

Seventeenth Loksabha

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Title: Motion for consideration of Anti-Maritime Piracy Bill, 2019 (Motion adopted and Bill Passed).

माननीय सभापति: आइटम नम्बर-25, श्री अधीर रंजन चौधरी जी ।

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Hon. Chairperson, Sir, I do not have any qualms to subscribe to the tone and tenor of this legislative document under the title, 'The Anti-Maritime Piracy Bill'. Our hon. Minister has already depicted the contents of this legislation inside the House. He was not present in the country. Otherwise, this Bill would have been passed earlier. But it has not been possible because he has become a globetrotter who is visible in every nook and corner of the globe. We are proud of him. I appreciate his poise and posture when he faces global media where he maintains his monk's calm and tranquillity ... (*Interruptions*)

SHRI RAVI SHANKAR PRASAD (PATNA SAHIB): Hon. Chairperson, Sir, Chowdhury Ji is my good friend. ... (*Interruptions*) I am happy that you are appreciating him. ... (*Interruptions*) But your leader does not appreciate the ... (*Interruptions*) I thought I must convey that. ... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY: Hon. Chairman, Sir, I found him never unsettled, flustered or exhausted by his activities. So, certainly, not only me but my leader also always appreciates the work if it is done for the sake of the country. First of all, you should wipe out the misperception of our leader who is, I think, more than concerned for the people like you to see the country to be strong, to be dynamic and to be progressive.

The hon. Minister himself has already been entrusted upon other assignments also. He has become a proponent of Global South. Already G-20 has been propagated in a high falutin manner in order to glamorise the individual and also the Government. I do not know the significance of this kind of propaganda because it is often said that G-20 is long by intent but short by actionable deeds. It certainly consists 80 per cent of global GDP, 75 per cent of trade and 60 per cent of population. But as a system of rotation, we have been entrusted to host G-20 as a 17th Member.

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा संस्कृति मंत्रालय में राज्य मंत्री (श्री अर्जुन राम मेघवाल): क्या आपको खुशी नहीं हो रही है?

SHRI ADHIR RANJAN CHOWDHURY: Next, the job will be entrusted upon Brazil and South Africa. What I am trying to say is that certainly, you should be propagating on G-20 and other issues but we cannot let ourselves to be indifferent to the other burning issues, especially Indo-China border conflict and relations because you know that given the present diplomatic cauldron especially in the Indian sub-continent, we should put our focus on Indo-China relations because when we go for discussing maritime anti-piracy law, certainly, the issue will be coming up.

I would suggest hon. Minister जब आप बाहर जाते हैं, तब टू बाई टू होते हैं । आप होते हैं और रक्षा मंत्री जी होते हैं । यहां पर क्यों नहीं टू बाई टू चर्चा होती है? ताकि सबका एक साथ समाधान हो जाए । आप भी रहिए, रक्षा मंत्री जी हों, हम सबके जो भी सवाल हैं, उनको आप दोनों के सामने रखकर, उनका समाधान निकाल लेंगे । It is because sometimes we used to ask you. But we know that some issues are related to the Ministry of Defence. Let me say that the genesis of this legislative document lies in a latin term *hostis humani generis*, that is enemy of human kind. It originates in the Admiralty Law.

Sir, we know that the International Court of Justice has no jurisdiction to try and punish the pirates. That is why, globally, it was felt that a legislation should be

framed in order to punish the pirates who have been plundering and ransacking across the ocean. In the wake of fall of USSR which necessitated the withdrawal of US forces and Russian forces from the sea, it helped those pirates to carry out their nefarious and heinous tasks.

We have found the geometric rise of piracy across those regions especially in the Gulf of Eden where 20,000 of ships transit every year. From Gulf of Eden to Indonesia to Malacca to Hormoz, Gibraltar and everywhere, we have to resist the pirates by ways befitting them.

So, naturally, we had earlier become a signatory to the UNCLOS. Later, it was ratified in the year 1995. In 2012, the Bill was introduced but due to the dissolution of the House, it was not passed. Again, it was brought up in 2019 and now it is going to be passed. It is the need of the hour. So, there is no dispute on passing the Bill. Earlier, the Bill was called Montego Bay Act.

So, we did not have any reservation in passing the Bill but taking advantage of this discussion, I would like to flag the attention of the hon. Minister to one point. Between 2009 and 2019, 500 Indians were captured by pirates.

Between 2016 and 2020, more than 900 such incidents occurred globally and it is admitted that ten per cent of global sea piracy relates to India.

It is reported by International Chamber of Commerce that between 2019 and 2020, attacks on sea by pirates/robbers increased by 20 per cent. So, the point is, we are living in the Indian Ocean Region. Indian Ocean Region bears great significance because it is recognised as the third largest Ocean with 20 per cent of water.

It is not only that but also half of the containers transits through Indian Ocean Region. Two-thirds of the bulk cargo traffic passes across this Region which is an area of 68.56 square kilometres. Nearly 55 per cent of oil reserves and 40 per cent of gas reserves are in the Indian Ocean Region.

Sir, I would like to flag the attention of the hon. Minister to another information which I have gathered. The recent analysis of global conflicts by Heidelberg Institute for International Conflict Research suggested that 42 per cent of oil conflicts can be associated with the Indian Ocean countries. So, we can easily assess the gravity of this particular Region.

Certainly, there is no denying the fact that the Region has become a contest between America and China. American Indo-Pacific strategy and China's, BRI and Maritime Silk Route strategy, both are convergent and divergent. So, certainly we have to tread this area very cautiously and we firmly believe that our Government will certainly do so. But we also like that Government may indulge in having a consultation with all Opposition leaders at some point of time because the interest of the nation does not belong only to the ruling dispensation. The interest and the security of the nation belongs to all as India is a country of all of us.

Here, I would also like to point out that according to clauses 2, 3, 4 and 5 of the Bill, it defines piracy to include any illegal act of violence, detention or destruction committed against a ship, aircraft, person or property, inciting or intentionally facilitating such illegal acts, voluntarily participating in the operation of piracy, and any person who commits an act of piracy will be punished with imprisonment for life or with death penalty, if the act of piracy causes or attempts to cause death.

15.00 hrs.

However, another clause in this Bill provides for imprisonment up to 14 years along with a fine if a person aids, assists, participates, organises or directs another person to participate in an act of piracy. The offences in both the clauses seem to be similar. It is not clear which penalties shall be applied in such circumstances. I think the hon. Minister will certainly respond to our queries.

Another issue is extradition. I do not know with how many countries, we have this kind of extradition treaties and, if not, bilateral reciprocals could also be done.

