

17.02 hrs.

INTERNATIONAL AIRPORTS
AUTHORITY (AMEND-
MENT) BILL

As passed by Rajya Sabha

[English]

MR. CHAIRMAN : We now take up the next item, namely International Airports Authority (Amendment) Bill, Mr. Jagdish Tytler.

THE MINISTER OF STATE IN THE DEPARTMENT OF CIVIL AVIATION (SHRI JAGDISH TYTLER) : I beg to move :

“That the Bill to amend the International Airports Authority Act, 1971, as passed by Rajya Sabha, be taken into consideration.”

Sir, I submit that the International Airports Authority was constituted on 1st February 1972. Its first Chairman and whole-time Member was appointed in 1972. The conditions of service of the Chairman and whole-time Member of the Authority were governed by rules framed according to Section 36 of the International Airports Authority Act of 1971. These rules were framed and notified in November 1973. Therefore, there was a need to implement them with retrospective effect. The Committee on Subordinate Legislation in the Fifth Lok Sabha which examined these rules pointed out that Section 36 does not permit the rules to be made with retrospective effect and, therefore, this section should be amended to regularise the matter. The 1973 rules only covered the major terms and conditions of service. According to rule 7 in these rules, other allowances and conditions were to be determined by the Central Government at the time of the appointment of the Chairman and other Members of the International Airports Authority of India. The same Committee which examined these rules also pointed out that rule 7 of the 1973 rules was not consistent with the letter and spirit of Section 36 of the International Airports Authority Act. Separate action will be taken to amend the said rule.

The amendments proposed in this Bill have been made in pursuance of the recommendations of the Committee on Subordinate Legislation of the Fifth Lok Sabha. These amendment will provide necessary powers to make rules and regulations as to the conditions of service with retrospective effect. We have taken care that while making the amendments, no rules or regulations made with retrospective effect shall adversely affect the interests of any person who may be governed by such rules or regulations. Section 37 of the Act confers powers on the Government to frame rules for regulating the service conditions of other employees.

17.04 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Keeping in view the recommendations of the Committee on Subordinate Legislation, it is also proposed to amend Section 37 of the 1971 Act to allow the Government to frame rules in this Section also, with retrospective effect, without adversely affecting the interests of any person to whom such rules may be applicable.

Section 37 of this Act does not provide for rules framed under this Section to be laid before each House of Parliament. It is proposed in this Bill to amend Section 37 suitably, to provide for laying any rule or regulation made under Section 37 before each House of Parliament. Necessary modifications are also being made in Section 36 (3). This would fulfil the recommendation of the Committee on Subordinate Legislation of Fifth Lok Sabha regarding laying of rules before each House of Parliament.

It is also proposed in this Bill to validate the rules made under section 36 of this Act before its present amendment and also all orders made under rule 7 of the 1973 rules.

Sir, as mentioned by me earlier, these amendments to sections 36 and 27 of the International Airport Authority Act of 1971 are being made with the primary objective of fulfilling the recommendation of the Committee on Subordinate Legislation of Fifth Lok Sabha. I would, therefore, commend that the Bill be taken up for consideration by the House.

SHRI AMAL DATTA (Diamond Harbour) : It is possibly a curious co-incidence that this Bill for amending International Airport Authority Act is being introduced now when there had been a major scandal last month involving the construction of the international airport terminal in Delhi. It was to be opened on the date which fell on the birth day of Mrs. Indira Gandhi, but it could not be opened, and nobody knew until a day or two days ago why it could not be opened.

