

Bill Summary

The Anti-Hijacking Bill, 2014

- The Anti-Hijacking Bill, 2014 was introduced in the Rajya Sabha by the Minister of Civil Aviation, Mr. Ashok Gajapathi Raju on December 17, 2014. The Bill seeks to repeal The Anti-Hijacking Act, 1982, and give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft, 1970 and its Protocol Supplementary, signed on September 10, 2010.
- **Definition of hijacking:** The Bill defines hijacking as seizing control of an aircraft in service, unlawfully and intentionally, by technological means or by exercising force, coercion, or any other form of intimidation. An aircraft is considered to be in service from the time it is being prepared for a specific flight by the crew or ground personnel until 24 hours after any landing.
- **Related offences:** The Bill includes several acts within the definition of hijacking including: (i) attempt and abetment of hijacking; (ii) making a credible threat to commit hijacking; (iii) organising or directing others to commit hijacking; (iv) agreeing with another to commit the offence, and acting on the agreement; etc.
- **Punishment for hijacking and related offences:** The Bill provides for: (i) death penalty, where the offence results in death of hostage or security personnel; (ii) life imprisonment in all other cases; and (iii) moveable and immovable property of the accused may be confiscated. For any acts of violence committed in connection with the hijacking, the accused shall be punished with the same punishment as provided under the laws in force.
- **Jurisdiction:** Indian courts can exercise jurisdiction on several grounds including where the offence is committed: (i) in India; (ii) against an aircraft registered in India; (iii) on board an aircraft which lands in India with the accused still on board; (iv) by or against an Indian citizen; (v) by a person who is present in India and is not extradited by the central government, etc.
- **Previous sanction for prosecution:** The Bill requires that sanction must be taken from the central government before prosecuting an accused for hijacking or related offences.
- **Investigation, arrest, bail, etc.:** The central government may confer powers of investigation, arrest and prosecution on any officer of the central government or the National Investigation Agency. An investigating officer can order seizure or attachment of property which is related to the offence, and is likely to be concealed or disposed of by the accused.
- Where an accused is forwarded to a Magistrate to authorise detention because investigation could not be completed within 24 hours, a Judicial Magistrate may authorise detention up to 30 days. An Executive Magistrate may authorise detention up to seven days.
- With regard to bail, an accused cannot be released on bail or bond unless: (i) the public prosecutor has had an opportunity to oppose the release; and (ii) if the release has been opposed, the designated court is satisfied that there is reason to believe the accused is innocent and is unlikely to commit any offence while on bail.
- **Trial by designated courts:** The accused person shall be tried by a Sessions Court which is notified to be a designated court by the concerned state government. In case the investigation is carried out by the National Investigation Agency, the designated court shall be a court set up under the National Investigation Agency Act, 2008. The designated court shall have the power to order for attachment of the accused person's properties.
- **Presumption of guilt:** The court will presume the accused to be guilty if the prosecution establishes either: (i) arms, ammunition or explosives were recovered from the accused and there is reason to believe that similar arms, etc. were used in the hijacking or (ii) there is evidence of use of intimidation against the crew or passengers in connection with the hijacking.
- **Extradition:** Hijacking and the related offences shall be extraditable. Extraditable offences are those offences for which one country may transfer the accused to another country's legal jurisdiction. No request for extradition shall be refused on the ground that hijacking is a political offence or is connected to a political offence.

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