

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1934**

The Indian Aircraft Bill

List of Reports of Select or Joint Committees
presented to the Legislative Assembly in 1934.

| Serial No. | Short title of the Bill. | Date of presentation. Remarks. |
|---------------|--|-----------------------------------|
| 1. | The Indian Tariff(Amendment) Bill. | 5. 2.34. |
| 2. | The Indian States(Protection) Bill. | 14. 2.34. |
| 3. | The Negotiable Instruments(Amendment)Bill. | 26. 2.34. |
| 4. | The Factories Bill. | 27. 2.34. |
| 5. | The Indian Tariff(Textile Protection) Amendment Bill. | 2. 4.34. |
| 6. | The Sugar (Excise Duty) Bill. | 10. 4.34. |
| 7. | The Matches (Excise Duty) Bill. | 14. 4.34. |
| 8. | The Indian Dock Labourers Bill. | 16. 7.34. |
| 9. | The Mechanical Lighters(Excise Duty) Bill. | 23. 7.34. |
| 10. | The Indian Carriage by Air Bill. | 25. 7.34. |
| 11. | The Indian Aircraft Bill. | 25. 7.34. |
| 12. | The Hedjaz Pilgrims(Muallims) Bill(<u>Second Report of the Select Committee</u>) | 2. 8.34. |
| 13. | The Indian Army (Amendment) Bill. | 7. 8.34. |
| 14. | The Indian Iron and Steel Duties Bill. | 13. 8.34. |
| 15. | The Indian Petroleum Bill. | 14. 8.34. |
| 16. | The Indian Income-tax(Amendment) Bill by Sir Hari Singh Gour. | 22. 8.34. |
| 17. | The Indian Navy (Discipline) Bill. | 25. 8.34. |

SIMLA, 1934.

We, the undersigned, Members of the Select Committee to which the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Clause 5.—The view was pressed by some of us that the wording of this clause was unnecessarily wide, and it was agreed that the words "prohibiting or limiting" should be omitted as it was felt that the remaining powers given by the clause should be sufficient for some time to come.

Clause 6.—The change made in sub-clause (2) is intended to make it clear that the determination of the amount of compensation might be left to a Court.

Clause 14.—We consider that ample opportunity should be provided for consideration and criticism of any rules which it is proposed to make under clause 5 of the Bill before these are finally published. We have, therefore, inserted in the Bill a provision requiring that the period for which the draft rules shall be published before being taken into consideration in accordance with the procedure set forth in section 23 of the General Clauses Act, 1897, shall not be less than three months.

2. The Bill was published in the Gazette of India dated the 24th March, 1934.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

N. N. SIRCAR.

F. NOYCE.

H. P. MODY.

B. L. PATIL.

S. R. PANDIT.

N. N. ANKLESARIA.

L. HUDSON.

GAYA PRASAD SINGH.

ISMAIL ALI KHAN.

MAJOR AHMAD NAWAZ KHAN.

S. MURTUZA.

S. G. JOG.

A. J. RAISMAN.

SIMLA;

The 24th July, 1934.

[Words printed in italics indicate the amendments suggested by the Committee.]

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BILL

TO

Make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft.

WHEREAS it is expedient to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Aircraft Act, 1934.
Short title and extant.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. In this Act, unless there is anything repugnant in the subject or Definitions. context,—

(1) "aircraft" means any machine which can derive support in the atmosphere from reactions of the air, and includes balloons whether fixed or free, airships, kites, gliders and flying machines;

(2) "aerodrome" means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft, and includes all buildings, sheds, vessels, piers, and other structures thereon or appertaining thereto;

(3) "import" means bringing into British India; and

(4) "export" means taking out of British India.

3. The Governor General in Council may, by notification in the Gazette of India, exempt from the provisions of this Act and of the rules made thereunder, or from any of such provisions, any aircraft or class of aircraft and any person or class of persons, or may direct that such provisions shall apply to such aircraft or persons subject to such modifications as may be specified in the notification.

