

Lok Sabha passes the Indian Antarctic Bill, 2022

(GS Paper 2, Governance)

Why in news?

- Recently, the Lok Sabha passed the Indian Antarctic Bill, 2022 moved by Ministry of Earth Sciences.
- The Bill aims at having India's own national measures for protecting the Antarctic environment as also the dependent and associated ecosystem.

Aim:

- The main aim is to **ensure de-militarization of the region along with getting it rid of mining or illegal activities**. It also aims that there should not be any nuclear test / explosion in the region.
- The bill is in pursuant to India's accession to Antarctic Treaty, the Protocol on Environment Protection (Madrid Protocol) to the Antarctic Treaty and to the Convention on the Conservation of Antarctic Marine Living Resources.



What is the Antarctic Bill?

- The Indian Antarctic Bill is the first domestic legislation with regard to Antarctica in India.
- The Bill seeks to extend the application of domestic laws to research stations set up by India in the Antarctic region.
- A total of 27 countries including Australia, Canada, Chile, France, Germany, Italy, Japan, Republic of Korea, the Netherlands, New Zealand, Ukraine, the United Kingdom, the US and Uruguay already have domestic legislations on Antarctica.
- India has been sending expeditions to Antarctica for the past 40 years. However, these expeditions have been circumscribed by international law.

Indian operations in Antarctica:

- India has two operational research stations in Antarctica named Maitri (Commissioned in 1989) and Bharati (Commissioned in 2012).
- India has successfully launched 40 annual scientific expeditions to Antarctica till date.
- With Himadri station in Ny-Alesund, Svalbard, Arctic, India now belongs to the elite group of nations that have multiple research stations within the Polar Regions.

Key Highlights:

- The Bill puts into place a **comprehensive list of regulations related to Antarctica**, for such scientific expeditions, as well as for individuals, companies and tourists.
- The Bill proposes to **prohibit Indian expedition to Antarctica without a permit or written authorisation of another party to the Antarctic Treaty**, provide for inspection by an officer appointed by the government and for penalty for contravention of certain provisions of the legislation.
- It also seeks to constitute a fund for the welfare of Antarctic research work and protection of the environment of the icy continent.
- The Antarctic Bill will extend the jurisdiction of Indian courts to Antarctica, for crimes on the continent by Indian citizens, or foreign citizens who are a part of Indian expeditions.
- So far there was no recourse for crimes committed during an expedition, including crimes against the environment.

Indian Antarctic Authority (IAA):

- The Bill proposed to set-up **Indian Antarctic Authority (IAA) under the Ministry of Earth Sciences**, which shall be the apex decision making authority and shall facilitate programmes and activities permitted under the Bill.
- It shall provide a stable, transparent and accountable process for the sponsorship and supervision of Antarctic research and expeditions; ensure the protection and preservation of the Antarctic environment; and shall ensure compliance by Indian citizens engaged in the Antarctic programs and activities with relevant rules and internationally agreed standards.
- The **Committee will comprise** the Secretary Earth Sciences ministry and will also have officials from Defence, Ministry of External Affairs, Finance, Fisheries, Legal Affairs, Science and Technology, Shipping, Tourism, Environment, Communication and Space ministries.
- It will also have a **member from the National Centre for Polar and Ocean Research and National Security Council Secretariat**.
- The permits can be cancelled by the Committee if deficiencies are found or activities in contravention of the law are detected.

What does the Bill prohibit?

- The Bill prohibits an extensive list of actions on the continent, including drilling, dredging, excavation or collection of mineral resources. An exception can be made if it is done for scientific research with a granted permit.
- It also **restricts individuals from damaging the environment**, including native plants, birds and seals. It disallows flying or landing helicopters or operating vessels that can disturb the native animals. It prohibits any activity that could harm the habitat of birds and animals, kill, injure or capture any bird or animal.
- **Introducing any non-native animals, birds, plants of microscopic organisms is also prohibited** under the Bill.
- Violating any of the regulations prescribed by the Bill will attract high penalties.
- The lowest penalty comprises an imprisonment between one-two years and a penalty of Rs 10-50 lakh. Extraction of any species native to Antarctica, or introduction of an exotic species to the continent can draw imprisonment of seven years and a fine of Rs 50 lakh.

