

[AS PASSED BY THE SENATE]

A
BILL

further to amend the Control of Narcotic Substances Act, 1997

WHEREAS it is expedient further to amend the Control of Narcotic Substances Act, 1997 (XXV of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Control of Narcotic Substances (Amendment) Act, 2023.

(2) It shall come into force at once.

2. Insertion of section 52A, Act XXV of 1997.- In the Control of Narcotic Substances Act, 1997 (XXV of 1997), after section 52, the following new section 52A shall be inserted, namely:-

"52A. Search and drug testing of students at educational institutions.- (1) Unless authorized by the head of an educational institution for legitimate educational purposes in the manner and subject to such conditions as may be specified by or under this Act or any other law for the time being in force, no person shall bring narcotic drug, psychotropic substance or controlled substance into the premises of an educational institution or have such drug or substance in his possession in the premises of an educational institution.

Explanation 1: "educational institution" means an educational and training institution and includes a school, college, university or any institution imparting education not below the secondary education, whether in public or private sector, by whatever name called.

Explanation 2: "Head of an educational institution" includes Headmaster, Headmistress, Principal, Vice-Chancellor, Rector, Owner or any person responsible for the overall affairs of the institution.

Explanation 3: For the purpose of achieving drug free institution, a vigilant/disciplinary Committee shall be constituted with the mandate to carry out inspection on regular basis and the Committee shall be responsible for implementation of the Policy.

(2) The officer referred to in sub-section (1) of section 21 may, at random, search a student or group of students, or property of a student or group of students at the premises of an educational institution and administer urine or any other non-invasive test to a student or any group of students that is on fair and reasonable grounds suspected of using narcotic drug, psychotropic substance or controlled substance.

(3) Before or immediately after taking any action under sub-section (2), the officer referred to in that sub-section shall record the grounds of search and administering the test and forthwith send a copy thereof to his immediate superior officer.

(4) Notwithstanding anything to the contrary, a student in respect of whom a test referred to in sub-section (2) was administered, which proved to be positive, shall be-

- (a) issued a warning in writing by the educational institution under intimation to his parents;
- (b) in case of second conviction, suspended for fifteen days by the educational institution under intimation to his parents and referred to,
 - (i) either a registered counselor specialized in drug addiction for not more than eight hours of counseling to be completed within sixty days; or
 - (ii) center for treatment of addicts established under section 53, for a period not exceeding ten days; and
- (c) in case of third conviction, punished with fine which may extend to two hundred thousand rupees but shall not be less than fifty thousand rupees and expulsion from the educational institution."

STATEMENT OF OBJECTS AND REASONS

The use of drugs particularly synthetic drug called ice (crystal methamphetamine) is penetrating schools, colleges and universities for the last few years. These drugs are destroying children's character, discipline, health and their future. Moreover, the students consume drugs in their educational institutions without much restriction, as some institutions have failed to take serious steps to address the issue in their premises. In order to create deterrence and protect the students who are found in possession of drugs from any disciplinary or criminal proceedings, amendments are proposed to conduct random search and test of students if there are reasonable grounds suspected of using narcotic drug, psychotropic substance or controlled substance. Hence, this Bill.

SENATOR MOHSIN AZIZ
MEMBER-IN-CHARGE