

Amendment
of Schedule
II, Act VII
of 1870.

2. In Schedule II of the Court-fees Act, 1870, after article 1 the VII of 1870 following article shall be inserted, namely :—

<p>“ 1A. Application to any Civil Court that records may be called for from another Court.</p>	<p>When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.</p>	<p>Twelve annas in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of article 1 of this Schedule.”</p>
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ACT No. XVII OF 1911.¹

[23rd September, 1911.]

An Act to control the manufacture, possession, use, sale, import and export of [aircraft].²

WHEREAS it is expedient to take power to control the manufacture, possession, use, sale, import and export of ²[aircraft]; It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian ²[Aircraft] Act, 1911.

(2) It extends to the whole of British India, including British Baluchistan, the Santhal Parganas and the Pargana of Spiti.

(3) It shall come into force on such ³date as the Governor General in Council may, by notification in the Gazette of India, direct in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) ⁴[aircraft] means any machine fitted with mechanical or other means of propulsion designed to fly or float in the air without connection with the earth, and includes any part of any such machine :

(2) “ export ” means taking out of British India :

(3) “ import ” means bringing into British India : and

(4) “ prescribed ” means prescribed by rules under this Act.

¹ For Statement of Objects and Reasons, see Gazette of India, 1911, Pt. V, p. 116; and for Proceedings in Council, see *ibid*, 1911, Pt. VI, pp. 635, 654 and 680.

This Act has been declared to be in force in the Hill District of Arakan, see s. 2 and Sch. I of Regulation I of 1916, Bur. Code, Vol. I.

² This word was substituted for the word “airships” by s. 2 of the Indian Aircraft (Amendment) Act, 1914 (16 of 1914).

³ The Act was brought into force on 15th October, 1912, see General Statutory Rules and Orders, Vol. IV, p. 289.

⁴ This word was substituted for the word “airship” by s. 2 of the Indian Aircraft (Amendment) Act, 1914 (16 of 1914).

3. (1) The Governor General in Council, or the Local Government subject to the control of the Governor General in Council, may make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by such rules, the manufacture, possession, use, sale, import and export of ¹[aircraft] or any specified class of ²[aircraft].

Power to make rules for licensing the manufacture, possession, use, sale, import and export of aircraft.

(2) In particular and without prejudice to the generality of the foregoing power, the Governor General in Council or the Local Government, as the case may be, may make rules for all or any of the following, among other matters, that is to say:—

- (a) the authority by which licenses may be granted;
- (b) the fees to be charged for licenses, and the other sums (if any) to be paid for expenses by applicants for licenses;
- (c) the manner in which applications for licenses shall be made, and the matters to be specified in such application;
- (d) the forms in which, and the conditions subject to which licenses may be granted;
- (e) the period for which licenses shall continue in force;
- (f) the keeping by the holder of any such license of a record or account in the prescribed form of anything done under such license, and the exhibition of such record or account when called upon to do so by any officer of Government specially empowered by any such rule in this behalf;
- (g) the production by the person holding any license of such license, and the production or accounting for by him of the ²[aircraft] covered by such license, when called upon to do so by any officer of Government specially empowered by any such rule in this behalf;
- (h) the prohibition, either absolutely or subject to conditions, of the carrying in ²[aircraft] of all or any of the following things, namely:—explosives, arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus or such other things as may hereafter be prescribed in this behalf; and

¹ For rules under this section in conjunction with section 6, see General Statutory Rules and Orders, Vol. IV, p. 289.

² See footnote 2 on the preceding page.

- (i) the carrying of a number or other means of identification by ¹[aircraft] and the registration of such number or means of identification.

(3) In making any rule under this section, other than under clause (h) thereof, the authority making the rule may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

Power to Governor General in Council to prohibit the import or export of aircraft for public good.

