

Aircraft Act 1934 and Aircraft Rules 1937 : An Overview

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Scope

- Background
- Organizational Structure
- Early Developments
- National Laws
- Subsidiary regulations, notification

Indian Airships Act 1911

- First commercial flight in India 18th Feb 1911
- First air law in India – Indian Airships Act 1911
- Regulated detail of flight of aircraft over Indian territory .
- Applied to whole of British India
- Sec 3- defines the power and function of the Governor General in Council including those for making Rules for licensing of Manufacture, Possession , Use ,Sale, Import and Export of Ship.
- Sec 4 –GG power to prohibit – Import or Export for public good
- Sec 5- GG power to Cancelled or suspend licenses & to acquire airships for public services

The Indian Aircraft Rules (Customs)1920

- Part 9 from 53-64-Rules governing arrival and departure of Aircraft
- 53 Custom Aerodromes & Customs Officers
 - 54 Arrival and Departure
 - 55 import and Export of goods
 - 56 Procedure on arrival in India
 - 57 Delivery of Log Books, manifest , Declaration of goods and stores carried in A/C
 - 58 unloading of goods on airport
 - 59 Procedure on export
 - 60 Prohibition of signals in certain cases
 - 61 Forced landings
 - 62 Examination of aircraft by customs
 - 63 Provision of Sea Customs Act VIII of 1878 to be deemed to apply to import and export by air
 - 64 Extent of the application

The Aircraft Public Health Rules 1954

- These rules are made as Sec 8A of the Aircraft Act 1934
- 6 Parts
- Part 1 Introduction and definitions
- Part 2- Aircraft Arrivals when diseases like Yellow fever, Plague, cholera, smallpox etc.,,,
- Part 3 – Aircraft Departure procedure for passenger and flight
- Part 4- Carriage of dead bodies
- Part 5- Miscellaneous health Provisions
- Part 6- offences and Penalties

AIR CRAFT ACT 1934

- Act XXII OF 1934
- Amended from time to time – last amendment on 5th December 2007 (Act 44 of 2007)
- Major amendment in 1972- Power to DGCA to Issue directions

1934 Act - Preamble + 19 Sections

- 1. Short title and extent
- 2. Definitions
- 3. Power of Central Government (CG) to exempt certain aircraft.
- 4. Power of CG to make rules to implement the Convention of 1944.-
- 4A. Safety oversight functions
- 5. Power of Central Government to make rules.-
- 5A. Power to issue directions.
- 6. Power of Central Government to make orders in emergency.
- 7. Power of Central Government to make rules for investigation of accidents.-
- 8. Power to detain aircraft.
- 8A. Power of Central Government to make rules for protecting the public health.-
- 8 B. Emergency powers for protecting the public health.
- 8 C. Power of CG to make rules for securing safe custody and re-delivery of unclaimed property.-
- 9. Wreck and Salvage.-

Act

- 9 A. Power of CG to prohibit or regulate construction of buildings, planting of trees etc.
- 9 B. Payment of compensation.-
- 9C. Appeals from awards in respect of compensation.
- 9D. Arbitrator to have certain powers of civil Courts.
- 10. Penalty for act in contravention of rule made under this Act.
- 11. Penalty for flying so as to cause danger.
- 11A. Penalty for failure to comply with directions issued under section 5A.
- 11B. Penalty for failure to comply with directions issued under section 9A.
- 12. Penalty for abetment of offences and attempted offences.
- 13. Power of Court to order forfeiture.
- 14. Rules to be made after publication.
- 14A. Laying of rules before Parliament.
- 15. Use of patented invention on aircraft not registered in India.
- 16. Power to apply customs procedure.-
- 17. Bar of certain suits.-
- 18. Saving for acts done in good faith under the Act.-
- 19. Saving of application of Act.-

Preamble

- The objective –
- to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft.

Scope and extent

- whole of India
- to citizens of India
- to the persons on, aircraft registered in India
- Foreign a/c while in India
- A/c operated by an Indian firm
- Not applicable to military aircrafts



Definitions

- *Means and includes*
 - *Eg* Aircraft- balloons, kites, gliders and flying machines but exclude Hovercraft.
 - Aerodrome
 - aerodrome reference point
 - Import, Export
-
- Note -airport , aerodrome

Power of Govt to make Rules

- Dynamic-Technical character of the subject – Aviation
- Subordinate or delegated legislation
- Section 4- Rules to implement the convention 1944- including annex thereto relating to SARPS
- Section 5- to make rule regarding use, operation etc of A/c , licensing, aerodrome, , air routes tariff w.r.t AAI aerodromes etc

