

## THE SOCIAL IMPACT OF CANNABIS ON INDIA AND THE WORLD

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### ABSTRACT:

The main idea of this research paper is to review and analyze the legalization of cannabis in India. Cannabis also had a prehistoric value mentioned in Ayurveda as an ingredient for pain relief and erotica, but in small quantities and has a great religious connection with people at this time. This research looks at the benefits that the government will get after legalizing cannabis, as it would significantly increase revenue and reduce unemployment in India. It also explains the medicinal uses of cannabis. We also discussed that before 1985 the use of cannabis was legal in India. Cultivation and use of cannabis are historically rooted in the Indian subcontinent and this rich heritage of cannabis use goes back at least two thousand years and was also worthy of its time, but in small quantities and in this era religious relations with the people are very good. Cannabis remains an illegal substance in India despite its changing global status, with many countries legalizing cannabis use in recent years. Clinical studies on hashish use in India have additionally been sparse. Despite having strict laws like NDPS, drug smuggling and trafficking are on the rise in India. This study examines the gains the government makes after legalizing cannabis in India as it will lead to a significant increase in income in India and a reduction in unemployment. It also discussed the medicinal use of cannabis. Many countries have legalized the use of cannabis in recent years and despite its changing global status, cannabis remains an illegal substance in India. Even after the NDPS of 1985, the legalization of cannabis remains controversial, and the sale and possession of cannabis are illegal in India. However, we know, cannabis has many health benefits and helps treat serious illnesses such as Cancer and AIDS. This research paper also includes a case of a non-profit government organization focused on legalizing the use of medical, industrial, and recreational

cannabis in India. This paper also consists of the latest crime rates in the world after legalizing cannabis with changing attitudes and the loosening of restrictions on cannabis use, the prevalence of new users is increasing dramatically, especially in the younger populations. However, legalization would not alone help, a regulatory body should be established that would control the sale of cannabis and should also record the use of cannabis which is only used for legal purposes and not any other purpose.

## INTRODUCTION:

Cannabis is one of the most used psychoactive substances in the world. Cannabis in India and many parts of the country is known by many names and exists in various forms. The most popular names are weed, charas, ganja, marijuana, etc. It has a history spanning thousands of years and various representations throughout human civilization. Cannabis is primarily associated with three species of flowering plants that belong to the Cannabaceae family, namely, Satvika, Indica and Ruberalis. Cannabis in India has been used since 2000 BCE. The legality of using the cannabis plant varies by state law. People who use cannabis-based products should first check whether it is legal in their state or not. Cannabis has long been used as a recreational and entheogenic drug, as well as in many traditional medicines. The main psychoactive component of cannabis is tetrahydrocannabinol (THC), which is one of the recognized chemical compounds in the plant, including some other cannabinoids. It also contains cannabidiol (CBD). Cannabis can be used in various ways, including for medicinal purposes. The use of cannabis has been steadily increasing in recent years, and in 2019 alone, more than two hundred million people around the world used cannabis. Hemp is not banned all over India because according to our ancient Indian history there is some description in Vedas that a plant called hemp leaves and its other parts were used for medicinal purposes and hemp is also mentioned in Ayurveda as an ingredient. for pain relief and erotica, but in small quantities. And it is also said that the Hindu god "Shiva" chose cannabis as his favourite food. Bhang is a traditional Indian cannabis-infused drink<sup>1</sup>. Cannabis is the most widely grown, trafficked, and abused illegal drug worldwide; according to the World Health Organization (WHO), marijuana

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<sup>1</sup> Gumbiner, J. (2011) *History of cannabis in India, Psychology Today*. Sussex Publishers. Available at: <https://www.psychologytoday.com/us/blog/the-teenage-mind/201106/history-cannabis-in-india> (Accessed: October 30, 2022).

use has an annual prevalence of approximately 147 million individuals or nearly 2.5% of the global population<sup>2</sup>.

A total of 37 states, the District of Columbia, Guam, Puerto Rico, and the US Virgin Islands regulate cannabis for medical use by qualified individuals<sup>3</sup>.

The use and acceptance of medical cannabis are constantly evolving, as shown by the growing number of states now allowing its use for specific medical indications. The Food and Drug Administration (FDA)<sup>4</sup> has been considering how it might support the scientific rigor of claims about medicinal cannabis, and a review of public data on the safety and potential for abuse is underway.