4. (1) Notwithstanding anything in any rule made under section 3, the Governor General in Council may, by notification in the Gazette of India, prohibit either absolutely or subject to conditions the import or export of all or any ¹[aircraft] or any class of ¹[aircraft] if, in his opinion, the issue of such a notification is expedient in the interest of the public safety or tranquillity.

(2) When a notification has been issued under sub-section (1) the officers of sea customs shall have the same power in respect of the ¹[aircraft] specified therein, and in respect of any vessel containing any such ¹[aircraft] as they have for the time being in respect of any article the import or export of which is prohibited or regulated by the law relating to sea customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

Power to Governor General in Council to cancel or suspend licenses and to acquire aircraft for the public service.

5. (1) If the Governor General in Council is of opinion that, in the interest of the public safety or tranquillity, the issue of all or any of the following orders is expedient, he may by notification in the Gazette of India—

- (i) cancel or suspend all or any licenses issued under this Act either absolutely or subject to such conditions as he may think fit to prescribe;
- (ii) direct that all or any ¹[aircraft] or any specified class of ¹[aircraft] shall be delivered, either forthwith or within a specified time, to such authority as he may appoint in this behalf;

¹ See footnote 2 on p. 210. *sumra*

(iii) direct that all or any ¹[aircraft] delivered to any authority in accordance with a direction under sub-clause (ii) shall be at the disposal of His Majesty for the public service.

(2) On the issue of a notification under clause (ii) of sub-section (1) any person in whose possession any ¹[aircraft] referred to in such notification may be, shall forthwith, or within the time specified in such notification, deliver the same to the authority specified therein.

(3) On the issue of a notification under clause (iii) of sub-section (1) in respect of any ¹[aircraft], the owner thereof shall be paid such compensation as may be determined by such officer as the Local Government may appoint in this behalf.

(4)* In determining the amount of any compensation payable under sub-section (3), such officer shall have regard to any rules regulating the assessment and payment of compensation which the Governor General in Council, or the Local Government subject to the control of the Governor General in Council, may make in this behalf.

6. (1) The Governor General in Council, or the Local Government subject to the control of the Governor General in Council, may make rules² consistent with this Act authorising any officer—

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

(a) to enter, inspect and examine any place, carriage or vessel in which an ¹[aircraft] is being manufactured, possessed, used, sold, imported or exported under a license granted under this Act, or in which he has reason to believe that an ¹[aircraft] has been or is being manufactured, possessed, used, sold, imported or exported in contravention of this Act or of any rule made thereunder;

(b) to search for ¹[aircraft] therein;

(c) to seize, detain and remove any ¹[aircraft] found therein; and

(d) to search any ¹[aircraft] for explosives, arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus or such other things as may hereafter be prescribed in this behalf, and to seize, detain and remove any such things if found thereon.

¹ See footnote 2 on page 210, *supra*.

² For rules under this section in conjunction with section 3, see General Statutory Rules and Orders, Vol. IV, p. 289.

(2) The provisions of the Code of Criminal Procedure, 1898, relating **V of 1898.** to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorised by rules under this section.

Prohibition and regulation of navigation of aircraft.

¹[7. (1) The Governor General in Council may, by notification in the Gazette of India, prohibit² or regulate the navigation of aircraft over, or the entry of aircraft by flight into, British India or any part thereof, including the territorial waters adjacent thereto.

(2) Subject to the control of the Governor General in Council the Local Government of a province may, by notification in the local official Gazette, exercise in respect of the province the like powers of prohibiting or regulating navigation as are conferred by sub-section (1) on the Governor General in Council.

(3) Any notification issued under sub-section (1) or (2) may apply either to all aircraft or to any specified class or description of aircraft, and may prohibit navigation or entry as aforesaid, as the case may be, either at all times or at specified times or on specified occasions, and either absolutely or subject to specified exceptions or conditions, and such conditions may, without prejudice to the generality of the foregoing provision, require any aircraft—

- (a) to display specified signals or marks,
- (b) to comply with specified signals in a specified manner,
- (c) to land within a specified area or at a specified place, and
- (d) in the case of aircraft entering British India by flight, also to enter at a specified place.

