

सत्यमेव जयते

The Indian Antarctic Act, 2022

(ACT NO. 13 OF 2022)

[*As on the* 30*th September*, 2026]

IndiaCode

AMENDMENT ACT

1. The *Jan Vishwas* (Amendment of Provisions) Act, 2026 (8 of 2026).

———

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

IndiaCode

THE INDIAN ANTARCTIC ACT, 2022

ARRANGEMENT OF SECTIONS

CHAPTER I
PRELIMINARY

SECTIONS.

1. Short title and commencement.
2. Application.
3. Definitions.

CHAPTER II
REQUIREMENT AS TO PERMIT

4. Permit for Indian expedition to Antarctica.
5. Permit for Indian station in Antarctica.
6. Permit for vessel and aircraft entering Antarctica.
7. Permit for mineral resource activities.
8. Permit for certain activities in Antarctica.
9. Permit for introducing non-native animals and plants into Antarctica.
10. Permit for introducing microscopic organisms.
11. Permit to enter protected areas.
12. Permit for waste disposal.
13. Permit for discharge into sea.
14. Permit for removal of biological specimen or any other sample from Antarctica.
15. Certain provisions not to apply during emergencies.
16. Special permit for commercial fishing in Antarctica.

IndiaCode

CHAPTER III
PROHIBITIONS

17. Prohibition of nuclear explosion or disposal of radioactive waste material in Antarctica.
18. Prohibition of introducing non-sterile soil in Antarctica.
19. Prohibition of introducing specified substances and products.
20. Prohibition relating to historic sites and monuments.
21. Prohibition of possessing, selling, etc.
22. Prohibition of discharge of certain products or substances.

CHAPTER IV
COMMITTEE ON ANTARCTIC GOVERNANCE AND ENVIRONMENTAL PROTECTION

23. Constitution of Committee.
24. Meetings of Committee.
25. Functions of Committee.
26. Power of Central Government to give directions.

CHAPTER V

GRANT, SUSPENSION OR CANCELLATION OF PERMIT

SECTIONS.

27. Application for permit.

28. Liability of owner or Operator in certain cases.

29. Suspension or cancellation of permit.

CHAPTER VI

INSPECTIONS

30. Inspection in India.

31. Inspection of international facilities.

32. Obstruction and false information.

CHAPTER VII

WASTE DISPOSAL AND WASTE MANAGEMENT

33. Waste disposal.

34. Establishment of waste classification system and waste management plans.

35. Removal of waste from Antarctica.

36. Disposal of combustive wastes.

37. Storage of wastes.

IndiaCode

CHAPTER VIII

PREVENTION OF MARINE POLLUTION AND LIABILITY FOR ENVIRONMENTAL EMERGENCY

38. Committee to ensure compliance of international obligations.

39. Duties and liabilities of Operator in case of environmental emergency.

40. Exemption of Operator from liability in certain cases.

CHAPTER IX

OFFENCES AND PENALTIES

41. Penalty for contravention of certain provisions of Act by person.

42. Penalty for contravention of certain provisions of Act involving vessel.

43. Penalty for contravention of certain provisions of Act involving aircraft.

44. Penalty where no provision made in Act.

44A. Adjudication of penalties.

45. Offences by companies.

CHAPTER X

MISCELLANEOUS

SECTIONS.

46. Constitution of fund.

47. Security for permit by certain persons.

48. Designated Court and jurisdiction.

49. Report to Committee of offences.

50. Conferment of powers of investigation, etc.

51. Application of Code of Criminal Procedure, 1973 to proceedings before Designated Court.

52. Accounts and audit of fund.

53. Returns and reports.

54. Protection of action taken in good faith.

55. Power to make rules.

56. Power to remove difficulties.

57. Rules, notifications or orders made or issued to be laid before Parliament.

IndiaCode

THE INDIAN ANTARCTIC ACT, 2022

ACT NO. 13 OF 2022

[6*th August*, 2022.]

An Act to provide for the national measures for protecting the Antarctic environment and dependent and associated ecosystems and to give effect to the Antarctic Treaty, the Convention on the Conservation of Antarctic Marine Living Resources and to the Protocol on Environmental Protection to the Antarctic Treaty and for matters connected therewith or incidental thereto.

WHEREAS, the Antarctic Treaty was signed at Washington D.C. on the 1st day of December, 1959;

AND WHEREAS, the Antarctic Treaty was initially signed by twelve countries and since then forty-two other countries have acceded to the Treaty;

AND WHEREAS, of the total of fifty-four State Parties to the Treaty, twenty-nine countries have the status of Consultative Party with a right to vote in the Antarctic Consultative Meetings and twenty-five countries are Non-Consultative Parties having no right to vote therein;

AND WHEREAS, India signed the Antarctic Treaty on the 19th day of August, 1983 and received the consultative status on the 12th day of September, 1983;

AND WHEREAS, the Convention on the Conservation of Antarctic Marine Living Resources was signed at Canberra on the 20th day of May, 1980, *inter alia*, for the protection and preservation of the Antarctic environment and, in particular, for the preservation and conservation of marine living resources in Antarctica;

AND WHEREAS, India ratified the said Convention on the 17th day of June, 1985 and is a member of the Commission for Conservation of Antarctic Marine Living Resources under that Convention;

AND WHEREAS, the Protocol on Environmental Protection to the Antarctic Treaty was signed at Madrid on the 4th day of October, 1991, *inter alia*, to strengthen the Antarctic Treaty system and for the development of a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems;

AND WHEREAS, India signed the Protocol on Environmental Protection to the Antarctic Treaty on the 14th day of January, 1998;

AND WHEREAS, the Antarctica lies south of 60° South Latitude and which is a natural reserve, devoted to peace and science and should not become the scene or object of any international discord;

AND WHEREAS, it is considered necessary to give effect to the said Treaty, the Convention and the Protocol and to make provisions for the protection of the Antarctic environment and dependent and associated ecosystems and for the regulation of various activities envisaged in Antarctica and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(*1*) This Act may be called the Indian Antarctic Act, 2022.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

1. 7th August, 2023, vide notification No. S.O. 3509(E), dated 7th August, 2023, see Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

2. Application.—This Act shall apply to,—

(*a*) a citizen of India; or

(*b*) a citizen of any other country; or

(*c*) a company, body corporate, corporation, partnership firm, joint venture, an association of persons or any other entity incorporated, established or registered as such under any law in force in India; or

(*d*) any vessel or aircraft registered in India or outside India,

if such person, vessel or aircraft is part of an Indian expedition to Antarctica under a permit issued under this Act and shall include any such vessel or aircraft which is registered in India but chartered by any other Party for entering into Antarctica;

(*e*) Antarctica, comprising of the following areas, namely:—

(*i*) the continent of Antarctica, including its ice-shelves;

(*ii*) all islands south of 60° South Latitude, including their ice-shelves;

(*iii*) all areas of the continental shelf that are adjacent to that continent or to those islands that are south of 60° South Latitude;

(*iv*) all sea and air space south of 60° South Latitude; and

(*v*) the area specified in Article I of the Convention on the Conservation of Antarctic Marine Living Resources.

