

Procedural Safeguards & Immunities of Drug Use & Drug Markets in South Asian Countries- 'LEGALISATION LEADS TO EARNEST USE OF CANNABIS'

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Abstract

India traditionally has reliance on the mythology for the whereabouts of life. The herbs in India had always held the prominent space for rejuvenation and medicinal purpose. Provision 8 under Narcotics Act created the prohibition on operations like plantation, consumption, cultivation, sale including prescription of different Psychotropic substance including other psychotropic drugs. Many of the nations have accepted the use of cannabis for medicinal purpose. The Indian Constitution under its Joint List where Union and State can enact Law, the Individual State has to enact laws for the policies of Plantation, Consumption of Psychotropic substances. Cannabis was and is consumed as the stress relief medication and has different effect on different persons. Cannabis are used for stability of nervous system, Chronic pain, sound nap or restlessness, Depression, Mood, Arthritis, Seizures/epilepsy, Migraines, Other Cancer-related symptoms, Libido, Glaucoma, Multiple sclerosis HIV/AIDS etc. The benefits/uses of cannabis cannot be overlooked, hence various clinical studies around the globe are being taken up which prove cannabis as a restorative drug for Cancer patients. Equally, it is one of the most prevalent illicit drug use disorders. One is advised to approach the use of cannabis considering all the relevant factors and research enacting the law for lawful consumption of drugs.

Key Words

Cannabis, Legalise, Medicinal, NDPS Act, Recreational.

INTRODUCTION

Different species of the genus Cannabis make part of human life since ancient times. Industrial cannabis (hemp) and medicinal cannabis (marijuana) are genetically distinct forms of the plant Cannabis (*sativa* L.), the major difference between them being the content of psychoactive compounds. Cannabis is a prolific plant that grows in a variety of climates, and can be genetically bred into many different strains. The two main varieties are known as Marijuana and Hemp. Both the strains appear identical phenol typically and are genetically similar. Marijuana contains high levels of THC, a psychoactive stuff that stimulates depressant response on a person. Nevertheless, Hemp contains small amount of THC, and large quantity of CBD or cannabidiol, is a natural compound that can be extracted as an oil and infused into tinctures, balms, foods just about anything. Both hemp and marijuana can be processed and used both medicinally and recreationally.ⁱ

Our Country has tradition and values that always based on its epics and mythological texts for each whereabouts related to life. As the Cannabis continuously remained veiled below Hindu mythological literature, it was treated as holy herb.ⁱⁱ Traditionally hems form the source of amusement and also served the medicinal purpose. Mythological epics generated from ascendants on to their descendants. The mythology also evident the use of Lord Shankara to get redress from family conflicts, slept beneath this holy plant, chewing the part of which rejuvenated, chief diet of Lord, which was later credited as the *prasadam* of Lord Shankara the Bhang.

It is evident that Prohibition leads illegality following which cannabis stands no exception the same. The Colonial Rule in India headed to decline of plantation eventually the ban on plantation, consumption, cultivation, sale and prescription declared the illegality of Cannabis in India by the Narcotic Drugs and Psychotropic Substance Act, 1985.

The use of Medical Marijuana (MM) is growing in the U.S. and Europe, however evidence concerning its efficacy and safety are conflicting.ⁱⁱⁱ In developed countries, MM is used to treat a host of medical indications, leading to a degree of skepticism concerning the specificity of its therapeutic effects and the motivation underlying its use.^{iv} Nevertheless, study in this regards have astonishing results. India, globally being regarded biggest medicinal producer consider and evaluates this herb.

LEGALITY OF CANNABIS

Global law does prohibit the plantation and production of cannabis for medicinal use. Instead, the 1961 UN Convention provides a general regulation and pattern of control, for a State if intended for the Cultivation and Production of Cannabis for reformation of any diseases Each country has the sovereign right for formulating enactments towards the cannabis production on its territory. Undoubtedly the individual State restricts the growth and cultivation of cannabis for pharmaceutical use it will definitely improve the quality of medicines which would eventually raise the economic standards of the state.

Laws started to regulate the cannabis from as early as 1378^v. However, the major laws started to flow in 18th Century. Many nations have regulated the use of cannabis either by allowing them or by completely banning them. But no country has legally ignored this plant.

