INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed JournalMulti Disciplinary
Peer Reviewed Edition :

www.ijlra.com

 ISSN: 2582-6433

DISCLAIMER

ISSN: 2582-6433

EDITORIAL TEAM

EDITORS

Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board

ISSN: 2582-6433

Dr. Namita Jain

Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India.India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020).Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi.Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.

Avinash Kumar

Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship.He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi.Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi.He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ISSN: 2582-6433

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANLAYSIS ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

www.ijlra.com
Volume 2 Issue 7 | Aug 2023
ISSN: 2582-6433

AN ANALYSIS ON INDIA'S CIVIL AVIATION AND IT'S DEVELEOPMENT IN RECENT DAYS

Authored By - Prabaharan V

ABSTRACT

According to the International Air Transport Association, India has the world's fastest expanding domestic aviation market. India was forecast by IATA to surpass the UK a year earlier than expected to become the third-largest aviation market in the world by 2025. Additionally, India's new civil aviation policy provides a boost for the sector. CAPA (Centre for Asia Pacific Aviation) estimates that the civil aviation market in India is a growth that will create up to 2.6 million jobs in the next 10 years, including direct, indirect, and induced jobs. While India is in the civil aviation business experiencing expansion in many areas, there are still many obstacles to overcome.

Keywords: Civil aviation, DGCA, CAPA, no-frill airport, saturated airport.

INTRODUCTION

By 2025, the Indian civil aviation market is anticipated to be the third largest in the world, thanks to the country's ongoing double-digit growth in domestic passenger traffic. The first flight, which covered just 6 miles between Allahabad and Naini, launched the Indian aviation business in 1911. This was India's first flight in commercial civil aviation. The Aircraft Act and Aircraft Rules set the rules for this industry. The Air Corporations Act, approved by the Indian Parliament in March 1953, nationalised the country's airline sector. After the Act was passed, two new airlines were created: Indian Airlines Corporation, which flew internal and regional routes in India, and Air India, which operated on international routes. In order to allow private players to operate in India, this act was once more abolished in 1994. After the private companies began to operate, the Indian civil aviation industry entered a new phase. For the purpose of securing civil aviation, the Bureau of Civil Aviation Security (BCAS) was established in 1978.

In India, both domestic and international airports are subject to the BCAS's norms and regulations regarding civil flights. AAI currently manages 125 airports in India, including 11 international

ISSN: 2582-6433

airports, 8 customs airports, 81 domestic airports, and 25 civil enclaves at Defence Airfields. In 1995, the International Airports Authority of India and National Airports of India merged to form AAI. This year saw an the introduction of the Aircraft (Investigation of Accidents and Incidents) Rules 2017, which lays out the process for a prompt and thorough investigation of accidents. The New Civil Aviation Policy (NCAP) 2016 gave the Indian aviation sector a boost as well. The NCAP established guidelines for regional connectivity (UDAN, or "Ude Desh Ka Aam Nagrik"), placed an emphasis on open air policy, modified the 5/20 rule for airlines operating internationally, replaced the ground handling policy with a new framework, developed airports using a public-private partnership (PPP) model, established separate guidelines for helicopters and charter planes, and promoted aviation education and skill development.[1]

Even while the Indian civil aviation sector is expanding in many areas, it nevertheless faces a number of significant obstacles. Although passenger traffic is increasing, infrastructure problems are also getting worse. According to CAPA, Delhi airport would reach saturation by 2023 and Mumbai airport by 2018. There are now 406 under- utilised airports and airstrips in India, despite the urgent need for new airports to be built (AAI, 2016). The IATA has also cautioned the government against privatising airports since they will never perform as promised. The PPP model is being used at India's four main airports, namely Delhi, Mumbai, Hyderabad, and Bangalore. Speaking about safety, the number of "near miss" occurrences in 2016 was 32, which is a record high in the history of civil aviation. According to reports, one of the key reasons for these accidents is a shortage of modern technology and skilled labour.

The purpose of this chapter is to identify the industry's issues, to explain how they could pose a threat to the sector in the near future, and to recommend some proactive steps to address those challenges.

