

## CHAPTE II

### ESTABLISHMENT OF THE NATIONAL AUTHORITY AND ITS POWERS AND FUNCTIONS

**6. Establishment of National Authority.**—(1) For the purposes of this Act, the Central Government shall establish, by notification in the Official Gazette, an Authority to be known as the National Authority for implementing the provisions of the Convention which shall consist of a Chairperson and such number of Directors as may be appointed by the Central Government.

(2) The Central Government may appoint officers and such other employees to the National Authority as it thinks fit for the purposes of this Act.

(3) The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the Directors shall be such as may be prescribed.

(4) The salary and allowances payable to, and other terms and conditions of service of, officers and other employees of the National Authority shall be such as may be prescribed.

(5) In the exercise of its powers and performance of its functions under this Act, the National Authority shall be subject to the control of the Central Government.

**7. Powers and functions of National Authority.**—(1) Subject to the provisions of this Act,—

(a) it shall be the general duty of the National Authority to fulfil, on behalf of the Government of India, the obligations under the Convention;

(b) it shall be incumbent on the National Authority to act as the national focal point for effective liaison with the Organization and other States Parties on matters relating to the Convention.

(2) Subject to the provisions of sub-section (1), the functions of the National Authority shall be to—

(a) interact with the Organization and other States Parties for the purpose of fulfilling the obligations of the Government of India under the Convention;

(b) monitor compliance with the provisions of the Convention;

(c) regulate and monitor the development, production, processing, consumption, transfer or use of Toxic Chemicals or Precursors as specified in the Convention;

(d) make request to, or to receive request from, a State Party for assistance and protection under Article X, against the use or threat of use of Chemical Weapons;

(e) manage routine inspection or Challenge Inspection or managing investigation, in case a complaint of use of Chemical Weapons or riot control agents as a method of warfare is received from the Organization;

(f) conduct inspections for the purposes of this Act;

(g) interact with the Organization in respect of acceptance of request of India for Challenge Inspection or to counter any frivolous or defamatory request made by any State Party against India to the Organization;

(h) scrutinise and accept list of Inspectors and to verify the Approved Equipment brought by an Inspection Team on to the Inspection Site;

(i) provide escort to the Inspection Team and the Observer within the territory of India;

(j) identify and oversee the closure and destruction of Chemical Weapons, Chemical Weapons Production Facilities, Old Chemical Weapons or Abandoned Chemical Weapons;

(k) negotiate Managed Access during the Challenge Inspection;

(l) ensure decontamination of Approved Equipment after completion of an Inspection;

(m) advise Central Government for laying down safeguards for transportation, sampling or storage of Chemical Weapons and fixation of standards for emission or discharge of environmental pollutants arising out of the destruction of Chemical Weapons, Old Chemical Weapons, Abandoned Chemical Weapons or Chemical Weapons Production Facility;

(n) ensure data base confidentiality and maintain secrecy of confidential information and technology collected or received by the National Authority under this Act;

(o) facilitate exchange of scientific and technological information relating to developments in chemicals amongst the States Parties;

(p) call for such information from any person which the National Authority has reasonable cause to believe that such information may be required for complying with the provisions of the Convention;

(q) approve and declare, on behalf of the Government of India, a single small-scale facility for production of Toxic Chemicals listed in Schedule 1 in the Annex on Chemicals to the Convention for purposes not prohibited under the Convention;

(r) provide training to enforcement officers;

(s) ensure protection of environment, health and safety of the people during transportation, sampling, storage or destruction of Chemical Weapons, Chemical Weapons Production Facilities, Old Chemical Weapons or Abandoned Chemical Weapons;

(t) co-ordinate exchange of scientific and technological information among laboratories handling Toxic Chemicals or Precursors;

(u) determine, from time to time, the quantity limit that a person at any time may produce, otherwise acquire, retain, transfer or use any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention, any Discrete Organic Chemical including Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine for purposes not prohibited under the Convention;

(v) such other functions as may be prescribed.

**8. National Authority to submit initial, annual and other periodical declarations to Organization.**—The National Authority shall prepare such initial, annual and other periodical declarations regarding Toxic Chemicals or Precursors listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention, Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine, Chemical Weapons, Old Chemical Weapons, Abandoned Chemical Weapons, riot control agents, Chemical Weapons Production Facilities, past transfers of Chemical Weapons or their production equipments or any other declaration required to be made under the Convention and shall submit such declarations to the Organization at such time as are specified under the Convention.

**9. Appointment of enforcement officers.**—(1) The Central Government may, by notification in the Official Gazette, appoint such of the officers of the National Authority<sup>1</sup> [or of the Central Government] as it thinks fit to be enforcement officers for the purposes of this Act:

<sup>1</sup>[Provided that such officers shall fulfil the prescribed criteria.]

(2) The State Government may, as and when so directed by the Central Government and by notification in the Official Gazette, appoint such of its officers of gazetted rank as it thinks fit to be enforcement officers for the purposes of this Act and assign to them such local limits as it may think fit.

(3) Every officer appointed as enforcement officer under sub-section (1) or under sub-section (2) shall be furnished by the Central Government or by the State Government, as the case may be, with a certificate of appointment as an enforcement officer and the certificate shall, on demand, be produced by such enforcement officer.

**10. Power of National Authority to issue directions.**—Notwithstanding anything contained in any other law but subject to the provisions of this Act, the National Authority may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

*Explanation.*—For the avoidance of doubts, it is hereby declared that the power to issue direction under this section includes the power to direct—

(a) the closure, prohibition or regulation of any company, firm or industry engaged in the development, production, processing, consumption or use of any Toxic Chemical or Precursor listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention or, the production of any Discrete Organic Chemical including Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine; or

(b) the stoppage or regulation of the supply of electricity or water or any other service to such company, firm or industry.

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1. Ins. by Act 36 of 2012, s. 2 (w.e.f. 23-11-2012).

**11. Power of Central Government to constitute Committee.**—The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute a Committee by such name as may be specified in the order for the purpose of overseeing the functions of the National Authority and exercising and performing such of the powers and functions of the Central Government under this Act (except the power to make rules under section 56) as may be specified in the order and subject to the supervision and control of the Central Government and the provisions of such order, such Committee may exercise the powers or perform the functions so specified in the order as if such Committee had been empowered by this Act to exercise those powers or perform those functions.

**12. Power of National Authority to call for information, etc.**—(1) Notwithstanding anything contained in any other law for the time being in force, the National Authority may, by general or special order, call upon a person, to furnish to that Authority periodically or as and when required any information, declaration or return concerning Toxic Chemicals or Precursors listed in any of the Schedules 1 to 3 in the Annex on Chemicals to the Convention, Chemical Weapons, Old Chemical Weapons, Abandoned Chemical Weapons, Chemical Weapons Production Facilities, riot control agents, single small-scale facility or Discrete Organic Chemicals including those Discrete Organic Chemicals containing elements of phosphorous, sulphur or fluorine with such particulars as may be specified by the National Authority.

(2) No person shall, when complying with any requisition made under subsection (1), give any information or furnish any declaration, return or statement which he knows, or has reasonable cause to believe to be false or not true in any material particular.