

Bill Summary

The Anti-Maritime Piracy Bill, 2019

- The Anti-Maritime Piracy Bill, 2019 was introduced in Lok Sabha by the Ministry of External Affairs, Dr. Subrahmanyam Jaishankar, on December 9, 2019. The Bill provides for prevention of maritime piracy and prosecution of persons for such piracy related crimes. Key features of the Bill include:
- **Applicability of the Bill:** The Bill will apply to all parts of the sea adjacent to and beyond the limits of the Exclusive Economic Zone of India. Exclusive Economic Zone refers to the area of sea to which India has exclusive rights for economic activities.
- **Piracy:** 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. Such acts may be carried out on the high seas or in any place outside the jurisdiction of India. Inciting or intentionally facilitating such acts would also qualify as piracy. It also includes any other act that is considered piracy under international law.
- Piracy also includes voluntary participation in the operations of a pirate ship or aircraft. This includes a ship or aircraft which is either: (i) intended to be used for committing any act of piracy, or (ii) has been used to commit an act of piracy, and is still under the control of the persons guilty of such act.
- **Offences and penalties:** An act of piracy will be punishable with: (i) imprisonment for life; or (ii) death, if the act of piracy includes attempted murder, or causes death. An attempt to commit, aid, abet, or procure for an act of piracy, or directing others to participate in an act of piracy will be punishable with up to 14 years of imprisonment, and a fine. Offences will be considered extraditable. This means that the accused can be transferred to any country for prosecution with which India has signed an extradition treaty. In the absence of such treaties, offences will be extraditable on the basis of reciprocity between the countries.
- **Arrest and seizure:** A ship or aircraft under the control of pirates may be seized, persons aboard may be arrested, and the property on board may also be seized. The seizure may be carried out only by: (i) a warship or military aircraft of the Indian Navy, (ii) a ship or aircraft of the India Coast Guard, or (iii) ships or aircrafts on government service, and authorised for such purpose.
- **Designated Court:** The central government, in consultation with the Chief Justice of the concerned High Court, may notify the Sessions Courts to be the Designated Courts under this Bill. It may also notify the territorial jurisdiction of each Designated Court.
- **Jurisdiction of the Court:** The Designated Court will try offences committed by: (i) a person in the custody of the Indian Navy or Coast Guard, regardless of his nationality, (ii) a citizen of India, a resident foreign national in India, or a stateless person. Further, the Court may try a person even if the person is not physically present in the Court.
- The Court will not have jurisdiction over offences committed on a foreign ship, unless an intervention is requested by: (i) the country of origin of the ship, (ii) the ship owner, or (iii) any other person on the ship. Warships and government ships employed for non-commercial purposes will not be under the jurisdiction of the Court.
- **Presumption of guilt:** The presumption of guilt will be on the accused if: (i) the accused is in possession of arms, explosives and other equipment which were used or intended for use in committing the offence, (ii) there is evidence of use of force against the ship's crew or passengers, and (iii) there is evidence of the intended use of bombs and arms against the crew, passengers or cargo of a ship.

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