

HC seeks Centre's reply on plea against DGCA on cabin crew's duty time



The Delhi High Court on Friday sought response of the Centre and aviation regulator DGCA on a plea alleging that under the new Civil Aviation Requirements (CAR) on Flight Duty Time Limit (FDTL), rest period of cabin crew has been reduced as compared to pilots.

Justice Vibhu Bakhru issued notice to the Ministry of Civil Aviation and Directorate General of Civil Aviation (DGCA) seeking their response to the petition by an association which has sought that cabin crew be treated at par with pilots while laying down the flight duty periods (FDPs).

The All India Cabin Crew Association (AICCA) has in its plea challenged the DGCA's current CAR I on FDTL, which was notified on November 1, and the subsequent draft CAR the regulator is in the process of finalising, saying these regulations are "prejudicial to the safety of the passengers".

The petition, filed through advocates Sanjoy Ghose and Urvi Mohan, contends that the actions of DGCA "do not adequately consider the impact of fatigue on (cabin) crew alertness".

DGCA said that AICCA can participate in the process and submit their comments on the draft CAR.

The court, thereafter, said that if AICCA was aggrieved by the finalisation of the draft CAR, it can approach it again against the regulation.

With the observation, the court listed the matter for further hearing on April 10, 2019.

AICCA, in its plea, has contended that DGCA “has not taken into consideration the serious potential health hazards and the much-lowered safety standards that the CAR I poses to the cabin crew members”.

It said the high court in another aviation related matter had asked DGCA to issue the CAR in consonance with the Aircraft Rules, but the current CAR I was allegedly “entirely inconsistent and unsubstantiated in law and therefore, liable to be set aside”.

AICCA has contended that the draft CAR was even more prejudicial to the interests of cabin crew than the CAR I.

It has said in its plea that under both the CARs, DGCA has taken the liberty to grant, in a routine manner, exemptions to airlines from following the regulation on FDTL.

The petition has claimed that the high court in the other aviation matter had said that the power to grant exemptions or variations was required to be exercised sparingly and only in exceptional circumstances.

“That despite the above, Respondent 1 (DGCA) proceeded to introduce the concept of unforeseen circumstances in clause 11 of both the impugned CAR I as well as the impugned draft CAR.

“By way of the said clause 11, the DGCA has introduced the scope of extending the flight time (by a maximum of 1.5 hours) and FDP (by a maximum of 4 hours) on account of unforeseen

operational circumstances and various other concessions to the operators, and has made it applicable to the cabin crew, thereby perpetuating an independent regime of variations and exemptions at the behest and whims of every operator," the plea has said.

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