IndiaCode

3. Definitions.—(*1*) In this Act, unless the context otherwise requires,—

(*a*) "activity" means any kind of operation in Antarctica, including tourism, research, conservation, fishing and commercial fishing;

(*b*) "aircraft" shall have the same meaning as assigned to it in clause (*1*) of section 2 of the Aircraft Act, 1934 (22 of 1934);

(*c*) "Analyst" means a person designated as such by the Committee to collect and analyse any sample or matter under sub-section (*2*) of section 31;

(*d*) "another Party to the Treaty" or "another Party to the Protocol" means any Party other than India;

(*e*) "Antarctica" means the Antarctic area referred to in clause (*e*) of section 2;

(*f*) "Antarctic environment" means the ecosystems dependent on and associated with the Antarctic environment, the intrinsic value of its wilderness and aesthetics, its value as an area for the conduct of scientific research or research that is essential to understand the global environment, the climate and the composition of the atmosphere;

(*g*) "Committee" means the Committee on Antarctic Governance and Environmental Protection established under sub-section (*1*) of section 23;

(*h*) "Comprehensive Environmental Evaluation" means a comprehensive evaluation of environmental impact assessment referred to in sub-section (*5*) of section 27;

(*i*) "Convention" means the Convention on the Conservation of Antarctic Marine Living Resources signed on the 20th day of May, 1980 in Canberra, Australia;

(*j*) "Consultative Parties" means any State Party signatory to the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty having voting rights in any decision, measures and resolutions adopted by the Antarctica Treaty Consultative Meeting;

(*k*) "Indian expedition" means a journey undertaken by any person or persons to the Antarctica organised by India;

(*l*) "Initial Environmental Evaluation" means a preliminary evaluation of environmental impact assessment referred to in sub-section (*5*) of section 27;

(*m*) "land" includes all islands, continental shelf and any ice-shelf, without prejudice to scientific definition of ice-shelf;

(*n*) "notification" means a notification published in the Official Gazette and the expressions "notify" or "notified" shall be construed accordingly;

(*o*) "Operator", in relation to a vessel or aircraft, means the owner or the person for the time being having the management of that vessel or aircraft;

(*p*) "Party" means a State Party signatory to the Antarctic Treaty or a member State of the United Nations;

(*q*) "permit" means a permit issued by the Committee under section 27;

(*r*) "person" means a person or entity referred to in clauses (*a*), (*b*) and (*c*) of section 2;

(*s*) "prescribed" means prescribed by rules made under this Act;

(*t*) "Protocol" means the Protocol on Environmental Protection to the Antarctic Treaty signed at Madrid on the 4th day of October, 1991, which came into force on the 14th day of January, 1998;

(*u*) "station" includes any worksites, building or group of buildings or any temporary facility in Antarctica;

(*v*) "Treaty" means the Antarctic Treaty signed at Washington D.C. on the 1st day of December, 1959 which came into force on the 23rd day of June, 1961;

(*w*) "vessel" shall have the same meaning as assigned to it in clause (*55*) of section 3 of the Merchant Shipping Act, 1958 (44 of 1958);

(*x*) "waste" means unusable unserviceable movable property, including solid, liquid and gaseous matter, which the possessor or generator wants to discharge, or the controlled disposal of which is called for in order to preserve public welfare and in particular, the protection of the environment; or residual radioactive matter or radioactive components of disassembled or dismantled facilities, the controlled disposal of which shall be made in accordance with the Atomic Energy Act, 1962 (33 of 1962).

(*2*) The words and expressions used herein and not defined but defined in the Treaty or the Convention or the Protocol shall have the same meaning as respectively assigned to them in the Treaty or the Convention or the Protocol.

IndiaCode

CHAPTER II

REQUIREMENT AS TO PERMIT

4. Permit for Indian expedition to Antarctica.— No person in an Indian expedition shall enter or remain in Antarctica without a permit or the written authorisation of another Party to the Protocol:

Provided that no permit shall be required in the case of a person who is travelling through, on or above the high seas, to an immediate destination outside Antarctica.

5. Permit for Indian station in Antarctica.— No person shall enter or remain in an Indian station in Antarctica without a permit or the written authorisation of another Party to the Protocol.

6. Permit for vessel and aircraft entering Antarctica.— No vessel or aircraft registered in India shall enter or remain in Antarctica without a permit or the written authorisation of another Party to the Protocol:

Provided that no permit shall be required in the case of a vessel travelling through, on or above the high seas, to an immediate destination outside Antarctica:

Provided further that no permit shall be required in respect of an aircraft travelling to an immediate destination outside Antarctica.

IndiaCode

7. Permit for mineral resource activities.— No person or vessel in Antarctica shall—

(*a*) drill, dredge or excavate for mineral resources;

(*b*) collect any samples of mineral resources; or

(*c*) do anything for the purpose of identifying specific mineral resource occurrences or deposits, or areas where such occurrences or deposits may be found,

except in accordance with a permit issued under this Act:

Provided that no permit shall be issued for the purposes of this section unless the Committee is satisfied that the activities shall be carried on only for the purposes—

(*a*) of scientific research; or

(*b*) connected with the construction, maintenance or repair in Antarctica of an Indian station or any other structure, road, runway or jetty maintained by or on behalf of India.

Explanation.—For the purposes of this section, "mineral resource" means any natural resource that is neither living nor renewable.

8. Permit for certain activities in Antarctica.—No person in Antarctica shall, without a permit or written authorisation of another Party to the Protocol—

(*a*) remove or damage native plants intentionally in a manner that significantly affects their local distribution or abundance;

(*b*) fly or land a helicopter or other aircraft intentionally in a manner that disturbs any concentration of native birds or seals;

(*c*) use a vehicle or vessel, including a hovercraft and a small boat, intentionally in a manner that disturbs any concentration of native birds or seals;

(*d*) use an explosive or firearm intentionally in a manner that disturbs any concentration of native birds or seals;

(*e*) while on foot, wilfully disturb a breeding or moulting native bird or concentration of seals;

(*f*) significantly damage any concentration of terrestrial native plants by landing an aircraft, driving a vehicle or walking on it;

(*g*) engage in any activity that results in the significant adverse change of the habitat of any specially protected species or population of native mammals, native birds, native plants or native invertebrates;

(*h*) remove soil or any biological material native to Antarctica intentionally; or

(*i*) kill, injure, capture, handle or molest a native mammal or native bird unless such act was done to protect the life of a person.

