

(To be published in Part II, Section 3, Sub-section (i) of the Gazette of India,
Extraordinary)

**Government of India
Ministry of External Affairs**

New Delhi, dated the 17th day of November, 2006

Notification

G.S.R. (E).- In exercise of the powers conferred by clause (b) of sub-section (2) of section 26 of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Weapons of Mass Destruction and their Delivery Systems, Appointment of Advisory Committees and their Powers and Duties Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) “Act” means the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005;

(b) “Advisory Committee” means the Advisory Committee appointed under rule 3;

(c) “member” means a member of the Advisory Committee and includes its Chairperson;

(d) “section” means a section of the Act;

(e) “notification” means a notification published in the Official Gazette;

(f) the words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Appointment of Advisory Committees.- The Central Government shall appoint the following Advisory Committees, namely:-

- (i) the Advisory Committee on Weapons of Mass Destruction and their Delivery System;
- (ii) the Advisory Committee on Nuclear and Nuclear Related Items;
- (iii) the Advisory Committee on Chemical Weapons and Related Items;
- (iv) the Advisory Committee on Biological Weapons and Related Items;
- (v) the Advisory Committee on Export Control of Dual-Use Items.

4. Composition of Advisory Committee on Weapons of Mass Destruction and their Delivery System.- (1) The Advisory Committee on Weapons of Mass Destruction and their Delivery System shall consist the following members, namely:-

- (a) the Additional Secretary in the Ministry of External Affairs - *ex officio* Chairperson;
- (b) the Joint Secretary (Disarmament and International Security Affairs) in the Ministry of External Affairs - *ex officio* member;
- (c) the Scientific Secretary, Department of Space - *ex officio* member;
- (d) the Joint Secretary, National Authority, Chemical Weapons Convention - *ex officio* member;
- (e) the Chief Controller Research and Development (Services Interaction) and Distinguished Scientist, Defence Research Development Organisation, Ministry of Defence - *ex officio* member;
- (f) the Joint Secretary (Customs), Department of Revenue, Ministry of Finance - *ex officio* member;
- (g) the Additional Director General, Directorate of Revenue Intelligence, Ministry of Finance - *ex officio* member;
- (h) the Joint Secretary, Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers- *ex officio* member;
- (i) the Joint Secretary (Disaster Management-I) in the Ministry of Home Affairs - *ex officio* member;
- (j) the National Security Council Secretariat - *ex officio* member;
- (k) the Director (Hazardous Substances Management Division) in the Ministry of Environment and Forests - *ex-officio* member;
- (l) the Scientific Officer, Department of Atomic Energy - *ex officio* member;
- (m) the Additional Director General of Foreign Trade, Directorate General of Foreign Trade, Ministry of Commerce and Industry - *ex officio* member;
- (n) the Director, Department of Bio-technology, Ministry of Science and Technology - *ex officio* member;
- (o) the Director (Nuclear Biological Chemical), Head Quarters, Integrated Defence Staff in the Ministry

- of Defence - *ex officio* member;
- (p) the Director (Disarmament and International Security Affairs) in the Ministry of External Affairs - *ex officio* Member Secretary;

(2) The Chairperson and members of the Advisory Committee shall be appointed by a notification.

5. Composition of the Advisory Committee on Nuclear and Nuclear Related Items.- (1) The Advisory Committee on Nuclear and Nuclear Related Items shall consist of the following members, namely:-

- (a) the Director, Strategic Planning Group, Department of Atomic Energy - *ex officio* Chairperson;
- (b) the Assistant Scientific Secretary, Department of Space- *ex officio* member;
- (c) the Joint Director, Directorate of Revenue Intelligence, Ministry of Finance - *ex officio* member;
- (d) The Senior Technical Officer (International Customs Division) Department of Revenue, Ministry of Finance- *ex officio* member;
- (e) the Joint Director General of Foreign Trade, Directorate General of Foreign Trade, Ministry of Commerce and Industry - *ex officio* member;
- (f) the Director (International Co-operation), Defence Research Development Organisation, Ministry of Defence - *ex officio* member;
- (g) the Director (National Disaster Management-II) in the Ministry of Home Affairs - *ex officio* member;
- (h) the Director (Disarmament and International Security Affairs) in the Ministry of External Affairs - *ex officio* member;
- (i) the Director, Army Head Quarter, Ministry of Defence- *ex officio* member;
- (j) the Scientific Officer, Department of Atomic Energy - *ex officio* Member Secretary;

(2) The Chairperson and members of the Advisory Committee shall be appointed by a notification.

