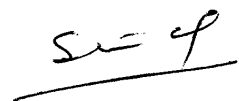


Telephone No. : 24622495 Telegraphic Address: Commercial : AIRCIVIL NEW DELHI Aeronautical : VIDDYAYX E Mail: dri @ dgca.delhi.nic.in Fax : 91 11 2469 2374	GOVERNMENT OF INDIA AERONAUTICAL INFORMATION SERVICES DIRECTOR GENERAL OF CIVIL AVIATION OPPOSITE SAFDARJUNG AIRPORT <u>NEW DELHI – 110 003</u>	SI.No. 8/2004 29 th December, 2004
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The Government of India, Ministry of Civil Aviation Notification No. G. S. R. 732 (E) dated 2nd November 2004, published in the Gazette of India, Part II, Section 3, Sub-section (i) dated 5th November 2004 is reproduced below for information and guidance.



(Satendra Singh)
Director General of Civil Aviation

MINISTRY OF CIVIL AVIATION

N O T I F I C A T I O N

New Delhi, the 2nd November, 2004

G.S.R. 732 (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 (4th Amendment) Rules, 2004.

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

2. In the Aircraft Rules, 1937, –

(A) In rule 3,-

(i) for clause (27), the following clause shall be substituted, namely:-

‘ (27) “Government aerodrome” means an aerodrome which is maintained by or on behalf of the Central Government and includes an airport to which the Airports Authority of India Act, 1994 (55 of 1994) applies or is made applicable’;

- (ii) after clause (54), the following clause shall be inserted, namely:-

‘(54A) “Temporary aerodrome” means an aerodrome intended to be used for a period not exceeding six months’;

- (B) for Part XI, the following Part shall be substituted, namely:-

“PART - XI

Aerodromes

78. Licensing of Aerodromes – (1) No aerodrome shall be used as a regular place of landing and departure by a scheduled air transport service or for a series of landings and departures by any aircraft carrying passengers or cargo for hire or reward unless --

- (a) it has been licensed for the purpose, and save in accordance with the conditions prescribed in such licence; or
- (b) it has been approved by the Director-General, subject to such conditions as he may deem fit to impose, for the purpose of operation of flights in the event of national or international crisis, natural calamities, emergencies or otherwise requiring such flights to carry material goods for relief purposes, or for giving joyrides for hire or reward:

Provided that any person already permitted and operating scheduled air transport services to an aerodrome before the commencement of the Aircraft (4th Amendment) Rules, 2004 may continue operation of such services till the aerodrome operator obtains the licence from the Director-General by the date to be notified by the Central Government.

(2) An aerodrome shall be licensed by the Central Government in one of the following categories, namely:-

- (a) for public use;
- (b) for private use, that this is to say, for use by the licensee and by individuals specifically authorized by the licensee.

(3) An aerodrome may be licensed for all types of aircraft or for certain specified types or classes of aircraft and the licence may specify the conditions on which the aerodrome may be used.

(4) No person shall operate or cause to be operated any flight from a temporary aerodrome or an aerodrome which has not been licensed or approved, as the case may be, under these rules unless it meets the minimum safety requirements laid down by the Director-General.

79. Qualifications of licensee. – A licence for an aerodrome shall not be granted to any person other than –

- (a) a citizen of India; or
- (b) a Company or a body corporate:

Provided that-

- (i) it is registered and having its principal place of business in India;
- (i) it meets the equity holding criteria specified by the Central Government from time to time; or
- (c) the Central Government or a State Government or any company or any corporation owned or controlled by either of the said Governments; or
- (d) a society registered under the Societies Registration Act, 1860. (21 of 1860).

80. Procedure for grant of licence. – (1) An application for the grant of licence for an aerodrome shall be made to the Director-General along with the Aerodrome Manual.

(2) The application under sub-rule (1) shall be in such form and contain such particulars as may be specified by the Director-General.

(3) The Director-General may, for disposal of the application, require the applicant to furnish any additional information which he considers necessary .

(4) The Director-General may also require the applicant to produce evidence in support of any information furnished in the application.

81. Aerodrome Manual. – (1) An Aerodrome Manual in the form as specified by the Director General shall be maintained by the licensee in respect of aerodrome, licensed under these rules.

