

Anti-Maritime Piracy Bill, 2019

January 7, 2020

Source: PRS India

The Anti-Maritime Piracy Bill, 2019 was introduced in Lok Sabha. The proposed Bill provides for prevention of maritime piracy and prosecution of persons for such piracy related crimes

Key features of the bill are:

- **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.
- **Definition of 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.
- **Piracy also includes voluntary participation in the operations of a pirate ship or aircraft.** This includes a ship or aircraft which is either intended to be used for committing any act of piracy, or 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:**
 1. An act of piracy will be punishable with imprisonment for life; or death, if the act of piracy includes attempted murder, or causes death.

2. 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.**
- **Designated Court:** The **central government, may notify certain Sessions Courts to be Designated Courts** under the Bill. **It may also notify the territorial jurisdiction of each Designated Court.** It will try offences committed by:
 1. A person of any nationality in the custody of the Indian Navy or Coast Guard
 2. A citizen of India, a resident foreign nationals in India, or a stateless person. Further, the Court may try a person even if they are not physically present.
 3. **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 ships employed for noncommercial purposes will not be under the jurisdiction of the Court.**
 - **Presumption of guilt:** The presumption of guilt will be on the accused if:
 1. **The accused is in possession of arms, explosives and other equipment which were used or intended for use in committing the offence**
 2. **There is evidence of use of force against the ship's crew or passengers, and**
 3. There is evidence of the intended use of bombs and arms against the crew, passengers or cargo of a ship.