Let us have an account of the extradition treaty and bilateral engagement with other countries. We all know that it has already assumed a global proportion. This is the reason why most of the countries, especially those littoral countries, have their own interests in the oceanic regions. They have been transcending themselves from their own thinking. From sea amnesia to sea cognisance has become a growing trend of all those countries.

I would like to draw the attention of this Government that Indian Ocean region is also recognised as an area of Golden Crescent, Golden Triangle. I do not know how this Bill will tackle this kind of emerging menace across our oceanic region. That is why I suggested that both you and the Defence Minister will be required for having an effective discussion.

Sir, the United Nations International Drug Control Convention is also there. We do not know whether we are a signatory to this Convention. But the issue is that we need more naval power. There is no denying it. My colleague, Shri Manish Tewari has also highlighted this issue and I believe that the Government is also pondering over it.

Now, we are being encircled by our hostile country, China. A concept of 'String of Pearls' is being applied upon us. China has been adopting wolf warrior diplomacy, a hara-kiri diplomacy. They are exerting their own influence upon those littoral countries. Starting from Maldives to Sri Lanka, from Sri Lanka to Djibouti, from Djibouti to Gwadar, we are being encircled everywhere. Now, we have to find out our ways and means how to extricate the Chinese sphere of influence by our own. That is why we need a blue-water navy. I do not know whether the Government has its financial sinews right now in order to counter the Chinese influence along this area.

The South China Sea has already been dominated by China by the Nine-Dash line. On the imaginary Nine-Dash line, they are going to dominate the entire South China Sea. To become a super power, they need two seas. America has two seas –

Atlantic Ocean and Pacific Ocean. China is going to dominate the South China Sea and the Indian Ocean. There is no denying it. It is a strategic objective of a growing super power. China is facing only the Malacca dilemma. But geography has given us a number of opportunities also. A number of choke points are in the vicinity of our strategic phenomena. But we have to explore how more effective teeth we can ... (*Interruptions*)

DR. NISHIKANT DUBEY (GODDA): Sir, I am on a point of order.

HON. CHAIRPERSON: Under what rule do you want to raise your point of order?

श्री अधीर रंजन चौधरी: सर, वे ज्ञानी हैं, उनको बोलने दीजिए ।

DR. NISHIKANT DUBEY: Sir, it is under Rule 94.

It says:

“The discussion on a motion that the Bill or as the case may be, the Bill as amended, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. The member while making the speech shall not refer to the details of the Bill further than is necessary for the purpose of arguments which shall be of a general character.”

यह पायरेसी का बिल है । साउथ चाइना में क्या हो रहा है, अटलांटिक में क्या हो रहा है, चाइना क्या कर रहा है, क्या यह कोई विषय है? ... (व्यवधान)

प्रो. सौगत राय: सर, क्या रूलिंग पार्टी यह चाहती है कि हमारी फ्रीडम ऑफ स्पीच छीनी जाए? ... (व्यवधान)

डॉ. निशिकांत दुबे: सर, यह रूल है । रूल 94 और 117 दोनों एक ही हैं । सर, ये केवल बिल पर कंफाइन करें । ... (व्यवधान)

माननीय सभापति : ठीक है, आप बिल पर बोलिए और कन्क्लूड कीजिए ।

... (व्यवधान)

श्री अधीर रंजन चौधरी : सर, अगर जयशंकर जी यह कहें कि मैं गलत बोल रहा हूँ तो मैं अभी बैठ जाऊंगा । मैं यह जयशंकर जी के विचार पर छोड़ रहा हूँ । ... (व्यवधान)

माननीय सभापति : आप आगे बोलिए ।

... (व्यवधान)

SHRI ADHIR RANJAN CHOWDHURY: The South Asian countries for their energy supply, depend on the maritime supply routes in the Indian Ocean. This is a region where the US-led Indo-Pacific Strategy and the Chinese-led Belt Road Initiative, and the Maritime Silk Route converge and diverge, paving way for these two countries to exercise absolute strategic advantage over one another.

Sir, here, I would like to quote Mr. Kaplan. Once he mentioned:

“Geopolitics is the battle for space and power played out in a geographical setting. Just as there are military geopolitics, diplomatic geopolitics and economic geopolitics, there is also energy geopolitics.”

We are trying to secure our energy. The hon. Minister himself has stated that we are to secure our energy route. That is why I am referring it.

Sir, I know that the ruling regime does not want to speak on this issue more, but it is my duty also to flag the attention of the hon. External Affairs Minister because he knows the art of diplomacy. That is why I am goaded to offer some suggestions to him.

HON. CHAIRPERSON: Thank you.

SHRI ADHIR RANJAN CHOWDHURY: Sir, I am just concluding

Hon. Jaishankar-ji, according to Stalin:

“A diplomat’s words must have no relation to action—otherwise what kind of diplomacy is it? (Words are one thing, actions are another) Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron.”

Why am saying so?

SHRI BHARTRUHARI MAHTAB (CUTTACK): Mr. Chairman, Sir, this is not Mr. Adhir Ranjan Chowdhury, who is giving the speech. He is giving the point of view of the Congress party. So, I would say that when the Congress is quoting Stalin, it should be taken note of! ... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY: I am quoting Stalin only to enlighten the House that this Government should not follow the path of XI Jinping because XI Jinping is a descendant of Mr. Stalin. That is why I referred to him, and I thought it prudent to, at least, adumbrate our erudite External Affairs Minister.

I feel that the External Affairs Minister will certainly take my views into cognisance without any provocation by those Members of this House.

Sir, I am certainly supporting this Bill. But the fact is that there are two-three caveats in it. It is because ‘the rarest of the rare cases’ has not been properly mentioned. Whether it has been wiped out, whether it has been abolished or not, is not clear from this Bill.

Here, in the Bill, ‘life imprisonment’ and ‘death’ both have been mentioned. So, some sort of ambiguity is still there.

Lastly, so far as the PMLA, that is, presumptive clauses are concerned, I know that it is a very difficult task, to clarify the issue. According to Chief Justice Ramana: “When the burden of proof was among one of the two *prima facie* issues that require consideration.”

When governments across the world are acquiring more extraordinary powers to govern people, it is essential to review the burden of proof, not just in the light of PMLA but also in other laws that reverse the presumption of innocence. We are observing the onslaught of ED and CBI. So, this also should be reconsidered.

Thank you.

