

AIRCRAFT (DEMOLITION OF OBSTRUCTIONS CAUSED BY BUILDINGS AND TREES ETC.) RULES, 1994

CONTENTS

1. Short title and extent
2. Definitions and interpretation
3. Notification to be served
4. Owner to furnish details
5. Forwarding the details and their physical verification
6. Final order
- 6A. Appeal against the final order.
7. Owner to comply with the order
8. Non-compliance to be reported to the District Collector

AIRCRAFT (DEMOLITION OF OBSTRUCTIONS CAUSED BY BUILDINGS AND TREES ETC.) RULES, 1994

In exercise of the powers conferred by sub-section (2) of Section 11B of the Aircraft Act, 1934 (22 of 1934) the Central Government hereby makes the following rules to provide for the demolition of buildings and cutting of trees around aerodromes namely :-

1. Short title and extent :-

(1) These rules may be called the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 1994.

(2) They extend to the whole of India.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions and interpretation :-

In these rules, unless there is anything repugnant in the subject or

context-

(1) "Act" shall mean the Aircraft Act, 1934 (22 of 1934).

(2) "Aircraft" and "Aerodrome" shall have the same meaning as in the Aircraft Act, 1934.

(3) "Building" shall include any structure, whether permanent or temporary, erected within a specified area around an aerodrome.

(4) "District Collector" shall include Deputy Commissioner, District Magistrate or any other designation used by any State Government for the Officer-in-Charge of the District Administration.

(5) "Owner" shall include the person having the control of the building, or tree, as the case may be.

(6) "Officer-in-Charge of an Aerodrome" shall mean the officer holding charge of the airport by whatever designation known.

3. Notification to be served :-

.- Where any notification has been issued by the Central Government under sub-section (1) of Section 9A of the Act and the ¹"officer-in charge of the concerned aerodrome" has reason to believe that any building or tree exists in violation of the provisions of the aforesaid notification, he shall serve, ² a copy of the notification on the owner of the building or tree, as the case may be, in accordance with the procedure laid down in sub-section (3) of Section 9A of the Act.

1. Substituted for "Director General of Civil Aviation" by the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Amendment rules, 1999

2. omitted for "through the officer-in-charge of the concerned aerodrome" by the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Amendment rules, 1999

4. Owner to furnish details :-

(1) The service of the copy of the notification under Rule 3 shall be accompanied by an order of the¹ "Director-General of Civil Aviation or any other officer of the Civil Aviation Department authorised by him in this behalf" directing the owner to furnish to the officer-in-charge of the aerodrome, within a specified period, a plan showing the location of the building or tree, as the case may be, and also its dimensions or any other details specified in the order.

(2) The owner shall be bound to furnish the details asked for in the order passed under sub-rule (1).

1. Substituted for "Director General of Civil Aviation" by the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Amendment rules, 1999

5. Forwarding the details and their physical verification :-

(1) The details furnished by the owner of the building or tree, as the case may be, shall be forwarded by the officer-in-charge of the aerodrome to the Director-General of Civil Aviation with his comments.

(2) Before forwarding the details to the Director-General of Civil Aviation, the officer-in-charge of the aerodrome shall satisfy himself about the correctness of the details and for that purpose he shall be empowered to enter the premises in question and carry out physical verification of the dimensions of the building, or tree, as the case may be, during day light hours and with reasonable prior notice to the owner, who shall be duty bound to extend full cooperation during such physical verification : Provided that in a case where the owner fails to cooperate, the officer-in-charge of the aerodrome shall be free to forward details to the Director-General of Civil Aviation with his comments based on whatever verification

is possible.

6. Final order :-

4(1) If **5**["a Joint Director General of a Deputy Director General of Civil Aviation"], on an examination of the details forwarded to him by the officer -in-charge of the aerodrome, is satisfied, after giving the owner an opportunity of being heard, that the building or tree in question does violate the provisions of the notification issued by the Central Government under sub-section (1) of Section 9A of the Act, he shall pass a final order in the matter directing the owner to demolish the building, or to cut the tree, or to reduce the height of the building, or the tree, as may be required for compliance with the provisions of the notification, within a specified period. In case of reduction in the height of building, or tree, as the case may be, the permissible height shall also be specified in the order :

Provided that in a case where the owner has failed to furnish details in response to the order under Rule 4, the Director-General of Civil Aviation shall be empowered to pass a final order based on information made available to him by the officer-in-charge of the aerodrome, or any other reliable source.

