

Bill No. 28-C of 2020

THE AIRCRAFT (AMENDMENT) BILL, 2020

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BILL

further to amend the Aircraft Act, 1934.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. This Act may be called the Aircraft (Amendment) Act, 2020.

Short title.

22 of 1934.

2. In the Aircraft Act, 1934 (hereinafter referred to as the principal Act), in section 2,—

Amendment
of section 2.

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(a) after clause (I), the following clause shall be inserted, namely:—

'(IA) "Aircraft Accidents Investigation Bureau" means the Aircraft Accidents Investigation Bureau constituted under section 4C;'

(b) after clause (2A), the following clauses shall be inserted, namely:—

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'(2B) "Bureau of Civil Aviation Security" means the Bureau of Civil Aviation Security constituted under section 4B;

(2C) "Directorate General of Civil Aviation" means the Directorate General of Civil Aviation constituted under section 4A;'

Substitution of new sections 4A, 4B, 4C and 4D for section 4A.

3. For section 4A of the principal Act, the following sections shall be substituted, namely:—

Directorate General of Civil Aviation.

"4A. (1) The Central Government may constitute a body to be known as the Directorate General of Civil Aviation, which shall be headed by an officer designated as the Director General of Civil Aviation to be appointed in this behalf by the Central Government by notification in the Official Gazette. 5

(2) The Directorate General of Civil Aviation shall be responsible for carrying out the safety oversight and regulatory functions in respect of matters specified in this Act or the rules made thereunder.

(3) The administration of the Directorate General of Civil Aviation shall vest in the Director General of Civil Aviation. 10

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Civil Aviation may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government. 15

Bureau of Civil Aviation Security.

4B. (1) The Central Government may constitute a body to be known as the Bureau of Civil Aviation Security, which shall be headed by an officer designated as the Director General of Bureau of Civil Aviation Security to be appointed in this behalf by the Central Government by notification in the Official Gazette.

(2) The Bureau of Civil Aviation Security shall be responsible for carrying out the regulatory and oversight functions in respect of matters relating to civil aviation security specified in this Act or the rules made thereunder. 20

(3) The administration of the Bureau of Civil Aviation Security shall vest in the Director General of Bureau of Civil Aviation Security.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Bureau of Civil Aviation Security may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government. 25

Aircraft Accidents Investigation Bureau.

4C. (1) The Central Government may constitute a body to be known as the Aircraft Accidents Investigation Bureau, which shall be headed by an officer designated as the Director General of Aircraft Accidents Investigation Bureau to be appointed in this behalf by the Central Government by notification in the Official Gazette. 30

(2) The Aircraft Accidents Investigation Bureau shall be responsible for carrying out the functions in respect of matters relating to investigation of aircraft accidents or incidents specified in this Act or the rules made thereunder. 35

(3) The administration of the Aircraft Accidents Investigation Bureau shall vest in the Director General of Aircraft Accidents Investigation Bureau.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Aircraft Accidents Investigation Bureau may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government. 40

Superintendence of Central Government.

4D. The superintendence of the Directorate General of Civil Aviation, the Bureau of Civil Aviation Security and the Aircraft Accidents Investigation Bureau shall vest in the Central Government, which shall have the power to issue directions to each of these organisations, on any matters falling under sub-section (2) of sections 4A, 4B and 4C, respectively, if it considers necessary and expedient so to do in the public interest." 45

4. In section 5 of the principal Act, in sub-section (2),—

Amendment
of section 5.

(i) after clause (gc), the following clause shall be inserted, namely:—

5 "(gd) the regulation of air navigation services, that is, aeronautical information services, aeronautical charting and cartography services, aeronautical meteorological services, search and rescue services, procedure for air navigation services and aircraft operations other than those referred to in clause (gb) and any other matter relating to air navigation services;"

(ii) clause (qq) shall be relettered as clause (qa) thereof and in clause (qa) as so relettered, the word "and" occurring at the end shall be omitted;

10 (iii) after clause (qa), the following clauses shall be inserted, namely:—

"(qb) safety oversight and regulatory functions;

(qc) regulatory and oversight functions in respect of matters relating to civil aviation security; and".

5. In section 5A of the principal Act,—

Amendment
of section 5A.

15 (i) in sub-section (1), for the brackets, letters and word "(gc), (h), (i), (m) and (qq)", the brackets, letters and word "(gc), (gd), (h), (i), (m), (qa) and (qb)" shall be substituted;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:—

20 "(1A) The Director General of Bureau of Civil Aviation Security or any other officer specially empowered in this behalf by the Central Government may, from time to time, by order, issue directions, consistent with the provisions of this Act and the rules made thereunder, with respect to any of the matters specified in clauses (e), (f), (gc) and (qc) 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, or safeguarding civil aviation against acts of unlawful interference, in any case where the Director General of Bureau of Civil Aviation Security or such other officer is satisfied that in the interests of the security of India or to ensure security of civil aviation operations, it is necessary so to do.

30 "(1B) On receipt of a representation from any person or otherwise, if it considers necessary and expedient to do so in the public interest, the Central Government may review any order passed under sub-section (1) or sub-section (1A) and issue directions to the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security, as the case may be, to rescind or modify such order.";

(iii) in sub-section (2), after the word, brackets and figure "sub-section (1)", the words, brackets, figures and letters "or sub-section (1A) or sub-section (1B)" shall be inserted.

