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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 30.01.2020

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W.P.(C) No.4521/2017

JAGANNATH GANAPAT BALLAL Petitioner

Through: Mr.Sandeep Bajaj, Adv.

Versus

UNION OF INDIA & ORS Respondents

Through: Ms.Anjana Gosain, Adv. with
Ms.Himanshi, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, Chief Justice (Oral)

1. This public interest litigation has been preferred for the following prayers:-

“(i) Direct the Respondents to ensure that any recruitment to the BOAS is done after ensuring that the said personnel so appointed have the expertise and the relevant qualification and domain experience as is required for the Aviation Sector particularly in the rank of Director General, Deputy Director General and Joint Director General.

(ii) Direct the Respondents to act in accordance with the Chicago Convention, parliamentary reports and to implement the security controls as well as the quality controls as stated therein.

(iii) Direct the Respondent to make it mandatory for the existing personnel of BCAS to undergo the requisite training, which is essential for Airport Security.

(iv) Any other further orders as are deemed fit in the interest of justice.”

2. Having heard learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the grievances ventilated by the petitioner herein are regarding Aviation Security, alleging in particular that the personnel appointed at the Bureau of Civil Aviation Security (‘BCAS’) lacks expertise, relevant qualification and domain experience, especially those appointed in the rank of Director General, Deputy Director General and Joint Director General. The petitioner has also ventilated grievances regarding improper implementation of Chicago Convention and the recruitment rules of BCAS.

3. It appears from the facts of the case that the Chicago Convention on International Civil Aviation was signed in the year 1944 and came to be ratified by India on 1st March, 1947. It became effective from 4th April, 1947 and established the International Civil Aviation Organization (‘ICAO’). The ICAO Council formulated Standards and Recommended Practices (‘SARPs’) for International Civil Aviation which were adopted in March, 1974 and designated as Annex 17 to the Chicago Convention. It is noted that Section 4 of the Aircraft Act, 1934 empowers the Central Government to make rules necessary for carrying out the Chicago Convention (including any Annex thereto) as amended from time to time. Due to hijacking

incidents in India, BCAS was created as Regulatory Authority for civil aviation security in India in the year 1987 pursuant to the B.D. Pandey Committee recommendations and in compliance of India's obligations under Chicago Convention. Recruitment Rules were formulated by BCAS in consultation with Department of Personnel and Training ('DoPT') and Union Public Service Commission ('UPSC') which have been published in 2017. The rules have also been uploaded on the websites of the Respondents. The counsel for respondents has submitted that measures are now being taken for security arrangements at different airports, as per the suggestion of BCAS.

4. We are not going into the correctness of the Rules as the same are not under challenge in this writ petition. Suffice it to say that the security measures, training and security programs for each airport are required to be looked into by the Bureau of Civil Aviation Security, which has been specially created by the Central Government purely for the purpose of giving effect to the Chicago Convention.

5. We see no reason to entertain this writ petition as a public interest litigation. No representation has been made by this petitioner to the respondent-Government prior to the filing of the writ petition. In a given case, if there is any violation of any individual's right and in case of violation of Chicago Convention, such individual can always file a writ petition so that specific violation could be looked into. There cannot be any lump sum general arguments and allegations that the Chicago Convention is not being properly implemented and no proper security measures have been taken by the

respondents. There is already an independent expert body, namely, Bureau of Civil Aviation Security which is meant for the implementation of the Chicago Convention and to advise the security measures to respondent-Government for the airports and aircrafts.

6. We also see no reason to entertain this writ petition, as adequate machinery has already been evolved by the respondents to advise security measures to them for airports and aircrafts. Individual violation can be looked into but not such type of general allegations which have no basis at all.

7. This writ petition is accordingly dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 30, 2020

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