

PARLIAMENT OF INDIA

RAJYA SABHA

**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON TRANSPORT, TOURISM & CULTURE
ONE HUNDRED AND NINTH REPORT**

ON

**THE AIRCRAFT (AMENDMENT) BILL, 2006
(PRESENTED TO THE RAJYA SABHA ON 13.03.07)
(LAID ON THE TABLE OF THE LOK SABHA ON 13.03.07)**

**RAJYA SABHA SECRETARIAT
NEW DELHI**

March 2007/Phalguna1928(SAKA)

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**COMPOSITION OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON TRANSPORT, TOURISM AND CULTURE
(2006-2007)**

1. **Shri Sitaram Yechury** - *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Shri S.S. Chandran
4. Shri Vedprakash P. Goyal
5. Prof. Alka Balram Kshatriya
6. Shri Janardhana Poojary
7. Shri M.V. Mysura Reddy
8. Shri Satish Kumar Sharma
9. Shri Shahid Siddiqui
10. Shri Shatrughan Sinha

LOK SABHA

11. Shri Anandrao Vithoba Adsul
12. Shri Sukhbir Singh Badal
13. Shri Joachim Baxla
14. Shri Sartaj Singh Chhatwal
15. Shri N.S.V. Chitthan
16. Shri Adhir Chowdhury
17. Dr. K. Dhanaraju
18. Smt. Priya Dutt
19. Shri Dip Gogoi
20. Shri P. Karunakaran
21. Shri Vijay Kumar Khandelwal
22. Dr. P.P. Koya
23. Dr. Ramkrishna Kusmaria
24. Shri Samik Lahiri
25. Shri Alok Kumar Mehta
26. Shri Hemlal Murmu
27. Shri Madan Lal Sharma
28. Shri Akshay Pratap Singh
29. Shri Dushyant Singh
30. Shri Suraj Singh
31. Vacant*

SECRETARIAT

Shri Shamsher Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

* Since expiration of Shri Manbendra Shah on 5.1.2007.

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture, having been authorized by the Committee to present on its behalf, do hereby present this One Hundred Ninth Report of the Committee on the Aircraft (Amendment) Bill 2006*.

2. The Bill was introduced in the Lok Sabha on the 7th August, 2006. In pursuance of rules relating to the Department-related Parliamentary Standing Committees, the Hon'ble Chairman, Rajya Sabha, in consultation with the Hon'ble Speaker, Lok Sabha, referred** the Bill to the Committee on the 4th September, 2006 for examination and report.

3. The Committee took oral evidence of the Secretary and other officers of the Ministry of Civil Aviation at its meeting held on the 6th October, 2006.

4. The Committee heard the views of Shri V. K. Mathur, Ex. Chairman, Airports Authority of India, Shri Satendra Singh, Ex. Director General of Civil Aviation on the provisions of the Bill at its meeting held on the 27th October, 2006. The Committee heard the views of Shri K. Ramalingam, Chairman, Airports Authority of India on the provisions of the Bill at its meeting held on the 5th December, 2006. The Committee also heard the views of the representatives of Airports Authority Employees' Union, Centre for Asia Pacific Aviation, Jet Airways and Kingfisher Airlines at its meeting held on the 25th January, 2007.

5. The Committee took up clause-by-clause consideration of the Bill during its meeting held on the 20th February, 2007. The Committee considered the draft Report on the subject and adopted the same on the 9th March, 2007.

6. The Committee wishes to express its thanks to the Secretary and other officers of the Ministry of Civil Aviation for the assistance provided during deliberations on the provisions of the Bill. The Committee also acknowledges the contribution of Shri V. K. Mathur, Shri Satendra Singh, Shri K. Ramalingam and the representatives of Airports Authority Employees' Union, Centre for Asia Pacific Aviation, Jet Airways and Kingfisher Airlines, who submitted their valuable suggestions on the provisions of the Bill.

NEW DELHI;

March 9, 2007

Phalguna 18, 1928 (Saka)

SITARAM YECHURY

Chairman,

Department-related Parliamentary Standing

Committee on Transport, Tourism and Culture

* Published in the Gazette of India Extraordinary Part II, Section-2, dated 07.08.2006.

* Rajya Sabha Parliamentary Bulletin Part II, No. 43442 dated 05.09.2006.

REPORT

The Aircraft (Amendment) Bill, 2006 was introduced in the Lok Sabha on the 7th August, 2006. The Bill was referred to this Committee for examination and report. Under the mandate, the Committee has examined the Bill and finalised the Report after hearing the views of various stakeholders, experts and Ministries/ Departments. The Bill seeks to enable the Government to regulate the foreign registered aircrafts which are being operated in India, to give powers to Government for the purpose of licensing of personnel engaged in air traffic control, certification, inspection and regulation of communication, navigation and surveillance and air traffic management, safeguarding civil aviation against acts of unlawful interference and to ensure civil aviation security and investigation of "incident" along with "accident". This Bill also proposes to give more powers to the Director General of Civil Aviation for performing safety oversight functions and to impose penalty for contravention of the provisions of the Chicago Convention.

2. The statement of objects and reasons of the Bill states that a sea change has occurred in the aviation sector during the last two decades. The Central Government are already exercising their control over the manufacture, use and operation of civil aircrafts under various provision of the Aircraft Act 1934 and also under various rules and instructions issued under that Act. The management and operation of domestic airports, navigation and communication facilities and air traffic control at all airports was transferred from

Government to the National Airports Authority in 1986. The National Airports Authority was merged with the International Airport Authority of India w.e.f. 1st April 1995 to form a single entity named Airports Authority of India. The Government opened the domestic air transport services to the private sector in 1994. With drastic developments in the fields of technology, communication, navigation, surveillance etc. the air traffic management system is also switching over from ground based to satellite based technology in the near future. With unprecedented growth of the civil aviation sector it has become all the more important to provide safeguards for civil aviation security.

3. The statement of objects and reasons further states that the safety and security provisions and international standards as mentioned in the International Civil Aviation Organization (ICAO) is to be implemented in the present scenario and it also states that the various provisions of the Convention on International Civil Aviation popularly known as Chicago Convention are to be given effect.