RESEARCH METHODOLOGY

Based on an exploratory investigation, this chapter. In this regard, a thorough and in-depth analysis of books, journals, yearly reports from the Ministry of Civil Aviation, DGCA, CAPA, IATA, and

[1] Sachin Behara Indian Civil Aviation Industry: Growth and Challenges https://www.researchgate.net/publication/350049400_Indian_Civil_Aviation_Industry_Current_Growth_and_Challenges?enrichId=rgreq-54a792c4c9dbe21bb980181354c4a3a4-XXX&enrichSource=Y292ZXJQYWdlOzM1MDA0OTQwMDtBUzoxMDAxMjMwNzQ2Nzk2MDMzQDE2MTU3MjM0MjA0NDg%3D&el=1_x_2&_esc=publicationCoverPdf

ISSN: 2582-6433

the New Civil Aviation Policy 2016 has been conducted. In addition, this study involved in-person visits and focus interviews with aviation experts, airport employees, and travellers.

OBJECTIVE OF THE STUDY

- To outline the issues that the civil aviation business is now facing
- To highlight the growth aspects of the Indian civil aviation industry
- To provide some practical solutions

REVIEW OF LITERATURE

The primary issues facing India's civil aviation sector, according to Choudhury, Dixit, and Tiwari (2015), are high MRO (Maintenance, Repair, and Overhaul) costs, a convoluted tax system for jet fuel, rupee depreciation, etc.[2]

In his study, Singh (2016) interpreted some of the significant difficulties this business needs to deal with. Congestion in major airports due to the high rate of passenger growth and airport saturation, growing private airport participation, rising air turbine fuel prices, high airport fees, and increased competition between low-cost and premium airlines are some of the main issues. Due to the competition, premium airlines have had to lower their pricing in order to remain competitive.[3]

According to Sharma (2017), 2016 was the riskiest year in Indian civil aviation history. In 2016, there were roughly 32 close calls. He claimed that a lack of trained personnel, available airspace, and available manpower was the primary cause of this. Additionally, this year saw the most number of pilots suspended for violating safety regulations. There were 151 pilots that were suspended.[4]

For the first time in ten years, Indian carriers reported a combined profit of USD 122 million in FY2016, according to CAPA's report. Additionally, they forecast that there will be 100 million visitors in FY 2017 and 130 million by 2018. Additionally, they have stated that the market share

[2] Choudhury, Dixit, and Tiwari (2015)
[3] Singh (2016)
[4] Sharma (2017)

ISSN: 2582-6433

of full-service airlines may decrease by 25–30% by 2019. The decline is a result of most travellers choosing low-cost airlines. Within two years, Jet Airways and Air India's combined domestic market share, which was about 90% in 2003, may drop to 10% or less per company. Additionally, they warned of a heightened danger to safety and security owing to an increase in traffic that the inadequate infrastructure would not be able to handle.[5]

The Indian aviation sector is seeing growth. According to Arora, Bishnoi, and Atray (2010), the key drivers of this industry's growth include changing demographics and income levels, the untapped tourism potential of India, minimal entry barriers, and the simplicity of conducting business through FDI. They also emphasised the major difficulties this sector has, including a shortage of skilled workers, poor regional connections, a lack of airports and infrastructure for air traffic control, rising fuel prices, etc.[6]

CONCEPT OF "MAKE IN INDIA"

Indigenization and "Make in India" are two phrases that are occasionally mistakenly understood to mean design and development in India. While "Make in India" would entail the local production of goods [conceived and created by international Original Equipment Manufacturers (OEMs)] with or without the transfer of knowledge, indigenous manufacturing might involve the creation of a product by local vendors.

However, products with indigenous design are those created by Indian organisations. In order to improve its regional aviation connectivity, India is purchasing commercial aircraft and building or upgrading airports. Despite having huge potential with both economic and technological advantages, the "Make in India" (or indigenous design and development) project in the aviation sector has primarily been focused on military aircraft. Research, design, and development of commercial passenger aircraft and ground systems have not received adequate attention.

