

**GOVERNMENT OF INDIA  
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION  
OPPOSITE SAFDERJUNG AIRPORT, NEW DELHI.**

No. 9/9/2009-IR  
Dated: 11<sup>th</sup> May, 2009

**CIRCULAR**

**Subject:-** Implementation of rule 135 (Tariff) of the Aircraft Rules, 1937.

As you are aware, rule 135 of the Aircraft Rules, 1937, provides that the airlines are free to establish the tariff for international air transportation having regard to all relevant factors such as the cost of operation, reasonable profit and the generally prevailing tariff etc. Although filing and approval of tariff is not required, yet DGCA has the power to intervene in cases where he is satisfied that the operator has established excessive or predatory tariff or had indulged in oligopolistic practices.

2. It has been observed that many airlines have not been correctly indicating the tariff in the media as well as on their documents. The amount of basic fare is very small, while a hefty amount is shown as taxes/surcharges etc. which gives misleading information to the public. In order to correct this situation, rule 135 of the Aircraft Rules, 1937, has been amended vide notification No. GSR 254(E) dated 16<sup>th</sup> April, 2009. The definition of 'Tariff' has also been inserted in rule 3 of the Aircraft Rules vide GSR 21(E) dated 9<sup>th</sup> January, 2009. A copy each of these notifications alongwith a copy of rule 135 as amended, is enclosed herewith.

3. In accordance with the revised rules, the airlines operating scheduled air services – domestic as well as international – to/from/within India shall be required to advise the passenger the consolidated fare as well as complete break-up thereof, and also show the fare on the ticket in the same manner.

4. You are advised to comply with the revised provisions of the Aircraft Rules, 1937, in letter and spirit and for that purpose make suitable modifications in your system upto 10<sup>th</sup> June, 2009. Contravention of these provisions is punishable in accordance with Schedule VI of these Rules. *The compliance be reported to DGCA by 15/6/09 alongwith proof of compliance.*

5. Please acknowledge receipt and confirm action taken in the matter.

  
(K.P. MAGGON)

Director of Regulations & Information  
for Director General of Civil Aviation

To

All the airlines operating to/from/within India



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 221]

नई दिल्ली, बृहस्पतिवार, अप्रैल 16, 2009/चैत्र 26, 1931

No. 221]

NEW DELHI, THURSDAY, APRIL 16, 2009/CHAITRA 26, 1931

नागर विमानन मंत्रालय

अधिसूचना

नई दिल्ली, 16 अप्रैल, 2009

सा.का.नि. 254(अ).—केन्द्र सरकार, वायुयान अधिनियम, 1934 (1934 का 22), की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा वायुयान नियमावली, 1937 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, नामशः—

1. (1) इन नियमों को वायुयान (संशोधन) नियम, 2009 कहा जाएगा ।

(2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे ।

2. वायुयान नियमावली, 1937 में, नियम 135 में, —

(i) उपांतिक शीर्ष में, “अन्तर्राष्ट्रीय वायु परिवहन का” शब्दों का लोप किया जाएगा ;

(ii) जहां पर भी “प्रचालक” शब्द हो, उसके स्थान पर “विमान परिवहन उपक्रम” शब्द प्रतिस्थापित किए जाएंगे ।

(iii) उप-नियम (1) के लिए, निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, नामशः—

“(1) नियम 134 के उप-नियम (1) और (2) के अनुसार प्रचालित प्रत्येक वायु परिवहन उपक्रम प्रचालन की लागत, सेवा की विशेषताएं, यथोचित लाभ तथा सामान्यतः लागू टैरिफ सहित सभी संबद्ध घटकों को ध्यान में रख टैरिफ निर्धारित करेंगे ।”;

(iv) उपनियम (2) के पश्चात् निम्नलिखित उपनियम अन्तःस्थापित किए जाएंगे, नामशः-

(2क) उपनियम (2) के अंतर्गत प्रकाशित या किसी भी रूप में विज्ञापित टैरिफ में निम्नलिखित विवरण दिखाया जाएगा, नामशः-

(क) यात्री द्वारा देय कुल राशि; और

(ख) किराया, कर, शुल्क या अन्य कोई प्रभार यदि कोई है, को अलग-अलग दर्शाते हुए कुल राशि का संपूर्ण ब्यौरा।

स्पष्टीकरण.- इस उप-नियम के प्रयोजनों हेतु, -

(क) कर से अभिप्रेत है सरकार को देय राशि; और

(ख) शुल्क से अभिप्रेत है यात्रियों को किसी सेवा या सुविधा के प्रावधान हेतु सेवा प्रबंधकों को देय राशि।

(2ख) उप-नियम (2क) में उल्लिखित विवरण का उल्लेख यात्री टिकट में भी किया जाएगा।

[फा. सं. ए. वी. 11012/10/2009-ए]  
प्रशांत सुकुल, संयुक्त सचिव

टिप्पणी : (1) मूल नियम सरकारी राजपत्र में अधिसूचना संख्या वी-26, तारीख 23 मार्च, 1937 द्वारा प्रकाशित किए गए थे और अंतिम संशोधन सा.का.नि. 168 (अ) तारीख 13 मार्च, 2009 द्वारा किया गया।

(2) केन्द्र सरकार ने वायुयान अधिनियम, 1934 (1934 का 22) की धारा 14 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नागर विमानन मंत्रालय द्वारा जारी तारीख 24 मार्च, 2009 के अपने आदेश सं.ए.वी.11012/10/09-क द्वारा इस अधिसूचना के मामले में पूर्व प्रकाशन की शर्तों से जनहित में छूट दी है।

MINISTRY OF CIVIL AVIATION  
NOTIFICATION

New Delhi, the 16th April, 2009

G.S.R. 254(E).— In exercise of the powers conferred by section 5 of the Aircraft Act, 1934 (22 of 1934), the Central Government hereby makes the following rules further to amend the Aircraft Rules, 1937, namely:-

1. (1) These rules may be called the Aircraft (Amendment) Rules, 2009.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Aircraft Rules, 1937, in rule 135,—
  - (i) in the marginal heading, the words "for international air transportation" shall be omitted;
  - (ii) for the word "operator", wherever it occurs, the words "air transport undertaking" shall be substituted;
  - (iii) for sub-rule(1), the following sub-rule shall be substituted, namely:—

"(1) Every air transport undertaking operating in accordance with sub-rules (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.";
  - (iv) after sub-rule (2), the following sub-rules shall be inserted, namely:—

"(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."

