

Comparison of the Anti-Hijacking Bill, 2014 as passed by Rajya Sabha with Standing Committee Recommendations

The Anti-Hijacking Bill, 2014 was introduced in Rajya Sabha on December 17, 2014.¹ The Standing Committee on Transport, Tourism and Culture submitted its recommendations on the Bill on March 3, 2015.² It was passed by Rajya Sabha on May 4, 2016 with some amendments, as the Anti-Hijacking Bill, 2016.³

The Bill seeks to give effect to the Beijing Protocol, 2010. The Protocol regulates the scope of hijacking, exercise of jurisdiction by countries, and extradition in these matters. The Bill seeks to repeal the Anti-Hijacking Act, 1982. It also seeks to expand the definition of hijacking, and provides for capital punishment for hijackers, conspirators and abettors if the hijacking results in casualties. Table 1 compares the Bill as passed by Rajya Sabha with the recommendations of the Standing Committee.

Table 1: Comparison of the Anti-Hijacking Bill, 2014 as introduced, Standing Committee Recommendations and the Bill as passed by Rajya Sabha

Anti-Hijacking Bill, 2014	Standing Committee Recommendations	Bill as passed by Rajya Sabha
Death penalty for hijacking (Clause 4)		
Hijacking will be punishable with death, where it results in death of a <i>hostage or security personnel</i> .	<ul style="list-style-type: none"> ▪ Punishable with death penalty, if hijacking results in death of <i>any person</i> (including hostage or security personnel). ▪ 'Hostage' and 'security personnel' may be defined in the Bill. 	<ul style="list-style-type: none"> ▪ Addressed. ▪ Addressed. <p>[Hostage: any passenger, or crew member, or security personnel on board an aircraft, or ground support staff, who is detained without consent to ensure fulfilment of some demands.</p> <p>Security personnel: any security person deployed or authorised by the central government to ensure security of civil aviation against acts of hostage taking, hijacking, etc.]</p>
Compensation for victims		
No provision.	Necessary provisions should be included in the Bill to provide for compensation to victims or their dependents.	Not addressed.
Applicability of other laws for acts of violence committed alongside hijacking (Clause 5)		
When any act of violence is committed against <i>any passenger or crew member</i> alongside the hijacking, it will be punishable under other applicable Indian laws (eg. Indian Penal Code, 1860).	This protection should be extended to cover acts of violence against ground staff or security personnel as well.	Not addressed.
New offence punishing hoax calls		
No provision.	A new provision may be added to punish hoax calls. A hoax call refers to the act of reporting a hijacking which one knows to be false so as to create panic.	Not addressed.

¹ The Anti-Hijacking Bill, 2014, <http://www.prsindia.org/billtrack/the-anti-hijacking-amendment-bill-2014-3500/>.

² "217th Report: The Anti-Hijacking Bill, 2014", Standing Committee on Transport, Tourism and Culture, March 11, 2015, <http://www.prsindia.org/uploads/media/Anti%20Hijacking/SCR%20Anti%20Hijacking.%202014.pdf>.

³ Uncorrected Debates, Rajya Sabha, May 4, 2016, <http://164.100.47.5/newdebate/239/04052016/Fullday.pdf>.

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