A lot of heads have rolled including the head of a person who was formerly the Chairman of this International Airport Authority. Now a Bill has been brought before us to amend something which was done way back in 1973. In 1973, they had enacted a rule and that rule had given retrospective effect to the condition of service of Chairman and Members of the International Airport Authority for one year; and that was commented upon by a Committee on Subordinate Legislation in the Fifth Lok Sabha. All these have been over a long, long time ago, but, now in a great hurry, this Bill which was introduced in the Rajya Sabha on the 14th of December, 1985, is to be Passed in the course of a few days. Now, it is probably not such a curious co-incidence. Probably, the idea is now to promulgate rules and give retrospective effect to these rules. Since the Committee on Subordinate Legislation has commented upon the lack of authority in the original Act to give retrospective effect to rules promulgated under this Act, therefore, now, the lacunae are being plugged for the purpose of enacting or promulgating rules which will be given retrospective effect now. It is going to be done now. So, I at least expect that the Minister will come clean and say that we have to enact certain more rules under this Act therefore give them retrospective effect and therefore here is this hurry. But what he has stated here in the Statement of Objects and Reasons does not show that there is any urgency whatsoever for passing of this Bill which only seeks to legitimatise something done as long ago as 1973. This is the way the ruling party functions secretly surreptitiously and then they will take certain action which will be done after the Parliament is adjourned, which will be in another four days'

time and hence this amendment has come before the House. But it has given us an opportunity to speak about general functioning of the Civil Aviation Ministry.

The International Airport Authority in India has been constructing airports. Bombay International Airport is one and Delhi is another which are examples of how bad and how negligent such an authority may be in both landing strip, run-away. In April, they had shown wide cracks. I read in newspapers and magazines that these cracks are now sought to be repaired by putting in Araldite which will only close up the gap so far as original inspection is concerned but will not give any structural strength to that. Now, how this has happened ? Obviously it has happened because of lack of supervision, obviously this had happened because inferior quality of material was used and it was not built according to specification. If they are according to the specifications, then obviously the engineers whom they had appointed to prescribe the specifications were not up to the mark. What are they going to do about it ? Are they going to institute an inquiry which will go into the root of all that ? Crores of, hundreds of, rupees have been spent and misspent by this Authority.

Only a few heads have rolled, as far as we can gather from the newspaper reports. I think the malady lies much deeper. The International Airports Authority is spending crores of rupees in Delhi and Bombay whereas in Calcutta the airport terminal which was first built, before Delhi and Calcutta lies unutilized or underutilized for the last five to six years. This state of affairs has not come suddenly, in one day. With the encouragement of the Central Government, many of the air-ways, international airlines, running through Calcutta through India, withdrew from Calcutta in 1969. In 1950, the statistics show that Calcutta was the busiest international airport in India. Every four minutes one aircraft was either landing or taking off but in 1982 it came to that position that only one million international passengers were using Calcutta Airport, while 2.5 million are using Bombay and 3.5 million are using Delhi. This has happened because of a deliberate policy followed by the Government, because the originating traffic

[Shri Amal Datta]

from Calcutta is much more than one million. It is much more than the Government will dare to admit because the originating traffic has to go to some other airport for getting an international flight and I am sure that the Minister will not be able to give that statistics or challenge my statement.

I have seen in the flights which we take often from Delhi to Calcutta that many of the passengers have come in the morning, in the morning flights from somewhere, Western Europe, or America or England and they have waited the whole day to get on the flight to reach Calcutta by mid-night ! This the sort of difficulties which are faced by the international passengers. We have brought it to their attention again and again, yet, nothing is being done. It is just to discourage people from going to Calcutta, so that business does not go in the way it is done, to Calcutta, and the people there suffer. That is the deliberate policy of the Central Government.

Apart from this, the Civil Aviation Ministry is guilty of many sins. Now the Kanishka affair is being looked into. Funnily enough, the pilot who has of course died in the Kanishka mishap, is the same pilot who had flown off the route between London and Delhi flight. In fact, he had gone into an area which was prohibited for flying civil aircraft. He had to be warned by the airport people. He had done so because he was busy chatting with a certain official of the Air India and he went away, and the airport people had sounded him about the area into which he had again gone. He was not punished ! He was not punished ! He remained where he was ! And that may be one of the reasons why the Kanishka mishap occurred.

