

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, মে ২০, ২০০৭

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়
লেজিসলেটিভ ড্রাফটিং অনুবিভাগ

প্রজ্ঞাপন

তারিখ, ৩ জ্যৈষ্ঠ ১৪১৪/১৭ মে ২০০৭

এস,আর,ও নং ৭৮-আইন/২০০৭।—রাসায়নিক অস্ত্র (নিষিদ্ধকরণ) আইন, ২০০৬ (২০০৬ সনের ৩৭নং আইন) এর ধারা ৪৯ এ প্রদত্ত ক্ষমতাবলে সরকার উক্ত আইনের অনুমোদিত ইংরেজী পাঠ (Authentic English Text) এতদসঙ্গে প্রকাশ করিল।

রাষ্ট্রপতির আদেশক্রমে

সুলতানা নাসিরা খান
প্রধান অনুবাদ কর্মকর্তা ও যুগ্ম-সচিব।

AUTHENTIC ENGLISH TEXT
OF
THE CHEMICAL WEAPONS (PROHIBITION) ACT, 2006

[The following Act of parliament received the assent of President on 9 Ashin, 1413 corresponding to 24 September, 2006 and is hereby published for general information]

Act No. XXXVII of 2006

An Act to give effect in Bangladesh to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

Whereas Bangladesh has become a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; and

Whereas it is expedient and necessary to give effect to the provisions of the said Convention in Bangladesh;

Now, therefore, it is hereby enacted as follows :—

Chapter One

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Chemical Weapons (Prohibition) Act, 2006.

(2) It shall come into force at once.

(3) It extends to the whole of Bangladesh.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "permitted purpose" means—

- (i) use for industrial, agricultural, research, medical, pharmaceutical or for other peaceful purposes;
- (ii) use for protection against the toxic chemicals and the harmful effect of Chemical Weapons.
- (iii) use for military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
- (iv) use for law enforcement purposes including the domestic riot control;

- (b) "Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed at Paris on 13 January 1993;
- (c) "Chairman" means the Chairman of the National Authority;
- (d) "Challenge inspection" means inspection of any facility, area and transport within or beyond the territory and under the jurisdiction or control of Bangladesh at the request of any Party to the Convention according to the procedure laid down in Part IX of the Verification Annex;
- (e) "National Authority" means the National Authority established under section 23;
- (f) "Schedule" means the schedule of the Act;
- (g) "Scheduled chemical" means any chemical listed in schedule 1, 2 or 3;
- (h) "riot control agent" means any chemical which is not a scheduled chemical and can rapidly produce irritation in human sensory or disabling physical effects and which disappear within a short time following termination of exposure;
- (i) "Executive cell" means a cell constituted under section 28 for the prohibition and disarmament of chemical weapons;
- (j) "routine inspection" means an inspection pursuant to Parts II to IX of the Verification Annex;
- (k) "Director" means a Director appointed by the Government under section 28(3);
- (l) "Verification Annex" means the verification Annex to the Convention;
- (m) "Criminal Procedure" means the Code of Criminal Procedure, 1898 (V of 1898);
- (n) "rules" means the rules made under this Act;
- (o) "toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals and includes all such chemicals, regardless of their origin or of their method of production and regardless of whether they are produced in facilities, in munitions or elsewhere;

- (p) "person" includes company, association or any body of persons, whether incorporated or not;
- (q) "Chemical weapons" means—
- (i) toxic chemical 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;
 - (ii) munitions or devices, specifically designed to cause death or other harm through the toxic properties of a toxic chemical specified in sub-clause (i), which would be released as a result of the employment of such munitions or devices;
 - (iii) any equipment specifically designed for use directly in connection with the employment of a munitions or device specified in sub-clause (ii);
- (r) "member" means a member of the National Authority;
- (s) "assistance inspection" means an inspection conducted pursuant to parts II and XI of the Verification Annex;
- (t) "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical and includes any key component of a binary or multi-component chemical system;
- (u) "Organization" means an Organization for the Prohibition of Chemical Weapons established under the Convention;

3. Extraterritorial application of the Act.—The provisions of this Act shall apply to the following cases beyond the territories of Bangladesh—

- (a) any offence committed by any citizen of Bangladesh or any person in the service of Bangladesh;
- (b) any offence committed by any person, staying in or on board any ship or aircraft of Bangladesh.