Explanation.—For the purposes of this section,—

(*i*) "native bird" means a member, at any stage of its life cycle including eggs, of any species of the class Aves that is indigenous to Antarctica or that occurs there seasonally through natural migrations including any part, product, egg, or offspring or the dead body or parts thereof and fossils;

(*ii*) "native invertebrate" means any terrestrial or aquatic invertebrate, at any stage of its life cycle that is indigenous to Antarctica, including any part thereof and fossils;

(*iii*) "native mammal" means a member of any species of the class mammalia that is indigenous to Antarctica or that occurs there seasonally through natural migrations including any part, product, egg, or offspring of or the dead body or parts thereof and fossils;

(*iv*) "native plant" means any terrestrial or aquatic vegetation, including bryophytes, lichens, fungi and algae, at any stage of its life cycle, including seeds and other propagules, that is indigenous to Antarctica or parts of such vegetation, other than fossils;

(*v*) "specially protected species" means any native species designated as a specially protected species in the Protocol and the Convention.

9. Permit for introducing non-native animals and plants into Antarctica.—No person, vessel or aircraft shall introduce in any part of Antarctica any animal of a species that is not indigenous to Antarctica, or any plant that is not a native plant, except in accordance with a permit or the written authorisation of another Party to the Protocol:

Provided that the provisions of this section shall not apply to food other than poultry or live animals.

10. Permit for introducing microscopic organisms.— No person shall introduce into any part of Antarctica any microscopic organism of a species which is not indigenous to Antarctica, except in accordance with a permit or the written authorisation of another Party to the Protocol.

11. Permit to enter protected areas.— No person or vessel or aircraft shall enter into an Antarctic Specially Protected Area or Marine Protected Area as may be prescribed except in accordance with a permit or the written authorisation of another Party to the Protocol.

12. Permit for waste disposal.—No person, vessel or aircraft shall dispose of waste in Antarctica except in accordance with a permit or the written authorisation of another Party to the Protocol.

13. Permit for discharge into sea.—No vessel shall, while in Antarctica, discharge into the sea any oil or oily mixture, effluent, bilge water or any food waste except in accordance with a permit or the written authorisation of another Party to the Protocol.

14. Permit for removal of biological specimen or any other sample from Antarctica.—(*1*) The Committee may, in individual cases, for reasons to be recorded in writing, grant permit for the following purposes, namely:—

(*i*) to obtain specimens or any other sample for study or scientific information;

(*ii*) to obtain specimens for museums, herbariums, zoological and botanical gardens, or other educational or cultural institutions or uses:

Provided that such permission shall be limited so as to ensure that—

(*a*) only such number of native mammals, birds, invertebrates, plants or any other sample are taken that are strictly necessary to meet the purposes of this section;

(*b*) only such number of native mammals or birds are killed, such that it can normally be replaced by natural reproduction in the following season;

(*c*) the diversity of species, as well as the habitats essential to their existence and the balance of the ecological systems existing in the Antarctica are maintained;

(*d*) *Ommatophocarossii* (Ross Seal) or any other species as may be prescribed shall be accorded special protection and permit for killing, injuring, capturing or handling of these species may be issued only for scientific purpose, if the survival or recovery of that species or local population is not jeopardised, and non-lethal techniques are used as far as possible; and

(*e*) the killing, injuring, capturing or handling of mammals or birds is done in a manner that involves least degree of pain and suffering.

(*2*) The permit issued for the purposes of this section shall specifically mention the name of the issuing authority and the receiver of the permission, the duration and place of the activity permitted including the size, weight and volume of the sample intended to be collected.

15. Certain provisions not to apply during emergencies.— The provisions of sections 4, 5, 6, 11, 12 and 13 shall not apply in respect of emergencies involving the safety of a person, the protection of the environment or the safety of any vessel, aircraft, equipment or facility that has a significant value.

16. Special permit for commercial fishing in Antarctica.—Any person who intends to go to Antarctica for the purpose of commercial fishing shall apply for a permit to the Secretariat of the Commission for the Conservation of Antarctic Marine Living Resources through the Committee.

CHAPTER III

PROHIBITIONS

17. Prohibition of nuclear explosion or disposal of radioactive waste material in Antarctica.—No person shall carry out any nuclear explosion or dispose of any radioactive waste material in Antarctica.

18. Prohibition of introducing non-sterile soil in Antarctica.—No person or vessel shall introduce non-sterile soil into any part of Antarctica.

indiacode

19. Prohibition of introducing specified substances and products.—No person, vessel or aircraft shall introduce into Antarctica any substance or product as may be prescribed.

20. Prohibition relating to historic sites and monuments.— No person shall damage, destroy or remove any historic site or monument or any of its part in Antarctica as may be prescribed.

21. Prohibition of possessing, selling, etc.— No person or vessel or aircraft while in Antarctica, shall possess, sell, offer for sale, trade, give, transport, transfer or send anything that has been obtained in contravention of the provisions of this Act.

22. Prohibition of discharge of certain products or substances.—No vessel shall, while in Antarctica, discharge into the sea any garbage, plastic or other product or substance that is harmful to the marine environment.

Explanation.—For the purposes of this section, garbage, in respect of a vessel, means all kinds of victual, domestic and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically.

CHAPTER IV

COMMITTEE ON ANTARCTIC GOVERNANCE AND ENVIRONMENTAL PROTECTION

IndiaCode

23. Constitution of Committee.— (*1*) The Central Government shall, by notification, establish a Committee to be called the Committee on Antarctic Governance and Environmental Protection consisting of the following members, namely:—

(*a*) Secretary, Ministry of Earth Sciences, Chairperson, *ex officio*;

(*b*) ten members not below the rank of Joint Secretary, *ex officio*, to be nominated by the Central Government, from any of the Ministries or Departments or organisations of the Central Government dealing with,—

(*i*) Defence;

(*ii*) External Affairs;

(*iii*) Finance;

(*iv*) Fisheries;

(*v*) Legal Affairs;

(*vi*) Science and Technology;

(*vii*) Shipping;

(*viii*) Tourism;

(*ix*) Environment;

(*x*) Communication;

(*xi*) Space;

(*xii*) National Centre for Polar and Ocean Research; and

(*xiii*) National Security Council Secretariat;

(*c*) two experts to be nominated by the Central Government, from the fields of,—

(*i*) Antarctic environment; and

(*ii*) Geo-politics;

(*d*) such other experts in the relevant field, to be nominated by the Central Government.

