**INNOVATION WITHIN REGULATION**

International civil aviation has been the driving force of the global economy for decades .The world trade and commerce have been dependent upon aviation for years . Symbiosis between tourism and international civil aviation has been well established. Contribution of international tourism to national economy is tremendous. After the end of cold war rapid globalization has been possible through expansion of international aviation .

How vital is international civil aviation to the emerging market like India needs no emphasis. The policy of economic liberalization in the country started in the early nineties. It is only after 2005 , after positive steps were taken by the Central Government to encourage low cost carrier in private sector to start their commercial operation ,the growth of aviation became spectacular. The class of people who could never dream of flying in the nineties used air transport for business and tourism. Airports started buzzing with flights .Terminal buildings looked like congested bus stands or even railway platform . Existing airports needed modification and improvement of facilities.

Travel trade got a new momentum with increasing domestic tourism. With this upward trend, by 2025 India was expected to be one of the largest aviation market in the world according to a study. Private initiative encouraged by the successive governments over a decade in the airport sector has created necessary infrastructure to support for growth of aviation. Hyderabad, Bangalore, New Delhi, Mumbai and Cochin are shining examples .

Gone are the days when access to foreign carriers was given only to few selected airports like Mumbai, Kolkata, Chennai and Delhi. Now they have access to many airports of India helping in movement of traffic to and fro. Rapid economic growth in India could not have been possible without this liberal approach. Traders, businessmen ,bankers, executives and investors moved into India and out of India with this increase in capacity. Employment opportunity not only increased in aviation sector but it had its effect on service sector and tourism . It is doubted whether the growth momentum about which so much is talked about could have been realized in such a short span of time without the creation of this infrastructure.

In a federal country like India the aspirations of the people of the States need to be satisfied. Growth of economy cannot be confined to only areas around the metros. Economic growth in the States need infrastructural support like airports and flight connections. More over the States like Orissa, Gujarat, Jharkhand and Andhra Pradesh have experienced unprecedented phenomenal industrial growth. Mining areas need access to develop mineral based industries. Carrying of business executives to these places can be facilitated by construction of airports in these areas.

Just as over the years imaginative thinking opened up Bangalore, Hyderabad, Goa, Trivandrum and Amritsar to international traffic, there is necessity to strengthen airports of other capitals of States facilitating movement of both domestic and where possible international traffic. There are many air strips in at the district level which should be developed to handle small executive jets and also small passenger aircraft. Many airstrips in the Eastern India constructed during the Second War II have been neglected and abandoned over the years. They are in possible risk of being used by terrorists to make suicide attacks with single engine assembled aircraft loaded with explosives .LTTE had made two such surprise attacks on the Sri Lankan military. Terrorism in India is spreading its wing with menacing proportion. These airstrips should be fenced and guarded and developed for eventual administrative and commercial use.

Increase in volume of traffic in some metro airports can cause congestion of airspace giving rise to stacking of aircraft and hence extra fuel burn which is uneconomic for airlines and not consistent with pollution free environment. Dispersal of air traffic to cities where airports exist will help in relieving congestion of sky .Newer facilities can be created in the interiors with proper land use planning. Apart from emission problem there is the question of noise pollution. Denizens of Delhi and Mumbai have become sensitive to noise level. Night flights are source of nuisance for many living in the vicinity of the airports. They want to have quality of life which Londoners and Parisians enjoyed for decades. The sub-continental sky was over crowded at night due to bunching of flights caused by night curfew in the airports of the developed countries. Now ,if certain quality of life has to be given to Delhi and Mumbai people staying close to the airports, then night curfew would be in the answer . This will make the case of dispersal of traffic all the more logical. Undoubtedly ,airports in other areas would have to be given international status.

The congested metro airports have experience of near misses ,delays due to VVIP flights, and priority to military aircraft. This has safety implication and it also causes disruption of service. Dispersal of flights and creation of newer airports are possible answer in the long term. Now a new airport is being established at Navi Mumbai. Nagpur may have a similar airport . Bhubaneswar seems to be also an aspirant. At the same time ,airports and air traffic services of fast growing cities must meet the standards of International Civil Aviation Organization. These airports when developed should have to be marketed internationally as the new airports in the Gulf Region were done in the eighties.

