

# ENFORCEMENT CHALLENGES IN EXPORT CONTROL:

## The Indian Experience

Export of unlisted items  
and  
operation of the *catch-all* control

# LEGAL PROVISION

## *Catch-all control*

- Section 11 of the WMD Act 2005
- Section 14C of the FTDR Act 1992

*No person shall shall export any material, equipment or technology knowing that such material, equipment or technology is intended to be used in the design or manufacture of a biological weapon, chemical weapon, nuclear weapon or other nuclear explosive device, or in their missile delivery systems*

# UNLISTED ITEMS

- ⦿ Outright violation involving proliferation concern not observed;
- ⦿ Common cases involve items not covered explicitly in SCOMET;
- ⦿ Should the item be regulated?  
(SCOMET cannot be changed frequently)
- ⦿ Who is the end-user ? What is the concern?  
(insufficient information)
- ⦿ **ITEMS OF INTEREST: aluminum powder**

# CATCH-ALL CONTROL

- Difficult to prove ‘knowledge’ (intent)
- The ‘unequal’ nature of catch-all control  
(Is it anti- level playing field ?)
- How to use the catch-all provision optimally  
(We do not follow an ‘entities list’ barring for UNSC sanctioned entities)
- Could we have regulations/rules for its implementation ?
- Possible future legal challenge to the catch-all provision

# QUESTIONS?

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