प्रो. सौगत राय: सर, माननीय मंत्री जी के बोलने से पहले,...(व्यवधान)

माननीय सभापति: मंत्री जी बोलेंगे, लेकिन आपकी बात रिकॉर्ड में नहीं जाएगी ।

...(व्यवधान)

प्रो. सौगत राय: सर, मंत्री जी ने जो मीटिंग की थी, उस पर एक बयान दें ।...(व्यवधान)

THE MINISTER OF EXTERNAL AFFAIRS (DR. SUBRAHMANYAM JAISHANKAR): Sir, I rise to respond to the views, queries and concerns of the hon. Members before I move the official amendments to the Anti-Maritime Piracy Bill, 2019. First of all, I would like to thank all the hon. Members across the House because, I think, everybody has looked at this initiative very positively. There is a broad recognition that our country requires anti-piracy legislation. It is a part of our international responsibilities and, I think, by and large, I can see, there is unanimity about the Bill. I also, Sir, want to, particularly, thank the Standing Committee, the Chairman of the Standing Committee, Shri P.P. Chaudhary ji, who had to leave just now because he had a Standing Committee meeting. But, I want to put on record that he and his colleagues, the Members of the Standing Committee, from whichever party they are, have made many invaluable suggestions. Out of 18 recommendations, we have taken almost everyone of them on board and their recommendations, I want to say, have greatly helped in getting the right balance in this Bill. Before, I come to the points which were raised by individual Members, I want to clarify one issue which came up and which was the question of Government amendments. I think, some hon. Members had either not seen the amendments or they were not aware of the amendments. Shri Manish Tewari ji, actually, in his remarks said that it was

presented at very short notice. I want to put on record that, actually, the Government amendments were moved in the last Session, in the Monsoon Session. They were moved in the business which was there for 3rd, 4th and 5th of August and the amendments were, actually, uploaded on July 22nd, that was in the last Session. In this Session, before we had the debate on the Bill, there was again an uploading of the official amendments on December 6th. So, I want to be very, very clear and on the record that all that has been moved by the Government side is very much available to Members and it was our expectation they would look at it. Now, the interesting thing is that even though some hon. Members, perhaps, could not, for whatever reasons, see the amendments, almost everything that they said – what the hon. Member said, what the Standing Committee felt, and what is the Government amendment – actually, converge. So, it is not that we are at cross purposes with each other. Actually, most of the House is converging on pretty much the same issues and I will address some of them.

15.14 hrs.

(Hon. Speaker *in the Chair*)

Before coming to individual Members, I would like to focus on three or four common or important issues, some of which shri Adhir Ranjan Chowdhury raised, some raised by some of the other Members and, I think, the most important of this relates to the death penalty issue. Now, what we have done, Sir, is in the Bill under clauses 3, 4 and 5, there is a range of punishments which have been provided depending on the gravity of the offence and the extent of culpability. So, for the sake of clarity, let me state that under clause 3.1, whoever commits any act of piracy, shall be punished with imprisonment which may extend to imprisonment for life or fine or both.

The official amendment has provided for:

“with imprisonment which may extend to imprisonment for life or with fine or with both.”

As regards the provision for death, there is a provision under Section 3 (ii). Now, as per the Government amendment, that has been amended. Now, it says:

“(ii) with death or with imprisonment for life, if such person in committing the act of piracy causes death or an attempt thereof.”

Hon. Speaker Sir, through you, I want to assure the House that the concern that there will be a mandatory death sentence is no longer relevant in view of the Government amendment which actually provides for death penalty or life imprisonment, depending upon the nature of the circumstances. This is in keeping with the Supreme Court pronouncement, which many hon. Members also raised in their remarks, which is that the death penalty should be the rarest of the rare. So, that flexibility is there in the amendment to the Bill. We have also kept in mind regarding extradition. Many countries will not extradite if there is a death penalty. So, that flexibility is also there. Some of the other hon. Members mentioned that in their remarks.

The second issue is the issue of graded punishment. There are different Clauses and different levels of punishment. Under Clause 3.1, for committing an act of piracy, one could have up to life imprisonment. But if someone attempts to commit the offence of piracy or aids or abets or conspires or procures, then that person shall be punished with imprisonment for a term which may go up to ten years. So, as it is a lesser offence, the punishment envisaged is lesser. If someone has participated or organised or directed another person in an act of piracy, the punishment for that is fourteen years. So, we leave it to the court to make the judgment, depending on what the culpability of the person is. Accordingly, that option for the punishment is there.

Then, Sir, many hon. Members raised the concern about presumption. I would like to clarify this. This was the point which Shri P.P. Chaudhary made when he was speaking in terms of the Standing Committee recommendations. It is not an open-ended presumption. I think, Supriya Suleji had expressed that concern that it

should not be by presuming that the Government has the right to take action. There are very specific conditions relating to presumption. Condition No. 1 is that the arms, ammunition, explosives, and equipment must be recovered; condition No. 2 is that there is evidence of the use of force; and condition No. 3 is that there is evidence of an intended threat. So, unless these conditions which *prima facie* show that some act of piracy has happened and even there, the presumption is ‘unless the contrary is proved’. So, I want to say very clearly that this is not a case where you are presumed to be guilty unless you are proven innocent. There has to be evidence on two cases or there has to be a recovery in order for the presumption to take place. So, I hope, the hon. Members are re-assured in this matter.

Then, Sir, some hon. Members raised the question of international cooperation. The whole purpose of the Bill is also to promote international cooperation. I think, many hon. Members and the Standing Committee pointed out that India has been a party to the UNCLOS since it was ratified in 1995. We have not pursued the subsequent legislation to deal with piracy offences. It is important that we are seen as a responsible international player. ... (*Interruptions*) Today, we are a member of the ReCAAP, an arrangement of 20 countries in South East Asia which incidentally happens to be headed by the former Chief of the Indian Coast Guard, Mr. Natarajan.

They deal with armed robbery and piracy in South East Asia. We are part of the Contact Group on Piracy off the coast of Somalia because there is a lot of piracy out there. We have been in the Gulf of Aden. We have deployed it since 2008. We have also now joined the Combined Maritime Force based in Bahrain. Shri Manish Tewari Ji had raised that issue. The matter had been under consideration but we came to the conclusion that the benefits of joining were more than that of not joining. In fact, for the first time, one of our ships has taken part in an exercise called, ‘Operation Southern Readiness’ as part of the CMF.

We have also engaged with regional navies. We have engaged with foreign friendly countries. We have done EEZ surveillance. We have done co-ordinated patrols. We have created a maritime domain awareness system, and we have a Fusion Centre in Gurugram, which actually gets data from the entire Indian Ocean area so that there is better maritime security.

Then, the issue of our fishermen was also raised. I think Sumathy Ji raised it. Sir, I was in a dilemma when she brought up the issue. She has said that the Government of India is giving step-motherly treatment because the Tamil fishermen and fishermen off the Gujarat coast are treated differently. Now I am a Tamil elected from Gujarat, and I was really not sure which side of the picture I give because the other side would react. So, I want to give a win-win answer.

