



The Chemical Weapons Convention Rules, 2016

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The Chemical Weapons Convention Rules, 2016¹

In exercise of the powers conferred by Section 56 of the Chemical Weapons Convention Act, 2000 (34 of 2000) and in supersession of the Chemical Weapons Convention (Criteria for Appointment as Enforcement Officer) Rules, 2014, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the **Chemical Weapons Convention Rules, 2016**.

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

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (i) “Act” means the Chemical Weapons Convention Act of 2000 (34 of 2000);
- (ii) “Authority” means the National Authority for Chemical Weapons Convention established under sub-section (1) of Section 6 of the Act;
- (iii) “Chairperson” means the chairperson of the Authority appointed under sub-section (1) of Section 6 of the Act;
- (iv) “concerned agency” means and includes a Ministry, Department of Central Government or State Government or any autonomous organisation, Board, Public Sector Undertaking, university, research organisation fully or partly funded by the Central Government or the State Government or any association whether receiving grants from the Central Government or the State Government which may have received or is entitled to receive any information relating to the Convention or the Act and their implementation thereof;
- (v) “concerned foreign agency” includes a university or a research organisation located outside the territory of India which is directly or indirectly involved in any matter connected with the Convention but does not include the Organisation;
- (vi) “declarable facility” means either a scheduled chemical facility or a DOC facility of sufficient quantities so as to make it liable to make declaration as specified by the Convention;
- (vii) “Director” means the Director of the Authority appointed under sub-section (1) of Section 6 of the Act;

1. Ministry of Chemicals and Fertilizers (Deptt. of Chemicals and Petrochemicals), Noti. No. 834(E), dated August 30, 2016 and published in the Gazette of India, Extra., Part II, Section 3(i), dated 30th August, 2016, pp. 19-33, No. 600.

- (viii) "DOC facility" means a facility which is engaged in the production of any Discrete Organic Chemical including Discrete Organic Chemical containing elements of phosphorous, sulphur or fluorine;
- (ix) "form" means form annexed to these rules;
- (x) "Scheduled Chemical Facility" means a facility which is engaged in the production, processing, acquisition, consumption, transfer, import, export 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;
- (xi) "State Government" in relation to a Union Territory, means the Administrator thereof;
- (xii) "Steering Committee" means the Committee constituted by the Central Government under Section 11 of the Act.

(2) 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. Chairperson of Authority.—(1) The Central Government shall appoint a Chairperson from amongst persons who have special knowledge of, and professional experience in chemistry, science and technology, industry, environment, public administration, international relations, law or management:

Provided that a person who is in the service of Government shall not be appointed as Chairperson unless such person has held the post of an Additional Secretary to the Government of India or any equivalent post in the Central Government or the State Government.

2) The Chairperson of the Authority shall hold the office for a term of three years and shall be eligible for re-appointment:

Provided that no person shall hold office as Chairperson after he has attained the age of sixty years.

3) The Chairperson shall have the rank equivalent to that of a Secretary to the Government of India and shall be entitled to the same pay, allowances and perquisites.

4. Removal or Resignation of Chairperson.—(1) The Chairperson may resign from his office by giving at least one month's notice in writing to the Central Government.

(2) The Central Government may remove from office, the Chairperson if he

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as the Chairperson; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(3) Notwithstanding anything contained in sub-rule (2), the Chairperson shall not be removed from his office on the grounds specified in clause (d) or clause (e) of that sub-section unless the Central Government has caused an enquiry to be done and on the basis of such enquiry, come to the conclusion that the Chairperson ought on such ground or grounds, to be removed.

(4) The Central Government may suspend from office, the Chairperson in respect of whom an enquiry has been ordered under sub-rule (3), until the Central Government has passed an order on receipt of the enquiry report.

5. Other conditions of service of Chairperson.—The matters relating to the terms and conditions of service of the Chairperson, with respect to which no express provision has been made in these rules, shall be referred by the Authority to the Central Government for its decision and the decision of the Central Government thereon shall be final.

6. Directors of Authority.—(1) The Central Government shall appoint a Director from amongst persons who are in the service of the Central Government or of the State Governments:

Provided that a person shall not be appointed as Director unless such person holds the post of a Joint Secretary to the Government of India or has held the post of a Director to the Government of India for not less than three years or any equivalent post in the Central Government or the State Government.

(2) The number of Directors of the Authority shall be such as may be determined by the Central Government from time to time.

(3) The post of Director of the Authority shall be equivalent to a Joint Secretary to the Government of India.

