

Bill No. 211 of 2019

THE OPIUM GROWERS (WELFARE) BILL, 2019

By

SHRI C.P. JOSHI, M.P.

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BILL

to provide for certain welfare measures and other facilities for Opium growers and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Opium Growers (Welfare) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "Committee" means the Opium Development Committee constituted under section 3;

(c) "opium" means opium and its products, by-products and extracts;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "Scheme" means the Opium Growers Welfare Scheme formulated under section 3.

Opium
Growers
Welfare
Scheme.

3. (1) The Central Government shall formulate a Scheme for the welfare of opium growers to be known as the Opium Growers Welfare Scheme.

(2) The Scheme shall be administered by a Committee to be known as the Opium Development Committee. 5

(3) The Committee shall consist of—

(i) a Chairperson, who shall be nominated by the Central Government;

(ii) one member, representing the Central Bureau of Excise and Custom, Department of Revenue, Ministry of Finance of the Central Government; 10

(iii) two members, representing the Government of the opium growing States, to be nominated by the Central Government;

(iv) two members representing opium agriculturists who are growing opium on large scale from each opium growing State; and

(v) two members representing small opium growers from each opium growing State. 15

(4) The Chairperson and members of the Committee shall be nominated by the Central Government in such manner as may be prescribed.

(5) The salary and allowances payable to, and other conditions of service of the Chairperson and members of the Committee, shall be such as may be prescribed. 20

Provisions to
be made under
the Scheme.

4. Without prejudice to the powers of the Central Government, the Scheme shall provide for:—

(i) a comprehensive insurance scheme for loss or destruction of opium crop;

(ii) technical and other kind of specialized assistance to opium growers;

(iii) fixing minimum support price for Opium; 25

(iv) creation of adequate procurement and storage facility for Opium;

(v) assistance for export of opium and its products;

(vi) encouraging research in opium related fields with a view to promote it legal use;

(vii) adequate marketing facilities for opium growers; and 30

(viii) electricity and water facilities to opium growers at subsidized rate.

Central
Government
to provide
funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 35

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 40

STATEMENT OF OBJECTS AND REASONS

Under the United Nations Single Convention on Narcotic Drugs, 1961, India is among the twelve countries in the world allowed to grow opium poppy for medicinal use. However, India is the only nation allowed to extract gum opium. Skilled workers extract the latex that contains seventy per cent. of the morphine synthesized by the lancing its flower-bearing pod.

Opium poppy, or *papaver somniferum*, a medicinal herb that produces a variety of alkaloids such as morphine and codeine, is best known as a pain reliever in modern medicine. It is used for a range of treatments, from post-operative pain management and palliative care for terminal cancer patients to treating accident-related trauma and chronic pain syndromes. Opioids like morphine play a vital role in pain management and they are not expensive for patients. Legal opium farming in India is largely concentrated in five districts spread across the State of Madhya Pradesh and Rajasthan.

The opium farmers guard the fields at night to protect the harvest from thieves and wild animals but in return get a pittance. Even if a farmer follows all rules, there are chances of being booked under the Narcotic Drugs and Psychotropic Substances Act, 1985 or have their licence cancelled.

The wide difference between the prices in the illegal market and Government rates is what drives corruption along the chain from farmers and agricultural labourers to police and officers in the opium plantation controlling department. Moreover, opium farmers complain that if a crop is damaged due to a hailstorm or a pest attack, it is their responsibility to get officials from the narcotics bureau to inspect and destroy the crop, as at a later stage if the farmer is unable to submit the opium, he could face criminal charges.

The Bill, therefore, seeks to formulate a Opium Growers Welfare Scheme for the welfare of opium growers in the country.

Hence this Bill.

NEW DELHI;
August 1, 2019

C.P. JOSHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a welfare scheme for opium growers. It also provides for the constitution of a Committee to administer the scheme. Clause 4 provides for the activities to be undertaken under the scheme. Clause 5 provides that the Central Government shall provide adequate funds for the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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