



The Anti Hijacking Act, 2016

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A special court in Ahmedabad has sentenced a man to life and fined him Rs 5 crore for creating a hijack scare aboard a Jet Airways Mumbai-Delhi flight and forcing it to land in Ahmedabad in October 2017. **This is the first conviction under the Anti Hijacking Act, 2016.**

- It **replaced the Anti Hijacking Act, 1982.**
- It aims to enforce the Hague Hijacking Convention and the 2010 Beijing Protocol Supplementary to the Convention.
 - **The Hague Convention (Convention for the Suppression of Unlawful Seizure of Aircraft)** sets out the *principle of aut dedere aut judicare* — a state that is a party to the Convention must prosecute an aircraft hijacker if no other state requests his or her extradition for prosecution.
 - **The 2010 Protocol Supplementary**, which made amendments and additions, came into effect on 1st January, 2018, and had **27 signatories as of September, 2018.**
- The **new Act applies even if the offence is committed outside India** but the aircraft is registered in India or leased to Indians, or the offender is Indian, or the offender is stateless but lives in India (such as an illegal Bangladeshi migrant), or the offence is committed against Indians.
- The key new introductions are the death penalty, life sentence for hoax calls, and a wider definition for aircraft “in service”.
 - **Under the old Act**, an aircraft was considered “in service” between the time the doors shut and the time every passenger had disembarked.
 - **Under the new Act**, “an aircraft shall be considered to be ‘in service’ from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing”.

The Offence of Hijacking

- **Section 3(1) of the Anti Hijacking Act, 2016 defines the offence of hijacking as:** “Whoever unlawfully and intentionally seizes or exercises control of an aircraft in service by force or threat thereof, or by coercion, or by any other form of intimidation, or by any technological means, commits the offence of hijacking”.
- The act aims to **punish** not only an actual act of hijacking, but **even a false threat** that may appear genuine.
- It takes into account that armed possession of an aircraft may not be necessary for hijacking and that it may be hijacked remotely through a **technological threat**.
- Hijacking attempts, directing others to commit hijacking, being an accomplice and assisting another person to evade investigation are punishable as hijacking and so is the preparation for hijacking.
- **Punishment:** If hijacking leads to **death of a passenger** or a crew member, it is **punishable with death**. If not, the hijacking is punishable with life imprisonment.