

IndiaCode

The Bharatiya Vayuyan Adhiniyam, 2024

(ACT NO. 16 OF 2024)

[*As on the* 21*st July,* 2025]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

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THE BHARATIYA VAYUYAN ADHINIYAM, 2024

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THE BHARATIYA VAYUYAN ADHINIYAM, 2024

ACT NO. 16 OF 2024

[11*th December,* 2024.]

An Act to provide for regulation and control of the design, manufacture, maintenance, possession, use, operation, sale, export and import of aircraft and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fifth 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 Bharatiya Vayuyan Adhiniyam, 2024.

(*2*) It extends to the whole of India and applies to—

(*a*) citizens of India wherever they may be;

(*b*) the aircraft, and the persons on aircraft, registered in India wherever they may be;

(*c*) the aircraft, and the persons on aircraft, registered outside India, but for the time being in or over India; and

(*d*) 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.

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

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2. Definitions.—In this Act, unless the context otherwise requires,—

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

(*2*) "aerodrome reference point", in relation to any aerodrome, means a designated point established in the horizontal plane at or near the geometric centre of that part of the aerodrome reserved for the departure or landing of aircraft;

(*3*) "aircraft" means any machine that can derive support in the atmosphere from reactions of the air, other than reactions of the air against the earth's surface;

(*4*) "Aircraft Accidents Investigation Bureau" means the Aircraft Accidents Investigation Bureau constituted under section 7;

(*5*) "Bureau of Civil Aviation Security" means the Bureau of Civil Aviation Security constituted under section 5;

(*6*) "design" means the set of data and information that defines the configuration of an aeronautical product type, its associated parts and appliances for the purpose of airworthiness determination;

(*7*) "Directorate General of Civil Aviation" means the Directorate General of Civil Aviation constituted under section 3;

(*8*) "export" means taking out of India;

(*9*) "import" means bringing into India;

1. 1ST January, 2025, *vide* notification NO. S.O. 5646(E), dated 31st December, 2024, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*10*) "maintenance" means the performance of the tasks on an aircraft, engine, propeller or associated part required to ensure the continuing airworthiness of an aircraft, engine, propeller or associated part including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

(*11*) "manufacture" means the performance of tasks that involve assembly or production of aircraft, engine, propeller or associated parts and appliances in conformity with its applicable design including prototype;

(*12*) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

DIRECTORATE GENERAL OF CIVIL AVIATION

3. Directorate General of Civil Aviation.—(*1*) The Directorate General of Civil Aviation constituted under the Aircraft Act, 1934 (22 of 1934) shall be deemed to have been constituted under this Act, which shall be headed by an officer designated as the Director General of Civil Aviation appointed in this behalf by the Central Government by notification in the Official Gazette.

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

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

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

4. Power of Director General of Civil Aviation to issue directions.—(*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*), (*e*), (*g*), (*i*), (*j*), (*k*), (*l*), (*m*), (*n*), (*o*), (*p*), (*q*), (*r*), (*s*), (*w*), (*zb*), (*zc*), (*zd*) and (*zf*) of sub-section (*2*) of section 10, 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, 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.

(*2*) Every order passed under sub-section (*1*) shall be complied with by the person to whom such order is issued.

CHAPTER III

BUREAU OF CIVIL AVIATION SECURITY

5. Bureau of Civil Aviation Security.—(*1*) The Bureau of Civil Aviation Security constituted under the Aircraft Act, 1934 (22 of 1934) shall be deemed to have been constituted under this Act, which shall be headed by an officer designated as the Director General of Bureau of Civil Aviation Security appointed in this behalf by the Central Government by notification in the Official Gazette.

