# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS (ISSN 2582 - 6433)

VOLUME 2 ISSUE 6 (March 2022)

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FOR LEGAL RESEARCH & ANALYSIS

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# **LEGALIZATION OF CANNABIS IN INDIA**

By: Kumar Yuvraj, BA LLB student from Symbiosis Law School, Nagpur

#### ABSTRACT

Cannabis have been used since the prehistoric era when humans first appeared and are closely coordinated with the historical background of the oldest known development. In India, it is related to strict traditions and customs and dates back to the time of gods and goddesses. Cannabis sanctions have been an easily refutable issue after the implementation of the Narcotic Drugs and Psychotropic Substances Act in 1985, which outlawed the trade and ownership of cannabis throughout India. Although it has been applied in the clinical field, it has not progressed in a certain way. After two US states voted to approve the new recreational weed use situation, this country has unleashed a wave of liberalism. The document aims to conduct a rigorous investigation into the use of cannabis, followed by a report on the rest of the world, indicating whether India should sanction cannabis. This research work involves the introduction of the topic of the legalization of Indian marijuana and its antecedents, advantages and disadvantages at the personal and social level, the current legal situation in the country, and the reasons related to its legalization and commercialization. Conclusions can be drawn from the overall theme.

KEYWORDS: Cannabis, Drug, Narcotics, India, NDPS. ACT

#### **INTRODUCTION**

Cannabis, a drug that has caused great conflict in India, is also known for its deep consumption in the country, regardless of whether the country's laws have declared its management, use, exchange, and use illegal. An herb or medicine, whether you want to imply it (there are differences around the world, but this is just a matter of opinion), it also has different names, and these names are usually significant throughout the world, whether it is weeds or weeds. Grass, weeds, or many different slang terms, even marijuana (if you tend to be inclined to the typical twist of the name). It looks more like a spice, mainly a green combination of dried flowers. These dried flowers come from the cannabis plant. Several bills have been drafted around the world to outlaw the use, exchange, trade, and obtaining of cannabis in separate rooms. However, the situation in these countries has changed, and it is undeniable that a conscious society is beginning to oppose established standards and to fight for the legal use of marijuana in their country.

#### Background

The source of this substance known as potted plants is the cannabis plant, which is also called cannabis in various other names. Cannabis Sativa has been used by people who want to use it for

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different purposes<sup>1</sup>. The most popular personal use is swallowing the dried flowers and opposite leaves of plants, as well as the stems of female cannabis plants. Although current Indian law classifies the ownership, use, trade, and purchase of marijuana as punishable offenses, this is generally not the case.

The cannabis plant has been used in India since ancient times, and its use dates back to 2000 BCE. The ancient Vedas of India elaborated and pointed out that different parts of the plant were used for certain purposes, it is worth noting that not all have a restorative effect. Bhang is still very famous among all the people and can be cited in some Indian information dating back to 1000 BCE. This reality is also ridiculed among researchers, which is very similar to everything that has been said or expressed in this discussion. Atharvaveda (1500-1000 BC) was deciphered by some researchers and was discovered to refer to bhang as one of the five devotional plants known to correct anxiety.

Cannabis some researchers also refer to Sativa as the plant used to prepare soma. This is an intoxicating drink that was highly praised during the Vedic Rigveda  $(1700-1100 \text{ BC})^2$ . However, after obsolescence, the provincial era in India developed, and as Europeans studied the uses of cannabis extensively and explored their properties extensively, some changes were noticed.

Portuguese doctors began to consider the exchange of Indian cannabis, and after examination, they realized the normal use of different parts of the plant in India, especially the Portuguese botanist and expert García. Even the British colonists, in their inspections, could not determine the specific long-term destructive effects, because some plants were burned in an appropriate amount. The Indian subcontinent has a long history of using cannabis, but over time, people have discovered that the use of cannabis is illegal. Why? The correct answer is very simple. A political plan with a currency thought process.

In the 1930s, the United States called hemp a billion-dollar factory simply because of the amount of work it was used for. There are many. In particular, because it has the same reverse cost, it is moderate. This plant is found under similar conditions in almost every country in the world. It is conceivable that the developing cannabis industry poses an incredible threat to alcohol, tobacco, and wood companies, which have fallen behind since cannabis began to lead.

India has been battling pressure from the United States to make Indian cannabis an illegal place for a long time. Since the beginning of 1961, the United States has been pushing a global law to ban all drugs, no matter how tough and fragile they are. India's opposition to this weight has only been a

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<sup>&</sup>lt;sup>1</sup> Surabhi Maheshwari, 'Legalization of Marijuana in India: All You Need To Know', (Lex Insider, 28 November, 2015), <https://lexinsider.com/legalisation-of-marijuana-in-india-overview/>

<sup>&</sup>lt;sup>2</sup> OM Ramasundaram, Drinking habits in ancient India (Narcotics Beurau, 2016 Jan-Mar; 58(1): 93–96.) https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4776591/

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long time, because of Narcotics Drugs and Psychotropic Substances Act (NDPS Act)<sup>3</sup>. This is a widely discussed bill at the forefront because people around the world are arguing about the advantages of using plants as science, and this is also to a large extent Supported their case on the website.

