

August 2024



## Note on the Bharatiya Vayuyan Vidheyak, 2024

### Overview

The proposed legislation seeks to update and modernize India's civil aviation regulatory framework by replacing the Aircraft Act of 1934 and introducing an act that is designed to improve safety standards, strengthen regulatory oversight, and address economic aspects of civil aviation. The objective of this new framework is to clearly align with international standards and support the growth of the aviation industry, as outlined in the draft bill.

The proposed legislation alters the existing regulatory framework by adding significant responsibilities in terms of oversight by government including *inter alia* manufacturing of aircraft, thereby subsuming the manufacturing process with the 'Make in India' initiative and provides certain clarifications on the existing roles of regulatory entities an example of which is the streamlining of the RTR certification process that was previously under the department of telecom (DoT).

The following is an overview of the key issues on which the Bhartiya Vayuyan Vidheyak, 2024 ("**BVV**") significantly modifies the regulatory landscape in the aviation sector:

Sr. No	Issue	The Aircraft Act, 1934	The Bharatiya Vayuyan Vidheyak, 2024
A.	Regulating the Maintenance, repair and overhaul (" <b>MRO</b> ") industry	The Act allows the Central Government to make rules regulating the manufacture, possession, use, operation, sale, import and export of aircraft.	The proposed bill introduces the definitions of terms like design "Design", "Maintenance" and "Manufacture" while granting additional responsibilities to the Central Government to make rules not only with respect to these activities but also the MRO related work as well. While the specific rules and directions on this are awaited, it is a clear signal of the governments intent to synchronise manufacturing activities under the umbrella of the make in India Initiative.
B.	RTR Certification process	The Act allows the Central Government's rules to provide for various aspects of the activities mentioned above but was silent/unclear on other aspects.	The proposed bill introduces rules allow the Central Government's providing for the certification and licensing of personnel engaged in the operation of radio telephone or telegraph for the conduct of operation and maintenance of aircraft and associated equipment; As a result of this, the RTR certification process will be brought within the ambit of this bill and will be directly under the scope of the DGCA as against the department of telecom (DoT), which previously dealt with this process. This change would allow pilots, aircraft maintenance engineers, and flight dispatchers to obtain all their necessary certifications from a single authority.



Sr. No	Issue	The Aircraft Act, 1934	The Bharatiya Vayuyan Vidheyak, 2024
C.	Aerodromes	The Act was silent on the change brought in by the proposed bill to aerodromes.	The proposed bill allows the central government to formulate regulations for control of Obstruction limiting surfaces around an aerodrome.  Along with this change, the government has additionally widened the definition of “aerodrome” within the bill, including all areas that are to be used for the surface movement of aircraft.
D.	Appeal	The Act provides for an appeal in cases where a license/approval/certificate issued by the government is cancelled or suspended.	The proposed bill provides for a two-step appeal system in cases where a license/approval/certificate issued by the government is cancelled or suspended, wherein the aggrieved party can appeal twice to an order. The bill adds an additional interim step to appeals, giving the aggrieved party more of a chance to be heard in cases where their license/approval/certification has been cancelled or suspended.  This also increases the accountability in cases where the license/approval/certification has been wrongly revoked and also makes the process a lot more transparent.
F.	Statutory bodies	The Act discusses the constitution of bodies such as Bureau of Civil Aviation, Directorate General of Civil Aviation and Aircraft Accidents Investigation Bureau.	The proposed bill formalises the existence and the structure of the Bureau of Civil Aviation, the Directorate General of Civil Aviation and the Aircraft Accidents Investigation Bureau. As such, the new effectively clarifies and affirms the roles and responsibilities of these entities as part of the regulatory framework.

### Miscellaneous

The repeal clause in the proposed bill ensures that existing regulations in the Aircraft Act, 1934 and the Aircraft Rules, 1937, will remain in effect under the new Act, unless they are inconsistent or conflicting with it.

Please feel free to address any further questions or request for advice to:

**Ankita Kumar**  
Partner  
ankita.kumar@AMSShardul.com

**Aditya Mitra**  
Senior Associate  
aditya.mitra@AMSShardul.com

**Tanya Srivastava**  
Associate  
tanya.srivastava@AMSShardul.com

### Disclaimer

This is intended for general information purposes only. It is not a substitute for legal advice and is not the final opinion of the Firm. Readers should consult lawyers at the Firm for any specific legal or factual questions.