

FOR A WORLD FREE OF CHEMICAL WEAPONS

Relevant for: International Relations | Topic: India- Other groupings and agreements

The Chemical Weapons Convention Act was enacted in 2000 to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction signed by the government on January 14, 1993. The Act defines chemical weapons and empowers the Centre to set up a National Authority to act as the “national focal point” for effective liaison with organisations and other state parties on matters relating to the Convention and for fulfilling the obligations of the country.

The Authority’s functions include regulation and monitoring the development, production, processing, consumption, transfer or use of toxic chemicals or precursors as specified in the Convention, among others. The Authority is also empowered to issue directions and even close down facilities which violate the Convention. It can liaise with other countries to seek or give assistance and protection against the use of chemical weapons.

The Act defines chemical weapons as toxic chemicals, including munitions and devices, specifically designed to cause death or other harm. The definition includes in its ambit “any equipment” specifically designed for employing chemical weapons.

Section 19 of the Act gives full power of inspection of any person who is engaged in the production, processing, acquisition, consumption, transfer, import, export or use of any toxic chemical or discrete organic chemical. Inspections extend to any place where any chemical weapon, old chemical weapon, or abandoned chemical weapon is located, or where a chemical weapon production facility exists. The Act allows inspections teams to conduct “challenge inspections” of chemical facilities in the company of an Observer. An enforcement officer under the Act shall also accompany the team.

In 2010, the Act was amended to widen the scope of Section 9 to give the Centre power to appoint any of its own officers, other than those of the National Authority, as enforcement officers.

Section 16 of the original Act contains provisions for restriction on transfer of any toxic chemical or precursor. It provides that no person shall, three years after April 29, 1997, transfer to or receive from any person, who is not a citizen of a state party, toxic chemicals. This has been amended to provide that no person shall transfer to, or receive from, a state which is not a party to the Convention any toxic chemicals.

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