4. The Governor General in Council may, by notification in the Gazette of India, make such rules as appear to him to be necessary for carrying out the Convention relating to the regulation of Aerial Navigation signed at Paris, October 13, 1919, with Additional Protocol, signed at Paris, May 1, 1920, and any amendment which may be made thereto under the provisions of Article 34 thereof.

5. (1) The Governor General in Council may, by notification in the Gazette of India, make rules regulating * * * the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft.

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

- (a) the authorities by which any of the powers conferred by or under this Act are to be exercised;
- (b) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the fees which may be charged thereat, and the prohibition or regulation of the use of unlicensed aerodromes;
- (c) the inspection and control of the manufacture, repair and maintenance of aircraft and of places where aircraft are being manufactured, repaired or kept;
- (d) the registration and marking of aircraft;
- (e) the conditions under which aircraft may be flown, or may carry passengers, mails or goods; or may be used for industrial purposes and the certificates, licences or documents to be carried by aircraft;
- (f) the inspection of aircraft for the purpose of enforcing the provisions of this Act and the rules thereunder, and the facilities to be provided for such inspection;
- (g) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft;
- (h) the air-routes by which and the conditions under which aircraft may enter or leave British India, or may fly over British India, and the places at which aircraft shall land;
- (i) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times or subject to specified conditions and exceptions;
- (j) the supply, supervision and control of air-route beacons, aerodrome lights, and lights at or in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes;
- (k) the signals to be used for purposes of communication by or to aircraft and the apparatus to be employed in signalling;
- (l) the prohibition and regulation of the carriage in aircraft of any specified article or substance;
- (m) the measures to be taken and the equipment to be carried for the purpose of ensuring the safety of life;
- (n) the issue and maintenance of log-books;
- (o) the manner and conditions of the issue or renewal of any licence or certificate under the Act or the rules, the examinations and tests to be undergone in connection therewith, the form, custody, production, endorsement, cancellation, suspension or surrender of such licence or certificate, or of any log-book;
- (p) the fees to be charged in connection with any inspection, examination, test, certificate or licence, made, issued or renewed under this Act;

(q) the recognition for the purposes of this Act of licences and certificates issued elsewhere than in British India relating to aircraft or to the qualifications of persons employed in the operation, manufacture, repair or maintenance of aircraft ; and

(r) any matter subsidiary or incidental to the matters referred to in this sub-section.

6. (1) If the Governor General in Council is of the opinion that in the interests of the public safety it is expedient, he may, by notification in the Gazette of India,—

(a) cancel or suspend, either absolutely or subject to such conditions as he may think fit to specify in the order, all or any licences or certificates issued under this Act ;

(b) prohibit, either absolutely or subject to such conditions as he may think fit to specify in the order, or regulate in such manner as may be contained in the order, the flight of all or any aircraft or class of aircraft over the whole or any portion of British India ;

(c) prohibit, either absolutely or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft factory, flying-school or club, or place where aircraft are manufactured, repaired or kept, or any class or description thereof ; and

(d) direct that any aircraft or class of aircraft or any aerodrome, aircraft factory, flying-school or club, or place where aircraft are manufactured, repaired or kept, together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft shall be delivered, either forthwith or within a specified time, to such authority and in such manner as he may specify in the order, to be at the disposal of His Majesty for the public service.

(2) Any person who suffers direct injury or loss by reason of any order made under clause (c) or clause (d) of sub-section (1) shall be paid such compensation as may be determined by such authority as the Governor General in Council may appoint in this behalf.

(3) The Governor General in Council may authorise such steps to be taken to secure compliance with any order made under sub-section (1) as appear to him to be necessary.

(4) Whoever knowingly disobeys, or fails to comply with, or does any act in contravention of, an order made under sub-section (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and the Court by which he is convicted may direct that the aircraft or thing (if any) in respect of which the offence has been committed, or any part of such thing, shall be forfeited to His Majesty.

7. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for investigation of accidents.

Power of Governor General in Council to make rules providing for the investigation of any accident arising out of or in the course of air navigation in or over British India.

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

- (a) require 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 authorise 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) authorise 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.

