

## Setting up an aerodrome in India: Know your Fundamentals

### Introduction

The Directorate General of Civil Aviation (“**DGCA**”) has been assigned with the responsibility of licensing aerodromes in India in accordance with the regulatory provisions.<sup>1</sup> The DGCA clearly prescribes that no aerodrome shall be used as a regular place for landing and departure by any aircraft unless it has been licensed. The Civil Aviation Requirements (“**CAR**”) prescribe the procedure to be followed by an applicant while seeking an aerodrome license.

This newsletter will discuss in detail the procedure and the methodology adopted by the DGCA on the following aspects:

- Licensing of aerodromes;
- Qualifications of Licensee;
- Procedure for grant of License;
- Aerodrome Manual; and
- Validity and renewal of the License

### 1. Procedure for issue of an Aerodrome License

**The Basics:** Rule 78 of Aircraft Rules, 1937 clearly states that no aerodrome shall be used as a regular place of landing and departure by a scheduled air transport service or for a series of landings and departures by an aircraft carrying passengers or cargo unless (a) it has been licensed; or (b) approved by the DGCA. An aerodrome shall be licensed either for public<sup>2</sup> or private use.<sup>3</sup> The Rule also stipulates the qualifications for the applicant licensee who must be:

- An individual who is a citizen of India; or
- An Indian company or a body corporate. Such body corporate should be registered and have its principal place of business in India and fulfill the equity holding criteria specified by the Central Government periodically;
- A corporation owned or controlled by either Central Government or State Government; or
- A society registered under the Societies Registration Act, 1860.

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<sup>1</sup> Part XI of the Aircraft Rules, 1937 provides the mechanism for obtaining an aerodrome license.

<sup>2</sup> Public aerodrome means an aerodrome which, when operational for aircrafts, would be available to all persons on equal terms and conditions.

<sup>3</sup> Private aerodrome means one used only by the license holder or by someone duly authorized by the license holder.

**The Procedure:** The CAR describes the procedure and the two forms for obtaining the license. As a first step, the applicant has to submit an application (*Form CA 93(A)*) with the DGCA for seeking technical approval for the aerodrome site which must be accompanied by the requisite clearances from the concerned ministries i.e. (i) Ministry of Defence who examines the application from the perspective of verifying that the proposed aerodrome is not causing any operational constraints to the defence activities and is not considered as security threat; (ii) Ministry of Environment and Forests; (iii) Owner of the land; (iv) Local authority such as Municipal Corporation of the State in which the land is situated. Thereafter, DGCA officials will inspect the site along with the representatives of other agencies as considered necessary by DGCA.

Once DGCA approves the site, the applicant has to submit its intention, plan and a project report to DGCA for construction of the aerodrome. It is imperative that during the construction phase the applicant should maintain high quality standards as DGCA officials may periodically inspect during the construction period to assess the progress and quality assurance system adopted by the applicant.

The applicant should then submit the license application (Form CA 96(A)) along with the requisite fee.<sup>4</sup> In order to procure a license for *public use*, the applicant has to submit safety assessment report evidencing that aerodrome and its facilities are safe for aircraft operations. The applicant should also submit an Aerodrome Manual which must describe the establishment of an effective safety management system. Finally, it is essential that the applicant employs adequate number of employees with necessary skills and competency to perform all critical activities essential for aerodrome operations and maintenance.

## 2. Aerodrome Manual<sup>5</sup>

The licensee has to maintain an aerodrome manual which must be categorized under the following heads with the prescribed information:

(i) **General:** The general information should cover the following:

- The scope and purpose of the Manual;
- Legal requirement for an aerodrome license;
- Conditions for the use of the aerodrome;
- Aeronautical information system used by the Licensee; and
- A system for recording the aircraft movement and the obligation of the aerodrome operator

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<sup>4</sup> The fee levied for private use is INR 1,00,000 and for public use INR 5,00,000 up to runway length of 5,000 feet plus INR 2,00,000 for every 1,000 feet or part thereof as prescribed by DGCA.

<sup>5</sup> As per notification G.S.R 732(E) dated November 2, 2004 issued by the Ministry of Civil Aviation.

(ii) **Aerodrome Site:** The manual should contain following particulars of the aerodrome site:

- Description of the aerodrome;
- Boundaries of the aerodrome; and
- Distance of the aerodrome from the nearest city

(iii) **Reporting:** The third aspect pertains with particulars to be provided to aeronautical information service:

- Name and location of the aerodrome;
- Geographical coordinates and aerodrome elevation;
- Elevation of runway threshold;
- Aerodrome reference temperature;
- Aerodrome beacon;
- Name and address of the aerodrome operator; and
- Aerodrome dimensions

(iv) **Operating Procedures and safety measures:** The important aspect of aerodrome manual is the operational and safety measures. It should consist of the information segregated in the following heads:

- Reporting of aerodrome movement area;
- Aerodrome emergency plan;
- Visual aid and aerodrome electrical system;
- Maintenance of the movement area;
- Removal of disabled aircraft

(v) **Aerodrome administration and safety management:** Another important aspect is the procedure regarding the administration and safety measures, which are different from those outlined in (iv) above. The aerodrome manual should provide an organization chart depicting and highlighting the responsibility of key personnel responsible for aerodrome safety.

### 3. **Validity and Renewal of License**

The time involved for processing the papers and reviewing, seeking clarifications and before the approval is granted is generally 90 days, but in practice it could be longer. Once the DGCA is satisfied that the applicant has fulfilled all requisite conditions, it will issue license to the applicant which is valid for a period of two years unless it is suspended or cancelled by the DGCA. Of course, a licensee has the right to surrender it before the expiry of the term. The

license can be renewed by the license holder by filing the requisite form with the DGCA.<sup>6</sup> It is pertinent to note that the license is non-transferable.

## Conclusion

The licensing procedure appears to be well-defined. With 44 licensed aerodromes for public use and 16 licensed aerodromes for private use, the licensing requirements of aerodrome are well regulated by DGCA.<sup>7</sup> Needless to say, with the boom of the aviation industry in India and the increase of corporate spending on private jets, the aerodrome industry is here to stay. Going forward, it will be crucial to ensure that the safety is not compromised at all and those who use, operate or work at an aerodrome function within a safe environment.

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<sup>6</sup> The renewal has to be in form CA 96(B) which must be submitted at least two months prior to the date of expiry for public use and one month prior in case of private use aerodromes.

<sup>7</sup> As per the list of licensed aerodromes issued by the DGCA on June 30, 2011.