4. Act to override other laws.—Notwithstanding anything contained in any other law, for the time being in force, the provisions of this Act or rules made thereunder shall prevail.

Chapter Two**Prohibition on the Development, etc. of Chemical Weapons****5. Prohibition on the Development, etc. of Chemical Weapons.—**

(1) No person shall—

- (a) Develop, produce, otherwise acquire, or stockpile chemical weapon;
- (b) transfer, directly or indirectly, chemical weapon to any one;
- (c) use chemical weapon;
- (d) engage in any military preparation to use chemical weapon;
- (e) assist, encourage or induce, in any way, any other person to engage in any activity prohibited for the State Party under the Convention;
- (f) use a riot control agent as a method of warfare, willingly or unlawfully.

(2) For the purposes of sub-section (1), an object shall not be a chemical weapon if the person uses the said object only for permitted purposes, and in deciding whether permitted purposes are intended, the types and quantities of objects shall be taken into account.

6. Premises or equipment for producing Chemical Weapons.—(1) For the purposes of this Act, intending the chemical weapons to be produced or used—

- (a) no premises shall be constructed;
- (b) no premises shall be altered;
- (c) no equipment shall be installed or constructed;
- (d) no equipment shall be altered.

(2) For the purpose of sub-section (1), if the object is used for permitted purposes it shall not be deemed as a chemical weapon, and to decide whether the object was produced and used on the basis of permitted purposes the types and quantities of the object shall be taken into consideration.

7. Provisions relating to Production, etc. of Chemicals listed in Schedule I.—(1) No person shall produce, acquire, use, retain or transfer chemicals listed in schedule I, unless—

- (a) such chemicals are used for the purpose of research, treatment manufacture of medicine or protection;
- (b) the types and quantity of such chemicals are limited to that extent as is proper in clause (1);

- (c) the quantity of such chemicals does not exceed the limit of maximum one ton per year in the whole country; and
- (d) such chemicals are enrolled with the National Authority.

(2) In the case of production of chemicals, under sub-section (1), listed in schedule 1, the following conditions shall apply, namely—

- (a) such production are for research, medical, pharmaceutical or protective purposes;
- (b) such production shall follow the procedure set out in part VI of the Verification Annex;
- (c) the producer shall be enrolled by the National Authority.

(3) In the case of transfer of chemicals, under sub-section (2), listed in schedule 1, the following conditions shall apply, namely—

- (a) it shall follow the conditions specified in clauses (a) to (d) of sub-section (1);
- (b) the chemicals, acquired or transferred, in compliance with the conditions laid down in this section, shall not be transferred to a third state.

8. Prohibition on transferred, etc. of the chemicals listed in Schedule 2 and 3.—No person shall, transfer or receive the chemicals listed in schedule 2, or transfer the chemicals listed in schedule 3, to a state which is not a Party to the Convention, unless—

- (a) such transfer of chemicals is permitted under the Convention; and
- (b) the recipient state provides a certificate in respect of—
 - (i) that they shall only be used for the purposes not prohibited under the Convention;
 - (ii) that they shall not be re-transferred;
 - (iii) their types and quantities;
 - (iv) their end-use;
 - (v) the name and address of the end-user; and
- (c) those are enrolled by the National Authority.

9. Provisions relating to Import and Export of scheduled Chemicals.—No person shall import into or export from Bangladesh a scheduled chemical, except, in accordance with the provisions of the Import of Export Policy Order made by the Government, from time to time, under Import and Export (Control) Act, 1950 (XXXIX of 1950) and, enrolled with the National Authority.

Chapter Three

Enrollment

10. **Enrollment.**—(1) Every person engaged in the production, processing, acquisition, use, transfer, import or export of scheduled chemicals or engaged in the production of any discrete organic chemical including discrete organic chemicals containing elements of phosphorous, sulphur or fluorine shall, within the time specified by the National Authority after the commencement of the Act, be enrolled with the National Authority as a producer, processor, acquirer, user, transferor, importer or exporter of any scheduled chemical or, as the case may be, as a producer of any discrete organic chemicals containing phosphorous, sulphur or fluorine.

(2) For the purpose of enrollment under sub-section (1), application shall be made to the National Authority and if any application is filed in accordance with the provisions of this section the National Authority, after considering the application, shall grant an enrollment certificate as may be prescribed by rules within 60 (sixty) days from the date of receipt of the application.