8. (1) Any authority authorised in this behalf by the Governor General in Council may detain any aircraft, if in the opinion of such authority—

- (a) having regard to the nature of an intended flight, the flight of such aircraft would involve danger to persons in the aircraft or to any other persons or property; or
- (b) such detention is necessary to secure compliance with any of the provisions of this Act or the rules applicable to such aircraft; or such detention is necessary to prevent a contravention of any rule made under clause (h) or clause (i) of sub-section (2) of section 5.

(2) The Governor General in Council may, by notification in the Gazette of India, make rules regulating all matters incidental or subsidiary to the exercise of this power.

9. (1) The provisions of Part VII of the Indian Merchant Shipping Act, 1923, relating to Wreck and salvage, and Salvage shall apply to aircraft on or over the sea or tidal waters as they apply to ships, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft in like manner as the owner of a ship.

(2) The Governor General in Council may, by notification in the Gazette of India, make such modifications of the said provisions in their application to aircraft as appear necessary or expedient.

10. In making any rule under section 5, section 7

Penalty for act in contravention of rule made under this Act. or section 8 the Governor General in Council may direct that a breach of it shall be punishable with imprisonment for any term not exceeding three months, or with fine of any amount not exceeding one thousand rupees, or with both.

11. Whoever wilfully flies any aircraft in such

Penalty for flying so as to cause danger. a manner as to cause danger to any person or to any property on 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.

1. 119 X
2. 120 X1. 119 X
2. 120 X**12. Whoever abets the commission of any**

Penalty for abetment of offences and attempt. offence under this Act or the rules, or attempts to commit such offence, and in such attempt does any act towards the commission of the offence, shall be liable to the punishment provided for the offence.

1. 119 X
2. 120 X**13. Where any person is convicted of an offence**

Power of Court to order forfeiture. punishable under any rule made under clause (i) or clause (l) of subsection (2) of section 5, the Court by which he is convicted may direct that the aircraft or article or substance, as the case may be, in respect of which the offence has been committed, shall be forfeited to His Majesty.

14. Any power to make rules conferred by this

Rules to be made after publication. Act is subject to the condition of the rules being made after previous publication *for a period of not less than three months.*

II of 1911.

15. The provisions of section 42 of the Indian

Use of patented invention on aircraft not required in British India. Patents and Designs Act, 1911, shall apply to the use of an invention on any aircraft not registered in British India in like manner as they apply to the use of an invention in a foreign vessel.

II of 1911.

16. The Governor General in Council may, by

Power to apply customs procedure. notification in the Gazette of India, declare that any or all of the provisions of the Sea Customs Act, 1878, shall, **VIII of 1878.** with such modifications and adaptations as may be specified in the notification, apply to the import and export of goods by air.

17. No suit shall be brought in any Civil Court

Bar of certain suits. in respect of trespass or in respect of nuisance by reason only of the flight of aircraft over any property at a height above the ground which having regard to wind, weather and all the circumstances of the case is reasonable, or by reason only of the ordinary incidents of such flight.

18. No suit, prosecution or other legal proceed-

Saving for acts done in good faith under the Act. ing shall lie against any person for anything in good faith done or intended to be done under this Act.

19. (1) Nothing in this Act or in any order or rule made thereunder shall apply to or in respect of any aircraft belonging to or exclusively employed in His Majesty's naval, military or air forces, or to any person in such forces employed in connection with such aircraft.

(2) Nothing in this Act or in any order or rule made thereunder shall apply to or in respect of any lighthouse to which the Indian Lighthouse Act, 1927, applies or prejudice or affect any right or power exercisable by any authority under that Act.

XVII of
1927.

XVII of
1911.

~~XX of 1914.~~ Repeals. First Schedule to the
~~XVI of 1914.~~ Repealing and Amending Act, 1914, and the Indian Aircraft (Amendment) Act, 1914, are hereby repealed.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the Bill to
make better provision for the control of
the manufacture, possession, use, ope-
ration, sale, import and export of
aircraft ; with the Bill, as amended.
