AN OVERVIEW OF OPIUM PRODUCTION POLICY IN INDIA

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ABSTRACT

The Indian States like, Madhya Pradesh, Rajasthan and Uttar Pradesh are bigger cultivators/ producer of opium in the country. The Indian Government issued a licence to Cultivators, under the licence cultivators and government are in agreement. According to the government the Cultivators share their production according to norms prescribed by Indian Government. But it has been seen in last few years the there is an increasing tendency of illegal opium cultivation and black marketing thereof. The opium production being supplied in black market which is ultimate cause of drug abuse among youth in the country. India is the nation known for licensed opium production on the world map. Though it is intended to be produced for the scientific and medicinal purpose but due to certain reasons its supply have registered the diversion in black market in India. The fact becomes more important in circumstances when the statistics have recorded the ascending involvement of juveniles in the cases registered under the NDPS Act. This study reveals the lacunas in production policy of opium in India, narcotic administration in country, and increasing criminal tendency of youths and their participation in offences under NDPS Act.

Keywords: Opium Production policy, Lacunas, Failure, License.

INTRODUCTION

India the world leader of cultural diversity and wisdom is facing the indiscriminate attacks of poisonous teeth's of evil named as narcotic substances. Decline in character of Indian societies with some citizens and baseman's have registered a tremendous growth with the forwarding steps of 20^{Th} century. Greedy nature of human being have made its own mind as money making machine and in this way man started to interfere with the ordinate behaviour of things which have though resulted in short term gain but long term a bigger loss.

Narcotic substances, which were intended under Ayurveda before thousands of the years ago for being used as for the medicinal purpose became the curse now a days for the society. the situation became so much horrible that it has gripped the women the mother of generational so. a large section of the society either the professionals including the doctors also or technicians or the labourers and rickshaw pullers are there who are gripped in mysterious and multicoloured trap of narcotic substances. The availability of these substances though regulated by the law but remained deep rooted and easily accessible in our society which have made it a never-ending problem. Sandwich geographical position of India as between the golden crescent and golden triangle made it as a transit point or the hub of international market of narcotic substances.ⁱⁱⁱ

There remained a proportional relationship between production and consumption of narcotic substances on one hand and demand supply on the other hand. Bigger population have provided a bigger market and a bigger consumer base in India. Flexible legislative measures also made the favourable environment for multidimensional growth of illicit production consumption and circulation thereof lack of awareness education employment have also given a fertile bed to the growth of that evil. Political will administrative effort's specific geographical location have also made it very easy to spray the poisonous seeds of drugs in society. On the other hand remained the traditional producer of narcotic substances and a user thereof as a relaxing and medicinal agent. Due to specific regulatory measure it became the subject matter of trafficking in India during the 1960. It happened due to several reasons like Sikh mutiny ,changing socioeconomic circumstances ,political inability ,loopholes in legislative measures. It is time has been registered as suitable most time and thus the fact of growth became historical in trafficking area. A new Economy which could be termed as Drug economy having transboundary roots have found growth which has various effects thereof. The analysis have

revealed the multidimensional causes and effects thereof and interrelation thereof which are being discussed in above manner-

Figure: 1.0: Production Consumption Cycle



"Opium" The game changer of D market: Studies and data provided by the narcotic control bureau and concerned agencies reveals that opium remained the important narcotic substance seized by the authorities. It is the raw material which is produced by the poppy plant. Opium on one hand became the need of the government for its medicinal and scientific necessity an on the other hand it remained the requirement of traffickers for securing the illegal supply which remained also very apparent in the seizure of quantity of substances. Destruction of illicit cultivation of opium remained the indicator to represent the increasing tendency of producers to conduct the unauthorised production of opium. The two vary facts: 1-seizure, 2-destruction of illicit cultivation of opium crop, substances thereof provide the base to have a relook over the production policy of opium in India. The important narcotic control bureau and concerned agencies reveals that opium and the important narcotic substance substance.