IN INDIA

The Colonial Rule in India headed to decline of plantation eventually the ban on plantation, consumption, cultivation, sale as well as prescription declared illegality of psychotropic drugs in India by the Narcotic Drugs and Psychotropic Substance Act, 1985.

Under Section 2(iii) of the Act cannabis (hemp) means resin which may be raw, crude or purified and includes the extracted liquids or oil from it.

The Ganja is flower or fruit of Cannabis in which the seeds and leaves are not considered. Botanically any plant obtained from genus of cannabis is regarded as Cannabis

Section 8 of the NDPS Act deals with prohibition of certain activity which includes no person is allowed to cultivate any coca plant, opium poppy or any form of cannabis herb. Also the person is not allowed to fabricate, yield, hold, trade, convey, store depot, import and export any psychotropic substance other than the Research or aesculapian use under the prescribed license, permit and by the assent of prescribed authority. The production and cultivation of the Cannabis or other Psychotropic drug for the aforesaid purposes only after the assent and approval of Union Government or any notification pertaining to it.

As per the interpretation of Sec 10 of NDPS Act an individual State Legislation is permitted and allowed to regulate norms and regulation pertaining to growth, yield, convey, transfer, manufacture of any Psychotropic medicinal drug including cannabis.

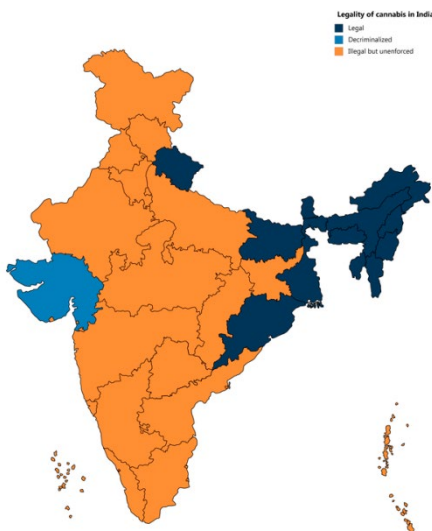


Figure 1: *State-wise Legality of cannabis in India*^{vi}

Under our Country norms, entry pertaining to Drugs are the matter which can be formulated, enacted, amended, repealed by the by union as well as by state. Furthermore, Section 10 of the NDPS Act 1986, enumerates the powers entrusted to the state government to make regulations in this regard. In furtherance to the power of state, regarding regulation of Psychotropic drug we have unequal status to the cannabis use in individual states. On the whole analyzing these can be indicated that there are some states in which cannabis are Illegal and unenforced but on other hand there are states which allow the plantation, manufacture and trading of cannabis, which is directing to its illegalised use.

Given the ancient nature of use of cannabis in India, most of the states do not enforce the ban with full intent.

AROUND THE GLOBE

The consumption of cannabis is seen differently in various countries. However, the majority of countries have made it illegal. The use of cannabis can be divided into two categories: medical and recreational. According to a global survey on the compassionate use of cannabis, 138 countries have rejected the use of cannabis for therapeutic purposes, while 45 countries have legalised it and only 14 countries have decriminalised it.

Use of Cannabis for Medicinal Purposes	
Status	Number of Nations
Illegal	138
Decriminalized	14
Legal	45

Table 1: *Status of Cannabis for medicinal purposes in different nations.*

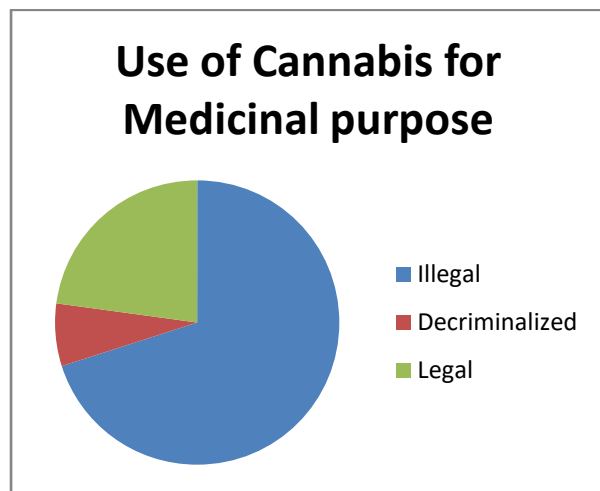


Figure 2: *Pie Chart representation of data as per Table 1*

On the other hand, the recreational use of cannabis is legalized by only 4 states, decriminalized by 52 states and 142 states have declared it as illegal.