4. The Ministry of Civil Aviation in their background note furnished on the 25th September 2006 to the Committee have brought out the following points as reasons for the introduction of the Bill:-

I Regulation of Foreign Registered Aircraft

5. The Aircraft Act 1934 is not having any provision for extending the applicability of the act to foreign registered aircrafts which may be for the time being in or over India. There is no regulatory power with the Government over the foreign registered aircraft when they are operating in India. However, Clause (b) of Sub-rule (2) of Rule 1 of the Aircraft Rules, 1937, which have been made in exercise of the powers conferred by Sections 5, 7 and 8 of the Act, provides that these rules shall also apply to all aircraft and to persons on aircraft for the time being in or over India. In order to remove this anomaly, it is considered necessary to have a similar express provision in the Act, so as to exercise regulatory control on foreign registered aircraft operating in or over India. It is, therefore, proposed to insert a new clause in sub-section (2) of Section 1 of the Act to make this point explicit and clear.

II Accident and Incident

6. Section 7 of the Aircraft Act deals with the investigation of an accident only. However, the word 'incident' is mentioned along with 'accident' in annexure 13 of Chicago Convention and it has made a clear distinction between accidents and incidents. An accident is said to have taken place when a person is fatally or seriously injured during a flight or the aircraft sustains substantial damage or structural failure or the aircraft is missing or is completely inaccessible. An incident, on the other hand, is an occurrence other than an accident associated with the operation of the aircraft that affects or could affect the safety of operations. Since the Parent Act is silent over the incident aspect, the present legislation proposes to include the word incident along with the word accident in Section 7 of the Act.

III Supervisory control over ATM standards/ATC personnel

7. The Government after the enactment of Airports Authority of India Act, 1994, has entrusted the job of management of civil airports in the country to the Airports Authority of India which includes the air traffic control and navigational and communication facilities. But the basic responsibility of ensuring air safety lies with the Government only and for that purpose it needs to exercise supervisory control on the airports and its ground aids, communication and navigation and management facilities etc. The proposed amendment will give powers to the Government to grant license to the personnel engaged in air traffic control in order to maintain the desired standards and level of proficiency. Annexure 1 to the Chicago Convention also provides for such licensing by States in the air traffic control.

IV Civil aviation security

8. With the opening of Indian skies to the private players and arrival of a large number of foreign players in the civil aviation sector, the need for reviewing of civil aviation security is also emphasized. The expression “safety of aircraft operations” mainly covers the maintenance and airworthiness aspects of the aircraft and the proficiency of flight crews, ground engineers, etc. There is no mention about the threat due to unlawful acts of interference. The International Civil Aviation Organization has recognized the distinct importance of safety and security and they have laid down separate standards for security of civil aviation against unlawful interference. In this context, necessity arises to enlarge the scope of Section 5 of the Act to give more powers to the Central Government to make rules to safeguard civil aviation against unlawful acts thereby ensuring civil aviation security.

V Powers to DGCA

9. Section 5A of the Aircraft Act speaks about the powers given to DGCA or any other Officer empowered by Government to issue directions from time to time in consistent with the provisions of the act and rules. Clause (b), (c), (e), (f), (g), (h) and (m) of sub section (2) of Section 5 give powers of licensing, inspection of aerodromes, inspection of aircrafts, the conditions under which aircraft may be flown, the licensing of persons employed in the operation or maintenance of aircrafts, the permission to fly on an air route. However, the fast growing air traffic scenario and the past experience have shown that there is a necessity to enlarge the above powers to cover some grey areas. As such it is proposed that the regulation of air transport services, prohibition of flight over specified areas and prohibition of slaughtering and flaying of animals within 10kms radius of the airports will be included in the section 5 (2) of the Act. The proposed amendments in Clause 5A of the Bill will give more powers to the DGCA over the air traffic control and operation of CNS.

VI Safety Oversight Functions

10. Safety Oversight is a function to ensure effective implementation of safety related Standards and Recommended Practices and associated procedures contained in the Annexure to the Convention on International Civil Aviation and related ICAO documents. Section 4 of the Aircraft Act, 1934 provides power to Central Government to make rules to implement the Convention. Safety Oversight function is currently being performed by DGCA but the Act does not specifically delegate this function to DGCA. It is, therefore, proposed in the Bill to add a Section in the Aircraft Act to specifically provide for Safety Oversight functions to be performed by Director – General of Civil Aviation or any other officer specially empowered in this behalf by Central Government.

VII Penalties for violations of provisions of the act

11. The aircraft operators who are violating various provisions of the Act are punishable under Sub Section 1A of Section 10 of the Act. This punishment includes imposition of fine and imprisonment. These punishments vary depending upon the act or rule it is violating. These penalties were laid down several decades ago and the quantum of fine or imprisonment in this Section has now become out dated and it will not have much deterrent effect on the operators. As such it is inevitable to raise the quantum of punishment in the existing scenario.

VIII Quantum of punishment for rules framed under Chicago Convention

12. Section 4 of the Act gives powers to the Government to frame rules for the implementation of Chicago Convention. However, the violation of Rules is not punishable under Sub Section 2 of Section 10 of the Act. It is therefore, proposed to amend Sub Section 2 of Section 10 to make such violations punishable.

13. In its meeting held on the 6th October, 2006 the Committee heard the views of Secretary, Ministry of Civil Aviation on the Bill. The Committee decided to invite the views of experts/stakeholders on the subject.

14. In order to have wider consultations, the Committee had also decided to invite written memoranda containing suggestions/ views/ comments of individuals / institutions/ organizations interested in the subject matter of the Bill.

15. Thereafter, the Committee heard the views of Employees Union of the Airports Authority of India in its meeting held on the 25th January, 2007. The representatives of the Employees Union mainly opposed the Bill on the following grounds:-

(i) The enhancement of powers to the Government through the proposed amendments in various sections of Aircraft (Amendment) Bill, 2006 will directly result in the encroachment of Airports Authority of India Act, 1994. The powers of the Airports Authority of India will be taken over by the Government through these amendments.

(ii) Section 15 of Airports Authority of India Act as amended in 2003 gives the power to Airports Authority of India to award licence to airports. However, the proposed amendment in clause 5 of Aircraft (Amendment) Bill will give more powers to Government for licensing of airports. This will curtail the existing powers of Airports Authority of India. The present legislation has created confusion by involving two institutions in the process of licensing of airports. The Aircraft (Amendment) Bill, 2006 clearly contravenes Airports Authority of India Act 1994 which empowers Airports Authority of India to award license to airports.

