

Anti Hijacking Act 1982

Chapter II - Hijacking and Connected Offences

(1) Whoever on board an aircraft in flight, unlawful, by force or threat of force or by any other form of intimidation, seizes or exercises control of that aircraft, commits the offence of hijacking of such aircraft.

(2) Whoever attempts to commit any of the acts referred to in sub-section (1) in relation to any aircraft, or abets the commission of any such act, shall also be deemed to have committed the offence of hijacking of such aircraft.

(3) For the purposes of this section, an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation and in the case of a forced landing, the flight shall be deemed to continue until the competent authorities of the country in which such forced landing takes place take over the responsibility for the aircraft and for persons and property on board.

Section 4 - Punishment for hijacking

Whoever commits the offence of hijacking shall be punished with imprisonment for life and shall also be liable to fine.

Section 5 - Punishment for acts of violence connected with hijacking

Whoever, being a person committing the offence of hijacking of an aircraft, commits, in connection with such occurrence, any act of violence against any passenger or member of the crew of such aircraft, shall be punished with the same punishment with which he would have been punishable under any law for the time being in force in India if such act had been committed in India.

Section 5A - Conferment of powers of investigation etc

1" 5A . Conferment of powers of investigation etc.--

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, for the purposes of this act, the Central Government may, by notification in the Official Gazette, confer on any officer of the Central government, powers of arrest, investigation and prosecution exercisable by a police officer under the code of criminal Procedure, 1973 (2 of 1974).]

(2) All officers of police and all officers of government are hereby required and empowered to assist the officer of the central Government referred to in sub- section (1), the in the execution of the provisions of this act,".

1. Inserted by the Anti Hijacking (Amendment) Act, 1994

Section 6 - Jurisdiction

(1) Subject to the provisions of sub-section (2), where an offence under section 4 or section 5 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

(2) No court shall take cognisance of an offence punishable under section 4 or section 5 which is committed outside India unless--

(a) such offence is committed on board an aircraft registered in India;

(b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business or where he has no such place of business, his permanent residence in India; or

(c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

Section 6A - Designated courts

1" 6A . Designated courts.--

(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the chief Justice of the High court, by notification in the Official Gazette, specify a Court of Session to be a Designated Court for such area or areas as any be specified in the notification.

(2) Notwithstanding anything contained in the code of criminal procedure, 1973 (2 of 1974) , a Designated court shall, as far as practicable, hold the trial on a day- to- day basis.

1. Inserted by the Anti Hijacking (Amendment) Act, 1994

Section 6B - Offences of tribal by Designated Court

(1) Notwithstanding anything, contained in the code of criminal Procedure, 1973 (2 of 1974).--

(a) all offences under this act shall be tribally only by the Designated Court specified under Sub-section (1) of section 6A.

(b) where a person accused of or suspected of the commission of an offence due this act is forwarded to a Magistrate under sub-section (2) or sub-section (2A) of section 167 of the Code of criminal Procedure, 1973 (2 of 1974), such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an executive Magistrate:

Provided that where such Magistrate considers,--

(i) when such person is forwarded to him as aforesaid; or

(ii) upon or at any time before the expiry of the period of detention authorised by him.

That the detention of such person is unnecessary, he shall order such person to be forwarded to the Designated court having jurisdiction;

(c) the Designated Court may exercise, in relation to the person forwarded to it under clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the code of Criminal Procedure, 1973 (2 of 1974).In relation to an accused person in such case who has been forwarded to him under that section;

(d) a Designated Court may, upon a perusal of a Complaint made by an officer of the Central Government or the state Government as the case may be authorised in this behalf, take cognizance of that offence without the accused being committed to it for trial.

(2) When trying an offence under this act, a Designated a court may also try an offence other than an offence under this act, with which the accused may, under the code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

Section 6C - Application of Code to proceedings before a Designated Court

Save as otherwise provided in this act, the provisions of the Code of criminal Procedure, 1973 shall apply o the proceedings before a Designated court and the person conducting a prosecution before a designated court shall be deemed to be a public prosecutor,".]
