

Uttarakhand Hemp Policy and its Implications: An Anthropological Exploration of Documents and Ground Realities

Dr. Madhushree Barik

Research Assistant

NIT Durgapur, West Bengal

Abstract- The evolving importance and positive virtues of hemp are being recognised in India and also due to cultural evolution of cannabis uses, human preferences, socio-economic and ecological benefits, Uttarakhand Government has taken an initiative of reviewing the policy of industrial hemp by virtue of which the first ever license for cultivation of industrial hemp in India has been issued to the Indian Industrial Hemp Association (IIHA) in July 2018, but only for non-narcotic purposes such as medicines, textiles, paper, building materials, etc. *Cannabis sativa* or the *bhanga* plant is a part of local culture of Uttarakhand because of its multiple uses among the local inhabitants since generations. But due to its ban in India by NDPS Act in 1985, people throughout the country are restricted from practising its cultivation. The main objective of Uttarakhand hemp policy 2016 is to facilitate providing license to the growers for cultivating hemp containing THC equal to or less than 0.3% for fiber and seed. The present paper includes ethnographic findings of fieldwork in Uttarakhand to study the socio-cultural, ecological and economic aspects of hemp cultivation. However, there is still a really long way to go before the legalization of cannabis in India can or will be realized practically. The State Governments have to act boldly and recognize the value of the ecological and medicinal properties of this traditional plant for its legalization in India.

Keywords: Ecological, Economic, Hemp, Legalization, Policy.

I. INTRODUCTION

Cannabis produces about 80-100 naturally occurring compounds called cannabinoids, and the most notable cannabinoid and a predominant psychoactive component found in cannabis is the phytocannabinoid tetrahydrocannabinol (Williamson, 2000) which is also known as Delta-9 tetrahydrocannabinol (Δ^9 -THC or only THC). The fourth most popular recreational chemical in the world and the most noteworthy illegal substance is THC. Cannabidiol has an anti-psychoactive function that regulates or lessens the high induced by THC, which has potent hallucinogenic effects to get a person high (Santos, 2012). The Uttarakhand government took the initiative to review the industrial hemp policy in India due to the cultural evolution of cannabis uses, human preferences, economic, political, and legal factors. As a result, India's first industrial hemp cultivation license was granted to IIHA of Uttarakhand, but only for non-narcotic uses like medicines, textiles, paper, building materials, etc. (Joshi, 2019).

II. PROFILE OF THE AREA AND PEOPLE UNDER STUDY

The study has been conducted in both Garhwal and Kumaon divisions covering four districts of Uttarakhand. The people of the study area are generally dependent on agriculture and in all probability lack of employment opportunities and food insecurity prevails in some of these areas. It has also been evidenced that due to low economic conditions, most of the rural inhabitants of these areas were compelled to leave their homelands and migrate from their villages to big cities in search of sustainable livelihoods.

III. UTTARAKHAND HEMP POLICY

To get answers to the above raised questions, it is necessary to understand the extract of Uttarakhand hemp policy 2016 which considers the following points:

- (i) Uttarakhand hemp policy facilitates providing license to the growers for cultivating hemp containing THC equal to or less than 0.3% for fiber and seed.
- (ii) District magistrate is authorized to provide license for hemp farming in duly filled format available along with the required documents.
- (iii) The policy requires license holder to submit the certificate of using seed of permitted limit of THC.
- (iv) Policy demands testing of THC in standing crop before harvesting for which expense will be borne by license holder. Violation of said limit of THC will lead to destruction of the crop.

The positive analysis of political ecology of hemp requires the solution of equal redistribution of power among people for hemp related environmental decisions as these environmental decisions include both political power and purchasing power. The purchasing power supports cost-benefit analysis of environmental harms and also the consumer demand for products in markets. The cost and benefits of every product becomes greater when they reach to people with more purchasing power as compared to the cost and benefits of the same products when they reach to people with less purchasing power. Therefore, those with greater purchasing power enjoy the advantage of making judgements and having more political power, and these disparities in power when it comes to making decisions about the environment tend to cause greater degrees of deterioration of the environment and its resources.

