

RESIGNATION BY MEMBER

MR. DEPUTY CHAIRMAN: I have to inform the Members that the hon. Chairman has received a letter dated 3rd May 2016 from Dr. Vijay Mallya, Member, representing the State of Karnataka, resigning his seat in the Rajya Sabha. He has accepted his resignation with effect from 4th May 2016.

अल्पसंख्यक कार्य मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री मुख्तार अब्बास नकवी): सर, अभी अगस्ता पर चर्चा हो रही थी, अब एंटी-हाइजैकिंग पर चर्चा हो जाए। ...*(व्यवधान)*...

श्री नीरज शेखर (उत्तर प्रदेश): सर, बहुत हो गया, अब कुछ नहीं होगा। ...*(व्यवधान)*...

श्री उपसभापति: अभी वह होना है। ...*(व्यवधान)*...

श्री मुख्तार अब्बास नकवी: सर, उसके लिए एक घंटे का समय पहले से तय है, इसलिए एंटी हाइजैकिंग पर चर्चा शुरू कराई जाए। ...*(व्यवधान)*...

GOVERNMENT BILL**The Anti-Hijacking Bill, 2014**

THE MINISTER OF CIVIL AVIATION (SHRI ASHOK GAJAPATHI RAJU PUSAPATI): Sir, I beg to move:

That the Bill to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft and for matters connected therewith, be taken into consideration.

The question was proposed

MR. DEPUTY CHAIRMAN: Shri V.P. Singh Badnore. ...*(Interruptions)*...

DR. K. P. RAMALINGAM (Tamil Nadu): Sir, we can pass it without discussion. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have to call the names. ...*(Interruptions)*... No, no. ...*(Interruptions)*... Listen. I have to call the names before me. ...*(Interruptions)*...

SHRI NEERAJ SHEKHAR (Uttar Pradesh): Sir, this is wrong. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: If he is not speaking, that is fine. ...*(Interruptions)*... Then, Shri Rajpal Singh Saini. ...*(Interruptions)*...

श्री नीरज शेखर: यह गलत हो रहा है। ...*(व्यवधान)*... सदन में गलत हो रहा है।

MR. DEPUTY CHAIRMAN: Mr. Saini, are you speaking on the Anti-Hijacking Bill? ...*(Interruptions)*... If so, you have three minutes. ...*(Interruptions)*...

श्री नीरज शेखर: उन्हें सिर्फ तीन मिनट क्यों दिए जा रहे हैं?

श्री उपसभापति: एक घंटे के समय में उनकी पार्टी का टाइम 3 मिनट है।

श्री राजपाल सिंह सैनी (उत्तर प्रदेश): धन्यवाद महोदय, आपने मुझे इस बिल पर बोलने का मौका दिया। मैं अपनी नेता बहुजन समाज पार्टी की राष्ट्रीय अध्यक्ष, बहन कुमारी मायावती जी का आभार व्यक्त करता हूँ, जिन्होंने मुझे बहुजन समाज पार्टी की ओर से इस बिल पर बोलने के लिए अधिकृत किया है।

महोदय, Anti-Hijacking Bill पहले 17 दिसम्बर, 2014, को राज्य सभा में पुरःस्थापित किया गया था, जिसे माननीय सभापति जी ने 29 दिसम्बर, 2014, को विभाग संबंधित परिवहन, पर्यटन और संस्कृति संबंधी संसदीय स्थायी समिति के पास भेज दिया था। आज फिर यह बिल संशोधन के साथ राज्य सभा में पेश किया गया है। मेरी पार्टी इस बिल का समर्थन करती है।