(*2*) An officer, not below the rank of Joint Secretary in the Ministry of Earth Sciences, shall be the Member-Secretary, *ex officio*.

(*3*) The members nominated under clauses (*c*) and (*d*) of sub-section (*1*) shall hold office for such period and subject to such terms and conditions as may be specified in the notification referred to in sub-section (*1*).

(*4*) The members nominated under clauses (*c*) and (*d*) of sub-section (*1*) shall be entitled to receive such allowances or fees as may be prescribed, for attending the meetings of the Committee.

(*5*) In the discharge of their functions, the members shall follow such procedure as may be prescribed.

24. Meetings of Committee.—The Committee shall meet at such intervals and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be prescribed.

25. Functions of Committee.—The Committee shall perform the following functions, namely:—

(*a*) monitor, implement and ensure compliance of the relevant international laws, emission standards and rules for the protection of Antarctic environment by the Operators or by any other persons engaged in programmes and activities in Antarctica;

(*b*) undertake any advisory, supervisory or enforcement activities in relation to programmes and activities in Antarctica;

(*c*) obtain and review relevant information and reports provided by Parties to the Treaty, the Convention, the Protocol and other Parties engaged in programmes and activities in Antarctica;

(*d*) maintain records pertaining to the programmes and activities conducted by Parties in Antarctica;

(*e*) ensure that the programmes and activities are consistent with India's obligations under the Treaty, the Convention, the Protocol and with such other relevant law for the time being in force in India;

(*f*) determine the terms and conditions of the permit issued under this Act;

(*g*) negotiate fees or charges with other Parties to the Treaty, the Convention and the Protocol on a case to case basis in respect of the programmes and activities in Antarctica;

(*h*) collaborate with other Parties to attain the above goals; and

(*i*) such other functions as may be delegated to it by the Central Government.

26. Power of Central Government to give directions.—(*1*) The Central Government may give such directions, as it may deem necessary, to the Committee for the effective administration of this Act and the Committee shall comply with such directions.

(*2*) In case of a dispute between the Committee and the Central Government, the decision of the Central Government shall be final.

IndiaCode

CHAPTER V

GRANT, SUSPENSION OR CANCELLATION OF PERMIT

27. Application for permit.—(*1*) Every application for grant of permit under this Act shall be made to the Committee in accordance with the provisions of this Chapter.

(*2*) Every application under sub-section (*1*) shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

(*3*) The Committee may, after making such inquiry as it deems fit and having regard to the particulars referred to in sub-section (*4*) and subject to such terms and conditions as may be prescribed, grant permit for the purposes of this Act.

(*4*) While granting permit under sub-section (*3*), the Committee shall have regard to the following matters, namely:—

(*a*) adverse effect on climate or weather patterns;

(*b*) adverse effect on air, snow, soil, land or water quality;

(*c*) significant changes in the atmospheric, terrestrial, aquatic, glacial, noise or marine environment;

(*d*) harmful changes in the distribution, abundance or productivity of native microbes, animal or plant species or their population;

(*e*) harm or jeopardise endangered species or population;

(*f*) harm or significantly jeopardise the areas of environmental, biological, geological, scientific, historic, wilderness or aesthetic significance or of a primeval nature; and

(*g*) such other significant detrimental effects on the Antarctic environment and its dependent and associated ecosystems as may be prescribed.

(*5*) The Committee shall, before issuing a permit, require the applicant to carry out the environmental impact assessment of the proposed activities in such manner as may be prescribed and shall issue a permit if the conditions specified therein has been complied with:

Provided that any application for a permit relating to activities in Antarctica which has reasonable apprehension of causing less than a minor or transitory impact on the environment shall be made to the Committee six months prior to the commencement of the proposed activity:

Provided further that while examining an activity, the Committee shall take into account the opinion of the independent experts:

Provided also that if after examination, the Committee is satisfied that such activity has reasonable apprehension of causing minor or transitory impact on the environment, then it shall require the applicant to conduct an Initial Environmental Evaluation and to submit a report thereon to it, three months prior to the commencement of the proposed activity:

Provided also that if after conducting the Initial Environmental Evaluation, the Committee is of the opinion that the activities will have more than a minor or transitory impact on the environment, it shall require the applicant to conduct a Comprehensive Environmental Evaluation and to submit a report thereon.

IndiaCode

(*6*) Notwithstanding anything contained in this Act, the Committee shall not grant a permit under this section authorising any person or a vessel or an aircraft on an Indian expedition, unless it is satisfied that a waste management plan and an emergency plan for the expedition have been prepared in such manner as may be prescribed:

Provided that the waste management plan shall include details of such wastes which are intended to be shipped from Antarctica into the Indian territory or territory of any other Party for disposal.

Explanation.—For the purposes of this sub-section,—

(*i*) "waste management plan" means the waste management plan referred to in sub-section (*3*) of section 34;

(*ii*) "emergency plan" means a plan to meet the environmental emergency referred to in section 39.

(*7*) The permit granted under this section, unless sooner revoked, shall remain in force for such period as specified in the permit and may be renewed, on an application made in this behalf sixty days before the date of its expiration, for such period and on payment of such fees as may be prescribed:

Provided that a permit may be renewed on an application made within sixty days before the date of its expiration, if the Committee is satisfied that there was sufficient cause for not making the application on time.

28. Liability of owner or Operator in certain cases.—Notwithstanding anything contained in any other law for the time being in force, where a vessel or aircraft is part of an Indian expedition or fishing in Antarctica but whose owner or Operator is not part of such expedition or fishing, then such owner or Operator who is sufficiently identified in the permit, either by class or other description shall also be bound by the conditions of the permit.

29. Suspension or cancellation of permit.—(*1*) If the Committee has reasonable grounds to believe that the holder of any permit has made any incorrect or false statement or concealed any material fact in the application or has contravened any of the provisions of this Act or the rules or orders made or notifications issued thereunder or contravened any conditions of permit, it may, by order, suspend the permit pending the completion of any inquiry against such permit holder.

(*2*) After making an inquiry under sub-section (*1*), the Committee may, without prejudice to any other penalty to which such permit holder may be liable under the provisions of this Act, cancel the permit:

Provided that no permit shall be suspended under sub-section (*1*) or cancelled under this sub-section, unless the holder of the permit has been given a reasonable opportunity of being heard:

Provided further that the Committee may suspend or cancel a permit without giving the permit holder an opportunity of being heard, if it is satisfied, for reasons to be recorded in writing, that it is not reasonably practicable to do so.

(*3*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*2*), the Central Government or the Committee may, in the interest of national security, maintenance of law and order or any other matter of public interest and without prejudice to any additional penalty to which such permit holder may be liable under the provisions of this Act, order the suspension or cancellation of such permit.