(4) The term of office of a Director shall be such as may be determined by the Central Government:

Provided that no person shall hold office of Director for more than five years.

(5) The Director shall assist the Chairperson in the exercise of the functions of the Authority under the Act.

(6) Matters relating to terms and conditions of service of the Directors, with respect to which no expressed provision has been made in these rules, shall be referred by the authority to the Central Government for its decision and the decision of the Central Government thereon shall be final.

7. Other officers and employees of Authority.—(1) The Central Government shall appoint as many technical officers and supporting staff, as the Central Government may determine from time to time, in consultation with the Authority.

(2) The administrative and other supporting staff of the Authority shall be drawn from the respective cadres of Central Government as per the number of posts sanctioned to the Authority.

8. Appointment of enforcement officer.—The Central Government shall appoint such gazetted officers of the Central Government or officers holding

gazetted rank in the Authority, as the enforcement officer under sub-section (1) of Section 9 of the Act:

Provided such officer must have minimum five years' of service in the Government and must hold a graduate degree in any discipline.

9. Other functions of the Authority.—

I. Submission of declarations.—

- (1) The Authority, for the purposes of submission of various declarations to the Organisation, as obligated under the Convention, shall have the powers to call for any information pertaining to the Act from any person or agency which, in its opinion, is likely to have the information.
- (2) The Authority shall submit 'Annual Declarations of Past Activities (ADPA)' to the Organisation ninety days after the end of each year.
- (3) All declarable facilities shall submit their individual declarations so as to reach the Authority on or before the 15th day of February of the coming year or any other date as may be fixed by the Authority from time to time.
- (4) The Authority shall submit the 'Annual Reporting of Information on National Programmes for Protection Against Chemical Weapons for the Previous Calendar Year' to the Organisation not later than one hundred and twenty days after the end of each year.
- (5) All concerned agencies shall submit the information so as to reach the Authority on or before the last day of February of the year or any other date as may be fixed by the Authority from time to time.
- (6) The Authority shall submit the 'Annual Declarations of Anticipated Activities (ADAA)' to the Organisation ninety days before the beginning of the following calendar year in case of scheduled chemical facilities belonging to Schedule 1 category and not later than sixty days before the beginning of the following calendar year in case of scheduled chemical facilities belonging to Schedule 2 and Schedule 3 categories.
- (7) All declarable facilities belonging to Schedule 1 category and all declarable facilities belonging to Schedules 2 and 3 categories shall submit their individual declarations so as to reach the Authority on or before the 15th day of September and the 10th day of October respectively, or any other dates as may be fixed by the Authority from time to time.
- (8) The formats for submission of declarations to the Organisation under this rule by the Authority, shall be as notified by the Organisation from time to time.
- (9) Various types of declarable facilities shall submit additional information to the Authority in the following forms, namely:

- (i) Form 2.0 - For Schedule 2 facility
 - (ii) Form 3.0 - For Schedule 3 facility
 - (iii) Form 4.0 - For Other Chemical Production facility
 - (iv) Form 5.0 - For exporters/importers of Schedule 2 and Schedule 3.
- (10) Any change in the form specified under sub-rule (9) shall be notified by the Authority in its official website.
- (11) The Authority shall endeavour to receive, process and transmit declarations electronically and take necessary steps to achieve complete digitisation of all processes relating to declarations in a phased manner.
- (12) The concerned agency shall submit to the Authority not later than twenty days, whenever there is any change in the chemicals for use as riot control agents in India.

II. Inspections.—

- (1) It shall be the general duty of the Authority to conduct inspections of chemical facilities in the country in accordance with the provisions of the Convention and with the mandate given to the inspection team by the Organisation.
- (2) For the purpose of carrying out inspections under sub-rule (1), the Authority shall take necessary steps including—
- (a) immediately acknowledging receipt of the intimation of inspection from the Organisation;
 - (b) intimating the chemical facility to be inspected of the date, duration, purpose and scope of the inspection as well as the rights and responsibilities of the facility thereof;
 - (c) informing the district administration and the concerned State Government for local support and facilitation;
 - (d) deputing escort officers for each inspection;
 - (e) designating the team leader as representative of the Inspected State Party; and
 - (f) any other action, which in its opinion would be required to conduct the inspection in accordance with the Convention.
- (3) The escort officers deputed by the Authority under clause (d) of sub-rule (2) may perform all or any of the following functions, namely:—
- (a) receiving the inspection team at the point of entry and accompanying the inspection team throughout its stay in the territory of India including making all logistic and stay arrangements till their departure through the point of exit;

