

Legal Implications of airport privatization in India George, M.

Citation

George, M. (2016, November 24). *Legal Implications of airport privatization in India*. Retrieved from https://hdl.handle.net/1887/44409

Version:	Not Applicable (or Unknown)
License:	<u>Licence agreement concerning inclusion of doctoral thesis in the</u> <u>Institutional Repository of the University of Leiden</u>
Downloaded from:	https://hdl.handle.net/1887/44409

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <u>http://hdl.handle.net/1887/44409</u> holds various files of this Leiden University dissertation

Author: George, Moses Title: Legal implications of airport privatization in India Issue Date: 2016-11-24

Selected Bibliography

Books and Monographs

Balakista Reddy, Recent Development in Air and Space Law, Uppal publishers, New Delhi, (2007)

Gokarn, Subir, "civil aviation in India: deregulation and constraints to growth and efficiency Published in "India Infrastructure report 2002"

Graham, Anne, Managing Airports-An International Perspective, Routledge, ed 2nd(2008) Kesherwani, Tulsi R, "Privatization of airports in India: recent developments and contemporary Issues", The foundation for aviation and sustainable Tourism, New Delhi,(1998)

Kesherwani, Tulsi R, 'Privatization of airport Infrastructure', Manohar publishers and distributors , New Delhi (2002)

Shafi,Shaik Nazim Ahmed, 'Airport Privatization in India – Legal and Policy Issues' Asia Law House (2013)

Treaties

Convention on International Civil Aviation, Chicago, 7 December 1944 (Chicago Convention) ICAO Doc 7300/9)

ICAO Materials

Documents, Manuals, Circulars

Commercialization and Privatization of Airports and Air Navigation Services Providers (ICAO, Working Paper No. ATConf/6-WP/6, 2012),

Ferrier, Blandine, Operational Improvements, ICAO 2014,

ICAO Airport Privatization Seminar for the NAM/CAR/SAM Regions: Report(1999)

ICAO Doc 7559/7 Rules of Procedure for the Council, 7th ed. (2006)

ICAO DOC 8632, ICAOs Policies on Taxation in the Field Of International Air Transport 3rd ed (2000)

ICAO, Airports and Air Navigation Services Providers (ANSPS), Case Study: United Kingdom (Dec. 5, 2008, revised June 22, 2011)

ICAO, Case Study of Commercialization, Privatization and Economic Oversight of Airports and Air Navigation Services Providers: United States (Dec. 9, 2011, revised Feb. 18, 2013) ICAO, Doc 9082, Statement by the Council to Contracting States on Charges for Airport and Air Navigation Services (5th ed. 1997)

ICAO, Infrastructure Management: Case Studies on Commercialization, Privatization and Economic Oversight of Airports and Air Navigation Services Providers (ANSPs)

ICAO, Kesherwani, Tulsi R, "Rapidly growing private presence in airports takes several different forms", ICAO Journal, Montreal (April 2003)

ICAO, Manual on Certification of Aerodromes, Doc. 9774 (1sted. 2002)

ICAO, Manual on Privatization in the Provision of Airports and Air Navigation Services, Doc. 9980 (1st ed. 2012)

ICAO, Policies on Charges for Airports and Air Navigation Services, Doc. 9082 (9th ed. 2012)

ICAO, Privatization in the Provision of Airports and Air Navigation Services 26, Cir. 284 AT/120 (March 2002)

Acts & Rules

Aircraft Act 1934(India) Aircraft Rules 1937(India) Airport Economic Regulatory Authority Act 2008(India) Airports (Transitional) Act, No. 36 of 1996 (Austl.), Airports Authority of India (Major Airports) Development Fees Rules, 2011 Airports Authority of India Act 1994, (India) Civil Aviation Requirements (CAR) (India) Competition Act 2002(India) Comptroller and Auditor General (Duties, Powers and Conditions of Services) Act 1971 (CAG Act): EC Regulation No. 216/2008 FAA Modernization and Reform Act of 2012 Federal Airports Corporation Act, No. 4 of 1986 (Austl) Federal Aviation Reauthorization Act of 1996 International Airports Authority Act 1971 (India) National Airports Authority Act 1985 (India) The Airports Authority of India (Major Airports) Development Fees Rules, 2011(India) The Companies Act, 1956 (India) The Right to Information Act, 2005 (India)