(iii) Section 55 and functional clause 12 (a) to (r) of Airports Authority of India Act 1994 gives various powers to Airports Authority of India for managing, inspecting and other all operational activities involved in the airports. But the Aircraft (Amendment) Bill, 2006 if enacted will effectively make Airports Authority of India to sit on the side lines.

16. The Committee also heard the views of representatives of Airports Authority of India, Centre for Asia

Pacific Aviation, Jet Airways and Kingfisher Airlines and obtained their written comments on the subject. After perusing all these, the Committee in its meeting on 20th February 2007 considered the Aircraft (Amendment) Bill, 2006 clause-by-clause.

17. The Clause wise recommendations of the Committee are as follows:-

CLAUSE 2

17.1 Clause 2 reads - " In section 1 of the Aircraft Act, 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."

17.2 This Clause intends to amend Section 1 of the Principal Act and proposes to expand application of the principal Act to the persons on, aircraft registered outside India but for the time being in or over India and also to an aircraft operated by a person who is not an Indian citizen but has his principal place of business or permanent residence in India. The Secretary, Ministry of Civil Aviation while briefing the Committee about the broad objectives of the Bill stated as under:-

“..... One important area, which I should have mentioned earlier and for which I apologise, is regulation of foreign registered aircraft, which is now becoming an important issue. The Aircraft Act of 1934 does not have any explicit provision regarding the applicability of the Act to foreign registered aircraft, which may either be on our land or flying over our country. A foreign aircraft that is using the Indian airspace is guided or given a certain route to fly over it. The Aircraft Act does not really envisage the kind of a situation where it deviates from that route, and, it does not directly bind down that aircraft to follow the guidelines that the DGCA may issue for compliance.”

17.3. The Committee feels that the opening of Indian skies to private players has resulted in expansion of aviation traffic and as a result thereof a large number of aircraft are operating over the Indian skies leading to heavy traffic over the Indian skies. There is no regulation for the foreign registered aircrafts who are operating in India in the Parent Act. In view of this the Committee adopted this Clause without suggesting any change therein.

17.4 CLAUSE 3

Clause 3 reads - "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".

17.5 This Clause intends to amend section 4 of the Principal Act, which deals with making rules to implement the Conventions of 1944 by making the Government subjective of section 14 of the Act. The Government will enhance its powers to implement the safety-related standards and recommended practices

and associated procedure contained in the annexes to the Chicago Convention.

17.6 Since the main objective of the proposed amendments in the Parent Act is to implement the provisions of Chicago convention, the Committee adopted this Clause without suggesting any amendment therein.

17.7 Clauses 4, 5 and 6 of the Bill were considered together in view of divergent opinions expressed by various stakeholders and others. The Committee accordingly proceeds as under:-

17.8 CLAUSE 4

Clause 4 reads - "After section 4 of the principal Act, the following section shall be inserted, namely:-

“4A. 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.”

17.9 This Clause intends to insert a new Section 4A pertaining to safety oversight functions and intends to give it to DGCA or any other officer specially empowered in this behalf by the Central Government. The DGCA is already performing the safety-related functions but the existing act does not specifically delegate this function to DGCA.

17.10 CLAUSE 5

Clause 5 reads - "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:-

“(b) 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 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;”.

17.11 This Clause intends to amend section 5 of the Principal Act pertaining to power to make rules regarding licensing, inspection and regulation of aerodromes, licensing of air traffic control, fee to be charged at aerodromes, certification etc. of communication, navigation and surveillance or air traffic facilities, etc.

17.12 CLAUSE 6

Clause 6 reads - "In section 5A 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 sub-section (2) of section 5, to any person or persons engaged in aircraft operations or using any aerodrome", the words, brackets letters and figures "clauses (aa), (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 submitted".

17.13 This Clause intends to give more powers to DGCA for safety of aircrafts operations and powers to safeguard civil aviation against acts of unlawful interference.

17.14 The Airports Authority Employees Union have opposed the new Section stating that the said powers are with Airports Authority of India under the Airports Authority of India Act 1994. The present inclusion of new provision will remove the regulatory powers of Airports Authority of India. In this regard, representative of the Employees' Union stated as under:-

".....Sir, in the Aircrafts Amendment Bill, they want to insert 4(c). It says that the DGCA or the officer is empowered by the Central Government to operate safety and inspection matters specified in this law or rules made thereunder. Sir, so far, all these power of managing the airport have been framed by the Airports Authority Act. No.55 of 1994 where the functional Clause 12 was enjoying all the said powers, starting from (a) to (r), including aspects of the joint-venture company. This law was passed in 1994, and subsequently, in 2003, Parliament passed an amendment Bill. Slowly, the powers of the Airports Authority of India are being taken away. The Union feels that the Bill is encroaching upon the powers of the Airports Authority. There are a lot of changes in the Airports Authority law as compared to the original law of 1994".

17.15 With regard to Clause 5, the Secretary, Ministry of Civil Aviation while giving his evidence before the Committee emphasized the need for licensing of ATC personnel, certification of facilities available at Airports and stated as under:-

".....would like to have certification and inspection regulations of the communication, navigation and surveillance, air traffic management facilities, and, as I mentioned, safeguarding of civil aviation. With these two broad objectives, we are empowering the DGCA to issue appropriate directions for regulation of air transport services, air traffic control, maintenance and operation of aerodrome communications."

Experts/stakeholders who presented their views also welcomed the new amendment and stated that the licensing and certification will enhance the quality and standard of the facilities available at airports. They also expressed their concern over the state of affairs of the Indian airports' readiness to compete with the other airports in South Asian countries. The Amendment also covers the improved security at the airports as per the ICAO norms.

17.16 The witnesses expressed their apprehension that these provisions may violate the provisions of the Airports authority of India Act, 1994 and if these provisions are to be enacted the Airports Authority Act has also to be amended. The Airports Authority Employees Union was of the opinion that enhancement of

powers of DGCA would encroach the powers of Airports Authority of India under section 12 of the Airports Authority of India Act 1994. They also wanted clarification on the point that empowering more than one authority on the same issue which will create an imbalance and confusion.