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

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

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

6. Power of Director General of Bureau of Civil Aviation Security to issue directions.—(*1*) The Director General of Bureau of Civil Aviation Security or any other officer specially empowered in this behalf by the Central Government may, from time to time, by order, issue directions, consistent with the provisions of this Act and the rules made thereunder, with respect to any of the matters specified in clauses (*i*), (*j*), (*o*), (*ze*), and (*zg*) of sub-section (*2*) of section 10, to any person or persons using any aerodrome, or engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, or safeguarding civil aviation against acts of unlawful interference, in any case where the Director General of Bureau of Civil Aviation Security or such other officer is satisfied that in the interests of the security of India or to ensure security of civil aviation operations, it is necessary so to do.

(*2*) Every person to whom the order is issued under sub-section (*1*) shall comply with such order.

CHAPTER IV

AIRCRAFT ACCIDENTS INVESTIGATION BUREAU

7. Aircraft Accidents Investigation Bureau.—(*1*) The Aircraft Accidents Investigation Bureau constituted under the Aircraft Act, 1934 (22 of 1934) shall be deemed to have been constituted under this Act, which shall be headed by an officer designated as the Director General of Aircraft Accidents Investigation Bureau appointed in this behalf by the Central Government by notification in the Official Gazette.

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

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

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

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CHAPTER V

POWERS OF CENTRAL GOVERNMENT

8. Superintendence of Central Government.—The superintendence of the Directorate General of Civil Aviation, the Bureau of Civil Aviation Security and the Aircraft Accidents Investigation Bureau shall vest in the Central Government, which shall have the power to issue directions to each of these organisations, on any matters falling under sub-section (*2*) of sections 3, 5 and 7, respectively, if it considers necessary or expedient so to do in the public interest.

9. Power of Central Government to review orders passed under section 4 or section 6.—(*1*) Where the Central Government considers it necessary or expedient so to do in the public interest, it may, on receipt of a representation from any person or otherwise, review any order passed by the Director General of Civil Aviation under section 4 or by the Director General of Bureau of Civil Aviation Security under section 6 and issue such directions, as it deems fit, to the concerned Director General to rescind or modify the order so passed.

(*2*) The Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security, as the case may be, shall comply with every direction issued under sub-section (*1*) and either rescind or modify the order so passed by him under section 4 or section 6, as the case may be.

10. Power of Central Government to make rules.—(*1*) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules regulating the design, manufacture, maintenance, possession, use, operation, sale, import or export of any aircraft or class of aircraft and for securing the safety of aircraft operations.

(*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 regulation of air transport services, and the prohibition of the use of aircraft in such services except under the authority of and in accordance with a licence authorising the establishment of the service;

(*c*) the economic regulation of civil aviation and air transport services, including the approval, disapproval or revision on tariff of operators of air transport services, other than the tariff referred to in clause (*a*) of sub-section (*1*) of section 13 of the Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008); the officers or authorities who may exercise powers in this behalf; the procedure to be followed and the factors to be taken into account by such officers or authorities; appeals to the Central Government against orders of such officers or authorities and all other matters connected with such tariff.

Explanation.—For the purposes of this clause, "tariff" includes fares, rates, valuation charges and other charges for air transport of passengers or goods, the rules, regulations, practices or services affecting such fares, rates, valuation charges and other charges and the rates, terms and conditions of commission payable to passenger or cargo sales agents;

(*d*) the information to be furnished by an applicant for, or the holder of, a licence authorising the establishment of an air transport service to such authorities as may be specified in the rules;

(*e*) 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;

(*f*) the fees which may be charged at those aerodromes to which the Airports Authority of India Act, 1994 (55 of 1994) or the Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008) does not apply or are not made applicable;

(*g*) the inspection and control of the design, manufacture, repair and maintenance of aircraft and of places where aircraft are being designed, manufactured, repaired or kept;

(*h*) the registration and marking of aircraft;

(*i*) 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;

(*j*) the inspection of aircraft or any facility for the design, manufacture, maintenance, or operation of aircraft for the purpose of enforcing the provisions of this Act and the rules thereunder;

(*k*) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft;

(*l*) the licensing of persons engaged in air traffic control;

(*m*) the certification and licensing of personnel engaged in the operation of radio telephone or telegraph for the conduct of operation and maintenance of aircraft and associated equipment;

