

Tokyo Convention Act, 1975

Chapter 2 - CHAPTER 2 DEFINITIONS

SECTION 02: DEFINITIONS(1) In this Act, unless the context otherwise requires,-(a) "aircraft" means any aircraft, whether or not registered in India, other than-(i) a military aircraft; or(ii)- an aircraft belonging to, or exclusively employed in the service of, the State;(b) "appropriate authority" means-(i) in relation to India, any police officer not below the rank of an Assistant Sub-Inspector or any Immigration Officer, and (ii) in relation to any other country, being a Convention country, any officer having functions corresponding to the functions in India either of a police officer not below the rank of an Assistant Sub-Inspector or of an Immigration Officer;(c) "commander", in relation to an aircraft, means the member of the crew designated as commander of the aircraft by the operator thereof, or failing such a person, the person who is for the time being the pilot in command of the aircraft;(d) "Convention country" means a country in which the Tokyo Convention is for the time being in force;(e) "Indian registered aircraft" means an aircraft-(A) which is for the time being registered in India;(B) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely:- (i) that he is a person qualified to be owner of a legal or beneficial interest in an aircraft registered in India; and(ii) that he resides or has his principal place of business in India; or(C) which, for the time being registered in any country other than India, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements specified in sub-clause (B) (i) and (ii);(f) "military aircraft" means an aircraft of the naval, military or air force of any country and includes every aircraft, commanded by a person in naval, military or air force service, detailed for the purpose;(g) "operator", in relation to an aircraft at any time, means the person who at that time has the management of the aircraft;(h) "pilot in command", in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft and responsible for the operation and safety of the aircraft during flight time;(i) "Tokyo Convention" means the Convention on offences and certain other acts committed on board aircraft signed at Tokyo on the fourteenth day of September, 1963;(j) any reference to a country or to the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country, and any reference to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.(2) For the purposes of this Act, the period during which an aircraft is in flight, shall be deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run, if any, at the termination of that flight ends; and for the purpose of section 5-the aforesaid period shall also be deemed to include -(i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the movement when any such door is opened for disembarkation, after that flight;(ii) if the aircraft makes a forced landing, any period thereafter until the time-(a) in a case where the forced landing takes place in India, when the appropriate authority arrives at the place of such forced landing; and(b) in any other case, when the appropriate authority takes over the responsibility for the aircraft and for the persons and property on board the aircraft.