17.17 The Committee finds it difficult to be convinced with the reasons for inclusion of these new provisions in the Parent Act. Since the Airports Authority of India is performing all these functions under Airports Authority of India Act 1994, Government's intention to give more powers to DGCA by overlooking the existing Act of Parliament is not clear. This Bill if enacted will result in overlapping of powers of both Governmental organizations. The Committee feels that without amending or repealing the Airports Authority of India Act, 1994 the Government cannot simply confer the same powers to another body through a different Act. This sort of overlapping would lead to further confusion. The Committee is of the opinion that the term 'any other officer' as mentioned in Clause 4 of the Bill should be clearly specified. Therefore, the committee recommends that Government should examine the Clause 4 of the Bill vis-à-vis the Airports Authority of India Act 1994 and if necessary, Clause may be modified. The committee also recommends that Government should examine the provisions vis-à-vis the Airports Authority of India Act 1994 as the proposed new section is overlapping with the powers of Airports Authority of India. The Committee is of the opinion that there is ambiguity and anomalies in these Clauses and the Government should clear its position and re-draft the Clauses 4, 5 and 6 to remove the anomalies and also by ensuring that powers of which authority would prevail either Airports Authority of India or Directorate General of Civil Aviation in case of any controversy.

17.18 CLAUSE 7

Clause 7 reads - "In section 7 of the principal Act;-

(c) 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;

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

17.19 The Government have proposed to insert the term incident along with accident in section 7. Annexure 13 to the International Convention on Civil Aviation (commonly known as the 'Chicago Convention') makes a distinction between the terms 'Accident' and "Incident" happening to an aircraft.

17.20 The Secretary, Ministry of Civil Aviation stated that the term incident should be included in Section 7 to keep uniformity with Chicago Convention. Members raised their concern over the non availability of independent accident investigating agency which is a must as per Chicago Convention. They also pointed out that the investigating agency should be an independent one and should not come under the purview of any Governmental agency. The Committee also pointed out the functioning of independent accident investigating agency in other countries. While responding to the Committee's clarification on the appointment of an independent investigating agency, the Secretary responded as under:-

"My only submission is that the Act, as it stands, today, does not say that an investigation must necessarily done by the DGCA only and, therefore, under the rule-making authority of the Government, the Government can always decide to appoint an independent Committee of Inquiry, which it has been doing the past repeatedly. So, in this context, we feel that perhaps, an amendment of this section,

specifying that there should be an independent entity to go into accident inquiry, perhaps, is not necessary. The inherent power, under this Act, and the rules therein, also empower the Government to establish such an institution as the need may arise”.

17.21 The Committee also expressed its concern over the appointment of enquiry committee on temporary basis instead of making this committee as a permanent one. In this regard, the secretary stated as under:-

“Sir, I can briefly respond saying that, on a philosophical plane, there is absolutely no dispute that a regulator should not also be a person who is looking into the causes of accidents, etc. To that extent, if there is a permanent body which goes into this, philosophically speaking there is absolutely no problem as a concept”.

17.22 Indian Airlines also made its apprehension that the inclusion of the term incident along with accident will delay the flight operations as an aircraft whether it is involved with an accident or incident has to get clearance from the DGCA before its operation. It was also pointed out that the shortage of investigating personnel will be a cause of concern.

17.23 The Committee recommends that this clause may be adopted subject to the condition that the term 'incident' should be clearly defined and also the consequential action that would be followed. The Committee further recommends that the body responsible for deciding an occurrence as accident or incident should also be defined in the Bill itself.

17.24 CLAUSES 8

Clause 8 reads - "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”.

17.25 Clause 8 intends to replace the words “The Central Government”, in Sub-section (2) of Section 8 of the Principal Act with the words and figures “Subject to the provisions of section 14, the Central Government”.

17.26 Clause 8 was adopted without suggesting any change therein.

17.27 CLAUSE 9

Clause 9 reads - "In section 8A 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”.

17.28 Clause 9 intends to replace the words “The Central Government”, in Section 8A of the Principal Act with the words and figures “Subject to the provisions of section 14, the Central Government”.

17.29 Clause 9 was adopted without suggesting any change therein.

17.30 CLAUSE 10

Clause 10 reads - "In section 8C 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".

17.31 Clause 10 intends to replace the words "The Central Government", in Section 8C of the Principal Act with the words and figures "Subject to the provisions of section 14, the Central Government".

17.32 Section 14 of Aircraft Act, 1934 gives power to Government to make rules conferred by this Act subject to the condition of the rules being made after previous publication. Provided that the Central Government may, in the public interest, by order in writing dispense with the condition of previous publication in any case.

17.33 Clause 10 was adopted without suggesting any change therein.

17.34 CLAUSES 11 TO 14

Clause 11 reads - " 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 (1A), 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".

Clause 12 reads - " In section 11 of the principal Act, for the words "six month, 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".

Clause 13 reads - "In section 11A of the principal Act, for the words "six months", the words "two years" shall be substituted".

Clause 14 reads - " In section 11B 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".

17.35 These clauses deal with various penal provisions. During the evidences it was felt that these penal provisions are not deterrent ones. The Secretary, Ministry of Civil Aviation while submitting his views to the Committee on this aspect stated as under:-

"The second issue that you raised was about the quantum of punishment. We consulted the Ministry of Law also. We felt that increasing the imprisonment to three years and the fiscal penalty is deterrent enough. But I would be guided by the wisdom of this Committee. If you feel that it should be further enhanced, I have no issues with it".

17.36 The experts and the stakeholders while giving their evidence welcomed the proposed increase in penalties and quantum of punishment for violation of rules and provisions of the Act. The stakeholders also expressed their concerns over the rising number of bird hit cases and the damages caused to Aircrafts as a result thereof. Since the penalty mentioned in the act are many decades old, there is a necessity to enhance the penalty to match with the expanding aviation market.

17.37 The Committee adopted Clauses 11 to 14 subject to making the penal provisions more deterrent.

CLAUSE 1, ENACTING FORMULA AND THE TITLE

17.38 The Committee recommends that the Bill's title should be changed from Aircraft (Amendment) Bill, 2006 to Aircraft (Amendment) Bill, 2007 as the year has changed from 2006 to 2007.

