Inputs pursuant to UNGA Resolution 58/42 on 'National legislation on transfer of arms, military equipment and dual-use goods and technology'

Through appropriate legislative, procedural and administrative measures, India has instituted an effective and comprehensive system to regulate strategic exports from India. Laws such as The Explosive Substances Act, 1908; The Narcotic Drugs and Psychotropic Substances Act, 1985; The Environment Protection Act, 1986; The Atomic Energy Act, 1962; The Customs Act, 1962; The Arms Act, 1959; The Arms Rules, 1962; and The Foreign Trade (Development and Regulation) Act, 1992 from the legal basis of India’s system of export controls. Various agencies of the Government are empowered to enforce the provisions of these laws.

2. With the objective of exercising control over the export of goods and technology of direct and indirect application to Weapons of Mass Destruction and the means of their delivery, the Government of India has specified a list of dual-use Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET), the export of which is either prohibited or permitted only under license and the conditions included therein. This list is notified in Appendix 3 to Schedule II of the Indian Tariff Classifications (Harmonized System) (ITC (HS)) of Export and Import items, 2002-2007. (The ITC (HS) published and notified by the Director General of Foreign Trade and as amended from time to time, specifies the item-wise Government of India export and import policy).

3. All munitions are manufactured or traded in by entities that are wholly owned, controlled by or are on contract to the Government of India. Legal and administrative measures are in place for regulating exports of military stores which are permitted only under written permission of the relevant agencies of the Government unless specified otherwise in the Government's Export Import Policy. This permission rests inter alia upon end-user certification on a government to government basis and is in conformity with the Government of India’s foreign policy objectives which include a ban on exports to countries under UN embargo.