CONTROL OVER NARCOTIC SUBSTANCES IN INDIA

History reveals that India remained the traditional producer but a balanced consumer of Substances like opium, opium husk, cannabis etc. Even Atharvaveda have provided about the psychoactive effect thereof. During colonial era opium was regarded as black gold and it remained the important subject matter of export. Due to uncontrolled availability of opium and substances like cannabis the condition became more worst that's why the need arose to provide a system for control thereof. For that purpose the consumption and production have been regulate by legislative measures. The very first attempt in pre independence period was made by the Indian penal code which have provided about the punitive measures for various acts. Subsequently Opium Act 1857 came in to existence which have provided about

the regulatory framework in reference to the opium production, trade, consumption etc. xvii Later opium amendment Act 1878 came in to existence .It have mainly provided about the production of opium in India. Subsequently opium commission was appointed in year 1853 it was a response of British government to show its commitment of anti-opium society and have provided about the regulated consumption of opium and a like substances. Xviii After that the Government have passed the Dangerous drugs Act in the year 1930. It have classified the morphine, cocaine etc under group "A" dangerous drugs and prohibited the consumption, retention etc thereof. Again, certain regulatory measures relating to use and keeping of opium which have been provided under Drugs and cosmetics Act 1940.

Indian constitution has shown its commitment of a drug free society under Article 47 and 21. xix In furtherance of the commitment made under Ratification of three international conventions. xix Government have made an attempt to assure it by the legislating the Narcotic and psychotropic substances act 1985 and NDPS Amendment Act 1988.

OPIUM PRODUCTION POLICY IN INDIA

Opium is produced by the paper somniferous plant which is also known as poppy plant in India. The country is known on the world map for the legalised production thereof. India as a signatory to United Nations Convention on Narcotic drugs 1961, legalised production of opium. It is required to regulate the abovementioned production of opium under legislative framework. The NDPS Act (1985) under section 8 debarred the cultivation of opium. However, the government issues a license for the purpose of production of opium. It is usually issued by the Central Bureau of Narcotics^{xxi}. The license is ^{xxii}granted by district opium officer on receipt of prescribed fee of rupees 25only by the intended qualified farmer belonging to Uttar Pradesh, Madhya Pradesh, Rajasthan.^{xxiii} Usually, it happens during the month of October -November every year. There is also the policy of granting of joint license for cultivation. During the crop year 2018-19 the farmers who have tendered the average production not less the 52 kilogram /hectare in MP, UP, Rajasthan are deemed to be qualified for the grant of license.

The most important person who is key link in production chain of opium substances is Lambardar. He is appointed by the district opium officer from the panel of 5 farmers of the

concerned village. The terms and conditions of appointment thereof are scheduled by the Narcotic Commissioner.

Statutory control upon the whole process is exercised by the NCB Officers. In the end of December, they conduct the measurement of licenced area for the cultivation. This measurement is made by the Sub inspector *xxiv* accompanied with a constable usually.it is written as a record on the field book prepared by such authorities. Usually, the measurement is a process followed by the sowing and geminating of seeds. The area so sown is required to be that for which the license is issued .in case it the area is more than the specified area then the measurement official shall report the fact to Deputy Narcotic commissioner. In case if the excess area so sown is 5% of that for which he is authorised, no action shall be taken against him because it is the excusable limit which is specified by the Central Government. In case if the area is exceeding to 5% then the reporting shall be made to*xxv* District opium officer and concerned Deputy Opium Commissioner. The Deputy Narcotic Commissioner shall order the remeasurement of such cases of excess cultivation by deputing an officer who shall not be less than a gazetted officer Panchama shall be prepared in all such cases of excess area. In such case an action under NDPS Act *xxvi* shall be taken against that producer by the unit Deputy Narcotic Commissioner.

