

# **CIWP**

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

**1. If an act is used arbitrarily then it will have negative impacts or will jeopardy the basic rights of an individual. In light of the statement examine the provisions of Preventive Detention in the constitution. Also, highlight the jurisprudence of the difference between preventive and punitive detentions.**

The rights of an accused, include the right to a fair trial; due process; the right to seek redress or a legal remedy; and rights of participation in civil society and politics such as freedom of association, the right to assemble, the right to petition, the right of self-defense, and the right to vote. First-generation human rights, often called “blue” rights, deal essentially with liberty and participation in political life. They are fundamentally civil and political in nature, as well as strongly individualistic. They serve negatively to protect the individual from the excesses of the state. First-generation rights include, among other things, freedom of speech, the right to a fair trial, freedom of religion and voting rights.

#### **How an act, if used arbitrarily jeopardize the basic rights of an individual?**

- The classic example of arbitrary use of law which is affecting basic rights of an individual is, misuse of Section 124A of the Indian Penal Code (IPC) which was introduced by the British Raj in 1870. In the 150 years since then, this draconian colonial relic, which even the British have now abolished, has been only misused; more so, after Independence. The frequency of its widespread use as a weapon of political repression against numerous people, including teenagers in recent times, is staggering. Charge sheets were filed only in a tiny percentage of cases and not more than a handful ended in conviction upheld by the higher courts. Eg : The latest victim of Sec 124A is 19-year-old Amulya Leona. **Bengaluru police arrested her for saying “Pakistan”** among the countries which she hailed as “zindabad” in a public forum. All Amulya did was indulge in slogan shouting and the Supreme Court held in a 1995 case that mere slogan engineering does not amount to sedition. So the arrest does not pass the test of the Supreme Court’s guidelines for a prima facie case.
- In years past, those charged include Arundhati Roy (2010), Binayak Sen (2007), cartoonist Aseem Trivedi (2012) and politicians Praveen Togadia (2003) and Simranjit Singh Mann (2005). The Tamil Nadu police slapped sedition cases against thousands during the protests against the Kudankulam Nuclear Power Project in 2012-13. Decades earlier, in 1980-81 when, in the name of curbing Naxalites, Tamil Nadu cracked down on civil liberties activists and agricultural labour, hundreds of people were charged with sedition.
- Another classic example is misuse of Domestic violence act 2005, The Madras High Court Bench here has observed that Protection of Women from Domestic Violence Act, 2005 suffers from inherent flaws which tempt women to misuse their provisions and men to dread being prosecuted under the law without any rhyme or reason.
- The judge also said that a similar trend of misuse was observed in the case of Section 498A (a woman being subjected to cruelty by her husband or his relatives) of the Indian Penal Code. It forced the Supreme Court to term such misuse as ‘legal terrorism.’

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

So there are innumerable examples right from British rule to independent India which shows us how arbitrary use of laws has violated basic rights whether it is violation of due process of law as observed in Maneka Gandhi case or non-payment of minimum wages to the workers and denial to them of their right to live with basic human dignity and violative of Article 21 of the Constitution, as observed by the Supreme Court in **Peoples Union for Democratic Rights v. Union of India.**

Many countries with a democratic system and the rule of law, criminal procedure puts the burden of proof on the prosecution – that is, it is up to the prosecution to prove that the defendant is guilty beyond any reasonable doubt, as opposed to having the defendant prove that s/he is innocent; any doubt is resolved in favor of the defendant. Similarly, all such jurisdictions allow the defendant the right to legal counsel and provide any defendant who cannot afford their own lawyer with a lawyer paid for at the public expense, which is in some countries called a “court-appointed lawyer”.

#### **Preventive Detention**

Under Section 151 of The Criminal Procedure Code, 1973 (CrPC) preventive detention is action taken on grounds of suspicion that some wrong actions may be done by the person concerned. A police officer can arrest an individual without orders from a Magistrate and without any warrant if he gets any information that such an individual can commit any offense. Article 22 of the Indian Constitution provides protection against arrest and detention in certain cases.

#### **Constitution Safeguards against abuse of Preventive Detention**

- The Article 22 of the Indian Constitution provides safeguards against the misuse of police powers to make arrests and detentions.
- The clause (2) of Article 22 reads, “Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.”
- The clause (4) of the article states that no individual can be detained for more than 3 months unless a bench of High court judges or an Advisory board decides to extend the date.
- The clause (4) of Article 22, reads as, “No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:
- The clause(5) of the Article 22 states that the detained individual should be made aware of the grounds he/she has been detained (in pursuance of the order) and should provide him/her with an opportunity of making a representation against the case.
- The clause(5) of Article 22 reads as, “When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.”

