

Draft Policy



Policy for use of Airstrips for Training
Programmes and Flying Clubs/
Academies in field of Aviation

**Civil Aviation Department,
Government of Uttar Pradesh**

1. Introduction

The Civil Aviation Department, Government of Uttar Pradesh (CAD,UP) has sixteen (16) airstrips in its operational territory. CAD,UP has been utilising these airstrips for the operation of both Rotary and Fixed Wing aircrafts.

The Air Operations taken up and carried out by CAD,UP are purely as per requirements of VVIPs/VIPs of the State Government or to carry out other operations which are mandated by the State Government. The State owned airstrips are well maintained and possess adequate infrastructure for carrying out other flight related activities, like running of the Flight/Pilot Training Programme/ Aircraft Maintenance Training Programme or any other aviation related training programme or any Flying Club/ Academy, duly authorised by appropriate authority. The State owned airstrips are well secured and offer great opportunity for flight training/ maintenance training and for running a Flying Club/ Academy. These airstrips could be well utilized, as they are at locations having good weather conditions for most part of the year and are very well connected. The Government of Uttar Pradesh is committed to provide a prompt, helpful, transparent and conducive environment to facilitate the growth of organisations investing in the state. The State Government has expressed its intention to boost the aviation sector through the development of Noida International Greenfield Airport in PPP mode in collaboration with Zurich International Airport AG. The State Government is also in the process of developing 7 new airports across the State. Similarly, the Government is committed to promote organisations who are keen to establish training facilities/ flying clubs/ academies in the aviation sector in the state.

2. Objective

The main objective of this policy is -

- Optimum utilisation of aviation related infrastructure available with the Department of Civil Aviation, Government of Uttar Pradesh (hereinafter mentioned as 'CAD,UP') for conducting flight/Pilot / maintenance training or any other aviation related training programme by certified Flight/Pilot Training/ Maintenance Training Organisations or for running Flying Clubs/ Academies (hereinafter mentioned as '**Organisations**').

- To provide a conducive environment for the training and flying Ecosystem in the aviation sector in the state.
- To tap the unutilised potential of various available infrastructure of the Civil Aviation Department like airstrips, hangars, terminal buildings, parking areas, guest houses etc.
- To meet the growing demand of trained aviation personnel in the aviation sector by providing a professional environment.
- To generate and expand the employment opportunities in both technical/non-technical sectors.
- To develop the State of Uttar Pradesh, as the Hub for aviation related training programmes and activities by facilitating the various flight/Pilot Training Organisations/Clubs/Academies.

3. List of Airstrips

CAD, UP is currently considering to offer the following state owned airstrips. CAD, UP may grant permission to Organizations to use the following airstrips for exclusive purpose of training for DGCA approved aviation related courses for pilots, engineers, technicians, flight despatchers, cabin-crew etc.. :-

1. Dhanipur (Aligarh)
2. Saifai (Etawah)
3. Rasulabad (Kanpur Dehat)
4. Marhamtabad (Farrukhabad)
5. Akbarpur (Ambedkar Nagar)
6. Andhau (Ghazipur)
7. Palia (Lakhimpur Khiri)
8. Amhat (Sultanpur)
9. Shravasti
10. Azamgarh
11. Chitrakoot
12. Myorpur(Sonbhadra)
13. Any other airstrip (as specified and authorised from time to time for this specific purpose by the Government of UP)

The above airstrips, as and when available, may be utilized for setting up Flying Training Institute / Aircraft Maintenance Training Institute/ ~~Flying Club~~/ Flying Academy or any other institution for imparting any training or other activity

related to the aviation sector subsequent to selection through due process by the State Government.

4. Facilities to be provided by Department of Civil Aviation, UP to the Organisations

The following facilities will be made available to the Organisations by Civil Aviation Department, Government of UP -