माननीय अध्यक्ष: आप तमिल के हैं, लेकिन गुजरात से चुनकर आए हैं ।

... (व्यवधान)

डॉ. सुब्रह्मण्यम जयशंकर: सर, मैं संसद को यह बताना चाहता हूँ । ... (व्यवधान) मैं केवल आंकड़े दूंगा । So, it is for the House to judge. I am taking it from 2014 because that is when the Gujarat argument started. So, from 2014, the number of Indian fishermen released from Sri Lanka are 2,835. The number of Indian fishermen, apprehended off the Gujarat coast, released from Pakistan, is 2,165. So, 670 more Tamil fishermen have been released after 2014. So, I want the hon. Member to be very re-assured that there is no step-motherly treatment. In fact, there is very good fatherly treatment. Sir, I want to make a very serious point here. If there is any Government, any leader, any Prime Minister who has given attention to the problems of the Tamil fishermen, it is Narendra Modi because we have, during his Government, set up a mechanism with the Sri Lankans to take up fishing issues.

He has himself spoken to the President and Prime Minister of Sri Lanka on repeated occasions. He has asked me to deal with the Minister of Fisheries, and other Ministers on this matter. ... (*Interruptions*) The fact is, if today the fishermen apprehended in Sri Lanka are being released – let us be clear – they are not released

because somebody in Chennai is writing letters. They are released because somebody in Delhi is taking up the matter. So, I would not like this to become an issue. For us, fishermen are fishermen -- whether they are in our southern coast, whether they are in our western coast, whether they are in our eastern coast -- we will treat them all, equally as our citizens. I would like all Members to be reassured on this matter. ... (*Interruptions*)

माननीय अध्यक्ष : अभी तमिल और गुजरात का संगम चल रहा है । आप बैठ जाइए ।

... (व्यवधान)

DR. SUBRAHMANYAM JAISHANKAR: Sir, I would then move to the next issue, which many Members raised about, whether there should be the consent of or consultation with Chief Justices when specifying designated courts. In this matter, we were guided by the Ministry of Law and Justice citing precedents. The precedents are the Prevention of Money Laundering Act, 2002 and the National Investigation Act, 2008. In both the cases, special courts were set up. In both the cases, these were done in consultation with the Chief Justice of the High Court concerned.

So, I want to say that we followed that particular precedent.

Then, we came to the issues of various Ministries. I think the hon. Members wanted to know the roles of different Ministries being defined. I want to assure them that there are already standard operating procedures (SOPs) and contingency plans. Depending on the situation, the Ministry of Ports, Shipping and Waterways has its own plans and SOPs. The Ministry of Defence, the Navy has its own plans. Our effort in the Ministry of External Affairs is to coordinate it. So, again, I would like the hon. Members to be assured that this is being taken care of.

Then, with those broad remarks, I would like to address some specific concerns which individual Members had made. I will start with Shri Manish Tewari

ji. He had sought an amendment to the title of the Bill, saying ‘Maritime Anti-Piracy Bill’ and not ‘Anti-Maritime Piracy Bill’.

I want to assure him that that is part of the Government amendments. It has been taken care of. Regarding the combined maritime task force, I have already spoken about it. We have weighed the pros and cons and decided to become a member.

Then, he spoke about what we are doing to ensure greater security in the Western Indian Ocean and the Arabian Sea. I want to assure him that we are working with our various partners in the region, and our maritime cooperation there has become very much stronger. The death sentence issue, I have already dealt with. He had referred to the word ‘counsels’ which was there in clause 4, and he felt that the word ‘counsels’ was not the right word. We agree with him. The Government amendment has replaced the word ‘counsels’ with ‘conspire’.

Then, there was a concern he expressed that under clause 9, Indian nationals on the board of foreign ship may be heard due to piracy, and we do not have the jurisdiction to try that. So, we have removed that provision so that that problem is not there. I have already answered with regard to the presumption issue. So, in regard to the issues pertaining the Bill, I have responded to the concerns that he has raised.(*Interruptions*)

Now, if I could move to the issues raised by Shri P.P. Chaudhary ji, he had raised an issue that there should a replication of words ‘aids or abets or procures’. But what I have clarified to him is that Sections 3, 4, and 5 envisage different levels of culpability, and the punishment envisaged depends on the seriousness of the offence, and we trust and leave it to the judgement of the courts to actually exercise the latitude which the law gives them in this regard.

Then, Shri Bhartruhari Mahtab had raised an issue that the presumption should be confirmed by the High Court within 30 days.

SHRI BHARTRUHARI MAHTAB: This is my amendment to the Bill. ...
(Interruptions)

DR. SUBRAHMANYAM JAISHANKAR: Yes.

So, I would like to clarify to him that the presumption is not an unconditional presumption. The presumption has *prima facie* evidence. Twice the word 'evidence' is mentioned. Once the word 'recovery' is mentioned. Our view is that the designated court will not presume about the commission of the crime without those conditions being met. So, I would urge the hon. Member not to press his amendment in this regard.

The second issue was also regarding confirmation by the High Court. Confirmation of the High Court is only after the passage of a death sentence. In any case, the judicial review option is open to anybody, who is found guilty under any of these processes. So, we do not believe that that is necessary.

Then, he also raised the issue of legal immunity for acts that are done in good faith. This is a very relevant point. I would like to underline to him that this is covered by two provisions. Section 11(A) says very clearly that not all arms and ammunitions are by necessary regarded as *mala fide*, if the legitimate authority carries it. Secondly, 15 (1) refers to authorized personnel who are in pursuance of their duties. So, I hope that between those two, it will not be necessary for the hon. Member to offer his amendment.

He also made a point about international cooperation. I have dealt with that in my remarks.

Then, Dr. Sumathy brought up the issue of setting up a Sessions Court in Tamil Nadu. The designated court, I would like to assure her, will be set up in consultation with the Chief Justice of the High Court. Logically, it would be there in all the coastal States.

Regarding the effective coordination mechanism which she referred to, I have pointed out that the SOPs and coordination is being done.

I have already covered the issue of death penalty. Again, I think, I have already addressed the issue of international cooperation.

Then, she had asked for a clear definition of the role of the State Governments. I would like to inform her that Article 6 and Article 10(3), both of them, clearly assign a responsibility to the State Government which is that the Central Government for purposes of this Act, by notification, confer power of arrest, investigation, prosecution exercisable by a police officer, under this Code, on any of its officers, or any officer of a State Government. So, the State Government has a very clear role in the enforcement of this legislation.