Use of Cannabis for Medicinal Purposes	
Status	Number of Nations
Illegal	142
Decriminalized	52
Legal	4

Table 2: *Status of Cannabis for recreational purposes in different nations.*

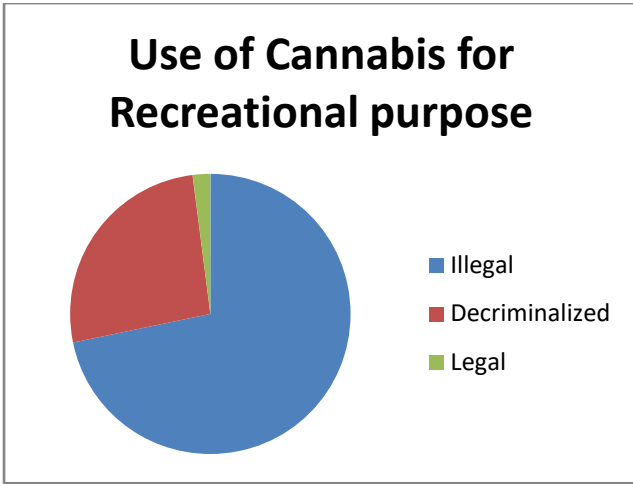


Figure 4: Pie Chart representation of Table 2

MEDICINAL USE OF CANNABIS

Cannabis is the root of the psychoactive drug ‘cannabis’, also known by the name of marihuana or hashish. In the light of evolving cannabis laws around the world, understanding how the (psycho) active ingredients in cannabis communicate with the human endocannabinoid system (ECS) – a fragile system involved in the control of a variety of physiological processes – is critical.^{vii} On the patient hand, it has been stated that the majority of patients who have been treated MM claim they have used it to cure a variety of ailments^{viii} some for which MM was not specifically prescribed^{ix}. Depression and MM dose are highly correlated and should be concurrently addressed during chronic pain treatment.^x Cannabis are used for Anxiety, Chronic pain, Sleep disturbances or insomnia, Depression, Mood, Arthritis, Seizures/epilepsy, Migraines, Other Cancer-related symptoms, Libido, Glaucoma, Multiple sclerosis HIV/AIDS etc.

Different legal status of cannabinoid-based medicinal products can be visualized as follows:

