

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill, 2022

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In news– Parliament has passed the Weapon of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Bill 2022 recently.

Key features of the bill–

- The Bill seeks to amend the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.
- **The Bill bars persons from financing any prohibited activity** related to weapons of mass destruction and their delivery systems.
- To prevent persons from financing such activities, the central government may freeze, seize or attach their funds, financial assets, or economic resources (whether owned, held, or controlled directly or indirectly).
- It may also prohibit persons from making finances or related services available for the benefit of other persons in relation to any activity which is prohibited.

Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005-

- It prohibits unlawful activities such as manufacturing, transport or transfer related to weapons of mass destruction and their means of delivery.
- **India's 2005 WMD Act defines:**

- **“Biological weapons”** as “microbial or other biological agents, or toxins...of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; and weapons, equipment or delivery systems specially designed to use such agents or toxins for hostile purposes or in armed conflict”; and
- **“Chemical weapons”** as “toxic chemicals and their precursors” except where used for peaceful, protective, and certain specified military and law enforcement purposes; “munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals” and any equipment specifically designed for use in connection with the employment of these munitions and devices.
- **“Nuclear weapon or other nuclear explosive device”** means any nuclear weapon or other nuclear explosive device as may be determined by the Central Government, whose determination in the matter shall be final.
- **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.

Weapons of mass destruction-

- The **expression “weapon of mass destruction” (WMD)** is usually considered to have been used **first by the leader of the Church of England, the Archbishop of Canterbury, in 1937** to refer to the aerial bombing of civilians in the Basque town of Guernica by German and Italian fascists in support of General Franco during the **Spanish Civil War.**
- The expression WMD entered the vocabularies of people

and countries around the world in the early 2000s after the US under President George W Bush and the UK under Prime Minister Tony Blair justified the invasion of Iraq on the grounds that the government of Saddam Hussain was hiding these weapons in the country. However, no WMDs were ever found.

- While there is no single, authoritative definition of a WMD in international law, **the expression is usually understood to cover nuclear, biological, and chemical (NBC) weapons.**
- According to the United States Department of Homeland Security, **“a weapon of mass destruction is a nuclear, radiological, chemical, biological, or other device that is intended to harm a large number of people.”**

International treaties related to WMD-

The use of chemical, biological, and nuclear weapons is regulated by a number of international treaties and agreements. Among them are:

- The Geneva Protocol, 1925, that banned the use of chemical and biological weapons.
- The Biological Weapons Convention, 1972.
- Chemical Weapons Convention, 1992, which put comprehensive bans on the biological and chemical weapons respectively.
- India has signed and ratified both the 1972 and 1992 treaties.
- The use and proliferation of nuclear weapons is regulated by treaties such as Nuclear Non-Proliferation Treaty (NPT) and the Comprehensive Test Ban Treaty (CTBT).