

IndiaCode

The Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982

(ACT NO. 66 OF 1982)

[*As on the* 1*st July*, 2026]

AMENDING ACT

1. The Governors (Emoluments, Allowances and Privileges) Amendment Act, 1994 (40 of 1994).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF CIVIL AVIATION ACT, 1982

ACT NO. 66 OF 1982

[6*th November*, 1982.]

An Act to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and for matters connected therewith.

WHEREAS a Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation was, on the 23rd day of September, 1971, signed at Montreal;

AND WHEREAS it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

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

CHAPTER I

PRELIMINARY

1. Short title, extent, application and commencement.—(*1*) This Act may be called the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982.

(*2*) It extends to the whole of India and, save as otherwise provided in this Act, it applies also to any offence under section 3 committed outside India by any person.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(*1*) In this Act, unless the context otherwise requires,—

(*a*) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service;

(*b*) "aircraft registered in India" means an aircraft which is for the time being registered in India;

[2][(*bb*) "airport" means an aerodrome as defined in clause (*2*) of section 2 of the Aircraft Act, 1934 (22 of 1934);]

(*c*) "Convention country" means a country in which the Montreal Convention is for the time being in force;

(*d*) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in such force detailed for the purpose;

(*e*) "Montreal Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on the 23rd day of September, 1971.

(*2*) For the purposes of this Act,—

(*a*) an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for

1. 15th November 1982, *vide* Notifn. No. S.O. 799(E), dated 12th November 1982, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).
2. Ins. by Act 40 of 1994, s.3 (w.e.f. 19-09-1996).

disembarkation, and in the case of a forced landing, the flight shall be deemed to continue until the competent authorities of the country in which such forced landing takes place take over the responsibility for the aircraft and for persons and property on board;

(*b*) an aircraft shall be deemed to be in service from the beginning of the pre-flight preparation of the aircraft by the ground staff or by the crew for a specific flight until twenty-four hours after any landing and the period of such service shall include the entire period during which the aircraft is in flight.

CHAPTER II

OFFENCES

3. Offence of committing violence on board an aircraft in flight, etc.—(*1*) Whoever unlawfully and intentionally—

(*a*) commits an act of violence against a person on board an aircraft in flight which is likely to endanger the safety of such aircraft; or

(*b*) destroys an aircraft in service or causes damage to such aircraft in such a manner as to render it incapable of flight or which is likely to endanger its safety in flight; or

(*c*) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

(*d*) communicates such information which he knows to be false so as to endanger the safety of an aircraft in flight,

shall be punished with imprisonment for life and shall also be liable to fine.

(*2*) Whoever attempts to commit, or abets the commission of, any offence under sub-section (*1*) shall also be deemed to be have committed such offence and shall be punished with the punishment provided for such offence.

[1][**3A. Offence at airport.**—(*1*) Whoever, at any airport, unlawfully and intentionally, using any device, substance or weapon,—

(*a*) commits an act of violence which is likely to cause grievous hurt or death of any person; or

(*b*) destroys or seriously damages any aircraft or facility at an airport or disrupts any service at the airport,

endangering or threatening to endanger safety at that airport, shall be punished with imprisonment for life and shall also be liable to fine.

(*2*) Whoever attempts to commit, or abets the commission of, any offence under sub-section (*1*) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.]

4. Destruction of, or damage to, air navigation facilities.—(*1*) Whoever unlawfully and intentionally destroys or damages air navigation facilities or interferes with their operation in such a manner as is likely to endanger the safety of the aircraft in flight shall be punished with imprisonment for life and shall also be liable to fine.

(*2*) Whoever attempts to commit, or abets the commission of, any offence under sub-section (*1*) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

1. Ins. by Act 40 of 1994, s. 4 (w.e.f. 19-09-1996).

5. Jurisdiction.—(*1*) Subject to the provisions of sub-section (*2*), where an offence under section 3 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

(*2*) No court shall take cognizance of an offence punishable under section 3 which is committed outside India unless—

(*a*) such offence is committed on board an aircraft registered in India;

(*b*) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business, or where he has no such place of business, his permanent residence in India; or

(*c*) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

[1][**5A. Conferment of powers of investigation, etc.**—(*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), for the purposes of this Act, the Central Government may, by notification in the Official Gazette, confer on any officer of the Central Government, powers of arrest, investigation and prosecution exercisable by a police officer under the Code of Criminal Procedure, 1973.

(*2*) All officers of police and all officers of Government are hereby required and empowered to assist the officer of the Central Government referred to in sub-section (*1*), in the execution of the provisions of this Act.

5B. Designated Courts.—(*1*) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify a Court of Session to be a Designated Court for such area or areas as may be specified in the notification.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a Designated Court shall, as far as practicable, hold the trial on a day-to-day basis.

5C. Offences triable by Designated Courts.—(*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(*a*) all offences under this Act shall be triable only by the Designated Court specified under sub-section (*1*) of section 5B;

(*b*) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate under sub-section (*2*) or sub-section (*2A*) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974), such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate:

Provided that where such Magistrate considers,—

(*i*) when such person is forwarded to him as aforesaid; or

(*ii*) upon or at any time before the expiry of the period of detention authorised by him,

that the detention of such person is unnecessary, he shall order such person to be forwarded to the Designated Court having jurisdiction;

(*c*) the Designated Court may exercise, in relation to the person forwarded to it under clause (*b*), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code of Criminal Procedure, 1973 (2 of 1974) in relation to an accused person in such case who has been forwarded to him under that section;

1. Ins. by Act 40 of 1994, s. 4 (w.e.f. 19-09-1996).

(*d*) a Designated Court may, upon a perusal of a complaint made by an officer of the Central Government or the State Government, as the case may be, authorised in this behalf, take cognizance of that offence without the accused being committed to it for trial.

