



2025:CGHC:30885-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 9 of 2025

Dr. Sachin Ashok Kale (In Person) S/o Late Shri Ashok Kale Aged About 46 Years R/o Kale Wada, Tilak Nagar, Main Road, Police Station Civil Lines, Bilaspur Chhattisgarh 495001, Mob No. 9425530260.

... Petitioner(s)

versus

1. State of Chhattisgarh Through Chief Secretary, Govt. of Chhattisgarh, Mantralay, Naya Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Secretary, Law and Legislation Dept., Govt. of Chhattisgarh, Mantralay, Naya Raipur, Chhattisgarh.
3. State of Chhattisgarh Through Secretary, Commercial Tax (Excise), Govt. of Chhattisgarh, Mantralay, Naya Raipur Chhattisgarh.
4. State of Chhattisgarh Through Secretary, Agriculture Dept. Govt. Of Chhattisgarh, Mantralay, Naya Raipur Chhattisgarh.
5. State of Chhattisgarh Through Chief Secretary, Forest And Climate Change Dept., Govt. Of Chhattisgarh, Mantralay, Naya Raipur Chhattisgarh.
6. State Of Chhattisgarh Through Secretary, Finance Dept., Govt. Of Chhattisgarh, Mantralay, Naya Raipur Chhattisgarh.

7. State Of Chhattisgarh Through Secretary, Agriculture Dept. Govt. Of Chhattisgarh, Mantralay, Naya Raipur Chhattisgarh.
8. State Of Chhattisgarh Through Secretary, Bio Diversity Board, Govt. Of Chhattisgarh, Mantralay, Naya Raipur Chhattisgarh.

...Respondent(s)

For Petitioner	:	Dr. Sachin Ashok Kale, in person.
For Respondents/State	:	Mr. Sangharsh Pandey, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

07.07.2025

1. Heard Dr. Sachin Ashok Kale, petitioner in person. Also heard Mr. Sangharsh Pandey, learned Government Advocate, appearing for the State.
2. The present writ petition styled as 'Public Interest Litigation' has been filed by the petitioner with the following prayers:

"10.1 That, the Hon'ble Court may kindly be pleased to issue appropriate writ/order/directing, as may be necessary, respondent to:-

a. To Define industrial hemp (based on the percentage of THC it contains)

b. To authorizing the growing and possessing of industrial hemp by creating an advisory board or commission with establishing or authorizing a state

licensing or registration program, by removing restrictions facilitate the cultivation, processing and use of industrial and medical hemp so that the local people can be benefited through its commercial usage and also are able to avail its medicinal properties.

10.2 The Hon'ble Court may kindly be pleased to allow the writ petition & issue appropriate instruct respondent to decide petitioner's representation and permitting him cultivation & developing ecosystem of industrial hemp/cannabis, in the interest of Chhattisgarh State.

10.3 Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case may also be allowed."

3. Petitioner, in person, submits that he has filed the present petition seeking a direction by to the respondent authorities to take an immediate action, keeping positive view on tapping economic, social & environmental benefits of hemp a 'golden plant', for betterment of life of citizens of Chhattisgarh.

4. It is further submitted by the petitioner in person that he has filed the representation to all concern authorities & respondents, mentioned above, on 22.02.2024, in personally & taken acknowledgment. But, not a single general or specific action has been taken so far and till date, by the respondents, including not even replying to petitioner. Further, in the said representation, he has highlighted many of benefits of 'golden plant', which are supported by many researches and government reports. This indicates that this 'golden plant' has potential of being "New Generation Gold Mines", for farmers of Chhattisgarh. He further contended that according to the Narcotics and Psychotropic Substances Act, 1985, (for

short, 'NDPS Act') mass cultivation of hemp for horticultural and industrial uses is permitted by Indian law. But, Sections 10 and 14 of the NDPS Act, which gives the State Government the power to decide the limits within which licences may be given for its cultivation has never been used and no regulation or rules have been made by the State of Chhattisgarh to facilitate medical or industrial use of the plant.

5. Petitioner is person further stated that the Food Safety and Standards Authority of India (for short, 'FSSAI') has published the notification mentioning "the hemp seed, seed oil and hemp flour shall be sold as food or used as an ingredient in a food for sale subjected to confirming standard." Also, Ministry of Aayush, Govt. of India, has issued as order dated 07.08.2024, indicating fresh guidelines for medicines using hemp oil need Central Government permission, which shows government also knows the benefits of it. He would submit that the government has categorized these hemp in the Goods & Service Tax Code (for short, 'GST'). This indicate that government, whether Central or State, are getting earning from these commodities via trading, importing & exporting and other commercial activity. He also submits that there are many references in various holy books, including but not limited to, Sushruta Samhita, Sama Veda, Yajur Veda, & others, which indicate important heritage of cannabis in Indian culture & medicine. Further, in line with guidelines laid down by the Hon'ble Supreme Court in above said case, in the definitions of various articles of Constitution of India, specifically:

"1. Article 21, has now been understood to include right to health as a fundamental right by judicial pronouncements.