## HISTORY OF CANNABIS:

The use of cannabis has its origins in Central Asia or Western China. Cannabis has been used for millennia for its purported medicinal properties. The first documented case of its use dates to 2800 BCE when it was listed in the pharmacopeia of Emperor Shen Nung (considered the father of Chinese medicine)<sup>5</sup>. The history of cannabis is rooted in the Asian subcontinent. The indigenous strain of "*Cannabis indica*" has been growing freely along the Himalayan foothills and adjacent plains of India for centuries. Cannabis is a plant-based, or botanical, with origins tracing back to the ancient world. Evidence suggesting its use more than 5,000 years ago in what is now Romania has been described extensively<sup>6</sup>. The use of cannabis is a significant part of the religious life of Hindus from mostly India and Nepal, and it has been represented in various Hindu scriptures<sup>7</sup>. The use of cannabis has been reported in India for at least a few thousand years; however, it was only in the 1800s that cannabis cultivation and use expanded rapidly in India and worldwide as no psychoactive hemp emerged as a valuable cash crop<sup>8</sup>. The consumption of cannabis derivatives, especially bhang, has valuable

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<sup>2</sup> *Cannabis*. (2016, November 29). WHO | World Health Organization. Retrieved October 30, 2022, from <https://www.who.int/teams/mental-health-and-substance-use/alcohol-drugs-and-addictive-behaviours/drugs-psychoactive/cannabis>

<sup>3</sup> *State medical cannabis laws*. (2022, July 18). Legislative News, Studies, and Analysis | National Conference of State Legislatures. <https://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>

<sup>4</sup> The United States Food and Drug Administration is a federal agency of the Department of Health and Human Services.

<sup>5</sup> History of cannabis. (n.d.). The University of Sydney. <https://www.sydney.edu.au/lambert/medicinal-cannabis/history-of-cannabis.html>

<sup>6</sup> Holland, J. (Ed.). (2010). *The pot book: A complete guide to cannabis*. Simon and Schuster.

<sup>7</sup> Touw, M. (1981). The religious and medicinal uses of Cannabis in China, India, and Tibet. *Journal of psychoactive drugs*, 13(1), 23-34.

<sup>8</sup> Mold, A. (2018). *Cannabis; Getting High: Marijuana Through the Ages*.

religious and cultural connotations among Indians and thus remains widely accepted in Indian communities. In line with the global trend of decriminalization of cannabis use, support for the legalization of medicinal and recreational cannabis in India is gradually growing. Legislation for its medicinal and commercial use was also proposed in the Indian Parliament in 2016<sup>9</sup>. The two Indian states of Uttarakhand and Madhya Pradesh allowed the cultivation of cannabis for medicinal and industrial purposes in 2019. However, these areas were largely unexplored among the Indian population. Cannabis use has numerous representations in India at the historical, socio-cultural, and political levels, but there has been a lack of quality and credible scientific research on cannabis use.

## CANNABIS (MARIJUANA):

Before we move on, it is interesting to analyze the definition of "cannabis". Cannabis (Hemp) is defined in the law as

- (a) charas, the separated resin in any form, raw or purified, obtained from the hemp plant, and includes the concentrated preparation and resin known as hashish oil or liquid hashish.
- (b) ganja, i.e., the flowering or fruiting tops of the cannabis plant (excluding seeds and leaves, unless the tops are supplemented), by whatever name known or designated; and
- (c) any mixture of any of the foregoing forms of cannabis, or any beverage prepared therefrom, with or without any neutral material<sup>10</sup>.

The word "cannabis" refers to all products obtained from the Cannabis sativa plant. The cannabis plant contains about 540 chemicals. The word "marijuana" refers to parts or products of the Cannabis sativa plant that contain significant amounts of tetrahydrocannabinol (THC<sup>11</sup>). Hemp is one of the most widespread plants on the planet. Cannabis is a type of plant with a chemical compound (delta-9, tetrahydrocannabinol) responsible for the psychoactive effects of cannabis that lead to the "high" experienced when consuming cannabis. But not all components of cannabis are psychoactive<sup>12</sup>. The flower and dry leaves of the cannabis

<sup>9</sup> Karki, P., & Rangaswamy, M. (2022). A Review of Historical Context and Current Research on Cannabis Use in India. *Indian Journal of Psychological Medicine*. <https://doi.org/10.1177/02537176221109272>

<sup>10</sup> Adhikari, B. (2022, August 3). *India - cannabis – the development of the regulatory and legal landscape and the investment opportunities in this sector*. Conventus Law. Retrieved October 31, 2022, from <https://conventuslaw.com/featured-content/india-cannabis-the-development-of-the-regulatory-and-legal-landscape-and-the-investment-opportunities-in-this-sector/>

<sup>11</sup> **Tetrahydrocannabinol (THC)** is the principal psychoactive constituent of cannabis and one of at least 113 total cannabinoids identified on the plant.

