

PART X - INVESTIGATION OF ACCIDENTS

68. Notification of accidents- (1) An accident in which an aircraft is involved shall be notified in accordance with the provisions of sub-rules (3), (4) and (5) of this rule if between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked:-

(a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or

(b) the aircraft receives substantial damage.

(2) The term "substantial damage" used in sub-rule (1) shall include any damage which necessitates the replacement or extensive repair of any major component.

(3) Where an accident occurs which has to be notified under sub-rule (1), the person-in-command of the aircraft or, if he be killed or incapacitated, the owner, the operator, the hirer or other person on whose behalf he was in command of the aircraft, as the case may be, shall-

(a) send notice thereof to the Director-General, and

(b) give information to the District Magistrate and the Officer-in-charge of the nearest Police Station.

(4) The notice and information shall be sent as soon as possible and by the quickest means available and in any case within 24 hours after the occurrence of the accident.

(5) The notice to the Director-General shall contain the following information, namely :-

(i) the type, nationality and registration marks of aircraft;

(ii) the name of the owner, operator and hirer of the aircraft;

(iii) the name of the person-in-command of the aircraft;

(iv) the names and description of the crew of the aircraft;

(v) the nature and purpose of the flight;

(vi) the date and time of the accident;

(vii) the place where the accident occurred;

(viii) the last point of departure and the next point of intended landing of the aircraft;

(ix) the nature of the accident;

(x) the number and description of the persons killed and injured as a result of the accident; and

(xi) the extent of known damage to the aircraft.

69. Report on accidents- The person in command or the owner of the aircraft which has been involved in an accident, whether or not it is required to be notified under rule 68(1), shall, if so required by the Director-General, submit to him a written report on such accident in such form as he may prescribe.

70. Removal and preservation of damaged aircraft- (1) In the case of an accident which is required to be notified under rule 68 or 69, or in any other case in which the Director-General gives notice to the owner or other person in-charge of the aircraft to this effect, the aircraft shall not, except under the authority of the Director-General, be removed or otherwise interfered with :

Provided that

(i) if the aircraft is wrecked on water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety;

(ii) the aircraft or any parts or contents thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals dead or alive, of preventing the destruction of the aircraft and its contents by fire or other cause or of preventing any damage or obstruction to the public or to air navigation or to other transport;

(iii) goods shall not be removed from the aircraft except under the supervision and with the concurrence of an officer of the Civil Aviation Department;

(iv) passengers' and crews' personal luggage may be removed from the aircraft under the supervision of an Officer of Police Department, a Magistrate, an Officer of the Civil Aviation Department, and

(v) mails may be removed under the supervision of an Officer of the Police Department, a Magistrate, an Officer of the Civil Aviation Department or an Officer of the Posts & Telegraphs Department.

(2) The Director-General may, for the purposes of any investigation or inquiry under these rules, authorise any person to take measures for the preservation of any aircraft involved in an accident, and such person may thereupon have access to examine or otherwise deal with the aircraft.

(3) The owner of the aircraft or his nominated representative shall have the right to be present during any examination or other action taken under sub-rules (1) and (2), provided that the Director-General shall not be bound to postpone any action which he may consider necessary under this rule by reason of the absence of the owner or his representative.

71. Inspector's investigation- (1) The Director-General may order the investigation of any accident involving an aircraft whether, such accident is required to be notified under rule 68 or not, and may, by general or special order appoint any person (hereinafter referred to as an "Inspector of Accidents") for the purpose of carrying out such investigation.

(2) The investigation referred to in sub-rule (1) shall be held in private.

(3) The investigation shall be conducted in such a manner that if a charge is made or likely to be made against any person and if it appears to the Inspector of Accidents to be practicable so to do, that person shall be given notice that blame may be attributed to him; and thereupon he may be given a reasonable opportunity of being present and making any statement or giving any evidence and producing witnesses on his behalf and examining any witness from whose evidence it appears that blame may be attributed to him.

(4) A public notice that such investigation is taking place may be given by the Director-General in such manner as he thinks fit and every such public notice shall state that any person who may desire to make representation concerning the circumstances or causes of the accident may do so in writing within the time specified in the notice.

(5) The Inspector of Accidents shall make a report to the Director General in the format specified by the Director-General.

(6) The Director-General shall forward the report of the Inspector of Accidents to the Central Government with such comments as the Director General may think fit to make and the Central Government may, at its discretion, make the whole or part of any such report public in such manner as it may consider fit.

