

Aircrafts Amendment Act, 2007

February 8, 2013

1. Short title and commencement.

AIRCRAFT (AMENDMENT) ACT, 2007 ¹

[ACT NO. 44 OF 2007]

[December 5, 2007]

An Act further to amend the Aircraft Act, 1934

Be it enacted by Parliament in the Fifty-eight Year of the Republic of India as follows:-

Prefatory Note-Statement of Objects and Reasons.-At present the Central Government through various provisions of the Aircraft Act, 1934 and the rules made thereunder exercises control in respect of manufacture, possession, use, operation, sale, import and export of civil aircrafts and licensing of aerodromes.

2. In the last two decades, significant developments have taken place in the civil aviation sector in India. The domestic air transport services were opened to the private sector in 1994 and the management and operation of the airports, the navigation, communication facilities and the air traffic control at airports were transferred to the Airports Authority of India with effect from the 1st April, 1995. Now, with vast developments in technology, communication, navigation, surveillance and air traffic management are switching over from ground based to satellite based technology. As a result of these developments, a need has arisen to lay down appropriate safeguards to ensure protection of civil aviation against acts of unlawful interference.

3. Keeping in view the above aspects as well as standards laid down by the International Civil Aviation Organisation (ICAO) for safety and security of civil aviation and also to give effect to various provisions of the Convention on International Civil Aviation popularly known as Chicago Convention, certain amendments are proposed to be made to the Aircraft Act, 1934.

4. The Aircraft (Amendment) Bill, 2006, inter alia, seeks-

(a) to regulate foreign registered aircraft which is for the time being operating in or over India;

(b) to empower the Central Government for-

(i) licensing of personnel engaged in air traffic control;

(ii) certification, inspection and regulation of communication, navigation and surveillance and air traffic management;

(iii) safeguarding civil aviation against acts of unlawful interference and to ensure civil aviation security; and

(iv) investigation of incident along with accident.

(c) to empower the Director General of Civil Aviation for performing safety oversight functions.

(d) to impose penalty for contravention of the provisions of the Chicago Convention;



(e) to enhance quantum of existing penalties for violation of rules relating to carriage in aircraft of arms or explosives or providing false information or abetment of offences or non-compliance of directions with a view to achieve desired deterrent effect which would go a long way in raising the compliance level;

(f) to enlarge the scope of the powers of Director General of Civil Aviation.

5. The Bill seeks to achieve the above objects.

1. Received the assent of the President on December 5, 2007 and published in the Gazette of India, Extra., Part II, Section I, dated 6th December, 2007, pp. 1-3, No. 53

(1) This Act may be called the Aircraft (Amendment) Act, 2007.

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

2. Amendment of Section 1.

In Section 1 of the Aircraft Act, 1934 (22 of 1934) (hereinafter referred to as the principal Act), in sub-section (2),-

(i) in clause (a), the word "and" shall be omitted;

(ii) after clause (b), the following clauses shall be inserted, namely:-

"(c) to, and to the persons on, aircraft registered outside India but for the time being in or over India; and

(d) to an aircraft operated by a person who is not a citizen of India but has his principal place of business or permanent residence in India.

3. Amendment of Section 4.

In Section 4 of the principal Act, for the words "The Central Government", the words and figures "Subject to the provisions of Section 14, the Central Government" shall be substituted.

4. Insertion of new Section 4-A.

After Section 4 of the principal Act, the following section shall be inserted, namely:-

"4-A. Safety oversight functions.-The Director General of Civil Aviation or any other officer specially empowered in this behalf by the Central Government shall perform the safety oversight functions in respect of matters specified in this Act or the rules made thereunder."

5. Amendment of Section 5.

In Section 5 of the principal Act,-

(a) in sub-section (1), for the words "The Central Government", the words and figures "Subject to the provisions of Section 14, the Central Government" shall be substituted;



(b) in sub-section (2),-

(i) for clause (b), the following clauses shall be substituted, namely:-

"(ii) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the prohibition or regulation of the use of unlicensed aerodromes;

(ba) the fees which may be charged at those aerodromes to which the Airports Authority of India Act, 1994 (55 of 1994) does not apply or is not made applicable;"

(ii) after clause (g), the following clauses shall be inserted, namely:-

"(ga) the licensing of persons engaged in air traffic control;

(gb) the certification, inspection and regulation of communication, navigation and surveillance or air traffic management facilities;

(gc) the measures to safeguard civil aviation against acts of unlawful interference;"

6. Amendment of Section 5-A.

In Section 5-A of the principal Act, in sub-section (1), for the words, brackets, letters and figures "clauses (b), (c), (e), (f), (g), (h) and (m) of subsection (2) of Section 5, to any person or persons engaged in aircraft operations or using any aerodrome", the words, brackets, letters and figures "clauses {ad), (b), (c), (e) (f), (g), (ga), (gb), (gc), (h), (i), (m) and (qq) of sub-section (2) of Section 5, to any person or persons using any aerodrome or engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, communication, navigation, surveillance and air traffic management facilities and safeguarding civil aviation against acts of unlawful interference" shall be substituted.



7. Amendment of Section 7.

In Section 7 of the principal Act,-

(a) in sub-section (1), for the portion beginning with the words "The Central Government", and ending with the words "of any accident", the words and figures "Subject to the provisions of Section 14, the Central Government may, by notification in the Official Gazette, make rules providing for the investigation of any accident or incident" shall be substituted;

(b) in sub-section (2), for the word "accident" wherever it occurs, the words "accident or incident" shall be substituted.

8. Amendment of Section 8.

In Section 8 of the principal Act, in sub-section (2), for the words "The Central Government", the words and figures "Subject to the provisions of Section 14, the Central Government" shall be substituted.

9. Amendment of Section 8-A.

In Section 8-A of the principal Act, for the words "The Central Government", the words and figures "Subject to the provisions of Section 14, the Central Government" shall be substituted.

10. Amendment of Section 8-C.

In Section 8-C of the principal Act, for the words "The Central Government", the words and figures "Subject to the provisions of Section 14, the Central Government" shall be substituted.

11. Amendment of Section 10.

In Section 10 of the principal Act,-

(i) in sub-section (1), for the word "fine", the words "fine which may extend to ten lakh rupees" shall be substituted;

(ii) in sub-section (1-A), for the words "one year, or fine which may extend to two thousand rupees", the words "three years, or with fine which may extend to ten lakh rupees" shall be substituted;

(iii) in sub-section (2),-

(a) for the word and figure "Section 7", the words and figures "Section 4, Section 7" shall be substituted;

(b) for the words "three months, or with fine which may extend to one thousand rupees", the words "two years, or with fine which may extend to ten lakh rupees" shall be substituted.



12. Amendment of Section 11.

In Section 11 of the principal Act, for the words "six months, or with fine which may extend to one thousand rupees", the words "two years, or with fine which may extend to ten lakh rupees" shall be substituted.

13. Amendment of Section 11-A.

In Section 11-A of the principal Act, for the words "six months", the words "two years" shall be substituted.

14. Amendment of Section 11-B.

In Section 11-B of the principal Act,-

(a) in sub-section (1), for the words "six months, or with fine which may extend to one thousand rupees", the words "two years, or with fine which may extend to ten lakh rupees" shall be substituted;

(b) in sub-section (2), the following proviso shall be inserted, namely:-

"Provided that the power to make rules under this sub-section shall be subject to the provisions of Section 14."

