

The General conditions for grant of Licence for Cultivation of Opium Poppy on account of the Central Government during the Opium Crop Year Commencing on the 1st day of October, 2011

UNION OF INDIA

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Rule

THE-GENERAL-CONDITIONS-FOR-GRANT-OF-LICENCE-FOR-CULTIVATION OF OPIMUM POPPY ON ACCOUNT OF THE CENTRAL GOVERNMENT DURING THE OPIUM CROP YEAR COMMENCING ON THE 1ST DAY OF OCTOBER, 2011

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The General conditions for grant of Licence for Cultivation of Opium Poppy on account of the Central Government during the Opium Crop Year Commencing on the 1st day of October, 2011 Published vide Notification New Delhi, the 20th September, 2011, No. 1/2011-Narcotics Control-1 Ministry of Finance (Department of Revenue) G.S.R. 702(E). - In pursuance of rule 8 of the Narcotic Drugs and Psychotropic Substances Rules, 1985, the Central Government hereby notifies the general conditions for grant of licence specified below for cultivation of opium poppy on account of the Central Government during the Opium Crop Year commencing on the 1st day of October, 2011 and ending with the 30th day of September, 2012.

1. Place of Cultivation.

- Opium poppy cultivation may be licenced in any tract as may be notified in this behalf by the Central Government.

2. Eligibility for Cultivation.

- Subject to clauses 3 and 7 of this notification, the following shall be eligible for a licence to cultivate opium poppy: (i) Cultivators who had cultivated opium poppy during the crop year 2010-11 and tendered an average yield of opium of not less than 58 kg/hectare in the States of Madhya Pradesh and Rajasthan and an average yield of opium of not less than 52 kg/ha in the State of Uttar Pradesh. (ii) Cultivators who ploughed back their entire opium poppy crop cultivated during the crop year 2010-11 under the supervision of the Central Bureau of Narcotics in accordance with the provisions in this regard, but had not similarly ploughed back their entire poppy crop during 2009-10. (iii) Cultivators whose appeal against refusal of licence has been allowed after the last date of settlement in the crop year 2010-11. (iv) Cultivators who cultivated opium poppy in the crop year 2008-09 or during subsequent crop year and were eligible for a licence in the following crop year, but did not voluntarily obtain a licence for any reason or who after having obtained a licence for the following crop year, did not actually cultivate opium poppy due to any reason. (v) Cultivators who are the legal heirs of deceased eligible cultivators and in case there are more than one such legal heir, the one determined by the District Opium Officer as legal heir for the purpose of the licence.

3. Conditions of Licence.

- No cultivator shall be granted licence unless he/she satisfies that : (i) He/she did not, in the course of actual cultivation, exceed the area licenced for poppy cultivation during the crop year 2010-11 beyond the 5% 'Condonable Limit' allowed in the licensing policy. (ii) He/she did not at any time resort to illicit cultivation of opium poppy and was not charged in any competent court for any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 and the Rules made thereunder. (iii) He/she did not during the crop year 2010 violate any departmental instructions issued by the Central Bureau of Narcotics/ Narcotics Commissioner to the cultivators. (iv) He/she did not tender during 2010-11 adulterated opium or opium classified as 'inferior opium' by the Government Opium and Alkaloid Works, Neemuch/ Ghazipur. (v) He/she did not tender during the crop year 2010-11, opium which has been found to be of a consistency lower than 55 degrees.

4. Maximum Area.

- (i) All eligible cultivators under clause 2(i) to (v) will be issued licence for 35 ares. However, cultivators who tendered average yield of 60 kg/ha and above under clause 2(i) category will be issued licence for 50 ares. The cultivators can cultivate in an area less than the licenced area. (ii) Cultivators can sow opium poppy in not more than three plots. (iii) Cultivators will be permitted to take on lease, land belonging to others, to make up the licenced area, if they so desire.

5. Forewarning.

- (i) A Minimum Qualifying Yield of 58 kg/ hectare in Madhya Pradesh and Rajasthan and 52 kg/hectare in Uttar Pradesh must be tendered during the crop year 2011-12 to become eligible for a licence to cultivate opium poppy in the following year i.e. 2012-13. (ii) Morphine content of opium

tendered during 2011-12 may become the basis for payment for the crop year 2011-12 and eligibility for licence in crop year 2012-13, if the Government decides to do so in this regard.(iii)Cultivators who had fully ploughed back their entire poppy during crop year 2010-11 would not be entitled for licence in the crop year 2012-13, if they also uproot their crop fully in the crop year 2011-12.(iv)Cultivators, whose opium for the crop year 2011-12 is found to be 'water mixed' and of consistency lower than 55 degrees will not be eligible for a licence in the next crop year 2012-13.(v)Cultivators whose opium for the crop year 2011-12 is found to be adulterated and classified as 'inferior' by the Government Opium & Alkaloid Works, Neemuch or Ghazipur will not be eligible for licence in the next crop year 2012-13.

6. Condonable limit.

- If the area actually cultivated is up to 5% in excess of the licenced area, such excess cultivation may be condoned.

7. Miscellaneous.

- (i) Any cultivator who cultivates opium poppy during 2011-12 not in his own land but in the land leased from others shall provide details of owner of the plot, survey number and any other details as may be directed by the Narcotics Commissioner.(ii)These General Licencing Conditions are without prejudice to the right of the Narcotics Commissioner/Deputy Narcotics Commissioner to issue/withhold a licence whenever it is deemed proper to do so in accordance with the provisions of the Narcotic Drugs & Psychotropic Substances Act, 1985 and the Rules made thereunder.(iii)The licence will be subject to the condition that any field may be taken over for any research that may be conducted by the Government directly or in collaboration with any specialised institution or agency. The cultivator whose field is selected for research shall be considered for licence for the next year if he has tendered the stipulated MQY and is otherwise eligible. The area taken over for research will not be taken into account while calculating the yield.(iv)The licence shall be subject to the further condition that any field may be selected for obtaining poppy straw without extraction of opium. Cultivators whose fields are selected for such use shall be eligible for a licence for the next crop year, if otherwise eligible.(v)The quantity of opium tendered by a farmer will be calculated at 70° consistency, on the basis of analysis by the Government Opium and Alkaloid Works, Neemuch or Ghazipur.(vi)Notwithstanding anything stated above, opium cultivation will not be allowed in any village where the number of eligible cultivators is five or less. However in respect of such villages, wherever possible, the affected cultivators will be given an option to shift to such neighbouring village where opium cultivation is permitted.