(2) The Aerodrome Manual shall, in addition to any other relevant information, contain the following particulars, namely:-

- (a) **General.** – General information including purpose and scope of the aerodrome manual, legal requirement for an aerodrome licence, conditions for the use of the aerodrome, availability of aeronautical information system, the system for recording aircraft movement and the obligation of the aerodrome operator;
- (b) **Particulars of the aerodrome site.** – Information including a plan of the aerodrome showing the main facilities for the operation of the aerodrome, boundaries of the aerodrome, distance of the aerodrome from the nearest city and particulars of the title of the aerodrome site;
- (c) **Particulars of the aerodrome required to be reported to the aeronautical information service.** – Information regarding name of the aerodrome, location of the aerodrome, geographical coordinates, aerodrome elevation, elevation of runway threshold, aerodrome reference temperature, aerodrome beacon, name of the aerodrome operator, address and telephone numbers and aerodrome dimensions and related information;
- (d) **Particulars of the Aerodrome Operating Procedures and safety measures.** – Information regarding aerodrome reporting, access to the aerodrome movement area, aerodrome emergency plan, rescue and fire-righting, inspection of the aerodrome movement area and obstacle limitation surface by the aerodrome operator, visual aids and aerodrome electrical system, maintenance of the movement area, aerodrome walls – safety, apron management, apron safety management, airside vehicle control, wildlife hazard management, obstacle control, removal of disabled aircraft, handling of hazardous material, low visibility operations and protection of sites for radar and navigational aids;
- (e) **Aerodrome administration and safety management system.** – Information including aerodrome organization chart showing the names and positions of key personnel, including their responsibilities, the names, position and telephone numbers of the person who is overall responsible for aerodrome safety, airport committees and Safety Management System.

(3) A copy of the Aerodrome Manual or such part of the Manual as may be specified by the Director-General, shall be made available by the licensee to all units of the aerodrome.

82. Inspection. – (1) Any person, authorised by the Director-General by general or special order in writing in this behalf, may, at all reasonable times, enter any place to which access is necessary and to inspect and carry out tests on the aerodrome facilities, services and equipment, inspect aerodrome operator's documents and records, and verify the aerodrome operator's safety management system before the aerodrome licence is granted or renewed and subsequently, at any other time, for the purpose of ensuring safety and order at the aerodrome.

(2) The aerodrome operator shall allow the person so authorised, access to any part of the aerodrome or any aerodrome facility, including equipment, records, documents and operator's personnel and shall co-operate in conducting the activities referred to in sub-rule (1)

83. Conditions governing the grant of licence. – (1) An aerodrome licence shall be granted or renewed subject to such conditions as the Director-General considers necessary to ensure compliance with the Convention and the safety of aircraft operations.

(2) While a licence is in force, no alterations to the landing area or to the buildings or other structures on the aerodrome which may affect the safety of aircraft shall be undertaken save with the previous approval of the Director-General and application for such approval shall be addressed to the Director-General and shall be accompanied by full particulars with plans of any such alterations including alterations to surrounding obstructions which may affect the safety of aircraft.

(3) The necessary approval may be granted or withheld and if granted may be granted subject to such conditions (including conditions involving a revision of the original conditions of aerodrome licence) as the Director-General may think fit.

(4) If any alteration of the nature referred to in sub-rule (2) is undertaken without the previous approval of the Director-General, the licence may be cancelled.

(5) The licensee shall maintain the aerodrome in a fit state for use by aircraft and adequately marked to the satisfaction of the Director General during the whole period of the currency of the licence and shall, if the aerodrome becomes unserviceable, immediately notify the Director-General.

84. Period of validity of licence. – An aerodrome licence may be granted for any period not exceeding twenty-four months, and on each occasion of renewal, may be renewed for any period not exceeding twenty four months.

85. Public aerodromes. – Every aerodrome which is licensed for public use or which is open to public use by aircraft registered in India upon payment of charges shall to the same extent and upon the same conditions, be open to use by aircraft possessing the nationality of a contracting State. Every such aerodrome shall be open to use by any aircraft in the service of the Central Government.

86. Tariff charges. – (1) At every aerodrome referred to in rule 85, there shall be exhibited in a conspicuous place a single tariff of charges, including charges for landing and length of stay, and such tariff shall be applicable alike to all aircraft whether registered in India or in any other contracting State.

(2) In the case of aerodromes belonging to the Authority, the charges mentioned in sub-rule (1) shall be levied by the Authority in accordance with section 22 of the Airports Authority of India Act, 1994. (55 of 1994).