An important discussion was held in a few areas of the country on the postponement of the ban on the use of the plant in India, and the two parties competed fiercely in India. On the one hand, when the party in favor of the boycott cited the therapeutic symptoms of plants, these symptoms were considered extreme and risky to emotions, while the contradictory part cited the possible advantages and weights of restricted use, rather than a taste as an equivalent. Therefore, since neither party has made further improvements, indicating any progress on their particular arguments, the discussion seems to have reached a dead end.

#### **CURRENT SITUATION**

A recent report led by the Indian Institute of Medical Sciences announced that approximately 7.2 million Indians had used cannabis in the previous year. The summary of the "Scope of Substance Use in India in 2019" from the Ministry of Social Justice and Empowerment<sup>4</sup> found that 31 million people are currently customers of cannabis items. Already in the year, 2000 A.C., 4,444 types of cannabis were used in India. Cannabis has also attracted his attention in other noteworthy sacred writings, such as Dhanvantari Nighantu, Sarngandhara Samhita, and Kayyadeva Nighantuhe. Atharva Veda designated hemp as one of the five most sacred plants on earth and said that the messenger of the guardian's blessing lives in its leaves. It also implies that he is a "source of happiness", a "happy provider" and a "hero".

It is said that the Hindu god Shiva chose marijuana as his first food, and after dozing under the leaves of the plant and eating it early in the day, he was refreshed. Another legend suggested that when the toxic substance Harahala came out of Samudra Manthan, Shiva drank it to protect everyone from it. Later, bhang was used to appease him. Shiva Purana recommends providing bhang to Shiva in the middle of the year.

Until the 1980s, marijuana and opium were legal in India and were sold in government stores and traded by the British East India Company. In any case, the adoption of the "Single Convention on Narcotic Drugs" in 1961 initiated the development of a global boycott of weeds. The 1961 agreement gave India 25 years to reduce recreational drug use. Under tremendous pressure from the "War on Drugs" campaign launched by President Nixon in the United States, Rajiv Gandhi lobbied the government to pass the Narcotics and Psychotropic Substances Act in 1985. Despite this, India

<sup>&</sup>lt;sup>3</sup> Narcotic Drugs and Psychotropic Substances Act, 1985

<sup>&</sup>lt;sup>4</sup> Ministry of Social Justice and Empowerment

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has committed. to limit the price of cannabis, based on the prerequisite that the meaning of cannabis in the program will change.

Following that, in 2015, the major coordinated effort to legalize Indian marijuana emerged, and the Indian Legalization Campaign held Mary Jane's clinical meetings in Bangalore, Pune, Mumbai, and Delhi. Many articles and projects have also started to appear in famous media, promoting the adjustment of cannabis laws. Furthermore, in 2016, Lok Sabha MP Dharamvir Gandhi announced that he had been free from Parliament to introduce a private parliament bill aimed at amending the NDPS bill. Later in 2019, the Delhi High Court agreed to hear a request registered by the Great Legalization Campaign Trust to prove the prohibition of cannabis. Public interest prosecutors argued that, under the NDPS Act, the collection of marijuana with other drugs is "random, informal, and bizarre."

Nowhere in the world is the use of marijuana prohibited; marijuana can be found everywhere. In addition, people do not know what they are buying. We realize that putting supplies in the hands of bullies puts young people at risk. Due to the normal use of the potent strains available in cities, they are often powerless to deal with long-term mental health outcomes including mental illness.

In addition, considering financial variables such as high work rates, job income, agricultural guidance, rather than wasting cash on refusing to support, plays a vital role in promoting our economy. In any case, the guidelines allow the use of marijuana, and buying marijuana does not mean supporting it. It means taking responsibility for the dangers you face.

#### A LEGAL OUTLOOK

The current Indian Legal Regime on utilization of the Marijuana is the NDPS Act. The Definition Clause of the Act characterized Marijuana as follows:

2(iii). Cannabis (hemp) implies:

(a) Charas, that is, the isolated tar, in whatever structure, regardless of whether unrefined or cleansed, got from the cannabis plant and incorporates concentrated arrangement and tar known as hashish oil or fluid hashish;

(b) Ganja, that is, the blooming or fruiting highest points of the cannabis plant (barring the seeds and leaves when not joined by the tops), by whatever name they might be known or assigned; and

(c) Any blend, with or with no nonpartisan material, of any of the above types of cannabis or any beverage arranged in this manner;

The Production for example developing Cannabis is illicit under the Act, yet the reaping of the leaves of the cannabis plant that have filled in the wild has not been discovered to be shrouded in

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the demonstration.<sup>5</sup> The 1961 Treaty was the first since forever endeavor to make Marijuana illicit on the planet.