IndiaCode

(*4*) Any person whose permit has been suspended under sub-section (*1*) shall, immediately after such suspension, stop all activities in respect of which the permit has been granted, until the order of suspension has been revoked.

(*5*) Every holder of a permit which is suspended or cancelled shall, immediately after such suspension or cancellation, surrender the permit to the Committee.

(*6*) Every order of suspension or cancellation of a permit under this section shall be in writing.

CHAPTER VI

INSPECTIONS

30. Inspection in India.—(*1*) The Central Government may designate any officer as an Inspector, having such qualifications and experience as may be prescribed, for performing the duties and exercising the powers of inspections in India under this Act.

(*2*) The Inspector may, for the purposes of this Act—

(*a*) enter and search any place including vessel, container, platform anchored at sea, shipping container or conveyance;

(*b*) examine any substance, product or thing;

(*c*) open and examine any receptacle or package, if it contains any doubtful substance, product or thing;

(*d*) examine any book, record, data or other documents and make copies or take extracts of the same;

(*e*) take samples of things, if relevant;

(*f*) conduct any test or take any measurement; and

(g) such other functions as may be prescribed.

(*3*) The Inspector may confiscate a sample taken in violation of the permit issued under this Act.

(*4*) The owner or person-in-charge of a place being inspected and every person found in the place of inspection shall—

(*a*) extend all reasonable assistance to enable the Inspector to carry out his duties under this Act; and

(*b*) provide any information which the Inspector may require.

31. Inspection of international facilities.—(*1*) The Committee shall constitute an inspection team consisting of such number of observers as it may deem necessary and shall designate one of them as the head of the team, for the purposes of carrying out inspections in Antarctica in such manner as may be prescribed.

(*2*) The Committee may designate any of its officer having such qualifications and experience as may be prescribed, to be an Analyst who shall be a part of the inspection team.

(*3*) The Analyst shall collect and examine any sample or matter and perform such other duties as may be delegated to him by the head of the inspection team.

(*4*) The inspections in Antarctica may be carried out jointly with one or more Parties, if deemed necessary.

IndiaCode

(*5*) The inspection team may inspect any station after giving prior notice to the Party or Parties whose station it proposes to inspect.

(*6*) The inspection team may, at any reasonable time, enter any place including vessel, aircraft, container, platform anchored at sea, shipping container or conveyance, managed by India in Antarctica to which it has reasonable grounds to believe that the provisions of this Act apply:

Provided that nothing in this sub-section shall apply to such vessel or aircraft which is not part of an Indian expedition.

(*7*) The inspection team may, at any reasonable time, board or travel in a vessel or an aircraft in Antarctica and may carry out inspection of such vessel or aircraft or its communication system after giving prior notice to the Party concerned.

(*8*) Notwithstanding anything contained in this section, the inspection team shall not inspect any station, installation, equipment, platform anchored at sea, shipping container or conveyance that is owned by a person who is neither a citizen of India nor a part of Indian expedition unless due notice for inspection of the property or installation has been served to the Party who is the owner of such property or installation.

(*9*) The owner of a place or a person-in-charge of a place being inspected under this Act and every person found in the place shall give all reasonable assistance to enable the inspection team to carry out its functions under this Act and provide with any information as may be required by it.

(*10*) The inspection team may exercise such other powers and perform such other functions as may be prescribed.

32. Obstruction and false information.— (*1*) No person shall obstruct an Inspector or inspection team or hinder any of them in performing their functions in India or in Antarctica.

(*2*) No person shall knowingly or negligently provide any person false or misleading information, results or samples or file a document containing false or misleading information.

CHAPTER VII

WASTE DISPOSAL AND WASTE MANAGEMENT

33. Waste disposal.—The waste disposal sites on land and abandoned worksites shall be cleaned up by the generators of such waste and the users of such sites:

Provided that the provisions of this section shall not apply if the removal of any structure or waste material may result in any adverse environmental impact referred to in sub-section (*5*) of section 27 than leaving the structure or waste material in its existing location.

34. Establishment of waste classification system and waste management plans.—(*1*) The Committee shall establish a waste classification system—

(*a*) for recording waste in Antarctica from activities by the persons authorised under this Act; and

(*b*) to facilitate studies on the environmental impacts of scientific activities and associated activities.

(*2*) For the purposes of sub-section (*1*), the waste shall be segregated into the following categories, namely:—

IndiaCode

(*a*) sewage and domestic liquid waste;

(*b*) other liquid waste such as medical and chemical waste including fuels and lubricants;

(*c*) solids, including organic waste, to be incinerated;

(*d*) other solid waste;

(*e*) radioactive material; and

(*f*) any other waste as may be prescribed.

(*3*) The Committee shall prepare, review annually and update its waste management plans, including plans on waste reduction, storage and disposal, specifying for each station, facility, field site, field camps, vessel and aircraft—

(*a*) programmes for cleaning up existing waste disposal sites and abandoned worksites;

(*b*) current and planned waste management arrangements;

(*c*) current and planned arrangements for analysing the environmental effects of waste and waste management;

(*d*) other measures aimed at minimising the environmental effects of waste and waste management.

(*4*) No separate information shall be required for small boats which are part of the operations of fixed sites or of vessels.

(*5*) The existing management plans for vessels and aircraft shall be taken into account in preparing the waste management plans under this section.

(*6*) The Committee shall, as far as practicable, prepare an inventory of locations of past activities, including traverses, fuel depots, field bases, crashed aircraft or any other accidents and such other areas as may be prescribed.

(*7*) The waste management plans and reports on their implementation shall be included in the annual exchange of information with other Parties to the Treaty.

(*8*) The Committee shall appoint or designate a waste management officer for each station, facility and worksite who shall monitor the implementation of the waste reduction and disposal plans and make proposals for their continued development.

35. Removal of waste from Antarctica.—(*1*) The following waste produced in Antarctica by generators of such waste shall be removed from there, namely:—

(*a*) radioactive substances within the meaning of the Atomic Energy Act, 1962 (33 of 1962);

(*b*) all kinds of batteries or components thereof;

(*c*) fuel, both liquid and solid;

(*d*) waste containing harmful levels of heavy metals or acutely toxic or harmful persistent compounds;

(*e*) Polyvinyl chloride, polyurethane, polystyrene foam, rubber, lubricating oils, treated timbers and other products which contain additives that may produce harmful emissions, if incinerated;

IndiaCode

(*f*) all other plastic waste;

(*g*) fuel drums other than those required for logistics purposes;

(*h*) other solid, non-combustible waste including but not restricted to glass and metal scraps;

(*i*) residues of carcasses of imported animals;

(*j*) laboratory culture of microorganisms and plant pathogens;

(*k*) introduced avian products;

(*l*) ash and products of incineration;

(*m*) unserviceable machineries and equipment including electronics; and

(*n*) such other waste as may be prescribed.