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

- Parliament may by law prescribe the circumstances under a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board.

#### **Preventive Detention and Arrest**

An ‘arrest’ is done when a person is charged with a crime. An arrested person is produced before a magistrate within the next 24 hours. In case of preventive detention, a person is detained as he/she is simply restricted from doing something that might deteriorate the law and order situation.

#### **Punitive and Preventive Detention**

Crime is an act against the society at large and requires for stricter action from the authorities. The criminal justice administration allows detention of a person in two circumstances, or a detention can be one of the two kinds: Punitive detention, and Preventive detention

- Punitive detention is the detention as a punishment for the crime committed by an individual. It takes place after the actual commission of an offence or at least after an attempt has been made. The time taken from actual offence to detention can vary in length. It is a punishment imparted to the wrongdoer and involves strict measures. The duration of such a detention depends on what the law stipulates for the particular offence.
- Preventive detention is the detention made as a precautionary measure. This kind of detention can be made by the authorities even on a slight apprehension that the person can commit a crime. It is generally made for protecting the society from any future happening. It is not a punishment but a precaution. This detention comes to an end the moment the apprehension of danger ends.

Remand or pre-trial detention, detention of a suspected criminal prior to trial and involuntary commitment, detention of people considered a risk to themselves or others due to mental illness are sometimes considered a form of preventive detention. For example, in Peru, remand is called “prisión preventiva”, literally “preventive prison detention”.

#### **2. Management of Transboundary water resources is expected to be one of the biggest challenges for India as it has water dispute with almost all the countries with which it shares its land boundary. Comment. Do you think India needs to give more emphasis on hydro-diplomacy and Transboundary Water Interaction Nexus? Explain with suitable illustrations.**

Trans-boundary water relations in South Asia quickly becomes a discussion of India’s relationship with her neighbors, for the simple reason that India has a shared boundary with each, but none of them shares a boundary with any other. A look at India-Bangladesh, India-Nepal and India-Pakistan relations over river waters may be a good introduction to the issues involved in inter-country river-water relations.

The political definition of ‘natural geography’ with regard to trans-boundary waters may pose challenges to their environmental importance. Availability and distribution of trans-boundary

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

waters may thus give rise to dissatisfaction, disbelief and dispute among its stakeholders. The Ganges, Brahmaputra, Ravi, Chenab, Kali and several others basins, shared between Bangladesh and India, as a whole, receive more water than necessary over the year, but the spatial and temporal distribution of water availability are very uneven.

Focused on the trans-boundary water regime, core issues related to environmental security by analyzing various environmental impacts due to water diversion and its significance at the national and regional levels between India and its neighbours. Countries have built dams and barrages on these rivers to satisfy their water needs without considering the ecological settings. Consequently, the dwindling supply of water in dry season has become one of the key contested issues between nations in the Indian sub-continent. Negotiations, however, for water sharing in this region are mostly based on anecdotal rather than scientific evidences. India and its neighbours classify river flow data as secret and use the lack of mutually acceptable data as a tactic to promote their own national interests.

India and its neighbours, which shares natural boundaries in thousands of kilometers and several rivers. In spite having similarities in history, geography, and politics, water sharing between these countries is characterized by discontent, disbelief and mistrust. Hence, political concept of environmental security and trans-boundary resource management receive more attention than ecological dynamics in this context.

In many instances upper riparian countries have capitalized their geographic advantages by building dams and barrages for irrigation, transportation and other purposes, but environmental consequences are mostly borne by the lower riparian countries.

#### **Conceptualizing strategic and environmental security**

The issue of '**Human security**' and '**Environmental change**' has been a matter of discourse both in academia and policy forum for decades. But environmental factors are poorly incorporated in national human security studies. With the emergence of complex environmental problems, and rapid pace of global environmental change, the widening of the security concept has been sought to incorporate the concept of environmental security. Mac Arthur explained the concept of human security as "a threat to security includes any action or sequence of events that (1) threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state, or (2) threatens significantly to narrow the policy choices available to the government of a state or to private, nongovernmental entities, persons, groups, corporations within the state". The definition essentially indicates environment as a source of conflict. Accordingly, the Brundtland report argued that the security concept must be expanded to include the growing environmental concerns. In response, there have been few attempts so far to combine the 'environmental', including water, food, health, and livelihood, with the human security approach.

