

THE ANTI-HIJACKING ACT, 1982

ACT NO. 65 OF 1982

[6th November, 1982.]

An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft and for matters connected therewith.

WHEREAS a Convention for the Suppression of Unlawful Seizure of Aircraft was, on the 16th day of December, 1970, signed at The Hague;

AND WHEREAS it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:--

CHAP

PRELIMINARY

CHAPTER I

PRELIMINARY

1.

Short title, extent, application and commencement.

1. Short title, extent, application and commencement. (1) This Act may be called the Anti-Hijacking Act, 1982.

(2) It extends to the whole of India and, save as otherwise provided in this Act, it applies also to any offence thereunder committed outside India by any person.

(3) It shall come into force on such date 1* as the Central Government may, by notification in the Official Gazette, appoint.

2.

Definitions.

2. Definitions. In this Act, unless the context otherwise requires,--

(a) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service;

(b) "aircraft registered in India" means an aircraft which is for the time being registered in India;

(c) "Convention country" means a country in which the Hague Convention is for the time being in force;

(d) "Hague Convention" means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on the 16th day of December, 1970;

1 15-11-1982: vide notification No. S.O. 798(E), dated 12-11-1982, Gazette of India, Extraordinary, 1982, Pt. II, Sec. 3(ii).

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(e) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in any such force detailed for the purpose.

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HIJACKING AND CONNECTED OFFENCES

CHAPTER II

HIJACKING AND CONNECTED OFFENCES

3.

Hijacking.

3. Hijacking. (1) Whoever on board an aircraft in flight, unlawfully, by force or threat of force or by any other form of intimidation, seizes or exercises control of that aircraft, commits the offence of hijacking of such aircraft.

(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.

(3) For the purposes of this section, an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and in the case of a forced landing, the flight shall be deemed to continue until the competent authorities of the country in which such forced landing takes place

take over the responsibility for the aircraft and for persons and property on board.

4.

Punishment for hijacking.

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

5.

Punishment for acts of violence connected with hijacking.

5. Punishment for acts of violence connected with hijacking. Whoever, being a person committing the offence of hijacking of an aircraft, commits, in connection with such offence, any act of violence against any passenger or member of the crew of such aircraft, shall be punished with the same punishment with which he would have been punishable under any law for the time being in force in India if such act had been committed in India.

6.

Jurisdiction.

6. Jurisdiction. (1) Subject to the provisions of sub-section (2), where an offence under section 4 or section 5 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

(2) No court shall take cognizance of an offence punishable under section 4 or section 5 which is committed outside India unless--

(a) such offence is committed on board an aircraft registered in India;

(b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business or where he has no such place of business, his permanent residence in India; or

(c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

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MISCELLANEOUS

CHAPTER III

MISCELLANEOUS

7.

Provisions as to extradition.

7. Provisions as to extradition. (1) The offences under section 4 and section 5 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

(2) For the purposes of the application of the Extradition Act, 1962 (34 of 1962.) to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

8.

Contracting parties to Convention.

8. Contracting parties to Convention. The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Hague Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

9.

Power to treat certain aircraft to be registered in Convention countries.

9. Power to treat certain aircraft to be registered in Convention countries. If the Central Government is satisfied that the requirements of Article 5 of the Hague Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

10.

Previous sanction necessary for prosecution.

10. Previous sanction necessary for prosecution. No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

11.

Protection of action taken in good faith.

11. Protection of action taken in good faith. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.