

XXI. INDIA⁵⁸

1. THE TOKYO CONVENTION ACT, 1975 (No. 20 of 1975)

[8th May 1975]

An Act to give effect to the Convention on offences and certain other acts committed on board aircraft.

WHEREAS a Convention on offences and certain other acts committed on board aircraft was on the Fourteenth day of September, 1963, signed at Tokyo;

AND WHEREAS it is expedient that India should accede to the said Convention and should make provisions for giving effect thereto;

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Tokyo Convention Act, 1975.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II DEFINITIONS

Definitions

2. (1) In this Act, unless the context otherwise requires—
 - (a) "aircraft" means any aircraft, whether or not registered in India, other than—
 - (i) a military aircraft; or

⁵⁸ Transmitted to the Secretariat by that Government on 15 December 2000. Marginal notes and footnotes have not been reproduced.

- (ii) an aircraft belonging to, or exclusively employed in the service of, the State;
- (b) "appropriate authority" means—
- (i) in relation to India, any police officer not below the rank of an Assistant Sub-Inspector or any Immigration Officer, and
 - (ii) in relation to any other country, being a Convention country, any officer having functions corresponding to the functions in India either of a police officer not below the rank of an Assistant Sub-Inspector or of an Immigration Officer;
- (c) "commander", in relation to an aircraft, means the member of the crew designated as commander of the aircraft by the operator thereof, or failing such a person, the person who is for the time being the pilot in command of the aircraft;
- (d) "Convention country" means a country in which the Tokyo Convention is for the time being in force;
- (e) "Indian registered aircraft" means an aircraft—
- (A) which is for the time being registered in India;
 - (B) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely:
 - (i) that he is a person qualified to be owner of a legal or beneficial interest in an aircraft registered in India; and
 - (ii) that he resides or has his principal place of business in India; or
 - (C) which, for the time being registered in any country other than India, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements specified in sub-clause (B) (i) and (ii);
- (f) "military aircraft" means an aircraft of the naval, military or air force of any country and includes every aircraft, commanded by a person in naval, military or air force service, detailed for the purpose;

(g) "operator", in relation to an aircraft at any time, means the person who at that time has the management of the aircraft;

(h) "pilot in command," in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft and responsible for the operation and safety of the aircraft during flight time;

(i) "Tokyo Convention" means the Convention on offences and certain other acts committed on board aircraft signed at Tokyo on the Fourteenth day of September, 1963;

(j) any reference to a country or to the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country, and any reference to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(2) For the purposes of this Act, the period during which an aircraft is in flight shall be deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run, if any, at the termination of that flight ends; and for the purpose of section 5 the aforesaid period shall also be deemed to include—

(i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation, after that flight;

(ii) if the aircraft makes a forced landing, any period thereafter until the time—

(a) in a case where the forced landing takes place in India, when the appropriate authority arrives at the place of such forced landing; and

(b) in any other case, when the appropriate authority takes over the responsibility for the aircraft and for the persons and property on board the aircraft.

CHAPTER III OFFENCES

Application of criminal law to aircraft

3. (1) Any act or omission taking place on board an Indian registered aircraft while in flight elsewhere than in or over India which, if taking place in India,

would constitute an offence under any law in force in India shall constitute that offence:

Provided that this sub-section shall not apply to any act or omission which is expressly or impliedly authorised by or under any law of a country outside India, where the aircraft is in flight.

(2) No proceedings for an offence under any law in force in India, committed on board an aircraft while in flight elsewhere than in or over India (other than an offence under the Aircraft Act, 1934) shall be instituted except by or with the consent of the Central Government.

(3) Nothing contained in sub-section (2) shall prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence, or the remanding in custody or on bail of any person charged with any offence.

Provisions as to Extradition Act

4. For the purposes of application of the Extradition Act, 1962, to crimes committed on board an aircraft in flight, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

Powers of commander of aircraft

5. (1) If the commander of an aircraft in flight, wherever the aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft—

(a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardises or may jeopardise—

(i) the safety of the aircraft or of persons or property on board the aircraft; or

(ii) the good order and discipline on board the aircraft; or

(b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is an offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to the provisions of sub-section (4), the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary—

(i) to protect the safety of the aircraft or of persons or property on board the aircraft; or

(ii) to maintain good order and discipline on board the aircraft; or

(iii) to enable the commander to disembark or deliver that person in accordance with the provisions of sub-section (5).