6 "(2) The final order passed under sub-rule (1) shall be served on the owner through the officer-in-charge of the aerodrome in accordance with the procedure laid down in sub-section (3) of Section 9A of the Act."

In the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 1994 (hereinafter referred to as the said rules), rule 6 shall be renumbered ,by the Aircraft Act, 1934(22 of 1934).

In rule 6,7 and 8 the words "the Director-General of Civil Aviation" shall be substituted by Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Amendment Rules, 2002, Gaz. of India, Extra, Part II-Sec.3(i), No.167, dated 9/4/2002, p.2.

In the Aircraft (Demolition of Obstructions caused by Buildings and

Trees etc.) Rules, 1994 (hereinafter referred to as the said rules,) in rule 6 , after sub rule (1) the following sub-rule shall be inserted, namely:-- "(2) The final order passed under sub-rule (1) shall be served on the owner through the officer-in-charge of the aerodrome in accordance with the procedure laid down in sub-section (3) of Section 9A of the Act." by the Aircraft Act, 1934 (22 of 1934).

6A. Appeal against the final order. :-

1 If any person is aggrieved by the final order passed under Rule 6, he may prefer an appeal to the Director General of Civil Aviation within sixty days of the date of the order and the Director General shall after hearing the concerned parties, desirous of being heard, either confirm or modify or reject the final order.

1. Rule 6A shall be inserted by Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Amendment Rules, 2002, Gaz. of India, Extra, Part II-Sec.3(i), No.167, dated 9/4/2002, p.2.

7. Owner to comply with the order :-

89

"(1) The owner shall comply with the directions contained in the final order passed under rule 6 or confirmed or modified under rule 6A as the case may be within the time limit specified therein

(2) The owner may claim compensation in accordance with the provisions contained in Section 9B of the Act."

10 "(3) The owner may claim compensation in accordance with the provisions contained in Section 9B of the Act."

In rule 6,7 and 8 the words "the Director-General of Civil Aviation" shall be substituted by Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Amendment Rules, 2002, Gaz. of India, Extra, Part II-Sec.3(i), No.167, dated 9/4/2002, p.2.

In the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 1994 (hereinafter referred to as the said rules,), for rule 7 of the said rules, the following rule shall be substituted in place of :- "(1) The final order of "a Joint Director General of a Deputy Director General of Civil Aviation" shall be served on the

owner through the officer-in-charge of the aerodrome following the same procedure as for the service of the notification; (2) The owner shall comply with the directions contained in the final order within the time limit specified therein." by the Aircraft Act, 1934 (22 of 1934).

Inserted by the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Amendment rules, 1999

8. Non-compliance to be reported to the District Collector :-

11

12 "(1) If the owner fails to carry out the directions contained in the order passed under rule 6 or confirmed or modified under rule 6A, as the case may be, within the time limit specified therein, the officer-in-charge of the aerodrome shall report the matter to the District Collector giving brief facts of the case and a copy of the final order passed under rule 6 or confirmed or modified under rule 6A, as the case may be."

(2) On receiving the report from the officer-in-charge of the aerodrome, the District Collector shall carry out forthwith the demolition of the building or the cutting of the tree, or the reduction in height of the building, as the case may be, in the same manner and by the same procedure as is followed in case of demolition of any unauthorised construction in his district.

In rule 6,7 and 8 the words "the Director-General of Civil Aviation" shall be substituted by Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Amendment Rules, 2002, Gaz. of India, Extra, Part II-Sec.3(i), No.167, dated 9/4/2002, p.2.

In the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 1994 (hereinafter referred to as the said rules), in rule 8 of the said rules, sub-rule (1), shall be substituted, in place of :- "(1) If the owner fails to carry out the directions contained in the order passed by a Joint Director General of a Deputy Director General of Civil Aviation under Rule 6 within the time limit specified therein, the officer-in-charge of the aerodrome shall report the matter to the District Collector giving brief facts of the case and a copy of the final order of the Director-General of Civil Aviation." by the Aircraft Act, 1934 (22 of 1934).