(*n*) the certification, inspection and regulation of communication, navigation and surveillance and air traffic management facilities;

(*o*) the measures to safeguard civil aviation against acts of unlawful interference;

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

(*q*) the air-routes by which, and the conditions under which, aircraft may enter or leave India, or may fly within or over India, and the places at which aircraft shall land or take-off;

(*r*) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;

(*s*) 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;

(*t*) the installation and maintenance of lights on private property in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes, by the owners or occupiers of such property, the payment by the Central Government for such installation and maintenance, and the supervision and control of such installation and maintenance, including the right of access to the property for such purposes;

(*u*) the signals to be used for purposes of communication by or to aircraft and the apparatus to be employed in signaling;

(*v*) the prohibition and regulation of the carriage in aircraft of any specified article, dangerous goods or substance;

(*w*) the measures to be taken and the equipment to be carried for the purpose of ensuring the safety of life;

(*x*) the issue and maintenance of log-books;

(*y*) the manner and conditions of the issue or renewal of any licence, certificate or approval under this Act or the rules made thereunder, the examinations and tests to be undergone in connection therewith, the form, custody, production, endorsement, cancellation, suspension or surrender of such licence, certificate or approval, or of any log-book;

(*z*) the fees to be charged in connection with any inspection, examination, test, certificate, licence or approval, made, issued or renewed under this Act;

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

(*zb*) the prohibition of slaughtering and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matter within a radius of ten kilometres from the aerodrome reference point;

(*zc*) regulation for control of obstruction limiting surfaces around an aerodrome or communication and navigation services facility;

(*zd*) safety oversight and regulatory functions;

(*ze*) security oversight and its regulatory functions;

(*zf*) the areas and manner in which the Director General of Civil Aviation may issue directions for carrying out safety oversight and regulatory functions and grant exemption from compliance with such directions;

(*zg*) the areas and manner in which the Director General of Bureau of Civil Aviation Security may issue directions for carrying out security oversight functions and grant exemption from compliance with such directions;

(*zh*) to determine the amount of monetary penalty;

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

11. Power of Central Government to make rules to implement Convention.—(*1*) Subject to the provisions of section 34, 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.

(*2*) Notwithstanding anything contained in the Telecommunications Act, 2023 (44 of 2023), but subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make such rules as may appear to it to be necessary or expedient for the issuance of Radio Telephone Operator (Restricted) Certificate and Licence to persons engaged in the operation and maintenance of aircraft, in accordance with the applicable provisions of the International Telecommunication Convention as amended from time to time.

12. Power of Central Government to make rules for investigation of accidents.—(*1*) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules providing for the investigation of any accident or incident 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*) require notice to be given of any accident or incident in such manner and by such person as may be specified therein;

(*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 accident or incident;

(*c*) prohibit pending investigation access to or interference with aircraft to which an accident or incident 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.

13. Power of Central Government to make rules for protecting public health.—Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make 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 (15 of 1908), may be made with respect to vessels and ports.

14. Emergency powers of Central Government for protecting public health.—(*1*) If the Central Government is satisfied that India or any part thereof is visited by or threatened with an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the Central Government may take such measures as it deems necessary to prevent such danger.

(*2*) In any such case the Central Government may, without prejudice to the powers conferred by section 13, by notification in the Official Gazette, make such temporary rules with respect to aircraft and persons travelling or things carried therein and aerodromes as it deems necessary in the circumstances.

(*3*) Notwithstanding anything contained in section 34, the power to make rules under sub-section (*2*) shall not be subject to the condition of the rules being made after previous publication, but such rules shall not remain in force for more than three months from the date of notification:

Provided that the Central Government may by special order continue them in force for a further period or periods of not more than three months in all.

