

The Aircraft (Amendment) Bill, 2020

March 5, 2020

Source: PRS India

Union government introduced a bill in the Lok Sabha to amend the Aircraft Act, 1934. The Act regulates the manufacture, possession, use, operation, sale, import and export of civil Aircraft, and licensing of aerodromes.

Key features of the Bill:

- **Converting three bodies into statutory bodies:** The Bill converts three existing bodies under the Ministry of Civil Aviation into statutory bodies under the Act. These three authorities are:
 1. **The Directorate General of Civil Aviation (DGCA)**- It will carry out safety oversight and regulatory functions with respect to matters under the Bill.
 2. **The Bureau of Civil Aviation Security (BCAS)**-It will carry out regulatory oversight functions related to civil aviation security.
 3. **The Aircraft Accidents Investigation Bureau (AAIB)**- It will carry out investigations related to aircraft accidents and incidents.
- Each of these bodies(mentioned above) will be headed by a Director-General who will be appointed by the centre.
- Power of central government to make rules: Under the Act, the central government may make rules on several matters. These include
 1. Registration of aircraft
 2. Regulating air transport services, and
 3. Prohibition of flight over any specified area.
 4. The Bill adds the regulation of air navigation

services to this list.

- The bill also allows the centre to empower the Director-General of BCAS or any authorised officer to issue directions and make rules on certain matters. These matters include:
 1. Conditions under which an aircraft may be flown
 2. Inspection of aircraft, and
 3. Measures to safeguard civil aviation against acts of unlawful interference.
- Designated officers: The proposed bill provides for the appointment of designated officers, not below the rank of Deputy Secretary to adjudicate penalties. Persons aggrieved by an order of a designated officer may appeal to an appellate officer. It mentions that appeals must be filed by the aggrieved person within 30 days from the day the order is received.
- **Increased Penalties:** Under the Aircraft Act, the penalty for various offences is imprisonment of up to two years, or a fine of up to Rs 10 lakh, or both. These offences include carrying arms, explosives, or other dangerous goods aboard aircraft, contravening any rules notified under the Act, and constructing building or structures within the specified radius around an aerodrome reference point. **The Bill raises the maximum limit on fines for all these offences from Rs 10 lakh to one crore rupees.**
- **Cancelling the licences and certificates:** Under the Bill, the central government may cancel the licences, certificates, or approvals granted to a person under the Act if the person contravenes any provision of the Act. Such licences include those given for:
 1. The establishment of an air transport service
 2. The establishment of aerodromes, and
 3. The operation, repair, and maintenance of aircraft.
- **Compounding of certain offences under the Act:** The Bill allows for the compounding of certain offences under the

Act or rules under the Act. These include:

1. Flying to cause danger to any person or property and
 2. The contravention of any directions issued by the Director-General of any of the three bodies. Compounding of offences is not allowed in case of repeat offences.
- **Jurisdiction of Courts:** Courts will not take cognizance of any offence under this Act unless a complaint is made by, or there is the previous sanction from the Director-General of Civil Aviation, BCAS, or AAIB. Only courts equivalent or superior to a Metropolitan Magistrate or a Magistrate of the first class may try offences under the Act.
 - **Exemption for Armed Forces:** Aircraft belonging to the naval, military, or air forces of the Union are exempted from the provisions of the Act.
 - The Bill expands this exemption to include aircraft belonging to any other armed forces of the Union.
 - However, aircrafts belonging to an armed force other than the naval, military, and air forces which are currently regulated under the Act will continue to do so until specified otherwise by the central government.