The design and development of support equipment and infrastructure, such as radars, air navigation systems, airport and approach aids, air traffic systems, etc., has a huge potential in the civil aviation industry.[7]

[5] CAPA's report
[6] According to Arora, Bishnoi, and Atray (2010)
[7] Rajiv Kumar Narang https://www.researchgate.net/publication/322699008

ISSN: 2582-6433

PRESENT GROWTH AND FUTURE PROSPECTS OF THE INDIAN CIVIL AVIATION INDUSTRY

1. After the United States and China, India is expected to surpass Japan this year to become the third-largest domestic market due to strong traffic growth in FY2017.
2. According to the New Civil Aviation Policy of 2016, helicopters are permitted to travel between two points without obtaining ATC (Air Traffic Control) permission below 5000 feet.
3. The union budget for 2017–18 includes a budgetary allocation of Rs 5167.60 crore (US$ 775.14 million) for the civil aviation ministry.
4. Between April 2000 and March 2017, FDI inflows in the air transport sector (including air freight) totaled US$1.01 billion, according to the Department of Industrial Policy and Promotion (DIPP).
5. The new system has taken the place of the 5/20 criterion. All airlines are now allowed to start operating internationally as long as they deploy 20 aircraft or 20% of their total domestic capacity, whichever is higher. Total capacity is defined as the average number of seats on all departures combined.
6. Bilateral traffic rights have also been a focus for the government. With SAARC nations and nations farther away than 5000 km, the Indian government intends to join the Open Sky ASA.
7. Additional changes are made to the new ground handling policy.
8. The majority of the MRO for domestic airlines—which costs about Rs 5000 crore—is spent outside of India. The newly implemented policy encourages MRO business to be conducted in India.
9. The Ministry of Civil Aviation wants to give the Aviation Sector Skill Council and other similar organizations/agencies significant support in order to impart skills for the aviation industry, since the extra direct employment demand of the civil aviation sector by 2025 is approximately 3.3 lakh.
10. Air Sewa was established at the Ministry of Civil Aviation's initiative to offer travellers a hassle-free and easy travel experience. It is both an interactive web site and a mobile application. The web includes tools for resolving complaints, tracking flights and finding more about airports.
11. The Government of India has increased the FDI limit in scheduled and nonscheduled air transportation services from 49% to 100%, with FDI in scheduled airlines allowing up to

ISSN: 2582-6433

49% under automatic route and FDI.

12. The CISF no longer stamps hand luggage to lessen inconvenience in airports. This procedure began in December 2016. Delhi, Jaipur, Vadodara, Mumbai, Guwahati, Coimbatore, Hyderabad, Patna, Calicut, Bengaluru, Lucknow, Indore, Ahmedabad, Trivandrum, Bhubaneswar, Kolkata, Chennai, Bagdogra, and Cochin are the 19 previous airports where this has been done in four phases. Pune, Nagpur, Trichy, and Goa have now been added to the list.
13. A new Aeronautical Information Circular (AIC) was released on August 24, 2016, allowing the Indian Air Transport Undertakings to undertake scheduled international air transport flights. (DGCA,2017)
14. On August 18, 2017, the first aviation university in the nation opened its doors in Fursatganj, Uttar Pradesh's Rae Bareli district. With the intention of facilitating and promoting aviation studies, teaching, training, and research, the Rajiv Gandhi National Aviation University (RGNAU), a central university, is planned as an autonomous entity under the administrative jurisdiction of the Ministry of Civil Aviation. The Indian Aviation Academy opened a new facility in Delhi's Vasant Kunj. It offers instruction in cargo handling, engineering, material management, human resource management, and airport operations. In 2016, 887 included tour package charter flights were flown, bringing 10.6 million travellers to India. (MOCA,2017).

FUTURE AIR TRAFFIC MANAGEMENT SYSTEMS

Technology is being developed by the European Aviation Safety Agency (EASA)22 and the US Federal Aviation Agency (FAA)21 to help the International Civil Aviation Organisation (ICAO)23 make it easier to integrate civil unmanned aerial vehicles (UAVs) in non-segregated airspace. To assist the integration of civil UAVs in India's non-segregated air space, no known programme exists to develop technologies like ground-based collision avoidance, traffic separation systems, etc. for future air traffic systems.

THE WAY AHEAD

The MoCA, Ministry of Science and Technology, MoD, DGCA, HAL, DRDO, business, and academia might all have a significant impact on the creation of cutting-edge civil aviation technologies.Military-focused manned and unmanned aviation products are being developed by 29 Indian R&D organisations. India has grown to be a lucrative market for civil aviation goods

ISSN: 2582-6433

due to the increase in demand for air transportation services in the civil sector. In India, more focus needs to be placed on product design and development for civil aviation. The economic sustainability of indigenous aviation development programmes is negatively impacted by the absence of ownership and support for indigenous programmes for the development of commercial passenger aircraft and the lower number of aircraft needed for the military. Technology projects in the civil aviation and air transport sectors are supported by the Technology Development Board of the Ministry of Science and Technology. BEL has created a range of radars for the Indian armed forces, as well as coastal surveillance radars, C-band and S-band Polari metric doppler weather radars for civil operators. The development of commercial passenger aircraft, radars, communication systems, and other equipment for civil airports should make use of the knowledge of NAL, BEL, and other PSUs.

