



FEDERATION OF INDIAN PILOTS

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25th January 2023

To
Shri Jyotiraditya Scindia
Hon'ble Minister of Civil Aviation
Ministry of Civil Aviation,
Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi – 110 003

Sub: Review of DGCA's powers to cancel, suspend or endorse pilots licences exercising provisions of Rule 19 of Aircraft Rules 1937

Sir

We are constrained to bring to your notice that commercial pilots licences are being frequently suspended by the DGCA through the indiscriminate exercise of powers conferred by ambiguous provisions of Rule 19 of the Aircraft Rules 1937 which contravene the principles of fair play, impartiality and natural justice. Often such decisions are taken without the production of substantial evidence or justifiable reasons and in variance of the guidelines of the DGCA's own Enforcement Manual.

As you must be undoubtedly aware, the licence of a Pilot in Command(PIC) of an international flight recently operated by a major Indian carrier has been suspended for 3 months due to his alleged failure to carry out certain duties and responsibilities in relation to the alleged acts of misconduct of a passenger. The DGCA's knee jerk reaction appears to have been triggered by sensational media reports, pressure to show swift results to the public, unsubstantiated allegations, a hasty response from the pilots employer and the DGCA's rejection of his well reasoned reply to a show cause notice. Prima facie, there was no effort on the part of the DGCA to conclude its own independent enquiry to establish facts on the basis of credible evidence and nor was the suspended licence holder given an opportunity to be heard by his own employer's internal complaints committee. The basic principle of assuming the pilots innocence until proven guilty beyond reasonable doubt appears to have been ignored by the DGCA. This was further exacerbated as the provisions of Rule 19 of Aircraft Rule 1937 empowering the regulator to suspend a pilots licence do not necessitate a high quality of proof as ought to be necessary for such enforcement action but rely disproportionately on the regulator's discretionary authority.

In fact, while the member pilot has been summarily punished, the Accountable Manager of the same organisation appears to have been spared. This contradicts the very principle of balanced decision making required of the regulator and reveals a highly prejudiced approach towards the licence holder.

The unfortunate and most likely fallout of the DGCA's action on this pilot is bound to have largely negative ramifications on the travelling public. Pilots may, henceforth, not hesitate to exercise their statutory authority to restrain and deplane passengers or file FIRs at even the slightest pretext for fear of being reprimanded by the DGCA and of being accused of not performing their duties in accordance with unruly passenger related regulations. This is definitely not the type of work environment warranted in a

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Customer centric and service oriented industry. Such realities regrettably erode stakeholder confidence and our national credibility as well.

In view of the evident flaws in the DGCA's enforcement action and its likely consequences, may we most respectfully seek your immediate and kind intervention to revoke the suspension of the pilot's licence and order a de-novo fact finding enquiry based only on indisputable evidence.

On a broader note, it is a matter of great concern that the DGCA continues to wield autocratic, colonial era powers derived from archaic legislation that effectively makes it a rule making, investigating, punishing and appellate authority all rolled into one. Without adequate checks and balances, such arbitrary actions have become the norm rather than an exception and as such are clearly in contravention of Rule No 3 of the Central Civil Service(CCS) Conduct Rules 1964.

In fact, such unfettered authority and power vested on public servants are also clearly misaligned with the vision of a modern democracy and particularly, of the reformist policies of your government.

In view of all the above, it is most respectfully requested that an autonomous, quasi judicial body such as a "Civil Aviation Regulatory Appellate Tribunal" is immediately established for the speedy adjudication and disposal of such matters related to the DGCA. We also request that all the repugnant provisions of Rule 19 of Aircraft Rules 1937 are reviewed by an expert committee and suitable amendments are thereafter effected through the legislative mechanism to ensure the principles of justice, impartiality and fair play.

We are hopeful that such steps initiated by your Ministry will not only strengthen the regulatory mechanism but will also restore regulatory credibility and stakeholders' confidence in the system. May we also take this opportunity to reaffirm our constant support of your endeavours to modernise and administratively reform the Indian Civil Aviation sector.

Thanking you

Warm regards

Capt. Surinder Mehta
President, FIP

cc:

1. Hon'ble Prime Minister of India
2. Hon'ble Minister of Law and Justice, Govt.of India
3. Chairman, Parliamentary Standing Committee on Civil Aviation
4. Cabinet Secretary
5. Secy MoCA

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