<sup>12</sup> NIDA. 2019, December 24. Cannabis (Marijuana) Drug Facts. Retrieved from <https://nida.nih.gov/publications/drugfacts/cannabis-marijuana> on 2022, October 31.

plants are known as "Marijuana", which can be hand-rolled in cigarettes (joints) or pipes or water pipes (bongs) or consumed in a snack (like cookies, crackers, etc.). Marijuana is the most used addictive drug after tobacco and alcohol. Its use is widespread among young people. In 2018, more than 11.8 million young adults had used marijuana in the past year. The fibre of the hemp plant is grown as industrial hemp, which is used for textile production. Compounds that have the same structure as THC are known as cannabinoids<sup>13</sup>.

## JUDICIAL PRECEDENTS AND JURISPRUDENCE:

Several petitions have been filed in various Indian High Courts to legalize hemp cultivation, as listed below. In 2019, a petition was filed in the Delhi High Court by the non-profit organization "Great Legalization Movement India Trust"<sup>14</sup>, which seeks to legalize the use of cannabis for medical and industrial purposes in India. The Petitioner challenged the constitutionality of the provisions of the Narcotic and Psychotropic Substances Act, 1985 (NDPS Act)<sup>15</sup> and the NDPS Rules which prohibit and criminalize the use of cannabis or industrial hemp and mandate restrictions on activities related thereto. The petitioner argued that cannabis has several positive health effects and can be used in several treatments. The petition further states that while enacting the law, the Parliament did not consider the positive effects of cannabis on human health and the history of cannabis use in India. On these and other grounds, the petitioners challenged various sections of the Act as violative of Articles 14<sup>16</sup>, 19<sup>17</sup>, 21<sup>18</sup>, 25<sup>19</sup> and Article 29<sup>20</sup> of the Constitution of India. The case is scheduled for further hearings on 30 August 2022. In another case, a motion was filed in the Himachal Pradesh High Court in 2018 to remove restrictions on the cultivation, processing, and use of industrial and medical cannabis. The court asked the Center and the state government to comment on the legalization of industrial

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<sup>13</sup> 2018 NSDUH Detailed Tables | CBHSQ Data. (n.d.). Retrieved October 31, 2022, from <https://www.samhsa.gov/data/report/2018-nsduh-detailed-tables>

<sup>14</sup> The Great Legalization Movement - India is a non-profit research organization which is the pioneering force behind leading the mission to legalize Cannabis in India.

<sup>15</sup> The Narcotic Drugs and Psychotropic Substances Act, 1985, commonly referred to as the NDPS Act, is an Act of the Parliament of India that prohibits a person the production/manufacturing/cultivation, possession, sale, purchasing, transport, storage, and/or consumption of any narcotic drug or psychotropic substance.

<sup>16</sup> Art 14 - "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

<sup>17</sup> Art 19 - Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

<sup>18</sup> Art 21 - "Protection of Life and Personal Liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law."

<sup>19</sup> Art 25 - guarantees the freedom of conscience, the freedom to profess, practice, and propagate religion to all citizens.

<sup>20</sup> Art 29 - safeguards the protection of the interests of minorities by providing them with the right to conserve their language, script, and culture.

hemp in the state. However, as of 2022, there is still no notification from the state government regarding the cultivation of cannabis for medical or industrial purposes.

A similar suit was filed in the Bombay High Court in 2015. The Public Interest Litigation (PIL)<sup>21</sup> cited various studies pointing to the palliative effects of cannabis, particularly in terminally ill patients. The court insisted that without being an expert in the field, he could not examine the technicalities regarding the beneficial effects of Ganja etc. The court thus advised the petitioner to raise the issue in Parliament.

In the case of *Arjun Singh Vs. State of Haryana 2005 Cri LJ 253, 2004 (4) RCR (Criminal) 506*<sup>22</sup>. The Chandigarh High Court held that seeds and leaves (Bhang) are not included in the definition of 'hemp' as per the Act, hence their sale and possession are not illegal. So, it is not illegal to consume or use the leaves of the cannabis plant according to the rules.

In the case of *Kunal Dattu Kadu Vs. Union of India 2022 SCC OnLine Bom 1770*<sup>23</sup> The court stated that Ganja is the flowering or fruiting tops of the cannabis plant, and if the flowering or fruiting tops are not accompanied, the seeds and leaves must be excluded. The court said that it is assumed that if the seeds and leaves are accompanied by top because of flowering or fruiting, it would be Ganja, but if the seeds and leaves are not accompanied by top, it would not be considered Ganja, ultimately it would have to be ascertained whether they are flowering or fruiting cannabis top accompanied by seeds and leaves. The court ordered that in case of arrest in connection with the case registered by the Narcotics Control Bureau, the complainant Kunal Dattu Kadu shall be released on bail on furnishing a P.R. surety with one or more sureties of like amount.