(3) For the purpose of issuance or renewal of the enrollment certificate under this section, the applicant shall use such revenue stamp as may be prescribed by the government, and the period, the reasons for renewal and the conditions applicable for the enrollment shall be specified in every such certificate.

(4) Every application shall be filed to the National Authority in such form and manner as may be prescribed by rules.

(5) National Authority shall preserve the printed copy of enrollment certificate issued by it.

11. **Renewal of enrollment and correction of the conditions.**—(1) The enrollment certificate issued under this Act, shall be renewed in such manner as may be prescribed by rules, and adequate revenue stamp shall be used in respect thereof.

(2) For the purpose of this Act, the National Authority may, according to the Act or rules, amend any condition of the enrollment certificate issued under it, but no condition can be amended under this section without giving notice of minimum 30 (thirty) days to the applicant.

Chapter Four

Inspections

12. **Inspections under the Convention.**—(1) If it is proposed that, a routine inspection, a challenge inspection or an assistance inspection be conducted in

Bangladesh, the National Authority may, subject to the provisions of sub-section (2), issue an authorisation under this section in respect of that inspection .

(2) In issuing any authorisation, the National Authority shall—

- (a) take appropriate measures to protect sensitive installations not connected with the Convention; and
- (b) ensure that the Convention is not misused to the detriment of the security and economic interests of Bangladesh.

13. Assistance to inspections and responsibility of Assistant.—(1) If any inspection team comes to Bangladesh for the purposes of inspection under section 12, the National Authority or any person or institution authorized by it shall give assistance to that inspection team in all respects.

(2) The assisting authority, person or institution shall, in order to provide assistance, within the limit of generality of sub-section (1), perform the following specific duties, namely—

- (a) to receive and make arrangement of safe maintenance of the equipments brought by the inspection team for the use of inspection;
- (b) to examine the equipments brought under clause (a) to ensure that whether there was any existence of chemical in it since before;
- (c) to make necessary arrangement for taking the inspection team to the place where the inspection will be conducted under this Act; and
- (d) to give necessary technical assistance as the inspection team requires.

(3) In giving assistance to the inspection team under this section, the manner of assistance to be given or the terms of assistance, as the case may be, shall be determined by the National Authority.

(4) The assistance under this section shall be given under the supervision of the Chairman of the National Authority.

(5) For the purpose of conducting inspection under this section, the identity card shall be provided to the inspection team by the National Authority.

14. Authorisation.—An authorisation issued under section 12 shall include the following particulars, namely—

- (a) the names and addresses of the members of the inspection team attested by their organization;
- (b) the name of the group leader in charge of the in-country escort;

- (c) in the case of challenge inspection, the name of the accompanying observer of the inspection team;
- (d) the name and detailed description of the specified area in which the inspection is to be conducted; and
- (e) specific description of the type of inspection to be conducted.

15. **Effect of Authorisation.**—Authorised inspection team having authorisation under section 12, shall have the following powers, namely—

- (a) to exercise, within the specified facility, area and transport such rights of access, entry and unobstructed inspection as are conferred on them by the Verification Annex;
 - (b) to do such other things within the specified facility, area and transport having relation with the inspection as they are entitled to do by virtue of the Verification Annex including things concerning the maintenance, replacement or adjustment of any instrument which are openly used in transport;
 - (c) to accompany the in-country escort in accordance with the provisions of the Verification Annex; and
 - (d) to take necessary assistance, on request of in-country escort, from the law enforcing agency, for the purpose of conducting the inspection in accordance with the Verification Annex.
- (2) In the case of a challenge inspection, an observer shall, in addition to the right given under section 12, have the right to enter any facility, area and transport specified for inspection under the Verification Annex.
- (3) If any officer of disciplined force is assigned with duty of giving assistance in accordance with clause (d) of sub-section (1), he may exercise all legal powers as he considers necessary for the interest of proper and quick inspection.

16. **Rights and Privileges of members of inspection and observer team.**—(1) Subject to the provisions of sub-section (2), the members of an inspection or observer team shall enjoy such privileges and immunities as are mentioned in article 12 of Part II of the Verification Annex.

