

MINISTRY OF FINANCE AND COMPANY AFFAIRS

(Department of Revenue)

NOTIFICATION

New Delhi the 28th October, 2002

2/2002-Narcotics Control-I

G.S.R. 729 (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 licences 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, 2002 and ending with the 30th day of September, 2003.

PREAMBLE

The Government of India (hereinafter referred to as the Government)-

CONSIDERING the indispensable medicinal use of opium;

RECOGNISING its role as the sole licit supplier of this raw material to meet requirements of opiates; and being

CONSCIOUS of the necessity to prevent and combat drug trafficking and drug abuse;

HEREBY lays down the following general conditions for grant of licence for opium cultivation for the crop year 2002-03.

1. PLACE OF CULTIVATION

Poppy cultivation may be licensed in any tract as may be notified in this behalf by the Central Government.

2. ELIGIBILITY FOR GRANT OF LICENCE

(a) Cultivators who have tendered an average yield of opium of not less than 53 kg/hectare in the States of Madhya Pradesh and Rajasthan and an average yield of opium of not less than 45 kg/hectare in Uttar Pradesh, i.e., the respective Minimum Qualifying Yields, during the crop year 2001-2002, shall alone be eligible for licence.

(b) However, the above-mentioned criterion shall not be applicable to the cultivators of the following categories:

(i) who ploughed back their entire poppy cultivation during the crop year 2001-2002, under supervision of the Government, in accordance with the provisions in this regard;

(ii) whose appeal against refusal of licence has been allowed after the last date of settlement in the crop year 2001-2002; or

(iii) who cultivated poppy in the crop year 2000-01 and were eligible for licence for the crop year 2001-02, but did not voluntarily obtain the licence for any reason, or who, after having obtained licence for the crop year 2001-02, did not actually cultivate poppy due to any reason.

3. CONDITIONS OF LICENCE

(a) 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 licensed for poppy cultivation during the crop year 2001-2002;

(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; and

(iii) during the crop year 2001-02, he/she did not violate any Departmental instructions issued by the Central Bureau of Narcotics/Narcotics Commissioner to the cultivators or did not adulterate the opium procured by him/her before/while tendering the opium to the Government;

(b) All cultivators who had cultivated opium poppy during the crop year 2001-02 in area less than the area licensed and/or who had cultivated opium poppy in a plot of less than 10 ares and/or who cultivated opium poppy in more than two plots but tendered opium with the required Minimum Qualifying Yield (MQY) and fulfilled other conditions of the Opium Licensing Policy 2002-03, will be given licence for the Crop Year 2002-03.

4. MAXIMUM AREA

(i) Individual area for cultivation shall be as follows: -

Yield of opium tendered by cultivator in crop year 2001-02	Licensed area for crop year 2002-03
Upto 60 kgs/ hectare	10 ares
Above 60 kgs/hectare and upto 65 kgs/ hectare	15 ares
Above 65 kgs/ hectare	20 ares

(ii) A cultivator can sow opium poppy in not more than two plots.

(iii) Notwithstanding anything stated above, the Government may allow an area more than 20 ares to Agricultural Research Institutes or Agriculture Universities in the opium growing States for research purposes.

5. CONDONABLE LIMIT

The condonable limit in respect of excess cultivation shall not exceed 5% of the licensed area.

6. FOREWARNING FOR MINIMUM QUALIFYING YIELD FOR THE CROP YEAR 2003-04

(i) A minimum qualifying yield of 53 kg/hectare in Madhya Pradesh and Rajasthan and 47 kg/hectare in Uttar Pradesh must be tendered during the crop year 2002-03 to become eligible for opium licence in the following year, i.e., 2003-04.

(ii) A cultivator who, being eligible for grant of opium licence for the crop year 2002-03 in accordance with the criteria prescribed in this policy, either does not obtain the licence or, having obtained the licence, does not actually undertake cultivation for any valid reason (including shortage of water) and informs the Narcotics Commissioner or any officer authorised by him well in time, shall be eligible for opium licence for the following crop year, i.e., 2003-04.

7. MISCELLANEOUS

(i) These instructions 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.
- (ii) The licence shall be subject to the condition that any field may be taken over for Joint Licit Opium Poppy Survey that may be conducted by the Government or by the Government in collaboration with any specialised institution or agency. The cultivator whose field is selected for Joint Licit Opium Poppy Survey shall be considered for granting licence for the next year irrespective of the yield tendered by him during the crop year 2002-03, if otherwise eligible.
- (iii) The licence shall be subject to the further condition that any field may be selected for obtaining poppy straw without extraction of opium. The cultivators whose fields are selected for such use shall be eligible for licence for the next crop year, if otherwise eligible.
- (iv) The quantity of opium mentioned above will be calculated at 70 degree consistency on the basis of analysis at the factories (Government Opium and Alkaloid Works).
- (v) Notwithstanding anything stated above, the Government reserves the right to withdraw permission for opium cultivation in such villages where the total area under cultivation, at any time, falls below 2 hectares or any other limit prescribed by the Government.

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ASHOK CHAKRABARTI, Under Secy.