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The Maritime Anti-Piracy Act, 2022

(ACT NO. 3 OF 2023)

[*As on the* 6*th October,* 2025]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

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THE MARITIME ANTI-PIRACY ACT, 2022

ARRANGEMENT OF SECTIONS

SECTIONS

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THE MARITIME ANTI-PIRACY ACT, 2022
ACT NO. 3 OF 2023

[31*st January*, 2023.]

An Act 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.

WHEREAS India is a party to the United Nations Convention on the Law of the Sea adopted by the United Nations on the 10th December, 1982 and has ratified the same on the 29th June, 1995;

AND WHEREAS the aforesaid Convention, among other things, states that all States shall co-operate to the fullest possible extent in the repression of piracy on high seas;

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

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. Short title, commencement and application.—(*1*) This Act may be called the Maritime Anti-Piracy Act, 2022.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

(*3*) The provisions of this Act shall apply to the high seas.

2. Definitions.—(*1*) In this Act, unless the context otherwise requires,—

(*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;

(*b*) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(*c*) "Convention" means the United Nations Convention on the Law of the Sea, 1982;

(*d*) "Designated Court" means a Court of Session specified as such under section 8;

(*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;

(*f*) "notification" means a notification published in the Official Gazette;

(*g*) "other State" means any country other than India;

(*h*) "piracy" means—

(*i*) any illegal act of violence or detention or any act of depredation 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;

(*iii*) any act of inciting or of intentionally facilitating an act described in sub-clause (*i*) or sub-clause (*ii*); or

1. 22nd day of February, 2023, *vide* notification No. S.O. 802(*E*), dated 22nd February, 2023, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*iv*) any act which is deemed piratical under the international law including customary international law;

(*i*) "pirate ship" means a ship which—

(*i*) is intended by the person in dominant control to be used for the purposes of committing any of the acts referred to in sub-clauses (*i*) to (*iv*) of clause (*h*); or

(*ii*) has been used to commit any such act, referred to in sub-clause (*i*) of this clause, so long as it remains under the control of the person guilty of that act;

(*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 in clause (*1*) of section 2 of the Aircraft Act, 1934 (22 of 1934);

(*k*) "stateless person" means a person who is not considered as a national by any country by virtue of its laws.

(*2*) The words and expressions used in this Act and not defined but defined in the Convention, the Indian Penal Code (45 of 1860), the Code or the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (80 of 1976), shall have the meanings respectively assigned to them in such Convention, the Codes or the Act.

3. Punishment for piracy.—Whoever commits any act of piracy, shall be punished—

(*i*) with imprisonment which may extend to imprisonment for life or with fine or with both; or

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

and in addition shall also be subject to restitution or forfeiture of property involved in the commission of such offence.

4. Punishment for attempt to commit piracy, etc.—Whoever attempts to commit the offence of piracy or aids or abets or conspires or procures for the commission of such offence shall be punished with imprisonment for a term which may extend to ten years or with fine or with both.

5. Punishment for organising or directing others to participate in an act of piracy.—Whoever participates or organises or directs other person to participate in an act of piracy shall be punished with imprisonment for a term which may extend to fourteen years or with fine or with both.

6. Conferment of power of arrest, investigation, etc.—Notwithstanding anything contained in the Code, the Central Government may, for the purposes of this Act, by notification, confer the powers of arrest, investigation and prosecution of any person exercisable by a police officer under the Code on any of its officer or such officer of a State Government.

7. Arrest of persons and seizure of ship and property.—(*1*) The authorised personnel may, either generally or on suspicion that a 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.

8. Designated Court.—For the purposes of providing speedy trial of offences under this Act, the Central Government shall, after consulting the Chief Justice of the concerned High Court, by notification, specify—

(*i*) one or more Courts of Sessions in a State, to be the Designated Court for the purposes of this Act; and

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(*ii*) the territorial jurisdiction of each such court:

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.

9. Jurisdiction of Designated Court.—The Designated Court shall have jurisdiction to try an offence punishable under this Act where such offence is committed—

(*i*) by a person who is apprehended by, or is in the custody of, the authorized personnel or the police, regardless of the nationality or citizenship of such person;

(*ii*) by a person who is a citizen of India or a resident foreign national in India or any stateless person:

Provided that nothing in this section shall apply to a warship or its auxiliary ship or a Government owned ship employed for non-commercial service and is under the control of Government authorities at the time of commission of the offence of piracy.

10. **Trial of offences by Designated Court.—**(*1*) Notwithstanding anything contained in the Code,—

(*a*) all offences under this Act shall be tried by the Designated Court notified as such under clause (*i*) of section 8;

(*b*) where a person accused of, or suspected of, the commission of an offence under this Act is forwarded to a Magistrate under sub-section (*2*) or sub-section (*2A*) of section 167 of the Code, 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*) at the time when such person is forwarded to him under this sub-section; or

(*ii*) at any time before the expiry of the period of detention authorised by him,

that the detention of such person is not necessary, he shall order such person to be forwarded to the Designated Court having jurisdiction.