- (b) liaising with local officials for ensuring safety and securing necessary assistance for proceeding with the inspection activities;
 - (c) assisting the inspection team at all stages including pre-inspection briefing, physical inspection, site tour, review of records and writing of the preliminary finding report.
- (4) The team leader designated under clause (e) of sub-rule (2) shall perform all or any of the following functions, namely:—
- (a) coordinating the interaction between the inspected facility and the inspection team;
 - (b) advising the inspected facility as to their rights and responsibilities during the inspection;
 - (c) assist the inspected facility to furnish the documents or clarifications required by the inspection team;
 - (d) signing of documents as the representative of the inspected State Party; and
 - (e) ensuring that the inspection does not become unduly intrusive to the inspected facility.
- ²[(5) The inspection team shall be allowed to enter and leave the territory of India only through New Delhi or Mumbai:
Provided that the Authority shall change or add any other point of entry or exit with the prior permission of the Central Government.]
- (6) The Authority may carry out inspection of any building or place, which in its opinion, is carrying out any activity contrary to the objects and purposes of the Act.
 - (7) The Authority may depute any official of the Authority or of the Central Government to function as In-Country Escort for the In-Country Period during any inspection.
 - (8) All concerned agencies shall take necessary steps to ensure that members of the inspection team receive all the privileges and immunities which they are entitled to, under the Convention. Provided that the Authority shall bring to the notice of the Central Government whenever breaches on these immunities and privileges are not acted upon adequately by any concerned agency.

III. Training.—

- (1) The Authority shall function as the nodal agency for facilitating the participation of its officials and other Indian nationals in the training courses conducted or coordinated with the Organisation

2. Subs. by G.S.R. 411(E), dated 25-6-2020 (w.e.f. 25-6-2020). Prior to substitution it read as:

“(65) The inspection team shall be allowed to enter and leave the territory of India only through New Delhi which shall be designated as the sole point of entry and exit. Provided that the Authority shall change or add any point of entry or exit only with the prior permission of the Central Government.”

and also other institutions working in the area related to the Convention.

- (2) The Authority may publish training calendar of the Organisation, invite applications from eligible persons and select the candidates for the training based on suitability of the training course and the merit of the candidate.
- (3) The Authority shall maintain a database of the persons who have received trainings and maintain the reports for future use.

IV. Education and outreach.—

- (1) It shall be the duty of the Authority to take all necessary steps to create awareness of the Convention and the Act amongst all concerned agencies, other stakeholders and the public at large.
- (2) The Authority may organise or conduct meetings, workshops, seminars, conferences at regional, national or international levels, for the effective implementation of the Convention and the Act.
- (3) The Authority may approve and fund internships or research projects on any matter connected with the Convention or the Act.

V. Miscellaneous functions and powers.—

- (1) It shall be the duty of the Authority to provide all information and assistance required by the Steering Committee to discharge its functions under Section 11 of the Act.
- (2) The Authority shall prepare and submit annual report to the Steering Committee which shall contain the main activities and events of the previous financial year.
- (3) It shall be the endeavour of the Authority to have the meeting of the Steering Committee convened at least twice every year.
- (4) When called upon to do so, the Authority shall give its inputs and opinion to the Central Government for it to take decision on any matter relating to implementation of the Convention in India or anywhere in the world.
- (5) The Authority shall coordinate with all concerned agencies for better compliance to the provisions of the Act by taking appropriate steps in improving quality of annual declarations, carrying out internal inspections of chemical facilities in India, simplifying and enhancing efficiency of Organisation inspections, monitoring export and import of scheduled chemicals, enhancing use of electronic systems for collection and processing of information relating to the Act, simplification and standardisation of procedure.
- (6) The Authority shall communicate to the Organisation as soon as possible, of objections, if any, of the Central Government on granting to any person access to India for any purposes related to the Convention.

- (7) The Authority may recommend to any concerned agency of relaxation of procedure or waiver of documents, if it is of opinion that such action is necessary or likely to facilitate better implementation of the Convention or the Act.
- (8) The Central Government may, by general or special order, from time to time, assign such other functions to the Authority for the purposes of carrying out the provisions of the Act.
- (9) The Authority shall decide its own procedure for conducting its business under the Act.
- (10) The Authority may invite any outside person as expert to take part in any of its meeting in addition to representative from the concerned agencies.

Annexure

[Not printed]
