

**GOVERNMENT OF INDIA
MINISTRY OF CIVIL AVIATION
LOK SABHA
UNSTARRED QUESTION NO. : 1727
(To be answered on the 20th December 2018)**

CHARGES FOR EXCESS BAGGAGE

1727. SHRI JAYADEV GALLA

Will the Minister of CIVIL AVIATION

नागर विमानन मंत्री

be pleased to state:-

- (a) whether baggage weight charges has been fixed at Rs. 100 per kg between 15-20 kgs;
- (b) whether this was challenged in the High Court of Delhi and the Hon'ble Court had set aside this limit and now it is at the will of airlines to charge excess baggage;
- (c) the reasons that the Government has not challenged the order of the Delhi High Court before the Supreme Court;
- (d) the views of the Government regarding airlines charging Rs.400 to Rs.500 per kg if check-in baggage exceeds 15 kgs; and
- (e) whether the airlines are justified in increasing the baggage charges between 25% and 35% from June this year and the action taken by the Government to contain this uncontrollable baggage charges?

ANSWER

Minister of State in the Ministry of CIVIL AVIATION

नागर विमानन मंत्रालय में राज्य मंत्री

(Shri Jayant Sinha)

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- (a) DGCA vide Air Transport Circular (ATC) 02 of 2016 titled "Unbundle of Services and Fees by Scheduled Airlines", limited the excess baggage charges between 15 to 20 kgs to INR 100/-.
 - (b) The said provision of the ATC was challenged in the Hon'ble Delhi High Court. In its order dated 16.08.2017 in the matter W.P.(C) 5756/2016, the Hon'ble court had stated that DGCA cannot determine the tariff for a specified flight product, i.e. the circular on Unbundling of Services, in so far as it puts a limit on the charges for excess check-in baggage, was set aside.
 - (c) to (e) Delhi High Court in its order dated 16.08.2017 in W.P.(C) 5756/2016 & CM 23726/2016 has stated that Directorate General of Civil Aviation (DGCA) has only been empowered to intervene, if certain regulatory principles are violated. Thus, the power of DGCA is limited to interdict the separate charging of a product, if the regulatory principles such as opt-in, non discrimination and transparency are violated. In view of the above, the Hon'ble court has stated that DGCA cannot determine the tariff for a specified flight product since, they are to be determined by market forces.