- (2) The members of the said team, staying in Bangladesh, may enjoy the rights and privileges in the following cases, namely—
- (a) during the time of conducting a routine inspection, challenge inspection or assistance inspection; and
 - (b) during the time of enjoying transit facility in the territory of the other State Party to the convention carrying out the said inspections.

(3) If, any privilege of any member of inspection team acquired in accordance with the Verification Annex is relinquished due to inconsistency with any existing law in Bangladesh, and if the said relinquishment is informed to the member of the concerned inspection or observer team personally by a notice issued by the National Authority, the privileges given under the provision of this section shall not be enforced at the time of issue of the notice.

17. Resolution of any question raised regarding the status of any member of the inspection Team.—If any question arises to the effect whether any person was engaged in the duties of routine inspection, challenge inspection or assistance inspection or performed duties as a member of in-country escort, then the authorisation issued by the National Authority for the purpose shall be considered as conclusive proof in resolution of that question.

18. Legality of the authorisation.—No question shall be raised in any court about the legality of the authorisation issued under section 12 for any inspection conducted under this Act.

19. Correction of authorisation, etc.—(1) For the purpose of this Act, the National Authority, may, if necessary, from time to time, change any place of inspection mentioned in the authorisation issued under section 12.

(2) If any authorisation is amended under sub-section (1),—

- (a) the provision of section 15 shall be applicable to the place for which it was amended; and
- (b) the provision of section 18 shall be applicable to the amended authorisation, as it would have been applicable to the original authorisation.

Chapter Five Supply of Information, etc.

20. Supplying of information, etc.—(1) If any person produces, possesses, uses, transfers, imports or exports any scheduled chemical or its Precursor of toxic organic chemicals containing element of phosphorus, sulphur or fluorine including discrete organic chemicals not listed in the schedule, he shall supply necessary information and documents, in the prescribed form and time, to the National Authority.

(2) The National Authority shall be ensured to the effect that the supplied or the preserved information or documents, as the case may, under sub-section (1) is reflected in accordance with the Convention and the provisions of the Act and the rules made thereunder.

21. **Provision for the use of confidential information and documents.**—(1) Any information or document received under this Act or the Convention shall be deemed to be **confidential**.

(2) Notwithstanding anything contained in sub-section (1), if the National Authority thinks it expedient to disclose any information or document for the safety of the state, such information or document shall not be considered as **confidential**.

(3) Except for the purpose of giving effect to this Act and the Convention, the person preserving the information or document shall not, without the approval of the National Authority, disclose, or cause to be disclosed or give permission to any one to disclose the same.

22. **Order to supply information, etc.**—(1) For the purpose of this Act, the National authority may, by written order, if necessary, give direction to any person to supply any information or document in the manner and at the time mentioned in the said order.

(2) If any direction is issued to supply any information or document under sub-section (1), the concerned person shall, if he be a natural person, through a letter signed by him, and, if it is a body corporate, through a letter signed by the officer of the said organisation, be bound to supply it to the National Authority.

(3) The power to be exercised under this section shall be in addition to the provision of section 20.

Chapter Six The National Authority

23. **The National Authority.**—(1) For the purposes of this Act, there shall be a national authority to be called as “Bangladesh National Authority, Chemical Weapons Convention” under this Act.

(2) The National Authority shall consist of the following members, namely—

- (a) Principal Staff Officer of the Armed Force Division, who shall also be its Chairman;
- (b) One representative not below the rank of member nominated by the National Board of Revenue;
- (c) One representative not below the rank of Joint-Secretary nominated by the Ministry of Foreign Affairs;
- (d) One representative not below the rank of Joint-Secretary nominated by the Ministry of Law, Justice and Parliamentary Affairs;

- (e) One representative not below the rank of Joint-Secretary nominated by the Ministry of Home Affairs;
- (f) One representative not below the rank of Joint-Secretary nominated by the Ministry of Defense;
- (g) One representative not below the rank of Joint-Secretary nominated by the Ministry of Industry;
- (h) One representative not below the rank of Joint-Secretary nominated by the Ministry of Commerce;
- (i) One representative not below the rank of Joint-Secretary nominated by the Ministry of Science and Information and Communication Technology;
- (j) One representative not below the rank of Joint-Secretary nominated by the Ministry of Agriculture;
- (k) Chairman, Bangladesh Atomic Energy Commission or one representative nominated by him;
- (l) Chairman, Bangladesh Science and Industry Research Board or a representative nominated by him;
- (m) Chairman, Bangladesh Chemical Industry Corporation or a representative nominated by him;
- (n) One representative in the rank of Brigadier General nominated by Bangladesh Army;
- (o) One representative in the rank of Commodore nominated by Bangladesh Navy;
- (p) One representative in the rank of Air Commodore nominated by Bangladesh Air force;
- (q) One representative in the rank of Director, Federation of Bangladesh Chamber of Commerce;
- (r) Director of Executive Cell, who shall also be the secretary of National Authority.

