

Aircraft Act, 1934

Section 5 - Power of Central Government to Make Rules

(1) [9](#) [Subject to the provisions of section 14, the Central Government] may, by notification in the Official Gazette, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft [1](#) [and for securing the safety of aircraft operation.]

(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;

[2](#) [(aa) 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;

(ab) the economic regulation of civil aviation and air transport services, including the approval, disapproval or revision of tariff of operators of air transport services; 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 rate's terms and conditions of commission payable to passenger or cargo sales agents;]

[3](#) [(ac) 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;]

[10](#)[(b) 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;

(ba) the fees which may be charged at those aerodromes to which the Airports Authority of India Act, 1994(55 of 1994) does not apply or is not made applicable;]

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

(d) the registration and marking of aircraft;

(e) the conditions under which aircraft may be flown, or may carry passengers, mails or goods; or may be used for industrial purposes and the certificates, licences or documents to be carried by aircraft;

(f) the inspection of aircraft for the purpose of enforcing the provisions of this Act and the rules there under, and the facilities to be provided for such inspection.

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

[11](#)[(ga) the licensing of persons engaged in air traffic control;

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

(gc) the measures to safeguard civil aviation against acts of unlawful interference;]

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

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

(j) the supply, supervision and control of air-routes beacons, aerodrome lights, and lights at or in the neighborhood of aerodromes or on or in the neighborhood of air-routes;

[6](#) [(jj) the installation and maintenance .of lights on private property in the neighborhood of aerodromes or on or in the neighborhood 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;]

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

(l) the prohibition and regulation of the carriage in aircraft of any specified article or substance;

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

(n) the issue and maintenance of log-books; .

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

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

(q) the recognition for the purposes of this Act of licences and certificates issued elsewhere than in India relating to aircraft or to the qualifications of persons employed in the operation, manufacture, repair or maintenance of aircraft [7](#) [* *];

[7](#) [(qq) the prohibition of slaughtering and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matter within a radius of ten kilometers from the aerodrome reference point; and]

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

[8](#) [* * *]

1. Inserted by the Aircraft (Amendment) Act (12 of 1972) w.e.f. 20.4.1972.

2. Clauses (aa) and (ab) inserted by the Aircraft (Amendment) Act (5 of 1944) w.e.f 07.03.1944.

3. Clause (ab) re-lettered as clause (ac) thereof.

4. Substituted by the International Airports Authority Act (43 of 1971) w.e.f 26.01.1972.

5. Inserted by the National airports Authority Act (64 of 1985) w.e.f 21.05.1986.
6. Inserted by the Aircraft (Amendment) Act (37 of 1939) w.e.f 29.09.1939.
7. The Word "and" omitted and clause (qq) inserted by the Aircraft (Amendment) Act (12 of 1972) w.e.f 20.04.1972.
8. Sub-clause (s) omitted by the Aircraft (Amendment) Act (44 of 1960) w.e.f 26.11.1965.
9. Substituted by the Aircraft (Amendment) Act, 2007 [Act No. 44 of 2007] for the words "The Central Government".
10. Substituted for the following by the Aircraft (Amendment) Act, 2007 [Act No. 44 of 2007]:
- "⁴ [(b) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained, the prohibition or regulation of the use of unlicensed aerodromes and the fees which may be charged at those aerodromes to which the International Airports Authority Act, 1971 ⁵ [or the National Airports Authority Act, 1985] does not apply or is not made applicable:
- PROVIDED that until the date determined by the Central Government -under the proviso to sub-section (2) of section 16 of the International Airports Authority Act, 1971 any rule made under this clause may provide for the charging of fees for providing air traffic services (including aeronautical and flight information services), aeronautical communication and navigational aids and meteorological services at any aerodrome to which the said Act applies or is made applicable;]"
11. Inserted by the Aircraft (Amendment) Act, 2007 [Act No. 44 of 2007].