महोदय, विमान अपहरण के खिलाफ हुए अंतर्राष्ट्रीय समझौते, Beijing Protocol, 2010 पर भारत ने भी हस्ताक्षर किए थे। भारत में पहली बार विमान अपहरणरोधी कानून सन् 1982 में बना था और सन् 1994 में इसमें संशोधन किए गए थे। सन् 1999 के कंधार अपहरण कांड के बाद इस कानून को और सख्त बनाने की जरूरत थी। कंधार घटना के लगभग एक दशक बाद संग्राम सरकार ने सन् 2010 में नया विधेयक राज्य सभा में पेश किया था, लेकिन उसी वर्ष बीजिंग में हुए अंतर्राष्ट्रीय समझौते में विमान अपहरण की जांच और इसमें अपराधियों के त्वरित प्रत्यार्पण और उन्हें कड़ी सजा देने की बात की गई थी। जाहिर है कि Beijing Protocol के प्रावधानों के तहत विमान अपहरणरोधी विधेयक में संशोधन की सख्त जरूरत थी।

महोदय, पूर्व विधेयक में नई स्थितियों से निपटने के लिए अपर्याप्त दंड था, जो अपराधियों के लिए पर्याप्त भय प्रतिकारी नहीं था। अतः अपराधियों और षड्यंत्रकारियों द्वारा विमान अपहरण के सभी पहलुओं को सम्मिलित करके ऐसे अपराध के लिए मृत्युदंड प्रदान करते हुए कानून को और कठोर बनाने की आवश्यकता थी, जो इस विधेयक में किया गया है।

महोदय, इसमें विमान अपहरण की परिभाषा की परिधि का विस्तार किया गया है। इसमें वायुयान के विरुद्ध अपराध को तब भी शामिल किया गया है, जब वह भूमि पर है या प्रस्थान की तैयारी पर है। इसमें ग्राउंड स्टाफ पर हमला करने वाले के लिए भी सख्त सजा का प्रावधान है। ऐसे अपराधियों को भी इसी श्रेणी में रखा गया है जो प्रत्यक्ष या अप्रत्यक्ष रूप से इस षड्यंत्र में शामिल हैं। उनके लिए भी मृत्युदंड तक का प्रावधान है। महोदय, दंड के रूप में अपराधी की चल-अचल सम्पत्ति को जब्त करना स्वागत योग्य है।

अंत में, केंद्र की सरकार के अधिकारियों को अपराधियों की गिरफ्तारी, अन्वेषण और अभियोजन की शक्तियां प्रदान करने तथा अपराधियों की सम्पत्ति को कुर्क करने का अधिकार देने का भी मेरी पार्टी स्वागत करती है, धन्यवाद।

MR. DEPUTY CHAIRMAN: Okay. Now, Shri A.U. Singh Deo. Your Party has two minutes. You can speak for two minutes.

SHRI A.U. SINGH DEO (Odisha): Okay, Sir. Since you called my name, I will speak for two minutes.

Sir, this is a welcome Bill. It needs support in every manner. Anti-hijacking has three steps – threat perception, limiting casualties during hijacking and investigation. The provision of the Anti-Hijacking Bill only focuses on the aftermath of a hijack by laying out the process of investigation and arrest. It does not focus on the role of the Government and the Government authorities to investigate and stop a terrorist threat turning into a hijacking. The Bill does not have provisions to improve security, intelligence gathering and things like that. In India, the Central Industrial Security Force, CISF, is the only specialised force handling aviation security in the country. But, they are cutting down the CISF now and giving the airport operations to the local police which are not geared up to handling this situation.

Sir, after 9/11, the USA constituted a separate agency to handle transport security. It is called the TSA, Transport Security Administration, which was created after 9/11. They are specialised in managing intelligence, checking passengers against watch-list, improving security and managing Federal Air Marshals. That is something which we also need to introduce in our country. Sir, we need to improve emergency protocols. The digital data link system for transmission of short messages between aircraft and ground stations *via*, what is called, airband radio and satellite aircraft communications is required.