Power of GoI to make Rules

- Section 7 – to make Rules for investigation of
● Accidents and incidents
- Section 8A – to make rules protecting Public health
- Section 8C- to make rules securing safe custody and
redelivery of unclaimed property

Section 14A

- Rule Subject to
 - Section 14 - publication
 - Section 14A - Laying before parliament
- Every rule –laid as soon before the Parliament
- Modification or annulment

Power of GoI to make orders

- Section 6- in emergency
 - Cancel suspend, licenses
 - Prohibit flights of A/c
 - aerodrome
 - aerodrome , facilities, A/c at the GoI disposal
- Section 8 – Power to detain A/c
 - Danger to persons in A/c etc
- Section 8B - Emergency powers for protecting public health
 - temporary rules for Epidemic control- 3 months

Other Powers of Central Govt

- prohibit /regulate construction of buildings planting of trees etc
 - Ban on building
 - Height restriction
- Radius - w.r.t Nature of A/c from an aerodrome , SARPS
- payment of compensation, arbitrator
- Appeals w.r.t compensation- To the
 - High court- thirty days
- Arbitrator- powers of Civil court

Penalties

- Section 10 - contravention of rule made under
- Section 11 - for flying – cause danger
- Section 11A - Not complying with the direction U/S 5A
- Section 11B - Not complying with the directions U/S 9A

Section 10

- Penalties
- - up to two years + fine of Rs. Ten lakhs- carriage of arms /explosives or other dangerous goods
- up to three years +fine Rs.Ten lakhs- slaughter of animals
- Up to two years+ fine Up to Ten lakhs- rule under section 5,7,4,8,8A,8B

Power of DGCA

- Section 4A
- By 2007 Amendment
- Power to DGCA- safety oversight functions
- Section 5A- power to Issue directions
 - safety of operations
 - security of India

DGCA No.9/38/77-IR Vol.II

In exercise of the powers conferred by Section 5A of the Aircraft Act, 1934 (22 of 1934), the Director General of Civil Aviation, being satisfied that in the interest of the security of India it is necessary so to do, hereby directs that no person shall fly or assist in flying an aircraft upto the height of 10,000 ft. over the area included within a radius of 10 kms. from Kalpakkam nuclear installation bounded by the following co-ordinates:-12° 33' 55" N 80° 10' 33" E

(Nasim Zaidi)

Director General of Civil Aviation

Aircraft Rules 1937

Aircraft Rules, 1937

- Consisting of 14 parts- 161 rules & 12 schedules
- The Aircraft Act and Aircraft Rules covers the general conditions of flying, general safety conditions, registrations and marking of aircraft, investigations of accidents, regulatory provisions, air transport services etc.

Aircraft Rules 1937

- Power to Make Rules
- U/s 5 and 7, S/s (2) of section 8 of the Aircraft Act, 1934
- U/s 4 of the Indian Telegraph Act, 1885 (XIII of 1885),
- Indian Aircraft Rules, 1920, with the exception of Part IX thereof

Aircraft Rules 1937

PART I Preliminary (1 - 3B)

- PART I
- In this part Rule I relates to application of these rules to aircraft and to persons on, aircraft registered in India wherever they may be, and to all aircraft and to persons thereon for the time being in or over India.
- Rule relates to definition of nationality of aircraft. It states that “an aircraft shall be deemed to possess the nationality of the States on the register of which it is entered”
- Sub-rule (2) of Rule 3 provides for delegation of powers of the Central Government to persons specially authorized.

PART II General Conditions of Flying (4 - 20)

This part lays down general conditions of flying.

- Rule 4 Fair use of aircraft in accordance with these rules.
- Rule 5 registration and nationality marks
- Rule 6 pertains to licensing of personnel.
- Rule 7A prohibition without a valid passport.
- Rule 8 refers to the carriage of arms, explosives and dangerous goods.
- Rule 9 security check of persons boarding aircraft at aerodromes
- Rule 10 relates to carriage of mail permitted only with the consent of DGPT.
- Rule 11 license or approval of Aerodromes in accordance with Part XI

Part II ...

