



FEDERATION OF INDIAN PILOTS

FIP/DGCA/25-07

01 October 2025

To,
Director General of Civil Aviation,
DGCA, Opp Safdarjung Airport,
Sri Aurobindo Marg,
New Delhi-110003

**SUBJECT: COMMENTS AND COMPREHENSIVE OBJECTIONS OF THE
FEDERATION OF INDIAN PILOTS (FIP) ON THE DRAFT CIVIL AVIATION
REQUIREMENT (CAR) SECTION 7, SERIES G, PART VI - RADIO TELEPHONE
OPERATOR (RESTRICTED) EXAMINATION AND LICENCE**

Dear Sir,

1. Please refer to the Radio Telephone Operator (Restricted) Certificate & License Rules 2025 and Draft CAR Sec 7 Ser G Part VI.
2. The Federation of Indian Pilots (FIP), India, represents the biggest body of professional pilot's community across the nation. We formally register our comprehensive objections to the provisions outlined in the Draft CAR concerning the examination and licensing of Radio Telephone Operators (Restricted).
3. It is legally inconsistent with its parent legislation Radio Telephone Operator (Restricted) Certificate & License Rules 2025, exceeds the delegated authority, violates the acquired rights of thousands of pilots, and is operationally not feasible in the present state. On behalf of our members, we present a detailed analysis of our objections.
4. **DIRECT CONFLICT WITH PARENT LEGISLATION**
5. The foundational principle of administrative law is that subordinate legislation (a CAR) cannot override or contradict the superior parent law (the Rules). The Draft CAR fails this primary legal test in multiple, and unambiguous ways. Some of the examples are as follows:
6. The Supremacy of the RTR Rules, 2025: The legal framework is unequivocally established by the Radio Telephone Operator (Restricted) Certificate and Licence Rules, 2025 (the "RTR Rules, 2025"), published in the Gazette of India. The DGCA's authority to issue this CAR is derived solely from these Rules.

A. The Explicit Limitation on DGCA's Power: Rule 18 of the RTR Rules, 2025, which empowers the DGCA to issue CARs, contains a critical and non-negotiable constraint. It explicitly states that any CAR must be "not inconsistent with the provisions of the Act or these rules".

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- B. This clause is a statutory limitation on the DGCA's rulemaking authority. The Overriding Protection of Rule 20: The most definitive protection for existing license holders is enshrined in Rule 20, the formal "Saving" clause. It states:
- C. *"Nothing in these rules shall affect the operation of Radio Telephone Operator (Restricted) Certificate and Licence which has been granted under the... Rules 1954 or any other rule for the time being in force prior to the commencement of these rules..."*
- D. The legal force of the phrase "Nothing... shall affect the operation" is absolute. It acts as an overriding shield, insulating all existing, valid WPC-issued RTR licenses from any new conditions, examinations, or procedural burdens.
- E. The Guarantee of Rule 11(2): Reinforcing this protection, Rule 11(2) guarantees that an existing license "shall continue to be valid till its expiry".
- F. The CAR's Direct Contradiction: In stark violation of these protections, Paragraph 5 of the **Draft CAR mandates that all holders of existing RTR licenses must apply for and pass a practical examination**. This new requirement directly and unlawfully "affects the operation" of our licenses and negates the guarantee that they "shall continue to be valid". The Draft CAR has been formulated with a complete disregard for the overriding mandate of Rule 20, rendering it fundamentally inconsistent with the very rules that authorize its creation.
7. By imposing a new, mandatory examination on a population that the parent Rules have explicitly protected, the DGCA is acting beyond the scope of its delegated powers (*substantive ultra vires*). The authority granted under Rule 18 is administrative—to define procedures for examinations. It is not a legislative power to create new, substantive conditions that effectively amend the parent, Rules. This attempt to strip away a right granted by the Central Government through a subordinate CAR is an overreach of executive authority and would not withstand judicial scrutiny.
8. For decades, pilots in India have built their careers based on the government's consistent practice that a WPC-issued RTR license is the final certification of radiotelephony competence. **This has created a substantive legitimate expectation that the government will honour its own certifications.**
9. The "grandfather" clauses in Rule 11(2) and Rule 20 are not mere suggestions; they confer a statutory acquired right upon pilots to have their licenses recognized for their full term. The Draft CAR arbitrarily extinguishes this right



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and defeats our legitimate expectation, which is contrary to the principles of fairness and non-arbitrariness that are the bedrock of administrative law.

10. OVERARCHING POLICY AND PRACTICAL OBJECTIONS

11. Beyond the fundamental legal flaws, the proposal is deeply problematic from a practical and policy standpoint, as highlighted by numerous members of our pilot community:

- a) **Operational Redundancy:** It is in violation to the Rules 2025, to re-test experienced pilots who demonstrate advanced radiotelephony skills daily in the world's most complex airspaces. This competence is continuously verified during recurrent checks and is also a component of the English Language Proficiency (ELP) tests. A standalone practical exam offers no demonstrable enhancement to aviation safety and is a redundant duplication of effort.
- b) **Undermining Inter-Departmental Comity:** The proposal creates a dysfunctional scenario where one government agency (DGCA) refuses to trust the certifications of another (WPC Wing). This erodes regulatory coherence and public trust.
- c) **Creation of Uncertainty and Unnecessary Burden:** The CAR introduces profound uncertainty. What are the implications if an experienced captain fails this new exam? Is their entire career and experience nullified? This imposes an unfair financial and administrative burden (fees, travel, time off duty) on pilots and airlines for no reason at all.
- d) **Regulatory Regression:** At a time when the DGCA is progressively moving to eliminate ATPL vivas, introducing a mandatory re-examination for a long-settled qualification is a regressive step that increases red-tapism and not safety.
- e) **Lack of a Risk-Based Approach:** The proposal is a blanket measure not based on any data suggesting a systemic deficiency in radiotelephony skills among existing pilots. Safety is enhanced by targeted, risk-based interventions, not by burdensome and untargeted mass re-examinations.