There is another case of a pilot who should have been punished according to all norms and practices, who landed in Montreal with only few minutes of petrol to fly. This kind of thing is happening. They do not do anything. They do not punish them. No inquiry is conducted. They just suppress these things from the people. They are playing ducks and drakes with the public money. As the Minister himself,

when cornered in the Rajya Sabha had to admit, they are going to buy airbus planes without even making a full enquiry as to the comparative merits and demerits of the airbus and the other planes which are available. And, each of them costs fifty to sixty crores of rupees ! So, they can play ducks and drakes with the public money but they are totally callous about the public lives also, the lives of the people who are travelling by these aircraft paying vast sums of money. So they have filled up the top positions both in Air India and Indian Airlines the people who have no administrative experience. They have been pilots. Well, a pilot is now the Prime Minister of the country, but that is a different aspect. These pilots have risen to the position where they have become Managing Directors and Chairman of these two Airlines. There is a third airline also. I do not know what is the position there. Of course, pilots do have some amount of technical job, because in the Industrial Law they are considered as workmen. But they occupy-top policy making positions and they are to run such important and huge organisations. Can they run such a huge organisation properly ? Are they making losses ? If they are not making losses, that is at the cost of travelling public. We also find and this has been corroborated by the Minister himself that flights are going full. People are stranded but no more flights can be given. Why is it so ? Why can we not have a better turn round ? There is no explanation for that. In fact, I am told that they have not enough trained personnel for the aircraft. They do not have better pilots, enough flight engineers, navigators, ground engineers because of the fact that the personnel training programme has not been taken up. May be one of the reasons is that the pilots have been put in the helm of affairs of these two companies and therefore, they have never thought about the future requirements.

When they had reached a certain position, they looked after their own welfare and they could not foresee what the country would require in future. In this condition, the Ministry of Civil Aviation is not being run in the manner that it should. The potential that it has got in a vast country like India is not being taken advantage of. After all, to travel from one corner of

India to another by train it takes forty to sixty hours. Many people would like to travel and do travel by planes. More people would travel by air provided you make it a little cheaper and perhaps, you could do it if you had a better turn round. We have seen that planes do not have a better turn round which possibly they could have. I am not comparing it with USA or UK because they have vast amounts of money and they can keep the planes on the ground for much greater time. But when you compare it with other countries like Singapore Airlines, Malaysian Airlines, Thai Airlines you will find that our turn round is much lower mainly because you do not have a proper personnel policy which again emanates from the fact that you do not have the top people properly qualified. Just because of favouritism that has been shown in this context, today Indian Airlines and Air India are not able to achieve the potential which it can otherwise achieve.

SHRI VIJAY N. PATIL (Erandol) : I rise to support this Bill. The Bill, I think, should not have been discussed at all. By my friend get the opportunity to blame the Department and the Government for bad performance at Calcutta Airport.

SHRI AMAL DATTA : Why not? Are they not running the airports and planes?

SHRI VIJAY N. PATIL : Calcutta airport is not, in my opinion, suffering because of the had performance of the Indian Airlines, but because of the harsh attitude and behaviour of the local workers there. And they are encouraged by these people.

International law in itself is flexible. As the countries are coming together, lot of new amendments and new additions are to be brought in there. This Amendment Bill is no exception to that.

As we know, the phenomenon of hijacking took ugly turn some years ago and in many countries hijacking started taking place. We did not have proper law to punish the hijackers. Not only that. We have the law for giving compensation to the people who die in air accidents. But especially in the case of Kanishka aircraft, where there

were doubts that it was broken because of bomb explosion, there was no provision for giving compensation in such situations. So, there will be such situations arising in the Indian Airlines, Air India and in other international airlines also because of the new additions and new methods of flying, introduction of air taxis and other things.

As far as the aviation in the world is concerned, this year has been very unfortunate. Recently we have seen the accident of the USA plane in Canada. The number of casualties in this year alone has gone up to 1,700. We expect that till the end of December, no other accident will take place. This is an unfortunate phenomenon but to control that we have to adopt so many methods. I would like to congratulate the Indian Airlines and the Air India for their good performance which has been acknowledged in the international aviation arena. Though they have shown a good performance, but still there is room for improvement and sky is the limit for that. I would cite some instances. We have adopted the computer system for reservation but what I found on the 13th was that even a person whose position was at seventy in the waiting list, got the ticket. So, the computer system should improve, and the reservation system should be proper. Today also I found that a Vietnami delegation was there at the airport but it took one and a half hour for the first class executive luggage to come out. Though these are minor things but the people who come from outside, they note these things and we get a bad name. All the same, when Mr. Tytler is heading the Department, and also with the farsighted planning of our Prime Minister, I expect that the Air India and the Indian Airlines will do better and the introduction of air taxi services by the Helicopter Corporation we will give more service to the interior parts of the country and to the middle class and the poor people also. With these words, I support the Bill.