15. Power of Central Government to make orders in emergency.—(*1*) If the Central Government is of opinion that in the interest of public safety or tranquillity the issue of all or any of the following orders is expedient, it may, by notification in the Official Gazette,—

(*a*) cancel or suspend, either absolutely or subject to such conditions as it may think fit to specify in the order, all or any licence, certificate or approval issued under this Act;

(*b*) prohibit, either absolutely or subject to such conditions as it 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 India;

(*c*) prohibit, either absolutely, or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft facility, Flying Training Organisation or place where aircraft are designed, manufactured, repaired or kept, or any class or description thereof; and

(*d*) direct that any aircraft or class of aircraft or any aerodrome, aircraft facility, Flying Training Organisation or place where aircraft are designed, manufactured, repaired or kept, together with any machinery, plant, material or things used for the design, 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 it may specify in the order, to be at the disposal of that Government for the public service.

(*2*) Any order made under sub-section (*1*) shall have effect notwithstanding anything inconsistent therewith contained in any rule made under this Act.

(*3*) 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 Central Government may appoint in this behalf.

(*4*) The Central Government may authorise such steps to be taken to secure compliance with any order made under sub-section (*1*) as appear to it to be necessary.

(*5*) 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 the Central Government.

16. Power of Central Government to make rules for securing safe custody and re-delivery of unclaimed property.—Subject to the provisions of section 34, 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 on any aerodrome or in any aircraft on 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.

17. Power to detain aircraft.—(*1*) Any authority authorised in this behalf by the Central Government 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 person 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 (*q*) or clause (*r*) of sub-section (*2*) of section 10 or to implement any order made by any court.

(*2*) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules regulating all matters incidental or subsidiary to the exercise of this power.

18. Power of Central Government to prohibit or regulate construction of buildings, planting of trees, and the like.—(*1*) If the Central Government is of opinion that it is necessary or expedient so to do for the safety of aircraft operations, it may, by notification in the Official Gazette,—

(*a*) direct that no building or structure shall be constructed or erected, or no tree shall be planted on any land within such radius, not exceeding twenty kilometres from the aerodrome reference point, as may be specified in the notification and where there is any building, structure or tree on such land, also direct the owner or the person having control of such building, structure or tree to demolish such building or structure or, as the case may be, to cut such tree within such period as may be specified in the notification;

(*b*) direct that no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding twenty kilometres from the aerodrome reference point, as may be specified in the notification and where the height of any building or structure or tree on such land is higher than the specified height, also direct the owner or the person having control of such building, structure or tree to reduce the height thereof so as not to exceed the specified height, within such period as may be specified in the notification.

(*2*) In specifying the radius under clause (*a*) or clause (*b*) of sub-section (*1*) and in specifying the height of any building, structure or tree under the said clause (*b*), the Central Government shall have regard to—

(*a*) the nature of the aircraft operated or intended to be operated in the aerodrome; and

(*b*) the international standards and recommended practices governing the operation of aircraft.

(*3*) Where any notification has been issued under sub-section (*1*) directing the owner or the person having control of any building, structure or tree to demolish such building or structure or to cut such tree or to reduce the height of any building, structure or tree, a copy of the notification containing such direction shall be served on the owner or the person having the control of the building, structure or tree, as the case may be,—

(*a*) by delivering or tendering it to such owner or person; or

(*b*) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such owner or person or any adult member of the family of such owner or person or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain or delivering by mail or any other electronic means; or

(*c*) failing service by any of the means specified in clause (*a*) or clause (*b*), by post.

(*4*) Every person shall be bound to comply with any direction contained in any notification issued under sub-section (*1*).

19. Power of Central Government to restrict, suspend or cancel licence, certificate or approval.—(*1*) Notwithstanding anything contained in this Act, if any person contravenes any of the provisions of this Act or the rules made or the directions issued thereunder, the Central Government or any officer authorised in this behalf, may impose any restriction or suspend or cancel the licence, certificate or approval issued to such person under this Act, in such manner as may be prescribed.

