

## The Anti-Maritime Piracy Bill, 2019: Comparison of the 2019 Bill with 2022 Amendments and Recommendations of the Standing Committee

The Anti-Maritime Piracy Bill, 2019 was introduced in Lok Sabha on December 9, 2019.<sup>1</sup> It enables Indian authorities to take action against piracy on the high seas. The 2019 Bill provides for the prevention of maritime piracy and prosecution of persons for such piracy-related crimes. It will apply to all parts of the sea adjacent to and beyond the limits of the Exclusive Economic Zone of India, i.e., beyond 200 nautical miles from the coastline. The Standing Committee on External Affairs (2021) examined the 2019 Bill and suggested certain amendments in its report (submitted in February 2021).<sup>2</sup> The Minister of External Affairs has moved official amendments to the 2019 Bill which have been circulated in Lok Sabha.

The table below compares the provisions of the 2019 Bill, the changes suggested by the Standing Committee and the official amendments proposed.

**Table 1: Key changes to Anti-Maritime Piracy Bill, 2019**

	Anti-Maritime Piracy Bill, 2019	Standing Committee Recommendations	Official amendments moved by Minister (2022)
<b>Applicability of the Bill</b>	The Bill applies to all parts of the sea adjacent to and beyond the Exclusive Economic Zone (EEZ) of India, i.e., beyond 200 nautical miles from the coastline.	The Bill defines piracy as an act on the high seas, hence the Committee suggested it is necessary to make this Bill applicable to the high seas. The definition should include the EEZ because Article 58(2) of UNCLOS holds that the EEZ retains the characteristics of high seas barring sovereign rights of the Coastal State.	The Bill will apply to <i>high seas</i> which includes EEZ and all waters beyond the jurisdiction of any other state (country other than India).
<b>Punishment for piracy</b>	Penalty for committing any act of piracy: (i) imprisonment for life, or (ii) death, if the act or attempt of piracy includes attempted murder, or causes death.	Rulings of the Supreme Court of India have struck down the mandatory death penalty as unconstitutional. Further, governments of other countries have been less willing to extradite the accused to India for offences punishable by death, since those countries have abolished the death penalty.	The penalty is being amended to: (i) imprisonment which may extend to imprisonment for life, or fine, or both, or (ii) death or imprisonment for life, if the act or attempt of piracy includes attempted murder, or causes death
<b>Punishment for attempt to commit or aid piracy</b>	up to 14 years of imprisonment and a fine	NA	up to 10 years of imprisonment, or fine, or both.
<b>Punishment for participating, organising or directing others to commit piracy</b>	up to 14 years and a fine	NA	up to 14 years, or fine, or both.
<b>Personnel authorised for arrest and seizure</b>	(i) a warship or military aircraft of the Indian Navy, (ii) a ship or aircraft of the India Coast Guard, or (iii) ships or aircraft on government service, and authorised for such purpose.	The Bill does not have any mention of personnel in the process of arrest or seizure, and omitted the Indian Coast Guard in this role. It only refers to the vehicles used in this process. The Committee recommended amending the clause to also allow seizure by officers or sailors assigned to these ships, and authorised personnel of other ships authorised by the government.	Only authorised personnel may carry out arrest and seizure. These personnel include: (i) officers and sailors assigned to warships or military aircraft of Indian Navy, or (ii) officers and enrolled persons of Coast Guard, (iii) officers of the central or state government authorised for any ship or aircraft.

	Anti-Maritime Piracy Bill, 2019	Standing Committee Recommendations	Official amendments moved by Minister (2022)
<b>Power to carry out arrest and seizure on grounds of suspicion</b>	Bill provides for arrest and seizure of a pirate ship or aircraft, by: (i) a warship or military aircraft of the Indian Navy, (ii) a ship or aircraft of the Indian Coast Guard, or (iii) ships or aircraft on government service, and authorised for such purpose.	The Bill does not have any mention of personnel in the process of arrest or seizure, and omitted the Indian Coast Guard in this role. It only refers to the vehicles used in this process. The Committee recommended amendments accordingly. The Bill also only provides for arrest of pirates and seizure of pirate ships, without any scope for arrest, search, and seizure on suspicion of piracy. The Committee recommended an amendment to enable this.	Only authorised personnel may carry out arrest and seizure. These personnel include: (i) officers and sailors assigned to warships or military aircraft of Indian Navy, or (ii) officers and enrolled persons of Coast Guard, (iii) officers of the central or state government authorised for any ship or aircraft. It adds that Authorised Personnel may carry out arrest and seizure on grounds of suspicion.
<b>Disposing seized property</b>	NA	The Bill has no provision for disposing of seized property. Committee recommended adding provisions enabling the disposal of property or ships by order of Court.	The ship or property seized will be disposed of only by a Court order.
<b>Jurisdiction of Designated Court</b>	Territorial jurisdiction of designated courts will be specified by central government after consulting with the Chief Justice of India.	NA	Adds that port or place of disembarkation within India of the person suspected or accused will be taken into account while deciding jurisdiction of the Court.
<b>Power of Designated Court to try a person while absent from the Court</b>	Court may try a person even if the person is not physically present in the Court.	The provision for <i>in-absentia</i> trials was viewed as contrary to the principles of natural justice, as they enable denial of the right of the accused to a reasonable opportunity to be heard, and would not withstand scrutiny under Article 21 of the Constitution. In addition, the barring of <i>in-absentia</i> trials in other UNCLOS signatory states may make extradition of the accused difficult.	Provision deleted
<b>People who may carry out piracy</b>	The Bill defines piracy as any illegal act of violence, detention, or destruction committed against a ship, aircraft, person or property, for private purposes, by the crew or passengers of a private ship or aircraft.	The Committee reasoned that the presence of other persons in addition to passengers and crew members is possible on a ship, and therefore they recommended the inclusion of 'any person'.	Adds 'any person' under the definition of people who may carry out piracy.
<b>Definition of ship</b>	NA	The 2019 Bill lacks a definition for ships, but various provisions in both the Bill and UNCLOS rely on the term "ship". The Committee recommended a definition which covers all classes of water-based transport, including aircraft, as under the Section 2(1) Aircraft Act, 1934.	Defines ship as (i) vessel or water craft, and (ii) seaplanes and other aircraft capable of being used as means of transportation in water.

Sources: The Anti-Maritime Piracy Bill, 2019; Report of the Standing Committee on External Affairs on the Anti-Maritime Piracy Bill, 2019; Amendments moved by the Minister for External Affairs; PRS.

<sup>1</sup> The Anti-Maritime Piracy Bill, 2019, [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2019/The%20Anti-Maritime%20Piracy%20Bill,%202019.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2019/The%20Anti-Maritime%20Piracy%20Bill,%202019.pdf).

<sup>2</sup> Report No. 6: The Anti-Maritime Piracy Bill, 2019, Standing Committee on External Affairs (2020-21), February 11, 2021, [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2019/17\\_External\\_Affairs\\_6.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2019/17_External_Affairs_6.pdf).

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