(*2*) When trying an offence under this Act, a Designated Court may also try an offence other than an offence under this Act, with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

5D. Application of the Code to proceedings before a Designated Court.—Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973(2 of 1974) shall apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor.]

CHAPTER III

MISCELLANEOUS

6. Provisions as to extradition.—(*1*) The offences under section 3 and section 4 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

(*2*) For the purposes of the application of the Extradition Act, 1962 (34 of 1962) to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

[1][**6A. Provision as to bail.**—(*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless—

(*a*) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(*b*) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(*2*) The limitations on granting of bail specified in sub-section (*1*) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

(*3*) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973 (2 of 1974).]

7. Contracting parties to Convention.—The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Montreal Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

8. Power to treat certain aircraft to be registered in Convention countries.—If the Central Government is satisfied that the requirements of Article 9 of the Montreal Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

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1. Ins. by Act 40 of 1994, s. 5 (w.e.f. 19-09-1996).

9. Previous sanction necessary for prosecution.—No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

[1][**9A. Presumptions as to offences under sections 3, 3A and 4.**—In a prosecution for an offence under sections 3, 3A and 4, if it is proved—

(*a*) that the arms, ammunition or explosives were recovered from the possession of the accused and there is reason to believe that such arms, ammunition or explosives of similar nature were used in the commission of such offence; or

(*b*) that there is evidence of violence committed by the accused against any person in connection with the commission of such offence,

the Designated Court shall presume, unless the contrary is proved that the accused had committed such offence.]

10. Protection of action taken in good faith.—(*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(*2*) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

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1. Ins. by Act 40 of 1994, s. 6 (w.e.f. 19-09-1996).

STATEMENT OF OBJECTS AND REASONS

For dealing more effectively with offences against the safety of civil aviation, it is proposed that India should rattly the Convention drawn up at the diplomatic Conference held at The Hague in December 1970 (popularly known as the Hague Convention) for dealing with hijacking, and the Convention adopted at the diplomatic Conference held at Montreal in 1971 (popularly known as the Montreal Convention) for the suppression of unlawful acts against the safety of civil aviation. The ratification of these Conventions involves an obligation for making necessary legal provisions for giving effect thereto. While the Anti-Hijacking Bill, 1982 makes provisions for giving effect to the Hague, Convention, this Bill seeks to make the necessary provisions for giving effect to the Montreal Convention.

2. The salient features of the Montreal Convention are:—

(*a*) Nature of acts to which this Convention applies.—The Montreal Convention has created new international offences, Any person—

(*i*) performing an act of violence against a person on board an aircraft in flight if by that act the safety of that aircraft is in danger;

(*ii*) destroying an aircraft in service or causing damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;

(*iii*) placing or causing to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight;

(*iv*) destroying or damaging air navigation facilities or interfering with their operation if by such act the safety of the aircraft is likely to be endangered;

(*v*) communicating information which he knows to be false, thereby endangering the safety of an aircraft in flight,

commits an offence punishable by severe penalties by virtue of this Convention. Also, any person commits an offence entailing severe penalties if he attempts to commit any of the above-mentioned offences and an accomplice of a person who commits or attempts to commit any such offence will also be committing an offence under this Convention punishable by severe penalties. In other words, this Convention applies equally to attempts made and to accomplices as well.

(*b*) Aircraft to which the Convention does not apply.—The Montreal Convention does not apply to military aircraft or to aircraft belonging to customs or police service.

(*c*) Applicability of the Convention.—The Convention is applicable not only at the stage when the aircraft is in flight but also at the stage of preparation on ground preceding the flight and for twenty-four hours after the landing of the aircraft. For the purposes of the Convention, an aircraft is deemed to be in flight from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, or in the case of forced landing, until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

(*d*) Purpose of the Convention.—This Convention primarily aims at ensuring that any person committing an offence under this Convention is punished. To this end, the Convention requires every Siate where the alleged offender is found, either to extradite him or to prosecute him.

(*e*) Jurisdiction.—In respect of offences under this Convention, a number of States have been given concurrent jurisdiction These are the State where the offence is committed, the State of registration of the aircraft against or on board which the offence is committed, the State where the alleged offender is found and in the case of an offence committed against or on board an aircraft leased without crew to a

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lessee, the State where the lessee has his principal place of business or if the lessee has no such place of business, the State of his permanent residence. Thus, a limited principle of universality has been introduced with a view to achieve the objective that an offender under this Convention does not find a haven of immunity at least amongst the contracting States.

3. The Montreal Convention does not apply to acts which are offences in relation to an aircraft when both the place of take off and the place of landing of such aircraft are situated in the country in which the aircraft is registered. It is proposed to avail of the present opportunity to cover such cases also in respect of aircraft registered in India. Further, the Convention applies only to those air navigation facilities which are used in international air navigation. It is proposed to cover all air navigation facilities and not merely to those used in international air navigation.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 19*th October*, 1982.

BHAGWAT JHA AZAD.

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