I had referred to the Sri Lankan fishing issue. She had also brought up Katchatheevu and expressed concerns regarding Katchatheevu. This is a long pending matter, but I would urge the hon. Member, when she raises the Katchatheevu issue, not to look on this side, but to look on that side because I do not think that the issue started from this side of the House.

This is a long-standing issue. It is an issue which the hon. Member knows because her party has also been in the Government along with the party which actually moved the Katchatheevu Agreement. So, I think, it is best we leave them to sort it out.

If I could move to the issue raised by Shri Vinayak Rautji, it was the creation of courts on eastern and western seas. My answer has already covered that.

Shri Kalyan Banerjee raised two issues. One was about abolishing mandatory death penalty. I have answered that. The next was the issue of creating manpower and capacity for building Marine Police. I think, this is a very important point. It is something which the Government will certainly take note of and give attention to.

Shri Alok Kumar Suman had said that we should have consulted more countries before we drafted the amendment. I would like to share with the House that the Standing Committee actually looked at a number of other international legislation and they looked particularly at the legislation in Australia, New Zealand, Sri Lanka and the UK because the legal systems were very similar, and many of these countries already had legislation on this subject. Therefore, there was a best practices effort made before we drafted this Bill.

He has spoken about internal coordination and international cooperation. Both are matters which I have already addressed. He has also spoken about creating a capacity building in this country to respond to piracy situation. As I mentioned, some of this is already in the making. Certainly, with our SOPs and coordination, this will improve.

One legal point he raised was whether we should focus on extraditing people of Indian origin who are involved in piracy. The Bill, which we have moved along with the Government amendments, does not provide for differential treatment of citizens of various nationalities. For us, an act of piracy is an act of piracy. We cannot make a separate reference to PIOs in this regard. I have already addressed the issue of death penalty that he had raised.

Kunwar Danish Aliji had raised two issues. One was, of course, death penalty. I have replied to that. The second one was whether life imprisonment should be for entire life.

This is a legitimate issue but it is not an issue for this House and for the Government to decide. It is a matter for the courts to take a call on.

Then, Surpriya Sule ji had referred to the fact that there was no mention of cyber attack in the Bill. Cyber attack is a very serious matter. It is a very legitimate concern. But it is outside the purview of this Bill because this Bill is focussed on piracy. There are separate legislations and separate efforts underway to deal with cyber attacks, which is a growing concern. I have taken note of the concern but I do

believe that this is not a matter to be included here. Her concern about presumption of guilt, I have already answered.

Then, E.T. Mohammed Basheer ji mentioned about the fact that the definition of the word 'vessel' should be expanded. I believe we have met his requirements through the Government amendment. He had also referred to prosecuting pirates irrespective of their nationality. That concern has also been met under section 9. He had spoken about the cost of piracy and how we will counter it. The cost cannot be quantified but obviously it is a very serious matter, which is why we are moving the legislation. He had spoken about Government's responsibility for countering piracy. We take our responsibility very seriously. Defence and Navy have their SOPs. Shipping has its SOP, and we are moving this legislation.

Shri N. K. Premachandran, I believe, is moving some amendments. His first concern was with regard to police officer and that he should not be below the rank of a DSP. In the CrPC, a police officer even of the rank of SHO can make arrest. So, we have gone with the standard CrPC definition. Similarly, there was the issue of gazetted officer. I think he has sought to insert the word 'not below the rank of Under Secretary'. We have actually deleted the word 'gazetted'. We have just kept the word 'officer' because different States have different practices and we want to respect all of them. Regarding the High Court issue about consulting and consent, I have already dealt with it. He has spoken about the need to insert the word 'in writing for a request' in section 9. That entire section has been deleted in the Government amendment because we feel that in a piracy situation it is difficult to communicate with the ship, so we should actually avoid that and leave it for the authorised ship to take necessary action.

His point about substituting the word 'reasonable opportunity' for 'opportunity', the Government amendment has taken care of it. About presumption of guilt, I have already replied. About mandatory death penalty, I have already replied.

There was an issue regarding a ship situation in Nigeria. It is a ship called 'MV Heroic Idun'. As a number of Members raised this issue, I want to inform them that the crew members have been charged on three counts. Their case hearing is coming up on 10th-11th January. We are providing them legal support. We are giving them consular support. We will do whatever we can to help them in these circumstances.

Then, Sir, I come to Shri K. Suresh's concern. One was regarding the area of jurisdiction. I think the amended definition of jurisdiction which includes EEZ and all waters beyond the jurisdiction of other States deals with the matter. The issue regarding imprisonment, I have dealt with it as well. As regards the rarest of the rare and death matters, this too is something which I have already addressed. He had some concerns about Indian courts not having jurisdiction in some cases. That has been deleted as part of the Government amendments. He was concerned that how does the law treat a foreign Government's naval force. What I want to clarify is that nothing in the proposed Bill will apply to a warship or a Government's own ship employed for non-commercial service.

So, these were the issues discussed earlier. Today, Shri Adhir Ranjan Chowdhury also spoke on the Bill. He was kind enough to note what he calls my activities around the world. I appreciate that very much. I want to inform the House, through you, that I was in New York to chair the UN Security Council which is a matter of great pride for all of India.

The two issues which came up were the reform multilateralism and counter terrorism, that is, the UNSC reform and counter terrorism both of which are very, very important, and are subjects of national consensus in this House. He referred to the G-20 issue. It is outside the purview of the Bill. But I want to tell him that this is a moment when the world is looking for Indian leadership. So, if the world values India's leadership, I would urge all sections of India ... (*Interruptions*).. because something rotational does not mean you are not valued. ... (*Interruptions*)..

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा संस्कृति मंत्रालय में राज्य मंत्री (श्री अर्जुन राम मेघवाल): क्या आप खुश नहीं हो कि इंडिया को प्रेसीडेंसी मिली है? आपको खुश होना चाहिए।... (व्यवधान) क्या आप खुश नहीं हो? आप बताओ?... (व्यवधान)

डॉ. निशिकांत दुबे (गोड्डा): अगर बेटा राजा बनता है तो आप क्या कहेंगे कि कैसा राजा बन गया? ... (व्यवधान)

DR. SUBRAHMANYAM JAISHANKAR: Sir, in passing, the hon. Member used the word, 'Government is indifferent to China.' So, I want to say something. If we were indifferent to China, who sent the Indian Army to the borders? ... (Interruptions) If we were indifferent to China, why are we today pressing China on disengagement and de-escalation? Why are we saying publicly that our ties are not normal? Sir, we have no problem if there are political differences, if there is even political criticism. I have heard sometimes that my own understanding needs to be deepened. When I see who is giving the advice, I can only bow in respect. But I think we should not directly or indirectly criticize our jawans. ... (Interruptions).. When our jawans are standing ... (Interruptions) our jawans are standing in Yangtse at 13,000 feet ... (Interruptions).. At 13,000 feet, they are standing there defending our borders ... (Interruptions).. They do not deserve to have the word 'pitaai' ... (Interruptions).. The word 'pitaai' should not be used for our jawans ... (Interruptions).. Sir, our jawans are standing their ground ... (Interruptions).. So, they should be respected. ... (Interruptions) They should be honoured ... (Interruptions) They should be appreciated ... (Interruptions). This is not something which is appropriate. ... (Interruptions)..