Between India and Bangladesh the issue has been primarily one of water-sharing; between India and Pakistan what started before independence as a water-sharing issue became and continues as a tense relationship over control and security; and between India and Nepal the persistent failure of efforts at co-operation over river projects is one aspect of a complex, tangled and dysfunctional relationship. However, nothing is simple, and there were and are multiple issues in each case. The India-China case also presents another set of potentially thorny problems. Below, is the outline of major issues.

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

#### **INDIA-BANGLADESH**

The India-Bangladesh dispute over sharing the waters of Ganga — the river Ganges — was a classic case of an upper-riparian/lower-riparian conflict, and though it was resolved by the Ganges Water Treaty of 1996, its potential for re-surfacing should not be under-estimated.

The dispute began with the planning and eventual construction by India of a dam across the Ganges at Farakka to divert part of the river with the aim of keeping the port of Calcutta flushed and operational and protecting the city water supply from salinity. This caused serious concern in what was then East Pakistan — later Bangladesh. A national sense of grievance grew and became a significant factor in electoral politics. In its extreme form, the nationalistic position became a myth, with India cast in the role of a demon: whether Bangladesh was afflicted by drought or floods, the responsibility was laid at India's door. "Farakka" was blamed for all kinds of ills. Eighteen years on from the Ganges treaty, feelings still tend to run high over Farakka in Bangladesh.

#### **INDIA-PAKISTAN**

Turning to India-Pakistan relations, the 1947 Line of Partition cut across the Indus River system, leaving the head-works of irrigation canals on the Indian side of the border and irrigated areas in Pakistan. When a one-year Standstill Agreement expired in April 1948, the Indian province of Punjab stopped the flows, causing acute anxiety in Pakistan. Intervention by the then prime minister, Jawaharlal Nehru, restored the flows, but the sense of insecurity continued to haunt the Pakistani psyche. Negotiations over the sharing of the Indus waters started and after 10 years resulted in the Indus Waters Treaty of 1960, allocating the three western rivers (the Indus, Chenab and Jhelum) to Pakistan, and the three eastern rivers (Ravi, Beas and Sutlej) to India. No principles guided this sharing: it was merely a compromise between conflicting claims through a process of negotiation mediated by the World Bank.

#### **INDIA-NEPAL**

India-Nepal relations over rivers are in a class by themselves, not essentially water-sharing or security-related matters; they reflect the tangled, complex, ambivalent and dysfunctional overall relationship between the two countries. The present paper is about water, but in the India-Nepal context this cannot be separated from the pathology of the total relationship.

The story started in the 1950s with the Kosi and Gandak agreements, which were not inspired by any large vision of "regional co-operation," a term that came into circulation much later; they were essentially projects conceived by India to meet its requirements or solve its problems, with some benefits to Nepal included. While Nepal went along at the time, the projects were subsequently criticized in Nepal for conferring substantially more benefits on India than on Nepal.

#### **INDIA-BHUTAN**

There are no "trans-boundary water issues" between India and Bhutan. There is co-operation on hydroelectric projects largely for the supply of electricity to India, and this has been fairly non-problematic. The tariff might have been low to start with, but that has been taken care of through subsequent revisions. India gets its electricity and Bhutan gets the large revenues that make it a rich country.

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

Projects expand and multiply, but in fact “success” and “prosperity” are themselves the real problems. The proliferation of projects bodes ill for the ecological health of Bhutan, and goes against Bhutan’s longstanding traditional commitment to the preservation of its natural heritage. However, these are essentially Bhutan’s concerns, not India-Bhutan issues. Of course, if the Bhutanese get seriously worried about disappearing natural and cultural heritages, a rethinking on the projects might begin and a tendency to blame India could arise, but those possibilities lie in the future.

#### **INDIA-CHINA**

Going beyond South Asia a bit, we come to India-China relations over the Brahmaputra River, known as the Yarlung Tsangpo in Tibet. Occasionally there are alarming media reports and articles about Chinese plans to divert its waters northward. Until recently, water did not figure in talks between India and China, but in the last few years it has become part of the agenda. However, there is not much information in the public domain as to what is happening or is likely to happen.

Parts of China are indeed desperately short of water, and south-north water diversion has been discussed in China for many years, at academic as well as official levels. Until a few years ago, China denied the existence of any project on the Brahmaputra, but satellite images made it clear that there were some structures on the river, and China no longer denies this but says that these are only run-of-the-river hydroelectric projects involving no storage or diversion. But the possibility of future diversion cannot be discounted.

