

ACT NO. XVII OF 1911.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 23rd
September, 1911.)*

An Act to control the manufacture, possession,
use, sale, import and export of airships.

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

1. (1) This Act may be called the Indian Air-

Short title,
extent and
commence-
ment.

ships 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 date as the Governor General in Council may, by notification in the Gazette of India, direct in this behalf.

2. In this Act, unless there is anything repug-

Definitions.

(1) "airship" 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.

3. (1) The

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

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 airships or any specified class of airships.

(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 airship 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

- (h) the prohibition, either absolutely or subject to conditions, of the carrying in airships 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
- (i) the carrying of a number or other means of identification by airships 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.

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 airships or any class of airships if, in his opinion, the issue of such a notification is expedient in the interest of the public safety or tranquillity.

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

(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 airships specified therein, and in respect of any vessel containing any such airships 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.

5. (1) If the Governor General in Council is of opinion, that in the interest of the public safety or tranquillity

Power to Governor General in

Council to
cancel or
suspend
licenses and to
acquire
airships for
the public
service.

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 airships or any specified class of airships shall be delivered, either forthwith or within a specified time, to such authority as he may appoint in this behalf;
- (iii) direct that all or any airships 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 airship 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 airship, 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.

Power to
make rules
conferring

6. (1) The Governor General in Council, or the Local Government subject to the control of the

Governor

Governor General in Council, may make rules consistent with this Act authorising any officer—

powers of inspection, search, seizure, detention and removal.

- (a) to enter, inspect and examine any place, carriage or vessel in which an airship 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 airship 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 airships therein;
- (c) to seize, detain and remove any airship found therein; and
- (d) to search any airship 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.

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

7. (1) The Local Government, or any officer specially empowered in this behalf by the Local Government, may by order in writing prohibit the navigation of airships over such areas as may be prescribed in the order.

Prohibition and regulation of navigation by airships.

(2) Any such order may apply either generally to all airships or to airships of such classes and descriptions only as may be specified in the order, and may prohibit the navigation of airships over any such prescribed area either at all times or at such times or on such occasions only as may be specified

in

in the order and either absolutely or subject to such exceptions or conditions as may be so specified.

Penalty for
certain
offences.

8. Whoever in contravention of—

- (1) a rule made under section 3, sub-section (2), clause (h), carries in an airship, 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 airship, 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 airship in his possession, or
- (5) an order made under section 7, undertakes a flight in an airship, unless he proves that he was compelled to do so by reason of 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.

Penalty in
cases not pro-
vided for in
section 8.

9. Whoever, in any case not provided for in section 8, manufactures, possesses, uses, sells, imports or exports an airship 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.

Forfeiture on
conviction.

10. When a person is convicted of an offence punishable under this Act or of the rules made thereunder, the Court before which he is convicted may direct that the airship or the thing (if any) in respect

respect of which the offence has been committed, or any part of such thing, shall be forfeited to His Majesty.

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. Abetments and attempts.

12. Nothing in this Act shall apply to the manufacture, possession, use, sale, import or export of any airship— Saving for acts done by Government or Government officers.

(a) by order of the Government; or

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

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

(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.

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. Saving for acts done in good faith under Act.