## LEGALIZATION OF MARIJUANA:

Marijuana is the most used illegal drug in the world, with an estimated 125 million people using it in one form or another each year. In India, the use of marijuana has historically been associated with faith and mysticism. It is said to be a drug that helps the user achieve "ecstasy in the original sense of the word". India has been consuming and celebrating charas (hash), bhang, and weeds for centuries. However, the implementation of strict anti-drug laws in 1986 made the sale, consumption, production, and transportation of marijuana illegal

<sup>21</sup> Public interest Litigation (PIL) means litigation filed in a court of law to protect the "Public Interest." Any matter where the interest of the public at large is affected can be redressed by filing a Public Interest Litigation in a court of law such as Pollution, Terrorism, Road safety, Constructional hazards, etc.

<sup>22</sup> Arjun Singh v. State of Haryana, 2004 SCC OnLine P&H 828.

<sup>23</sup> Kunal Dattu Kadu v. Union of India, ANTICIPATORY BAIL APPLICATION NO.2173 OF 2022

in the country. After 24 years, there are several reasons why marijuana should now be legalized in India<sup>24</sup>. Marijuana legalization (or decriminalization) will replace black market production and distribution with an "overboard industry." There will be rules and regulations, but the store will be "populated by the government, farmers, merchants, and retail clerks, not criminals or drug dealers." Marijuana is one of the most consumed naturally generated drugs worldwide. Since absolute power leads to absolute corruption, complete liberalization should not be advocated as it might otherwise lead. India should legalize marijuana but regulate it to maintain control over the level of use. If the prohibitions are removed, the level of attraction to this substance decreases significantly. The same goes for marijuana. India's tough anti-drug policy has not brought any significant change in curbing drug rackets or hard drug use. He sees the biggest problem in youth is smoking, which can damage the brain. So, by legalizing it, there can be proper controls and, on the other hand, an increase in consumption. **Why is it that if charas and ganja are illegal, bhang is consumed legally on a large scale? Isn't this discrepancy meant to confuse the citizens of India?** According to Indian Law, weed is the flowering or fruiting top of the cannabis plant (excluding the seeds and leaves when not accompanied by the top). Bhang is the leaf of the plant. The law excluded bhang from the category. Moreover, cultivation of cannabis plants is illegal, but harvesting them from a wild area is not. So, that makes it easy to grow and harvest in a scheduled part of a forest. According to the Indian Tradition of a country so deeply devoted to its religious roots; Bhang plays a vital role as a religious substance (a scene of Holi just popped into your head). Even the elders who are strongly on weeds would take Bhang on Holi ("Prasad hai ye to"). As explained above, Bhang is excluded from the act which says weed is illegal. That is the loophole. Bhang used that loophole to remove itself from the category of that law. It is considered a Cannabis Plant but not a drug (explicitly) and hence stays in the grey zone. In my opinion, the government has not yet been able to categorize it into a law which lets it thrive in that grey zone where it is neither legal nor illegal; hence, instead of fighting it, the government capitalizes on it.

## **CRIMES AFTER LEGALIZING CANNABIS IN THE WORLD:**

Since the 1990s, many states have legalized marijuana for medical use, but it was only a few years ago that recreational marijuana was legalized. In 2012, Colorado and Washington State became the first two states to legalize the recreational sale, possession, and use of marijuana. Since then, nine more states have legalized recreational marijuana; however, it remains illegal at the federal level. One of the most significant objections

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<sup>24</sup> *Legalize Marijuana in India*. Change.org. (n.d.). Retrieved November 2, 2022, from <https://www.change.org/p/government-of-india-legalize-marijuana-in-india>

to the full legalization of marijuana is the fear that legalization will increase crime. However, the opposite is one of the reasons why people want to legalize it; they think it will reduce crime.

### 1. UNITED STATES:

- A 2015 study found that the legalization of medical marijuana increased use and abuse by those under and over 21 years of age<sup>25</sup>.
- A 2017 study found that the frequency of student marijuana use increased significantly after recreational legalization and that the increase was large among women and black and Hispanic students<sup>26</sup>. A 2017 study found that the introduction of medical marijuana laws caused a decrease in violent crime in US states that border Mexico: "Crime reductions are strongest in counties close to the border (less than 350 km) and drug-related crimes. trading. In addition, we found that [medical marijuana laws] in landlocked states lead to reduced crime in the nearest border state. Our results are consistent with the theory that the decriminalization of marijuana production and distribution reduces violent crime in markets traditionally controlled by Mexican drug-trafficking organizations."<sup>27</sup>
- A 2020 study found that sales of junk food increased by 3.2 to 4.5 per cent in states that legalized cannabis<sup>28</sup>.
- A 2022 study found that legalization led to a 20% increase in cannabis use in the US<sup>29</sup>.