24. **Function of the National Authority.**—The functions of the National Authority under this Act shall be as follows—

- (a) to keep all kinds of liaison under this Convention for the purpose of this Act;
- (b) to ensure proper implementation of this Act;

- (c) to perform duties applicable on the part of Bangladesh under this Convention;
- (d) to take measures for inspection in any facility and place in Bangladesh according to the Verification Annex;
- (e) to arrange training, for the officers and employees including other concerned officers and employees for the purpose of carrying out the functions of the Authority efficiently;
- (f) to arrange and administer national and international seminar, symposium, conference and work-shop with a view to create awareness among the people;
- (g) to take necessary measures for protection of sensitive establishment not related with the Convention;
- (h) to carry out other obligations under the Convention;
- (i) to advise the Government to nominate permanent representative of Bangladesh in the Head Quarter of the Organization;
- (j) to do all such acts and things incidental to any of the aforesaid functions.

25. Meeting of the National Authority.—(1) There shall be held at least one meeting of the National Authority in every six months :

Provided that, in case of emergency, if necessary, with the consent of the Chairman, meeting can be convened by giving a 7(Seven) days notice.

(2) All meetings of the National Authority shall be held at such time and place as may be determined by its Chairman.

(3) Subject to other provisions of this section, the National Authority shall determine the procedure of its meeting.

(4) All meetings of the National Authority shall be presided over by the Chairman and in his absence, the senior member present in the meeting.

(5) One-third of the members of the National Authority shall constitute a quorum at its meeting.

26. Committee.—(1) The National Authority may, if necessary, constitute one or more committees to assist to carry out its functions.

(2) Every committee under sub-section (1), shall consist of such number of members as the Authority may prescribe and the National Authority may determine the responsibilities of such committee.

27. **Delegation of power.**—The National Authority, if necessary, by a written order delegate any of its powers under this Act or rules made thereunder to its any member or officer.

28. **Executive Cell and its officer and employees.**—(1) To carry out the functions of the National Authority there shall be an Executive Cell to be called the Chemical Weapons Prohibition and Disarmament Cell National Authority, of which a Director shall be the Chief.

(2) The Executive Cell shall be responsible for implementing the decision of the National Authority.

(3) The Director shall be the chief executive of the Executive Cell and shall be appointed by the Government.

(4) The Government shall determine the terms and conditions of the service of the Director.

(5) The Executive Cell may, in the manner prescribed by rules, appoint such number of officers and other employees as it thinks necessary for carrying out the functions of the National Authority efficiently.

(6) Until a Director is appointed under sub-section (3), any officer in the rank of a Director of Armed Forces Division in the Prime Minister's Office nominated by the Principal Staff Officer of Armed Forces Division shall act as the Director.

(7) Until officers and employees under sub-section (5) are appointed, the requisite number of officers and employees, from among the existing officers and employees of Armed Forces Division in the Prime Minister's Office, nominated by the Government, shall carry out the functions of the National Authority and the said officers and employees shall work under the Director.

(8) In appointing the Director under sub-section (3), officers and employees, advice of the Chairman may be taken, if necessary.

29. **Expenditure of the Executive Cell.**—All the expenses of the Executive Cell shall be met from the budget of Armed Forces Division.

30. **The Power of the National Authority to issue direction.**—(1) Subject to the provisions of this Act and the rules made thereunder, the National Authority may, for carrying out its functions, issue written direction to any person.

(2) Any person being directed under this section shall be bound to carry out such direction.

(3) The National Authority may in its order issued under this section fix the time for carrying out the relevant works.

Chapter Seven

Offence, Penalty and Trial

31. **Penalty for contravention of provisions of section 5.**—A person commits an offence if he contravenes the provision of section 5 and for such offence he shall be liable to be sentenced to imprisonment for a term not exceeding 14 (fourteen) years or to a fine not exceeding 50 (fifty) thousand taka or with both.

