

TEJAS M, MONICA J.

Professor, **MANGAYARKARASI N**

St. Francis de sales college, Electronic city, Bangalore – 100

Abstract:

According to international law, one of the aircraft crime which is often called as "Aircraft hijacking" is considered as one of the crime against human kind. It is totally condemned by the international community because of this impact of crime it devastates the humanities values, threatens life, and destroys belongings. The motive underlines this crime may be driven from personal motive, hostage taking, political reason and to disrupt law and order. It is the state who has the full responsibility on international law. The effort to resolve this aircraft hijacking can be done through international network, bilateral agreement and of the extradition of those who commits aircraft hijacking. Since there are tight security measures taken by the Airlines authorities during pandemic and noticed that it's comparatively less during this period.

Keywords: Aircraft, hijacking, international laws, crime, motive, agreements and pandemic.

Introduction:

Air travel is known as the fastest mode of transportation. Aviation industry began in the late 18th century it is also one of the fastest growing industry in the world. The coin has two different faces similarly aviation industry has both advantages and disadvantages. One such disadvantage is crisis. Crisis is a point of intense difficulty or dangerous situations. It is important that wise decisions are made during this uneven situation to ensure the safety. One such crisis is aircraft hijacking, this is a burdensome situation. This aircraft hijacking not only affects just aviation industry but also effects common people, government, economic of the country or the state and many other things. An attempt has been made to analyse the reasons and the effects of aircraft hijacking in aviation industry.

Review of literature:

Reviews relating to our studies.

As per the journal of air transport management it is noted the study of "the major economic, management and policy issues faced by air transport industry" and also gives idea about security challenges as well.

Journal of air law and commerce which was published by southern Methodist University notes "domestic and international problems of the airline industry and also gives information on legal topics that have great impact in the aviation industry" As per the article published in The times of India on December 25, 1999 stated that "hijackers seize IA Airbus with 189 on board"

Aircraft hijacking examples:

The first aircraft hijacking was recorded on 21th February 1931 Captain Byron Richards was the first pilot who experienced the world's first hijacking. After landing his panagra ford type plane with three engines being surrounded with armed military the soldiers arrested the pilot and the plane was confiscated. Another hijacking act happened on 6th July 1948 a seaplane was hijacked in a robbery attempt and the plane crashed into river pearl which resulted in the death of 26

passengers and the 4 crew members. The air pirate was the only survivor. On the 10th November 1969 an aircraft hijacking act took place which was recorded as the hijacking by the youngest person. Delta airline was hijacked by 14-year old named David Booth in Chicago on 24th November 1971. Another interesting aircraft hijacking act happened were Boeing 727 type plane which belonged to Northwest orient airlines was hijacked by air pirate named D.B Cooper. After the plane took off the air pirate jumped out the plane with a parachute with the 200,000 dollars that he stole and disappeared and was never caught. This hijacking act was the most mysterious one in the American history. Till date D.B Cooper is the only pirate who never got caught by FBI after this event, few system was developed to prevent the opening of plane doors in flights and this incident was named as cooper van after the name of the air pirate. However Kandahar hijacking was the first aircraft hijacking in India which took place on 24th December 1999. The Indian airline flight 814 which is commonly known as IC814 was an Indian airline airbus A300. This aircraft was routed from Kathmandu, Nepal to Delhi, India. On Friday 24th this plane was hijacked and was forced to fly to several different locations before landing in Kandahar, Afghanistan. The aircraft was piloted by 37 year old Captain Devi Sharan and First Officer Kajinder Kumar and First Flight Engineer Anil Kumar. There were five hijackers on the plane the hijackers forced the pilot to several series of locations; Amritsar, Lahore and Dubai and then finally forced to land in Kandahar, Afghanistan which was under the control of Taliban at that time. However the hijackers released 27 passengers out of 176 in Dubai. The main motive of this hijacking was apparently to release the Islamic terrorists who were in the prison of India. The case further investigated by CBI later on February 5th 2008 a special anti-hijacking Patiala house court all to life imprisonment, on 13 September 2012 another hijacker was caught on 10 July 2020 one of the accused and other 18 who helped in faking passport and all other illegal things which helped in hijacking the plane were arrested. The above mentioned hijacking incidents that happened in different parts of the world in different ways not only put aviation industry in difficult situation but they also put common people, country, settlement local areas and other thing in danger.

Causes of aircraft hijacking:

Aircraft hijacking acts has various reasons most of them are political reason. However if it's for political reason it is done for two purpose. One the people think they might get punished for their acts so they plan to escape the country by using aeroplane as the mood of transport or some big shot people do this aircraft hijacking to draw the attention all over the world. Some situation aircraft hijacking are done for some other reasons also such as:

1. Demanding the release of certain high profile individuals or terrorist from the prison.
2. Individuals or a group who want to extorted the stolen money out of the country which is commonly known as robbery.
3. Act by terrorist group to show their skills of violence.
4. In some cases people who are mentally unstable does hijacking and this kind of people are to rehab centres under the control of armed force.

