

Airport Authority of India (Lost Property) Regulations, 2003

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Airport Authority of India (Lost Property) Regulations, 2003

In exercise of the power conferred by sub-section (1) read with clauses (f) and (g) of sub-section (2) and sub-section (4) of section 42 and section 34 of the Airports Authority of India Act, 1994 (55 of 1994), the Airport Authority of India, with the prior approval of the Central Government hereby makes the following regulations, namely:-

1. Short title, commencement and application :-

(1) These regulations may be called the Airport Authority of India [Lost Property] Regulations, 2003.

(2) These regulations shall come into force on the date of their publication in the Official Gazette.

(3) These regulations shall apply to all the Airport and Civil Enclaves to which the Airport Authority of India Act, 1994 applies.

2. Definitions :-

In these regulations, unless the context otherwise requires:-

(a) 'Act' means the Airport Authority of India Act, 1994 (55 of 1994);

(b) 'Airport' means an aerodrome as defined in sub-section (b) of section 2 of the Act;

(c) 'Civil Enclave' means an airport as defined in sub-section (i) of

section 2 of the Act;

(d) 'Airport Director' means the Director of the concerned Airport to which these regulations apply;

(e) 'Incharge of the Airport or Civil Enclave' means the incharge of the concerned Airport or Civil Enclave to which these regulations apply;

(f) 'Customs Act' means the Customs Act, 1962 (52 of 1962);

(g) 'Government Assessor' means any person holding the licence from Government of India as an Appraiser or Valuer;

(h) 'Lost Property' means any property which, while not in proper custody, is found on any premises, belonging to the Authority or under its overall control or in any aircraft on any such premises;

(i) 'Lost Property Office' means any place specified by the Director or Incharge of the Airport or Civil Enclave for the safe keeping of the lost property and any reference to the delivery of the lost property to the Lost Property Office means delivery to an officer at such an office;

(j) 'Officer' means an officer of the Authority other than the Airport Director or Incharge of the Airport or Civil Enclave.

3. Lost property to be handed over to an officer :-

(1) Subject to the provisions of the Customs Act and of the rules and regulations made thereunder, any person (other than an officer) who finds any lost property shall hand it over immediately to an officer in the same condition in which he finds it and inform the officer of the circumstances in which it was found.

(2) The officer referred to in clause (1) above shall be responsible to maintain a register containing the description of the lost property, the name, address and the signature of the person(s) and the officer handing it over and taking it over.

4. Delivery of lost property to the Lost Property Office :-

(1) Subject to the provisions of the Customs Act and of the rules and regulations made thereunder, any officer to whom lost property is handed over under regulation 3, or who himself finds any lost property, shall, as soon as possible, but in any case not later than twenty four hours, deliver such property for safe custody in the

State in which it comes into his possession to the Lost Property Office and inform the officer at the Lost Property Office of the circumstances in which it was found:

Provided that before any lost property is delivered for safe custody to the Lost Property Office, if it is claimed by a person who satisfies the officer that he is the owner, it shall be returned to that person forthwith on his giving his name and address to the officer, who shall, as soon as possible thereafter report the facts and give the claimant's name, address and description of the lost property to the Lost Property Office.

(2) The officer of the Lost Property Office as referred to in clause (1) of regulation 4 shall be responsible to maintain a register containing the description of the lost property, name, address and signature of the officer and the person(s) handing it over and taking it over the property.

5. Recording and safe custody of Lost Property :-

Any lost property delivered to the Lost Property Officer shall be retained in safe custody by the Incharge of the Airport or Civil Enclave until claimed by the owner thereof or disposed of in accordance with regulation 7, and the Incharge of the Airport or Civil Enclave shall keep, for a period of not less than three months after the disposal of the property, a record showing the particulars of the lost property (whether delivered to the Lost Property Office or returned to the owner under proviso of regulation (4), the circumstances in which it was found and its ultimate disposal:

1 "Provided that where the name and address of the owner of the Lost Property is" are readily ascertainable, the Incharge of the Airport or Civil Enclave shall forthwith notify him that the lost property is in his possession and may be claimed in accordance with these regulations.

