

PART XIII - AIR TRANSPORT SERVICES AND AERIAL WORK

134. Scheduled Air Transport Services-(1) No person shall operate any Scheduled air transport service from, to, in, or across India except with the permission of the Central Government, granted under and in accordance with and subject to the provisions contained in Schedule XI :

Provided that any person already permitted and operating scheduled air transport services before commencement of the Aircraft (Second Amendment) Rules, 1994, or any successor to such person under section 3 of the Air Corporation (Transfer of Undertaking and Repeal Ordinance, 1994 (Ord. 4 of 1994), may continue operation of such services subject to the provisions of sub-rule (1A).

(1A) The Central Government may, with a view to achieving better regulation of air transport services and taking into account the need for air transport services of different regions in the country, direct, by general or special order issued from time to time, that every operator operating any scheduled air transport service shall render service in accordance with the conditions specified in such order including any condition relating to their due compliance.

(2) The Central Government may permit any air transport undertaking of which the principal place of business is in any country outside India to operate a scheduled air transport service from, to, or across India in accordance with the terms of any agreement for the time being in force between the Government of India and the Government of that country, or, where there is no such agreement, of a temporary authorization by the Government of India.

[Substituted by SRO No. 768 dated 2-4-1955 and

amended by GSR 1087 dated 19-7-1965, and

GSR No. 117(E) dated 25-2-1994

GSR No 643(E) dated 29-7-2010.]

134A. Non-Scheduled Air Transport Services – (1) No air transport service, other than a scheduled air transport service, shall be operated by any air transport undertaking of which the principal place of business is in any country outside India except with the special permission of the Central Government and subject to such terms and conditions as it may think fit to impose in each case.

(2) No air transport service, other than a scheduled air transport service, shall be operated by an Indian air transport undertaking unless it holds a Non-Scheduled Operator's Permit granted by the Central Government.

(3) The application for grant of Non-Scheduled Operator's Permit shall be made to the Central Government in such form and such manner, and shall contain such particulars or documents as may be specified by the Director-General.

(4) The Non-Scheduled Operator's Permit granted under sub-rule(2) shall, unless suspended or cancelled, remain valid for a period not exceeding two years, which may be renewed for a period not exceeding two years at a time.

(5) The Central Government may, if it is satisfied that ,–

(a) any of the conditions of the Non-Scheduled Operator's Permit has not been complied with and the failure is due to any wilful act or default on the part of the holder of such Non-Scheduled Operator's Permit or by any of his servants or agents, irrespective of whether or not such wilful act or default of the servant or agent was with the knowledge or approval of the holder of the Non-Scheduled Operator's Permit, or

(b) the holder of the Non-Scheduled Operator's Permit has failed to establish a safe, efficient and reliable service, or

(c) the Non-Scheduled Operator's Permit was obtained by suppressing any information or by giving wrong information,

cancel or suspend the Non-Scheduled Operator's Permit for such period as it thinks fit:

Provided that no such Non-Scheduled Operator's Permit shall be cancelled or suspended without giving a show cause notice, in writing, informing the holder of Non-Scheduled Operator's Permit the ground on which it is proposed to suspend or cancel the Non-Scheduled Operator's Permit and giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice and, if that person so desires, of being heard.

(6) Notwithstanding anything contained in sub-rule (5), if the Central Government is of the opinion that in the interest of public safety it is necessary so to do, it may, for the reasons to be recorded in writing, summarily suspend the Non-Scheduled Operator's Permit with a view to make further enquiry.

[Inserted by GSR No 643(E) dated 29-7-2010.]

134B. Aerial Work – No operator shall undertake any aerial work unless he holds a valid Non-Scheduled Operator's Permit granted under sub-rule (2) of rule 134A.

[Inserted by GSR No 643(E) dated 29-7-2010.]

134C. Fees – (1) The following fees shall be payable for application, grant and renewal of Non-Scheduled Operator's Permit:-

- (i) for application : Rs.25,000/-
- (ii) for grant of Non-Scheduled Operator's Permit : Rs.1,00,000/-
- (iii) for renewal of Non-Scheduled Operator's Permit : Rs.50,000/-

(2) The fee shall be paid by Demand Draft drawn in favour of the Pay and Accounts Office, Director General of Civil Aviation, Ministry of Civil Aviation, New Delhi."

[Inserted by GSR No 643(E) dated 29-7-2010.]

135. Tariff – (1) Every air transport undertaking operating in accordance with sub-rule (1) and (2) of rule 134, shall establish tariff having regard to all relevant factors, including the cost of operation, characteristics of service, reasonable profit and the generally prevailing tariff.

(2) Every air transport undertaking shall cause to be published the tariff established by him under sub-rule (1) in his website or two daily newspapers, and shall display such tariff in a conspicuous part of his office and in the office of his agent, if any.

(2A) The tariff to be published under sub-rule (2) or advertised in any other way shall show the following particulars, namely:-

- (a) the total amount payable by a passenger; and
- (b) a complete break-up of the total amount, indicating the fare, tax, fees or any other charge, if any, separately.