IV. CASE STUDIES

Nature Provides Pvt. Ltd. (pseudonym), situated in Pant village in Almora district, focuses on organic farming, research and development of various super foods, traditional herbs and plants as a model for sustainable living in the village areas. Currently, about 25-30 people of nearby villages are employed here and most of them are women. Workers and residents claim that the foundation initially collected locally cultivated hemp seeds from adjacent villages' local fields and sold them for less money than the market would bear. In some cases, however, they were not paid at all. Most of the female workers there are required to work overtime, which has an impact on both their daily lives and family duties. In addition to all of this, workers often receive irregular payments and are paid less than they would otherwise. And when there is less product manufacturing owing to off seasons or other factors, many women are advised to take time off, which has an influence on their financial situation and job security. Similarly, the hemp seeds are gathered from the nearby villages and processed in this factory by local workers, but the goods are too expensive for the locals to use, and even the employees who have been working there for years claimed they have never used the products. As a result, all the goods manufactured here are easily accessible in every Almora shop that is intended specifically for tourists and people with greater purchasing power, but they are not to be found in any local stationery or grocery store for locals with lesser purchasing power. They purchase the hemp seeds from nearby villages for 80–100 rupees per kg, and then they sell them on their website for more than 1,000 rupees per kg. The extracted hempseed oil is then sold in marketplaces for roughly 2000–3000 INR.

In Mandakini Mahila Bunkar Samiti- Women Weavers of Garhwal, a NGO in the study area of Rudraprayag district, many local women are employed in the processing of fibre to fabric of various fibres, and hemp being one of them. In Himadri Hans Handloom situated in Dinapani village of Almora District, is a non-profit organization which is working in collaboration with the Uttarakhand Government. Their aim is to make an impact upon the lives of 5000 women weavers in Uttarakhand by imparting technical and design skills to women artisans of Kumaon and enhancing their indigenous skills for making local craft products, fashionable and sustainable textiles. The majority of the workers in both of the

mentioned case studies are women from the same or surrounding villages, and the majority of the raw materials are procured locally. Despite the rising demand for eco-friendly clothing products, women and locals employed in handlooms who have lower purchasing power are unable to purchase and utilize the costlier hemp materials.

From the above case studies of Nature Provides Pvt. Ltd., Mandakini Mahila Bunkar Samiti, etc. and interviews of locals and the workers, It might be assumed that the local farmers of the adjacent villages provide the raw ingredients, such as hemp seeds and fibres, that they need to manufacture their products. However, as none of the local hemp farmers plant hempseeds with the permissible level of THC and do not have a licence for hemp farming, it cannot be confirmed or checked whether all of those raw materials comply with Uttarakhand's hemp policy. Limiting THC to 0.3% is not necessary if Uttarakhand hemp policy is facilitating the provision of licence to hemp growers only for the purposes of fibres and seeds, as using hemp with a range of THC levels for cosmetics, fabrics, building materials, etc. does not have the same intoxicating effects on people as consuming higher levels of THC. The Food Safety and Standards Authority of India (FSSAI) issued a notification on 15th November 2021 stating “The hemp seed, hemp seed oil and hemp seed flour shall be sold as food or used as an ingredient in a food for sale subject to conforming standards” (indiatoday, 2021).

As explained by Dr. Vasudha Pant, in a discussion with her in her office named Green Hills Trust in Almora, the main challenge for functioning of Uttarakhand hemp policy lies in the production of permitted hemp seeds. Being a dioecious crop, it is highly cross pollinated in nature and also wind pollinated, due to which the chances of pure seed production becomes next to impossible without definite technical expertise and artificial growing conditions. Although hemp is from the same species as cannabis (marijuana), the seeds themselves do not naturally contain tetrahydrocannabinol (THC), which is the main psychoactive ingredient in cannabis. Also, there is no agency to certify that the available seed for cultivation is within permissible limit of THC. The certification agency has to be nominated because the nodal agency CAP vide letter 24.06.2020 states that while they are the nodal agency as well as testing agency, but they do not test seed and have no role in issue of licence. It needs to get assurance and details from the license holder how the crop will be grown specifically for seed production. It can be inferred from the policies that, abiding by the legal conditions, getting a license for hemp farming is not that easy for every local farmer.

