

Bill Summary

The Aircraft (Amendment) Bill, 2020

- The Aircraft (Amendment) Bill, 2020 was introduced in Lok Sabha by the Minister of State for Civil Aviation, Mr. Hardeep Singh Puri, on February 4, 2020. The Bill seeks to amend the Aircraft Act, 1934. The Act regulates the manufacture, possession, use, operation, sale, import and export of civil aircrafts, and licensing of aerodromes.

Key provisions of the Bill include:
 - **Authorities:** The Bill converts three existing bodies under the Ministry of Civil Aviation into statutory bodies under the Act. These three authorities are: (i) the Directorate General of Civil Aviation (DGCA), (ii) the Bureau of Civil Aviation Security (BCAS), and (iii) the Aircraft Accidents Investigation Bureau (AAIB). Each of these bodies will be headed by a Director General who will be appointed by the centre.
 - The DGCA will carry out safety oversight and regulatory functions with respect to matters under the Bill. The BCAS will carry out regulatory oversight functions related to civil aviation security. The AAIB will carry out investigations related to aircraft accidents and incidents. The central government may issue directions to these authorities on matters related to their functions, if considered necessary in public interest.
 - **Power of centre to make rules:** Under the Act, the central government may make rules on several matters. These include: (i) registration of aircraft, (ii) regulating air transport services, and (iii) prohibition of flight over any specified area. The Bill adds the regulation of air navigation services to this list. It 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: (i) conditions under which an aircraft may be flown, (ii) inspection of aircrafts, and (iii) measures to safeguard civil aviation against acts of unlawful interference.
 - **Adjudicating officers:** The Bill provides for the appointment of designated officers, not below the rank of Deputy Secretary to adjudicate penalties under the Bill. Persons aggrieved by an order of a designated officer may appeal to an appellate officer. Appeals must be filed by the aggrieved person within 30 days from the day the order is received.
- **Offences and Penalties:** Under the 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: (i) carrying arms, explosives, or other dangerous goods aboard aircraft, (ii) contravening any rules notified under the Act, and (iii) 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.
- 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: (i) the establishment of an air transport service, (ii) the establishment of aerodromes, and (iii) the operation, repair, and maintenance of aircraft.
- The Bill allows for the compounding of certain offences under the Act or rules under the Act. These include: (i) flying to cause danger to any person or property and (ii) the contravention of any directions issued by the Director General of any of the three bodies. Offences may be compounded by the Director Generals as prescribed by the centre. Compounding of offences is not allowed in case of repeat offences.
- Courts will not take cognizance of any offence under this Act, unless a complaint is made by, or there is 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.

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