17.39 In the enacting formula the words 'Fifty Seventh' be substituted by 'Fifty Eighth'.

Overall recommendation

18. The Committee is of the view that this Bill is a piecemeal effort on the part of the Government. A lot of ambiguities exist regarding the role of Airports Authority of India, its powers and functions. In Clause 4A it is not clear as to who will be solely responsible to perform the safety oversight functions. The Committee feels that with the coming of new private airports, green field airports, chartered airways and many other private and foreign airlines entering into Indian skies, Government should become more futuristic while bringing any new legislation. Simultaneously the Committee is equally concerned about the fact that issues which have been incorporated in the present Bill and which require urgent attention should not be kept pending. Therefore the Committee adopts the Clauses 2,3,7,8,9,10,11,12,13 and 14 and recommends that clauses 4,5 and 6 be redrafted as per the recommendations made at Para 17.17 above. The Committee feels that the objectives behind the Bill *i.e.* ".....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" are commendable but the legislation introduced for the purpose is found to be lacking in many accounts. The Committee feels that no proper thinking has gone into the preparation of the Bill and that it has been very hastily drafted. The Committee strongly feels that it is a piecemeal legislation and therefore, urges upon Government to carefully consider all the points mentioned above and recommends that the Government should come up with a comprehensive legislation incorporating all the suggestions made in the preceding paragraphs of the Report and covering all the issues concerning our Civil Aviation sector such as overcrowding at the airports and sky, requisite infrastructure, safety issues, flight regulations, social responsibilities of airlines of the public and private sectors, clear demarcation of various authorities handling civil aviation sector etc. in the proposed Bill. The proposed Bill should not leave any area uncovered pertaining to civil aviation.

OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS AT A GLANCE

CLAUSE 2

Regulation of Foreign Registered Aircraft

The Committee feels that the opening of Indian skies to private players has resulted in expansion of aviation traffic and as a result thereof a large number of aircraft are operating over the Indian skies leading to heavy

traffic over the Indian skies. There is no regulation for the foreign registered aircrafts who are operating in India in the Parent Act. In view of this the Committee adopted Clause 2 without suggesting any change therein.

(Para 17.3)

CLAUSE 3

Implementation of provisions of Chicago convention

Since the main objective of the proposed amendments in the Parent Act is to implement the provisions of Chicago convention, the Committee adopted Clause 3 without suggesting any amendment therein.

(Para 17.6)

CLAUSES 4, 5 & 6

More powers to DGCA

The Committee finds it difficult to be convinced with the reasons for inclusion of these new provisions in the Parent Act. Since the Airports Authority of India is performing all these functions under Airports Authority of India Act 1994, Government's intention to give more powers to DGCA by overlooking the existing Act of Parliament is not clear. This Bill if enacted will result in overlapping of powers of both Governmental organizations. The Committee feels that without amending or repealing the Airports Authority of India Act, 1994 the Government cannot simply confer the same powers to another body through a different Act. This sort of overlapping would lead to further confusion. The Committee is of the opinion that the term 'any other officer' as mentioned in Clause 4 of the Bill should be clearly specified. Therefore, the committee recommends that Government should examine the Clause 4 of the Bill vis-à-vis the Airports Authority of India Act 1994 and if necessary, Clause may be modified. The committee also recommends that Government should examine the provisions vis-à-vis the Airports Authority of India Act 1994 as the proposed new section is overlapping with the powers of Airports Authority of India. The Committee is of the opinion that there is ambiguity and anomalies in these Clauses and the Government should clear its position and re-draft the Clauses 4, 5 and 6 to remove the anomalies and also by ensuring that powers of which authority would prevail either Airports Authority of India or Directorate General of Civil Aviation in case of any controversy.

(Para 17.17)

Accident and Incident

The Committee recommends that Clause 7 may be adopted subject to the condition that the term 'incident' should be clearly defined and also the consequential action that would be followed. The Committee further recommends that the body responsible for deciding an occurrence as accident or incident should also be defined in the Bill itself.

(Para 17.23)

CLAUSES 8, 9 & 10

Publication of Rules

Clause 8, 9 and 10 were adopted without suggesting any change therein.

(Para 17.26, 29 and 33)

CLAUSES 11, 12, 13 & 14

Quantum of punishment for rules framed under Chicago Convention

The Committee adopted Clauses 11 to 14 subject to making the penal provisions more deterrent.

(Para 17.37)

CLAUSE 1, ENACTING FORMULA AND THE TITLE

The Committee recommends that the Bill's title should be changed from Aircraft (Amendment) Bill, 2006 to Aircraft (Amendment) Bill, 2007 as the year has changed from 2006 to 2007.

(Para 17.38)

In the enacting formula the words 'Fifty Seventh' be substituted by 'Fifty Eighth'.

(Para 17.39)

Overall recommendation

The Committee is of the view that this Bill is a piecemeal effort on the part of the Government. A lot of ambiguities exist regarding the role of Airports Authority of India, its powers and functions. In Clause 4A it is not clear as to who will be solely responsible to perform the safety oversight functions. The Committee feels that with the coming of new private airports, green field airports, chartered airways and many other private and foreign airlines entering into Indian skies, Government should become more futuristic while bringing any new legislation. Simultaneously the Committee is equally concerned about the fact that issues which have been incorporated in the present Bill and which require urgent attention should not be kept pending.

Therefore the Committee adopts the Clauses 2,3,7,8,9,10,11,12,13 and 14 and recommends that clauses 4,5 and 6 be redrafted as per the recommendations made at Para 17.17 above. The Committee feels that the objectives behind the Bill *i.e.* ".....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" are commendable but the legislation introduced for the purpose is found to be lacking in many accounts. The Committee feels that no proper thinking has gone into the preparation of the Bill and that it has been very hastily drafted. The Committee strongly feels that it is a piecemeal legislation and therefore, urges upon Government to carefully consider all the points mentioned above and recommends that the Government should come up with a comprehensive legislation incorporating all the suggestions made in the preceding paragraphs of the Report and covering all the issues concerning our Civil Aviation sector such as overcrowding at the airports and sky, requisite infrastructure, safety issues, flight regulations, social responsibilities of airlines of the public and private sectors, clear demarcation of various authorities handling civil aviation sector etc. in the proposed Bill. The proposed Bill should not leave any area uncovered pertaining to civil aviation.

(Para 18)

AS INTRODUCED IN LOK SABHA

7 AUGUST 2006

Bill No.61 of 2006

THE AIRCRAFT (AMENDMENT) BILL, 2006

A
BILL

further to amend the Aircraft Act, 1934.

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

2.(1) This Act may be called the Aircraft
(Amendment) Act, 2006.

Short title and
commencement.

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

22 of 1934.

3. In section 1 of the Aircraft Act, 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.”.

Amendment of
section 4.

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.

Insertion of new
section 4A.
Safety oversight
functions

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

“4A. 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.”

