

Anti-Maritime Piracy Bill, 2019

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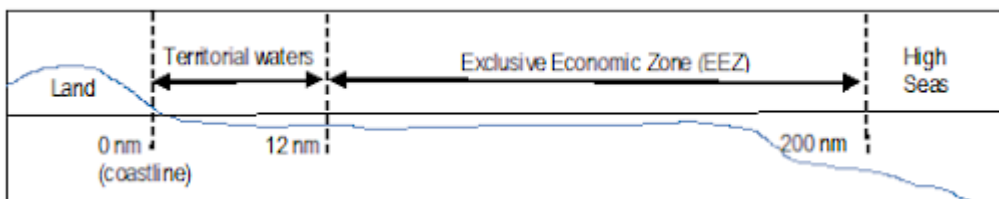
In news– The Anti-Maritime Piracy Bill, 2019 was listed for consideration and passing during the Monsoon session of the Parliament recently.

Key features of the bill-

- The Bill was introduced in the Lok Sabha on December 9, 2019, and the Standing Committee on External Affairs presented its report on February 11, 2021.
- **India currently does not have legislation on matters of piracy on the high seas.**
- **Once enacted, the Anti-Maritime Piracy Bill will bring into law the UN Convention on the Law of the Sea (UNCLOS), which India ratified in 1995.**
- **Previously, pirates were prosecuted under the Indian Penal Code, 1860 (IPC),** under provisions dealing with armed robbery and the admiralty jurisdiction of specific courts.
- However, **India's sovereignty is delimited by the outer boundary of its territorial waters– 12 nautical miles from the coast.**
- **Acts of piracy committed by a foreigner outside India's territorial waters cannot be an offence under the IPC,** and those accused in piracy cases have been acquitted due to the lack of jurisdiction.
- **The Bill defines piracy as an act of violence or detention by the crew or passengers of a private vessel or private aircraft on high seas, directed against another vessel or aircraft and/or people or property on board.**
- Due to an increased naval presence in the Gulf of Aden, it has been observed that piracy operations are shifting towards the east and south, which increases their

proximity to India's west coast.

- The absence of dedicated domestic legislation on piracy has also denied effective prosecution of pirates apprehended by the Indian Navy or Coast Guard in the past.
- **The bill states that for committing acts of piracy, the convicts shall be punished with imprisonment for life or death** in case the act of piracy itself causes the death or attempts to cause the death of another person.
- **Participating in or assisting acts of piracy will be punishable with up to 14 years** of imprisonment and a fine.
- **The Bill will apply to the sea beyond the Exclusive Economic Zone (EEZ), that is, beyond 200 nautical miles from India's coastline.**



- The central government, in consultation with the Chief Justice of the concerned High Court, may notify Sessions Courts as the Designated Courts under this Bill.
- **The Designated Court will try offences committed by:**
 - A person in the custody of the Indian Navy or Coast Guard, regardless of his nationality.
 - 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 the country of origin of the ship, the ship-owner, or any other person on the ship.

- **Warships and government-owned ships employed for non-commercial purposes will not be under the jurisdiction of the Court.**

Concerns-

- Under the Bill, if a person, while committing an act of piracy causes or seeks to cause death, he will be punished with death.
- This implies a mandatory death penalty for such offences. **The Supreme Court has held that mandatory death penalty for any offence is unconstitutional as it violates Articles 14 and 21 of the Constitution.**
- However, Parliament has passed laws providing for mandatory death penalty for some offences.

About the UN Convention on the Law of the Sea-

- **The UNCLOS is a set of rules to govern the oceans and the use of their resources.**
- It is based on the idea that all problems related to oceans are interrelated and need to be addressed by the global community as a whole.
- After over 14 years of collaborative work by more than 150 countries of the world, the **Convention was opened for signature on December 10, 1982, in Montego Bay, Jamaica.**
- **UNCLOS governs all aspects of ocean space, including delimitation, environmental control, marine scientific research, economic and commercial activities,** transfer of technology and the settlement of ocean-related disputes.
- **To deal with incidents of piracy on the high seas, UNCLOS says that member States are allowed to seize a pirate ship or aircraft** or a vessel that has been captured by pirates, and arrest the persons involved and

seize the property on board.

- The seizure, however, must be carried out either by warships or military aircraft, or have clear markers that establish they are on government service.
- The judiciary of the States that carry out the seizure and arrests are allowed to decide penalties and how to deal with seized property.