Sir, let me come to the Bill... (Interruptions).. One is the graded penalties which apply... (Interruptions). The graded penalties apply. There is no confusion out here. For certain offences, death penalty can apply; for certain offences, life imprisonment can apply; for certain offences, 10 years will apply; for certain offences, 14 years will apply. The court will decide which of these offences come under which category.

Finally, on the extradition and bilateral arrangements, I think Shri Adhir Ranjan Chaowdhury has a very valid point. It is something we have covered under Article 14. I certainly appreciate what he said on this issue. On the issue of countering piracy, there is a sense of unanimity in the House. So, I hope that the entire House will support the Bill.

माननीय अध्यक्ष: माननीय सदस्यगण, एक बात बताइये । माननीय मंत्री जी ने बहुत डिटेल् में एक-एक व्यक्ति का जवाब दिया है । आपने जो-जो इश्यू उठाए हैं, एक मिनट रुकिये ।

... (व्यवधान)

माननीय अध्यक्ष: माननीय सदस्य, आपका नाम लिया, आपका भी नाम लिया और आपका भी नाम लिया ।

श्री टी.आर. बालू जी, आप क्या बोलना चाहते हैं?

... (व्यवधान)

SHRI T. R. BAALU (SRIPERUMBUDUR): Sir, he had given wrong information. He has misinformed the House. Actually, the Katchatheevu has been ceded by a bilateral agreement between the two Executives. It has not been sanctioned by the Parliament of India. So, in no way, it is legal. The Minister has passed the bucket to the Congress. Whether it is Congress, BJP or any Government for that matter, this matter is not a settled one. Katchatheevu geography belongs to Raja of Ramnad who was a king of Tamil Nadu at that time. Actually, this has been conceded by an agreement. ... (*Interruptions*)

माननीय अध्यक्ष : श्री भर्तृहरि महताब जी ।

... (व्यवधान)

माननीय अध्यक्ष : श्री भर्तृहरि महताब जी, एक मिनट रुकिये । बालू जी, प्लीज एक मिनट रुकिये ।

... (व्यवधान)

SHRI T. R. BAALU: He referred to 'somebody' while speaking about Tamil Nadu. ... (*Interruptions*) Who is that 'somebody'? He is an elected Chief Minister. ... (*Interruptions*) He should mind his words. ... (*Interruptions*) He should withdraw it immediately. ... (*Interruptions*) This is not fair on the part of the External Affairs Minister to just refer to him as 'somebody'. ... (*Interruptions*)

HON. SPEAKER: Shri Bhartruhari Mahtab.

... (*Interruptions*)

SHRI T. R. BAALU: It is very bad. ... (*Interruptions*)

SHRI BHARTRUHARI MAHTAB: Hon. Speaker, Sir, I fully appreciate the point that has been brought up by the External Affairs Minister. ... (*Interruptions*)

After a very long time, actually we are discussing about Anti-Piracy. 2,000 years ago in the eastern coast the Kalingan mariners had a flourishing maritime activity and they were fighting against piracy. During the 7th, 8th and 9th Centuries, it was the Cholas who ruled the Indian Ocean and also conquered a large part of South East Asia and they were also fighting against piracy. I remember that in the 16th Century it was Chatrapati Shivaji who fought against piracy in the Arabian Sea. ... (*Interruptions*)

माननीय अध्यक्ष: नहीं तो क्या एक पूरी चर्चा दोबारा से करा लें?

... (व्यवधान)

माननीय अध्यक्ष: मंत्री जी ने डिटेल्ड में आप सबको जवाब दे दिया, तो क्या दोबारा से चर्चा करना चाहते हैं?

... (व्यवधान)

SHRI BHARTRUHARI MAHTAB: Sir, I am speaking my last line. ... (*Interruptions*)

HON. SPEAKER: No last line.

... (*Interruptions*)

माननीय अध्यक्ष: प्रश्न यह है:

“कि खुले समुद्र में जलदस्युता के दमन के लिए विशेष उपबंध करने के लिए और जलदस्युता के अपराध के लिए दंड तथा उससे संबंधित अथवा उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक पर विचार किया जाए।”

प्रस्ताव स्वीकृत हुआ।

... (व्यवधान)

माननीय अध्यक्ष: मैं सबको मौका दे रहा था। सब एक साथ क्यों उठे? मैं एक-एक को मौका दे रहा था। मैंने बालू जी को मौका दिया, महताब जी को भी मौका दिया। मैं सबको मौका दे रहा था, लेकिन आप सब सदन में एक साथ उठ गए। यह गलत तरीका है।

... (व्यवधान)

माननीय अध्यक्ष: अब सभा विधेयक पर खंडवार विचार करेगी।

Clause 2

Definitions

Amendments made:

Page 2, after line 5,-

insert ‘(a) “authorised personnel” means the officers and sailors assigned to warships or military aircraft of the Indian Navy or officers and enrolled persons of the Coast Guard assigned to ships or aircraft of the Indian Coast Guard or officers of the Central Government or the State Government authorised for any ship or aircraft clearly marked and identifiable as being on Government service;’. (6)

Page 2, *omit* lines 9 and 10. (7)

Page 2, *after* line 12,-

insert '(e) "high seas" includes the Exclusive Economic Zone and all waters beyond the jurisdiction of any other State.

Explanation.- For the purposes of this clause, "Exclusive Economic Zone" means the Exclusive Economic Zone of any other State including the Exclusive Economic Zone of India;'. (8)

Page 2, *after* line 13,-

insert '(g) "other State" means any country other than India;'. (9)

Page 2, *for* lines 16 to 23,-

substitute "committed for private ends by any person or by the crew or any passenger of a private ship and directed on the high seas against another ship or any person or property on board such ship;

(ii) any act of voluntary participation in the operation of a ship with knowledge of facts, making it a pirate

ship;". (10)

Page 2, *for* line 28,-

substitute '(i) "pirate ship" means a ship which—'. (11)

Page 2, line 30,-

for "clause (f)"

substitute "clause (h)". (12)

Page 2, *after* line 33,-

insert '(j) "ship" means-

(i) vessel or water craft of every description,
including non-displacement craft;

(ii) sea planes and other aircraft, used or capable
of being used as means of transportation on water or
engaged in any operations at sea.