(2) The aircraft commander may require the assistance of other crew members and may request, but not require, the assistance of passengers or authorise other crew members and passengers, to restrain any person whom he is entitled to restrain.

(3) Any crew member or passenger may also take reasonable preventive measures without any authorisation under sub-section (2) when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

(4) Any restraint imposed on any person on board an aircraft under the powers conferred by the foregoing provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time, the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to the appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time—

(a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with the provisions of sub-section (5); or

(b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft, —

(a) if, in the case of any person on board the aircraft, he has reasonable grounds—

(i) to believe as mentioned in clause (a) of sub-section (1); and

(ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be; and

(b) if, in the case of any person on board the aircraft, he has reasonable grounds to believe as mentioned in clause (b) of sub-section (1), may deliver that person to the appropriate authority.

(6) The commander of an aircraft—

(a) if he disembarks any person in pursuance of clause (a) of sub-section (5), in the case of an Indian registered aircraft, in any country or, in the case of any other aircraft, in India, shall report the fact of, and the reasons for, that disembarkation to—

- (i) the appropriate authority in the country of disembarkation; and
- (ii) the appropriate diplomatic or consular officer of the country of nationality of that person;

(b) if he intends to deliver any person in pursuance of clause (b) of sub-section (5) in India, or in the case of an Indian registered aircraft, in any other country which is a Convention country, shall before or as soon as reasonably practicable after landing give notification of his intention and of the reasons therefor—

- (i) to the appropriate authority; and
- (ii) in either case, to the appropriate diplomatic or consular officer of the country of nationality of that person;

and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this sub-section shall be liable on summary conviction to a fine not exceeding one thousand rupees.

Jurisdiction

6. (1) For the avoidance of doubt, it is hereby declared that for the purpose of any proceedings before a court in India, any court having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of offences and other acts committed on board an aircraft as described in this Act wherever that offence or act is committed.

(2) For the purposes of conferring jurisdiction, an offence under any law in force in India, committed on board an aircraft in flight shall be deemed to have been committed in any place in India where the offender may for the time being be.

Provisions as to evidence in connection with aircraft

7. (1) Where in any proceedings before a court in India for an offence or other act committed on board an aircraft the testimony of any person is required and the court is satisfied that the person in question cannot be found in India, there shall be admissible in evidence before that court any deposition relating to the subject matter of those proceedings previously made on oath by that person outside India which was so made—

(a) in the presence of the person charged with the offence; and

(b) before a judge or a magistrate of a country such as is mentioned in the First Schedule to the Citizenship Act, 1955 or before a consular officer of the Central Government.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made and he shall certify that the person charged with the offence was present at the taking of the deposition.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate, and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

(4) If a complaint is made to such a consular officer as aforesaid that any offence has been committed on an Indian registered aircraft while in flight elsewhere than in or over India, that officer may enquire into the case upon oath.

(5) In this section—

(a) the expression "deposition" includes an affidavit, affirmation or statement made upon oath; and

(b) the expression "oath" includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and nothing contained in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

Provisions as to documentary evidence

8. (1) In any legal proceedings under this Act, a document published by the Ministry of the Central Government dealing with Civil Aviation and purporting to be the publication known as "Aeronautical Information Publication" or a publication of the series known as "Notam" and "Aeronautical Information Circular" shall be evidence of the matters appearing from that document.

(2) Any message or signal transmitted to or received from an aircraft which relates to the position of the aircraft will be treated as evidence of certain records and shall apply to any legal proceedings.

CHAPTER IV MISCELLANEOUS

Power to apply the provisions of Act with modifications to certain aircraft

9. The Central Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall apply to an aircraft referred to in sub-clause (B) of clause (e) of sub-section (1) of section 2, subject to such modifications as may be specified in the notification.

Contracting Parties to Convention

10. The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Tokyo Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification by the Central Government shall be conclusive evidence of the matters certified therein.

Power to treat certain aircraft to be registered in Convention country

11. If the Central Government is satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

2. THE ANTI-HIJACKING ACT, 1982 (No. 65 of 1982)

[6th November 1982]

An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft and for matters connected therewith.