2. Article 29, Protection of interests of minorities; (3) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

3. Article 41, provides right to assistance in case of sickness and disablement.

4. Article 47, makes improvement of public health a primary duty of State.

5. Article 48A, which ensures that State shall Endeavour to protect and impose the pollution free environment for good health.”

6. It is further contended by the petitioner in person that the British found the use of cannabis so extensive in colonial India, that they commissioned a large-scale study in the late 1890s. The British government asked the government of India to appoint a commission to look into the cultivation of the hemp plant, preparation of drugs from it, trade in those drugs, the social and moral impact of its consumption, and possible prohibition. After years of detailed work, the Indian Hemp Drugs Commission report produced six were particularly concerned with whether or not cannabis caused psychoses. After years of thorough and well conducted research, the Commission concluded that suppressing the use of herbal cannabis (bhang) would be totally unjustifiable. They concluded that its use is very ancient, has some religious sanction among Hindus, and is harmless in moderation. In fact, more harm was done by alcohol. Furthermore, prohibition would be difficult to enforce, encourage outcries by religious clerics, and possibly lead to the use of more dangerous narcotics. These findings of The Indian Hemp Drugs Commission Report

of 1894, conducted over 100 years ago, are surprisingly relevant today. He also contended that there is question in Loksabha unstarred Question No. 3452 to be answered on the 10.12.2019 about Industrial Hemp & Question by Shri T.R.V.S. Ramesh to Minister of Agriculture and Farmer Welfare. The answer tabled by concern minister is self-explanatory. The Cabinet approval note on release of National Policy on NDPS and highlights, from Press Information Bureau of India (for short, 'PIB') dated 12.01.2012, which details are clear and self-explanatory. He further submits that Government of Uttarakhand has issue detailed guidelines on the cultivation of Industrial Hemp. The Government of Himachal Pradesh, has constituted the committee for investigation & possibility of cultivation of Industrial Hemp in Himachal Pradesh. The standing committee on labour, textile and skill development has submitted 53rd report on Development & Promotion of Jute industries, to the Loksabha, in which also significance importance has been visualized about hemp & sun hemp. The Central Bureau of Narcotics has publishing Departmental Hindi Patrika, "Sanyam", in which of part 2, described chronological historical events of Indian Hemp, written by Superintendent of CBN.

7. Petitioner submits that the cannabis sativa plant having various useful uses of mankind. The main constituent / compound, which cause psychoactive effect is tetrahydrocannabinol (for short, 'THC'), which only affect when it is more than 3%. The content of THC (0.3 to 1.5%) unusable by the drug users as it diminishes the psychoactive effect of the drug. This can be possible by making cultivating genetically modified seeds (GM Seeds). Secondly, the plant becomes a huge industrial resource and also can be used for treating serious medical ailments. But,

the present policy of burning the cannabis plant not only causes environmental pollution, but also causes a great loss to bio diversity and the ecosystem, the plant is also essential for maintaining the richness of the soil cover. The cannabis plant is being grown world over to reduce radiation effects in areas where nuclear disasters have happened because of its properties to soak up radiation. The plant acts as a carbon store, absorbing atmospheric carbon dioxide. The endeavour of this writ petition is to highlight the potentials and uses of Hemp, re-imagining the future of Chhattisgarh States agriculture, sustainable living with 'hemp'. The hemp's uses are kaleidoscopic. Pull its Fibre out and it will give yarn, chop it into softwood it will give material to build shelter, study its genetics and one finds Medicine. Therefore, the judicial intervention is necessary for the protection of the sanctity of principle that 'our constitution mandates a participatory democracy' and does not allow imposing of one groups moral or cultural values over the other group, the petition involves questions pertaining to 'protection of identity and ancient cultural practices'.

8. Mr. Kale further submits that administrative decisions related to this issue are harmful to the environment and jeopardize people's right to this valuable natural resource. The benefit of Hemp depends upon who is accessing it, be it a farmers, scientists, policymakers or industry leaders, the main objective of this petition is to epitomize a wholesome, credible solution towards alleviating conditions of poor farmers and uplifting society by measurable social impact and finally urging the State to take steps in providing a regulatory framework which benefits the local people by the use of hemp as an industrial raw material and also by allowing

cultivation and use of hemp in research and medicine. Hence, this petition.

9. On the other hand, learned State counsel opposes the prayer made by the learned counsel for the petitioner and submits that this petition is nothing but an attempt by the petitioner to any how get permission from the State to cultivate the cannabis and to carry on the commercial transaction of the product.

10. We have heard learned counsel for the parties and perused the prayers and pleadings made in the present petition.

11. Having considered the rival submissions of the learned Counsel for the parties and gone through the record, it is relevant to mention that it is the duty of this Court to ensure that there is no personal gain, private motive and oblique motive behind filing of PIL. In order to preserve the purity and sanctity of the PIL, the Courts must encourage genuine and bonafide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

12. The Courts should, *prima facie*, verify the credentials of the petitioner before entertaining a PIL. It is also well settled that the Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation. The Courts should ensure the jurisdiction in public interest is invoked for genuine purposes by persons who have bona fide credentials and who do not seek to espouse or pursue any extraneous object. Otherwise, the jurisdiction in public interest can

become a source of misuse by private persons seeking to pursue their own vested interests.