Risk that may occur in aircraft hijackings:

Aircraft hijacking has negative effects. This uneven situation in air may lead other dangerous things this aircraft hijacking also effects economy of the state/economy. Aircraft hijacking affects the trust psychology of people towards air travel and creates a negative impact on aviation economy. This may affect the financial situation of aviation companies and creates various financial problems. Aircraft hijacking crime may result in many dangerous events. Some of these situations are listed below:

1. Aircraft hijacking is a situation where the human lives are put into danger, the lives of passengers and the crew can be threatened.
2. Properties of passengers and the airline company may get damaged during aircraft hijacking, however in some cases the settlements also get damaged when the aircraft

- crashes down at the time of aircraft hijacking.
- 3. The fuel in the aircraft may get depleted as the flight path is changed. This may lead to plane crash and therefore may live are at risk.
- 4. The pilot may not be familiar with the navigation where he/she is forced to land. In some case the area to land maybe insufficient in opportunities which means the airport at which they forced to land the aircraft may not have proper equipment's, runway, and other things which are the most important things.
- 5. The unstable situation inside the aircraft may cause the plane to lose its balance or explode.
- 6. When the dispute increases in the plane the hijackers may use there illegal weapons.
- 7. Once the plane takes off and forced to another routes it may cause fluctuation in overall system.

International agreements:

Since the start of aviation industry various accidents and incidents have taken place till date. Each accidents and incidents are different in It's own way. Aircraft hijacking is one such problem there are few national and international solutions regarding aircraft hijacking crime with the study of few laws we come to know about preventions, measures, punishment and dissuasive rules. This problem has entered penal laws of countries and international agreements. After the aircraft hijacking the international regulator bodies tried to bring some laws into power now it is necessary to establish some rules both nationally and internationally. Now a days it's compulsory to make necessary regulation to separates aircraft hijacking from political crimes with international agreements. These agreements help to avoid aircraft hijacking. Some of the international agreements are listed below:

- 1. Preventing and Punishing Terrorism Agreements 1973
- 2. Geneva Convention -1958
- 3. Tokyo Convention - 1947
- 4. La Haye Convention - 1970
- 5. European Convention on the Suppression of Terrorism - 1971

“Federal sky marshals” from hijacking to covid-19:

“Federal sky marshals” plays an important role in anti-hijacking. This anti-hijacking group was created in 1961 to counter aircraft hijackers however in 1962 the first “sky marshal” group was activated. At the time of 9/11 attack which was considered as the first hijacking attacks of India 33 air marshals were operated on US flights. As on date this service has expanded to employee more than thousands of them. The task of this air marshals is to promote confidents in civil aviation system. They also promote safety of air carriers, airports, passengers and crews however, the main aim of this group is to look after airport and aircraft incidents and accidents this federal air marshals are trained to handle other emergency situations also. There are many other challenges faced by these marshals. According to January 2021 reports this air marshals were found doing other safety operation apart from anti-hijacking. It was not easy to these air marshals at the time of covid-19 however this group did their job to their fullest and helped aviation industry in the difficult times.

Post covid-19 information:

Has mentioned in aircraft hijacking samples above there are many aircraft hijacking incidents from 1931 and 2019 and each of this incidents where different in their own way. However the investigation of these incidents brought new security rules, policies, international and bilateral agreements were brought into force. The airline regulatory bodies such as ICAO, TATA, and DGCA brought many anti-hijacking laws. ICAO worked in partnership with international aviation community to achieve future safety improvements which also gives importance on improving safety performance through standardization, monitoring and implementation. The time period of 2015 to 2019 indicates the updates ok key safety performance.

After covid-19 information:

However, after the pandemic situation of covid-19 the rate of aircraft hijacking dropped and there were less hijacking accidents all over the world. The number of hijacking in aviation industry has been decreasing in few years. As per 2021 reports there were only 3 aircraft hijacking after the pandemic. In May 2021, the Belarusian authorities were flying over Belarus on route to Vilnius. A Ryanair commercial jet was hijacked, however according 2020 newly formed safety rules were brought into action but this included some of the risk during covid-19. The safety program named global aviation safety plan (GASP) also helped in anti-hijacking.

Conclusion

As per the survey made air travel is one of the fastest modes of transport and brings together some problems which leads in making some necessary rules and regulations in the aviation sector. The consequences of some of these hijackings are faced even today. Even though it has been almost 85 years since the first aircraft hijacking on 1931, the aircraft hijacking still continues till date. In regard to this there are many rules and international laws to reduce aircraft hijacking there should be obligatory to have plane policies both inside and outside the aircraft. All the countries should have their own regulations to control this act. However the safety measures are much better when compared to early days in aviation industry. Though hijacking acts have reduced after the pandemic we can't expect the same in future and need to bring high-security in air travel into action so that it's never too easy to hijack a plane.

References:

1. Website www.google.com.in , www.wikipedia.com
2. Evan, A.E. 1969. "Aircraft hijacking: its cause and cure, dalam American journal of international law. Vol.63.
3. Agrawala S. Aircraft hijacking and international law. Journal of Air law and commerce
4. Journal of Airport management
5. The Anti-hijacking Act, No; 65, 30. Acts of parliament, 1982 and 2016 (India)
6. Newspaper ; Times of India published on 25 December 1999 and Indian express