In case if the crop is damaged by the natural calamities either prior to lincing of post lancing. Such farmers are directed to uproot their unlenced crop under the supervision of department. But it is required that uprooting must not be less than one Are (1 Hectare =100 Ares.) No uprooting shall be permitted in a plot where lancing has been started. Patch uprooting or partial uprooting shall not be usually permitted. For such uprooting Panchnama shall be required to be prepared and entry of the fact shall be made thereunder. *xxvii*

The extraction of opium by the process of lancing shall be conducted in the month of Feb-March. The latex is harvested by cultivators on daily basis. The preliminary weighment of raw opium which is in the form of latex is conducted by Lambardar and it shall be entered. CNB staff is required to check the PWR so made periodically against the physical stock. It shall be made on the random basis. If there is any inconsistency action shall be taken against that farmer. The difference between quantity of produce and the entry of Lambardar's shall, if found improper, the cultivator shall be held liable under section 19 of the NDPS Act1985.

Subsequently the cultivators are required to produce the whole opium before District Opium Officer for the purpose of deposition. Central bureau of narcotics sets the weighment centre at the same time under the general instructions of district opium officer for the purpose of collection of harvested opium. It usually occurs in the month of March. Those centres *xxviii* are usually set up in locality villages where the opium is produced. during the weighment 2 samples are taken for the purpose of -1) Hot air oven test, 2) Testing of presence of sugar, starch, gum etc.

The opium weighment officer shall secure the weighment and classify the produce on the basis of quality, moisture etc. Around 90% price of such opium shall be paid immediately on the centre in furtherance of the Government notification. The final test shall be made by the Government opium factory regarding quality and presence of any adulterant and subsequently final price shall be paid.

During the whole process of production certain important facts seems to be analysed for the purpose of better narcotic administration of opium crop substances which are as following-

- (a) Role of Lambardar (b) Role of Narcotic officials responsible for the supervision and measurement. (c) Price of opium paid by the Government to cultivators.
- a) Role of Lambardr: local administrator of opium acting on behalf of narcotic authorities who deals with farmers directly during the whole production cycle. Selection thereof is made from a panel of farmers of that village. He plays an important role during the-

Figure: 2.0. Role of Lambardr



Source: The Narcotic Drugs and Psychotropic Substances Rules, 1985.

Measurement of crop is for which the license is granted.

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Supervision of lancing and harvesting of opium latex.

Weighment of substances.

Maintenance of weighment register by entering the weight of latex.

Reporting the fact of any abnormality to the authorities.

The role of lambardar becomes very sensitive and suspicious because he is also a farmer of that village. He is not privileged financially and in other cases of production.in all the cases he shall be treated as common producer. He conducts the measurement of plot intended for the opium cultivation. In presence of sub inspector which is usually conducted once. In such case there remains always a chance of alteration of boundaries which could be easily made. A very normal question is there that if licensed area is measured 1st and then what a need for five percent excusable limit of excess crop area. It seems to be a loophole in the production policy and promoting the illegal cultivation of poppy.

On the other hand, when area is once measured by the authorities then what's about excess area of illicit crop cultivation which is made under license but reported in the statistical data of CNB. Accordingly in crop year 2009,1449hactare illicit crop is destructed in the year 2018,1898-hectare illicit crop is destructed It is very apparent that that general disclosure of illegal opium production area comes within the knowledge of authorities when it is reported to them by any external source. Above analysis reveals that 5% of overall production area could be there before the eyes of authorities but falls within the purview of excusable limit .it is provided by the official notification that minimum 5.9 Kg /Hectare opium is mandatory to be given. Instead of a strong surveillance system technical assessment infrastructure government have left the famers to apply their mind according to their discretion.

The price being paid to farmers is also a very sensitive issue. Opium is usually known as black gold in illegal market. An average price per Kg is 870-3500/kg being paid by the government and on the other hand in illegal market its rate is 1 lakh to 2 lakh /kg. It is also an important factor influencing the diversion of harvested legal produce towards the illegal market. Seizure of 149.060 kg opium during the year 2019 is a considerable fact in this regard. Seizure of 2468 kg of poppy husk also shows the inclination towards the diversion thereof.