<sup>25</sup> Pacula, R. L., Powell, D., Heaton, P., & Sevigny, E. L. (2015). Assessing the effects of medical marijuana laws on marijuana use: the devil is in the details. *Journal of policy analysis and management: [the journal of the Association for Public Policy Analysis and Management]*, 34(1), 7–31. <https://doi.org/10.1002/pam.21804>

<sup>26</sup> Miller, A. M., Rosenman, R., & Cowan, B. W. (2017). Recreational marijuana legalization and college student use: Early evidence. *SSM - population health*, 3, 649–657. <https://doi.org/10.1016/j.ssmph.2017.08.001>

<sup>27</sup> Gavrilova, E., Kamada, T., & Zoutman, F. (2017). Is Legal Pot Crippling Mexican Drug Trafficking Organizations? The Effect of Medical Marijuana Laws on US Crime. *The Economic Journal*, 129(617), 375–407. <https://doi.org/10.1111/eoj.12521>

<sup>28</sup> Baggio, M., & Chong, A. (2020). Recreational marijuana laws and junk food consumption. *Economics & Human Biology*, 39, 100922. <https://doi.org/10.1016/j.ehb.2020.100922>

<sup>29</sup> Bednarek, Z., Doremus, J. M., & Stith, S. S. (2022). U.S. cannabis laws are projected to cost generic and brand pharmaceutical firms billions. *PloS one*, 17(8), e0272492. <https://doi.org/10.1371/journal.pone.0272492>

## 2. COLORADO:

- Colorado has seen an increase in state revenue<sup>30</sup>, a decrease in violent crime<sup>31,32</sup>, and an increase in homelessness since 2014<sup>33</sup>. In one hospital in Colorado, the number of babies born with THC in their blood increased by 15%.
- Since legalization, public health, and law enforcement, officials in Colorado have faced several issues that serve as a model for the political problems that come with legalization. Marijuana-related hospital visits nearly doubled between 2011, before legalization, and 2014<sup>34</sup>. Colorado's top public health administrators have cited the increased effectiveness of today's infusion products, often referred to as "edibles," as a cause for concern.
- They also highlighted the risk that edibles pose to children, as they are often indistinguishable from regular food when removed from the packaging<sup>35</sup>. Youth use has also been a significant aspect of the marijuana legalization debate and a concern to state officials. The overall rate of juvenile use increased, although not enough to be considered statistically significant<sup>36</sup>.
- Looking at students in the eighth, tenth, and twelfth grades, a survey published in the Journal of the American Medical Association found that rates of use did not increase for any of the different age groups in Colorado, although statistically significant increases in rates of use among eighth- and tenth-graders were reported in Washington<sup>37</sup>.

## 3. OREGON:

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<sup>30</sup> Haun, M. (2016, April 2). *The unexpected side effects of legalizing weed*.

Newsweek. <https://www.newsweek.com/unexpected-side-effects-legalizing-weed-339931>

<sup>31</sup> Healy, J. (31 C.E., May 24). After-5-months-of-sales-colorado-sees-the-downside-of-a-legal-high. nytimes.com. <https://www.nytimes.com/2014/06/01/us/after-5-months-of-sales-colorado-sees-the-downside-of-a-legal-high.html>

<sup>32</sup> Ferner, M. (2014, July 17). If legal marijuana was supposed to cause more crime, it's not doing a very good job. HuffPost. [https://www.huffpost.com/entry/marijuana-crime-denver\\_n\\_5595742](https://www.huffpost.com/entry/marijuana-crime-denver_n_5595742)

<sup>33</sup> Gurman, S. (2014, December 24). *Why legal marijuana swells Denver's homeless population*. The Christian Science Monitor. <https://www.csmonitor.com/USA/Latest-News-Wires/2014/1224/Why-legal-marijuana-swells-Denver-s-homeless-population>

<sup>34</sup> Rocky Mountain High-Intensity Drug Trafficking Area program (2019). *The Legalization of Marijuana in Colorado: The Impact: Volume 6, September 2019*. *Missouri medicine*, 116(6), 450.