6. In section 10 of the principal Act, in sub-section (1A),—

Amendment
of section 10.

40 (i) for the word, brackets and letters "clause (qq)", the word, brackets and letters "clause (qa)" shall be substituted;

(ii) for the words "ten lakh rupees" wherever they occur, the words "one crore rupees" shall be substituted.

45 7. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of new
sections 10A
and 10B.

"10A. (1) Notwithstanding anything contained in sub-section (2) of section 10, the Central Government may, in making any rule under section 4, 5, 7, 8, 8A or section 8B,

Adjudication
of penalties.

provide for imposition of penalty not exceeding rupees one crore for the contravention of any rule for which no other punishment has been provided elsewhere in the Act, or in the rules made thereunder, for such contravention.

(2) The Central Government may, by an order published in the Official Gazette, appoint such number of officers not below the rank of Deputy Secretary to the Government of India or equivalent, as it considers necessary, to be designated officers for adjudging penalty under sub-section (1), in such manner as the Central Government may, by notification in the Official Gazette, make rules. 5

(3) The Central Government may, while appointing designated officers under sub-section (2), also specify their jurisdiction in that order. 10

(4) Where the designated officer is satisfied that any contravention of the provisions of the rules has been committed by any person, he may, by an order in writing, impose penalty on such person stating the nature of contravention, the provision of rules which has been contravened and the reasons for imposing such penalty: 15

Provided that the designated officer shall, before imposing any penalty, give a reasonable opportunity of being heard to such person.

(5) Any person aggrieved by an order made under sub-section (4) may prefer an appeal to an appellate officer having jurisdiction in the matter who is next higher in rank to the designated officer who has passed such order. 20

(6) Every appeal under sub-section (5) shall be filed within thirty days from the date on which the copy of the order made by the designated officer is received by the aggrieved person and shall be in such form and manner, and be accompanied by such fees, as the Central Government may, by notification in the Official Gazette, make rules. 25

(7) The appellate officer may, after giving the parties to the appeal an opportunity of being heard, pass such order as he thinks fit, confirming, modifying or setting aside the order appealed against.

Cancellation of licence or certificate or approval. 10B. Notwithstanding anything contained in this Act, if any person contravenes any of the provisions of this Act or the rules made thereunder, the licence, certificate or approval issued to such person under this Act may be suspended or cancelled in such manner as the Central Government may, by notification in the Official Gazette, make rules." 30

Amendment of section 11. 8. In section 11 of the principal Act, for the words "ten lakh rupees", the words "one crore rupees" shall be substituted. 35

Amendment of section 11A. 9. In section 11A of the principal Act, for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Amendment of section 11B. 10. In section 11B of the principal Act, in sub-section (1), for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Insertion of new sections 12A and 12B. 11. After section 12 of the principal Act, the following sections shall be inserted, namely:— 40

Composition of offences. "12A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under sections 10,11,11A,11B and section 12 or under any rules made thereunder, may be compounded, either before or after the institution of any prosecution, by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be, in such manner as the Central Government may, by notification in the Official Gazette, make rules. 2 of 1974. 45

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date of commission of a similar offence which was earlier compounded or for which such person was earlier convicted.

5 (3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central Government.

(4) Every application for the compounding of an offence shall be made in such manner as the Central Government may, by notification in the Official Gazette, make
10 rules.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence by an officer referred to in sub-section (1) against the offender in relation to whom the offence is so compounded.

15 (6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought to the notice of the court in which the prosecution is pending, in writing, by the officer referred to in sub-section (1), and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

20 (7) The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(8) No offence specified in sub-section (1) shall be compounded except as provided in this section.

25 12B. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by or with the previous sanction in writing by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be. Cognizance of offences.

30 (2) The complaint referred to in sub-section (1) shall be made within a period of one year from the date on which the offence came to the knowledge of the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be.

2 of 1974. 35 (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try the offences under this Act."

12. In section 19 of the principal Act, in sub-section (1),—

Amendment
of section 19.

(a) after the words "or air forces of the Union", the words "or other armed forces of the Union constituted by any law for the time being in force" shall be inserted;

40 (b) the following proviso shall be inserted, namely:—

"Provided that any aircraft belonging to an armed force of the Union other than naval, military or air forces of the Union, for which the provisions of this Act and the rules made thereunder are applicable on the date of commencement of the Aircraft (Amendment) Act, 2020, shall continue to be so
45 governed by this Act and the rules made thereunder till such date as the Central Government may, by notification in the Official Gazette, specify."

Transitional provisions relating to existing authorities.

13. Anything done, or any action or decision taken, or any order or direction issued, by any authority set up pursuant to the provisions of the principal Act or rules made thereunder, prior to the date of coming into force of this Act, shall, insofar as such action or decision or direction are relatable to the functions of the Directorate General of Civil Aviation or the Bureau of Civil Aviation Security or the Aircraft Accidents Investigation Bureau, as the case may be, shall be deemed to have been done or taken or issued by the Directorate General of Civil Aviation or the Bureau of Civil Aviation Security or the Aircraft Accidents Investigation Bureau, as the case may be, constituted under sections 4A, 4B and 4C, respectively, of this Act. 5

LOK SABHA

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further to amend the Aircraft Act, 1934.

(As passed by Lok Sabha)