DR. V. VENKATESH (Kolar) : Sir, amendments to sections 36 and 37 of the International Airport Authority Act of 1971 are being made with the primary object to fulfil the recommendation of the Committee on Subordinate Legislation of the Fifth Lok Sabha, but why so much time gap was

[Dr. V. Venkatesh]

there from Fifth Lok Sabha to this Eighth Lok Sabha? This proves that the Government which is running this country is very lethargic in this direction. As regards the international airports, there are four international airports in the country—Delhi, Bombay, Calcutta and Madras. Out of these four international airports, Madras and Calcutta airports are very much neglected. There are no repair centres at these airports. So, you can just imagine the pitiable condition of these airports. Meanwhile, I want to suggest to the Government to upgrade the Trivandrum and the Bangalore airports as international airports because if the people in the South want to go abroad, they are required to come to Bombay and thereby they have to spend more money. Whose money is that? It is the common man's money. Why the Government is not coming forward to save that? So, international airports should be opened at these two centres.

I would like to draw the attention of the hon. Minister to the misuse and abuse of powers of ex-Chairman and the members of the International Airport Authority. The international airport at New Delhi was planned as one of the most beautiful international airports in the world. The planning of this airport was done by the Janata Government in the year 1978. At that time, the budget was about Rs. 42 crores. Thereafter, it was immediately raised to Rs. 62.95 crores. Subsequently it was further raised to Rs. 95 crores and another Rs. 15 crores have now been added so that the total has become Rs. 110 crores instead of Rs. 42 crores. I would have congratulated the Minister if he had come forward with a measure for imposing certain stringent punishment on those who have misused the powers and committed crimes by misutilising the common man's money in this country and have simply resigned and went away. I would like to know what action the Government has taken against them. I would also like to know what has happened to the final Inquiry Report on this. The preliminary investigation had revealed that there was substandard construction of taxi-runways, poor quality of flooring in the international Airport at Delhi. There was weak ceiling. Twentytwo bore-ways to supply water to the International Airport

were found non-functioning. There were defective toilet constructions and even the air-conditioning set up was found defective. In view of all this, I would like to know what action the Government has taken against those who have committed these grave offences. It seems several changes have been made in the original design of the Airport. Why was it done, I ask? It was just to make money.

With regard to the security of the Airports, it is reported that the Government had trained about one hundred police constables to detect and handle the hijackers besides training them in latest bomb detection techniques. But after training they have been posted elsewhere in police stations instead of keeping them at that Airports. Why have you done that?

I learn there is a model 85 which is called 'world scaffer' which is exclusively used in the British Parliament to detect the materials which are banned inside the premises. I would urge upon the hon. Minister to purchase such recent and modern equipment for security purposes.

I would also like to speak about the domestic services in the country. Regarding revenue, the South has made an impressive progress. In 1984 it earned about Rs. 145.87 crores against the target of Rs. 135 crores. The all-India increase was only 22 per cent whereas in the South it was 24 per cent. Therefore, I want to impress upon the hon. Minister to see that the international airports at Trivandrum and Bangalore are opened immediately.

Now, I would like to speak about my State, Karnataka, Vayudoot services have not been running to Bellary. It has become a laughing stock. There the scheduled day for its inauguration was fixed three or four times and then it was changed. So far it has not started functioning. So Vayudoot services to Bellary and Hassan should be provided immediately.

Mysore is a historical place. Its historical importance is known to the whole world. This place is also having the famous Jain temple. Big statue of Maha Bali is also there. Because of these it has also become a centre for religious

pilgrimages. People visiting Bangalore also visit this historical place. Therefore, I would request that Vayudoot services should be started for this place also.