Amendment of
section 5.

6. 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:-

“(b) 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 does not apply or is not made applicable;”;

55 of 1994.

(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;”.

Amendment of section 5A.

7. In section 5A 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 sub-section (2) of section 5, to any person or persons engaged in aircraft operations or using any aerodrome”, the words, brackets letters and figures “clauses (aa), (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 submitted.

Amendment of section 7.

8. 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.

Amendment of section 8.

9. 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.

Amendment of section 8A.

10. In section 8A 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. In section 8C 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.

Amendment of section 8C.

12. In section 10 of the principal Act,-

Amendment of section 10.

(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 (1A), 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.

13. In section 11 of the principal Act, for the words “six month, 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.

Amendment of section 11.

14. In section 11A of the principal Act, for the words “six months”, the words “two years” shall be substituted.

Amendment of section 11A

15. In section 11B of the principal Act,-

Amendment of section 11B.

(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.”

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.

NEW DELHI; The 28 th July, 2006.	PRAFUL PATEL
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ANNEXURE
EXTRACTS FROM THE AIRCRAFT ACT, 1934

(22 OF 1934)

* * * * *

1. (1) * * * * *

(2) It extends to the whole of India and applies also-

(a) to citizens of India wherever they may be; and

* * * * *

Short title and extent.

4. The Central Government may, by notification in the Official Gazette, make such rules as appear to it to be necessary for carrying out the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 (including any annex thereto relating to international standards and recommended practices) as amended from time to time.

Power of Central Government to make rules to implement the Conventions of 1944.

5. (1) The Central Government may, by notification in the Official Gazette, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft and for securing the safety of aircraft operations.

Power of Central Government to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

* * * * *

(b) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained, the prohibition or regulation of the use of unlicensed aerodromes and the fees which may be charged at those aerodromes to which the Airport Authority of India Act, 1994 does not apply or is not made applicable:

* * * * *

5A.(1) The Director General of Civil Aviation 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 (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, in any case where the Director General of Civil Aviation or such other officer is satisfied that in the interests of the security of India or for securing the safety of aircraft operations it is necessary so to do.

Power to issue directions.

* * * * *

55 of 1994.

Power of Central Government to make rules for investigation of accident.

7.(1) The Central Government may, by notification in the Official Gazette, make rules providing for the investigation of any accident arising out of or in the course of the navigation-

- (a) in or over India of any aircraft, or
- (b) anywhere of aircraft registered in India.

(2) Without prejudice to the generality of the foregoing power, such rules may-

- (a) required notice to be given of any accident in such manner and by such person as may be prescribed;
- (b) apply for the purposes of such investigation, either with or without modification, the provisions of any law for the time being in force relating to the investigation of accidents;
- (c) prohibit pending investigation access to or interference with aircraft to which an accident has occurred, and authorize any person so far as may be necessary for the purposes of an investigation to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft; and
- (d) authorize or require the cancellation, suspension, endorsement or surrender of any licence or certificate granted or recognised under this Act when it appears on an investigation that the licence ought to be so dealt with, and provide for the production of any such licence for such purpose.

Power to detain aircraft.

8. (1) * * * * *

(2) The Central Government may, by notification in the Official Gazette, make rules regulating all matters incidental or subsidiary to the exercise of this power.

* * * * *

Power of Central Government to make rules for protecting the public health.

8A. The Central Government may, by notification in the Official Gazette, makes rules for the prevention of danger arising to the public health by the introduction or spread of any infectious or contagious disease from aircraft arriving at or being at any aerodrome and for the prevention of the conveyance of infection or contagion by means of any aircraft leaving an aerodrome and in particular and without prejudice to the generality of this provision may make, with respect to aircraft and aerodromes or any specified aerodrome, rules providing for any of the matters for which rules under sub-clauses (i) to (viii) of clause (p) of sub-section (1) of section 6 of the Indian Ports Act, 1908, may be made with respect to vessels and ports.

* * * * *

Power of Central Government to make rules for securing safe custody and redelivery of unclaimed property.

8C. The Central Government may, by notification in the Official Gazette, make rules which may provide for securing the safe custody and re-delivery of any property which, while not in proper custody, is found or any aerodrome or in any aircraft or any aerodrome and any such rules may, in particular, provide for-

(a) the payment of charges in respect of any such property before it is re-delivered to the person entitled thereto; and

(b) the disposal of any such property in cases where the same is not re-delivered to the person entitled thereto before the expiration of such period as may be specified therein.

* * * * *

Penalty for act in contravention of rule made under this Act.

10.(1) If any person contravenes any provision of any rule made under clause (l) of sub-section (2) of section 5 prohibiting or regulating the carriage in aircraft of arms, explosives or other dangerous goods, or when required under the rules made under that clause to give information in relation to any such goods gives information which is false and which he either knows or believes to be false or does not believe to be true he, and if he is not the owner also (unless the owner proves that the offence was committed without his knowledge, consent or connivance) shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

(1A) If any person contravenes any provision of any rule made under clause (qq) or sub-section (2) of section 5 prohibiting the slaughter and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matters within a radius of ten kilometers from the aerodrome reference point, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

* * * * *

(2) In making any other rule under section 5 or in making any rule under section 7, section 8, section 8A or section 8B, the Central Government may direct that a breach of it shall be punishable with imprisonment for a period which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

11. Whoever wilfully flies any aircraft in such a manner as to cause danger to any person or to any property or land or water or in the air shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for flying so as to cause danger.

11A. If any person wilfully fails to comply with any direction issued under section 5A, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten lakh rupees, or with both.

Penalty for failure to comply with directions issued under section 5A.

11B.(1) If any person wilfully fails to comply with any direction contained in any notification issued under section 9A, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Penalty for failure to comply with directions issued under section 9A.

(2) Without prejudice to the provisions of sub-section (1), if any person fails to demolish any building or structure or cut any tree or fails to reduce the height of any building, structure or tree in pursuance of any direction contained in any notification issued under sub-section (1) of section 9A within the period specified in the notification, then, subject to such rules as the Central Government may make in this behalf, it shall be competent for any officer authorized by the Central Government in this behalf to demolish such building or structure or cut such tree or reduce the height of such building, structure or tree.

* * * * *

LOK SABHA

A

BILL

further to amend to Aircraft Act, 1934.