1. Permission, subject to certain conditions, to use the airstrip owned by Government of Uttar Pradesh allotted to the Organisation by the CAD, UP.
2. Permission to use hangar(s) at identified airstrips, for the maintenance and housing of aircrafts, with prior approval of CAD. Hangar(s) will be allotted to the Organisation at an additional cost/ rent determined by CAD, UP from time to time. Hangar(s) may be taken back, on three months' prior notice at any point of time during the agreement period, by CAD, UP if required.
3. Permission to use structures/buildings (wholly or partially), at selected airstrips, with prior approval of the CAD, UP. Structures/ buildings will be allotted to the Organisation at an additional cost/ rent determined by the CAD, UP from time to time. The structures/ buildings may be taken back, on three months' prior notice at any point of time during the agreement period, by the CAD, UP, if required.
4. Permission for use of land (subject to availability), for creating training facilities with the prior approval of CAD, UP. Land will be allotted to the Organisation at an additional cost/ rent determined by the CAD, UP from time to time. Land may be taken back, on three months' prior notice at any point of time during the agreement period, by CAD, UP, if required. On the expiry/ termination of the agreement, any building or infrastructure (immoveable) created on the allotted land by the Organisation will become the property of the CAD, UP.
5. The infrastructure at the airstrip shall be maintained by the CAD, UP; However, the cost of damage to the runway, hangar or any other infrastructure, if any, caused by the Organisation, shall be payable by the Organisation to CAD, UP as per the assessment of damage, after joint inspection of the same.
6. The Government may allow the usage of one airstrip to more than one Organisation on a sharing basis. A maximum four Organisations can be allowed to conduct training programmes at one airstrip depending upon the type of training(s) to be conducted, it's training capacity, infrastructure needs and infrastructure available at the airstrips. The decision regarding the number of Organisations permitted at any airstrip will be taken by the Director, CAD, UP.

The timings for undertaking their activities shall be worked out by the Organisations amongst themselves; however, in case of any dispute, the matter shall be referred to the Director, CAD, UP who's decision shall be final and binding.

7. All the necessary clearances/licenses/approvals/permissions as required for the purpose of running a flight/ pilot training/ maintenance training institute/ flying club/ flying academy, shall be obtained by the Organisation from all the regulatory authorities like DGCA, Government of India, BCAS, local authority etc, before the commencement of operations.
8. The Organisation shall ensure that the airfield is available for operations (e.g. landing, takeoff & parking) of the aircraft owned by the CAD, UP and any scheduled flight operator authorised by the Ministry of Civil Aviation, Government of India or the CAD, UP as and when required by them. The Organisation shall not be entitled for any damage or compensation, whatsoever, for the same.
9. The Organisation shall provide required ground handling facilities to all state aircraft using that airstrip at any point of time. In case, more than one Training Organisation is using the Airstrip, the Director, CAD, UP will have the liberty to decide the roster according to which these services shall be provided by these Organisations. No charges shall be paid by the CAD, UP to the Organisation providing these services.
10. The competent authority of CAD, UP or a person duly authorised by the Civil Aviation Department, Govt of Uttar Pradesh may carry out the inspection of the airfield and the infrastructure, from time to time, as and when required.
11. Organisation shall have to submit quarterly reports regarding the details of activities being carried out by them to the CAD, UP in the prescribed format.
12. Organisation shall have to ensure strict compliance of the terms and conditions enumerated in the agreement with the CAD, UP. Any negligence/omission by the Organisation, leading a breach of the terms & conditions of the agreement may lead to penal action as enumerated in the agreement.
13. With the approval of the Government of Uttar Pradesh, CAD, UP may cancel or withdraw this permission, or deny the extension of contract, in the larger public interest.

5. Obligations of the Organisations

The role of the selected Organisation will be as follows: -

1. The Organisation, after obtaining due clearance from the CAD,UP, shall establish the facility with requisite infrastructure for Flight/Pilot Training/ Aircraft Maintenance Training or any other training programme or Flying Club/ Academy related to aviation at the allotted airstrips. The layout and design of the facility shall be submitted to CAD, UP which may communicate its consent, subsequent to scrutiny, (subject to fulfillment of norms) to the Organisation.
2. The Organisation shall be responsible to ensure the compliance with all the regulatory requirements of Directorate General of Civil Aviation(DGCA), Government of India such as CAR, Indian Aircraft Act 1934, Indian Aircraft Rules 1937, labour Act(s)/ Rule(s) and any other statutory requirement under any law prevailing in India and the State of Uttar Pradesh.
3. The Organisation shall obtain all the requisite clearances/ approvals/ licenses from the Director General Civil Aviation, Government of India and all other Regulatory Authorities which are mandatory for the commencement and operation of the training or any other aviation related activities permitted by CAD, UP.
4. The Organisation shall ensure the provision of all mandatory and necessary facilities for the users, which are required for the smooth, safe and efficient conduct of the training programme(s) or other activities as mandated by the appropriate authority, at their own expense and risk.
5. The Organisation will submit its comprehensive infrastructure development plan proposed for conducting its activities and shall obtain clearance of CAD, UP. Any immovable infrastructure created by any Organisation, during the course of carrying out its activities, will become the property of the Department of Civil Aviation, Government of Uttar Pradesh, after the expiry of the permission of the use of the airstrip
6. The Organisation shall not, in any manner, interfere in the usage of the airstrip (and all other infrastructure facilities belonging to the CAD, UP) by the State Government, the concerned District Magistrate of the district or any agency, authority or person(s) duly authorised by the CAD, UP or the concerned District Magistrate.
7. The Organisation shall make all provisions to protect & prevent the property from fire and other hazards by installing all necessary fire safety and other

equipment as per norms, and shall obtain NoC from the Fire Services Authorities at its own, for the activities to be carried out by the Organisation.