Supervision related issues: General supervision at the grass root level is exercised by the Lambardar who himself is a cultivator. Therefore, he is a very lackadaisical unit of opium production and supervision chain. He conducts the supervision, measurement of crop area in presence of sub inspector and a constable deputed for that purpose. The production of opium is a sensitive and technical job therefore a technical random supervision is required. During the crop year 2019, an area of 848 hectare of illicit cultivation is destructed which is about 7.2% of total licensed area across the country during that crop year. It shows the requirement of technical survey of the abovementioned cultivation. The average production is calculated by the authorities on the basis of plants grown in 1 square feet area or in other a like manner. Therefore a random assessment is made and yield quantity is determined on that basis .sometime it have been seen that average yield is recorded by asking farmers about their production. Dealings of lambardar also makes it a considerable issue. No proper supervision during the lincing and collation of latex Therefore it is hardly required to designate a quality assessment by an impartial technical agency for securing the proper assessment of quality supervision.

Collection of substances at the weighment centres: Weighment centres are settled in the vicinity of producing village area. The Opium is collected at centre in the month of march. lincing process and harvesting of opium latex is conducted in between the month of Feb - Mar. Subsequently the latex is stored at the home of cultivator and registered in the PWR by the lambardar. On completion of lincing, raw substance which is semi dried opium latex to the collection centre. While the crop remains at home of farmer or carried to centre, in between, a constant danger of theft, loot remains always there and no security is provided to that farmer. Therefore, it could be more beneficial to make the arrangements of collection centre at the village level where the harvested latex could be regularly deposited with safety and more technical assessment

Though physical random inspection of PWR and opium at the home of cultivator is made by officials but it is not sufficient to suppress the diversion tendency of produces.

Reporting the fact of abnormality: Reporting is an important factor of Narcotic administration and affects the whole process of its control and command. It could be made only in case of abnormality. Usually, it is expected by the lambardar to make such reporting. But proper

reporting could not be presumed to be made by the lambardar because the interest of the farming community are very same. Investigation of a fact thereof is really a tough job and could be actualized by a technical supervision.an impartial agency is required to be employed to secure that purpose.

Certain facts which are required to be analysed in light of opium production policy in India are as following-

Licit Cultivation (Licensed Area in Hectares) xxix

Table 1.0: Licensed Area Under Opium Cultivation in India

		\\			
CROP	NO OF	LICENSED	HARVESTE	PRODUCTIO	AVERAGE
YR	CULTIVATO	AREA IN	D AREA	N IN TONS	YIELD
	R	HACTARE			KG/HACTAR
					Е
2009-	60787	23425	12237	761	62.180
10					
2010-	53775	24541	16518	1045	63.280
11					
2011-	48863	23591	12092	794	65.660
12					
2012-	46821	5859	5619	371	65.060
13					
2013-	44350	5893	5329	318	60.530
14					
2014-	38467	6170	5423	335	61.769
15					
2015-	37514	6983	557	30	53.897
16					
2016-	60747	10284	8721	560	64.280
17					
	I			1	

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2017-	57373	5740	4710	280	59.480
18					
2018-	69455	6949	6107	401	66.481
19					

Source: Narcotic Control Bureau

Note: Area Demonstrated in Rows in Hectare and Production in Tons and Average Yield in Kilograms

A growth has been registered in the licenced area. Therefore, the expectations for higher production are quite apparent. But there is no reform is registered in technical assessment, price policy, penal policy as all that is more or less alike to 1985.therefore the fact becomes of great importance.

