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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(*Legislative Department*)

New Delhi, the 1st July, 1994/*Asadha* 10, 1916 (*Saka*)

The following Act of Parliament received the assent of the President on the 29th June, 1994, and is hereby published for general information:—

THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF CIVIL AVIATION (AMENDMENT) ACT, 1994

No. 40 OF 1994

[29*th June*, 1994]

An Act further to amend the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982.

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

Short title and commencement.

1. (*1*) This Act may be called the Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994.

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

Amendment of section 2.

66 of 1982.

2. In section 2 of the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 (hereinafter referred to as the principal Act), in sub-section (*1*), after clause (*b*). the following clause shall be inserted, namely:—

22 of 1934.

'(*bb*) "airport" means an aerodrome as defined in clause (*2*) of section 2 of the Aircraft Act, 1934.'.

Insertion of new section 3A.

3. After section 3 of the principal Act, the following section shall be inserted, namely:—

Offence at airport.

"3A. (1) Whoever, at any airport, unlawfully and intentionally, using any device, substance or weapon,—

(a) commits an act of violence which is likely to cause grievous hurt or death of any person; or

(b) destroys or seriously damages any aircraft or facility at an airport or disrupts any service at the airport,

endangering or threatening to endanger safety at that airport, shall be punished with imprisonment for life and shall also be liable to fine.

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.".

Insertion of new sections 5A, 5B, 5C and 5D.

4. After section 5 of the principal Act, the following sections shall be inserted, namely:—

Conferment of powers of investigation, etc.

"5A. (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), in the execution of the provisions of this Act.

Designated Courts.

5B. (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 may be specified in the notification.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a Designated Court shall, as far as practicable, hold the trial on a day-to-day basis. 2 of 1974.

Offences triable by Designated Court.

5C. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,— 2 of 1974.

(a) all offences under this Act shall be triable only by the Designated Court specified under sub-section (1) of section 5B.

(b) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate

2 of 1974.

under sub-section (*2*) or sub-section (*2A*) of section 167 of the Code of Criminal Procedure, 1973, 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

2 of 1974.

section 167 of the Code of Criminal Procedure, 1973 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 Court may also try an offence other than an offence under this Act, with

2 of 1974.

which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

2 of 1974.

5D. Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 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.".

Application of the Code to proceedings before a Designated Court.

5. After section 6 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 6A

2 of 1974

"6A. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless— Provision as to bail.

(*a*) the Public Prosecutor has been given an 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*) The limitations on granting of bail specified in sub-section (*1*) are in addition to the limitations under the Code of Criminal Procedure, 1973 or any other law for the time being in force on granting of bail. 2 of 1974.

(*3*) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973.". 2 of 1974

Insertion of new section 9A.

6. After section 9 of the principal Act, the following section shall be inserted, namely:—

Presumptions as to offences under sections 3, 3A and 4.

"9A. In a prosecution for an offence under sections 3, 3A and 4, if it is proved—

(*a*) that the arms, ammunition or explosives were recovered from the possession of the accused and there is reason to believe that such arms, ammunition or explosives of similar nature were used in the commission of such offence; or

(*b*) that there is evidence of violence committed by the accused against any person in connection with the commission of such offence,

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

K. L. MOHANPURIA,
Secy. to the Govt. of India.

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