

Standing Committee Report Summary

Safety and Social Security Measures for workers of airport operators and those associated with flying the aircraft

- The Standing Committee on Labour (Chair: Dr. Kirit Somaiya) submitted its report on ‘Scheduled/ Non-Scheduled/ Test Flying Air Operators/Maintenance Repair and Overhaul (MRO) Companies - Safety and Social Security Measures for their Workers/ Employees especially in context of those who are associated with flying of the Aircraft’ on December 28, 2018. The report is based on few incidents of air crashes of non-scheduled private aircrafts. The Committee has made broader recommendations for regulating such non-scheduled private air carriers. Key observations and recommendations include:
 - **Non-scheduled operators:** Scheduled air transport service is one undertaken between the same two or more places and operated according to a published time table or with regularity. Such flights must be open to use by the public. Scheduled operators are granted an Air Operator Certificate by the Directorate General of Civil Aviation (DGCA). Non-Scheduled air transport service means an air transport service, other than a scheduled air transport service, being operated for carriage of passengers, mail and goods. These include charter flights and helicopters.
 - The Committee observed that with growth in the civil aviation sector, and increasing air traffic and air passengers, the use of non-scheduled private aircrafts/ helicopters is gaining momentum. Currently, the non-scheduled operators have 400 aircrafts. However, the number of incidents of non-scheduled private aircrafts are also increasing. Therefore, the Committee recommended that a regulatory mechanism for such private non-scheduled aircrafts must be put in place. It also noted that increasing number of accidents have resulted in the death of passengers, employees, and common citizens on the ground. The Committee recommended that the Ministry of Civil Aviation, DGCA, and the Ministry of Labour must: (i) review the current safety guidelines (for pilots, crew and ground staff) and their execution, and (ii) put in place a regulatory mechanism for ensuring the social security and safety of the employees of such non-scheduled aircrafts.
 - **Air crashes:** The Committee noted that in certain cases of air crashes, necessary action was taken only after the occurrence of the crash, and loss of lives. Such incidents may be averted if the authorities check safety requirements, before providing flight permits.
- The Committee recommended that the DGCA should put in place a mechanism to take strict and timely action on detecting any deviation from the established safety norms by any operator to minimise air crashes.
 - **Coverage under labour laws:** With regard to one of the incidents, the Committee observed that names of the deceased pilots and technicians could not be determined as no muster roll and wage register were maintained at the work site. It recommended that the Ministry of Labour and Employment should conduct an inspection of all such organisations and ensure presence of muster rolls and wage register. Further, inquiry must be conducted into the violation of labour laws (such as the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952).
 - **Salaries:** The Committee noted that under the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952, only those employees whose salary is less than Rs 15,000 per month are entitled for benefits under the Employees Provident Fund Scheme. However, since the salary of engineers, crew members, cabin crew, and ground staff is higher than Rs 15,000, most of such employees are outside the purview of the Scheme. The Committee recommended that the Ministry of Labour and Employment, and the Employees Provident Fund Organisation, should take steps to increase the current salary limit to bring more employees in its ambit.
 - **Compensation:** The Committee observed that payment of compensation claims of victims is subject to the issuance of the preliminary or final report of the Aircraft Accident Investigation Bureau (AAIB). However, it is unclear if there is any time limit fixed for completing the inquiry and submitting the report. The Committee recommended that guidelines for inquiry into air accidents for AAIB be framed. The reports must be submitted within a year, and any extension must be granted on submission of appropriate reasons justifying such extension.
 - The Committee also noted that delay in filing of FIRs can be a reason for delay in settlement of social benefits of employees. It noted that the Aircraft Act, 1934 does not have a provision to file an FIR. It suggested that the necessary provision be made in the Act so that FIRs related to air accidents can be filed in the least possible time.

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