- Rule12 no person shall fly or assist in flying an aircraft over prohibited areas.
- Rule13 pertaining to prohibition of photography.
- Rule13 A carriage of photographic apparatus in aircraft by permission of DGCA.
- Rule14 aerial work and public transport service.
- Rule 15 stipulates conditions to be complied with by an aircraft in flight.
- Rule 16 compliance of rules of the Air contained in Schedule IV
- Rule 17 relates to the production of licenses.
- Rule 18 prevention of flights in contravention of the rules.
- Rule 19 stipulation for suspension or cancellation of license

PART III **General Safety Conditions** (21 - 29C)

- Rule 21 deals with dangerous flying.
- Rule 24 prohibition of intoxicated persons entering an aircraft.
- Rule 24A carriage of persons suffering from mental disorders or epilepsy on aircraft is prohibited.
- Rule 24B about transportation of criminal with the permission of DGCA.
- Rule 25 pertains to smoking inside an aircraft.
- Rule 25A about the condition of refueling.
- Rule 26 relates to dropping of articles by air and parachute descent.
- Rule 28 lays down minimum age for gliding and flying.
- Rule 29 refers to prohibition of acts likely to imperil the safety of aircraft.
- Rule 29A prohibits operation of a civil aircraft causing sonic boom

PART IV : Registration and Marking of Aircraft (30 - 37A)

- Rule 30 about categories of registration.
- Rule 32 lays down conditions for import of an aircraft.
- Rule 33 speaks about change of ownership.
- Rule 34 damage of aircraft, withdrawal from use with informing of DGCA.
- Rule 36 speaks about maintenance of register
- Rule 37 under this rule registration and marking of aircraft is done.
- Rule 37A speaks about NO advertisement.

PART V: Personnel of Aircraft (38 - 48)

- Rule 38 Central Government is licensing authority.
- Rule 38A carry operating crew for private public transport
- Rule 38B provides for minimum number of cabin attendants .
- Rule 39A disqualification Criminals etc in obtaining licenses.
- Rule 39B issuance of license with medical examination.
- Rule 41 proof of flying experience for license
- Rule 41A conduct of checks, tests and examinations.
- Rule 42 A pilots shall not fly more than 125 hrs during any period of 30 consecutive days.
- R 44 registration of aircraft of the state of registration in India.
- Rule 45 speaks about violation of foreign license by DGCA..
- Rule 48 speaks fees to be charged for issuance of license.

PART VI Airworthiness (49 - 62)

- Rule 49- 62 deals with airworthiness regulation in India.
 - Rule 50 requirements for a certificate of airworthiness give by DGCA.
 - Rule 50A speaks about condition of certificate.
 - Rule 51 talks about FLIGHTS manual .
 - Rule 54 person authorized to issue certificates of airworthiness.
 - Rule 55 suspension or cancellation of certificates
56. Indian aircraft operating outside India
 57. Instruments and equipment
 58. Weight and balance
 59. Defects and defective parts
 - 59A. Defects in a foreign aircraft
 60. Maintenance standards and certification
 61. Licensing of aircraft maintenance engineers
 - 61A. Validation of licences of foreign Aircraft Maintenance Engineers
 62. Fees

PART VII **Radio Telegraph Apparatus** (63 - 64)

- This small part of Aircraft rules, 1937 states that every public transport aircraft carrying more than ten persons shall be equipped with a radio telegraph apparatus approved by the Government.

PART VIII **Aeronautical Beacons, Ground Lights** (65 – 66)

- This part states that no aeronautical beacon or aeronautical ground light shall be established within India without the approval of the Central government. Also, no person shall interfere with any aeronautical beacon or ground light established by or maintained by the Government. No false light can be used within 5 kilometers radius of an aerodrome which can be mistaken for an aeronautical beacon.

Part IX Log Books and Part X Investigation of Accidents

- Part IX: Log Books: Rule 67, 67A and B refers to maintain log books
Part X Investigation of Accidents: Rules 67 to 77 deals with investigation of Accidents, Air Safety, role of the DGCA, Notification of Accidents, summoning of persons, powers of Inspector of Accidents and fees etc
- Annex 13 and Article 26 of the Chicago Convention

PART XI – AERODROMES

- 78. Licensing of Aerodromes
- 79. Qualifications of licensee
- 80. Procedure for grant of licence
- 81. Aerodrome Manual
- 82. Inspection
- 83. Conditions governing the grant of licence
- 84. Period of validity of licence
- 85. Public aerodromes
- 86. Tariff charges
- 87. Fees
- 88. Passenger Service Fees
- 89. User Development Fees
- 90. Entry into public aerodromes
- 91. Prohibition of slaughtering and flaying of animals, depositing of rubbish and other polluted or obnoxious matter in the vicinity of aerodrome
- 92. Ground Handling Services