Way Forward:

- It will facilitate India's interest and pro-active involvement in the management of growing Antarctic tourism and sustainable development of fisheries resources in Antarctic waters.
- It will also help in increased international visibility, credibility of India in Polar governance leading to international collaboration and cooperation in scientific and logistics fields.

Antarctic Treaty:

- The Antarctic Treaty was signed at Washington D.C. on the 1st December, 1959 and was initially signed by 12 countries. Since then, 42 other countries have acceded to the Treaty.

- A 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.
- **India signed the Antarctic Treaty on the 19th August, 1983** and received the consultative status on the 12th September, 1983.

Convention on the Conservation of Antarctic Marine Living Resources:

- 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.
- **India ratified the Convention on 17th June, 1985** and is a member of the Commission for Conservation of Antarctic Marine Living Resources under that Convention.

Protocol on Environmental Protection to the Antarctic Treaty:

- The Protocol on Environmental Protection to the Antarctic Treaty was signed at Madrid on 4th 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.
- India signed the Protocol on Environmental Protection to the Antarctic Treaty on 14th January, 1998.

Pegasus spyware revelations

(GS Paper 3, Science and Tech)

Why in news?

- The Supreme Court will be hearing the case pertaining to the alleged use of the Pegasus spyware software in July 2022.



Background:

- In 2021, a consortium of 17 journalistic organisations globally put forth a list alleging the use of the spyware by the Union government to snoop on several prominent individuals. The matter first reached the apex court in October.

- Back then, the court constituted a committee, **overseen by former Supreme Court judge Justice R.V Raveendran**, to look into the charges and accordingly submit a report “expeditiously”.

What were the objectives of the committee?

- The committee overseen by Justice R.V Raveendran was mandated to **inquire, investigate and determine**, among other things, if Pegasus was used to eavesdrop on phones and other devices of Indian citizens.
- Details were sought on whether the government had taken any action after reports emerged in 2019 about WhatsApp accounts being hacked by the same spyware and if the government had indeed acquired such a suite.
- It was alleged that Pegasus was part of a \$2 billion “package of sophisticated weapons and intelligence gear” between India and Israel after Narendra Modi became the first Indian Prime Minister to visit Israel.
- It added that it was after this deal that India changed its historically pro-Palestine stance.

What is Pegasus?

- The Pegasus spyware can **not only mop up information stored on phones** such as photos and contacts, but can **also activate a phone’s camera and microphone** and turn it into a spying device without the owner’s knowledge.
- The earliest avatars of Pegasus used spear phishing to enter phones, utilising a message designed to entice the target to click on a malicious link. However, it evolved into using “zero-click” attacks wherein the phones were infected without any action from the target individual.
- In 2019, WhatsApp released a statement saying that Pegasus could enter phones via calls made on the platform, even if they were not attended. Pegasus used several such “exploits” to enter Android and Apple phones.
- Many of these exploits were reportedly “zero day”, which meant that even the device manufacturers were unaware of these weaknesses. Pegasus can also be delivered through a nearby wireless transmitter, or manually inserted if the target phone is physically available.
- Once inside the phone, Pegasus can start transmitting any data stored on the phone to its command-and-control centres.

How was Pegasus used in India?

- Reports that appeared in July 2021 from the Pegasus Project, which includes The Wire in India, The Guardian in the U.K., and The Washington Post in the U.S., said that in India, at least 40 journalists, Cabinet Ministers, and holders of constitutional positions were possibly subjected to surveillance using Pegasus.
- The reports were based on a database of about 50,000 phone numbers accessed by the Paris-based non-profit Forbidden Stories and Amnesty International.
- These numbers were reportedly of interest to clients of the NSO Group (developer of the Pegasus software).
- Since **Pegasus is graded as a cyberweapon** and can only be sold to authorised government entities as per Israeli law, most reports have suggested that the governments in these countries are the clients.

What has been the fallout?

- The Indian government has so far neither confirmed nor denied that it has deployed Pegasus for any operation. In the wake of the Pegasus Project revelations, several petitions were filed with the Supreme Court alleging that the government had indulged in mass surveillance in an attempt to muzzle free speech and democratic dissent.
- In response to the petitions, the Supreme Court asked the Centre to file a detailed affidavit regarding the use of Pegasus. However, the Centre refused to comply, arguing that such a public affidavit would compromise national security.