32. **Penalty for contravention of provisions of section 6.**—A person commits an offence if he contravenes the provision of section 6 and for such offence he shall be liable to be sentenced to imprisonment for a term not exceeding 10 (ten) years or to a fine not exceeding 30 (thirty) thousand taka or with both.

33. **Penalty for contravention of provisions of section 7.**—A person commits an offence if he contravenes the provision of section 7 and for such offence he shall be liable to be sentenced to imprisonment for a term not exceeding 5 (five) years or to a fine not exceeding 15 (fifteen) thousand taka or with both.

34. **Penalty for contravention of provisions of section 8.**—A person commits an offence if he contravenes the provision of section 8 and for such offence he shall be liable to be sentenced to imprisonment for a term not exceeding 4 (four) years or to a fine not exceeding 12 (twelve) thousand taka or with both.

35. **Penalty for contravention of provisions of section 9.**—A person commits an offence if he contravenes the provision of section 9 and for such offence he shall be liable to be sentenced to imprisonment for a term not exceeding 3 (three) years or to a fine not exceeding 10 (ten) thousand taka or with both.

36. **Offence relating to inspection.**—(1) If any authorisation is issued under section 12, any of the following acts of any person shall be an offence, namely:—

- (a) refusal to assist to carry out the function of inspection according to the Verification Annex and to obey the request of disciplined force and in-country escort without any reasonable cause.;

- (b) interference in the installation or keeping in custody any container, equipment or any other materials used in the inspection according to the Verification Annex without any reasonable cause,;
- (c) willfully obstructing any member of inspection team or in-country escort or any person involved in the inspection while carrying out the functions of inspection according to Verification Annex.

(2) Any person guilty of any offence mentioned in sub-section (1) shall be liable to be sentenced to imprisonment for 2 (two) years or to a fine not exceeding 10 (ten) thousand taka or with both.

37. Penalty for contravention of provisions of section 20.—A person commits an offence if he contravenes the provision of section 20 and for such offence he shall be liable to be sentenced to imprisonment for a term not exceeding 1 (one) year or to a fine not exceeding 3 (three) thousand taka or with both.

38. Penalty for contravention of provisions of section 21.—A person commits an offence if he contravenes the provision of section 21 and for such offence he shall be liable to be sentenced to imprisonment for a term not exceeding 1 (one) year or to a fine not exceeding 5 (five) thousand taka or with both.

39. Cognizance of offence, etc.—Notwithstanding anything contained in the Criminal Procedure, no court shall take cognizance of any offence under this Act except on the basis of a written complaint of an officer authorized in this behalf by the Government.

40. Offence to be Non-bailable and cognizable.—The offence punishable under this Act shall be non-bailable and cognizable.

41. Offences by companies etc.—(1) If any offence under this Act is committed by a company, every director, manager, secretary, partner or officer and employee thereof shall, directly involved in commission of the offence, be deemed to have committed the offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Explanation.—In this section—

- (a) "**company**" means any commercial enterprise, partnership business, union or association;
- (b) "**director**" includes a partner or a member of board of directors.

42. **Application of Criminal Procedure.**—Subject to the consistency of the provision of this Act, the Criminal Procedure shall be applicable to the investigation of an offence, trial, appeal and other matters incidental thereto under this Act.

Chapter Eight

Miscellaneous

43. **Power of entry, seizure, etc.**—(1) For the purpose of inspection or investigation of an offence, mentioned in this Act, under the direction of National Authority or any competent court, any person authorised by the National Authority or any person of inspection team authorized under section 12 may, for reasonable cause and time, enter into any facility, or place or any kind of vehicle, search or seize or collect samples of anything or inspect any place or facilities :

Provided that, while entering into any facility or place or vehicle under this section, the direction of the National Authority or the court shall be shown on demand of the owner, or possessor, as the case may be.

(2) Any person or inspection team under sub-section (1) may take essential equipments and relevant instruments with him at the time of entering into the facility, place or vehicle thereto as appear to him to be necessary.

(3) For the purpose of sub-section (1), such person or inspection team may, if necessary, apply to a magistrate having jurisdiction under section 96 of the Criminal Procedure Code to issue search warrant.

(4) In the case of search or seizure or inspection under this section, such person or inspection team shall as far as possible, follow the procedure of

the provisions of the Criminal Procedure and the rules made under this Act.

