

**EXHIBIT B**

# **MARIJUANA**

Report of the Indian Hemp  
Drugs Commission 1893-1894

560. In Greece there is no law regulating or specially alluding to the production, manufacture, or export of hashish. The sale of it as merchandise is allowed, but a Police order of 1891 prohibits its sale and consumption in the small cafés of Athens and the Piræus, in some of which, during the previous ten or fifteen years apparently, the habit of using this drug had been gradually introduced. The order was based upon a report of the Sanitary Board at Athens, in which prominent mention is made of the observations made in India by English doctors, and the statistics of insanity in Bengal lunatic asylums ascribed to the use of the hemp drugs are put forward as justifying repressive measures. The effect of the order passed is not mentioned, sufficient time not having elapsed.

561. As regards Trinidad, the Commission are not sure that the hemp drugs are prohibited. The fact has been stated by the Indian Immigrants Commission, Natal, 1885-87,\* and by Dr. Thomas Ireland, Government Medical Officer, British Guiana, in a paper published in the *Alienist and Neurologist*, St. Louis, in October 1893. But, on the other hand, Surgeon-Major Comins, lately on special duty in British and Foreign Colonies and the Netherlands, in his Note on Emigration from India to Trinidad, 1893, quotes a statement of the Protector of Immigrants, who says that in the year 1885 an Ordinance was passed requiring the payment of £100 per acre to obtain a license to grow ganja, which had previously been grown in large quantities. This practically put a stop to the growth and consumption for several years, but immigrants who had left Trinidad two years previous to the writing of his report had been growing it in Venezuela, and several seizures had been made by the Customs officers from persons endeavouring to introduce it into Trinidad. The Protector adds: "With a coast line such as ours, adjacent to that of the Spanish Main, it will be impossible to prevent its introduction into this colony if immigrants who go there continue to grow it." Dr. Comins himself says: "I do not know what are the laws in force here regarding the sale of opium and ganja."

562. Thus in the case of other countries, where the use of the drugs has been prohibited, the Commission do not find in the literature available to them many arguments for prohibition. In Turkey it rests upon the theory accepted by orthodox Muhammadans that hashish "being a narcotic its use must of necessity be injurious," while in Egypt the prohibition emanated from Turkey. In both these countries the measure has by no means been attended with complete success. In Greece the prohibition in the cafés of Athens is based largely upon Indian experience, which the Commission have had cause in great measure to recast. In Trinidad, if there has been prohibition, it does not seem of late to have been effectual. It must be added that the Commission have no scientific information regarding the strength of the article of commerce called hashish, and it may differ to some extent from the Indian products. From the description of its manufacture given by the Mayor of Orchomenus in Mantinea in Arcadia, whence the Egyptian supply is mainly derived, it appears to resemble more the charas of Yarkand than the ganja or bhang of India.

563. Starting, therefore, from the position that what is known of the hemp drugs in the past is not sufficient to justify their prohibition in India, and that for such a measure there must be strong justification based on ascertained facts scientifically and

\* Is prohibition in India justifiable, feasible, and advisable?

systematically examined, the first question for the Commission to decide is whether such justification is to be found in the evidence before them, and the second whether, if this is so, prohibition is feasible and advisable on other grounds. These will now be considered.

564 The effects of the hemp drugs have been treated in Chapters X to XIII

Prohibition of bhang.

of the Report; and as the first result of these conclusions, the Commission are prepared to state that the suppression of the use of bhang would be totally unjustifiable. It is established to their satisfaction that this use is very ancient, and that it has some religious sanction among a large body of Hindus; that it enters into their social customs; that it is almost without exception harmless in moderation, and perhaps in some cases beneficial; that the abuse of it is not so harmful as the abuse of alcohol; that its suppression, involving the extirpation of the wild hemp plant, would in some tracts be a matter of great difficulty; that such a measure would be extremely unpopular, and would give rise to widespread discontent; and, finally, that, if successfully accomplished, it would lead to the use of more hurtful stimulants. The Commission deem it unnecessary to traverse the evidence further than has been done in the preceding chapters of this report in support of these propositions. It is almost unanimous in regard to them. The utmost that is necessary in regard to this product is that it should be brought under more effective control, and this matter will be dealt with further on. But absolute prohibition is, in the opinion of the Commission, entirely out of the question.

565. Though it has been shown that as a rule ganja and charas are used in

Prohibition of ganja and charas.

moderation, and that the moderate use ordinarily does not cause appreciable injury, yet it has been established that the excessive use of these forms of hemp drugs has been more injurious than in the case of bhang. Whether they should be prohibited or merely controlled is a question which might be settled merely with reference to their ascertained effects. The Commission consider that the effects are not such as to call for prohibition, and on the general principles discussed in the opening paragraphs of this chapter, such interference would be unjustifiable. Nevertheless, it seems advisable to refer to the other evidence with a view to ascertaining the generally prevailing views on the subject, and considering the grounds on which prohibition is advocated or opposed.