#### **Reasons for legalization and commercialization**

In the 1980s, India declared a rigid drug under the Narcotics and Psychotropic Substances Act, making the use of marijuana illegal. However, for social reasons, Bhangis is still legal in certain states. There are many reasons why India should legalize weeds.

#### Agricultural issues

For the past 45 years, India has faced serious agricultural problems. The harsh weather conditions and the low rate of creation have led to an increasing number of self-destructing ranchers. The creation of cannabis can present a completely different income framework, including commercial profits; this will avoid some land problems in the country<sup>6</sup>. In states such as Himachal Pradesh and Tamil Nadu, cannabis grows normally and is the only source of income for most of the nearby population. Since marijuana is currently illegal, residents are forced to sell it to traders at a moderate cost. In addition, they must always live in fear of being caught by the police. Cannabis sanctions will solve this problem.

#### Income age

If the government starts to overload and manage marijuana exchanges, it will have a restrictive infrastructure in this market, through which it can obtain revenue worth \$1 billion, and it will get a cash smuggling market anyway. Therefore, this will eliminate the collaborative industry that conducts illegal marijuana's transactions today. A new study of the 2018 Cannabis Price Index led by ABCD found that Delhi is the third-largest consumer of cannabis on the planet, after New York and Karachi. On the other hand, Amsterdam occupies 56th place, which is far ahead.

In India, many people use marijuana or marijuana for recreational purposes, and most of them are young people in the country. They are capable and willing to solve this problem, so by eliminating the underground market, public authorities will gain countless benefits. Public authorities can use this income for other important areas, such as education and public welfare. In addition, if the public authority legalizes herbal medicines, it can also control the properties of herbal medicines. For example, in many states that control marijuana in the United States, only cannabis extracts containing about 0.5% THC and no less than 10°D are allowed by weight. In addition, when marijuana is licensed, it will become a monster industry and attract attractive companies. Therefore,

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<sup>&</sup>lt;sup>5</sup> CM Andre, Cannabis sativa: The Plant of the Thousand and One Molecules, (NCB, 4 Feburary 2016) https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4740396/

<sup>&</sup>lt;sup>6</sup> MAYURA JANWALKAR, The anatomy of the cannabis plant: what is illegal under NDPS Act, what is not? (The Indian Express, October 15, 2020) https://indianexpress.com/article/explained/what-is-cannabis-marijuana-rhea-chakraborty-bollywood-drugs-case-6715497/

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it will help the country's stock trading.

Reduction in exchange-related violations

India is at the center of illegal trade violations. By legalizing marijuana/marijuana, the infringement of illegal trade will be reduced because the smuggling market will not develop and will not circulate marijuana. Public authorities, rather than street pharmacists, will enact laws regarding the ownership, development, and supply of cannabis on the market. Today, even legal masters are promoting this illegal exchange by accepting bribes from farmers and suppliers and obtaining beneficial land from the field of strikes. The reality that cannabis is the easiest drug to develop due to the environmental conditions in India further encourages the underground market.

Health Benefits of Cannabis

• Cannabis helps control insulin levels in the body and protects customers from being overweight or diabetes.

• As pointed out by the Tel Aviv Bone Research Laboratory, CBD helps maintain bone strength.

• Due to its calming properties, it relieves tension and helps fight depression. Because of this effect, it can also be used to treat post-traumatic stress disorder and mental imbalance.

- It can even fight certain types of malignant tumors.
- Compared with Adderall and Ritalin, this is a safer option for the treatment of severe ADHD.
- In addition, it can help treat glaucoma and Parkinson's disease.

#### **Business Age**

According to the International Labor Association, the unemployment rate in India is increasing at a rate of about three and a half percent every year. In the last month, the unemployment rate has risen to an incredible 7.8%. If hemp is allowed to be another industry that regulates the development, preparation, pressing, and circulation of hemp, it will appear. The industry will need a workforce that can help expand jobs. More people will be employed outside the city, which will also reduce the number of residents in urban areas.

Reduction in adolescent weed use

The Marijuana Policy Project, the National Drug Use and Health Survey, University of Washington School of Medicine researchers, and the Center for Disease Control Research (CDC) have all found that cannabis use has been confirmed by adolescents in states that have legalized cannabis use marijuana's number fell by 1112%.