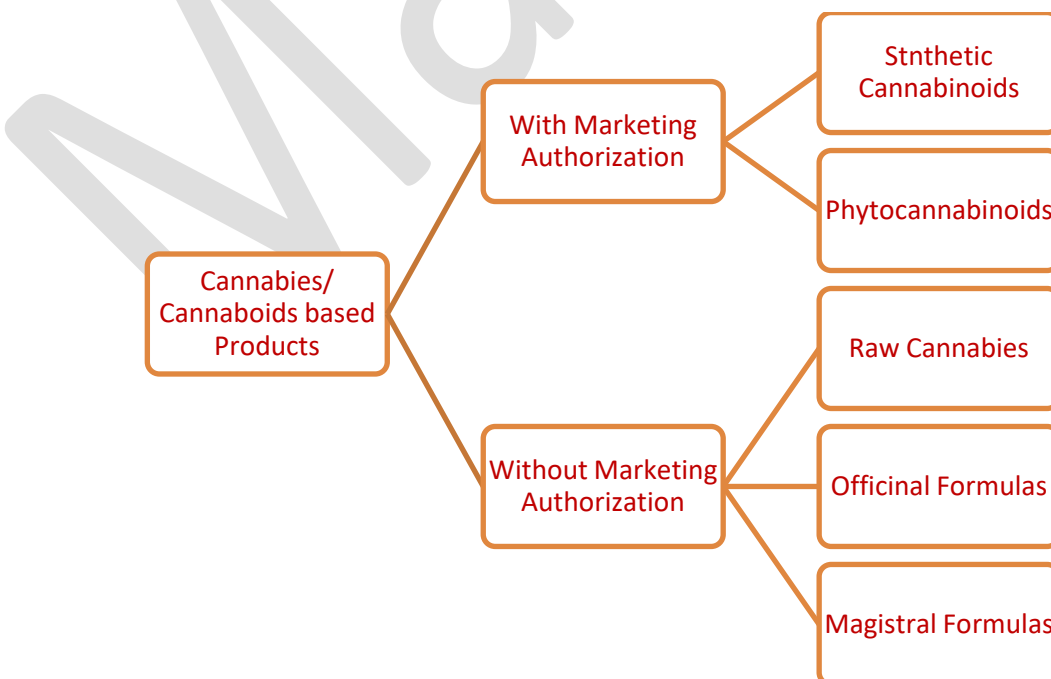


Figure 4: *Legal Status of Medical products of Cannabis*

Cannabis is a depressant drug. Antidepressant medications do not always cause depression. Instead, they slow down the central nervous system and the signals that travel from your brain to your body.

Many people respond to cannabis in different ways. The influence will also change depending on the person's mood or environment when they use it. The immediate effects of cannabis will last for two to three hours and could include the following:

- lack of inhibition
- decreased focus and memory
- blurred perceptions of time, space, and distance
- accelerated pulse rate
- drowsiness
- increased appetite
- increased talkativeness
- reddened eyes
- reduced balance – which renders driving or operating machines unsafe when under the influence of the substance
- anxiety and fear^{xi}

RESEARCH ON CANNABIS

On November 25, 2018, the Central Council For Research in Ayurvedic Sciences (CCRAS), a research agency under the Ministry of AYUSH, released the findings of India's first clinical report on the use of cannabis as a cancer-recovery treatment. On cancer patients receiving treatment at the Tata Memorial Hospital in Mumbai, the pilot study was performed in collaboration with the Gujarat Ayurved University, Jamnagar. CCRAS Director General Vaidya K.S. Dhiman stated, "In the pilot study conducted earlier this year, cannabis leaves-based drugs have been found effective in alleviating pain and other symptoms in cancer patients post- chemo and radiotherapy".^{xii}

On November 23, 2018, the Bombay Hemp Company (BOHECO), co-founded by Mr Jahan Peston Jamas, partnered with the CSIR to host a conference in Delhi to encourage the use of cannabis-based medicines. The conference, called "Cannabis R&D in India: A Scientific, Medical and Legal Perspective", was attended by Minister of State for PMO Jitendra Singh and MP Dharamvir Gandhi. The CSIR's Indian Institute of Integrative Medicine (IIIM) announced the creation of three cannabis-based medicines to treat cancer, epilepsy, and sickle-cell anaemia on the same day.^{xiii} On February 1, 2020, the first medical cannabis clinic in India opened in Koramangala, Bangalore. The clinic, which is run by HempCann Solutions in Odisha, sells cannabis-infused tablets and oils under the Vedi Herbals brand..^{xiv}

HARMFUL EFFECTS

Approximately 22 million persons are estimated to be dependent on cannabis. This puts cannabis in the top rank of most prevalent illicit drug use disorders, with a similar prevalence to opioid dependence (27 million).^{xv}

Larger doses or stronger forms of cannabis can increase these effects, and can also cause:

- confusion
- restlessness
- feelings of excitement
- hallucinations
- anxiety or panic
- detachment from reality
- nausea
- psychosis (severe mental illness where the person loses connection with external reality).^{xvi}

WEIGHING THE INTERESTS

Smart Approaches to Marijuana recommends research efforts and data collection focus on the following categories:^{xvii}

- Emergency room and hospital admissions related to Cannabis.
- The availability and price of the same in the 'legal' as well as illegal markets.
- Its impact on school children and the incidents therein.
- The level of Cannabis advertising and its impact on youth.
- Car crashes incidents involving Cannabis, considering THC levels of those found positive for alcohol.
- Psychological health effects of Cannabis.
- Number of persons admitted to Cannabis related treatment and counseling intervention programs.
- Cost of legalization and implementing the same ranging from law enforcement to regulators.
- Cost of psychological health and treatment for addiction due to increased marijuana use.
- Cost of needing, but not receiving any treatment.
- Commercial impact on the market for alcohol and other drugs.
- Cost to employers, with special reference to its impact on productivity.
- Impact on minority communities, including convictions, placement of marijuana establishments, and quality of life indicators. Effect on the environment, including water and power usage.

Accordingly, it becomes obvious to precautiously change the approach towards the use of cannabis considering all the relevant factors and research. Every medicine, technology and development has its cost, but depending upon our intellect we can reduce it to the best of our capabilities.

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