<sup>35</sup> *In Colo., a look at life after marijuana legalization*. (2016, February 22). BostonGlobe.com. <https://www.bostonglobe.com/metro/2016/02/21/from-colorado-glimpse-life-after-marijuana-legalization/rccczhMDWV74UC4IxXIYJ/story.html>

<sup>36</sup> Ingraham, C. (2016, October 13). *Here's how legal pot changed Colorado and Washington*. Washington Post. <https://www.washingtonpost.com/news/wonk/wp/2016/10/13/heres-how-legal-pot-changed-colorado-and-washington/>

<sup>37</sup> Cerdá, M., Wall, M., Feng, T., Keyes, K. M., Sarvet, A., Schulenberg, J., O'Malley, P. M., Pacula, R. L., Galea, S., & Hasin, D. S. (2017). Association of State Recreational Marijuana Laws With Adolescent Marijuana Use. *JAMA pediatrics*, 171(2), 142–149. <https://doi.org/10.1001/jamapediatrics.2016.3624>

- Oregon legalized cannabis in November 2014 with more content and set more guidelines for cannabis users and commercialization. Advocates argued that the measure would reduce the financial costs of arresting and arraigning marijuana users. Additionally, it would limit the availability of cannabis for youth by curbing the black market<sup>38</sup>.
- Consequences included an increase in cannabis-related calls to the Oregon State Poison Centre, an increase in the perception among youth that marijuana use is harmful, a decrease in the arrest rate for cannabis-related crimes, \$250 million in cannabis-related transactions products, resulting in \$70 million in state tax revenue (higher than the projected \$36 million in revenue), a 10% drop in violent crime, and a 13% drop in homicides.

#### 4. WASHINGTON D.C:

- In November 2014, precinct voters approved the Legalization of Possession of Small Amounts of Cannabis for Personal Use initiative (commonly known as Initiative 71). The new law is out and all over Washington D.C. legalizing the use of cannabis by February 26, 2015<sup>39</sup>.
- Arrests for possession of cannabis fell by 98% from 2014 to 2015, and all cannabis-related crimes fell by 85%<sup>40</sup>.
- The study found no statistically significant long-term effects of recreational cannabis laws or the initiation of legal retail sales on violent or property crime rates and noted a decrease in burglaries.
- The findings suggest that the legalization and sale of marijuana had a minimal effect on significant crimes in both states.
- Although rates of property crime and aggravated assault in Washington increased shortly after legalization, the study found this was not a permanent shift<sup>41</sup>.

<sup>38</sup> Soto, A. A. (n.d.). Marijuana-related Crime in Oregon Following Legalization of Recreational Use. PDXScholar. [https://pdxscholar.library.pdx.edu/open\\_access\\_etds/5731/](https://pdxscholar.library.pdx.edu/open_access_etds/5731/)

<sup>39</sup> The Facts on DC Marijuana Laws. (n.d.). Mpd.c. <https://mpdc.dc.gov/marijuana>

<sup>40</sup> Boecker, Kaitlyn. "Opinion | on D.C.'s One-year Anniversary With Legalized Marijuana, Work Remains." Washington Post, 25 Feb. 2016, [www.washingtonpost.com/blogs/all-opinions-are-local/wp/2016/02/25/on-d-c-s-one-year-anniversary-with-legalized-marijuana-work-remains.](http://www.washingtonpost.com/blogs/all-opinions-are-local/wp/2016/02/25/on-d-c-s-one-year-anniversary-with-legalized-marijuana-work-remains/)

<sup>41</sup> Willits, Lu. Study finds minimal effect on major crime from legal marijuana sales. (2019, October 8). WSU Insider. <https://news.wsu.edu/news/2019/10/08/study-finds-minimal-effect-major-crime-legal-marijuana-sales/>

## 5. URUGUAY:

- The effects of Uruguay's legalization of cannabis since 2013 include other countries in the region relaxing cannabis laws and reducing the cost of illegal cannabis<sup>42</sup>. The percentage of female prisoners decreased<sup>43</sup>.
- The most positive thing about the legalization of marijuana in Uruguay is the crime reduction. Most crimes were drug-related, and since the weed was legalized in 2017, it has fallen by twenty per cent.
- The drop in crime showed that legalizing marijuana in Uruguay was a good idea. This is something that both opponents and supporters have seen as positive. However, some are still watching to see if this drop in crime will continue in the coming months.<sup>44</sup>

## BENEFITS OF LEGALIZATION OF CANNABIS IN INDIA:

- **Medical Use:**

Cannabis is highly effective in fighting certain types of cancer. It is also useful in the treatment of diseases such as glaucoma and Parkinson's. Cannabis also regulates insulin levels in the body and prevents consumers from developing diabetes. CBD, which is present in the hemp plant, helps maintain bone strength, the lack of which is a major problem among the elderly in India, especially women. It is also a cure for depression and anxiety, the symptoms of which are widespread in India<sup>45</sup>.