(3) In the case of licensed public aerodromes, other than the aerodromes belonging to the Authority, the charges mentioned in sub-rule (1) shall be determined by the licensee in accordance with the principle of cost recovery as specified by the International Civil Aviation Organisation and such charges shall be notified with the approval of the Central Government or any authority constituted in this behalf by such Government.

Explanation.– For the purpose of this rule, “Authority” means the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994. (55 of 1994)

87. Fee. – (1) The fee chargeable for the grant of a licence for an aerodrome shall be –

- | | | |
|-----|---|---|
| (a) | When the licence is granted for private use | Rs.1,00,000/- |
| (b) | When the licence is granted for public use | Rs.5,00,000/- upto runway length of 5,000 feet plus Rs.2,00,000/- for every 1,000 feet or part thereof. |

(2) The fee chargeable for renewal of license of an aerodrome shall be fifty per cent of the fee for licence referred to in sub-rule (1).

(3) The fee shall be payable by Bank Draft drawn in favour of Accounts Officer, Central Pay and Accounts Office, Civil Aviation Department, New Delhi.

88. Passenger Service Fees. —The licensee is entitled to collect fees to be called as Passenger Service Fee from the embarking passengers at such rate as the Central Government may specify and is also liable to pay for security component to any security agency designated by the Central Government for providing the security service.

89. User Development Fees . —The licensee is entitled to collect fees to be called as User Development Fees at such rate as the Central Government may specify.

90. Entry into public aerodromes. – (1) No person shall enter or be in the terminal building of any Government aerodrome or public aerodrome or part of such building or any other area in such aerodrome notified in this behalf by the Central Government unless he holds an admission ticket issued by the aerodrome operator or an entry pass issued by the Commissioner of Security (Civil Aviation) or any other officer authorized by him in this behalf.

(2) No person shall, without permission in writing, by general or special order, of the Central Government or any officer authorized by that Government in this behalf, shall –

- (a) enter or remain or cause any other person to enter or remain in the Movement area;
- (b) leave or throw or cause to be thrown any animal, bird or property or object of any nature whatsoever in the Movement area;
- (c) permit any animal under his possession or control or otherwise to stray in the Movement area; and
- (d) operate any vehicle in the Movement area.

(3) sub-rules (1) and (2) shall not apply to –

- (a) any passenger embarking, disembarking or in transit who holds an air ticket; or
- (b) any person who is engaged on regular duty at an aerodrome and holds a Photo Identity Card issued by the Commissioner of Security (Civil Aviation) or any other officer authorized by the Central Government in this behalf.

(4) Notwithstanding anything contained in this rule, the officer in-charge of an aerodrome or any other officer authorized by the Central Government in this behalf may, as the case may be, may if he is satisfied that it is necessary or expedient so to do for the maintenance of proper order or decorum-

- (i) refuse admission to any person into the terminal building or the Movement area, or
- (ii) require any person in such building or such area to leave the same.

91. Prohibition of slaughtering and flaying of animals, depositing of rubbish and other polluted or obnoxious matter in the vicinity of aerodrome. – No person shall slaughter or flay any animal or deposit or drop any rubbish, filth, garbage or any other polluted or obnoxious matter including such material from hotels, meat shops, fish shops and bone-processing mills which attracts or is likely to attract vultures or other birds and animals within a radius of ten kilometers from the aerodrome reference point :

Provided that the Director-General, a Joint Director General of Civil Aviation or a Deputy Director General of Civil Aviation, as the case may be, may, if he is satisfied that proper and adequate arrangements have been made by the owners of hotels, meat shops, fish shops and bone processing mills so as to prevent attraction of vultures or other birds and animals, having regard to the vicinity of place of slaughter from the aerodrome, arrangements for disposal or deposit of carcass, rubbish and other polluted and obnoxious matter, grant permission in writing for the purpose.

92. Ground Handling Services. – The licensee shall, while providing ground handling service by itself, ensure a competitive environment by allowing the airline operator at the airport to engage, without any restriction, any of the ground handling service provider, who is permitted by the Central Government to provide such services.

Provided that such ground-handling service provider shall be subject to the security clearance of the Central Government.”

(C) Schedule V shall be omitted.

[F. No. AV.11012/1/2003-A]
Raghu Menon
Joint Secretary to the Government of India

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 G.S.R. 636(E) dated the 22nd September, 2004 published in Part II, Section (3), Sub-section (i) of the Gazette of India.
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 this notification vide its Order No. AV.11012/1/2003-A dated the 2nd November, 2004 issued in Ministry of Civil Aviation.