(Shri Praful Patel, Minister of State for Civil Aviation)

MINUTES

II SECOND MEETING

The Committee met at 3.00 p.m. on Monday, the 18th September 2006 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Shri S.S. Chandran
3. Shri Vedprakash P. Goyal
4. Shri Satish Kumar Sharma
5. Shri Shatrughan Sinha

LOK SABHA

6. Shri Anandrao Vithoba Adsul
7. Shri Sartaj Singh Chhatwal
8. Shri N.S.V. Chitthan
9. Smt. Priya Dutt
10. Shri Dip Gogoi
11. Dr. P.P. Koya
12. Dr. Ramkrishna Kusmaria
13. Shri Samik Lahiri
14. Shri Alok Kumar Mehta
15. Shri Dushyant Singh

SECRETARIAT

Shri Sham Sher Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

2. * * * * *

3. Thereafter, the Committee held preliminary discussion on the Aircraft (Amendment) Bill, 2006, which had been referred to the Committee for consideration and report. After some discussion the Committee decided to hear the presentation of the Secretary of the Ministry of Civil Aviation on the said Bill in its next meeting. The Committee also decided to invite comments/suggestions from interested individuals/organisations on the above Bill and directed the Secretariat to issue Press Communiqué accordingly in print and electronic media.

4. * * *

5. The Committee further decided to have its next meeting on the 6th October 2006 to hear the presentation of the Secretary of the Ministry of Civil Aviation on the Aircraft (Amendment) Bill, 2006.

6. The meeting of the Committee then adjourned at 4.15 p.m.

III THIRD MEETING

The Committee met at 12.00 Noon on Friday, the 6th October 2006 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Shri S.S. Chandran
4. Shri Vedprakash P. Goyal
5. Prof. Alka Balram Kshatriya
6. Shri Janardhana Poojary
7. Shri M.V. Mysura Reddy
8. Shri Satish Kumar Sharma
9. Shri Shahid Siddiqui
10. Shri Shatrughan Sinha

LOK SABHA

11. Shri Anandrao Vithoba Adsul
12. Shri Joachim Baxla
13. Shri Sartaj Singh Chhatwal
14. Shri Adhir Chowdhury
15. Dr. K. Dhanaraju
16. Smt. Priya Dutt
17. Shri P. Karunakaran
18. Shri Vijay Kumar Khandelwal
19. Dr. P.P. Koya
20. Dr. Ramkrishna Kusmaria
21. Shri Samik Lahiri
22. Shri Alok Kumar Mehta
23. Shri Madan Lal Sharma
24. Shri Suraj Singh

SECRETARIAT

Shri Sham Sher Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

REPRESENTATIVES OF THE MINISTRY OF CIVIL AVIATION:

Shri Ajay Prasad, Secretary
Shri R. K. Singh, Joint Secretary
Shri K. Gohain, DGCA
Shri K. P. Maggon, Director (RI), DGCA

MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Shri S.R. Dhaleta, Joint Secy. & Legislative Counsel
Ms. Reeta Vasistha, Deputy Legislative Counsel

2. At the outset, the Committee heard the views of the Secretary, Ministry of Civil Aviation on the Aircraft (Amendment) Bill, 2006.
3. A verbatim record of the proceedings of the meeting was kept.
4. The Committee further decided to hear the views of the experts/stakeholders on the Aircraft (Amendment) Bill, 2006 in its next meeting scheduled to be held on 27th October, 2006.
5. The meeting of the Committee then adjourned at 1.50 p.m.

IV
FOURTH MEETING

The Committee met at 12.00 Noon on Friday, the 27th October 2006 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Shri S.S. Chandran
4. Shri Vedprakash P. Goyal
5. Shri Janardhana Poojary
6. Shri Shatrughan Sinha

LOK SABHA

7. Shri Anandrao Vithoba Adsul
8. Shri Joachim Baxla
9. Shri Sartaj Singh Chhatwal
10. Shri P. Karunakaran
11. Shri Vijay Kumar Khandelwal
12. Dr. P.P. Koya
13. Shri Samik Lahiri
14. Shri Alok Kumar Mehta
15. Shri Dushyant Singh

SECRETARIAT

Shri Sham Sher Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Ms. Reeta Vasistha, Deputy Legislative Counsel

EXPERTS:

- (i) Shri Shri Satendra Singh,
Ex-Director-General, Civil Aviation
- (ii) Shri V.K. Mathur,
Ex-Chairman, Airports Authority of India

2. The Committee heard the views of the above-mentioned Experts on the Aircraft (Amendment) Bill, 2006. The Members raised queries on various provisions of the Bill and the experts explained their position thereon.

3. A verbatim record of the proceedings of the meeting was kept.

4. The Committee further decided to meet on 16th November, 2006.

5. The meeting of the Committee then adjourned at 12.40 p.m.

V FIFTH MEETING

The Committee met at 3.00 P.M. on Tuesday, the 5th December 2006 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Shri Vedprakash P. Goyal
4. Shri Janardhana Poojary
5. Shri M.V. Mysura Reddy
6. Shri Shatrughan Sinha

LOK SABHA

7. Shri Anandrao Vithoba Adsul
8. Shri Sartaj Singh Chhatwal
9. Shri Adhir Chowdhury
10. Smt. Priya Dutt
11. Shri P. Karunakaran
12. Shri Vijay Kumar Khandelwal
13. Dr. P.P. Koya
14. Shri Samik Lahiri
15. Shri Dushyant Singh
16. Shri Suraj Singh

SECRETARIAT

Shri Sham Sher Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Shri S.R. Dhaleta, Joint Secy. & Legislative Counsel
Ms. Reeta Vasistha, Deputy Legislative Counsel

REPRESENTATIVES OF THE AIRPORT AUTHORITY OF INDIA:

Shri K. Ramalingam, Chairman
Shri V.P. Agarwal, Member (Planning)
Shri Srikrishna, Executive Director (ATM)
Shri B.K. Arora, Executive Director (Ops.)
Shri M.C. Kishore, Executive Director (CA)&CS

REPRESENTATIVES OF THE AIR INDIA:

Capt. M.K. Hathu, Executive Director-Air Safety
Capt. Deepak Anand, Executive Director-Operations

REPRESENTATIVES OF THE INDIAN AIRLINES:

Shri Deepak Barara, Managing Director
Shri Vijay Kumar, Director (Planning)
Shri Ashok Raj, Director (Flight Safety)

2. * * * *

3. * * * *

4. * * * *

5. Thereafter, the Committee called witnesses to hear their views. Since, Chairman & Managing Directors of Air India and Indian Airlines were not present, the Chairman of the Committee pointed out that as per Government guidelines and as a matter of protocol both the Chairman and Managing Directors should have sought exemption from appearing before the Committee. The Committee decided, not to hear the views of the representatives/officials of the Air India and Indian Airlines. The Committee, thereafter, heard the views of the Chairman of the Airports Authority of India on the Aircraft (Amendment) Bill, 2006.