Now, I would like to speak about the services to the hill regions. Development in the hilly areas is very much lacking mainly because of lack of transport facilities to act as link with other areas. There is a need for building helipads in these areas and starting of more and more helicopter services. For example, to reach the capital of Sikkim, Gangtok, one has to go to Bagdogra by air. From there it takes about six hours to reach Gangtok. In such a situation how can you think of proper development of the hilly regions. Therefore, I would request that more and more helicopter services are used to cater to the transportation needs of these regions. That is my request, Sir.

Coming to cargo service, I wish to point out that it is very poor. So I want to impress upon the Minister to see that the cargo system is improved. In this modern world if any country has to progress and develop, effective steps have to be taken to build up infrastructures and communication and transportation. Civil Aviation is one of the important modes of transportation and we should see that Civil Aviation is properly developed in this country. With these words I conclude.

SHRI JAGDISH TYTLER : First of all, I would like to thank the hon. Members for supporting this small Bill.

This Bill was necessary because on the recommendations of the Committee on Subordinate Legislation, this amendment had to be made.

Now there are certain points which have been made. Shri Amal Datta made a point. I would like to answer that. No doubt certain things were mentioned regarding the International Airport, the one, which is named after Indiraji. No doubt certain things come to our notice and action had to be taken but as hon. Members had mentioned it is not mere resignation and sleeping over it. It is not that. Enquiry is on. The enquiry is not completed: As soon as enquiry

is completed, if something comes out of it, we are surely going to proceed further and action would be taken according to the law of the land.

I would like to mention that it is not that we have done superficial work on the repairing of the tracks. We are doing a thorough job wherever it is necessary with the help of the experts. We would like to assure you that the Airport would be ready within 3 or 4 months. Taxi Tracks would be also up to the standard. He had mentioned that most of the pilots who are MDs are not doing their job. I think this is very unfair. They are doing a good job. Ours is one of the few airlines in the world which is most efficiently run. And also the pilot's performance is also equal to anybody in the world. Our planes are fully utilised. I can only say that Air Force is also being run by pilots. I think our Air Force is one of the best in the world. And for all the M.Ds. who are pilots, who are in responsible positions, for them there is a regular administrative course which they have to go through. It is not they only. There are some other people who are running Air India as well as the Indian Airlines.

SHRI AMAL DATTA : How many years' administrative experience the MD has...

SHRI JAGDISH TYTLER : They have been there all along. There are certain points Dr. Venkatesh has mentioned. He mentioned about International Airport. I had mentioned that we have only 4 international airport in the country. As far as Coimbatore is concerned, we have already started the international flights. There is no legal bar to start any other Airport in the country for international flights. We are having over 52 flights which is doing very well. After all when the plane flies from Coimbatore to one of the Gulf countries there is a distance.

Apart from that, the rates are not charged as Air India feels they will charge; they are charged under certain rules of the IATA which is governed by all the member countries. All member countries sit together and decide what is the fare going to be. Yes, I remember I have got to tell about Calcutta. The only time was when the Calcutta airport was the busiest— I am sorry, it is not Coimbatore;

[Shri Jagdish Tytler]

I mean, it is Trivandrum. Sorry, I made a mistake and I would like to correct it.

There was a time when we had short aeroplanes where they used to have to take refuelling at Calcutta when they were crossing it going to Far East. Now we have got the latest planes and it is not that we are discouraging, rather in the latest talks with the Singapore Airlines as well as other Airlines, we are trying to give them concessions—more concessions, more landing rights and more of other things. So, they would use Calcutta airport now. Under the agreement we cannot force any airlines to stop at any airport, and I do not know why you should feel that we are trying to ignore Calcutta. Rather we are trying in every way possible within us to see that the Calcutta airport is used. But unfortunately we are getting the latest technology aircraft which are flying from London to Delhi straight, probably from Frankfurt to Hong Kong straight. But there was a time when they had to stop for re-foulling either in Delhi or Bombay.

SHRI AMAL DATTA : Here is a demand for a direct flight from Frankfurt to Calcutta.

