

ORDER

New Delhi, the 8th June, 2021

S.O. 2174(E).—Whereas, the Security Council of the United Nations in its 4051th and 4385th meetings adopted Resolution 1267 (1999) (15th October, 1999) and Resolution 1373 (2001) (28th September, 2001) respectively under Chapter VII of Charter of the United Nations requiring all United Nations Member States to take certain specified measures to combat international terrorism which constitutes serious threat to international peace and security;

And whereas, the Security Council adopted further resolutions renewing the specified measures imposed *vide* above resolutions and adding further individuals and entities subject to the specified measures, the latest of such resolutions being Resolution 2368 (2017) (20 July 2017) concerning ISIL (Da'esh) and Al-Qaida and Resolution 2255(2015) (21 December 2015) concerning Taliban;

And whereas, the original resolutions, Resolution 1267 (1999) and Resolution 1373 (2001) of the Security Council of the United Nations renewed and amended from time to time require United Nations Member States to take necessary measures against certain terrorists and terrorist organisations, to freeze their assets and other economic resources, to prevent the entry into or transit through their territory, prevent the direct or indirect supply, sale or transfer of arms and ammunitions to all individuals and entities listed in the Schedule;

And whereas, the Security Council Committee pursuant to resolutions 1267(1999), 1989(2011) and 2252(2015) concerning ISIL (Da'esh) and Al-Qaida and Security Council Committee pursuant to resolution 1988(2011) concerning Taliban, from time to time, updates the list of individuals and entities designated under Resolution 1267(1999) and Resolution 1988(2011) through addition, deletion and modification of entries to the Sanctions List;

And whereas, the Central Government considers it necessary and expedient to issue an Order under the United Nations (Security Council) Act, 1947 (43 of 1947) to implement the said Resolutions of the Security Council adopted under Chapter VII of the Charter of the United Nations to combat international terrorism, especially on paras 10 and 11 in Resolution 2255 (2015) and on para 17 in Resolution 2368 (2017);

Now, therefore, in exercise of the powers conferred by section 2 of the United Nations (Security Council) Act, 1947 (43 of 1947), the Central Government hereby makes the following Order further to amend the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, namely :-

1. Short title and commencement.- (1) This Order may be called the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) (Amendment) Order, 2021.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007:

(i) in paragraph 2, in sub-paragraph (1),-

(A) for clause (a), the following clause shall be substituted, namely:-

'(a) "Resolution" means the Resolution 1267 (1999) and 1373 (2001) of the Security Council of the United Nations and all subsequent resolutions adopted by the United Nations Security Council renewed and amended from time to time, including Resolution 2255(2015) (21 December 2015) and Resolution 2368 (2017) (20 July 2017);';

(B) for clause (b), the following clauses shall be substituted, namely:-

'(b) "Schedule" means the Schedule annexed to this Order, drawn on the basis of the determination made by the Security Council in their said Resolutions;

(c) "Committee" means the "1267/1989/2253 ISIL (Da'esh) and Al Qaida Sanctions Committee" established by the Security Council of the United Nations in accordance with paragraph 30 of the Resolution 1988 (2011);

(ii) for paragraph 4, the following paragraph shall be substituted, namely:-

"4. Powers of the Central Government to give effect to the Resolution.- The Central Government shall have the following powers to take measures to give effect to the Resolutions, namely:-

(1) Arms Embargo: Prevent the direct or indirect supply, sale, or transfer to designated individuals, groups, undertakings and entities from Indian territories or by Indian nationals outside Indian territories, or using Indian flag vessels or Indian aircrafts, of arms and related material of all types including weapons and

ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities.

(2) Travel Ban: Prevent the entry into or transit through the territory of India of all persons designated by the Committee, provided that nothing in this paragraph shall oblige Government of India to refuse its own nationals entry into or departure from Indian territory:

Provided that it shall not be applicable, -

- (i) where the Committee determines on a case to case basis that such travel is justified (paragraph 2(b) of Resolution 2253(2015));
- (ii) where entry or transit is necessary for the fulfilment of a judicial process (paragraph 2(b) of Resolution 2253(2015)).

(3) Asset Freeze: (1) Freeze without delay the funds and other financial assets or economic resources of designated individuals, groups, undertakings and entities, including funds derived or generated from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction.

(2) Ensure that funds referred to in sub-paragraph (1) or any other funds, financial assets or economic resources shall not be made available, directly or indirectly, wholly or jointly, for benefit of designated individuals, groups, undertakings and entities owned or controlled, directly or indirectly by such designated persons or entities, and to persons and entities acting on behalf of, or at the direction of designated persons or entities by Indian nationals or by persons within Indian territory:

Provided that it shall not be applicable to funds and other economic measures which are -

- (a) necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, which have been notified by the Government of India to the Committee in accordance with paragraph 75(a) of Resolution 2253(2015) and paragraph 18(a) of the Resolution 2255(2015);
- (b) necessary for extraordinary expenses, being expenses other than basic expenses, which have been notified by the Government of India and approved by the Committee [paragraph 75(b) of Resolution 2253(2015) and paragraph 18(b) of the Resolution 2255(2015)].";
- (iii) in paragraph 5 after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

"(3) The financial regulators viz., Reserve Bank of India, Securities and Exchange Board of India and Insurance Regulatory and Development Authority etc., and the supervisors of designated business and profession as notified under the Prevention of Money Laundering Act, 2002 (15 of 2003), shall verify the Sanctions List established and maintained pursuant to Security Council Resolutions 1267 and 1988 on a daily basis to take note of the modifications to the Sanction List in terms of additions, deletions or other changes, and upon any modification in the list by the United Nations Security Council or by any Order of the Ministry of External Affairs, shall communicate information of such modification to the banks, stock exchanges, depositories, intermediaries, insurance companies, and Designated Non-Financial Business and Professions as regulated by them without delay."

- (iv) for the Schedule, the following Schedule shall be substituted, namely:-

"SCHEDULE

[(See paragraph 2 (1) (b))]

Annexure 1

(updated as on the 23rd March 2021)

The List established and maintained

by the 1267/1989/2253 Committee

Composition of the List

The list consists of the two sections specified below:-

A. Individuals

B. Entities and other groups

A. Individuals:

QDi.001 Name: 1: MOHAMMED 2: SALAHALDIN 3: ABD EL HALIM 4: ZIDANE

Name (original script): محمد صلاح الدين عبدالحليم زيدان