Lastly, about the compensation to victims. The Bill does not provide for compensation to victims of hijacking or the dependents. The Bill should comprehensively deal with all aspects of hijacking, which include compensation to victims in both domestic and foreign carriers. The Government must clarify why the provisions have not been included under the Bill and has remained under the Carriage by Air (Amendment) Act. The Government must also clarify the non-payment of compensation to Indian victims of hijacking on foreign carriers. Indian survivors of 1986 Pan Am Hijack and their dependents, due to the discriminatory policy of the U.S., have not received compensation, even though Americans on that flight have received compensation. So, these anomalies have to be put at rest and, of course, we support the Bill.

MR. DEPUTY CHAIRMAN: The Minister can reply if he likes.

SHRI ASHOK GAJAPATHI RAJU PUSAPATI: Sir, I am thankful to all the hon. Members who have supported this Bill. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... I have exhausted all names. All the names I had, I have exhausted. Please continue Mr. Minister.

SHRI ASHOK GAJAPATHI RAJU PUSAPATI: I am thankful to all the Members who have supported this Bill. This Bill comes from the Beijing Conference

[Shri Ashok Gajapathi Raju Pusapati]

recommendations which were made in 2010. It has been since that time that we have been able to bring it to this level. It has been looked into by the Parliament Standing Committees and recommendations of the Committee have been given. There were six recommendations that came. Two were accepted *in toto* and out of the remaining four, three were not accepted because the Bill itself gives that power in other places. There was one recommendation on compensation to victims. Now, compensation to victims is basically an executive action. If a security person is killed, they have different scales. Each airline has an insurance. All types of other things are there and the Executive can always act in that regard. The country has been a victim in the sense that there have been 19 hijacks so far along with one more incident of that Kanishka aircraft being blown up in the Atlantic Ocean. So, these are the things. Our safety record is good. Our security is good. In fact, in the aviation sector, internationally they have done an evaluation on that. Yesterday, while I was answering on the Demands in the Ministry, I informed the Lok Sabha that among the countries, on a scale they had evaluated, India was at 99 point something on a world average of 66. I cannot exactly remember the point. So, India is ranked good in the world as far as security and safety are concerned. Then, we have multiple agencies protecting different airports everywhere. The bulk of it is with CISF and these multiple agencies do function and intelligence inputs tell us what the threat perception is. So, based on that, decisions are arrived at. Time to time, these things change. But I am grateful to the House for literally unanimously supporting this Bill. Through you, I thank all the Members.

MR. DEPUTY CHAIRMAN: Mr. V.P. Singh you want to ask?

SHRI V. P. SINGH BADNORE (Rajasthan): Sir, I have one question and due to paucity of time, I couldn't put the question.

MR. DEPUTY CHAIRMAN: You can put the question.

SHRI V. P. SINGH BADNORE: The Minister has said that there is upgradation of security in India. But the FAA has downgraded us from Category I to Category II. That is No.1. No. 2, in the U.S., after the 9/11, they have what is called a 'Sterile Zone'. Now when a plane is hijacked, we are only talking of a pre-emptive. It is only a deterrent. It is a penalty after the hijack has taken place. When we are talking of a pre-emptive, there is a Sterile Zone in Washington. Now here, it will take only 30 or 40 seconds for a plane to come all the way to Parliament or to President's Estate. So, what is the way out? Is this Sterile Zone thing which is in Washington also applicable here or do you have any other system here?

SHRI ASHOK GAJAPATHI RAJU PUSAPATI: Sir, as regards downgrading, some years back, before our Government came, we were downgraded because certain things were neglected more on the safety side. But I am happy to inform the hon. Member that this Government has pulled up its socks and we have again come back to Category I. Now, Security Zones, I think, is better not to be discussed here at all. The Home Ministry, the Defence Ministry and other Ministries are involved in this. I think we should leave it to them. I think India is fairly well managed as far as security is concerned.

MR. DEPUTY CHAIRMAN: But please convey the Member's concern to the Home Minister.

SHRI ASHOK GAJAPATHI RAJU PUSAPATI: I will, definitely, do that.