For years ,the Indian sky continued to be regimented and the sole government owned national carrier focussed on ethnic traffic. More aggressive open sky policy was the call of the travel trade and international carriers for decades. The situation has changed since the time the private carriers like Jet Airways, Kingfisher, and Indigo came into the picture. They have also created new market and taken a share of it. For last few years bilateral policy has verged on opening the sky. Fear has been expressed that it would hurt nationalized carrier. In the present scenario there are national private carriers who are seeking access to foreign market. They have also been permitted selectively to fly to foreign airports. Every bilateral agreement gives opportunity to both national and foreign carrier. National carrier can be either nationalized carrier or private carrier. Although it is politically difficult for a government to make traffic rights available to private carriers in preference to nationalized carriers ,but when the nationalized carrier is not ready to use these rights why not make them available to other national carriers willing to use them.

Traditionally we are accustomed to use of third, fourth and fifth freedom traffic rights. All our bilateral agreements were based on Bermuda principle for years. Sixth freedom was considered for a long time as anathema. KLM, Singapore, Gulf Air, and Thai have thrived and developed on sixth freedom. There is no reason why the Indian carriers should not exploit sixth freedom traffic . Now seventh freedom, eighth freedom and ninth freedom have become order of the new age . Existing bilateral agreements should be examined route by route and new markets exploited .When capacity constraint was there national carriers could not have used the traffic rights. In future with increase in fleet , capacity utilization is a distinct possibility.

Carriage of cargo by air has a big potential .Export trade in India was affected in the eighties as there was constraint in permitting foreign carriers to evacuate cargo from international terminals in Delhi and Mumbai. There was a mistaken notion that it would affect the sole national carrier although it was affecting export of India. Combi aircraft were acquired by national carrier to increase its cargo capacity. Before retiring the old fleet finally , one can seriously consider converting them into cargo aircraft. While there are many all–cargo airlines doing good business in developed market ,the Indian companies may not be ready for such a venture internationally on the grounds of financial viability. At the same time nothing prevents the national carriers to increase their cargo carrying capacity. With sea route becoming increasingly unsafe due to menacing rise of piracy in the vicinity of the failed State, Somalia, increase in cargo capacity may throw an interesting commercial challenge.

At this stage it may be relevant to raise the issues relating to international regime on civil aviation grown over last sixty years. The preamble of the Convention on International Civil Aviation of 1944 (called the Chicago Convention) states that international civil aviation should be developed in a safe and an orderly manner and international air transport services should be established on the basis of equality of opportunity and operated soundly and economically. Article 44 of the Convention which outlines the objectives of International Civil Aviation Organization, a global inter-governmental body created by the Convention emphasises on safe orderly growth of international aviation through out the world. It also gives importance to meet the needs of the people of the world for safe, efficient and economical air transport. It is expected that there should be development of airways, airports and air navigation facilities for international aviation. The strategic objectives of ICAO have been safety, security, environmental protection, efficiency, continuity and rule of law. Under efficiency comes liberalization of air transport regulation and efficiency of infrastructure. Under continuity comes prevention and minimization of disruption to aviation operations.

India is a signatory to the Convention .The country became a member of the International Civil Aviation Organization even before getting independence, and also has occupied uninterruptedly a seat on the Council of ICAO since then. Under the Directive Principles of State Policy ,Chapter IV of the Constitution of India (Article 51),the State shall endeavour to foster respect for international law and treaty obligations in dealings of organized people.

As earlier mentioned safety, security, environmental protection ,efficiency, continuity and rule of law are strategic objectives of ICAO. Liberal air transport regulation is in line with orderly growth as envisaged in the preamble of the Convention and further expanded under Article 44 . It can open the door for efficient and economical air transport for the people. Open sky under liberal bilateral is within the scope of the spirit behind the strategic objective. Pursuit of this objective is very much in conformity of international regulation which as a member State India is expected to uphold. Improvement of infrastructure by creation of new airports and air navigational facilities to relieve congestion , improve safety and reduce pollution will be in conformity of the strategic objective of efficiency and minimization of disruption.

Universal Safety Audit Programme is mandatory. Compliance to safety and security standards is a must. In recent times the public perception has been that safety has been compromised in the Indian aviation. The regulatory safety body should be at arm’s length distance from the political executive and hence should be statutorily autonomous. A change to the existing structure will help in compliance to the Universal Safety Audit Programme.

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