

**Suppression of Unlawful Acts Against Safety of Maritime
Navigation and Fixed Platforms on Continental Shelf Act,
2002**

69 of 2002

[December 20, 2002]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short title, extent, application and commencement
2. Definitions

CHAPTER 2 :- OFFENCES

3. Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc
4. Conferment of powers of investigation
5. Designated Courts
6. Offence triable by Designated Court
7. Application of Code to proceedings before a Designated Court
8. Provision as to bail

CHAPTER 3 :- MISCELLANEOUS

9. Provisions as to extradition
10. Contracting parties to Convention or Protocol
11. Power to treat certain ships to be registered in Convention States
12. Previous sanction necessary for prosecution
13. Presumptions as to offences under Section 3
14. Protection of action taken in good faith

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An Act to give effect to the International Maritime Organisation Convention for Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of

Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf and for matters connected therewith Whereas a Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf were signed at Rome on the 10th day of March, 1988; And whereas India, having acceded to the said Convention and the Protocol, should make provisions for giving effect thereto and for matters connected therewith; Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:

CHAPTER 1
PRELIMINARY

1. Short title, extent, application and commencement :-

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

2. Definitions :-

In this Act, unless the context otherwise requires,

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

(b) "Continental Shelf of India" shall have the meaning assigned to it in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);

(c) "Convention" means the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, signed at Rome on the 10th day of March, 1988 as amended from time to time;

(d) "Convention State" means a State Party to the Convention;

(e) "fixed platform" means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration for, or exploitation of resources or for other economic purposes;

(f) "Protocol" means the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf adopted at Rome on the 10th day of March, 1988 as amended from time to time;

(g) "Protocol State" means a State Party to the Protocol;

(h) "ship" means a vessel of any type whatsoever not permanently attached to the seabed and includes dynamically supported craft, submersibles, or any other floating craft.

CHAPTER 2
OFFENCES

3. Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc :-

(1) Whoever unlawfully and intentionally

(a) commits an act of violence against a person on board a fixed platform or a ship which is likely to endanger the safety of the fixed platform or, as the case may be, safe navigation of the ship shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine;

(b) destroys a fixed platform or a ship or causes damage to a fixed platform or a ship or cargo of the ship in such manner which is likely to endanger the safety of such platform or safe navigation of such ship shall be punished with imprisonment for life;

(c) seizes or exercises control over a fixed platform or a ship by force or threatens or in any other form intimidates shall be punished with imprisonment for life;

(d) places or causes to be placed on a fixed platform or a ship, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or that ship or cause damage to that fixed platform or that ship or its cargo which endangers or is likely to endanger that fixed platform or the safe navigation of that ship shall be punished with imprisonment for a term which may extend to fourteen years;

(e) destroys or damages maritime navigational facilities or interferes with their operation if such act is likely to endanger the safe navigation of a ship shall be punished with imprisonment for a term which may extend to fourteen years;

(f) communicates information which he knows to be false thereby endangering the safe navigation of a ship shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine;

(2) Whoever attempts to commit, or abets the commission of, an offence punishable under sub-section (1) shall be deemed to have

committed such offence and shall be punished with the punishment provided for such offence.

(3) Whoever unlawfully or intentionally threatens a person to compel that person to do or refrain from doing any act or to commit any offence specified in clause (a), clause (b) or clause (c) of sub-section (1), if such threat is likely to endanger the safe navigation of a ship or safety of a fixed platform shall be punished with the punishment provided for such offence.

(5) Where an offence under sub-section (1) is committed and the person accused of or suspected of the commission of such offence is present in the territory of India and is not extradited to any Convention State or Protocol State, as the case may be, such person shall be dealt with in India in accordance with the provisions of this Act.

(7) Subject to the provisions of sub-section (8), where an offence under sub-section (1) 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.

4. Conferment of powers of investigation :-

(1) Notwithstanding anything contained in the Code, for the purpose of this Act, the Central Government may, by notification in the Official Gazette, confer on any gazetted officer of the Coast Guard or any other gazetted officer of the Central Government powers of arrest, investigation and prosecution exercisable by a police officer under the Code.

(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 provisions of this Act.

5. 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 may be specified in the notification.

(2) Notwithstanding anything contained in the Code, a Designated

Court shall, as far as practicable, hold the trial on a day-to-day basis.

6. Offence triable by Designated Court :-

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

7. Application of Code to proceedings before a 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.

8. Provision as to bail :-

(2) The limitations on granting of bail specified in sub-section (1) are in addition to the limitations under the Code or any other law for the time being in force on granting of bail.

(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.

CHAPTER 3
MISCELLANEOUS

9. Provisions as to extradition :-

(1) The offences under Section 3 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention States or Protocol States and which extend to, and are binding on, India on the date of commencement of this Act.

10. Contracting parties to Convention or Protocol :-

The Central Government may, by notification in the Official Gazette, certify as to which are the Convention States or Protocol States and to what extent such States have availed themselves of the provisions of the Convention or Protocol, as the case may be, and any such notification shall be conclusive evidence of the matters certified therein.

11. Power to treat certain ships to be registered in Convention States :-

If the Central Government is satisfied that the requirements of the Convention have been satisfied in relation to any ship, it may, by notification in the Official Gazette, direct that such ship shall, for the purposes of this Act, be deemed to be registered in such Convention State as may be specified in the notification.

12. Previous sanction necessary for prosecution :-

No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

13. Presumptions as to offences under Section 3 :-

In a prosecution for an offence under sub-section (1) of Section 3 , 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;

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

(c) that there is evidence of an intended threat of using bomb, fire, arms, ammunition, or explosives or committing any form of violence against the crew, passengers or cargo of a ship or fixed platform located on the Continental Shelf of India; the Designated Court shall presume, unless the contrary is proved, that the accused had committed such offence.

14. Protection of action taken in good faith :-

(1) No suit, prosecution or other legal proceeding shall lie against any person 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 be against the Central 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.