

**THE CHEMICAL WEAPONS CONVENTION**  
**ACT, 2000**  
(34 of 2000)

[26th August, 2000.]

*An Act to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and to provide for matters connected therewith or incidental thereto.*

WHEREAS a Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction was signed on behalf of the Government of India at Paris on the 14th day of January, 1993;

AND WHEREAS India, having ratified the said Convention, has to make provisions for giving effect thereto and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

**CHAPTER I**  
**PRELIMINARY**

**1. Short title, extent, application and commencement.**—(1) This Act may be called the Chemical Weapons Convention Act, 2000.

(2) It extends to the whole of India, and it shall apply to—

(a) citizens of India outside India; and

(b) associates, branches or subsidiaries, outside India of companies or bodies corporate, registered or incorporated in India.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

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

(a) “Article” means an Article of the Convention;

(b) “Chemical Weapons” means,—

(i) the Toxic Chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes;

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<sup>1</sup> . 1st July, 2005 (except sections 18 and 39), *vide* notification No. S.O. 818(E), dated 13th June, 2005, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

(ii) the munitions and devices, specifically designed to cause death or other harm through the toxic properties of those Toxic Chemicals specified in sub-clause (i), which would be released as a result of the employment of such munitions and devices;

(iii) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in sub-clause (ii),

together or separately;

(c) “Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed on behalf of the Government of India at Paris on the 14th day of January, 1993;

(d) “enforcement officer” means a person appointed as such by the Central Government under sub-section (1) of section 9 or by the State Government under sub-section (2) of that section;

(e) “goods”, in relation to Toxic Chemicals, Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine, means any material, commodity, article or compound consisting of such Toxic Chemicals, Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine and includes materials, commodities, articles, compounds or apparatus used in the production, processing or storing of Toxic Chemicals, Precursors or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine;

(f) “industry” includes a Facility;

(g) “Inspector” means an individual designated by the Technical Secretariat, according to the procedures as set forth in Part II, Section A, of the Verification Annex to the Convention, to carry out an inspection or visit in accordance with the Convention;

(h) “National Authority” means the National Authority for the Chemical Weapons Convention established under sub-section (1) of section 6;

(i) “Organization” means the Organization for the prohibition of Chemical Weapons established pursuant to Article VIII;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “purposes not prohibited under the Convention” means—

(i) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(ii) protective purposes namely those purposes directly related to protection against Toxic Chemicals and to protection against Chemical Weapons;

(iii) military purposes not connected with the use of Chemical Weapons and not

dependant on the use of the Toxic Properties of Chemicals as a method of warfare;  
and

(iv) law enforcement including domestic riot control purposes;

(l) “State Party” means a signatory or acceding State to the Convention whose instrument of ratification or accession has been deposited with the Depository of the Convention;

(m) words and expressions used in this Act and not defined but defined in the Convention, or the Code of Criminal Procedure, 1973 (2 of 1974), shall have the meanings respectively assigned to them in that Convention or Code.

**3. Application of the Convention.**—(1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Convention set out in the Schedule to this Act shall have the force of law in India.

(2) The Central Government may, from time to time and by notification in the Official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the said Convention set out therein.

**4. Power of Central Government to deny the request for inspection.**—Where the Central Government considers any inspection of a Chemical Weapons Production Facility in India under this Act to be against the interest of national security or economic interests of India, it may deny the request for such inspection.

**5. Power of Central Government to declare Cessation of the Act.**—The Central Government may, by notification in the Official Gazette, declare that this Act shall cease to be in force in case the Government of India withdraws from the Convention in accordance with the provisions of Article XVI, and on such declaration this Act shall cease to be in force, but its expiry under the operation of this section shall not affect—

(a) the previous operation of, or anything duly done or suffered under, this Act or any rule made there under or any order made under any such rule, or

(b) any right privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under this Act, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired.