

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, 2010

UNION OF INDIA

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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, 2010

Rule

GENERAL-CONDITIONS-FOR-GRANT-OF-LICENCE-FOR-CULTIVATION of 2010

- Published on 29 September 2010
- Commenced on 29 September 2010
- [This is the version of this document from 29 September 2010.]
- [Note: The original publication document is not available and this content could not be verified.]

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, 2010 Published vide Notification New Delhi, the 29th September, 2010, No. 1/2010-Narcotics Control-1 Ministry of Finance (Department of Revenue) G.S.R. 786(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 for cultivation of opium poppy on account of the Central Government during the Opium Crop Year commencing on the 1st day of October, 2010 and ending with the 30th day of September, 2011.

1. Place of Cultivation.

- Opium poppy cultivation may be licensed 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 2009-10 and tendered and average yield of opium of not less than 56 kg/hectare in the States of Madhya Pradesh and Rajasthan and an average yield of opium of not less than 49 kg/ha in the state of Uttar Pradesh. (ii) Cultivators who ploughed back their entire opium Poppy crop cultivated during the Crop year 2009-10 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 2008-09. (iii) Cultivators whose appeal against refusal of licence has been allowed after the last date of settlement in the crop year 2009-10. (iv) Cultivators who cultivated opium poppy in the crop year 2007-08 or during any 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 2009-10 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 there under. (iii) He/she did not during the crop year 2009-10 violate any departmental instructions issued by the Central Bureau of Narcotics/Narcotics Commissioner to the cultivators. (iv) He/she did not tender during 2009-10 adulterated opium classified as 'inferior opium' by the Government opium and Alkaloid Works, Neemuch/Ghazipur. (v) He/she did not tender during the crop year 2009-10, 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 62kg/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 licensed an area of 50 ares can sow opium poppy in not more than four plots and those licensed an area of 35 area can sow opium poppy in not more three plots. (iii) Cultivators will be permitted to take on lease, land belonging to others, to make up the licensed 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 2010-11 to become eligible for a licence to cultivate opium poppy in the following year i.e. 2011-2012.(ii)Morphine content of opium tendered during 2010-11 may become the basis for payment for the crop year 2010-11 and eligibility for licence in crop year 2011-12, if the Government decides to do so in this regard.(iii)Cultivators who had fully ploughed back their entire poppy during crop year 2009-10 would not be entitled for licence in the crop year 2011-12, if they also uproot their crop fully in the crop year 2010-11.(iv)Cultivators, whose opium for the crop year 2010-11 is found to be 'water mixed' and of consistency lower than 55 degree will not be eligible for a licence in the next crop year 2011-12.(v)Cultivators whose opium for the crop year 2009-10 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 2010-11.

6. Condonable limit.

- If the area actually cultivated is up to 50% in excess of the licensed area, such excess cultivation may be condoned.

7. Miscellaneous.

- (i) Any cultivator who cultivates opium poppy during 2010-11 not in his own land but in the land leased from others shall provide details of owner of the plot, survey number 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 so to do 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.