(*2*) The provisions of sub-section (*1*) shall not apply to waste,—

(*a*) if they are incinerated, autoclaved or otherwise treated to be made sterile; or

(*b*) if the removal of such waste shall result in greater adverse environmental impact referred to in sub-section (*5*) of section 27, than leaving them in their existing locations.

(*3*) The domestic waste and other liquid waste shall be treated before removing from Antarctica and shall be disposed of on ice-free land areas, sea ice, ice shelves or the grounded ice-sheet and shall not be discharged into the lake either directly or indirectly:

Provided that the standards for effluent discharge shall be such as may be prescribed.

(*4*) The provisions of sub-section (*3*) shall not apply to substances generated by station located on ice shelves or the grounded ice-sheet, provided that such waste are disposed of after treatment in deep ice pits which is the only practicable option and such pits are not located on known ice-flow lines which terminate at ice-free areas or in areas of high ablation.

(*5*) The waste under this section shall be disposed of into the sea subject to a permit issued in that regard under section 12.

(*6*) The waste generated at field camps shall be removed to supporting stations or vessels for disposal.

36. Disposal of combustive wastes.—(*1*) The combustible waste which are not removed by generators of such waste shall be burnt in incinerators to a maximum extent practicable to avoid harmful emissions and shall not be burned openly.

(*2*) The standards for emission from incineration of waste under sub-section (*1*) and from other equipment and vehicles shall be such as may be prescribed.

37. Storage of wastes.—(*1*) All waste to be removed from Antarctica, or otherwise disposed of by the generators of such waste, shall be segregated, contained, confined and stored in such a way so as to prevent their dispersal into the environment.

(*2*) The containers and tank-systems holding or used for storing hazardous waste shall be—

(*a*) in good and non-leaking condition;

(*b*) made of or lined with materials which will not react with, and are otherwise compatible with, the waste to be stored, so that the ability of the containers to contain such waste is not impaired;

(*c*) stored in a manner that allows access for inspection and response to emergencies; and

(*d*) inspected at least once in a week for identifying any leakage and deterioration thereof and shall be documented.

CHAPTER VIII

PREVENTION OF MARINE POLLUTION AND LIABILITY FOR ENVIRONMENTAL EMERGENCY

38. Committee to ensure compliance of international obligations.—(*1*) The Committee shall ensure compliance of any activity undertaken in the Antarctic environment and dependent and associated ecosystems by the permit holder, including compliance of such International Conventions or Treaty or Protocol or such other international obligations, as may be prescribed.

(*2*) The permit holder shall maintain records of all waste and sewages, including all introductions and discharges into the marine environment caused by operation of vessels as part of the activity and the said records shall be submitted to the Director General appointed under the Merchant Shipping Act, 1958 (44 of 1958) and the Committee, whenever required.

39. Duties and liabilities of Operator in case of environmental emergency.—(*1*) If an environmental emergency occurs from any activity in Antarctica and dependent and associated ecosystems, the Operator shall, without delay, take effective response action and inform the Committee and the Director General appointed under the Merchant Shipping Act, 1958 (44 of 1958) of such environmental emergency and thereafter, the Committee shall transmit it to the Parties to the Treaty.

(*2*) If no response action is taken by the Operator under sub-section (*1*) and the nature of the environmental emergency requires immediate response action, the Party, where the vessel or aircraft is registered, may undertake such action on behalf of the Operator, and the Operator shall be liable to pay the cost of such response action taken by the Party or Parties, as may be prescribed in accordance with Annex VI to the Protocol.

(*3*) If no response action is taken by the Operator or by any Party or Parties, the Operator shall be liable to such penalty as may be prescribed in accordance with Annex VI to the Protocol.

Explanation.—For the purposes of this section, the expression "environmental emergency" means any unforeseen or accidental event that results in, or imminently threatens to result in, significant and harmful impact on the Antarctic environment.

40. Exemption of Operator from liability in certain cases.—An Operator shall not be liable for an environmental emergency under section 39, if it is proved that such emergency is caused by—

(*a*) an act or omission that was necessary to protect human life;

(*b*) a natural disaster of an extraordinary nature which could not reasonably be foreseen and the Operator had taken all reasonable measures to reduce the risk and potentially harmful effects of the environmental emergency;

(*c*) an act of terrorism; and

(*d*) an act of war aimed at the Operator's activity:

Provided that the Operator shall submit an explanation to the Committee of his act or omission within a period of sixty days from the date of such emergency, stating the reasons therefor.

CHAPTER IX

OFFENCES AND PENALTIES

41. Penalty for contravention of certain provisions of Act by person.— Any person who contravenes the provisions of,—

(*a*) section 4 or section 5 or section 8 or section 12 or section 18 or section 19 or section 20 or section 21 or sub-section (*4*) of section 29 or section 36 or section 37, shall be punishable with imprisonment for a term which may extend to two years, or with fine which shall not be less than ten lakh rupees but which may extend to fifty lakh rupees, or with both;

(*b*) section 7 or section 9 or section 10, shall be punishable with imprisonment for a term which may extend to seven years and with fine which shall not be less than ten lakh rupees but which may extend to fifty lakh rupees;

(*c*) section 17, shall be punishable, with—

(*i*) an imprisonment for a term which shall not be less than twenty years but which may extend to imprisonment for life and with fine which shall not be less than fifty crore rupees for any nuclear explosion in Antarctica; and

(*ii*) an imprisonment for a term which shall not be less than fourteen years but which may extend to imprisonment for life and with fine which shall not be less than twenty-five crore rupees for disposal of any radioactive waste material in Antarctica.

(*d*) section 11 or section 16 or section 33 or section 35, shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifteen lakh rupees but which may extend to seventy-five lakh rupees, or with both;

(*e*) section 14 [1][or sub-section (*2*) of section 32], shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than five lakh rupees but which may extend to twenty lakh rupees, or with both.

[2][(*f*) any person who obstructs any inspection team authorised under section 31 in the lawful exercise of any functions of inspection conferred by or under this Act in Antarctica, shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than five lakh rupees but which may extend to twenty lakh rupees, or with both:

Provided that obstruction shall not include any act or omission arising from physical or mental incapacity, unintentional conduct, or circumstances beyond the control of a person.]