WHEREAS a Convention for the Suppression of Unlawful Seizure of Aircraft was, on the 16th day of December, 1970, signed at The Hague;

AND WHEREAS it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

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

CHAPTER I PRELIMINARY

Short title, extent, application and commencement

1. (1) This Act may be called the Anti-Hijacking Act, 1982.
- (2) It extends to the whole of India and, save as otherwise provided in this Act, it applies also to any offence thereunder committed outside India by any person.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,
 - (a) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service;
 - (b) "aircraft registered in India" means an aircraft which is for the time being registered in India;
 - (c) "Convention country" means a country in which the Hague Convention is for the time being in force;
 - (d) "Hague Convention" means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on the 16th day of December, 1970;
 - (e) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in any such force detailed for the purpose.

CHAPTER II HIJACKING AND CONNECTED OFFENCES

Hijacking

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

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

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

Punishment for hijacking

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

Punishment for acts of violence connected with hijacking

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

Jurisdiction

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

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

- (a) such offence is committed on board an aircraft registered in India;
- (b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business or where he has no such place of business, his permanent residence in India; or
- (c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

CHAPTER III MISCELLANEOUS

Provisions as to extradition

7. (1) The offences under section 4 and section 5 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

(2) For the purposes of the application of the Extradition Act, 1962 to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

Contracting parties to Convention

8. The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Hague Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

Power to treat certain aircraft to be registered in Convention countries

9. If the Central Government is satisfied that the requirements of Article 5 of the Hague Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

Previous sanction necessary for prosecution

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

Protection of action taken in good faith

11. (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 lie 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.

3. THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF CIVIL AVIATION ACT, 1982 (No. 66 of 1982)

[6th November 1982]

An Act to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and for matters connected therewith.

WHEREAS a Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation was, on the 23rd day of September, 1971, signed at Montreal;

AND WHEREAS it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

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

CHAPTER 1 PRELIMINARY

Short title, extent, application and commencement

1. (1) This Act may be called the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982.
- (2) It extends to the whole of India and, save as otherwise provided in this Act, it applies also to any offence under section 3 committed outside India by any person.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. (1) In this Act, unless the context otherwise requires, —
 - (a) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service;
 - (b) "aircraft registered in India" means an aircraft which is for the time being registered in India;
 - (c) "Convention country" means a country in which the Montreal Convention is for the time being in force;

(d) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in such force detailed for the purpose;

(e) "Montreal Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on the 23rd day of September, 1971.

(2) For the purposes of this Act,

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

(b) an aircraft shall be deemed to be in service from the beginning of the pre-flight preparation of the aircraft by the ground staff or by the crew for a specific flight until twenty-four hours after any landing and the period of such service shall include the entire period during which the aircraft is in flight.

CHAPTER II OFFENCES

Offences of committing violence on board an aircraft in flight, etc.

3. (1) Whoever unlawfully and intentionally—

(a) commits an act of violence against a person on board an aircraft in flight which is likely to endanger the safety of such aircraft; or

(b) destroys an aircraft in service or causes damage to such aircraft in such a manner as to render it incapable of flight or which is likely to endanger its safety in flight; or

(c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

(d) communicates such information which he knows to be false so as to endanger the safety of an aircraft in flight;

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.

Destruction of, or damage to, air navigation facilities

4. (1) Whoever unlawfully and intentionally destroys or damages air navigation facilities or interferes with their operation in such a manner as is likely to endanger the safety of the aircraft in flight shall be punished with imprisonment for life and shall also be liable to a 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.

Jurisdiction

5. (1) Subject to the provisions of sub-section (2), where an offence under section 3 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

(2) No court shall take cognizance of an offence punishable under section 3 which is committed outside India unless—

- (a) such offence is committed on board an aircraft registered in India;
- (b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business, or where he has no such place of business, his permanent residence in India; or
- (c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

CHAPTER III
MISCELLANEOUS

Provisions as to extradition

6. (1) The offences under section 3 and section 4 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

(2) For the purposes of the application of the Extradition Act, 1962 to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

Contracting parties to Convention

7. The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Montreal Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

Power to treat certain aircraft to be registered in Convention Countries

8. If the Central Government is satisfied that the requirements of Article 9 of the Montreal Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

Previous sanction necessary for prosecution

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

Protection of action taken in good faith

10. (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 lie 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.