POLICIES

Greenfield Policy of Government of India, Order, Prohibited Area: Kalpakkam Nuclear Installation, AV. 20011/2/07-AL, Policy on Airport Infrastructure, Government of India,

REPORTS and PROCEEDINGS

133rd Report of the Department-Related Parliamentary Standing Committee on Transport, Tourism & Culture (2008) ACI Position Brief: A Global Industry, at 1 (Mar. 2008), ACI, Policies and Recommended Practices Handbook (7thed Nov.2009) Anil Kapoor, Airport Infrastructure - The Emerging Role of the Private Sector xi(World Bank Technical Paper No. 313, (1995) Asian Dev. Bank, Developing Best Practices for Promoting Private Sector Investment in Infrastructure: Airports and Air Traffic Control 18(2000) Asian Development Bank, Developing Best Practices - Part Two: Airports and Air Traffic Control BAA Airports Market Investigation, Competition Commission, UK, 19 March 2009 Comptroller and Auditor General(CAG) of India Report Number 5, 2012-13, tilted Implementation of Public Private Partnership Indira Gandhi International Airport, Delhi Concession Agreement between the Government of India and BIAL/HIAL, July 5, 2004 Development of Airport Sector with Special Emphasis on New Modern Airports,90th Report of Parliamentary Standing Committee on Transport, Tourism& Culture (2005) 5 FAA, Airport Privatization Pilot Program

Frost & Sullivan, Airport Privatization (2006)

Functioning of Private Airports and the Related Issues, 142nd Report of the Department-Related Parliamentary Standing Committee on Transport, Tourism and Culture (2008) 19 GoI, Secretariat for the Committee on Infrastructure, Planning Commission, Report of the

Task Force: Financing Plan for Airports 14 (July 2006)

Government of India, Ministry of Civil Aviation (Cabinet Papers- AV 20014/002/2000-AAI) IATA Economics Briefing No. 11: Airport Competition (2013)

IATA, Airport Development Reference Manual 131 (9th ed. Jan. 2004

IATA, Economics Briefing 2006 – Airport Privatization 27 (2005)

Memo from the European Comm'n, State Aid: Commission Adopts New Guidelines on State Aid to Airports and Airlines (Aviation Guidelines) (Feb. 20, 2014),

New State Aid Rules for a Competitive Aviation Industry, COMPETITION POL'Y BRIEF (Eur. Comm'n), Feb. 2014

Proceedings of ICAO- Airport Privatization Seminar for the NAM/CAR/SAM regions, Gguatemala city(1999)

Proceedings of the 16th Meeting of the Steering Committee, on new International Airport at Devanahally, near Bangalore,

Proceedings of the 17th Meeting of the Steering Committee, on New International Airport at Devanahally, near Bangalore

Report of the Joint House Committee of Karnataka Legislative Assembly

Report of the Committee on a Road Map for the Civil Aviation Sector (2003),

Report on Capacity Assessment Study at New Bangalore International Airport (2008)

Special Report – Infrastructure: Breaking the Bottlenecks, Airlines Int'l, Aug.–Sept. 2011

The Standing Senate Committee on Transport and Communications, "The Future of Canadian Air Travel: Toll Booth or Spark Plug?," June 2012

U.K. Competition Comm'n, BAA Airports Market Investigation: A Report on the Supply of Airport Services by BAA in the UK 234, 237 (Mar. 19, 2009)

U.S. Gov't Accountability Office, Airport Finance: Issues Related to the Sale or Lease of U.S. Commercial Airports 6, GAO/T-RCED-96-82 (Feb. 29, 1996)

CASES

Customs, Excise and Service Tax Appellate Tribunal, West Zone Bench at Mumbai, in appeal no. C/363/09 and C/369/09

Airports Authority Officers' Association (India) v. Union of India, WP(C) 8229-30/2004 (Delhi H.C. May 16, 2005).

Case C-82/01P, 2002 E.C.R. I-9297

Case T-128/98, Aéroports de Paris v. Comm'n, 2000 E.C.R. II-3929,

Centre for Public Interest Litigation. v. Union of India, A.I.R. 2003 S.C. 3277.