MR. DEPUTY CHAIRMAN: Now the question is:

That the Bill to give effect to the Committee for the Suppression of Unlawful Seizure of Aircraft and for matters connected therewith, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill. In Clause 2, there are four Amendments (Nos. 3 to 6) by the hon. Minister.

CLAUSE 2 — DEFINITIONS

SHRI ASHOK GAJAPATHI RAJU PUSAPATI: Sir, I move:

(3) That at page 2, *after* line 21, the following be *inserted*, namely:-

“(f) ‘hostage’ means a passenger or a crew member of an aircraft or any security personnel on board the aircraft or a ground support staff involved in the maintenance of the aircraft, who is unlawfully seized or detained without his consent, or with his consent obtained by fraud or duress, by an individual or by a group of persons, during the transit of an aircraft or when it is stationed at an airport, with an intention to secure any demand or fulfilment of any condition made by such individual or such group of persons”.

(4) That at page 2, line 22, *for* the bracket and alphabet "(f)", the bracket and alphabet "(g)" be *substituted*.

(5) That at page 2, line 25, *for* the bracket and alphabet "(g)", the bracket and alphabet "(h)" be *substituted*.

(6) That at page 2, *after* line 25, the following be *inserted*, namely:-

“(i) ‘security personnel’ means security personnel deployed by the Central Government or appointed by any agency authorised by that Government to ensure security of civil aviation against acts of unlawful interference”.

Explanation. — for the purpose of the clause "acts of unlawful interference" means acts or attempted acts to jeopardize the safety of civil aviation and air transport, including —

- (i) unlawful seizure of aircraft in flight;
- (ii) unlawful seizure of aircraft on the ground;
- (iii) hostage-taking on board aircraft or on aerodromes;
- (iv) forcible intrusion on board an aircraft, at an aerodrome or on the premises on an aeronautical facility;
- (v) introduction on board an aircraft or at an aerodrome, of a weapon, explosive or other hazardous device, article or substances intended for criminal purposes;
- (vi) communication of false information with a view to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an aerodrome or on the premises of a civil aviation facility.

The questions were put and the motions were adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, clause 4. There is one Amendment (No. 7) by the hon. Minister.

CLAUSE 4 — PUNISHMENT FOR HIJACKING

SHRI ASHOK GAJAPATHI RAJU PUSAPATI: Sir, I move:

(7) That at page 3, *for* lines 21 and 22, the following be *substituted*, namely:-

"(a) with death where such offence results in the death of a hostage or of a security personnel or of any person not involved in the offence, as a direct consequence of the offence of hijacking; or".

The question was put and the motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 21 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 1. There is one Amendment (No. 2) by the hon. Minister.

**CLAUSE 1 — SHORT TITLE, EXTENT, APPLICATION
AND COMMENCEMENT**

SHRI ASHOK GAJAPATHI RAJU PUSAPATHI: Sir, I move:

(2) That at page 2, line 4, *for* the figure "2014", the figure "2016" be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Enacting Formula. There is one Amendment (No. 1) by the hon. Minister.

ENACTING FORMULA

SHRI ASHOK GAJAPATHI RAJU PUSAPATHI: Sir, I move:

(1) That at page 2, line 1, *for* the word "Sixty-fifth", the word "Sixty-seventh" be *substituted*.

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Preamble and the Title were added to the Bill.

SHRI ASHOK GAJAPATHI RAJU PUSAPATHI: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

SPECIAL MENTIONS

MR. DEPUTY CHAIRMAN: We will now take up Special Mentions. You can read or lay it on the Table of the House. Shri Santiuse Kujur. He is absent.

[THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE) *in the Chair*]

THE VICE-CHAIRMAN (SHRI V. P. SINGH BADNORE): Shri Md. Nadimul Haque. He is absent. Shri Shantaram Naik. He is absent. Shrimati Viplove Thakur. She is absent. Shri Vijay Jawaharlal Darda.