



## Security Council

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### Security Council Committee established pursuant to resolution [1540 \(2004\)](#)

#### **Note verbale dated 31 May 2013 from the Permanent Mission of India to the United Nations addressed to the Chair of the Committee**

The Permanent Mission of India to the United Nations in New York presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1540 \(2004\)](#) and has the honour to refer to the latter's note verbale dated 22 February 2013 seeking India's submission regarding the implementation of Security Council resolution [1540 \(2004\)](#) in accordance with paragraph 7 of resolution [1977 \(2011\)](#).

The Permanent Mission of India submits herewith updated information on the implementation of resolutions [1540 \(2004\)](#) and [1977 \(2011\)](#) (see annex).



**Annex to the note verbale dated 31 May 2013 from the Permanent Mission of India to the United Nations addressed to the Chair of the Committee**

**Implementation of Security Council resolutions 1540 (2004) and 1977 (2011)**

India, since the submission of its previous report on the implementation of Security Council resolution 1540 (2004) in February 2006 (S/AC.44/2004(02)/62/Add.2, annex), has taken further steps to reinforce its legislative and regulatory mechanism for exercising controls so as to eliminate risks relating to sensitive materials and technologies falling into the hands of terrorists and non-State actors.

Security Council resolution 1540 (2004) is in line with the General Assembly resolutions sponsored by India on measures to prevent terrorists from acquiring weapons of mass destruction, adopted by consensus every year since 2002.

India is committed to maintaining effective national export controls consistent with the highest international standards and is prepared to make its contribution as a full member of the respective multilateral export control regimes. India has also favoured the early conclusion of negotiations at the United Nations on the draft comprehensive convention on international terrorism and supported the broadest possible adherence by States to the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment. India also supported reference to the implementation of resolution 1540 (2004) in Nuclear Security Summit communiqués of 2010 and 2012.

In April 2011, India, which was then a member of the Security Council, supported the adoption of resolution 1977 (2011), which extended the mandate of the 1540 Committee up to 2021. From 30 November to 1 December 2012, India hosted a 1540 workshop on the theme “Building new synergies on nuclear security” in New Delhi in cooperation with the Office for Disarmament Affairs. All countries represented on the Security Council, its new incoming members, the United Nations, the International Atomic Energy Agency (IAEA) and representatives of the 1540 Committee participated in the workshop. The organization of the workshop was in keeping with India’s support for international efforts aimed at addressing the challenges posed by nuclear terrorism to international peace and security.

Details of steps taken by India since its previous report to the 1540 Committee in February 2006 are provided below.

1. In line with its obligations under the Chemical Weapons Convention, India has destroyed all its chemical weapons stockpiles within the Convention-mandated time frame of April 2009 under international verification by the Organization for the Prohibition of Chemical Weapons. All scheduled chemicals have been incorporated in India’s special chemicals, organisms, materials, equipment and technologies (SCOMET) list.
2. A revised list of prescribed substances, prescribed equipment and technology was issued by India’s Department of Atomic Energy on 20 January 2006. The export of items figuring in this list is subject to licensing by the Department. Further, to regulate the export of these items, “Guidelines for nuclear transfers (exports)” were

issued on 1 February 2006. The guidelines, inter alia, prohibit export for development of any nuclear explosive; require the application of IAEA Safeguards in the recipient country; require approval of the Government of India for any retransfer; and require agreement between the recipient Government and the Government of India regarding physical protection of exported items. Details of the list and guidelines are available on the Department's website (<http://dae.nic.in>).

3. Changes in the Foreign Trade (Development and Regulation) Act, 1992 (FTDR Act). India's national export control list, SCOMET, and the licensing procedure related thereto are governed by the Act. This legislation was amended in August 2010 in order to streamline it by bringing within its ambit certain provisions that had already been in place since 2005 under the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Act. The provisions relate to controls on export, transfer, retransfer, transit, trans-shipment and brokering in connection with specified goods, services and technologies and the catch-all control. Details of the amendment to the Act are available on the website of the Directorate General of Foreign Trade (<http://dgft.gov.in>).

4. Updating of the SCOMET list. The SCOMET list was updated in 2007, 2009 and March of 2013 to bring it on par with the control lists of the Nuclear Suppliers Group and the Missile Technology Control Regime. The updated SCOMET list is available on the website of the Directorate General of Foreign Trade.

5. Implementation of relevant Security Council resolutions adopted under Chapter VII of the Charter of the United Nations:

(a) India has implemented Security Council resolutions [1696 \(2006\)](#), [1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) and [1929 \(2010\)](#) by issuing an order on the implementation of Security Council resolution [1929 \(2010\)](#) on non-proliferation on 4 November 2011.

The prohibition on trade in specified items (materials, equipment and technology) is enforced through paragraph 2.1.3 of the Foreign Trade Policy issued under the FTDR Act by the Directorate General of Foreign Trade.

(b) Security Council resolution [1718 \(2006\)](#) has been implemented through the issuance of an order on the implementation of the Security Council resolution on the Democratic People's Republic of Korea on 7 February 2007. Further, resolution [1874 \(2009\)](#) was implemented by means of an amendment to this order on 15 September 2009.

The prohibition on trade in specified items (materials, equipment and technology) is enforced through paragraph 2.1.2 of the Foreign Trade Policy issued under the FTDR Act by the Directorate General of Foreign Trade. Details of the Foreign Trade Policy are available from <http://dgft.gov.in>