42. Penalty for contravention of certain provisions of Act involving vessel.—Where the contravention involves a vessel under this Act, the Operator of such vessel shall be punishable,—

(*a*) for contravention of section 6 or section 11 or section 12 or section 13 or section 18 or section 19 or section 21 or section 22, with imprisonment for a term which may extend to three years, or with fine which shall not be less than one crore rupees but which may extend to five crore rupees, or with both;

1. Subs. by Act 8 of 2026, S. 2 and Sch., for "or section 32" (w.e.f. 30.09.2026).
2. Ins. by s. 2 and Sch., *ibid.* (w.e.f. 30.09.2026).

(*b*) for contravention of section 7 or section 9 or section 39, with imprisonment for a term which may extend to seven years and with fine which shall not be less than two crore rupees but which may extend to ten crore rupees, or with both.

43. Penalty for contravention of certain provisions of Act involving aircraft.—Where the contravention involves an aircraft under this Act, the Operator of such aircraft shall be punishable,—

(*a*) for contravention of section 6 or section 11 or section 12 or section 19 or section 21, with imprisonment for a term which may extend to three years, or with fine which shall not be less than one crore rupees but which may extend to five crore rupees, or with both;

(*b*) for contravention of section 9, with imprisonment for a term which may extend to seven years and with fine which shall not be less than two crore rupees but which may extend to ten crore rupees, or with both.

44. Penalty where no provision made in Act.—Any person who contravenes the provisions of this Act or fails to comply with any provision thereof which it was his duty to comply with, and in respect of which no penalty is specifically provided in this Act, shall be [1][liable to penalty] which may extend to ten lakh rupees.

[2] [**44A. Adjudication of penalties**.—(*1*) For the purpose of adjudicating penalties under section 44, the Central Government shall appoint an officer not below the rank of Joint Secretary to the Government of India as an adjudicating officer for holding an inquiry and imposing penalties in such manner as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required:

Provided further that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(*2*) Any person aggrieved by an order of the adjudicating officer under sub-section (*1*) may, within thirty days from the date of receipt of such order, prefer an appeal to such officer, at least one rank higher than the adjudicating officer, as may be appointed by the Central Government as an appellate authority, in such form and manner as may be prescribed.

(*3*) The appellate authority may admit an appeal after the expiry of the said period of thirty days, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(*4*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such an order as he may deem fit.

(*5*) An appeal under sub-section (*2*) shall be disposed of within sixty days from the date of filing.

(*6*) If penalty imposed by the adjudicating officer under sub-section (*1*) or by an order of the appellate authority under sub-section (*4*), as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.]

45. Offences by companies.—(*1*) Where any offence under this Act has been committed by a company, every person who at the time the offence was committed was in-charge of, or was responsible to, the company for the conduct of the business of the company as well as the company,

1. Subs. by Act 8 of 2026, s. 2 and Sch., for "punishable with fine" (w.e.f. 30.09.2026).
2. Ins. by s. 2 and Sch., *ibid.* (w.e.f. 30.09.2026).

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner of the firm.

CHAPTER X

MISCELLANEOUS

46. Constitution of fund.—(*1*) There shall be constituted a fund to be called the Antarctic Fund and there shall be credited thereto,—

(*a*) all fees received for grant of permit and charges collected for Antarctic related activities under this Act;

(*b*) any grant or loans that may be made by the Central Government for the purposes of this Act; and

(*c*) any grant or loans that may be made by any institution for the purposes of this Act.

(*2*) The fund shall be applied towards the welfare of Antarctic research work and protection of Antarctic environment.

(*3*) The Committee shall maintain and administer the fund in such manner as may be prescribed.

47. Security for permit by certain persons.—(*1*) The Committee may require such applicants to deposit such amount as security in such form as may be prescribed.

(*2*) The security amount may be applied by the Committee to reimburse the Government, either fully or partially, for reasonable costs incurred by the Government in preventing, mitigating or remedying any adverse environmental impact caused by the permit holder or persons or vessels bound by conditions of the permit.

48. Designated Court and jurisdiction.—(*1*) For the purposes of providing speedy trial of offences under this Act, the Central Government, after consulting the Chief Justice of the concerned High Court or High Courts as it may consider necessary, shall specify by notification, one or more Court of Sessions, to be the Designated Court and may specify the territorial jurisdiction of such Court.

(*2*) The Designated Court shall have jurisdiction to try any offence punishable under this Act.

IndiaCode

(*3*) No Designated Court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by an officer authorised in this behalf by the Central Government by notification.

(*4*) The Designated Court may, upon perusal of a complaint made under this Act, take cognizance of that offence without the accused being committed to it for trial.

(*5*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), for the purposes of conferring jurisdiction, an offence under this Act, committed by any person or Operator in Antarctica shall be deemed to have been committed in India.

(*6*) While trying an offence under this Act, the Designated Court may also try an offence under any other law, other than an offence under this Act with which the accused may be charged at the same trial under the Code of Criminal Procedure, 1973 (2 of 1974).

49. Report to Committee of offences.—Where an offence under this Act has been committed, the officer designated by the Committee or the head of a station in Antarctica or an Operator shall immediately report to the Committee of such offence and thereafter, the Committee shall transmit it to the Central Government for necessary action.

50. Conferment of powers of investigation, etc.— (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), for the purposes of this Act, the Central Government may, by notification, confer on any officer of the Central Government or State Government or Committee, the power of arrest, investigation, search and seizure and prosecution exercisable by a police officer under the said Code.

(*2*) The officers of police shall assist the officer referred to in sub-section (*1*), in the execution of the provisions of this Act.

51. Application of Code of Criminal Procedure, 1973 to proceedings before Designated Court.— Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor.

52. Accounts and audit of fund.—(*1*) The Committee shall maintain proper accounts and other relevant records in relation to the fund and prepare an annual statement of accounts, including the profit and loss account and the balance-sheet, in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

53. Returns and reports.—(*1*) The Committee shall furnish to the Central Government, at such time and in such form and manner as may be prescribed, or as the Central Government may direct, such returns and statements with such particulars with regard to any proposed or existing programme for the promotion and development of the environmental protection in Antarctica, as the Central Government may, from time to time, require.

(*2*) Without prejudice to the provisions of sub-section (*1*), the Committee shall, as soon as possible after the end of each financial year, submit to the Central Government a report in such form and manner as may be prescribed, giving a true and full account of its activities, policies and programmes undertaken during the previous financial year.

