

Bill No. 96 of 2022

THE WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY
SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES)
AMENDMENT BILL, 2022

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BILL

to amend the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.

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

1. (1) This Act may be called the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Act, 2022. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 2005. **2.** In the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005, after section 12, the following section shall be inserted, Insertion of new section 12A.
namely:—

10 43 of 1947. "12A. (1) No person shall finance any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Prohibition on financing.

Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems.

(2) For prevention of financing by any person of any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems, the Central Government shall have power to— 5 43 of 1947.

(a) freeze, seize or attach funds or other financial assets or economic resources—

(i) owned or controlled, wholly or jointly, directly or indirectly, by such person; or 10

(ii) held by or on behalf of, or at the direction of, such person; or

(iii) derived or generated from the funds or other assets owned or controlled, directly or indirectly, by such person;

(b) prohibit any person from making funds, financial assets or economic resources or related services available for the benefit of persons related to any activity which is prohibited under this Act, or under the United Nations (Security Council) Act, 1947 or any other relevant Act for the time being in force, or by an order issued under any such Act, in relation to weapons of mass destruction and their delivery systems. 15 43 of 1947. 20

(3) The Central Government may exercise its powers under this section through any authority who has been assigned the power under sub-section (1) of section 7.”

STATEMENT OF OBJECTS AND REASONS

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 was enacted to prohibit unlawful activities in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto.

2. The said Act covers unlawful activities relating to biological, chemical and nuclear weapons and their delivery systems and provides for integrated legal measures to exercise controls over the export of materials, equipment and technologies in relation to weapons of mass destruction and their delivery systems and for prevention of their transfers to non-State actors or terrorists.

3. In recent times, regulations relating to proliferation of weapons of mass destruction and their delivery systems by international organisations have expanded. Further, the United Nations Security Council's targeted financial sanctions and the recommendations of the Financial Action Task Force have mandated against financing of proliferation of weapons of mass destruction and their delivery systems.

4. In view of the above, there is a need to amend the said Act to provide against the financing of proliferation of weapons of mass destruction and their delivery systems so as to fulfil our international obligations.

5. The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022, *inter alia*, seeks to—

(a) prohibit financing of any activity in relation to weapons of mass destruction and their delivery systems;

(b) empower the Central Government to—

(i) freeze, seize or attach funds or other financial assets or economic resources for preventing such financing;

(ii) prohibit making available funds, financial assets or economic resources for any prohibited activity in relation to weapons of mass destruction and their delivery systems.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 31st March, 2022.

DR. S. JAISHANKAR.

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to amend the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.

(Dr. S. Jaishankar, Minister of External Affairs)