(*2*) On being satisfied that there has been contravention of the provisions of the Act or the rules made or directions issued under this Act by any person, the Central Government or any officer authorised under sub-section (*1*) may, by an order in writing,—

(*i*) suspend or cancel the licence, certificate or approval; or

(*ii*) impose restrictions on the licence, certificate or approval,

issued to such person stating the nature of contravention of the respective provisions of the Act, rule or the direction which has been contravened and the reasons for such suspension or cancellation or imposition of restriction.

(*3*) The Central Government or the officer authorised under sub-section (*1*) shall, before passing an order under sub-section (*2*), give an opportunity of being heard to the person concerned.

(*4*) The Central Government may, in the rules made under this section, specify the grounds on which the licence, certificate or approval may be suspended or the circumstances under which such restrictions may be imposed with immediate effect.

20. Power of Central Government to exempt certain aircraft.—The Central Government may, by notification in the Official Gazette, and for the reasons provided therein, exempt from all or any of the

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provisions of this Act or the rules made thereunder, 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.

21. Power of Central Government to delegate.—The Central Government may, by order published in the Official Gazette, direct that the powers (except the power to make rules under this Act) exercisable by it under this Act may also be exercisable by the Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security or the Director General of Aircraft Accidents Investigation Bureau or any other officer or authority specifically empowered in this behalf by the Central Government.

CHAPTER VI

PAYMENT OF COMPENSATION FOR LOSS OR DAMAGE

22. Manner of determination and payment of compensation for loss or damage.—(*1*) If in consequence of any direction contained in any notification issued under sub-section (*1*) of section 18, any person sustains any loss or damage, such person shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(*b*) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person who is or has been qualified for appointment as a Judge of a High Court;

(*c*) the Central Government may, in any particular case, nominate a person having adequate knowledge as to the nature of the loss or damage suffered by the person to be compensated and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose;

(*d*) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what, in their respective opinion, is a fair amount of compensation;

(*e*) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specify the person or persons to whom such compensation shall be paid; and in making the award he shall have regard to the circumstances of each case and,—

(*i*) the damage sustained by the person to be compensated in his earnings;

(*ii*) if in consequence of any direction contained in any notification issued under sub-section (*1*) of section 18, the market value of the land immediately after the issue of such notification is diminished, the diminution in such market value;

(*iii*) where any building or structure has been demolished or any tree has been cut or the height of any building, structure or tree has been reduced in pursuance of any direction, the damage sustained by the person to be compensated in consequence of such demolition, cutting or reduction and the expenses incurred by such person for such demolition, cutting or reduction;

(*iv*) if the person to be compensated is compelled to change his residence or place of business, the reasonable expenses, if any, that may have to be incurred by him incidental to such change;

(*f*) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons;

(*g*) nothing in the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to arbitrations under this section.

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(*2*) Every award made by the arbitrator under clause (*e*) of sub-section (*1*) shall also state the amount of costs incurred in the proceedings before it and by what persons and in what proportions they are to be paid.

23. Appeal from award in respect of compensation.—Any person aggrieved by an award of the arbitrator made under section 22 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the aerodrome is situate:

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

24. Arbitrator to have certain powers of civil courts.—The arbitrator appointed under section 22, while holding arbitration proceedings under this Act, shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) reception of evidence on affidavits;

(*d*) requisitioning any public record from any court or office;

(*e*) issuing commissions for examination of witnesses.

CHAPTER VII

OFFENCES AND PENALTIES

25. **Penalty for contravention of rule made under this Act**.—(*1*) If any person contravenes any provision of any rule made under clause (*v*) of sub-section (*2*) of section 10 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, 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, or with fine which may extend to one crore rupees, or with both.

(*2*) If any person contravenes any provision of any rule made under clause (*zb*) of sub-section (*2*) of section 10 prohibiting the slaughter and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matters within a radius of ten kilometres from the aerodrome reference point, he shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one crore rupees, or with both.

(*3*) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) an offence referred to in sub-section (*2*) shall be cognizable.

(*4*) In making any other rule under section 10, section 11, section 12, section 13, section 14 or section 17, the Central Government may, direct that a breach of it shall be punishable with imprisonment for a period which may extend to two years, or with fine which may extend to one crore rupees, or with both.