Table 1.1: Minimum Qualifying Yield of Opium from Year 2009-2019 in 3 Indian States Namely Uttar Pradesh, Madhya Pradesh^{xxx}

Year	MQY(MP	MQY(MQY(Average	Average	Average	Average
)	UP)	Raj)	Yield	Yield	Yield	Yield
				(MP)		(Rajasthan)	(KG/Hect
							are)
2009-10	53	53	46	42.930	61.770	62.790	62.180
2010-11	56	56	49	43.610	64.330	62.430	63.280
2011-12	56	56	52	35.480	64.670	66.960	65.660
2012-13	56	56	52	52.670	64.280	66.550	65.060
2013-14	57	57	52	59.630	57.620	63.270	60.530
2014-15	51	51	52	63.414	61.667	61.860	61.769
2015-16	58	58	52	57.236	41.263	55.897	53.897
2016-17	49	49	47	45.210	64.380	64.220	64.280
2017-18	56	56	52	51.340	59.080	60.070	59.480
2018-19	52	52	52	49.92	65.26	68.27	66.481

Source: Narcotic Control Bureau

Note: Quantity Demonstrated in Rows are in Kilograms

It also shows that in comparison to year 2009 there is growth in average yield of opium production. In 2009 it was 62.180 but later in 2019 it became 66. xxxi 481. It became due to various factors like reform in cultivation techniques, facilities to farmers, awareness etc. But besides all the standards set by the government regarding minimum qualifying produces which id 52 kg for year 2019. other the policy of deposition of a minimum quantity of 5.2 kg in any case is looking useless in such an innovative era.

Value of Raw Opium Being Paid by Government in India

Table 1.3 Institutional Opium Purchase Price in India xxxii

Yield per Hectare	Price (In Rs.
Upto 44 Kgs	870
Above 44 Kgs. and up to 52 kgs.	1000
Above 52 kgs. and up to 56 kgs	1275
Above 56 kgs. and up to 60 kgs.	1390
Above 60 kgs. and up to 65 kgs.	1740
Above 65 kgs. and up to 70 kgs.	1875
Above 70 kgs. and up to 75 kgs	2050
Above 75 kgs. and up to 80 kgs.	2250
Above 80 kgs. and up to 85 kgs.	2500
Above 85 kgs. and up to 90 kgs	3000
Above 90 kgs	3500

Source: Narcotic Control Bureau

Note: The Price Shown Here was For the Year 2014-2015

The pricing policy really shows that government is quite unaware about the market price of opium and substances in illegal and international market. **Example **Better** Better price shall influence the farmers to remain faithful with the government. the difference in price is about more the 100 times. Therefore, there is need to have a relook on pricing policy thereof.

Drug Seizure by CBN xxxiv

Central bureau of narcotics is acting as an administrative body which provides the control over licit and illicit production and circulation of narcotic substances in India. It is required to analyze the number of cases and quantity of substances seized in last 10 years for an effective finding towards the factor of their controlled production and policy measures.

Table 1.3: Drug seizure by CBN xxxv

Year	Opium	Opium	Heroin	Heroin	morphine	morphine	Poppy	Poppy
							husk	husk
	No of	Seized	No of	Seized	No of	Seized	No of	Seized
	cases	quantity	cases	quantity	cases	quantity	cases	quantity
		(in kg)		(in kg)		(in kg)		(in kg)
2009	13	48.38	4	3.080	-	-	3	647.6
2010	15	82.24	2	0.960	-	-	1	4130.54
2011	9	65.89	1	1.1	-	-	1	6440
2012	8	94.58	3	4.500	-	-	1	18739
2013		91.69	10	4.621	2	0.550	1	1729.8
	16							
2014	9	296.75	15	7.825	1	0.525	1	3770.17
								=
2015	9	40.94	12	6.516	-	-	3	1710.20
2016	12	43.71	12	8.335	1	1.050	13	2608.05
2017	14	33.83	3	1.125	-	-	12	9154.32
2018	2	19.58	5	2.860	2	1.620	12	308.630
2019	5	149.06	3	1.010	-	-	15	2868.4

Source: Narcotic control Bureau

Note: Number Shown in Rows represents the Number of cases, Seized quantity in Kilograms

It shows the influence of illegal market upon the opium produces. In year 2009 the seized quantity of opium was 48 kg but in the year 2019 it was 149 kg which is about three times in ten year.

