

The Bharatiya Vayuyan Vidheyak, 2024- Introduced

THE MINISTER OF CIVIL AVIATION (SHRI KINJARAPU RAMMOHAN NAIDU): Sir, with your permission, I beg to move for leave to introduce a Bill to provide for regulation and control of the design, manufacture, maintenance, possession, use, operation, sale, export, and import of aircraft and for matters connected therewith or incidental thereto.

HON. CHAIRPERSON: Motion moved:

?That leave be granted to introduce a Bill to provide for regulation and control of the design, manufacture, maintenance, possession, use, operation, sale, export, and import of aircraft and for matters connected therewith or incidental thereto.?

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I would like to oppose the introduction of the Bill under Rule 72 (1) Proviso to Rule 72(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

I oppose the introduction of Bill on three grounds. The first one is that the Bill is in violation of Article 348(1)(b) of the Constitution. Secondly, the Bill is not complying the provisions of Articles 120 and 343 of the Constitution. The Bill is not in accordance with Section 3 of the Official Languages Act 1963.

Sir, if you examine, the name of the original Bill was the Aircraft Bill of 1934. The title of the Bill was in English. The content of this Bill is also in English. Now, the Government would like to change the nomenclature or the title of the Bill but the content of the Bill is absolutely in English. They want to change the name or the title of the Bill in English. The Aircraft Bill is to be amended as the Bharat Vayuyan Vidheyak, 2024. It is very difficult for the people of Southern part of India to even pronounce it. What is the logical reason behind this change? This is my specific question. Please refer to proviso to Rule 72(1), it says that the Bill can be opposed on the ground that it is lacking legislative competence to introduce the Bill. Why is there no legislative competence in the Bill? I would like to read Article 348(1)(b). It says:

?(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides?

(a) all proceedings in the Supreme Court and in every High Court,

(b) the authoritative texts?

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the English language.?

This shall be in the English language. The authoritative text to be presented before the Supreme Court.

HON. CHAIRPERSON: Okay.

SHRI N. K. PREMACHANDRAN: Sir, I am purely on merits. It should be in English as per Article 348(1)(b). Here, the Government wants to change the Bill. This is a federal Constitution and we are living in a federal polity. What is the logical reason by which this Government wants to change the title of the Bill in Hindi?

HON. CHAIRPERSON: We got your point.

? (*Interruptions*)

SHRI N. K. PREMACHANDRAN: Sir, if you go through the Official Languages Act, Section 3 is also very clear that it can either be in English or in Hindi. If you go through Article 120 of the Constitution, it is mentioned that in Parliament either Hindi or English language is to be used. After 15 years, it is not possible to have Hindi unless a law provides that.

HON. CHAIRPERSON: Okay.

SHRI N. K. PREMACHANDRAN: Sir, I am concluding. I am on merit. Let the Government answer. My point is that Article 348(1)(b) is very specific that an authoritative text of the Bill should be in English but this Bill is violative of it. That is

why, I am questioning the legislative competence of this Bill which the Government is introducing before this House.

HON. CHAIRPERSON: Now, Professor Sougata Ray ? not present.

SHRI KINJARAPU RAMMOHAN NAIDU: Thank you very much, Chairman, Sir. First of all, I would like to inform the august House why there was a need to bring this Bill which is the Bharatiya Vayuyan Vidheyak. This obviously originates from the Aircraft Act which has been established during the British time in 1934. A lot of amendments have been made in the Act over numerous occasions. At least, 21 amendments have been made. While the amendments have been made, they have been plugged into the original Act in bits and pieces because of which there was a lot of confusion in the Act. There was a lot of grey area and redundancy which had originated. Also, whatever Civil Aviation guidelines, rules and protocols that we follow in this country? *(Interruptions)* First, I will just explain to the august House why I am bringing in the Bill, and then, I will come to your point also. ?

(Interruptions) Whatever guidelines and procedures the ICAO suggests, we follow them as we are recognized globally to be an important signatory of the ICAO. According to that, we have brought a new principal Act. Whatever confusion or redundancy was there, we have totally kept it outside and brought a consolidated principal Act which is going to address all the concerns or the recommendations which ICAO has given to us.

Coming to the point which hon. MP, Shri Premachandran ji raised regarding Article 348(1)(b), Article 120 and Article 343, I would like to say that all these points have been extensively discussed during the discussion on the Bharatiya Nyaya Sanhita, the Bharatiya Sakshya Adhinyam, the Jan Vishwas Bill, the Benami Transactions Bill. ? *(Interruptions)* I do not see how we are violating any constitutional provision by mentioning the name of the Bill as ?The Bharatiya Vayuyan Vidheyak?. ?

(Interruptions) What is the problem with it? ? *(Interruptions)* There is no problem at all. ? *(Interruptions)*

सर, हम भारत की एक नयी पहचान बनाना चाहते हैं ।? (व्यवधान) उसके लिए हमने इसका नाम भारतीय वायुयान विधेयक रखा है, तो इसके लिए किसी को दिक्कत नहीं होनी चाहिए ।? (व्यवधान) It is just to create our own identity. ? *(Interruptions)* Considering the Constitutional provision, the text is in English only. ? *(Interruptions)* There should not be any problem. ? *(Interruptions)* I request the whole House to provide permission to introduce the Bill. ? *(Interruptions)*

माननीय सभापति : प्रश्न यह है :

?कि वायुयान के डिजाइन, विनिर्माण, अनुरक्षण, कब्जे, उपयोग, प्रचालन, विक्रय, निर्यात और आयात के विनियमन और नियंत्रण के लिए तथा उससे संसक्त या उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए ।?

प्रस्ताव स्वीकृत हुआ ।

SHRI KINJARAPU RAMMOHAN NAIDU: Sir, I introduce the Bill. ? (*Interruptions*)