What do Indian laws outline?

- **Section 5(2) of The Indian Telegraph Act, 1885**, states that the government can intercept a “message or class of messages” when it is “**in the interests of the sovereignty and integrity of India**, the security of the state, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence”.
- The operational process for it appears in Rule 419A of the Indian Telegraph Rules, 1951. **Rule 419A was added to the Telegraph Rules** after the verdict in the *People’s Union for Civil Liberties (PUCL) vs Union of*

India case, in which the Supreme Court said telephonic conversations are covered by the **right to privacy**, which can be breached only if there are established procedures.

- Under Rule 419A, surveillance needs the sanction of the Home Secretary at the Central or State level, but in “unavoidable circumstance” can be cleared by a Joint Secretary or officers above, if they have the Home Secretary’s authorisation.
- In the **K.S. Puttaswamy vs Union of India** verdict of 2017, the Supreme Court further reiterated the need for oversight of surveillance, stating that it should be legally valid and serve a legitimate aim of the government.

Section 69 of the IT Act:

- The second legislation enabling surveillance is **Section 69 of the Information Technology Act, 2000**.
- It facilitates government “interception or monitoring or decryption of any information through any computer resource” if it is in the interest of the “sovereignty or integrity of India, defence of India, security of the state, friendly relations with foreign States or public order” or for preventing or investigating any cognisable offence. The procedure for it is detailed in the Information Technology Rules, 2009.
- These rules are very broad and allow even the redirection of traffic to false websites or the planting of any device to acquire information.
- The use of Pegasus is illegal as it constitutes unauthorised access under Section 66 of the Information Technology Act.
- Section 66 prescribes punishment to anyone who gains unauthorised access and “downloads, copies or extracts any data”, or “introduces or causes to be introduced any computer contaminant or computer virus,” as laid down in Section 43.

China’s interference in Doklam

(GS Paper 2, International Relation)

Why in news?

- The recent reports that a Chinese village has come up nine kilometres to the east of Doklam on the Bhutanese side has once again shone the spotlight on the hotly-disputed area **surrounded by India, China and Bhutan**.



Details:

- NDTV accessed satellite images showing a **fully inhabited Chinese village** with cars parked at the doorstep of virtually every home at the site where Indian and Chinese forces engaged in a 73-day standoff in 2017 after Beijing tried to extend a road in an area Bhutan claimed belonged to it.
- The village, which China has named **Pangda**, lies in Bhutanese territory.

What is Doklam?

- Spread over less than 100 square kilometres, **Doklam is an area on a Bhutanese plateau**, which falls between China and India.
- It comprises a **plateau and a valley at the trijunction between India, Bhutan and China** and is surrounded by the **Chumbi Valley of Tibet, Bhutan's Ha Valley and Sikkim**.

What makes Doklam so important?

- Because it is near the **Siliguri Corridor – a 22 kilometre stretch** connecting India and North East through West Bengal's Siliguri
- The corridor, also known as the Chicken's Neck, is a vulnerable point for India, which shares an unsettled 3,500-km border with China.
- The **India-China stand-off in the Doklam plateau in 2017** even triggered fears of a war between the two nuclear-armed neighbours. Bhutan said the area belonged to it and India supported the Bhutanese claim.
- India had strongly opposed the construction of the road at the Doklam tri-junction as it would have impacted its overall security interests.
- The India-China face-off was resolved following several rounds of talks.
- This comes in the backdrop of troops from both countries remaining deployed near each other in a separate border dispute in the Ladakh region, about 1,100 kilometres from Doklam, where they clashed in hand-to-hand combat in 2020.

Why are these developments important to India?

- The recent images were captured by MAXAR, a company that focuses on space technology and intelligence.
- It said alongside the village is a neatly marked all-weather carriageway that goes 10 kilometres into Bhutan's territory along the banks of the Amo Chu river – which is part of China's "extensive land grab" in Bhutan.
- For India, construction along the Amo Chu means that Chinese forces could end up getting access to a strategic ridge in the adjacent Doklam plateau.
- This would give them a direct line-of-sight to the Siliguri Corridor. The satellite images also reportedly show that another village in the Amo Chu river valley is nearly complete and that China has increased the pace of construction on a third habitation further south in the valley.
- However, Bhutan denied claims of Chinese villages inside his country's territory.

