



Standing Committee Report Summary

The Piracy Bill, 2012

- The Departmentally-Related Parliamentary Standing Committee on External Affairs submitted its 16th Report on ‘The Piracy Bill, 2012’ on August 14, 2012. The Committee was chaired by Mr. Ananth Kumar.
- The Bill seeks to implement provisions related to piracy mentioned in the United Nations Convention on the Law of the Sea, 1982 (UNCLOS). According to the Statement of Objects and Reasons of the Bill, piracy as a crime is not included in the Indian Penal Code (IPC). This has led to problems in prosecution of pirates presently in the custody of Indian police authorities.
- The Committee recommended that the nomenclature of the Bill be amended to Anti-Maritime Piracy Bill, 2012.
- The Committee suggested that in the long title of the Bill, “suppression” of piracy may be substituted with the word “repression”. This would be in line with the language in the UNCLOS.
- The provisions of the Bill apply to the activities of the pirates on the high seas. However, the Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platform on Continental Shelf Act, 2002 contains similar provisions to deal with offences in territorial waters. The Committee recommended that the Ministry of External Affairs (MEA) ensure procedural and operational conformity between both these enactments.
- According to the Government of India (Allocation of Business) Rules, 1961 the MEA has been allocated the matters relating to Law of the Sea, piracy and crimes committed on high seas, etc. Hence, the Committee recommended that the MEA should be designated as the nodal ministry.
- The Committee recommended that an Inter-Agency Coordination be set up for investigation, prosecution and providing evidence during the trial process.
- A number of ministries such as Ministries of Home Affairs, External Affairs, Defence and Shipping would be involved in the arrest of pirates, their identification, and handing over, imprisonment, prosecution to handing over to country of origin after the punishment. Given the number of Ministries involved in the implementation of the Bill, the Committee suggested that Rules and Standard Operating Procedures should be notified.
- The Committee proposed that at least one designated court should be identified in each coastal state in the Rules made under this Bill. This would allow these cases to be fast tracked.
- The Bill punishes an act of piracy with imprisonment for life. However, when the accused has caused death while committing the act of piracy, he may be punished with death. The Committee suggested that the provision of death penalty be reviewed, given that in the past countries have refused to extradite accused persons to India due to the existence of the death penalty in Indian law.
- The Bill shifts the burden of proof on the accused. The Committee suggested that the Ministry of Law and Justice be consulted to avoid any conflict with Indian criminal law.
- The Committee are of the view that the Bill must include provisions for legal immunity for acts done in good faith by duly authorized security personnel.

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