(5) After entering into any facility, place or any kind of vehicles under sub-section (1) and (2), if any Chemical Weapons or suspicious objects are found at the place or facility, the inspection team or the person shall take it under custody, and—

- (a) if thinks proper shall seize and remove it; or
- (b) if the chemical weapon or harmful object is of such size and nature that it is not possible to remove the same instantly, then he shall take necessary steps for quick removal of the same and shall affix a written caution regarding the removal in a conspicuous place until its removal.

44. Destruction of Chemical Weapons.—(1) If the National Authority takes decision that any Chemical Weapon or suspicious object seized or removed under sub-section (5) of section 43 is required to be destroyed, the said authority shall take necessary steps to destroy it.

(2) The method of destruction under this section shall be according to the procedure of destruction as prescribed by the rules, made in consistent with the provisions of the Convention.

(3) The cost of seizure or removal under sub-section (5) of section 43 or destruction of seized or removed Chemical Weapons or suspicious objects or destroyed under this section shall be realized from the concern accused person or from whose possession the said weapon or object is removed or in the manner prescribed by the rules.

45. Forfeiture of the object, equipment etc. related to crime.—(1) If any person is found guilty and sentenced for any offence under this Act, the equipments or the parts thereof, or vehicles used in the said offence or the chemical weapons or objects related to the offence shall be forfeited.

(2) If any equipment or the part thereof, vehicles or chemical weapons or objects mentioned in sub-section (1) are forfeited, the National Authority may, in the manner prescribed by the rules, destroy or, dispose of them, as the case may be.

46. Report.—(1) The National Authority shall, within two months after the end of every calendar year of Christian era, submit to the

Government an annual report on the performance of its functions during that year.

(2) The Government may, if necessary, at any time require the National Authority to furnish any report or statement regarding any matter.

47. **Acts done in good faith.**—No suit, prosecution or other legal proceedings shall lie against the Chairman or any member or Director or any officer or employee of the National Authority or any member of the inspection team for anything done or apparently intended to be done in good faith under this Act and rules made thereunder for which any person is or to be affected.

48. **Power to make rules.**—The National Authority may, with the prior approval of the government, by the notification in the official gazette, make rules for the purposes of this Act.

49. **Publication of English Text of the Act.**—After the commencement of this Act, as soon as possible, the government, shall, by the notification in the official gazette, publish the English text of the Act, which shall be deemed as the authorized English text :

Provided that, in the event of conflict between the Bengali and the English text, the Act shall prevail.

Schedule-1

[see section 2(f)]

(Schedules of Chemicals)

A. Toxic chemicals :

Chemical Abstract
service (CAS)
registry number

- | | |
|--|------------|
| (1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl)alkyl | (107-44-8) |
| (Me, Et, n-pr or i-pr)-Phosphonofluoridates | (96-64-0) |
| e.g. Sarin: O-Isopropyl methylphosphonofluoridate | |
| Soman: O-Pinacolyl methyl phosphonofluoridate | |