6. Composition of Advisory Committee on Chemical Weapons and Related Items.- (1) The Advisory Committee on Chemical Weapons and Related Items shall consist of the following members, namely:-

- (a) the Joint Secretary, Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers- *ex officio* Chairperson;
- (b) the Joint Director, National Authority, Chemical Weapons Convention - *ex officio* member ;
- (c) the Scientific/Engineer, Department of Space - *ex officio* member;
- (d) the Director, Central Revenue Control Laboratory in the Department of Revenue, Ministry of Finance - *ex officio* member;
- (e) the Senior Technical Officer (International Customs Division), Department of Revenue, Ministry of Finance - *ex officio* member;
- (f) the Consultant in the Ministry of Environment and Forests - *ex officio* member;
- (g) the Director (National Disaster Management-II) in the Ministry of Home Affairs - *ex officio* member;
- (h) the Joint Director General of Foreign Trade, Directorate General of Foreign Trade, Ministry of Commerce and Industry - *ex officio* member;
- (i) the Scientist 'G', Defence Research Development Organisation, Ministry of Defence - *ex officio* member;
- (j) the Director, Army Head Quarters, Ministry of Defence - *ex officio* member;
- (k) Joint Director, Directorate of Revenue Intelligence, Ministry of Finance - *ex officio* member;
- (l) the Deputy Secretary (Disarmament and International Security Affairs) in the Ministry of External Affairs - *ex officio* member;
- (m) the Director (Chemical Weapons Convention) Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers - *ex officio* Member Secretary;

(2) The Chairperson and members of the Advisory Committee shall be appointed by a notification.

7. Composition of the Advisory Committee on Biological Weapons and Related Items.- (1) The Advisory Committee on Biological Weapons and Related Items shall consist of the following members, namely;-

- (a) the Director, Department of Biotechnology, Ministry of Science and Technology - *ex officio* Chairperson;
- (b) the Director (Hazardous Substances Management Division) in the Ministry of Environment and Forests - *ex officio* member;

- (c) the Director, Central Revenue Control Laboratory in the Department of Revenue, Ministry of Finance - *ex officio* member;
- (d) the Senior Technical Officer (International Customs Division), Department of Revenue, Ministry of Finance - *ex officio* member;
- (e) the Director, Department of Chemicals, Ministry of Chemicals and Fertilizers - *ex officio* member;
- (f) the Director (National Disaster Management-II) in the Ministry of Home Affairs - *ex officio* member;
- (g) the Joint Director General of Foreign Trade, Directorate General of Foreign Trade, Ministry of Commerce and Industry - *ex officio* member;
- (h) the Scientist 'G', Defence Research Development Organisation, Ministry of Defence - *ex officio* member;
- (i) the Director, Army Head Quarters, Ministry of Defence - *ex officio* member;
- (j) the Joint Director, Directorate of Revenue Intelligence, Ministry of Finance - *ex officio* member;
- (k) the Deputy Secretary (Disarmament and International Security Affairs) in the Ministry of External Affairs - *ex officio* Member Secretary;

(2) The Chairperson and members of the Advisory Committee shall be appointed by a notification.

8. Composition of the Advisory Committee on Export Control of Dual-Use Items.- (1) The Advisory Committee on Export Control of Dual-Use Items shall consist of the following members, namely:-

- (a) the Additional Director General of Foreign Trade, Directorate General of Foreign Trade, Ministry of Commerce and Industry - *ex officio* Chairperson;
- (b) the Joint Director, Directorate of Revenue Intelligence, Ministry of Finance - *ex officio* member;
- (c) the Senior Technical Officer (International Customs Division), Department of Revenue, Ministry of Finance - *ex officio* member;
- (d) the Director, Department of Biotechnology, Ministry of Science and technology - *ex officio* member;
- (e) the Director, Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers - *ex officio* member;
- (f) the Joint Director, National Authority, Chemical Weapons Convention - *ex officio* member;
- (g) the Programme Director, Department of Space - *ex officio* member;
- (h) the Director (National Disaster Management-II) in

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| <ul style="list-style-type: none"> (i) the Ministry of Home Affairs - the Scientific Officer, Department of Atomic Energy - (j) the Director (International Co-operation), Defence Research Development Organisation, Ministry of Defence - (k) the Director (Bharat Earth Movers Limited and Export Promotion), Department of Defence Production in the Ministry of Defence - (l) the Joint Director, National Security Council Secretariat- (m) the Deputy Secretary (Disarmament and International Security Affairs) in the Ministry of External Affairs - (n) the Joint Director General of Foreign Trade, Directorate General of Foreign Trade, Ministry of Commerce and Industry - | <ul style="list-style-type: none"> <i>ex officio</i> member; <i>ex officio</i> member; <i>ex officio</i> member; <i>ex officio</i> member; <i>ex officio</i> member; <i>ex officio</i> member; <i>ex officio</i> Member Secretary; |
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(2) The Chairperson and members of the Advisory Committee shall be appointed by a notification.