8. The security of the premises and the access control shall be the responsibility of the Organisation and sufficient security personnel shall be deployed for the same. Identity cards may be issued to all faculty members, staff, trainees or any other duly authorised person of the Organisation and entry of any unauthorized person will be totally prohibited. However, officials of State Government/ District Administration or officials duly authorised by the CAD/ District Administration will have the right of entry on production of their valid identity cards.
9. The Organisation shall ensure the insurance coverage of buildings/ facilities created by it. It shall also insure all its employees/trainees associated with the training process. The CAD, UP will not be responsible for any loss of life or property, whatsoever.
10. The permission granted to the Organisation with regard to use of airstrip and allied infrastructure will be purely of temporary nature and the CAD, UP will have the right to withdraw this permission at any time on a three month's prior notice. The Organisation will also be allowed to exit the agreement with a three month's prior notice to the CAD, UP.
11. The Organisation will not be allowed to use the airstrip or any other infrastructure related to it for any purpose other than the activities authorized by the CAD, UP.
12. Commercial use of airstrip and associated infrastructure except as authorised by the CAD, UP in any form, by the Organisation or any other person will be totally prohibited and any violation will attract heavy penal action amounting to seizure of the Security Deposit and recovery of the amount of money earned by Organisation through the unauthorised use of the property.
13. The Organisation shall bear all the expenses related to electricity, water, sanitation, drainage, security, fire safety etc. at the selected airstrip for the facilities and services used by it for carrying out its activities.
14. The Organisation shall deposit a Security Amount of Rs. 10 Lakh in the form of bank deposit / fixed deposit / NSC or in any other form as determined by the CAD,UP. The Security Deposit will be forfeited in case of breach of any condition mentioned in the agreement between the two parties.
15. The Organisation shall pay a Fixed Airstrip Usage Fees of Rs. 10 Lakh per year for the use of each airstrip. The annual charges for hangars, building(s) (where applicable) and other facilities will be determined separately from time to time.

At the time of agreement, an amount of Rs. 30 lakh shall be deposited by the Organisation for a period of 3 years.

16. The Organisation shall also pay Per Student Fees equivalent to 5% of the Gross total fee (excluding GST and charges payable to DGCA) collected by it from each user of its services/ facilities every year on 30th September and 31st March. Number of students / participants will be certified / verified by DGCA (or concerned District Magistrate in cases where DGCA does not record the student data). Fees will be determined by the Organisation and communicated to CAD, UP. The charges/fees collected may vary from student to student, but this variation should not be more than 10% for the purpose of calculation of Training Fees. The documents/accounts of the Organisation may be audited by CAD, UP directly or through an agency appointed by it with a limited purpose to verify the declaration about the Number of Student / Participants and Fees collected is appropriate.
17. The airstrip, hangar and other facilities will be provided to the selected Organisation for use for a period of 3 years and the contract will be executed accordingly. This contract will come to an end on completion of the contractual period. But CAD, UP, on getting approval from Government of Uttar Pradesh, may extend the period of contract for a period of 3 years at a time on request of the Organisation. Such extension will not be the right of the Organisation in any way. In case, if the contract is extended, a fresh contract will be executed for a period 3 more years with a 50% increase over the previous contract in all deposits/fees as mentioned in above para 14, 15 and 16 at the time of entering into the fresh contract. A fresh contract will be executed for 3 years but the CAD, UP may consider request of an Organisation for a period less than 3 years, wherein the fee and other charges will be determined on a pro rata basis.
18. The CAD, UP will review compliance of the contractual terms by the Organisation every year. The permission will be revoked if any condition of contract is violated by the Organisation. The decision in the case of violation of contract by the Organisation will be taken by the Director, CAD, UP. If the Organisation is not satisfied with the decision of the Director, the Organisation would be entitled to submit its representation to the Additional Chief Secretary/ Principal Secretary/ Secretary in-charge of the Department of Civil Aviation, Government of Uttar Pradesh and his decision in this regard shall be final and binding.