Explanation.- For the purposes of this clause, "aircraft"
shall have the same meaning as assigned to it under clause
(1) of section 2 of the Aircraft Act, 1934;'. (13)

Page 2, line 36 -

after "but defined in"

insert "the Convention,". (14)

Page 2, line 39,-

for "such Code"

substitute "such Convention, the Codes". (15)

Page 2, *omit* lines 40 to 42. (16)

(Dr. Subrahmanyam Jaishankar)

HON. SPEAKER: Please sit down.

... (*Interruptions*)

माननीय अध्यक्ष: प्रश्न यह है:

“कि खंड 2, यथा संशोधित, विधेयक का अंग बने।”
प्रस्ताव स्वीकृत हुआ।

खंड 2, यथा संशोधित, विधेयक में जोड़ दिया गया ।

Clause 3

Punishment for piracy

Amendments made:

Page 3, for line 2,-

Substitute “(i)with imprisonment which may extend to imprisonment for life or with fine or with both; or”. (17)

Page 3, line 3,-

for “with death”

substitute “with death or with imprisonment for life”. (18)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 43 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY (DUM DUM): Sir, I am very much moving my Amendment. ...
(Interruptions)

Page 3, for lines 3 and 4,-

substitute “(ii) with imprisonment for life and attachment of all the movable or immovable properties of the culprit, if such person in committing the act of piracy causes death or an attempt thereof”. (43)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 3 में प्रस्तुत संशोधन संख्या 43 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है:

“कि खंड 3, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 3, यथा संशोधित, विधेयक में जोड़ दिया गया ।

माननीय अध्यक्ष: आपने कह दिया था कि मूविंग तो मैंने आगे चला दिया ।

... (व्यवधान)

माननीय अध्यक्ष: आपने कहा कि मूव तो मैंने चला दिया । आप पहले बोल लेते, उसके बाद मूव बोलते तो ठीक रहता । प्रोफेसर साहब, आप सीनियर होंगे, लेकिन व्यवस्था का प्रश्न है ।

... (व्यवधान)

Clause 4

**Punishment for attempt
to commit piracy, etc.**

Amendments made:

Page 3, line 7,-

for “counsels”

substitute “conspires”. (19)

Page 3, line 9,-

for “fourteen years and shall also be liable to fine”

substitute “ten years or with fine or with both”. (20)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 44 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY (DUM DUM): Sir, I beg to move that:

Page 3, line 9,-

for “fourteen years”

substitute “twenty years”. (44)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 4 में प्रस्तुत संशोधन संख्या 44 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है:

“कि खंड 4, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 4, यथा संशोधित, विधेयक में जोड़ दिया गया ।

माननीय अध्यक्ष: माननीय मंत्री जी, संशोधन संख्या 21 ।

Clause 5

Punishment for organising, directing others participate in an act of piracy.

Amendment made:

Page 3, for line 12-

substitute “or with fine or with both.”. (21)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 45 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY (DUM DUM): Sir, I am moving the amendment No.45 to Clause 5.

I beg to move -

Page 3, lines 11 and 12,-

for “fourteen years and shall also be liable to fine”

substitute “twenty years and shall also be liable to fine which may extend to rupees ten lakh”. (45)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 5 में प्रस्तुत संशोधन संख्या 45 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 5, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 5, यथा संशोधित, विधेयक में जोड़ दिया गया ।

Clause 6

Conferment of power to arrest, investigation, etc.

माननीय अध्यक्ष: माननीय मंत्री जी – संशोधन संख्या 22.

Amendment made –

Page 3, line 16,-

Omit “Gazetted”. (22)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: श्री एन. के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 36 और 37 प्रस्तुत करना चाहते हैं?

N. K. PREMACHANDRAN (KOLLAM): Sir, I have six amendments. I want to place it on record. This is the first time in my 25-year parliamentary career that a Minister has appeared on the floor of the House and responded to all of the amendments that we have proposed. We express our sincere gratitude and congratulations for having addressed and responded to the amendments. Further, about the notices of six amendments which I have not moved, he has fully accepted one amendment. That is, "a reasonable opportunity should be given" instead of "an opportunity should be given." Another amendment is partly accepted. That is, 'gazetted officer'. The word 'gazetted' is avoided, and the word 'officer' is accepted.

Since he is having such a magnanimous response to the amendments moved by the Members, I am not moving the amendments. I am withdrawing all the amendments. I express my thanks to the Minister for accepting the amendments.

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 46 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY (DUM DUM): Sir, I am sorry that I cannot be as charitable to the Minister as Mr. Premachandran has suddenly become. All I want to say is that he has not mentioned any discussion on China, and has not mentioned what happened at the United Nations Security Council.... (*Interruptions*)

Sir, I am moving the amendment No.46 to Clause 6. I beg to move

Page 3, line 15,-

for “police officer under the Code on any of its Gazetted Officer or such officer of a State Government”

substitute “police officer not below the rank of Superintendent of Police or any officer not below the rank of District Magistrate”. (46)

Sir, without being charitable, I am moving the amendment.

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 6 में प्रस्तुत संशोधन संख्या 46 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

... (व्यवधान)

माननीय अध्यक्ष: माननीय सदस्य, हर सदस्य को अपनी बात कहने की अभिव्यक्ति है । उन्होंने अपनी बात कही । आप कैसे कह सकते हैं कि आज आप इतने उदार क्यों हो गए? वे उदार नहीं हुए, उन्होंने अपनी बात कही ।

... (व्यवधान)

प्रो. सौगत राय : सर, इसमें खराबी क्या है?

... (व्यवधान)

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 6, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 6, यथा संशोधित, विधेयक में जोड़ दिया गया।

Clause 7

**Arrest of persons and seizure
of ship and property**

माननीय अध्यक्ष: माननीय मंत्री जी – संशोधन संख्या 23.

Amendment made –

Page 3, for lines 17 to 24,-

substitute

Arrest of “7. (1) The persons and authorised personnel seizure of may, either generally shop and or on suspicion that a property. ship is engaged in piracy on the high seas, board such ship and arrest the persons or seize the pirate ship and property on board. (2) The ship or property seized under sub-section (1) shall be disposed of only by the order of the court.” (23)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 7, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।खंड 7, यथा संशोधित, विधेयक में जोड़ दिया गया ।**Clause 8****Designated Court****माननीय अध्यक्ष:** माननीय मंत्री जी – संशोधन संख्या 24.*Amendment made –*Page 3, *after* line 30,-

insert “Provided that such territorial jurisdiction shall be determined on the basis of the port or place of disembarkation within India of the person suspected or accused of an offence under this Act.”. (24)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 8, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।खंड 8, यथा संशोधित, विधेयक में जोड़ दिया गया ।**Clause 9****Jurisdiction of Designated Court****माननीय अध्यक्ष:** माननीय मंत्री जी, संशोधन संख्या 25 से 28.