Explanation. – For the purposes of this sub-rule, –

- (a) tax means the amount payable to the Government; and
- (b) fees means the amount payable to the service providers for provision of any service or facility to the passengers.

(2B) The particulars mentioned in sub-rule (2A) shall also be mentioned in the passenger ticket.

(3) Every air transport undertaking shall maintain all records relating to tariff established by him under sub-rule (1) in such manner and in such form as may be specified by the Director-General, and on demand by the Director-General shall produce such records before the Director-General for inspection.

(4) Where the Director-General is satisfied that any air transport undertaking has established excessive or predatory tariff under sub-rule (1) or has indulged in oligopolistic practice, he may, by order, issue directions to such air transport undertaking.

(5) Every direction issued under sub-rule (4) shall be complied with by such air transport undertaking.

[amended vide Notification No. GSR 254(E) dated 16-04-2009]

Rules 135A, 135B and 135C deleted vide GSR 636(E) dated 22nd September 2004

140. Minimum requirements to be complied with by the operators-All aircraft owners and operators shall comply with the engineering, inspection and manual requirements contained in Part XIII-A and with the safety requirements in respect of air routes, aircraft and aircrew, as may be specified by the Director-General.

[Substituted by SRO No. 768 dated 2-4-1955 and again substituted by GSR No. 1202 dated 23-7-1976]

140A. Director-General's sanction to introduction of any new routes or alteration in any existing routes of scheduled air transport services-Before operating a scheduled air transport service on a new route or making a substantial alteration in, or effecting the discontinuance of, any of the existing routes of such services, or introducing a new time-table for such service, the Operator shall obtain the concurrence of the Director-General, in so far as such operation or, as the case may be, such discontinuance affects, or is likely to affect, the air route or aerodrome facilities, and give at least seven days' previous notice to the Director-General before the date proposed for the operation of the new route, or for the substantial alteration of an existing route or for the introduction of a new time-table or, as the case may be, for the discontinuance of an existing route.

[Inserted by SRO No. 768 dated 2-4-1955,

amended by GSR No. 172 dated 22-1-1971 and GSR 413 dated 23-7-2001.]

140B. Operations Manual- (1) An Operations Manual in the form approved by the Director-General, shall be maintained by the Corporation.

(2) The Operations Manual shall, in addition to any other relevant information, contain the following that is to say :

(a) instructions outlining the responsibilities of operations personnel pertaining to the conduct of flight operations,

(b) the flight crew for each stage of all routes to be flown including the designation of the succession of command,

(c) in-flight procedure,

(d) emergency flight procedure,

(e) the minimum safe flight altitude for each route to be flown,

(f) the circumstances in which a radio listening watch is to be maintained,

(g) a list of the navigational equipments to be carried.

(3) A copy of the Operations Manual, or such part of the Manual as may be prescribed by the Director-General, shall be carried in all aircraft engaged in scheduled air transport services.

[Inserted by SRO No. 768 dated 2-4-1955 and amended by GSR No. 1087 dated 19-7-1965 and GSR 413 dated 23.7.2001]

140C. Route Guide-All aircraft of the Corporation engaged in scheduled air transport services shall carry a Route Guide, which shall, in addition to any other relevant information, contain the following that is to say:

- (a) communication facilities, navigation aids and a list of aerodromes, available on the route to be flown,
- (b) instrument 'let down' procedure for aerodromes on the route, or those likely to be used as 'alternates',
- (c) meteorological minima for each of the aerodromes on the route to be flown and that are likely to be used as regular or alternate aerodromes, and
- (d) specific instructions for computation of the quantities of fuel and oil to be carried on each route, having regard to all circumstances of the operation, including the possibility of the failure of one or more engines of the aircraft.

[Inserted by SRO No. 768 dated 2-4-1955]

141. Duties of Pilot-in-Command- (1) Subject to the provisions of clause (b) of sub-rule (2) of rule 140B, the operator shall designate for each flight one pilot as Pilot-in-command, who shall supervise and direct the other members of the crew in the proper discharge of their duties in the flight operations.

(2) In addition to being responsible for the operation and safety of the aircraft during flight time, the Pilot-in-command shall be responsible for the safety of the passengers and cargo carried and for the maintenance of flight discipline and safety of the members of the crew.

(3) The Pilot-in-command shall have final authority as to the disposition of the aircraft while he is in command.

[Omitted by SRO No. 768 dated 2-4-1955 and

reintroduced by GSR No. 1370 dated 4-6-1979.]

Rules 142, 143, 144, 145, 146, 147, 147A, 148, 148A, 148B, 149, 150, 151 and 152 omitted by SRO No. 768 dated 2-4-1955.

153. Carriage of Mails-Every operator engaged in scheduled air transport services shall carry by such services such mails as may, from time to time, be required to be carried from one place to another by the Director-General, Posts and Telegraphs, or any person authorised by him in this behalf.

[Substituted by SRO No. 768 dated 2-4-1955, and GSR 413 dated 23-7-2001]