[F. No. A.V. 11012/10/2009-A]

PRASHANT SUKUL, Jt. Secy.

Notes : — (1) The principal rules were published in the Official Gazette vide notification number V-26, dated the 23<sup>rd</sup> March, 1937 and last amended vide number G.S.R.168(E) dated the 13<sup>th</sup> March, 2009.

(2) The Central Government in exercise of the powers conferred by proviso to section 14 of the Aircraft Act, 1934 (22 of 1934) has in the public interest dispensed with the condition of previous publication in case of the notification vide its order No. 11012/10/09-A dated 24<sup>th</sup> March, 2009 issued in the Ministry of Civil Aviation.



# भारत का राजपत्र

## The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 16]  
No. 16]

नई दिल्ली, सोमवार, जनवरी 12, 2009/पौष 22, 1930  
NEW DELHI, MONDAY, JANUARY 12, 2009/PAUSA 22, 1930

नागर विमानन मंत्रालय

अधिसूचना

नई दिल्ली, 9 जनवरी, 2009

सां.का.नि. 21(अ).—केन्द्र सरकार, वायुयान अधिनियम, 1934 (1934 का 22) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वायुयान नियम, 1937 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, नामशः :-

1. (1) इन नियमों को वायुयान (प्रथम संशोधन) नियम, 2009 कहा जाएगा।
- (2) ये सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. वायुयान नियम, 1937 के नियम 3 के खंड (54क) को खंड (54ख) के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित खंड (54ख) से पहले, निम्नलिखित खंड अंतःस्थापित किया जाएगा, नामशः :-

"(54क) 'टैरिफ' का अर्थ है विमान परिवहन उपक्रम द्वारा यात्रियों, सामान या माल ले जाने के लिए लिया गया कोई भी भाड़ा, रेट या प्रभार, जिसमें एजेंटों को देय कमीशन और ऐसे भाड़े, रेट या प्रभार को नियंत्रित करने वाली शर्तें भी शामिल होंगी।

व्याख्या.—इस खंड के प्रयोजनों के लिए 'माल' में डाक शामिल नहीं है।"

[फा. सं. ए.वी. 11012/8/2008-ए]

आर.के. सिंह, संयुक्त सचिव

टिप्पण्य 1 :—मूल नियम सरकारी राजपत्र में अधिसूचना संख्या वी-26, तारीख 23 मार्च, 1937 के द्वारा प्रकाशित किए गए थे और अंतिम संशोधन दिनांक 22 दिसम्बर, 2008 को भारत के राजपत्र (असाधारण) भाग II, खंड (3), उप-खंड (i) में प्रकाशित, सं. सा.का.नि. 870(अ) तारीख 22 दिसम्बर, 2008 द्वारा किया गया।

टिप्पण्य 2 :—केन्द्र सरकार ने वायुयान अधिनियम, 1934 (1934 का 22) की धारा 14 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नागर विमानन मंत्रालय द्वारा जारी तारीख 7 जनवरी, 2009 के अपने आदेश सं. ए.वी. 11012/8/2008-ए द्वारा इस अधिसूचना के मामले में पूर्व प्रकाशन की शर्तों से जनहित में छूट दी है।

## MINISTRY OF CIVIL AVIATION

## NOTIFICATION

New Delhi, the 9th January, 2009

G.S.R. 21(E).—In exercise of the powers conferred by Section 5 of the Aircraft Act, 1934 (22 of 1934), the Central Government hereby makes the following rules further to amend the Aircraft Rules, 1937, namely :—

1. (1) These rules may be called the Aircraft (1st Amendment) Rules, 2009.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Aircraft Rules, 1937, in rule 3, clause (54A) shall be renumbered as clause (54B) thereof and before clause (54B) as so renumbered, the following clause shall be inserted, namely :—

“(54A) ‘Tariff’ means any fare, rate or charge collected by an air transport undertaking for the carriage of passengers, baggage or cargo, including the commission payable to the agents, and the conditions governing such fare, rate or charge.

*Explanation.*— For the purposes of this clause, ‘cargo’ does not include mail.”

[F.No. A.V. 11012/8/2008-A]

R.K. SINGH, Jt. Secy.

Note 1 :—The principal rules were published in the Official Gazette *vide* notification number V-26, dated the 23rd March, 1937 and last amended by No. G.S.R. 870(E) dated 22nd December, 2008 published in Part II, Section (3), Sub-section (i) of the Gazette of India (Extraordinary) on 22nd December, 2008.

Note 2 :—The Central Government in exercise of the powers conferred by the proviso to Section 14 of the Aircraft Act, 1934 (22 of 1934) has in the public interest dispensed with the condition of previous publication in case of this Notification *vide* its Order No. A.V. 11012/8/2008-A dated the 7th January, 2009 issued in the Ministry of Civil Aviation.

# Rule 135 of the Aircraft Rules, 1937

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

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**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.

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