9. Term of office.- The term of office of a member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

10. Meetings of the Advisory Committee.- The Advisory Committee shall meet as and when the Chairperson deems necessary.

11. Presiding at meetings.- The Chairperson shall preside at the meetings of the Advisory Committee.

12. Decision by Consensus.- All questions at the meeting of the Advisory Committee shall be decided by a general consensus of the members present.

13. Powers and duties of the Advisory Committee on Weapons of Mass Destruction and their Delivery System.- (1) The powers and duties of the Advisory Committee on Weapons of Mass Destruction and their Delivery System shall be -

- (a) to advise the Central Government regarding the formulation and implementation of a national policy in relation to matters relating to the Weapons of Mass Destruction and their means of Delivery;

- (b) to recommend measures which should be taken for proper implementation and regulation of the provisions relating to the Weapons of Mass Destruction and their means of Delivery;
- (c) to coordinate the activities of other Advisory Committees;
- (d) to give such directions to any other Advisory Committee, as may be necessary or expedient, relating to any matter under the Act;
- (e) to seek assistance from the other Advisory Committees with regard to any matter relating to the Weapons of Mass Destruction and their means of Delivery.

14. Powers and duties of the Advisory Committee on Nuclear and Nuclear Related Items.- The powers and duties of the Advisory Committee on Nuclear and Nuclear Related Items shall be -

- (a) to make recommendation to the Central Government regarding the steps to be taken to harmonise the provisions of the Atomic Energy Act, 1962 with that of the provisions of the Act;
- (b) to make recommendations to the Central Government regarding prosecution of offences relating to nuclear weapons or other nuclear explosive devices and their means of delivery or any other related activity;
- (c) to make recommendations on such matters relating to nuclear weapons or other nuclear explosive devices and their means of delivery or any other related activity as may be requested by the Advisory Committee on Weapons of Mass Destruction and their means of Delivery;
- (d) to comply with and carry out such directions as may be issued by the Advisory Committee on Weapons of Mass Destruction and their means of Delivery.

15. Powers and duties of the Advisory Committee on Chemical Weapons and Related Items.- The powers and duties of the Advisory Committee on Chemical Weapons and Related Items shall be -

- (a) to make recommendation to the Central Government regarding the steps to be taken to harmonise the provisions of the Chemical Weapons Convention Act, 2000 with that of the provisions of the Act;
- (b) to make recommendations to the Central Government regarding prosecution of offences relating to chemical weapons and their means of delivery or any other related activity;

- (c) to make recommendations on such matters relating to chemical weapons and their means of delivery or any other related activity as may be requested by the Advisory Committee on Weapons of Mass Destruction and their means of Delivery;
- (d) to comply with and carry out such directions as may be issued by the Advisory Committee on Weapons of Mass Destruction and their means of Delivery.

16. Powers and duties of the Advisory Committee on Biological Weapons and Related Items.- The powers and duties of the Advisory Committee on Biological Weapons and Related Items shall be -

- (a) to make recommendation to the Central Government regarding the steps to be taken to harmonise the provisions of the Environment Protection Act, 1986 with that of the provisions of the Act;
- (b) to make recommendations to the Central Government regarding prosecution of offences relating to biological weapons and their means of delivery or any other related activity;
- (c) to make recommendations on such matters relating to biological weapons and their means of delivery or any other related activity as may be requested by the Advisory Committee on Weapons of Mass Destruction and their means of Delivery;
- (d) to comply with and carry out such directions as may be issued by the Advisory Committee on Weapons of Mass Destruction and their means of Delivery.

17. Powers and duties of the Advisory Committee on Export Control of Dual-use Items.- The powers and duties of the Advisory Committee on Export Control of Dual-use Items shall be -

- (a) to make recommendation to the Central Government regarding the steps to be taken to harmonise the provisions of the Foreign Trade (Development and Regulation Act, 1992 with that of the provisions of the Act;
- (b) to make recommendations to the Central Government regarding prosecution of offences relating to export controls of dual-use items or any other related activity;
- (c) to make recommendations on such matters relating to export controls of dual-use items or any other related activity as may be requested by the

Advisory Committee on Weapons of Mass Destruction and their means of Delivery;

- (d) to comply with and carry out such directions as may be issued by the Advisory Committee on Weapons of Mass Destruction and their means of Delivery.

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