#### **Conclusion**

Management of Transboundary water resources is expected be one of the biggest challenges facing human development over the next decades. In general, transboundary water resources can describe water shared across political, economic, or social boundaries. Shared water resources have been always a potential source of competition. At present, water scarcity and interdependence among water-sharing countries have created complex conflicts over shared water resources around the world. Moreover, these conflicts are expected to escalate as a result of the growing world population, industrial development, and increasing urbanisation, as well as the negative consequences of climate change. Various studies have focused on the facilitation of the process of water conflict resolution. Alternative Dispute Resolution (ADR) is one major approach that has been promoted by negotiations research. However, the solutions that have been offered by the literature have not resulted in tangible actual practice of transboundary water conflict resolution.

#### **3. Along with being a growth multiplier, air Transport has made the world a global village, even though the aviation industry in India continues to wait for structural changes. Elaborate. What is ailing the Indian airline sector at the moment?**

Air transportation is a major industry in its own right and it also provides important inputs into wider economic, political, and social processes. The demand for its services, as with most transport, is a derived one that is driven by the needs and desires to attain some other, final objective. Air transport can facilitate, for example, in the economic development of a region or of

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

a particular industry such as tourism, but there has to be a latent demand for the goods and services offered by a region or by an industry. Lack of air transport, as with any other input into the economic system, can stymie efficient growth, but equally inappropriateness or excesses in supply are wasteful.

#### **How Air transport a growth multiplier?**

- Air transport services deliver the final product of civil aviation industries to customers around the globe. To provide passenger, freight and mail services, air carriers, business aviation and other commercial operators purchase a wide range of products and services from airports and air navigation service providers, manufacturing and service industries, which in turn depend on numerous suppliers.
- ICAO estimates the direct contribution of civil aviation, The air transport industry generates a total of 29 million jobs globally, 5.0 million direct jobs, 5.8 million indirect jobs through purchases of goods and services from companies in its supply chain. 2.7 million induced jobs through spending by industry employees. 15.5 million direct and indirect jobs through air transport's catalytic impact on tourism. Some 6.7 million direct tourism jobs are supported by the spending of international visitors arriving by air. As a capital-intensive business, productivity per worker in the air transport industry is very high, at three and a half times the average for other sectors.
- Beyond the direct economic contribution of civil aviation industries, there are multiplier, or ripple, effects with a wider or narrower spread throughout an economy depending on the circumstances (for example, countries with significant aerospace manufacturing will show a wide spread, while those with limited air transport services may have a relatively narrow spread).
- Multiplier effects of non-directly generated output and employment are assessed by combining what is referred to as catalytic and induced demand effects. **Catalytic demand** effects include off-airport expenditures directly related to the use of air travel and shipment of freight and mail, notably travel and tourism businesses (such as hotels and restaurants, travel agencies, tour operators and retailers) as well as the whole spectrum of freight business activity. **Induced demand** effects are consumer spending from income earned through direct and catalytic economic activities and public expenditures from related tax revenues.

Globalization, in its most literal sense, is the process of making, transformation of things or phenomena into global ones. It can be described abstractly as a process by which the people of the world are unified into a single society and function together. This process is a combination of economic, technological, socio-cultural, and political forces. The idea of globalization is, however, also often used to refer in the narrower sense of economic globalization involving integration of national economies into the international economy through trade, foreign direct investment, capital flows, migration, and the spread of technology. Here much, but not all, of the focus is on the narrower perspective, although clearly the increase in mobility and personal interchanges that air transport facilitates has broader socio-cultural and political implications.

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

Air transport has always been seen to have an inherently strategic role. It has obvious direct military applications, but it is also highly visible and, for a period, and in some countries still, was seen as a “flag carrier”, a symbol of international commercial presence. From its earliest days, airlines were seen as having potential for providing high-speed mail services, and subsequently medium and long-term passenger transport. Technology now allows the carriage of much larger cargo pay-loads in a more reliable way. These strategic functions were used to pursue internal national policies of social, political, and economic integration within large countries such as Canada, the US, and Australia, but also took on international significance from the 1930s within the Imperial geopolitical systems centered mainly on the UK, France, Germany, and other European countries when technology allowed for intercontinental services to be developed.