IndiaCode

54. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or the Committee or its members, officers and other employees or any officer authorised by the Central Government or the Committee for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

55. Power to make rules.—(*1*) The Central Government may make rules to carry out the provisions of this Act.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the Antarctic Specially Protected Area and Marine Protected Area under section 11;

(*b*) any other species under clause (*d*) of sub-section (*1*) of section 14;

(*c*) substance or product which shall not be introduced into Antarctica under section 19;

(*d*) historic site or monument or its part under section 20;

(*e*) the allowances or fees for nominated members under sub-section (*4*) and the procedure to be followed by members under sub-section (*5*) of section 23;

(*f*) the intervals at which the Committee shall meet, the rules of procedure in regard to transaction of business at its meetings and its quorum under section 24;

(*g*) the form of application for permit, particulars and fees under sub-section (*2*) of section 27;

(*h*) the terms and conditions of the permit under sub-section (*3*) of section 27;

(*i*) other significant detrimental effects on the Antarctic environment and its dependent and associated ecosystems under clause (*g*) of sub-section (*4*) of section 27;

(*j*) the manner of carrying out environmental impact assessment to be conducted by the applicant under sub-section (*5*) of section 27;

(*k*) the manner of preparing waste management plan and emergency plan under sub-section (*6*) of section 27;

(*l*) the period for which permit may be granted and fee to be paid for its renewal under sub-section (*7*) of section 27;

(*m*) the qualification and experience of an officer to be designated as Inspector under sub-section (*1*) and other functions of the Inspector under clause (*g*) of sub-section (*2*) of section 30;

(*n*) the manner of carrying out inspections under sub-section (*1*), the qualifications and experience of an Analyst under sub-section (*2*) and other powers and functions of the inspection team under sub-section (*10*), of section 31;

(*o*) any other waste under clause (*f*) of sub-section (*2*) and other areas in respect of which an inventory of locations may be prepared under sub-section (*6*), of section 34;

(*p*) such other waste under clause (*n*) of sub-section (*1*) and the standards for effluent discharge under the proviso to sub-section (*3*), of section 35;

(*q*) the standards for emission of combustible waste, equipment and vehicles under sub-section (2) of section 36;

IndiaCode

(*r*) other International Conventions or Treaty or Protocol or other international obligations which the permit holder shall comply under sub-section (*1*) of section 38;

(*s*) the cost of response action under sub-section (*2*) and the amount of penalty to be paid by the Operator under sub-section (*3*), of section 39;

[1][(*sa*) the manner of holding an inquiry and imposing penalties under sub-section (*1*) of section 44A;

(*sb*) the form and manner of preferring appeal to the appellate authority against the order of adjudicating officer under sub-section (*2*) of section 44A;]

(*t*) the manner in which the Committee shall maintain and administer the fund under sub-section (3) of section 46;

(*u*) the category of applicants who may deposit security with the Committee, the form of such deposit and the security amount under sub-section (*1*) of section 47;

(*v*) the form in which the Committee shall prepare an annual statement of accounts under sub-section (*1*) of section 52;

(*w*) the time within which and the form and manner in which the Committee shall furnish to the Central Government, the returns and statements under sub-section (*1*) and the form and manner of report under sub-section (*2*), of section 53; and

(*x*) any other matter which is to be, or may be prescribed.

56. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the date of commencement of this Act.

57. Rules, notifications or orders made or issued to be laid before Parliament.—[2]Every rule made and every notification or order issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or order or both Houses agree that the rule or notification or order should not be made or issued, the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.

1. Ins. by Act 8 of 2026, s. 2 and Sch. (w.e.f. 30.09.2026).
* By corrigendum.

STATEMENT OF OBJECTS AND REASONS

The Antarctic Treaty was signed on the 1st day of December, 1959 by twelve nations, namely, Argentina, Australia, Belgium, Chile, French Republic, Japan, New Zealand, Norway, Union of South Africa, USSR, the UK and the US which came into force on the 23rd day of June, 1961, after its ratification. The Treaty covers the area south of 60°S latitude. The Treaty's objectives are to demilitarise Antarctica, establish it as a zone for peaceful research activities and set aside any disputes regarding territorial sovereignty, thereby ensuring international cooperation.

2. The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) was signed at Canberra on the 20th day of May, 1980 to protect and preserve the Antarctic environment and, particularly, for the preservation and conservation of marine living resources in Antarctica.

3. The Protocol on the Environmental Protection to the Antarctic Treaty (Madrid Protocol) was signed at Madrid on the 4th day of October, 1991, inter alia, to strengthen the Antarctic Treaty system and for the development of a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems.

4. India signed the Antarctic Treaty on the 19th day of August, 1983 and received consultative status on the 12th day of September, 1983. India is one of the 29 Consultative Parties to the Antarctic Treaty. India ratified the CCAMLR on the 17th day of June, 1985 and signed the Madrid Protocol on 14th day of January, 1998.

5. India is also a member of the Council of Managers of National Antarctic Programme (COMNAP), Scientific Committee of Antarctica Research (SCAR), and CCAMLR, which shows the significant position that India holds among the nations involved in Antarctic research. With an active research station Maitri at Schirmacher Hills and a second station Bharati at Larsemann Hills, including Himadri station in the Arctic, India now belongs to the elite group of nations with multiple research stations within the Polar Regions.

6. There is growing concern over preserving the pristine Antarctic environment and ocean around Antarctica from exploitation of marine living resources and human presence in Antarctica. The coordination and management of scientific research in Antarctica is implemented by the National Centre for Polar and Ocean Research, Goa, an autonomous research Institute under the Ministry of Earth Sciences. India organises regular Antarctic expeditions and many persons from India visit Antarctica every year as tourists. In the future, the private ship and aviation industry will also start operations and promote tourism and fishing in Antarctica, which needs to be regulated. The continuing and growing presence of Indian scientists in Antarctica warrants a domestic legislation on Antarctica consistent with its obligations as a member of the Antarctic Treaty. This is also in sync with the emergence of India as a global leader on important international fronts.

7. Accordingly, it is proposed to introduce the Indian Antarctic Bill, 2022 in Parliament. The Bill, inter alia, proposes to—

(*a*) prohibit Indian expedition to Antarctica or carrying of certain activities in Antarctica without a permit or the written authorisation of another Party to the Protocol;

(*b*) establish a Committee to be called the Committee on Antarctic Governance and Environmental Protection which shall perform the functions specified therein;

(*c*) provide for inspection in India by an officer designated by the Central Government as an Inspector and to constitute an inspection team to carry out inspections in Antarctica;

(*d*) provide for penalty for contravention of certain provisions of the Bill;

(*e*) provide for the constitution of the fund to be called the Antarctic fund which shall be applied towards the welfare of Antarctic research work and protection of Antarctic environment;

(*f*) provide for Designated Courts and their jurisdiction.

8. The notes on clauses explain in detail the various provisions contained in the Bill.

9. The Bill seeks to achieve the above objectives.

DR. JITENDRA SINGH.

NEW DELHI;
The 25*th March*, 2022.

IndiaCode