#### Advantages of marijuana

Certain benefits of marijuana cannot be deceived: Therapeutic value

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Research shows that the use of marijuana has many medical benefits. It treats glaucoma, prevents malignant tumors from spreading to different parts of the body, reduces tension, delays the improvement of Alzheimer's disease, expands digestion, and can even promote our thinking progress. Smoking marijuana can alleviate patients who are infected, but it also helps to maintain a strategic distance from the disease every time they smoke or treat it with extraordinary alertness, and it also has major benefits for ordinary residents. Many of marijuana's advantages are reminiscent of the leap forward clinically, but her favorable environment for the national economy is another advantage that many people have not considered.

Less harmful than alcohol

Cannabis is significantly less dangerous than alcohol because it does not make people as harsh, careless, or wild as alcohol. It makes a person more stable and educated, and his moral talent will not hinder him. Furthermore, despite normal generalizations, weed slavery is significant, with only 9% of people considered equivalent victims. The level of contrast and drug abuse is much lower. When the sale of alcoholic beverages across the country is approved, there may be weeds.

#### **Disadvantages of Cannabis**

Once ingested, Cannabis will have psychological and physical effects. In addition, the abstract changes in vision, especially the abstract changes in personality, the most famous short-term physical and nervous system indications reflect increased pulse, increased desire, low circulatory tension, temporary lack, and disability of material and coordination. Balance characteristics. The consequences of running for a long time are not so obvious. In humans, the adverse effects of continued use of cannabis on clinical health are hardly reported.

Disintegration and migraines

People experience mild vertigo's adverse effects, and within a few minutes, the direct result of marijuana use is extreme brain pain. In this unique situation, drug use can also be barbaric, because most people sit directly in the driver's seat after smoking marijuana. Although laws have been enacted to prevent people under the influence of drugs from driving, it is difficult to determine what effect a person has. Sometimes the instability may be minor, but here and there it is good for a person to lose control and may cause a major accident. Point.

Respiratory system problems

The carcinogen that damages the respiratory system is one of the dynamic fixes of cannabis. When you smoke marijuana, your lungs will inhale large amounts of smoke rich in carcinogens. Although calm customers can tolerate constant attacks and different types of breathing problems, constant customers may risk their lives because use can lead to malignant growth and various dangerous situations.

Establishment of dependence

Although many people believe the drug is harmless or warrant that its use will be suppressed to some extent, all clinical evidence shows that marijuana will eventually put a person in a state where they will become a perpetrator of drugs The argument that emerged from different scans was that all of marijuana's clients who were attracted had established drug tendencies, and would find it difficult to drop any pretense of marijuana<sup>7</sup>. Many people who try to quit marijuana in the later stages will experience real signs of withdrawal, including restlessness, misery, trouble eating, and constant outbursts of passionate anger and confusion.

#### **CONCLUSION and RECOMMENDATIONS**

Cannabis is less destructive than other real drugs (such as morphine, cocaine, LSD, ayahuasca, and alcohol). The report also guarantees that the remaining energy consumed by the drug will increase actual hostility, while marijuana is used to calm and relax the body and mind.

Like several different countries in the world, India has never considered that cannabis is not enough. At the end of the day, it is almost certain that one day the public authorities will have to approve it again. Of course, the country is taking active steps to advance the authorization of therapeutic cannabis, and the modern cannabis industry appears to be expanding.

After review, I accept that cannabis should be legalized in India. The explanation is:

• Expansion of government revenue— taking a tax on marijuana would add huge amounts of cash to public authorities. Will drive GDP growth.

• Support for locals: Cannabis is the only source of income for some locals in Himachal Pradesh and Tamil Nadu, where hemp plants are grown. However, as a controlled substance, farmers are forced to provide it to drug traffickers at a low cost and face additional harassment from experts in charge of executing cannabis plants.

• It hurts more than alcohol: Drinking marijuana has never been viewed as a more morally anomalous behavior than swallowing alcohol. It is seen as an "inspiring point of view" to legitimize it. So far, logically speaking, Mary Jane is less harmful than wine. Unlike the drunkard, the stone man does not participate in stupid behavior or fierce battles. Affected by weeds, they have all the characteristics of moisture and kindness.

There should hardly be more attention in authorizing weeds. The government should develop guidelines stating that people over the age of 25 should use pots for recreational purposes only. A specific amount of medicine (56 grams) must be used. If any individual is found to have more than that amount, it should be cautiously rejected. The right amount of marijuana will not pose great danger. Marijuana has been at our convention for a long time. It is even cited in Hindu holy

<sup>&</sup>lt;sup>7</sup> Is marijuana safe and effective as medicine? https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-safe-effective-medicine

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scriptures, such as the Tatva Veda. Ayurveda specifies the use of marijuana as a method of pain relief. The current disturbing certainty is that cannabis is still classified as drug like heroin and opium because it has all of these health advantages and is less destructive than alcohol. Cannabis is outlawed only because of the weight of western countries. Today, even western countries understand their mistakes and are beginning to authorize the use of marijuana. According to these ideas, India should also authorize marijuana and promote its lifestyle.

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