6. Eligibility Criteria/ Qualification for Training Organisation

The following eligibility /qualifications shall be fulfilled by the Organisation, for submission of application for the use of airstrip and allied infrastructure: -

1. The Organisation should be approved by a competent authority either within India or outside to run the aviation related activities, that it intends to undertake. In case of any dispute/doubt regarding the competence of an international authority to approve such programmes, requisite clarification and guidance shall be sought from the Director General of Civil Aviation (DGCA), India.;
2. The Organisation shall be:
 - i. A trust / Society registered under Society Act 1860; or
 - ii. NRI / Overseas Corporate Body / MNC; or
 - iii. A company registered under the Companies Act 1956 with its office in India; or
 - iv. Central Government or State Government Undertakings;
3. The paid or paid-up capital of the private institution should not be less than ₹ 1.00 Crore.

7. Procedure for Submission of Application

The procedure for submission of application will be as follows:-

1. Expressions of Interest (EOI) can be downloaded from the website of the Civil Aviation Department i.e. www.cadup.gov.in.
2. The interested Organisation shall submit a processing fee of Rs. 25000/- (non refundable) for each airstrip in the form of Demand Draft in favour of “Director, Civil Aviation, Government of Uttar Pradesh”, payable at Lucknow. This demand draft will have to be attached with the application, the absence of which shall lead to rejection of the application.
3. The interested Organisation may submit an Expression of Interest (EOI) for training at one or more of the above airstrips.
4. Permission may be granted by CAD, UP to more than one Organisation at one airstrip for undertaking aviation related activities, subject to a maximum of four Organisations per airstrip.
5. The interested Organisation will mention the name of one or more places (airstrip/s) of their interest in the Expression of Interest (EOI).
6. Each interested Organisation shall also have to submit the percentage of its fee for offering its services and facilities, that it would pay to the CAD, UP, in case

of being selected for undertaking the aviation related activities proposed to be offered by it. In case more than four Organisations apply for any airstrip, and are technically qualified to conduct its operations, four Organisations offering to pay the highest share of fee to the CAD, UP being charged by them, shall be allowed to offer its services and facilities.

7. The interested Organisations which apply for more than one airstrip will be counted as separate entities for each airstrip.
8. The interested Organisations shall submit their proposals in a sealed envelope to the Director, Civil Aviation, Uttar Pradesh, Lucknow Airport, Lucknow. It is mandatory to attach processing fee and other necessary documents as mentioned in the EOI. The Organisations shall also submit in a sealed envelope, the percentage of fee that it is willing to pay to the CAD, UP from the fee being charged by them from the users of its services and facilities.
9. The applications received will be preliminary examined by the Director, Civil Aviation, Uttar Pradesh and after examination, the name of the institutions which fulfill all the conditions as per the policy laid down by the State Government, will be forwarded to the expert committee constituted for this purpose along with the applications by the Director, CAD, UP. The Committee will submit its recommendations to the Director who will send a proposal to the State Government. The final decision will be taken by the Department of Civil Aviation, Government of UP.
10. The selected Organisations will enter into a contract with the Director, CAD, UP in the prescribed format within one month from the receipt of intimation and deposit the required security money/ fee. All relevant details shall be mentioned in the contract.

The following procedure will be followed for clarification, if any, on the proposals: -

1. The CAD, UP may require the production of any other document/information as it may deem fit, from the Organisations for examining the proposals.
2. If the Organisation does not provide or fails to provide the required information within the stipulated period, then the CAD, UP will be free to make a decision, on the basis of available records.
3. The Training Organization will be bound to provide all the information along with the proposal.

8. Evaluation of proposals

The proposals received will be examined/evaluated by following expert committee:-

1.	An officer nominated by the Principal Secretary, Civil Aviation, of the level of Secretary to the Government of Uttar Pradesh or above	Chairman
2.	Deputy Director of Airworthiness, Civil Aviation Department, Government of India or an officer nominated by DGCA	Member
3.	Finance Controller, Civil Aviation, UP	Member
4.	Chief Engineer, Civil Aviation, UP	Member
5.	Principal Lecturer, Aeronautical Training Institute, UP	Member
6.	Officer-in-Charge (Airstrip), Civil Aviation, UP	Member
7.	One Pilot of CAD UP, nominated by the Principal Secretary, Civil Aviation	Member
8.	Director, Civil Aviation	Member Secretary

The Director, Civil Aviation, Uttar Pradesh will be authorized by the CAD, UP to sign the documents and issue any communication .

The CAD, UP may accept or reject any or all the proposals without assigning any reason.

9. Redressal of Dispute

In case any dispute arises between two parties during the implementation of a contract, the Principal Secretary, Civil Aviation Department, will be the arbitrator. Either party can first submit their representation before the arbitrator and the decision taken by him shall be binding on both the parties. The suit will be filed in a court of law only after the decision of the arbitrator and the jurisdiction will be the relevant court of Lucknow District Headquarter.