



DGCA SCRAPS SPECIAL EXAM FOR PILOT LICENSE

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The DGCA has scrapped the practice of holding special exams, and changes to this effect have been made in the Civil Aviation Requirement (“CAR”) relating to Flight Crew Standards. Thus, with this aspiring applicants who want to become pilots will have to clear all the pilot license exam papers only by appearing for regular exams that are held by the DGCA once in three months. Special exams were conducted in between the regular exam session. A candidate can apply to sit for a special exam, if he/she use to fulfill the list of criteria such as: the candidate should have cleared all the subjects, except one and cannot afford to wait for a regular exam session as the validity of their flying hours or that of other exam result would expire by then.

PSA’s view: This is a positive step initiated by the DGCA considering their recent probe which exposed the scam where daughter of Joint Director General of Civil Aviation had cleared three out of the five commercial pilot license subjects in special exams, though she was not eligible to sit for even a single special exam session. The concept of holding special exams along with the regular exam were always under the radar as they were always considered not be transparent.

Status quo in Ground Handling policy dispute

The Supreme Court (“SC”) on May 5, 2011 ordered status quo in the controversial ground handling dispute in the 6 metro airports and has directed private operators to continue ground handling duties until July when it has listed the matter for final hearing of the appeal challenging the DGCA policy circular of September 2007 and the revised circular of June 2010 that restricted ground handling at airports operated as PPPs through (i) the airport operator itself or its joint venture partner; (ii) NACIL’s affiliates or joint ventures specializing in ground handling services; or (iii) another ground handling service provider selected through competitive bidding on a revenue-sharing basis by the airport operator.

The Federation of Indian Airlines (“FIA”), which represents scheduled air carriers in India, challenged the revised policy by filing a writ petition before the Delhi High Court (“HC”). The HC however rejected the writ of the FIA in early March, 2011 and directed for implementation of the policy. On appeal, the SC had in April, 2011 not stayed HC’s order but passed an interim order directing renewal of passes of operators’ ground

handling staff to enable them carry out their duties. Later that month, SC has raised concerns on the veracity of the policy.

PSA's view: The SC's order of status quo until July brought some respite to FIA and air carriers who have a lot riding on this appeal. Private operators have made substantial investments in ground handling or have existing arrangements which aid their cost efficiency. Moreover, the government has yet to formalize the manner to undertake these additional functions. Lastly, this mandatorily outsourcing of ground handling services solely in the 6 metro airports has been looked at suspiciously not only by the operators but by SC who questioned the arbitrariness of the policy which was primarily aimed to enhance security at airports and improve service standards by reducing outsourcing of ground handling activities to third parties.

Supreme court holds charging of user development fee bad in law

The Supreme Court in late April held the levy and collection of development fee from airline passengers by private operators of the Mumbai airports as illegal and bad in law. The Supreme court has directed a stay of collection of such fee till the Airports Economic Regulatory Authority ("AERA") takes up the matter and prescribes a rate of tariff, being the regulator of aeronautical services tariff.

PSA's view: The development fee being charged by different airports over India has been a cause of nuisance to the airline passengers. Despite being a small amount, i.e. ranging from INR 200 for domestic travel to INR 1,300 for international travel, the Supreme courts concern is rightly pointed towards preventing any sums collected on the pretext of development fee from being misused by the private airport operator.

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