The implications of globalization in its many manifestations have been profound for the international air transport industry, not just on the demand side, where the scale, nature, and geography of demand in global markets has led to significant shifts, but also on the supply side, where implicit and explicit international coordination of policies by governments (e.g. regarding safety, security, and the environment) and the private sector (e.g. the internationalization of airframe and aero-engine production) have affected the institutional and technological environment in which air transport services are delivered. We address some of most important of these interactions.

Globalization inevitably means higher demands for the movement of people and goods between countries which, given the largely commercial orientation of modern air transport, will bring forth additional supply. Given the economies in air transport, most notably the decreasing costs involved in infrastructure use, this in turn can bring about further fare reductions. In addition, international trade increases global income that results in more international tourist travel and shipment of higher value goods, such as exotics, in which air transport often has a comparative advantage. Finally, globalization entails greater factor mobility, with an increase in both temporary and permanent migration. Over longer distances, international air transport is normally the cheapest mode for this.

Airlines have changed **to meet the challenges of the new demands** posed by freer international labour markets. Low-fare services from a local airport seem to be changing consumers’ perceptions about flying generally and consequently are having an effect on travel patterns.

#### **Indian aviation continues its long wait for structural changes which can be seen as:**

- Traffic growth has slowed on a month over month basis – the first time since June 2013.
- High dues and debt repayment liability of prominent airlines eg: Jet Airways, which cancelled all flights, has at least Rs 15,000 crore in dues and leaves more than 15,000 unpaid staff in the lurch. Jet is the most critical case in the industry but by no means its only one. Air India has debt repayments worth Rs 9,000 crore lined up this financial year and limited means to service them.
- Prevalence of pilot shortage in big airlines, eg: CAPA Centre for Aviation, a Sydney-based consultant, estimates the current number of pilots in India at 7,963. In 10 years, airlines will have to hire 17,164 more. The projected growth in capacity, because of plane orders, will lead to a 14% shortfall in commander pilots, a part of which will have to be fulfilled

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

by more expensive expatriates, leading to a rise in the wage bill, the second biggest cost chunk after fuel.

- One big airline has collapsed.
- Add to this, a slowdown in global demand, a constrained lending environment, a strong dollar, rising crude and significant capacity induction, the picture looks bleak.

These unfortunate turn of events call for urgent policy interventions.

**Below are vital areas in Indian aviation that are crying for attention:**

#### **1.Tax on aviation turbine fuel is among the highest in the world**

Aviation Turbine Fuel (ATF) is the lifeblood of aviation. Indeed, ATF, or jet fuel, constitutes up to 40% of an Indian airline's cost base and consequently, ends up as one of the largest expense items. Globally, this figure averages roughly 20%. India's airlines have pressed ahead on new technology, tankering, volume purchases and other actions that impact liquidity in order to offset the input costs. Yet, sadly, the industry has seen little respite on this front. ATF continues to be out of the purview of the goods and services tax implemented in 2017, leading to incredibly thin margins of 2-4%. Compare this to putting one's money in fixed deposits, which are yielding 7-8%, and one can gauge the gravity of the situation.

#### **2.Constrained runway capacity poses an imminent threat**

While shiny new runways have been built, there has been a net addition of only one runway in the last 50 years. The country has a total of 449 airports but metro airports continue to be key to aviation traffic with about 61% of the domestic traffic and about 73% of international traffic still originating from the six metros — Delhi, Mumbai, Bengaluru, Hyderabad, Kolkata and Chennai. With the exception of Bengaluru, which will see the addition of an additional runway, the capacity expansion at other airports lags or is non-existent. Significant investment in airports has gone towards making terminals which don't quite suit the market demand. The number of runways has not increased, with the exception of Delhi airport. New runways that are to come up are years away.

For airlines this means that they are forced to fly unviable routes. And for passengers this means that fares in constrained airports will inevitably rise. The extent of this issue is highlighted with how airlines have complicated their business models and added to costs in an extremely price sensitive market in order to gain access to slots.

#### **3.The costs of new airport capacity are unrestrained**

The funding mechanism of airports is such that the costs of incorrect capacity planning are borne by passengers via development fees. The numbers speak for themselves. In the case of Delhi airport, the final project cost was 3.8 times the initial estimate and in the case of Mumbai it was 1.7 times the initial estimate. The cost of these overruns was covered by the flying public. Both airports were allowed to levy development fees to the tune of nearly Rs 3,400 crore.

