Anti-Maritime Piracy Bill 2019

Why in news?

The Anti-Maritime Piracy Bill, 2019 has been listed for consideration and passing during the Monsoon session of the Parliament.

What is the Anti-Maritime Piracy Bill?

> *India currently does not have legislation on matters of piracy on the high seas.*

- Once enacted, the Anti-Maritime Piracy Bill will bring into domestic law the UN Convention on the Law of the Sea (UNCLOS), which India ratified in 1995.
- This enactment will enable Indian authorities to take **action against piracy on the high seas**.

How was piracy on the high seas treated previously?

- 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.

What does the Anti-Maritime Piracy Bill provide for?

- The Anti-Maritime Piracy 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.
- The Bill will apply to the sea beyond the Exclusive Economic Zone (EEZ), that is, beyond 200 nautical miles from India's coastline.
- It is unclear if it will apply in the EEZ that extends between 12 nautical miles and 200 nautical miles from the coast of India.

What is the punishment for offences as per the Bill?

- 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.
- But, it is unclear how the overlap of the 14-year term and life term will be determined since committing an act of piracy will necessarily include participation as well.
- They also raise concerns about the death penalty being mentioned in the Bill since the Supreme Court of India has advocated for the use of the extreme punishment in the "rarest of rare" cases.

According to the Supreme Court of India, the death penalty violates Articles 14 and 21 of the Constitution.

What is the UN Convention on the Law of the Sea?

- The UN Convention on the Law of the Sea (UNCLOS) 1982 is a set of rules to govern the oceans and the use of their resources.
- The 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.

To know more about the UN Convention on the Law of the Sea, click here.

What is the need for anti-piracy regulations?

- Gulf of Aden, which separates Somalia and Yemen and connects the Arabian Sea to the Red Sea and further to the Mediterranean Sea through the Suez Canal, has been one of the deadliest areas in the oceans due to a large number of piracy incidents.
- This is also one of the most important trade routes for countries in Asia, Europe, and on the eastern coast of Africa.
- 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.

Reference

https://www.thehindu.com/news/national/explained-what-is-the-anti-maritime-piracy-bill-2019/article65658882.ece?homepage=true



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