

[Kumari Mamata Banerjee]

by Rajya Sabha, be taken into consideration."

Transportation of Human Organs Bill as is printed at one place.

and

MR. SPEAKER: It will be rectified, I suppose.

"That the Bill further to amend the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982, as passed by Rajya Sabha, be taken into consideration."

MR. SPEAKER: Now what is the wish of the House? Is it to adjourn the House *sine die*.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): There are two Bills belonging to the Civil Aviation Ministry. They could be passed without discussion because they have been gone into thoroughly by the Standing Committees. There should be no problem in getting these Bills through. They have been passed by the Rajya Sabha already.

The Governemnt had enacted two Acts namely Anti-hijacking Act and Suppression of Unlawful acts against Safety of Civil Aviation Act in 1982 to deal with offences relating to the hijacking of the aircraft and to give effect to the convention on suppression of unlawful seizure of aircraft signed on 16th December 1970 at The Hague. As is widely accepted, hijacking is an international crime, which, apart from heavy financial losses, also causes traumatic experience to the passengers, crew members and their kith and kin, even when such act is committed without use of lethal weapons. A number of incidents took place particularly last year were in fact the handiwork of amateurs. Although the existing Acts provide for a minimum punishment of life imprisonment and fine, it has been the experience that their deterrent effect is diluted by the time consuming process of investigation and trial.

MR. SPEAKER: Okay. The Minister, please.

21.38 hrs

**ANTI-HIJACKING (AMENDMENT)  
BILL**

**As Passed By Rajya Sabha**

**AND**

**SUPPRESSION OF UNLAWFUL  
ACTS AGAINST SAFETY OF CIVIL  
AVIATION (AMENDMENT) BILL**

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GULAM NABI AZAD): I beg to move:

Considering the gravity of hijacking offences and the consequential disruption it causes, the Government have considered it necessary to review the provision of the Anti-hijacking Act, 1982, and the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 to incorporate suitable changes in these Acts to provide for prompt and professionally oriented investigation,

"That the Bill further to amend the Anti-Hijacking Act, 1982, as passed

quick trial and early punishment of offenders.

The Amendment Bills now brought up before the House seek to incorporate the following changes to achieve the above objectives:

- (i) At present, the offences relating to hijacking are investigated by the local police. It is proposed in the new Bill to incorporate a provision in the Act empowering the Central Government to confer on any of its officers such powers of arrest, investigation and prosecution of cases of hijacking as are now exercised by police officers under the Code of Criminal Procedure, 1973.
- (ii) It is also proposed to make a provision making it mandatory for State Governments to specify 'Designated Courts' with the concurrence of Chief Justice of the concerned High Court for speedy trial and disposal of cases of hijacking. The Designated Court shall, as far as practicable, hold the trial on a day-to-day basis.
- (iii) Considering the gravity of the offence, it is felt that the ordinary procedures for obtaining bail should also be made more stringent. For this purpose, it has been proposed to include a provision that no bail can be granted for the offences under the Act without the prosecution being given an opportunity for hearing.

- (iv) As a further step to make the laws more deterrent, it is proposed that in certain cases where arms, ammunitions or explosives are recovered from the accused person, which are suspected to have been used in the commission of an offence or if there is evidence of use of force, threat of force, etc., in the commission of the offence, the burden of proof would stand shifted from the prosecution to the accused.

In brief, the Amendment Bill is intended to make the existing laws dealing with offences of hijacking more stringent so as to have a greater deterrent effect on potential offenders. This would also enable the Central Government to effectively discharge its international obligations in handling offences against safety of Civil Aviation.

I would urge the House to support the Bill and pass it for enactment. The Bill has been considered and recommended by the Parliamentary Committee on Transport and Tourism on 29th March, 1994. The Bill has also been passed by Rajya Sabha on 5th May, 1994.

MR. SPEAKER: I shall now put the consideration motion of the first Bill to the vote of the House. The question is :

"That the Bill further to amend the Anti-Hijacking Act, 1982, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

[Mr. Speaker]

The question is :

"That clauses 2 to 5 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 5 were adopted to the Bill.*

MR. SPEAKER: The question is :

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

SHRI GULAM NABI AZAD: I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. SPEAKER: I shall now put the Consideration Motion of the Second Bill to the vote of the House.

The question is :

"That the Bill further to amend the Suppression of Unlawful Acts against Safety of Civil Aviation Act 1982, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. SPEAKER: We will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 to 6 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 6 were added to the Bill.*

MR. SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title stand part of the Bill.*

SHRI GULAM NABI AZAD: I beg to move :

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

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## VALEDICTORY REFERENCE

21.46 hrs.

MR. SPEAKER: Parliament Members, yesterday and today, we have been able to transact some business. The Ordinances have been passed and turned into law. Other Bills have also been