Amendments made –

Page 3, lines 33 and 34,-

for "Indian Navy or the Indian Coast Guard"

substitute "authorised personnel or the police". (25)

Page 3, *omit* lines 37 to 41. (26)

Page 3, line 42,-

for "Provided further that nothing in this sub-section"

substitute "Provided that nothing in this section". (27)

Page 4, *omit* lines 3 and 4. (28)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है:

‘कि खंड 9, यथा संशोधित, विधेयक का अंग बने ।’

प्रस्ताव स्वीकृत हुआ ।

खंड 9, यथा संशोधित, विधेयक में जोड़ दिया गया ।

Clause 10

Trial of offences by Designated Court

माननीय अध्यक्ष: प्रो. सौगत राय जी, क्या आप संशोधन संख्या 47 और 48 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY (DUM DUM): Sir, I am moving the amendment nos. 47 and 48 to clause 10. I beg to move:-

Page 4, line 9,-

for "a Magistrate"

substitute "a District Magistrate or a District and
Sessions Judge". (47)

Page 4, lines 11 to 13,-

for "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"

substitute "for a period not exceeding fourteen days at a
time and if the Judicial Authority deems appropriate
the custody may be extended to a maximum of
one month as a whole". (48)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय जी द्वारा खंड 10 में प्रस्तुत संशोधन संख्या 47 और 48 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखे गये तथा अस्वीकृत हुये ।

माननीय अध्यक्ष: प्रश्न यह है:

‘कि खंड 10 विधेयक का अंग बने ।’

प्रस्ताव स्वीकृत हुआ ।

खंड 10 विधेयक में जोड़ दिया गया ।

Clause 11

Presumption

माननीय अध्यक्ष: श्री भर्तृहरि महताब जी, क्या आप संशोधन संख्या 41 प्रस्तुत करना चाहते हैं?

SHRI BHARTRUHARI MAHTAB (CUTTACK): Sir, in this Parliament, we have seen a fresh jurisprudence being implemented when this House adopted a Bill relating to terrorism which means a person who is apprehended has to prove that he is not guilty. Similar provision is now being adopted here on the presumption which the hon. Minister just now mentioned that he has to prove that he is not guilty. But this Parliament has also made a law that, on allegation, people can be apprehended and prosecuted. 498 A is purely on allegation that this House also approved and it is a prevalent law today. Therefore, after hearing the hon. Minister, I am not moving my amendments.

माननीय अध्यक्ष: श्री टी.एन. प्रथापन – उपस्थित नहीं ।

प्रश्न यह है:

‘कि खंड 11 विधेयक का अंग बने ।’

प्रस्ताव स्वीकृत हुआ ।

खंड 11 विधेयक में जोड़ दिया गया ।

Clause 12

Provisions as to bail

माननीय अध्यक्ष: माननीय मंत्री जी, संशोधन संख्या 29.

Amendment made –

Page 5, line 6,-

for "an opportunity"

substitute "a reasonable opportunity". (29)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है:

‘कि खंड 12, यथा संशोधित, विधेयक का अंग बने ।’

प्रस्ताव स्वीकृत हुआ ।

खंड 12, यथा संशोधित, विधेयक में जोड़ दिया गया ।

खंड 13 विधेयक में जोड़ दिया गया ।

-

Clause 14

Provision as to extradition

माननीय अध्यक्ष: माननीय मंत्री जी, संशोधन संख्या 30 से 33

Amendments made –

Page 5, line 18,-

for "Convention State"

substitute "any other State". (30)

Page 5, line 21,-

omit "Convention". (31)

Page 5, line 23,-

for "a Convention State"

substitute "other State". (32)

Page 5, *for* line 24,-

substitute "that ship is operating, be deemed to be within the jurisdiction of that other State whether". (33)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है:

‘कि खंड 14, यथा संशोधित, विधेयक का अंग बने ।’

प्रस्ताव स्वीकृत हुआ ।खंड 14, यथा संशोधित, विधेयक में जोड़ दिया गया ।**16.00 hrs.****Clause 15****Protection of action taken in
good faith***Amendments made:*

Page 5, line 26,-

for “any person”*substitute* “an authorised personnel”. (34)

Page 5, line 29,-

after “Central Government”*insert* “or any State Government”. (35)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है:

‘कि खंड 15, यथा संशोधित, विधेयक का अंग बने ।’

प्रस्ताव स्वीकृत हुआ ।खंड 15, यथा संशोधित, विधेयक में जोड़ दिया गया ।**Clause 1****Short title, commencement and
application**

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है:

“कि खंड 1, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 1, यथा संशोधित, विधेयक में जोड़ दिया गया ।

Enacting Formula

Amendment made:

Page 1, line 1,-

for

“Seventieth”

substitute

“Seventy-third”. (3)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है:

“कि अधिनियम सूत्र, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

अधिनियम सूत्र, यथा संशोधित, विधेयक में जोड़ दिया गया ।

... (व्यवधान)

Preamble

Amendment made:

Page 1, in the preamble,-

In paragraph 2, *omit* “or any other place outside the jurisdiction of any State”.

for paragraph 3, *substitute*-

“AND WHEREAS India, having ratified the said Convention, considers it necessary to give effect to the aforesaid Convention relating to piracy.”.

(2)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है:

“कि उद्देशिका, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

उद्देशिका, यथा संशोधित, विधेयक में जोड़ दी गई ।

Title

Amendment made:

Page 1, *for* long title,-

substitute “to give effect to the United Nations Convention on the Law of the Sea relating to repression of piracy on high seas and for matters connected therewith or incidental thereto.”. (1)

(Dr. Subrahmanyam Jaishankar)

माननीय अध्यक्ष: प्रश्न यह है:

“कि नाम, यथा संशोधित, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

विधेयक का पूरा नाम, यथा संशोधित, विधेयक में जोड़ दिया गया ।

माननीय अध्यक्ष: मंत्री जी, अब आप प्रस्ताव करें कि यथा संशोधित विधेयक को पारित किया जाए ।

DR. SUBRAHMANYAM JAISHANKAR: Sir, I beg to move:

“That the Bill, as amended, be passed.

माननीय अध्यक्ष: प्रश्न यह है:

“कि विधेयक, यथा संशोधित, पारित किया जाए ।”
प्रस्ताव स्वीकृत हुआ ।