(*2*) The Designated Court may exercise, in relation to the person forwarded to him under clause (*b*) of sub-section (*1*), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code, in relation to an accused person in such case who has been forwarded to him under that section.

(*3*) 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.

(*4*) While trying an offence under this Act, a Designated Court may also try an offence under any other law, other than an offence under this Act, with which the accused may be charged at the same trial under the Code.

(*5*) Notwithstanding anything contained in the Code, a Designated Court shall, as far as practicable, hold the trial on a day-to-day basis.

11. Presumption.—Where a person is accused of having committed an offence punishable under this Act and, if, —

(*a*) the arms, ammunitions, explosives and other equipments are recovered from the possession of the accused, and there are reasonable grounds to believe that such arms, ammunitions, explosives or other equipments of similar nature were used or intended to be used in the commission of the offence;

(*b*) there is evidence of use of force, threat of force or any other form of intimidation caused to the crew or passengers of the ship in connection with the commission of the offence; or

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(*c*) there is evidence of an intended threat of using bombs, arms, firearms, explosives or committing any form of violence against the crew, passengers or cargo of a ship,

then, the Designated Court shall presume, unless the contrary is proved, that the accused person had committed such offence.

12. Provisions as to bail. — (*1*) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless—

(*a*) the Public Prosecutor has been given a reasonable opportunity to oppose the application for such release; and

(*b*) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(*2*) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding grant of bail under section 439 of the Code.

13. Application of Code in proceedings before Designated Court.—Save as otherwise provided in this Act, the provisions of the Code shall apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor appointed under the said Code.

14. Provision as to extradition.—(*1*) The offences under this Act shall be deemed to have been included as extraditable offences and provided for in all extradition treaties made by India with any other State and which extend to and are binding on India on the date of commencement of this Act.

(*2*) In the absence of a bilateral extradition treaty, the offences under this Act shall be extraditable offences between India and other State on the basis of reciprocity.

(*3*) For the purposes of application of the provisions of the Extradition Act, 1962 (34 of 1962) to the offences under this Act, any ship registered in other State shall, at any time while that ship is operating, be deemed to be within the jurisdiction of that other State whether or not it is for the time being also within the jurisdiction of any other State.

15. Protection of action taken in good faith.—(*1*) No suit, prosecution or other legal proceedings shall lie against an authorized personnel for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(*2*) No suit or other legal proceeding shall lie against the Central Government or any State Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

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STATEMENT OF OBJECTS AND REASONS

In today's times, the menace of piracy is growing. The Gulf of Aden, which separates Somalia and Yemen and connects the Arabian Sea to the Red Sea and through the Suez Canal to the Mediterranean Sea, has seen a major spurt in attacks by pirates operating from Somalia since 2008. This route is used by about 2000 ships each month for trade between Asia and Europe and East coast of Africa. With the enhanced naval presence in the Gulf of Aden, pirates shifted their area of operations eastwards and southwards. This led to a flurry of piracy incidents towards the western coast of India as well.

2. India does not have a separate domestic legislation on piracy. The provisions of the Indian Penal Code pertaining to armed robbery and the Admiralty jurisdiction of certain courts have been invoked in the past to prosecute pirates apprehended by the Indian Navy and the Coast Guard but in the absence of any specific law relating to the offence of maritime piracy in India, problems are being faced in ensuring effective prosecution of the pirates.

3. Given the increasing incidences of piracy, including within India's Exclusive Economic Zone, and the increasing number of pirates apprehended by the Indian Naval forces, the need is felt for a comprehensive domestic legislation on piracy, which is an outcome to the commitment made by India by signing the United Nations Convention on the Law of the Sea (UNCLOS) in the year 1982 and ratified in the year 1995.

4. In view of the above, it has been decided to bring about a domestic anti-piracy legislation for the prosecution of persons for piracy-related crimes and to promote the safety and security of India's maritime trade including the safety of our vessels and crew members.

5. Accordingly, the Anti-Maritime Piracy Bill, 2019, inter alia, provides for the following.

(*a*) to make the provisions of the proposed legislation applicable to all parts of the sea adjacent to and beyond the limits of Exclusive Economic Zone of India;

(*b*) to make the act of piracy on high seas as an offence punishable with imprisonment for life or with death;

(*c*) to provide for punishment for attempt to commit offence of piracy or being an accessory to the commission of offence;

(*d*) to provide for presumption of guilt in case certain conditions are satisfied;

(*e*) to make the offence extraditable;

(*f*) to enable the Central Government, in consultation with the Chief Justice of the concerned High Court, to specify certain courts as Designated Courts for speedy trial of offences of piracy under the proposed legislation.

6. The Bill seeks to achieve the above objectives.

DR. S. JAISHANKAR.

NEW DELHI;
The 2nd December, 2019.

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