began to campaign worldwide law against all drugs. Adoption of the **Single Convention on Narcotic Drugs in 1961**. However, India withstood with American pressure to make cannabis illegal for nearly 25 years, American pressure increase in the 1980's and in 1985. **Rajiv Gandhi's Government** succumbed and enacted the NDPS Act, banning all narcotic drugs in India.

Punishments

- The contravention involves a small quantity, with rigorous imprisonment for term which may extended to 1 year, or with a fine which may extended to 10,000 or both
- The contravention involves a commercial quantity greater than small quantity, with rigorous imprisonment for a term which may extend to 10 years and with fine which may extend to Rs. 1 lakh.
- The contravention involves a commercial quantity with rigorous imprisonment for a term which shall not be less than 10 years but may extend to 20 years and also a fine which shall not be less than Rs. 1 lakh and can extend to Rs. 2 lakh.

The table below lists the current definition of a *small quantity* and a commercial quantity for some popular drugs.

Drug	Small quantity	Commercial quantity
Amphetamine	2 grams (0.071 oz)	50 grams (1.8 oz)
Charas	100 grams (3.5 oz)	1 kilogram (2.2 lb)
Cocaine	2 grams (0.071 oz)	100 grams (3.5 oz)
Ganja	1 kilogram (2.2 lb)	20 kilograms (44 lb)

Heroin	5 grams (0.18 oz)	250 grams (8.8 oz)
LSD	2 milligrams (0.031 gr)	100 milligrams (1.5 gr)
Methadone	2 grams (0.071 oz)	50 grams (1.8 oz)
Morphine	5 grams (0.18 oz)	250 grams (8.8 oz)
Opium	25 grams (0.88 oz)	2.5 kilograms (5.5 lb)

Advantage

It is used mainly for pain relief, and hence they are also known as narcotic analgesics. Best narcotics are **Opiates** compounds found or derived from opium. Opium is obtained as the dried milky juice of seed pods of the opium poppy. Drugs with actions similar to morphine that are produced synthetically are known as opioids.

The invention of **Hypodermic Needle** in the mid 19th century allowed morphine to be administered by injection, through injection it has more effect than taking it orally. However, the availability of morphine injections led to serious problem of abuse, and laws were introduced to control the use, production, trade of narcotics and other dangerous drugs. In 1898 **Heroine**, or **Diacetylmorphine**, was developed from morphine by **Bayer Company in Germany**. Heroine is 5-10 times as potent as morphine itself and is used by more narcotic addicts.



Most effective theory for narcotic addicts involves the synthetic opiate **Methadone**, which itself is addictive, blocks the addict's craving for heroin and provide no disruptive euphoric effects of its own.

Medically narcotics are the most powerful painkillers available, but they are used with great cautions because of their addictive properties. It not only reduce pain but also seems to reduce suffering, fear and panic. As terminal cancer patient often do not have long to live and the provision of acceptance quality of life maybe paramount issue.

Disadvantages

- They cannot eliminate the pain.They have the side effects of possibly causing nausea, vomiting, itchiness and/or constipation.



Why it should be Decriminalize?

The law should treat drug addict as patient, not criminals. Heroine replaced opium, cocaine replaced cannabis, and so on. As the drug business involves huge profit, it is creating more rivals and starting gang wars, it promotes ruthless and aggressive marketing, thus pushing more and more people into drug world. Consequently, the petty traditional drug users are turning to the easily available and aggressively marketed more addictive and dangerous street drugs.

In some of the developed country like USA, the Marijuana has been legalized, which ultimately results in less drug abuse. The possibility of same maybe explored in India. Marijuana should be legalized for the medical use especially for the purpose of cancer.

Earlier USA was the country which has started the **War Against Drug** and now out of 50 states 29 has legalize marijuana for medical use. This has led in increased revenues, reduced crime rates, lesser drug related arrest.

Criticism

While the world, from Coca-Cola to Corona, appropriates our tropical plant and basically bhang, making billions in the process, we have no political, moral and judicial stand on it. We have given up all claims on what was our own for millennia. Instead, we have decided to channel our energies into cow dung soap and cow urine shampoo, now available on Amazon, but unlikely to spawn a global market like Cannabis indica. Looks like the sleeping giant will continue to sleep, at least in India.

As always in India, once a ban is put in place, it stays in place. There is no rolling back, even as the countries originally responsible for these bans evolve, revoke and move forward. (The war on drugs, meanwhile, after squandering billions of dollars and taking hundreds of thousands of lives, is widely considered a failure.) The benefits of marijuana are many. It's a sleep aid, appetite enhancer, anxiety and pain reliever. It has brought immense relief to the terminally ill. It's also a muscle relaxant, aiding and speeding recovery from body-breaking fevers like chikungunya. (I can vouch for this from experience.) And as more legal research is done into it, more medically proven benefits are bound to surface. Bharat was always aware of it. Our sadhus and gods smoked it. No Mahashivratri is complete without a good chillam and no holi is completed without drinking bhang.