13. A Division Bench of the Allahabad High Court, in the case of **Gurmet Singh Soni Vs. State of U.P. and others : 2021 (5) ADJ 409**, noticing the decision of the Hon'ble Apex Court in **State of Uttaranchal Vs. Balwant Singh Chaufal & Ors., 2010 AIR SCW 1029** and other judgments of the Hon'ble Apex Court on the issue, has dismissed the public interest litigation.

14. The Courts cannot allow its process to be abused for oblique purposes, as was observed by the Hon'ble Supreme Court in **Ashok Kumar Pandey Vs. State of West Bengal**, reported in **(2004) 3 SCC 349**. In **Balwant Singh Chaufal** (supra) the Hon'ble Supreme Court had discussed the three stages of a PIL which has been discussed above. The Hon'ble Supreme Court, in **Balwant Singh Chaufal** (supra) states as to how this important jurisdiction, i.e., PIL has been abused at Para 143 by observing as under:

"143. Unfortunately, of late, it has been noticed that such an important jurisdiction which has been carefully carved out, created and nurtured with great care and caution by the courts, is being blatantly abused by filing some petitions with oblique motives. We think time has come when genuine and bona fide public interest litigation must be encouraged whereas frivolous public interest litigation should be discouraged. In our considered opinion, we have to protect and preserve this important jurisdiction in the larger interest of the people of this country but we must take effective steps to prevent and cure its abuse on the basis of monetary and non-monetary directions by the courts."

15. The Hon'ble Supreme Court, in **Holicow Pictures (P) Ltd. Vs. Prem Chand Mishra**, reported in **(2007) 14 SCC 281** which has relied

Janata Dal Vs. H.S. Chowdhary, reported in **(1992) 4 SCC 305**,

observed as under:

“12. It is depressing to note that on account of such trumpery proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death facing gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters—government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorised collection of tax amounts are locked up, detenu expecting their release from the detention orders, etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for glare of publicity, break the queue muffing their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the courts never moves, which piquant situation creates frustration in the minds of the genuine litigants and resultantly they lose faith in the administration of our judicial system.”

16. The Hon'ble Supreme Court, in **Gurpal Singh Vs. State of Punjab & Others**, reported in **(2005) 5 SCC 136**, the appointment of the appellant as Auction Recorder was challenged. The Court held that the scope of entertaining a petition styled as a public interest litigation and

locus standi of the petitioner particularly in matters involving service of an employee has been examined by this Court in various cases. The Court observed that before entertaining the petition, the Court must be satisfied about (a) the credentials of the applicant; (b) the *prima facie* correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. The Court has to strike balance between two conflicting interests; (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions.

17. It is matter of grave concern that the consumption of narcotic and psychotropic substances in the State of Chhattisgarh has increased manifold in the recent years and it not only has evil effects on the body and mind of the person consuming it, but it ruins the entire family and society as well. The offences relating to contraband and psychotropic substances is on upsurge in the State. Number of instances have been reported wherein crimes are committed by an offender in a state of inebriation without understanding the consequences of their act. It not only lands the offender to incarceration, but also ruins the entire family as when the sole bread earner is lodged in a jail, his family is the biggest sufferer. Under the garb of this public interest litigation petition, this Court cannot encourage any such activity nor issue any direction to the State, which may turn to be a disaster in future. The reasons assigned by the petitioner to permit cultivation of cannabis in the State of Chhattisgarh is totally frivolous and baseless.

18. The petitioner does not have any *locus standi* and it is not a genuine public interest litigation. It is well settled that no public interest litigation would lie if the same involves personal interests. The petitioner has approached this Court under the garb of public interest, seeking directions which fall squarely within the domain of legislative and executive policy of the State. Courts cannot direct the Government to make policy decisions, particularly in sensitive areas like narcotic control. The cultivation of hemp is prohibited under the NDPS Act, save for specific permitted purposes and through statutory procedure. Cannabis cultivation is generally prohibited except for medical, scientific, industrial, or horticultural purposes and only with government authorization. The petitioner has neither demonstrated any public interest nor followed the appropriate legal mechanisms. The present is a petition which can be termed as misuse of judicial process.

19. We are not satisfied that this is a genuine petition filed in public interest so as to invoke the jurisdiction in the public interest under Article 226 of the Constitution. Accordingly, the present petition styled as 'Public Interest Litigation' is **dismissed**.

20. The security amount which was deposited by the petitioner stands forfeited.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Headnote

Public Interest Litigations (PILs) are meant to address issues of public concern and promote justice, but Courts typically refrain from interfering with matters that fall within the exclusive domain of legislative and executive policy, as these are considered to be the prerogative of the elected branches of government.