26. **Penalty for flying so as to cause danger.—**Whoever wilfully flies any aircraft in such 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 two years, or with fine which may extend to one crore rupees, or with both.

27. **Penalty for failure to comply with directions issued under section 4 or section 6**.—If any person wilfully fails to comply with any direction issued under section 4 or section 6, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one crore rupees, or with both.

28. **Penalty for failure to comply with directions issued under section 18**.—(*1*) If any person wilfully fails to comply with any direction contained in any notification issued under section 18, he shall

be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one crore rupees, or with both.

(*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 18 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 authorised 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:

Provided that the power to make rules under this sub-section shall be subject to the provisions of section 34.

29. **Penalty for abetment of offences and attempted offences.—**Whoever abets the commission of any 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.

30. **Composition of offences**.—(*1*) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) , any offence punishable under this Act or under any rules made thereunder, not being an offence punishable with imprisonment only, or punishable with imprisonment and also with fine, may be compounded, either before or after the institution of any prosecution, by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be, in such manner, and for such amount not exceeding one crore rupees, as may be prescribed.

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

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

(*4*) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

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

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

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

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

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

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

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(*3*) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), no court inferior to that of a Judicial Magistrate of the first class shall try the offences under this Act.

32. **Adjudication of penalties.**—(*1*) Notwithstanding anything contained in section 25, the Central Government may, in making any rule under section 10, section 11, section 12, section 13, section 14, or section 17, provide for imposition of penalty, not exceeding one crore rupees as may be prescribed, for the contravention of any rule.

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

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

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

Provided that the designated officer shall, before imposing any penalty, give an opportunity of being heard to such person:

Provided further that the designated officer shall not proceed for imposition of penalty under sub-section (*4*), if an action under this Act other than the imposition of such penalty has been initiated for contravention of same provision on the same cause of action.

33. **Appeal.**—(*1*) Any person aggrieved by any order made under sub-section (*2*) of section 19 or under sub-section (*4*) of section 32, may prefer an appeal to the First Appellate Officer having jurisdiction in the matter who is next higher in rank to such officer who has passed the order.

(*2*) The First Appellate Officer may, after giving an opportunity of being heard to the parties, pass such order, as he thinks fit, confirming, modifying or setting aside the order appealed against.

(*3*) Any person aggrieved by any order passed by the First Appellate Officer, may prefer an appeal to the Second Appellate Officer having jurisdiction in the matter who is next higher in rank to the First Appellate Officer.

(*4*) The Second Appellate Officer may, after giving an opportunity of being heard to the parties, pass such order as he thinks fit, confirming, modifying or setting aside the order passed by the First Appellate Officer.

(*5*) Notwithstanding anything contained in the foregoing sub-sections, the appeal under sub-section (*1*) or under sub-section (*3*) against an order passed by the Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security shall lie to the Central Government.

(*6*) Where any order under sub-section (*5*) is passed by the Central Government, no further appeal shall lie against such order.

(*7*) Every appeal under this section shall be filed within thirty days from the date of receipt of the copy of the order passed, and in such form and manner and accompanied with such documents and fee as may be prescribed:

Provided that the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding thirty days.

CHAPTER VIII

MISCELLANEOUS

34. **Rules to be made after publication**.—Any power to make rules conferred by this Act is 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.

35. **Laying of rules before Parliament.—**Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. Power of Court to order forfeiture.—Where any person is convicted of an offence punishable under sub-section (*1*) of section 25 or under any rule made under clause (*r*) of sub-section (*2*) of section 10, 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 the Central Government.

37. Wreck and salvage.—(*1*) The provisions of Part XIII of the Merchant Shipping Act, 1958 (44 of 1958), relating to Wreck and Salvage shall apply to aircraft on or over the sea or tidal water 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 Central Government may, by notification in the Official Gazette, make such modifications of the said provisions in their application to aircraft as appear necessary or expedient.