- (2) O-Alkyl ($\leq C_{10}$, incl.cycloalkyl)N,N-dialkyl
(Me,Et,N-pr or i-pr)-phosphoramidocyanidates
e.g. Tabun : O-Ethyl N, N-dimethyl
Phosphoramidocyanidate, (77-81-6)
- (3) O-Alkyl(H or $\leq C_{10}$, incl.cycloalkyl) S-2-dialkyl
(Me,Et,n-pr or i-Pr)-aminoethylalkyl
(Me,Et,n-pr or i-Pr)-phosphonothiolates and
corresponding alkylated or protonated salts
e.g. VX : O-Ethyl S-2-diisopropylaminoethyl
methyl phosphonothiolate (50782-69-9)
- (4) Sulfur mustards :
2-Chloroethyl chloromethylsulfide (2625-76-5)
Mustard gas: Bis (2-chloroethyl)sulfide (505-60-2)
Bis(2-Chloroethylthio)methane (63869-13-6)
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane (3563-36-8)
1,3-Bis(2-chloroethylthio)-n-propane (63905-10-2)
1,4-Bis(2-chloroethylthio)-n-butane (142868-93-7)
1,5-Bis (2-chloroethylthio)-n-pentane (142868-94-8)
bis(2-chloroethyl thiomethyl) ether (63918-90-1)
O-Mustard: Bis (2-chloroethylthioethyl)ether (63918-89-8)
- (5) Lewisites:
Lewisites 1:2-Chlorovinylchloroarsine (541-25-3)
Lewisites 2: Bis(2-Chlorovinyl) chloroarsine (40334-69-8)
Lewisites 3: Tris(2-Chlorovinyl) arsine (40334-70-1)
- (6) Nitrogen Mustards:
HN 1: Bis (2-chloroethyl) ethylamine (538-07-8)
HN 2: Bis (2-chloroethyl) methylamine (51-75-2)
HN 3: Tris (2-chloroethyl) amine (555-77-1)
- (7) Saxitoxin (35523-89-8)
- (8) Ricin (9009-86-3)
- B. Precursors:**
- (9) Alkyl (Me, Et, n-pr or i-pr)-
phosphonyldifluorides e.g. DF: Methyl
phosphonyldifluoride (676-99-3)
- (10) O-Alkyl(H or $\leq C_{10}$ incl.cycloalkyl) O-2-dialkyl
(Me,Et,n-Pr or i-pr)-aminoethyl alkyl
(Me,Et,n-Pr or i-Pr)- phosphonites and
corresponding alkylated or protonated salts
eg. QL: O-Ethyl O-2 diisopropylaminoethyl
methylphosphonite (57856-11-8)

- (11) Chlorosarin : O-Isopropylmethylphosphonochloridate (1445-76-7)
 (12) Chlorosoman : Phnacolyl methylphosphonochloridate (7040-57-5)

Schedule-2

[see section 2(f)]

(Schedules of Chemicals)

A. Toxic chemicals :

- (1) Amiton : O, O-Diethyl S-[2-(diethylamino) ethyl] Phosphorothiolate and corresponding alkylated or protonated salts (78-53-5)
 (2) PFIB : 1, 1, 3, 3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
 (3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)

B. Precursors :

- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
 e.g. Methylphosphonyl dichloride (676-97-1)
 Dimethyl methylphosphonate (756-79-6)
 Exemption : Fonofos : O-Ethyl S-phenyl Ethylphosphonothiolothionate (944-22-9)
- (5) N,N-dialkyl (Me,Et,n-Pr or i-Pr) Phosphoramidic dihalides -
 (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-Dialkyl (Me,Et, n-Pr or i-Pr)- phosphoramidates -
 (7) Arsenic trichloride (7784-34-1)
 (8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)
 (9) Quinuclidin-3-ol (1619-34-7)
 (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts

- (11) N,N-Dialkyl (Me,Et,n-Pr or i-Pr)aminoethane-ols and corresponding protonated salts
 Exemption : N, n-Dimethylamioethanol and (108-01-0)
 corresponding protonated salts (100-37-8)
 N,n-Diethylamioethanol and
 corresponding protonated salts
- (12) N,N-Dialkyl (Me,Et, n-Pr or i-Pr) aminoethane-2-thiols-and corresponding protonated salts -
- (13) Thiodiglycol : Bis (2-hydroxyethyl)sulfide (111-48-8)
- (14) Pinacolyl alcohol : 3,3-Dimethylbutan-2-ol (464-07-3)

Schedule-3

[see section 2(f)]

(Schedules of Chemicals)

A Toxic chemicals :

- (1) Phosgene : Carbonyl dichloride (75-44-5)
- (2) Cyanogen chloride (506-77-4)
- (3) Hydrogen cyanide (74-90-8)
- (4) Chloropicrin : Trichloronitromethane (76-06-2)

B. Precursors :

- (10025-87-3)
- (5) Phosphorus oxychloride (10025-87-3)
- (6) Phosphorus trichloride (7719-12-2)
- (7) Phosphorus pentachloride (10026-13-8)
- (8) Trimethyl phosphite (121-45-9)
- (9) Triethyl phosphite (122-52-1)
- (10) Dimethyl phosphite (868-85-9)
- (11) Diethyl phosphite (762-04-9)

(12) Sulfur monochloride	(10025-67-9)
(13) Sulfur dichloride	(10545-99-0)
(14) Thionyl chloride	(7719-09-7)
(15) Ethyldiethanolamine	(139-87-7)
(16) Methyldiethanolamine	(105-59-9)
(17) Triethanolamine	(102-71-6)