4. THE SAARC CONVENTION (SUPPRESSION OF TERRORISM)
ACT, 1993 (No. 36 of 1993)

[26th April 1993]

An Act to give effect to the South Asian Association for Regional Cooperation Convention on Suppression of Terrorism and for matters connected therewith or incidental thereto.

WHEREAS a Convention on the Suppression of Terrorism was signed on behalf of the Government of India at Kathmandu on the 4th day of November, 1987;

AND WHEREAS India having ratified the said Convention, should make provisions for giving effect thereto and for matters connected therewith or incidental thereto;

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

Short title, extent and application

1. (1) This Act may be called the SAARC Convention (Suppression of Terrorism) Act, 1993.

(2) It extends to the whole of India and, subject to the provisions of section 6, it applies also to any offence under this Act committed outside India by any person.

Definitions

2. In this Act, unless the context otherwise requires, —

(a) "Convention" means the South Asian Association for Regional Cooperation Convention on Suppression of Terrorism signed at Kathmandu on the 4th day of November, 1987 as set out in the Schedule;⁵⁹

(b) "Convention country" means a country in which the Convention is for the time being in force.

Application of the Convention

3. Notwithstanding anything to the contrary contained in any other law, the provisions of Articles I to VIII of the Convention shall have the force of law in India.

Hostage-taking

4. (1) Whoever, by force or threat of force or by any other form of intimidation, seizes or detains any person and threatens to kill or injure that person with intent to cause a Convention country to do or abstain from doing any act as

⁵⁹ The Schedule containing the SAARC Regional Convention on Suppression of Terrorism has not been reproduced but is available for consultation from the Codification Division, Office of Legal Affairs.

the means of avoiding the execution of such threat, commits the offence of hostage-taking.

(2) Whoever commits the offence of hostage-taking shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Provisions as to Extradition Act

5. For the purposes of the Extradition Act, 1962, in relation to a Convention country, an offence under sub-section (1) of section 4 or any other offence specified in Article I of the Convention, shall not be considered to be an offence of a political character.

Offences committed outside India

6. (1) When an offence under sub-section (1) of section 4 or any other offence specified in Article I of the Convention is committed outside India, —

- (a) by a citizen of India, whether on the high seas or elsewhere;
- (b) by a person, not being such citizen, on any ship or aircraft, registered in India; or
- (c) by a person, not being such citizen, in a Convention country,

he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, by general or special order published in the Official Gazette, direct that the offence under sub-section (1) of section 4 or any other offence specified in Article I of the Convention may be inquired into or tried at any place within India.

Previous sanction necessary for prosecution

7. No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government and the sanction granted under this section shall be deemed to be a sanction granted under section 188 of the Code of Criminal Procedure, 1973.

Protection of action taken in good faith

8. (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 lie 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.

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XXII. ISRAEL⁶⁰

1. PREVENTION OF TERRORISM ORDINANCE⁶¹

THE PROVISIONAL COUNCIL OF STATE hereby enacts as follows:—

1. “Terrorist organisation” means a body of persons resorting in its activities to acts of violence calculated to cause death or injury to a person or to threats of such acts of violence;

“member of a terrorist organisation” means a person belonging to it and includes a person participating in its activities, publishing propaganda in favour of a terrorist organisation or its activities or aims, or collecting moneys or articles for the benefit of a terrorist organisation or its activities.

Activity in a terrorist organisation

2. A person performing a function in the management or instruction of a terrorist organisation or participating in the deliberations or the framing of the decisions of a terrorist organisation or acting as a member of a tribunal of a terrorist organisation or delivering a propaganda speech at a public meeting or over the wireless on behalf of a terrorist organisation, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twenty years.

Membership in a terrorist organisation

3. A person who is a member of a terrorist organisation shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding five years.

Supporting a terrorist organisation

4. A person who -

⁶⁰ Transmitted to the Secretariat by that Government on 22 May 2001.

⁶¹ No. 33 of 5708-1948. Published in the *Official Gazette*, No. 24 of the 25th Elul, 5708 (29th September, 1948)