6. Shri K. Ramalingam, Chairman, Airports Authority of India made a presentation on various provisions of the Bill. The Members raised queries on various provisions of the Bill and Shri Ramalingam explained the position of the Authority thereon.

7. A verbatim record of the proceedings of the meeting was kept.

8. The meeting of the Committee then adjourned at 4.15 p.m.

VII
SEVENTH MEETING

The Committee met at 11.00 A.M. on Thursday, the 25th January 2007 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Prof. Alka Balaram Kshatriya

4. Shri Shatrughan Sinha

LOK SABHA

5. Shri Anandrao Vithoba Adsul
6. Shri Joachim Baxla
7. Dr. K. Dhanaraju
8. Shri P. Karunakaran
9. Shri Vijaya Kumar Khandelwal
10. Shri Samik Lahiri
11. Shri Alok Kumar Mehta
12. Shri Dushyant Singh

SECRETARIAT

Shri Shamsheer Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Shri S.R. Dhaleta, Joint Secy. & Legislative Counsel
Ms. Reeta Vasistha, Deputy Legislative Counsel

REPRESENTATIVE OF THE INDIAN SUB-CONTINENT CENTRE FOR ASIA AND PACIFIC AVIATION:

Shri Kapil Kaul, CEO

REPRESENTATIVES OF THE AIRPORTS AUTHORITY EMPLOYEES' ASSOCIATION

Shri M.K. Ghoshal, General Secretary, AAEU
Shri S.R. Santhanam, All India President, Hyderabad
Shri P.K. Tyagi, All India Vice-President, Delhi
Shri Jaipal Singh, Asstt. General Secretary, Delhi
Shri C. Manoharan Nair, Br. Secretary, Trivendrum

REPRESENTATIVE OF THE KINGFISHER AIRLINES:

Shrimati Ritu Bararia, Senior Manager -Corporate Affairs & PR

REPRESENTATIVES OF THE JET AIRWAYS:

Shri P.K. Sinha, Vice-President, International Relation

Capt. K. Mohan, Vice-President, Flight Operations
Shri A.K. Sivanandan, Senior General Manager, PR

2. The Committee heard the views of the above-mentioned Experts/Stakeholders on the Aircraft (Amendment) Bill, 2006. The Members raised queries on various provisions of the Bill and the experts explained their position thereon.
3. A verbatim record of the proceedings of the meeting was kept.
4. The meeting of the Committee then adjourned at 1.00 p.m.

VIII EIGHTH MEETING

The Committee met at 11.30 A.M. on Tuesday, the 20th February 2007 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Shri S.S. Chandran
4. Prof. Alka Balram Kshatriya
5. Shri Janardhana Poojary

LOK SABHA

6. Shri Anandrao Vithoba Adsul
7. Shri Sartaj Singh Chhatwal
8. Shri Samik Lahiri
9. Shri Alok Kumar Mehta
10. Shri Hemlal Murmu

SECRETARIAT

Shri Shamsher Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shrimati Subhashree Panigrahi, Committee Officer

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Shri S.R. Dhaleta, Joint Secy. & Legislative Counsel
Ms. Reeta Vasistha, Deputy Legislative Counsel

2. The Committee considered Clause-by-clause of the Aircraft (Amendment) Bill, 2006. The Committee was of the view that the Government should bring forward a comprehensive legislation on the subject and that too within a specific time frame. After some discussion, Enacting Formula, Title and all Clauses from 1 to 14, except Clauses 4, 5 and 6 were adopted. As regards Clauses 4, 5 and 6 of the Aircraft (Amendment) Bill, 2006, the Committee decided that there are ambiguities in the said Clauses, therefore may be suitably revised and re-drafted by the Ministry as per the recommendations made in the Report. The Committee then directed the Secretariat to prepare the draft Report on the said Bill.

3. A summary of the proceeding was kept.

4. The Committee further decided to have its next meeting on 5th March 2007 for the consideration and adoption of the draft report on the 'Aircraft (Amendment) Bill, 2006 and to meet the delegation of the Norwegian Parliament Committee on Family and Cultural Affairs.

5. The meeting of the Committee then adjourned at 12.15 p.m.

IX NINTH MEETING

The Committee met at 3.00 P.M. on Friday, the 9th March 2007 in Room No. '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Shri S.S. Chandran
4. Shri Vedprakash P. Goyal
5. Shri Janardhana Poojary
6. Shri M.V. Mysura Reddy

LOK SABHA

7. Shri Sartaj Singh Chhatwal
8. Shri N.S.V. Chitthan
9. Shri Adhir Chowdhury
10. Shri Vijay Kumar Khandelwal
11. Dr. P.P. Koya
12. Shri Samik Lahiri

SECRETARIAT

Shri Shamsheer Singh, Joint Secretary

Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

I. REPRESENTATIVES OF THE DEPARTMENT OF ROAD, TRANSPORT AND HIGHWAYS :

Shri Vijay Singh, Secretary
Shri C. Balakrishnan, Additional Secretary & F.A.
Shri S. B. Basu, Chief Engineer

II. REPRESENTATIVES OF THE MINISTRY OF RURAL DEVELOPMENT:

Shri Subhash Pani, Secretary
Shri V. Velayutham, Director-General (RD) & Special Secretary
Shri J. K. Mohapatra, Joint Secretary

III. REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Shri P.B. Singh, Joint Secy. & Legislative Counsel
Shri R.K. Pattanayak, Assistant Legislative Counsel

2. * * *
3. The Committee, thereafter, considered the draft Report on the 'Aircraft (Amendment) Bill, 2006' and after discussion adopted the Report without any change.
4. A verbatim record of the proceedings of the meeting was kept.
5. The meeting of the Committee then adjourned at 4.15 p.m.

* Relates to matters not included in this Report

* Relates to matters not included in this Report

* Relates to matters not included in this Report

* Relates to other matters.