38. **Use of patented invention on aircraft not registered in India.—**The provisions of the Patents Act, 1970 (39 of 1970) shall apply to the use of an invention on any aircraft not registered in India in like manner as they apply to the use of an invention in a foreign vessel.

39. **Bar of certain suits**.—No suit shall be brought in any civil court 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.

40. **Protection of action taken in good faith**.—No suit, prosecution or other legal proceeding shall lie against any person for anything done in good faith or intended to be done under this Act.

41. **Savings of application of Act**.—Nothing in this Act or in any order or rule made thereunder other than a rule made under section 13 or under section 14 shall apply to or in respect of any aircraft belonging to or exclusively employed in the Navy, Army or Air Force of the Union or other armed forces of the Union constituted by any law for the time being in force, or to any person in such forces employed in connection with such aircraft:

Provided that any aircraft belonging to an armed forces of the Union other than Navy, Army or Air Force of the Union, for which the provisions of the Act which is repealed under section 43, and the rules made thereunder were applicable on the date of commencement of this Act, shall continue to be so governed by this Act and the rules made thereunder till such date as the Central Government may, by notification in the Official Gazette, specify.

42. **Power to remove difficulty**.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of the Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. **Repeal and savings**.—(*1*) The Aircraft Act, 1934 (22 of 1934) is hereby repealed.

(*2*) Notwithstanding the repeal of the Act referred to in sub-section (*1*), anything done or any action taken or purported to have been done or taken, including any rule, regulation, notification, inspection or order made or issued; or any licence, certificate, approval, permission or exemption granted; or any document or instrument executed; or any direction issued; or any proceedings taken or any penalty, punishment, forfeiture or fine imposed under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(*3*) The mention of particular matters in sub-section (*2*) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897), with regard to the effect of repeal.

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STATEMENT OF OBJECTS AND REASONS

The Aircraft Act, 1934 (22 of 1934) was enacted to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft.

2. The regulation of civil air transport within the territory and the airspace above India, including regulation of international air services of national and foreign air carriers is the sovereign function of the Government of India and the same is given effect to under this Act, having regard to the international regulations, bilateral and multilateral agreements and arrangements to which India is a contracting party or which has been acceded to or ratified by India.

3. The Aircraft Act, 1934 has been amended several times to enhance safety, oversight and to meet requirements for sustainable growth of aviation sector and to give effect to the provisions of international conventions. As a result of numerous amendments over a period of ninety years, a need is felt to address the ambiguities and confusion experienced by the stakeholders, to remove redundancies, to enable ease of doing business and to provide for manufacture and maintenance in the aviation sector and to re-enact the aforesaid Act in the form of a Bill, namely, the Bharatiya Vayuyan Vidheyak, 2024.

4. The Bharatiya Vayuyan Vidheyak, 2024, inter alia, seeks to—

(*a*) provide for design, manufacture and maintenance of aircraft and related equipment;

(*b*) empower the Central Government to regulate issuance of Radio Telephone Operator (Restricted) Certificate and licence to provide for ease of business;

(*c*) empower the Central Government to make rules to implement the Convention relating to international civil aviation and the other matters relating to civil aviation security; (d) empower the Central Government to issue orders in emergency in the interest of public safety or tranquility;

(*e*) provide for payment of compensation for loss or damage in such manner as provided under the Act;

(*f*) provide for appeal against the matters relating to compensation, licence, certificate or approval and adjudication of penalties;

(*g*) provide for imprisonment, fine or penalties for contravention of the provisions of the Act or the rules made thereunder;

(*h*) remove ambiguities and redundancies;

(*i*) provide for repeal of the Aircraft Act, 1934 and saving of acts done under the said Act; and

(*j*) other regulatory provisions for effective implementation of the proposed legislation.

5. The Notes on Clauses explain in detail the various provisions contained in the Bill.

6. The Bill seeks to achieve the above objectives.

RAMMOHAN NAIDU KINJARAPU.

NEW DELHI;
The 24th July, 2024.

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