

**134ख. विमान कार्य** - कोई प्रचालक तब तक विमान कार्य प्रारंभ नहीं करेगा जब तक उसके पास नियम 134क के उपनियम (2) के अधीन प्रदत्त विधिमान्य गैर अनुसूचित प्रचालक अनुज्ञा-पत्र नहीं होगा।

**134ग. फीस** - (1) गैर अनुसूचित प्रचालक अनुज्ञा-पत्र के आवेदन, मंजूरी और नवीकरण के लिए निम्नलिखित फीस देय होगी:-

- (i) आवेदन के लिए : 25,000/-रूपए
- (ii) गैर अनुसूचित प्रचालक अनुज्ञा-पत्र की मंजूरी के लिए : 1,00,000/-रूपए
- (iii) गैर अनुसूचित प्रचालक अनुज्ञा-पत्र के नवीकरण के लिए : 50,000/-रूपए

(2) यह फीस मांगदेय ड्राफ्ट द्वारा वेतन और लेखा कार्यालय, महानिदेशक नागर विमानन, नागर विमानन मंत्रालय, नई दिल्ली के पक्ष में देय होगी।"

[फा. सं. ए वी-11012/2/2010-ए]

प्रशांत सुकुल, संयुक्त सचिव

**टिप्पण :** मूल नियम भारत के राजपत्र में अधिसूचना सं. वी - 26, तारीख 23 मार्च, 1937 के द्वारा प्रकाशित किए गए थे और अंतिम संशोधन भारत के राजपत्र के भाग 2, खंड - 3, उपखंड (i) में प्रकाशित तारीख 8 अप्रैल, 2010 की सा.का.नि. 297(अ) तारीख 8 अप्रैल, 2010 द्वारा किया गया।

## MINISTRY OF CIVIL AVIATION

### NOTIFICATION

New Delhi, the 21st June, 2010

**G.S.R. 528(E).**— The following draft of certain rules further to amend the Aircraft Rules, 1937, which the Central Government proposes to make in exercise of the powers conferred by section 5 of the Aircraft Act, 1934 (22 of 1934), is hereby published as required by section 14 of the said Act, for information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration after a period of thirty days from the date on which copies of the Gazette of India in which this notification is published, are made available to the public;

Objection or suggestion, if any, may be sent to the Director General of Civil Aviation, Opposite Safdarjung Airport, New Delhi-110003;

Any objection or suggestion which may be received from any person with respect to the said draft rules before the expiry of the period specified above, will be considered by the Central Government.

### DRAFT RULES

1. Short title and commencement.— (1) These rules may be called the Aircraft (Amendment) Rules, 2010.  
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. Amendment of rule 3. —In the Aircraft Rules, 1937(hereinafter referred to as the said rules), in rule 3, for clause (1), the following clauses shall be substituted, namely:-
  - “(1) “Aerial work” means any aircraft operation undertaken for an industrial or commercial purpose or any other remunerative purpose, but does not include operation of an air transport service;
  - (1A) “Aerial work aircraft” means an aircraft used for the aerial work.”
3. Amendment of heading of Part XIII.— In Part XIII of the said rules, in the heading, for the words, “AIR TRANSPORT SERVICES”, the words, “AIR TRANSPORT SERVICES AND AERIAL WORK” shall be substituted.
4. Amendment of rule 134.— In rule 134 of the said rules, —
  - (i) in the marginal heading, for the words, “Air Transport Service”, the words, “Scheduled Air Transport Services” shall be substituted;
  - (ii) in sub-rule (2), for the words, “an air transport service”, the words, “a scheduled air transport service” shall be substituted;
  - (iii) sub-rule (3) shall be omitted.
5. Insertion of new rules 134A, 134B and 134C.— After rule 134 of the said rules, the following rules shall be inserted, namely:-

“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.

**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.

**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.”

[F. No. AV-11012/2/2010-A]

PRASHANT SUKUL, Jt. Secy.

**Note :** The principal rules were published in the Gazette of India, vide notification number V-26, dated the 23<sup>rd</sup> March, 1937 and last amended vide G.S.R. 297(E), dated the 8<sup>th</sup> April, 2010, published in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), dated the 8<sup>th</sup> April, 2010.