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

Similarly, when one looks at till structures — which determine how tariffs are set and determined by airports — there is a leaning towards hybrid-till structures that are not conducive to keeping costs low. The argument airports make is that without such structures airports will not be able to get capital commitments required to modernise airports and generate an adequate return on equity but the need of the hour is to revisit the cost of building airports first and examine new innovative methods of building low-cost and high quality infrastructure that is fit for purpose.

The Next Generation Airports for Bharat (NABH) Nirman policy was a step in the right direction. Yet, when closely examined and with the numbers being floated for the upcoming Jewar airport, where the initial estimate is upwards of Rs 20,000 crore, it does not make for a very strong case. The cost of capacity if not restrained will hamper aviation growth.

#### **4.MRO taxation is forcing airlines to go overseas for maintenance**

Other than ATF, the other large expense item for airlines is the maintenance and repair (MRO) of aircraft. Taxation on MRO is irrational at best. Maintenance and repair taxation in India remains the highest globally. With an 18% GST levy, providers have to compete on sale price with overseas players that only pay 5% — that too at cost price. This gap: 20-22%. Consequently, most airlines contract their maintenance overseas, leading to a loss of jobs and output. MRO setups are capital intensive and require significant investment in terms of infrastructure, material, training of manpower and technology. The National Civil Aviation policy (NCAP 2016) attempted in part to address this issue by limiting the royalty and additional charges and mandating that these not be levied on MRO service providers for a date of five years from the date of approval of the policy. Yet, the royalty is still being imposed under different classifications ranging from 11% to 30%.

Sadly, given this complicated structure, foreign carriers have leveraged on the MRO potential of India while India itself lags behind. The tax policy has led to airlines to outsourcing majority of the \$1.4 billion MRO business to international providers.

#### **5.Lending to airlines is severely constrained**

Indian airlines are sitting on tremendous fleet orders. And these orders and expansion plans of airlines require financing. In the current environment, banks are extremely reluctant to lend to aviation. The reasons are many, including fluctuating EBITDAs, weak balance sheets, systemic impacts of an ongoing crisis with Jet Airways and the NPA cleanup. Some airlines have gotten around this using the sale-and-leaseback mode. Yet, it is a model that depends on liquidity of the asset type and one that is leading to weak balance sheets in the case of Indian airlines (the exception being Indigo). In spite of being a key growth market in Asia, private capital is reluctant to enter the aviation not only because of the challenges highlighted (ATF taxation, constrained airports, MRO taxation) but also due to the legal procedures where contract enforcement is challenging at best.

#### **6.Restructuring of regulatory bodies**

With aviation growth the demands on the regulator are ever increasing. The last five years saw a determined approach to strengthen these bodies but even simple items like digitization of records was met with significant hurdles. The new government is likely to push through additional measures. Reinvigorating bodies such as the Directorate General of Civil Aviation, the Airport

## **CURRENT ISSUES WRITING PRACTICE**

### **POST-TEST MATERIAL FOR CIWP – J**

Economic Regulatory Authority and the Bureau of Civil Aviation Security towards stronger oversight would likely be very welcome by most stakeholders.

Given the consistent feedback loops that the government has employed, consultations will likely have to be a focus area. The current nature of consultations in many areas is restricted to direct stakeholders. For a truly comprehensive reform inter-ministerial and ‘inter-regulatory’ consultations including a seat on the table for representatives for the travelling public will propel the sector forward.

#### **7.The sustainability of the Udan scheme**

The Ude Desh Ka Aam Nagarik (Udan) scheme has been a flagship scheme for NDA1. Focused on connecting unserved and underserved airports, Udan spurred a host of regional airlines to come up and existing operators to enter regional flying. While it can be argued that the scheme has been a success highlighting the new destinations connected, a look at the sustainability of regional airlines paints a different picture.

The Udan scheme is funded by a levy on passengers flying metro routes. The funds collected are then used to subsidise Udan routes. Recent indications are that if all Udan routes that have been bid are flown, there is likely to be a funding deficit. Addressing this deficit in an environment where passenger numbers are likely to fall further will be a challenging proposition. While the viability of Udan is addressed policymakers may also have to look at the sustainability of the scheme and how to revitalise regional operators.

As India positions itself to lead and play a dominant role globally, its aviation sector cannot be overlooked. Especially as this sector acts as a growth multiplier including economic output, jobs and trade – all enabled via better connectivity. With a growing middle of 300 million-plus, a trend towards urbanisation, increased travel demand, a rising propensity to spend, and significant capacity entering the market – all key factors for aviation growth are aligned. But for this growth to materialise sustainably, policy interventions are necessary. An unfinished aviation policy agenda remains.