China-Bhutan border:

- Bhutan, a country of less than 800,000 people, has been **negotiating with China for almost four decades to settle their 477-kilometre border.**
- At issue for Bhutan is not just territorial integrity, but also concerns over the potential security implications for India.

Indian concerns:

- India is leaning on Bhutan to settle its border issue with China to enable India to define the trijunction area of Doklam.
- It is feared that China is pulling a South China Sea in Bhutan, gradually taking over land.
- India is concerned Beijing is raking up the border issue with Thimpu to harass New Delhi due to the ongoing border dispute at the Ladakh sector along the Line of Actual Control (LAC).
- Bhutan will now have to take a "strong stance" against China before it becomes too late for them to start negotiations on the border issue. This will enable India to push China to discuss the trijunction area around Doklam.
- The Bhutan and China had agreed during the latest round of boundary negotiations in April 2021 to speed up the process of resolving their differences.
- Meanwhile, India keeps an eye on all developments having bearing on national security.

Kerala High Court's order on sex education

(GS Paper 2, Judiciary)

Why in news?

- Expressing its concern over the **increasing number of child pregnancies**, the Kerala High Court said that easy availability of pornographic content online can mislead youngsters.



Background:

- The court made this observation after Justice VG Arun allowed the medical termination of a 30-week pregnancy of a 13-year-old who was impregnated by her minor sibling.
- The plea in the court was filed by the girl's mother who said that the pregnancy was noticed when the survivor was taken to the doctor's office after she complained of abdominal pain and also after she missed her periods for more than two months.

What did the court say?

- The court said that it took the decision to intervene in the case and authorise a medical termination of the pregnancy because the **physical strain of carrying a pregnancy at such a young age can have detrimental effects** on the child's physical and mental health.
- In this particular case, the girl was a rape survivor, a minor and incest was also involved.
- The court held that it is time for the **authorities to take a re-look at the sexual education** being imparted in schools.
- The easy availability of porn on the internet can mislead the juvenile minds of youngsters and give them wrong ideas. Educating children about the safe use of the internet and social media is absolutely essential.

How is porn detrimental for young minds?

- According to **United Nations Children's Fund (UNICEF)**, **exposure to porn at a young age** may result in **poor mental health, sexism and objectification** and can even **promote sexual violence**.
- Apart from developing abusive and misogynistic behaviours, children may pass off such acts portrayed in porn as being normal and acceptable.
- According to a 2019 survey commissioned by the British Board of Film Classification, **51 per cent of children aged between 11 to 13 had seen pornographic content online**. The pandemic made these figures rise exponentially as children spent more time online, according to an Indian Express report.
- Exposure to porn can also encourage children to engage in unsafe sexual practices.

Sex education in India:

- For a country like India which is the second most populous countries in the world, efforts to make sex education a part of school curriculum still remains bleak.
- The **kind of sex education that exists in India mainly covers topics like HIV/AIDS infection and teenage pregnancies**. However, **there is a lack of awareness with regard to** homosexuality, practising safe sex and menstruation among women.
- The National Council for Education, Research and Training (NCERT) had introduced sex education back in 2007. However, Maharashtra, Gujarat, Madhya Pradesh and Goa widely opposed NCERT's proposal and removed sex education from school curriculum.
- Teachers and parents alike protested against its introduction as they considered it as a way of promoting condoms by multinational companies.
- **India is obliged to provide free, compulsory and comprehensive education to adolescents** as it was one of the signatories to the **1994 United Nations International Conference on Population and Development**.

Option with Private schools:

- In India, private schools are free to choose whether to include sexuality education in their curriculum. Those schools affiliated with the Central Board of Secondary Education (CBSE) are required to have a component of sex education in their syllabi but such schools are a minority.
- Most schools do not have any form of sexuality education in their curriculum, said a 2008 report published in the United Nations Human Rights Council.

Conclusion:

- Both schools and parents find it difficult to accept and acknowledge that a teenager is a 'sexual' being.
- The concepts of friendship, romantic relationships, and sexual pleasure taught in a wholesome way are missing. Hence, the youth are learning about sexual pleasure in manipulative, harmful and unsafe ways.