566. In reviewing the evidence on these points, it will not be necessary to

The evidence regarding prohibition of ganja and charas may be considered together.

draw a distinction between ganja and charas. The effects of these two drugs have been shown to be similar, though charas is *ceteris paribus* the more potent. They are both ordinarily smoked, though very occasionally used for eating and drinking usually in the form of admixtures with other condiments. As stated by Mr. Lyall (Bengal I): "Ganja and charas are really one, and in time, if the question be scientifically followed up, possibly charas will be the only form used." The refuse of ganja is used in some provinces as bhang, but this substance more nearly resembles bhang than ganja properly so called. The ganja of the different provinces varies in quality. But these distinctions cannot here be specially observed; it will be sufficient to bear in mind that the opinions in Bengal, the Central Provinces, Madras, Bombay, and the smaller Administrations relate to ganja; that those in the Punjab relate to charas; and that those in the

- (10) Mr. Montenth, Collector.
- (8) Mr. Lely, Collector.
- (59) Mr. Foard, Superintendent of Police.
- (57) Mr. Austin, District Superintendent of Police.
- (54) Mr. Kennedy, District Superintendent of Police.
- (26) Khan Bahadur Dadabhai Dinshaji, Deputy Collector.
- (38) Mr. Almon, Assistant Collector of Abkari.
- (49) Yashvantrao Nilkanth, Superintendent, Office of Survey Commissioner.
- (104) Desaibhai Kalidas, Pleader.
- (46) Balkrishna Narayan Vaidija, State Karbhari.
- (39) Rai Sahib Ganesh Pandurang Thakur, Mamlatdar.
- (110) Rai Bahadur Vishvanath Keshava Joglekar, Merchant.
- (100) Parbhuram Jeewanram, Vaidya.
- (115) Nanu Mian B. Shekh, Municipal Secretary, Surat.

*Sind.*

- (1) Mr. James, Commissioner in Sind.
- (4) Khan Bahadur Kadirdad Khan, Gul Khan, C.I.E., Deputy Collector.
- (5) S. Sadik Ali, Deputy Collector.
- (26) Seth Vishindas Nihalchand, Zamindar and Merchant.

(3) *Prohibition might lead to use of dhatura or other intoxicants worse than ganja.*

*Bombay.*

- (1) Hon'ble T. D. Mackenzie, Commissioner of Abkari, etc.
- (6) Mr. Sinclair, Collector.
- (53) Mr. Vincent, C.I.E., Officiating Commissioner of Police.
- (49) Yashvantrao Nilkanth, Superintendent, Office of Survey Commissioner.
- (62) Rao Sahib Pranshankar, Inspector of Police.
- (102) Ramchandra Krishna Kothavale, Inamdar.
- (109) Secretary, Arya Samaj, Bombay.

584. From the minor administrations in Berar, Ajmere, Coorg, and Quetta-Peshin, there are no opinions requiring special notice. The statistical detail has been given in

the table in paragraph 569.

585. A general review of the evidence relating to the question of prohibition of ganja and charas brings the Commission to the same conclusion as that which they have framed upon a consideration of the evidence on the ascertained effects alone. The weight of the evidence above abstracted is almost entirely against prohibition. Not only is such a measure unnecessary with reference to the effects, but it is abundantly proved that it is considered unnecessary or impossible by those most competent to form an opinion on general grounds of experience; that it would be strongly resented by religious mendicants, or would be regarded as an interference with religion, or would be likely to become a political danger; and that it might lead to the use of dhatura or other intoxicants worse than

General conclusions in regard to total prohibition of ganja, charas, and bhang.

## CHAPTER XVIII.

### SUMMARY.

Conclusions arrived at by the  
Commission.

740. The following are the conclusions arrived at by the Commission:—

- I.—Total prohibition of the cultivation of the hemp plant for narcotics, and of the manufacture, sale, or use of the drugs derived from it, is neither necessary nor expedient in consideration of their ascertained effects, of the prevalence of the habit of using them, of the social and religious feeling on the subject, and of the possibility of its driving the consumers to have recourse to other stimulants or narcotics which may be more deleterious (Chapter XIV, paragraphs 553 to 585).
- II.—The policy advocated is one of control and restriction, aimed at suppressing the excessive use and restraining the moderate use within due limits (Chapter XIV, paragraph 586).
- III.—The means to be adopted for the attainment of these objects are :
  - (a) adequate taxation (Chapter XIV, paragraph 587);
  - (b) prohibiting cultivation, except under license, and centralizing cultivation (Chapter XVI, paragraphs 636 and 677);
  - (c) limiting the number of shops (Chapter XVI, paragraph 637);
  - (d) limiting the extent of legal possession (Chapter XVI, paragraphs 689 and 690).
- IV.—The method adopted should be systematic and as far as possible uniform for the whole of British India, and it is advisable that this method should be suggested for adoption by certain of the Native States (Chapter XIV, paragraphs 588 and 590; Chapter XVI, paragraph 639; and Chapter XVII, paragraph 739).
- V.—A Government monopoly of production and sale is not recommended for practical reasons, though there is no theoretical objection to it (Chapter XIV, paragraph 589).
- VI.—For the purpose of adequately taxing consumption, the combination of a direct duty with the auction of the privilege of vend is ordinarily the best method (Chapter XVI, paragraphs 634 and 635).
- VII. When sufficient provision has been made for restricting consumption of the drugs by the means above detailed, there should be as little interference as possible on the part of the Government with their distribution (Chapter XVI, paragraphs 638, 654, and 678).
- VIII.—Import, export, and transport duties are undesirable as obscuring the real issue how far consumption needs to be checked by a rise in duty. But in regard to imports from Native States which have not assimilated their system to that in force in British territory, the levy of import duty may be necessary (Chapter XVI, paragraphs 657 and 679).