Diverged Movement of Opium:

Besides of establishment of an effective narcotic control system and preventive measures there is some quantity of production which flows via illegal channels in market and society. It is quite apparent and evidenced in seizure actions however the exact extent thereof is quite impossible to measure. The reason behind it is the incentive which is given by the drug lords for their production (usually 25000-50000 per kilogram which is quite lesser than the value of those substances in international illegal market. Assement of the fact could be very easily made by the price given by government for opium which ranges from 1000-2500 Rs per kilogram.

Certain studies^{xxxvi} have also revealed that manufacturing of certain quantity of heroine etc takes place by the use of domestic production of opium. The study has revealed that a significant portion of heroine circulated in Indian streets is manufactured by the domestically produced opium. For an effective control over the such diversion a strong supervisory surveillance is required which extends from lancing process of opium to the deposition of substances before the government officials. Though the satellite surveillance supervision technique adopted by the CNB is effective to an extent but manual supervision could make it stronger.

Assessment Of Illicit /Destructed Opium Crop Area

Table 1.3: Illicit /Destructed Opium Crop Area (Year 2009-2019) xxxvii

	Illicit crop (In Hectare)
Crop Yr	
2009	1449
2010	1022
2011	1713
2012	51.398 Hectare+ 12 Acre
2013	447.5

2014	217.600
2015	93.7583
2016	240
2017	1133
	11 Cannabis
2018	1898 99 Cannabis
2019	848 135 Cannabis

Source: Narcotic Control Bureau

Note: Number Shown in Second Row Represents the Destructed Area of Illicit Opium and Cannabis

There are rampant diversion and illegal production of opium found in India and India is regarded as third largest illicit opium producer in the world. **The diverted opium finds its way into North West Indian states like Punjab, where it forms an integral component in illegal drug trafficking. xxxix Though there is ban on sale and trade of poppy husk (doda chura) a leftover from fields that was widely used in informal drug market in states like Rajasthan from 2015 xl The wide difference between the prices in the illegal market (Rs. 60,000 - 120,000/per kg) and government rates (Rs. 1800/- per kg) is one factor that prompts diversion and rampant corruption in enforcement. xli There are strict laws against diversion in India. If caught then a farmer will lose their license to cultivate poppy and will be booked under Narcotic Drugs and Psychotropic Substances Act 1985. Other than this the opium addicts registered with the State Governments are supplied prescription opium by the Governments as part of deaddiction. The Government Opium and Alkaloid Works at Ghazipur and Neemach sell opium to the State Governments who, in turn, supply it to the addicts. Xlii There are also instances of reduction in crop due to theft, attacks from animals, weather events like hailstorms, drought and attack of Parrots which are accused as diversion often. xliii Therefore it is very clear that there are several facts which influences the opium diversion in India from fields to societies. It is highly required that minimum support price for the opium produces should be revised and it must be able to the market standards. There is also a great need for independent technical assessment agency to be employed for assessment of production thereof. Other than this supervision surveillance should be made stronger and more responsible. Arrangements for collection of opium latex, weighment thereof is required to be made at the village level. Role of Lambardar is also required to be minimised and effective control by administrative authorities is to be provided.

CONCLUSION

It is very apparent from the above analysis that though there is an increase in the production, cultivation area of opium but there is a very traditional control method upon the production activities. The poor farmers also looking unable to enjoy adequate minimum support price against the production of black gold. There are various technical aspects which requires a relook upon for a better and controlled narcotic production administration. Therefore, Opium policy of India is required to be revised for a better narcotic administrative performance. There is also a need to bring the reform in status of farmers by providing him better options. There is need to make the efforts for adequate measures preventing the black-marketing of domestic opium production.

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