

TO BE INTRODUCED IN THE RAJYA SABHA

Bill No. LVII of 2010

THE ANTI-HIJACKING (AMENDMENT) BILL, 2010

A

BILL

further to amend the Anti-Hijacking Act, 1982.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Anti-Hijacking (Amendment) Act, 2010.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

Amendment
of section 3.

2. In section 3 of the Anti-Hijacking Act, 1982 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:— 65 of 1982.

“(2) Whoever, either on his own, or in concert with others, attempts to commit any of the acts referred to in sub-section (1) in relation to any aircraft or abets the commission of any such act, shall also be deemed to have committed the offence of hijacking of such aircraft.” 5

Substitution
of new
section for
section 4.

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

Punishment
for hijacking.

“4. Whoever commits the offence of hijacking shall be punished with death or imprisonment for life and shall also be liable to fine.”

STATEMENT OF OBJECTS AND REASONS

The hijacking incidents which have taken place in the recent past including the hijacking of Indian Airlines flight No. IC-814 in 1999 and the hijacking incident in the United States of America on the 11th September, 2001 have shown that civilian aircrafts were hijacked and used as missiles for causing mass destruction. Subsequent attempts worldwide to hijack aircrafts and the threat by the outlawed groups or organisations have necessitated a fresh and thorough examination of the preparedness of all concerned to face such exigencies. It has therefore become necessary to reassess the strengths and weaknesses of the existing strategies for handling such exigencies.

2. The present law has insufficient penalties to deal with these new situations and is not deterrent enough to prospective offenders. It is necessary to make the extant provisions dealing with hijacking, more comprehensive in order to cover all aspects and kinds of hijacking by offenders and conspirators and to make the law more stringent by award of death penalty for such offences.

3. In view of the increasing cases of hijacking and impending threats of hijacking, it is proposed to amend the Anti-Hijacking Act, 1982 to,—

(a) amend section 3 to provide that whoever, either on his own, or in concert with others, attempts to commit any of the acts referred to in sub-section (1) of said section 3 (which *inter alia* include seizure or control of an aircraft in flight by force or threat of force or by any other form of intimidation, by a person with the intention of committing the offence of hijacking of such aircraft) shall be deemed to have committed the offence of hijacking of such aircraft;

(b) amend section 4 to enhance its scope by including death penalty for the offence of hijacking which at present provides for imprisonment for life and fine.

4. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 1st June, 2010.

PRAFUL PATEL

ANNEXURE

EXTRACTS FROM THE ANTI-HIJACKING ACT, 1982

(65 OF 1982)

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CHAPTER II

HIJACKING AND CONNECTED OFFENCES

Hijacking. **3. (1)** * * * * *

(2) Whoever attempts to commit any of the acts referred to in sub-section (1) in relation to any aircraft, or abets the commission of any such act, shall also be deemed to have committed the offence of hijacking of such aircraft.

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Punishment for hijacking. **4.** Whoever commits the offence of hijacking shall be punished with imprisonment for life and shall also be liable to fine.

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RAJYA SABHA

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Bill
further to amend the Anti-Hijacking Act, 1982

*[Shri Praful Patel, Minister of State (Independent Charge) of the
Ministry of Civil Aviation]*