To apply for a hemp farming licence, the farmer should have his/her own land for hemp cultivation and he should provide the details of himself and his land to the district magistrate along with the license fees and character certificate. After reviewing and ensuring all statutory and police requirements have been met, the district magistrate has the authority to grant or deny a license application. The license holders are allowed for using hemp seeds containing THC equal to or less than 0.3% for fiber and seed purposes only and therefore, the license holder is required to submit the certificate of using seeds of permitted limit of THC. The policy demands testing of THC in each and every stage of cultivation i.e. from sowing of seeds to harvesting of standing crop, for which the total expense is to be borne by the license holder himself. This sampling has to be done either by testing agency or crop monitoring agency. According to the Uttarakhand hemp policy, if the permissible limit of THC is violated during any stage of cultivation, then the hemp crop will be destroyed completely and the license holder will not get any compensation for that loss, in spite of claiming before the law.

I came across some people who had applied and have procured hemp cultivation license in Uttarakhand. During my field study in the Bageshwar district of Uttarakhand, I came across a case of Bharat Negi, a local resident who had applied for hemp cultivation license for his personal agricultural land. Bharat's journey began during the COVID-19 lockdown, when he first became aware of the potential economic benefits associated with hemp cultivation. Motivated by this information, he sought guidance from an

acquaintance working in the local excise department. This individual directed him to the official Uttarakhand excise website, which outlined the necessary steps and forms required to apply for a hemp cultivation license. Bharat subsequently filled out six prescribed forms and gathered the required documentation, including his character certificate, proof of storage facilities, and details of his land. He submitted these documents to the district magistrate's office, initiating the formal application process. However, Bharat's experience revealed the significant bureaucratic challenges involved. The verification of his documents, particularly his character certificate and land ownership, took an extended period of time. This led to a prolonged waiting period, lasting approximately four to five months, during which Bharat had to make multiple visits to government offices in an attempt to expedite the process. Despite his persistence, the approval for the license was slow, highlighting the inefficiencies within the administrative framework. Upon finally receiving the industrial hemp cultivation license, Bharat faced a new set of challenges. The financial costs associated with the licensing procedure were considerably higher than he had anticipated. The expenses required for complying with regulatory standards and initiating cultivation proved to be a significant barrier. As a result, despite having obtained the license, Bharat found himself as unable to proceed with hemp farming due to his limited financial resources.

The cultivation of legal hemp seeds presents the biggest obstacle to the effective implementation of Uttarakhand's hemp policy. From the policies, it can be deduced that not all local farmers will be able to obtain a licence for hemp production while still adhering to the law. The farmer must hold land on which to grow hemp in order to apply for a licence to do so. He or she must also give the district magistrate information about himself, his land, the licence fees, and a character certificate. The district magistrate has the power to approve or reject a licence application after studying it and making sure that all legal and police requirements have been completed. The licence holder is required to present the certificate of utilising seeds with the permitted level of THC since hemp seeds may only be used for fibre and seed purposes and must have a THC content of 0.3% or less. The regulation requires THC testing at every step of cultivation, from seed germination to standing crop harvest, and the licence holder is responsible for covering all costs. Either a testing agency or a crop monitoring agency must conduct this sampling. The Uttarakhand hemp policy states that the hemp crop will be fully destroyed if the permitted maximum of THC is violated at any point in the production process, regardless of any legal claims the license holder may make.

V. CONCLUSION

It can be concluded that prior to the practical realization of cannabis legalization in India, there is still a very long way to go. To pave the road for this traditional plant's legalization in India, the Central Government and State Governments must take strong action and appreciate the significance of the ecological and commercial features of the plant. The government's decision to legalise hemp production with a 0.3% THC regulation will undoubtedly make it nearly impossible due to India's prevailing climatic circumstances. The current standard of a 0.3% threshold limit is unsuitable, unscientific, and cannot be met here because the climate is so favorable for growing cannabis with at least 1% THC. Therefore, authorized institutions should closely monitor the crop rather than concentrating on the THC limit. We must challenge and reconsider the laws and regulations that keep us and the environment from taking advantage of the advantages offered by the hemp plant.

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