
Bhang - beyond the purview of the narcotic drugs and psychotropic substances act

Sir,

In the publication titled 'Medical marijuana: A panacea or scourge' the authors have reviewed an important and

widely debated issue.^[1] The authors have stated that '*in India, as per the Narcotic Drugs and Psychotropic Substances Act, 1985, cannabis and its various forms - hashish, ganja, charas, bhang - are banned and their possession is deemed*

to be unlawful'. The authors are correct in reporting that cannabis, along with other narcotic and psychotropic substances, comes under the purview of Narcotic Drugs and Psychotropic Substances Act (NDPS Act), 1985. However, interestingly, *bhang* is the only preparation of cannabis that is not covered in this act, and hence, is beyond the purview of this act.

As per the NDPS Act, 1985, cannabis is defined in Section 2 (iii) of the act. According to this section cannabis (hemp) is defined as: (a) *Charas - a separated resin, in whatever form, whether crude or purified; obtained from the cannabis plant, which also includes the concentrated preparation and resin known as hashish oil or liquid hashish; (b) ganja - 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 natural material, of any of the above forms of cannabis or any drink prepared therefrom.*

Bhang does not fall within the definition of cannabis (hemp) as defined under Section 2 (iii) of NDPS Act, 1985. This issue has been discussed at length in various judgments of various courts.^[2-4] Hence, the provisions for various narcotic and psychotropic substances under the NDPS Act, 1985, are not applicable to the cannabis in *bhang* form. The National Policy on Narcotics and Psychotropic Substances acknowledges this fact and goes on to mention that the '*production and sale of Bhang is permitted by many State Governments*'.^[5]

Exclusion of *bhang* from the purview of NDPS Act, 1985, has remained a topic of discussion among medical and legal experts. *Bhang* remains one of the least studied preparations of cannabis. Most of the literature from the west has focused on smoked forms of cannabis (ganja and charas). An earlier report on *bhang* from Pakistan described psychosis, with symptoms of grandiosity, excitement, hostility, disorientation, hallucinations, and thought disorder among 15 patients, who had taken *bhang*. Interestingly, although the authors described *bhang* as '*a potent beverage made from an infusion of cannabis leaves and flowering tops*'.^[6] Technically and legally, *bhang* should not include any other part of the plant except the leaves. Addition of flowering tops or the resin produced from the cannabis plants is not permitted to *bhang* as per the National Policy on Narcotics and Psychotropic Substances.^[5] Another study reported *bhang*-induced immunotoxicity that could be attributed to a decrease in the fatty acid amide hydrolase (FAAH) protein.^[7]

Bhang is generally believed to be a relatively less harmful form of cannabis. Its use has got some sociocultural sanction as well in certain regions of the country. Around 17% of middle-aged adults, seeking treatment for psychoactive substance use-related disorders, report the current use of cannabis in India.^[8] Individuals seeking treatment for their primary drug of abuse continue to take cannabis.^[9] With a growing interest in the potential medical role of cannabis it becomes imperative to study different cannabis forms, for their safety profile. However, from a legal point of view *bhang* remains beyond the purview of the NDPS Act, 1985.

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10.4103/0970-2113.142109