

**GOVERNMENT OF INDIA
MINISTRY OF CIVIL AVIATION
LOK SABHA
UNSTARRED QUESTION NO. : 788
(To be answered on the 7th February 2019)**

POWER TO DGCA

788. DR. KAMBHAMPATI HARIBABU

Will the Minister of CIVIL AVIATION

नागर विमानन मंत्री

be pleased to state:-

- (a) whether the Government is considering a proposal to empower the DGCA with powers to penalize airports and airlines for violating norms, if so, the details thereof;
- (b) the details of the parameters on which India lags in International Civil Aviation Organization's (ICAO's) safety audit vis-a-vis the global average, along with the measures being taken to address the same; and
- (c) the details of the existing penal provisions for the aviation companies, travellers for violation of the safety norms?

ANSWER

Minister of State in the Ministry of CIVIL AVIATION

नागर विमानन मंत्रालय में राज्य मंत्री

(Shri Jayant Sinha)

(a) Ministry of Civil Aviation has moved a proposal to amend the Aircraft Act, 1934 to make provisions for imposing penalties by DGCA on service providers on violations of the Act and the Aircraft Rules. The amendment has been proposed as a result of ICAO audit finding wherein it has been stated that DGCA does not have the authority to impose penalties.

(b) ICAO requires the contracting States to establish and implement an effective State oversight system taking into account eight critical elements (CEs). Under its Universal Safety Oversight Audit Programme (USOP), Continuous Monitoring Approach (CMA), ICAO conducts regular, mandatory, systematic and harmonized safety audits of all the contracting States to ensure that the States are fulfilling their obligation of safety oversight under the Chicago Convention and meet the eight critical elements of the safety oversight system.

The results of the audit are indicated in terms of the Effective Implementation which has been defined as:

Effective Implementation (EI): A measure of the State's safety oversight capability, calculated for each critical element, each audit area or as an

overall measure. The EI is expressed as a percentage.

A high EI shows that the State's safety oversight capability is robust and meets the ICAO Standards while a low EI is indicative of poor safety oversight capability.

ICAO conducted an audit of India in November, 2015 and November, 2017 wherein the Effective Implementation (EI) was 57.44%. The fall in EI was mainly due to lack of regulation and oversight on Air Traffic Controllers which are required to be licensed by ICAO and low EI in areas of Accident Investigation and Aerodromes. In pursuance of the observations made by ICAO in their audit report it has been decided that the regulation and oversight of Air Traffic Controllers shall be done by DGCA.

Further, the issues of lack of sufficient financial penalties so as to serve as an effective deterrent and the power to impose these penalties are being addressed by amendment in the Aircraft Act, 1934.

Meanwhile, as per the audit conducted by ICAO in November, 2018 covering areas of Legislation, Organisation, Air Navigation Services, Aerodromes and Accident Investigation, the EI has raised to approximately 73.6%.

(c)As per the existing provisions in the Aircraft Act, 1934, penalties can be levied only by the Courts.