- **Reduction in trade-related crimes:**

India is a hub for illegal trade crimes. Legalizing hemp/marijuana would reduce crimes related to the illegal trade, as there would be no black-market cultivation and distribution of marijuana. There will be laws regarding the possession, cultivation, and supply of marijuana by the government and not by drug dealers. Right now, even law enforcers are acting as a catalyst for this illicit trade by taking bribes from growers and

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<sup>42</sup> NBC Universal. (2015, January 7). *Uruguay's Year In Marijuana: 3 Successes, 3 Burning Questions*. NBC News. <https://www.nbcnews.com/news/latino/uruguays-year-marijuana-3-successes-3-burning-questions-n281311>

<sup>43</sup> Weber, E. (2015, March 26). Uruguay marijuana legalization one year later. Global Citizen. <https://www.globalcitizen.org/en/content/uruguay-marijuana-legalization-one-year-later/>

<sup>44</sup> Klein, K. (2022, August 21). Low Crime Rate After Uruguay Marijuana Legalization - CTU. Cannabis Training University. <https://cannabistraininguniversity.com/laws/low-crime-rate-uruguay-marijuana-legalization/>

<sup>45</sup> Mangal, H. (2021, February 16). *Weighing the benefits of cannabis legalization in India*. Libertatem Magazine. <https://libertatem.in/articles/weighing-the-benefits-of-cannabis-legalization-in-india>

suppliers and keeping fertile land out of raids. The very fact that marijuana is the easiest drug to grow due to India's atmospheric conditions further facilitates the black market. If the government bans alcohol or cigarettes/tobacco, people will not stop drinking or smoking, what will happen is that the black market for such products will grow and crime would skyrocket. The same reason should apply to cannabis and it should be legalized. In addition, it would stop the expensive strengthening of marijuana laws and free law enforcement officers, and in turn, it would additionally limit the prosecution of crimes related to the production of marijuana<sup>46</sup>.

- **Less harmful than alcohol:**

Marijuana consumption has never been considered a socially deviant behaviour any more than alcohol consumption. Maintaining legality was considered "enlightened opinion". It is now proven that marijuana is less dangerous than alcohol. Unlike alcoholics, stoners do not indulge in reckless driving or violent fights. Under the influence of marijuana, they tend to be clammy and pleasant<sup>47</sup>.

## **WEIGHING THE DANGER OF CANNABIS:**

- **You Can Get “High”**

Therefore, most people try marijuana. The main psychoactive component, THC, stimulates the part of your brain that responds to pleasure, like food and sex. This releases a chemical called dopamine, which gives you an ecstatic, relaxed feeling. Still, THC can enter your bloodstream snappily enough to get high within seconds or twinkles, if you vape or bomb weed. THC situations generally peak in about 30 minutes and its effect can wear off in 1- 3 hours. However, it can take numerous hours to get fully sober, if you drink or eat pot. You may not always know how effective your recreational marijuana can be. This is also true of utmost medical marijuana.

- **It May Affect Your Mental Health**

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<sup>46</sup> P. (n.d.). Why should the use of cannabis be legalized and commercialized in India? Legal Service India - Law, Lawyers, and Legal Resources. <https://www.legalserviceindia.com/legal/article-1732-why-should-the-use-of-cannabis-be-legalized-and-commercialized-in-india-.html>

<sup>47</sup> Staff, S. (2014, November 19). *10 reasons why marijuana should be legalized in India*. Scoop Whoop. <https://www.scoopwhoop.com/inothernews/legalize-marijuana/>

Not everyone has an affable experience with marijuana. It can frequently make you feel anxious, fearful, panicked, or paranoid. Marijuana use can increase your chances of clinical depression or worsen the symptoms of any internal disease you formerly have. Scientists are not sure exactly why yet. High boluses can make you paranoid or lose touch with reality, so you hear or see effects that are not there.

- **It May Harm Your Heart**

Marijuana makes your heart work harder. Normally, the heart beats about 50 to 70 times per minute. But it can jump to 70 to 120 beats per minute or more for 3 hours after the effects start. The added strain, plus the tar and other chemicals in the container, can increase your chances of a heart attack or stroke. The danger is even greater if you are older or if you already have heart problems.

- **You May Feel Hungrier**

Many people who use marijuana regularly notice that it increases their appetite. They call it "the munchies"<sup>48</sup>. Some research suggests it could help people with AIDS, cancer, or other illnesses regain weight. Scientists are studying it and whether it is safe.

## **PUNISHMENT FOR POSSESSION/CONSUMPTION OF WEED:**

Section 20 of the NDPS Act, 1985 deals with offenses relating not only to consumers but also to the cultivation, possession, use, sale/purchase, import/export, transport, and storage of cannabis, except for medical or scientific purposes.

- Under section 20<sup>49</sup>, In case of cultivation, a fine of up to one lakh rupees and rigorous imprisonment of up to 10 years can be imposed.
- For possession of a small amount (100 grams for charas and hashish, 1000 grams for ganja), a fine of ten thousand rupees or imprisonment for 6 months to 1 year.
- If someone is caught with a commercial quantity (1 kg of charas and hashish, 20 kg of ganja), the court can serve a severe prison sentence of up to twenty years and pay a fine of two million rupees.