(Interruptions)

SHRI JAGDISH TYTLER : Sure, you give it to us, we will be too happy to get the Ministry working on this.

SHRI AMAL DATTA : Very well, I will give it to you.

SHRI JAGDISH TYTLER : Please do that.

I have already told you about the misuse of authority by the ex-Chairman. I had mentioned earlier that inquiry is on and once things are established, let me tell you, we will take full action under the law of the land and nobody will be spared because they could squander money and they could misuse their position and get away with it. That is something we will not allow. Inquiry is on.

As far as the security of the airports is concerned, we are taking every possible

action to see that full security is maintained at the airports, so much so that people are being trained for many things—these are some things which I would not like to tell you because there are certain things which should be left to the Security as a secret wing. But let me tell you that we are concerned about it add we are taking every action possible under us, trying to get the new equipment, trying to train the dogs.

SHRI AMAL DATTA : Dogs ?

SHRI JAGDISH TYTLER : Yes, these are the best security searchers that we have.

As far as the Helicopter Corporation is concerned, the Helicopter Corporation has already been registered and our first priority is the ONGC, second is our hilly region, the north-eastern region. We ourselves feel very much that wherever we cannot reach and it is not possible to build airports, we will try to see that as time comes we will use the Helicopter Corporation services.

We are also trying to improve the cargo service, and I am glad to tell you that we have increased the cargo flights more compared to last year, and in Calcutra I was there recently and I had told that you give me business and I will give you planes for cargo business.

SHRI AMAL DATTA : Which comes first—the chicken or the egg ?

SHRI JAGDISH TYTLER : Listen to me. I am writing to the Ministry of Industry that the leather checking office has got its factory at Madras new. I am asking them to open an office in Calcutta so that Calcutta people do not have to bring their goods to Bombay and then check off. And this is one of the things for which I would like the Calcutta airport to be used so that we could use it more for cargo and any other suggestion from your Government side which would come to help utilising the airport more, we will be too happy to receive it because our airport is under-utilised and Calcutta is an international airport.

I think, Sir, that is all that I have to tell.

MR. DEPUTY SPEAKER : The question is :

"That the Bill to amend the International Airports Authority Act, 1971, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : Now, we well take up clause-by-clause consideration.

The question is :

"That Clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and Title were added to the Bill.

SHRI JAGDISH TYTLER : I beg to move :

"That the Bill be passed".

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

17.41 hrs.

DELEGATED LEGISLATION PROVISIONS (AMENDMENT) BILL
As passed by Rajya Sabha

[English]

MR. DEPUTY SPEAKER : Now, we go to item No. 18. Shri Bhardwaj.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : I beg to move :

"That the Bill to amend certain Acts to implement the recommendations of the Committee on Subordinate Legislation regarding publication and laying of rules and other delegated legislation and certain other matters, as passed by Rajya Sabha, be taken into consideration."

Sir, hon. Members are aware of the recommendations of the committees of the Houses on Subordinate Legislation with regard to provisions providing for delegated legislation. Some of the Acts passed by Parliament in the past which provide for the making of rules, regulations and other forms of subordinate legislation, are not in consonance with these recommendations. Either they do not contain a provision for the laying of such rules, regulations or other forms of subordinate legislation before the Houses of Parliament or they do not expressly provide for the publication of the same and yet some contain provisions for laying on lines which are different from the latest formula on the subject as approved by the Committees on Subordinate Legislation. The Committees have, from time to time, been deprecating the delay in implementing their recommendations and have been emphasizing that the administrative Ministries concerned with different enactments should take necessary steps for amending the same suitably in conformity with their recommendations. In the past, when some Bills for amending individual Acts for implementing the recommendations of the Committees came up for consideration, suggestions were made by the members that it would be better to bring forward a comprehensive legislation covering various enactments which require similar enactments. A Bill to this effect covering 50 Acts had already been passed by Parliament in 1983. The Bill which is now before the House is the second one and is the result of the efforts made by my Ministry in this direction.

The Committee on Subordinate Legislation (Seventh Lok Sabha) has recommended that the provision which is, at present, contained in sub-rule (6) of rule 39 of the