
THE LEGAL STATUS AND POLICY IMPLICATIONS OF PSILOCYBIN MUSHROOMS IN INDIA: A CRITICAL ANALYSIS AND REFORM PROPOSALS

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ABSTRACT

Recently, more people in various parts of India are using psilocybin mushrooms recreationally, which spotlights uncertainties in their legal status. This paper examines whether the current laws adequately cover this. Psilocybin is indeed a scheduled substance under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). Still, the Act skips over mushrooms in their natural state, thereby the principle of *nullum crimen sine lege*—no crime without law, comes into force. It has led to inconsistent policing and varying judicial outcomes, which are similar to the ambiguities seen with other natural psychedelics, such as cannabis plants, before clearer guidelines emerged. On top of that, the Drugs and Cosmetics Act, 1940 doesn't specifically regulate these mushrooms, leaving gaps in therapeutic research and medical oversight. This lacks criminal control against public health needs in India. This paper explores psilocybin's hallucinogenic effects, its risks, such as psychological distress, and growing evidence of benefits for mental health issues like depression, drawing from national and global studies. This lacks criminal control against public health needs in India. Reviewing certain decisions of the High Courts on possession, classification as "psychotropic substances". The analysis reveals a regime that's vague and inconsistent with the object of the NDPS Act. Finally, this paper proposes reforms, including amendments to existing laws to address Psilocybin mushrooms, tiered regulations (bans on recreational use and consumption as a drug but allowances for research), and a licensing system for clinical trials.