

# **The Airports Authority Of India (Amendment) Act, 2003**

UNION OF INDIA

India

## **The Airports Authority Of India (Amendment) Act, 2003**

### **Act 43 of 2003**

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The Airports Authority Of India (Amendment) Act, 2003 An Act further to amend the Airports Authority of India Act, 1994. BE it enacted by Parliament in the Fifty- fourth Year of the Republic of India as follows:-

#### **1. Short title and commencement.-**

(1) This Act may be called the Airports Authority of India (Amendment) Act, 2003. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

#### **2. Amendment of long title.-**

In the Airports Authority of India Act, 1994 (55 of 1994) (hereinafter referred to as the principal Act), in the long title, after the words "aeronautical communication stations", the words "for the purposes of establishing or assisting in the establishment of airports" shall be inserted.

#### **3. Amendment of section 1.-**

In section 1 of the principal Act, in sub- section (3), after clause (a), the following clause shall be inserted, namely:- " (aa) all private airports insofar as it relates to providing air traffic service, to issue directions under section 37 to them and for the purposes of Chapter VA;".

#### **4. Amendment of section 2.-**

In section 2 of the principal Act, after clause (n), the following clause shall be inserted, namely:- " (nn) " private airport" means an airport owned, developed or managed by- (i) any person or agency

other than the Authority or any State Government, or(ii)any person or agency jointly with the Authority or any State Government or both where the share of such person or agency, as the case may be, in the assets of the private airport is more than fifty per cent.;'.

## **5. Amendment of section 12.-**

In section 12 of the principal Act, in sub- section (3), after clause (a), the following clause shall be inserted, namely:- " (aa) establish airports, or assist in the establishment of private airports, by rendering such technical, financial or other assistance which the Central Government may consider necessary for such purpose;".

## **6. Insertion of new section 12A.-**

In Chapter III of the principal Act, after section 12, the following section shall be inserted, namely:- " 12A. Lease by the Authority.- (1) Notwithstanding anything contained in this Act, the Authority may, in the public interest or in the interest of better management of airports, make a lease of the premises of an airport (including buildings and structures thereon and appertaining thereto) to carry out some of its functions under section 12 as the Authority may deem fit: Provided that such lease shall not affect the functions of the Authority under section 12 which relates to air traffic service or watch and ward at airports and civil enclaves.(2) No lease under sub- section (1) shall be made without the previous approval of the Central Government.(3)Any money, payable by the lessee in terms of the lease made under sub- section (1), shall form part of the fund of the Authority and shall be credited thereto as if such money is the receipt of the Authority for all purposes of section 24.(4)The lessee, who has been assigned any function of the Authority under sub- section (1), shall have all the powers of the Authority necessary for the performance of such function in terms of the lease."

## **7. Insertion of new section 22A.-**

After section 22 of the principal Act, the following section shall be inserted, namely:- " 22A. Power of Authority to levy development fees at airports.- The Authority may, after the previous approval of the Central Government in this behalf, levy on, and collect from, the embarking passengers at an airport, the development fees at the rate as may be prescribed and such fees shall be credited to the Authority and shall be regulated and utilised in the prescribed manner, for the purposes of-(a) funding or financing the costs of upgradation, expansion or development of the airport at which the fee is collected; or(b)establishment or development of a new airport in lieu of the airport referred to in clause (a); or(c)investment in the equity in respect of shares to be subscribed by the Authority in companies engaged in establishing, owning, developing, operating or maintaining a private airport in lieu of the airport referred to in clause (a) or advancement of loans to such companies or other persons engaged in such activities."

## **9. Amendment of section 33.-**

In section 33 of the principal Act, after the words "other employee of the Authority", the words "or the Chairperson of the Tribunal" shall be inserted.

## **10. Amendment of section 41.-**

In section 41 of the principal Act, in sub- section (2),-(a) after clause (e), the following clause shall be inserted, namely:- " (ee) the rate of development fees and the manner of regulating and utilising the fees under section 22A;";(b)after clause (g), the following clauses shall be inserted, namely:- "(gi) the other manner of serving notice under sub- section (3) of section 28C;(gii)the other manner of serving notice under sub- section (4) of section 28C;(giii)the principles of assessment of damages under sub- section (2) of section 28G;(giv)the rate of simple interest under sub- section (3) of section 28G;(gv)any other matter under clause (c) of section 28H;(gvi)the salaries and allowances payable to, and other terms and conditions of service of, the Chairperson of the Tribunal under sub- section (7) of section 28-I;(gvii)the procedure for the investigation of misbehaviour or incapacity of the Chairperson of the Tribunal under sub- section (3) of section 28J;(gviii)the form of appeal under sub- section (1) of section 28K;(gix)any other matter under clause (c) of sub- section (2) of section 28L;".

## **11. Power to remove difficulties.-**

(1)If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of the principal Act as amended by this Act, as appears to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.(2)Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament. ---- SUBHASH C. JAIN, Secy. to the Govt. of India.