Compliance with signals.

7A. (1) Whenever an aircraft contravenes the conditions of a notification issued under section 7 requiring it to comply with specified signals in a specified manner, any person appointed in this behalf by the Governor General in Council may fire at or into such aircraft, and use any and every other means necessary to compel compliance.

(2) The Governor General in Council may delegate to any authority the power of making appointments under sub-section (1).]

¹ Sections 7 and 7A were substituted for section 7 by s. 3 of the Indian Aircraft (Amendment) Act, 1914 (16 of 1914).

² For lists of prohibited areas under this section, see General Statutory Rules and Orders, Vol. IV, p. 339; Madras Local Rules and Orders, 1923, Vol. I, p. 436; Bombay Local Rules and Orders, 1924, Vol. II, p. 693.

8. Whoever in contravention of—

Penalty for
certain
offences.

- (1) a rule made under section 3, sub-section (2), clause (h), carries in an ¹[aircraft], explosives, fire-arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus or such other things as may hereafter be prescribed in this behalf, or
- (2) a notification issued under section 4, imports or exports an ¹[aircraft], or
- (3) a notification issued under section 5, sub-section (1), clause (i), does or abstains from doing any act, or
- (4) a notification issued under section 5, sub-section (1), clause (ii), fails to deliver to the proper authority any ¹[aircraft], in his possession, or
- ²[(5) a notification issued under section 7, does or abstains from doing any act, unless, in the case of contravening a condition relating to navigation or landing, he proves that he was compelled thereto by stress of weather or other circumstances over which he had no control,]

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

9. Whoever, in any case not provided for in section 8, manufactures, possesses, uses, sells, imports or exports an ¹[aircraft] in contravention of this Act or of the conditions of a license granted thereunder, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty in
cases not
provided for
in section 8.

10. When a person is convicted of an offence punishable under this Act or ³ * the rules made thereunder, the Court before which he is convicted may direct that the ¹[aircraft] or the thing (if any) in respect of which the offence has been committed, or any part of such thing, shall be forfeited to His Majesty.

Forfeiture on
conviction.

¹ See footnote 2 on p. 210, *supra*.

² This clause was substituted by s. 4 of the Indian Aircraft (Amendment) Act, 1914 (16 of 1914).

³ The word "of" was repealed by s. 3 and Sch. II of the Second Repealing and Amending Act, 1914 (17 of 1914).

Abetments
and
attempts.

11. Whoever abets the commission of an offence punishable under this Act, or the rules made thereunder, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punishable as if he had committed the offence.

Saving for
acts done by
Government
or Govern-
ment officers.

12. Nothing in this Act shall apply to the manufacture, possession, use, sale, import or export of any ¹[aircraft]—

(a) by order of the Government; or

(b) by any person employed under the Government in the execution of this Act or ²[by] a public servant in the course of his employment or duty as such.

Procedure
for making
rules.

13. (1) The power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication.

(2) All rules made under this Act shall be published in the Gazette of India or the local official Gazette, as the case may be, and shall thereupon have effect as if enacted in this Act.

Saving for
acts done in
good faith
under Act.

14. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

ACT No. I OF 1912.³

[1st March, 1912.]

An Act further to amend the Indian Stamp Act, 1899.

WHEREAS it is expedient further to amend the Indian Stamp Act, II of 1899; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Indian Stamp (Amendment) Act, 1912:

¹ See footnote 2 on p. 210, *supra*.

² Substituted for "to" by the Repealing and Amending Act, 1914 (10 of 1914), Sch. I.

³ For Statement of Objects and Reasons, see Gazette of India, 1911, Pt. V, p. 186; for Report of Select Committee, see *ibid*, 1912, Pt. V, p. 3; and for Proceedings in Council, see *ibid*, 1911, Pt. VI, p. 697, and *ibid*, 1912, Pt. VI, pp. 7, 30 and 256.