Civil Appeal No AC 2148 (Supreme Court of India 2009) Bangalore International Airport ltd. Vs. Flemingo Duty free Shops p.ltd.& ors

Civil Appeal No AC 2149 (Supreme Court of India 2009) Nuance Group

ag. .vs. Flemingo Duty free Shopp.ltd.& ors

Civil Appeal No AC 4914 of 2008 (Supreme Court of India 2008) Mumbai International Airports p.ltd. .vs. Flemingo Duty free Shop p.ltd.& ors.

Civil Appeal No AC 4915 of 2008 (Supreme Court of India 2008) DFS Venture Singapore pvt. Ltd. & anr. .vs. Flemingo Duty Free Shop pvt. Ltd. & ors

Comm'r Cent. Excise v. Cochin Int'l Airport Ltd., C.E. Appeal No. 16 of 2008 (Kerala H.C. 2009).

Consumer Online Foundation v Union of India, Civil Appeal No. 3611 of 2011, as well as Civil appeal Nos 3612 of 2011, 3613 of 2011 and 3614 of 2011,

Flemingo Duty Free Shop Pvt. Ltd. v. Union of India, Writ petition No. 617 of 2007 (Bombay H.C. June 5, 2008).

Flemingo Duty Free Shops Pvt. Ltd. v. Union of India, Writ petition No. 14215 of 2006 (Karnataka H.C. Dec. 19, 2008).

Mun. Comm'r of Dum Dum Municipality &Ors. v. Indian Tourism Dev. Corp. &Ors., 1995 (5) SCC251.

R(on the application of the Federation of Tour Operators) Vs HM Treasury (2007) EWHC 2062

Resources of Aviation Redressal AssnVs Union of India and Others, Writ petition 8918/2009 Sri Benson Issac v. (i) Bangalore International Airport Ltd. (ii) PIO, KSSIDC, Bangalore, KIC 1286/COM 2007

T-443/08 & T-455/08, Freistaat Sachsen v. Comm'n and Mitteldeutsche Flughafen AG v. Comm'n, 2011 E.C.R. II-1311,

ARTICLES

Dennis Dawson & Stephen Greene, The Future of Canadian Air Travel: Toll Booth or Spark Plug?, prepared for the Standing Senate Committee on Transport and Communications (June 2012),

Frost & Sullivan, Airport Privatization (2006).

G. Cook, et al., Airport Commercialisation and Privatization. Why? (Dec. 3, 2001)

Julian Ellison, Play It, SAM: Is the State Aid Modernisation Programme a Significant

Achievement or a Cause for Concern?, Competition Law Insight .Com Oct 14,2014

http://www.competitionlawinsight.com/competition-issues/state-aid/play-it-sam-103731.htm. Paul Stephen Dempsey, Airport Privatization: Navigate Carefully (2012)

Prof. Brian F. Havel & Dr Niels van Antwerpen, 'Dutch Ticket Tax and Article 15 of the Chicago Convention', Air and Space Law 34, no. 2 and 6 (2009)

Rachel Y. Tang, Cong. Res. Serv., R43545, Airport Privatization: Issues and Options for Congress 9 (2014)

Rao, Arun K R, Privatization of Airports -Role of the Regulatory Authorities - A Safety Perspective, Proceedings of ICAO- Airport privatization seminar for the NAM/CAR/SAM regions, Gguatemala city, 13-16 December 1999

Saraswathi, S.K, 'Operating environment for a civil aviation Industry in India' Journal of Air transport Management, Volume 7, Issue 2, Pages 127-135.

Sheri Ernico et al., Transp. Res. Bd., Airport Coop. Res. Program Rep. 66:Considering And Evaluating Airport Privatization (2012),

Sumeet Kachwaha, "Airport project in India: Privatization process", Construction Law International Vol.3 Issue 1 March 2008

Tom Fairless, Two EU Airports, Four Airlines to Repay Illegal State Aid, WALL ST. J., Oct. 1, 2014

Ulrich Steppler, German Air Travel Tax and Other Duties: A New European Trend?, 36 Air & Space L. 63, 63 (2011).