The development of future air traffic surveillance systems as well as other systems for providing traffic separation and collision avoidance for UAV traffic is also necessary. The Light Detection and Ranging (LIDAR), Automatic Dependent Surveillance Broadcast (ADS-B), Mid-Air Collision Avoidance System (MIDCAS), airborne radar for collision avoidance, airborne internet protocols, peer-to-peer communication systems, etc. are futuristic technologies. If the civil aviation acquisition is leveraged, the large-scale purchase of goods shared by numerous commercial aircraft operators can yield tremendous technological returns. The acquisition agreements for civil passenger aircraft and air traffic equipment could be used to establish manufacturing facilities, MRO facilities, and production facilities for civil aviation aircraft and air traffic equipment in India, which would strengthen its aviation industry and create jobs. To aid PSU efforts to create cutting-edge civil aviation technologies, the involvement of academics and industry in research and development must be increased.

RECOMMENDATIONS

The government needs to develop a brand-new comprehensive strategy that takes into account all the issues. The government should set aside sufficient finances for programmes aimed at boosting capacity, enhancing technology, enhancing security, and expanding regional connectivity. India ought to have MRO infrastructure Indian Civil Aviation Industry: Present Development and Issues 69 nationally to spare airlines money on MRO outside of India. The tax system for jet fuel should be rationalised by the government. The business should also be open to foreign competitors so that healthy competition can take place and airlines may compete to offer the finest services.

ISSN: 2582-6433

Additionally, airline employees that misbehave and abuse both passengers and vice versa should face severe penalties.

CONCLUSION

An important part of the economy of India is played by the aviation industry. The chapter looked at the industry's present growth and difficulties. There is tremendous room for growth, but only if the difficulties are faced head-on. India will soon overtake China as the third-largest aviation market in the world. Airlines must utilise VGF (Viability Gap Funding) as part of the regional connectivity strategy in order to connect our big airports with smaller ones. A crucial industry, civil aviation fosters trade and tourism, helps businesses flourish, and has a domino impact on the entire economy. People now prefer flying since it allows them to go more quickly and easily. The government must be aware of the potential of this sector and should adjust its regulations and policies accordingly. In the future years, heliports and helipads will also be built as non-scheduled operators are now permitted to operate. For the design of policies, there should be strong coordination with international organisations like IATA, CAPA, ICAO, etc. We may anticipate reputable foreign corporations expressing interest in modernising Greenfield and Brownfield airports now that India has loosened its FDI regulations. Due to poor connection between large tier I cities and smaller tier II and III cities, India now has one of the least developed aviation markets in the world, with only about 1% of Indians having flown.

REFERENCES

1. AAI- list of unserved airports as on 22.11.2016. Retrieved from https://www.aai.aero/sites/default/ files/LIST-UNSERVED-AS-ON22NOV16.pdf

2. Arora, N., Bishnoi, K. K., and Atray, S. (2010). Indian Aviation Industry: Issues and Challenges. Retrieved from http://www.indianmba.com/Faculty_Column/FC1149/fc1149.html

3. CAPA India Aviation Outlook 2017/18: Surging traffic but infrastructure constraints become critical. Retrieved from https://centreforaviation.com/insights/analysis/capa-india-aviation-outlook-201718-surging-trafficbut-infrastructure-constraints-become-critical-314982

ISSN: 2582-6433

4. Choudhury, S., Dixit, R., and Tiwari, R. (2015). Issues and challenges of Indian aviation industry: A case study, International Journal of Logistics & Supply Chain Management Perspectives, 4(1):1557–1562.

5. DGCA Handbook on Civil Aviation Statistics 2016-17. Retrieved from http://www.dgca.nic.in/pub/ Handbook_2016-17.pdf

6. India Brand Equity Foundation, Indian Civil Aviation Industry, November 2017. Retrieved from https://www.ibef.org/industry/indian-aviation.aspx