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<sup>48</sup> It is one of the most well-known effects of marijuana: the powerful surge in appetite many users feel after smoking or ingesting the drug, colloquially known as "the munchies." This can be one of the drug's biggest benefits for medicinal users who have trouble eating due to chemotherapy.

<sup>49</sup> Punishment for contravention of cannabis plant and cannabis

- Courts can also, at their discretion, punish the common offender with 30 years in prison. It is also not mandatory to impose the mandatory death penalty for repeat convictions in high-volume drug trafficking cases.
- Section 25<sup>50</sup> states that if a person knowingly allows his premises to be used to commit an offense under the NDPS Act, 1985, he shall be punished with the same punishment as under Section 20.
- Section 28<sup>51</sup> deals with attempts, aiding and abetting, and criminal association in connection with marijuana.

Laws may vary from state to state as each state has the authority to control, permit, and regulate these activities. For example, under the Uttar Pradesh excise rules, there is a potential sentence of imprisonment for two years and payment of a fine if someone:

- Imports, exports, transports, or keeps any narcotic substance other than charas.
- Cultivated any cannabis plant (*Cannabis Sativa*).
- Collects or sell any part of the cannabis plant (*Cannabis Sativa*).
- Collects or sells any part of the hemp plant (*Cannabis Sativa*) from which any anti-intoxicant drug can be made.

Despite the law-enforced prohibition, marijuana is still used in various forms by an ever-growing consumer base. This is mainly because the plant is growing out of control in the wild in several states across the country.

## CONCLUSION:

Cannabis has a checkered history in India, one that has been gauged thousands of times, and is associated with multiple connotations as a drug, godly condiments, cash crop, and medicine of recreation or abuse. Only in the most recent corridor of Indian history was cannabis banned, its use and frequency grew exponentially, and now it is on the verge of being legalized again. Despite the moping contestation, the use of botanical cannabis for medicinal purposes represents the reanimation of a factory with literal significance reemerging in present-day health care. Legislation governing the use of medicinal cannabis continues to evolve fleetly, challenging

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<sup>50</sup> Punishment for allowing premises, etc., to be used for the commission of an offense.

<sup>51</sup> Punishment for attempts to commit offenses.

druggists and other clinicians to keep abreast of new or changing state regulations and institutional counter accusations. Eventually, as the medicinal cannabis geography continues to evolve, hospitals, acute care installations, conventions, taverns, and long-term care centres need to consider counter accusations, address logistical enterprises, and explore the feasibility of permitting patient access to this treatment. Numerous countries in the world have espoused weed use for recreational and medicinal purposes. It is my sincere belief that rather than fastening on the downsides of weed, the government should see that the cons outweigh the negatives. One of the numerous reasons is that the negatives can be controlled and regulated by the government. The Indian government can probably unborn legalize cannabis as our country is taking a positive way towards the creation of legalizing cannabis to expand medicinal, marketable, and artificial purposes. But there are many pointers upon which the government should look before legalizing cannabis in India. A rule should be made that only those above 25 times of age shall only retain cannabis for recreational purposes. A limit should be set for a person beyond which if he possesses such medicine should be penalized rigorously. Until now we have studied the colourful reasons why the use of cannabis should be made legal like numerous countries, India should also do the same.

## REFERENCES:

1. <https://www.jlsrjournal.in/legalization-of-cannabis-in-india-by-shivangini-shrivastava/>
2. [https://blog.ipleaders.in/is-weed-legal-in-india/#Legalisation\\_of\\_weed\\_an\\_ongoing\\_debate](https://blog.ipleaders.in/is-weed-legal-in-india/#Legalisation_of_weed_an_ongoing_debate)
3. <https://journals.sagepub.com/doi/full/10.1177/02537176221109272>
4. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5312634/#b2-ptj4203180>
5. <https://nida.nih.gov/publications/drugfacts/cannabis-marijuana#ref>
6. <https://www.webmd.com/mental-health/addiction/marijuana-use-and-its-effects#1>
7. <https://www.change.org/p/government-of-india-legalize-marijuana-in-india>
8. <https://libertatem.in/articles/weighing-the-benefits-of-cannabis-legalization-in-india>
9. <https://www.legalserviceindia.com/legal/article-1732-why-should-the-use-of-cannabis-be-legalized-and-commercialized-in-india-.html>
10. <https://blog.ipleaders.in/punishment-possession-marijuana/>
11. <https://legislative.gov.in/sites/default/files/A1985-61.pdf>
12. SCC Online
13. JSTOR ORG