12. RECOMMENDATIONS AND PROPOSED AMENDMENTS

13. In light of the overwhelming legal, policy, and practical arguments against the current provisions, the Federation of Indian Pilots formally recommends that **Paragraph 5 of the Draft CAR be deleted in its entirety and replaced with a new provision that is fully consistent with the letter and spirit of the parent RTR Rules, 2025.**



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14. To this end, we propose the following legally sound text for a revised Paragraph 5 of the draft CAR on RTR:

"5. Recognition and Validity of Existing Certificates and Licenses

- a) **5.1** In accordance with the overriding protection granted under Rule 20 and the guarantee provided under Rule 11(2) of the Radio Telephone Operator (Restricted) Certificate and License Rules, 2025, the operation of any valid Radio Telephone Operator's (Restricted) Certificate and License issued prior to the commencement of the said Rules shall remain entirely unaffected.
- b) **5.2** Such existing Certificates and Licenses shall continue to be valid in accordance with their terms until their date of expiry. Consequently, holders of such existing Certificates and Licenses are fully exempt from any new written or practical examination requirements for the continued recognition of their license.
- c) **5.3** A holder of such an existing Certificate and License who wishes to obtain a new Certificate and License under the Radio Telephone Operator (Restricted) Certificate and License Rules, 2025 (e.g., for extending validity up to the age of eighty years), should be permitted to do so based on operational recency. This can be demonstrated through evidence of recent flying experience, similar to the requirements for maintaining the validity of an ATPL, which serves as a practical and continuous verification of radiotelephony proficiency. This approach is more logical and less burdensome than a redundant practical examination. This proposed text rectifies the legal defects, honours the acquired rights of the pilots and establishes a clear, fair, and lawful path forward.

15. **A FORWARD-LOOKING APPROACH: INTEGRATING RTR SYLLABUS TO REDUCE REDUNDANCY**

16. In the spirit of progressive and efficient regulation, we also wish to address the issue of the RTR written examination for future CPL/ATPL candidates. A significant portion of the RTR written syllabus, particularly concerning Regulations, Procedures, Radio Principles, and Navigation, is already covered in the existing DGCA papers for Air Regulations and Radio Aids & Instruments, leading to unnecessary duplication.
17. We strongly recommend that the syllabus of the CPL/ATPL examinations (specifically Regulations, Navigation Aids, and Radio Aids) be formally enhanced to fully incorporate any remaining topics required for the RTR license. This integration would streamline the entire licensing procedure, reduce the total number of examinations, and alleviate the additional stress and time burden on candidates without diluting the quality of knowledge assessment. Once this



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synergy is achieved, the separate RTR written examination should be eliminated for all CPL/ATPL candidates, who would then only be required to attend the RTR practical examination after successfully clearing their CPL/ATPL written papers. The standalone RTR written exam could, however, be retained for non-CPL/ATPL candidates who require the license.

18. OBJECTION TO THE IMPOSITION OF A SUPERFLUOUS TRAINING FRAMEWORK (PARAGRAPH 10)

- a) We wish to formally object to the inclusion of Point no 10, "Model requirements and guidance for organizations providing training in Radio Telephony," and its associated Annexure B. The very foundation of RTR certification has historically been the demonstration of competence through examination, not the completion of mandatory, prescribed training. The method of preparation has always been left to the discretion of the individual applicant, a principle that has proven effective for decades.
- b) By introducing a model regulatory framework for training organizations, the Draft CAR creates a superfluous and illogical architecture around a non-compulsory activity. This measure would not be fruitful. Instead, it would impose an unwarranted financial burden on candidates, who will feel implicitly compelled to enroll in such approved programs.
- c) More troublingly, it risks creating a new layer of bureaucracy that may be susceptible to corruption, thereby compromising the integrity of the licensing process. The focus should remain squarely on an applicant's ability to meet the required standard in the examination; the path they choose to acquire that competence should remain their own prerogative.

19. **Also, the examinations and oversight for RTR should be under the purview of FSD only, wherein the FOI's check the pilots and not ground staff/engineers of DGCA.** However, the licensing part could be under the purview of the DTL.

20. The pilots of India are unwavering in their commitment to the highest standards of aviation safety. However, safety is best served by regulations that are rational, data-driven, and legally sound. The Draft CAR, in its current form, fails on all the above counts. We urge you to consider our grave concerns and amend the Draft CAR to align it with the law. We remain available for any further discussions or clarifications are required on the draft CAR.

With Warmest Regards,

(Capt. CS Randhawa)

President

Federation of Indian Pilots (FIP)