Part XII A Regulatory Provisions:133 A-C

- Directions by DG
- DG issues Notices to Airmen, AIPs, AICs
Notices to aircraft owners Maintenance
Engineers etc
- 133B Designs and Manufacturing
- 133C Payments

Part XIII: Air Transport Services:134 to 155

- Operation of Schedule Services, tariffs, rates and charges
- DGCA approval of new routes
- Duties of Pilot-in-command
- Carrying of mails as required by the DG of posts and Telegraphs
- Part XIII A rules 154, 155, requires aircraft operators and owners to perform all work necessary for airworthiness and safety of aircraft

Part XV General: 156 to 161

- Inspection authorities
- 157 states that no person shall fraudulently lend any license to be used by any other person
- No foreign aircraft except with special permissions
- 160 provides that under Schedule VI penalties for contravention of these rules
- Punishments: imprisonment of three months or a fine not exceeding rupees 1000 or both.



CAR

Civil Aviation Requirements

CIVIL AVIATION REQUIREMENTS

- CAR- Comprehensive technical rules and requirements
- Issued by DGCA from time to Time
- CAR describes the procedure for issue and revision of Civil Aviation Requirements and their dissemination to various organizations

CAR-Legal background

- Section 4 of the Aircraft Act, 1934 enables the Central Government to make rules to implement 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.
- Section 5 of the Aircraft Act 1934 empowers the Central Government to make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft and for securing the safety of operation.
- Rule 29C of the Aircraft Rules 1937 enables DGCA to lay down standards and procedures not inconsistent with the Aircraft Act, 1934 and the rules made thereunder to carry out the Convention and any Annex thereto referred to above.
- In accordance with rule 133 A of the Aircraft Rules, 1937, the Director General may issue, inter alia, Civil Aviation Requirements not inconsistent with the Aircraft Act, 1934 and the rules made thereunder.

Purpose of CAR

- Broad principles of law in Aircraft Rules, 1937,
- CAR specify the detailed procedures so as to
 - a) meet the duties and obligations of India as a Contracting State under the convention
 - b) harmonize the requirements with the rules and regulations of other regulatory authorities such as FAA/EASA etc.
 - c) implement the recommendations of the Court of Inquiry or any other committee constituted by the Central Government/ Director General.

Contents of CAR

The Civil Aviation Requirements (CARs) are promulgated under the following sections:-

- Section 1 - General
- Section 2 - Airworthiness
- Section 3 - Air Transport
- Section 4 - Aerodrome Standards and Air Traffic Services
- Section 5 - Air Safety
- Section 6 - Design standards and Type Certification
- Section 7 - Flight Crew Standards, Training and Licencing
- Section 8 - Aircraft Operations

CAR-Compliance

- CARs shall be complied with by the person or organization to whom such direction is issued, in compliance with Rule 133A (3).
- It is the responsibility of the operator, owner, organization and service provider ensure that the implementation procedures for the requirements are duly reflected in the related Manuals required as per the applicable Rules and CAR

Appeals

- Rule 3B of the Aircraft Rules, 1937
- Against an order passed by an officer Appeal can be preferred to the next higher officer within 60 days

AIC

- AERONAUTICAL INFORMATION CIRCULARS

AERONAUTICAL INFORMATION CIRCULARS

- Published by DGCA – Available on website
- All major orders, rules, amendments affecting civil aviation in India are published from time to time
- Eg. UDF rates at new airports (circular No Sl. No. 2/2009, dt 28th February,2009)

AERONAUTICAL INFORMATION CIRCULARS

- [01/2009](#) 05.01.2009 Checklist of current A.I.C.s (Updated up to 31st Dec.2008)
- [02/2009](#) 28.02.2009 Collection of User Development Fee - DIAL
- [03/2009](#) 24.03.2009 Collection of User Development Fee - HIAL
- [04/2009](#) 20.05.2009 Quality Assurance of approved training organisations in ICAO contracting States
- [05/2009](#) 29.05.2009 Surveillance of operations by a foreign operator
- [06/2009](#) 30.06.2009 Grant of permission for providing ground handling services at airports other than those belonging to the Airports Authority of India.
- [07/2009](#) 02.07.2009 Collection of User Development Fee - BIAL
- [08/2009](#) 17.07.2009 Guidelines for grant of permission to Indian Air Transport Undertakings for operation of Scheduled International Air Transport Services.
- [09/2009](#) 30.10.2009 Requirements for grant of Operating Authorisation to Foreign Airlines under Bilateral Air Services Agreements.
- [10/2009](#) 10.11.2009 Guidelines for grant of Permission to Foreign Airlines to operate Additional Capacity to/from India