In Regulation 5, in the proviso, for the portion beginning with the words, "Provided that" and ending with the words "regulation 7(3) (iii) are" the words "Provided that where the name and address of the owner of the Lost Property is" shall be substituted by the Airports Authority of India Act, 1994 (55 of 1994)

6. Restoration of Lost Property :-

If any lost property, while it is retained in the Lost Property Office in safe custody, be claimed and the claimant proves to the satisfaction of the Incharge of the Airport or Civil Enclave that it

belongs to him and he gives his name and address to an officer of the Lost Property Office, it shall be restored to the claimant at the Lost Property Office.

7. Disposal of Lost Property :-

(1) If any lost property retained by the Incharge of the Airport or Civil Enclave for safe custody under regulation 5 is not claimed within three months from the date on which it was delivered to the Lost Property Office, the Incharge of the Airport or Civil Enclave shall dispose of it for a best reasonable price to be determined in consultation with the Government Assessor or Government approved Assessor and in the event of his failure to secure a reasonable price, he shall forthwith report the fact to his superior authority who shall pass such orders as the circumstances/case may require.

(2) Notwithstanding anything contained in sub-regulation (1) above, if any lost property retained by the Incharge of the Airport or Civil Enclave under regulation 5 is of a perishable nature, and, if within forty eight hours from the time when it was found and it was not restored under regulation 6, the Incharge of the Airport or Civil Enclave shall dispose of it immediately for a best reasonable price or as deemed fit and maintain record.

(3) Notwithstanding anything contained in sub-regulations (1) and (2), any lost property which is or which becomes objectionable may be destroyed or otherwise disposed of in the following manner:-

(i) Arms, ammunition and explosives shall be deposited with Police authorities;

(ii) Narcotics, drugs, foreign currency, Indian currency exceeding Rs. 5,000/- [Rupees five thousand only] and all items of foreign origin shall be deposited with the Customs authorities against proper receipt.

(iii) Official documents including licences, passports and aliens identity books² if not claimed by the bonafide claimant within three months³ [* * *], be returned to the appropriate Government Department, Local Authority or other body or person responsible for issuing them or for controlling or dealing with them.

(4) A person whose property has been disposed of under these regulations, shall upon proper verification, be entitled to receive the

proceeds of the sale, if any, after deduction of reasonable expenses, which shall not exceed 25 percent of the sale proceeds of the item found and auctioned by the Airport Authority of India.

In clause (iii) of Regulation 7, after the words "identity of books", the words " if not claimed by the bonafide claimant within three months" shall be inserted, by the Airports Authority of India Act, 1994 (55 of 1994).

In clause (iii) of Regulation 7, after the words " if not claimed by the bonafide claimant within three months"; words "shall wherever practicable" shall be omitted, by the Airports Authority of India Act , 1994 (55 of 1994).

8. Examination of Lost Property :-

Where any lost property is contained in a package, bag or other receptacle, the Incharge of the Airport or Civil Enclave may cause such package, bag or other receptacle to be opened and the contents examined or require the claimant to open it and submit it and its contents for examination, for the purpose either-

(a) of identifying and tracing the owner of the lost property, or

(b) of ascertaining the nature of the contents.

9. Repeal and Saving :-

(1) On and from the appointed date, International Airport Authority of India [Lost Property] Regulations, 1974, the International Airports Authority of India [Lost Property] Amendment Regulations, 1992 and the National Airports Authority (Lost Property) Regulations, 1998 shall stand repealed;

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the aforesaid Regulations, so repealed shall, in so far as it is not inconsistent with the provisions of these Regulations, be deemed to have been done or taken under the corresponding provisions of these Regulations.