[Amended vide GSR No. 168(E) dated 13-03-2009]

72. Powers of Inspector of Accidents-For the purpose of such investigation an Inspector of Accidents shall have power-

(a) by summons under his hand to require the attendance of any person whom he thinks fit to call before him and examine for such purpose and to require answers or returns to any inquiries he thinks fit to make;

(b) to require any such person to make and to sign a declaration regarding the true nature of the statements made by him;

(c) to require and enforce the production of all books, paper, documents and articles which he may consider necessary for the investigation, and to retain any such books, papers, documents and articles until completion of the investigation;

Provided that the information, books, papers, documents and articles, including cockpit voice recordings and transcripts from such recordings shall not be made available for purposes other than the investigation of the accident, except for the purposes of the Right of Information Act, 2005 (22 of 2005).

(d) to have access to and examine any aircraft involved in the accident, the place where the accident occurred or any other place, the entry upon and examination of which appears to the Inspector necessary for the purpose of the investigation.

[Amended vide GSR No. 168(E) dated 13-03-2009]

73. Inspector's fee-When a person other than an officer of Government is appointed an Inspector of Accidents he may be granted such fee and expenses as may be determined by the Central Government.

74. Committee of Inquiry- (1) The Central Government may, at its discretion, appoint a Committee of Inquiry composed of two or more persons to hold an inquiry into an accident in

which an aircraft is involved, and such a Committee shall have the same powers as an Inspector of Accidents under rule 72.

(2) The Committee of Inquiry may at its discretion hold the inquiry in public or in private.

(3) The Inquiry shall be conducted in such a manner that if a charge is made or likely to be made against any person, that person shall be given notice that blame may be attributed to him and thereupon he may be given a reasonable opportunity of being present and making any statement or giving any evidence and producing witnesses on his behalf and examining any witnesses from whose evidence it appears that blame may be attributed to him.

(4) A public notice that an inquiry is taking place may be given by the Central Government in such manner as it may think fit and every such notice shall state that any person who may desire to make representations concerning the circumstances or causes of the accident may do so in writing within the time specified in the notice.

(5) The Committee of Inquiry shall make a report to the Central Government in the format specified by the Director-General.

(6) The Central Government may cause the whole or part of any such report of the Committee of Inquiry to be made public in such manner as it may think fit.

(7) When a person other than an officer of Government is appointed as a member of the Committee of Inquiry he may be granted such fee and expenses as may be determined by the Central Government.

(8) Every person summoned by the Committee of Inquiry as a witness in accordance with these rules shall be allowed such expenses as the Central Government may from time to time determine.

[Amended vide GSR No. 168(E) dated 13-03-2009]

75. Formal Investigation- Where it appears to the Central Government that it is expedient to hold a formal investigation of an accident, it may, whether or not an investigation or an inquiry has been made under rule 71 or 74, by order direct a formal investigation to be held and with respect to any such formal investigation the following provisions shall apply, namely-

(1) The Central Government shall appoint a competent person (hereinafter referred to as "the Court"), to hold the investigation, and may appoint one or more persons possessing legal, aeronautical, engineering, or other special knowledge to act as assessors. It may also direct that the Court and the assessors shall receive such remuneration as it may determine.

(2) The Court shall hold the investigation in open court in such manner and under such conditions as the Court may think fit for ascertaining the causes and circumstances of the accident and for enabling it to make the report hereinafter mentioned :

Provided that where the Court is of opinion that holding the investigation is likely-

(a) to be prejudicial to the interests of any country; or

(b) to jeopardise the personal safety of a person who is willing to make any statement or give evidence,

the Court may, hold in camera, the whole or part of the investigation.

(3) (i) The Court shall have, for the purpose of the investigation, all the powers of a Civil Court under the Code of Civil Procedure, 1908 and without prejudice to these powers the Court may:-

(a) enter and inspect, or authorise any person to enter and inspect, any place or building, the entry or inspection whereof appears to the Court requisite for the purposes of the investigation; and

(b) enforce the attendance of witnesses and compel the production of documents and material objects; and every person required by the Court to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

Provided that the information, books, papers, documents and articles, including cockpit voice recordings and transcripts from such recordings shall not be made available for purposes other than the investigation of the accident, except for the purposes of the Right to Information Act, 2005 (22 of 2005):

(ii) The assessors shall have the same powers of entry and inspection as the Court.

(4) The investigation shall be conducted in such manner that, if a charge is made or likely to be made against any person, that person shall have an opportunity of being present and of making any statement or giving any evidence and producing witnesses on his behalf.

(5) Every person attending as a witness before the Court shall be allowed such expenses as the Court may consider reasonable :

Provided that, in the case of the owner or hirer of any aircraft concerned in the accident and of any person in his employment or of any other person concerned in the accident, any such expenses may be disallowed if the Court, in its discretion, so directs.

(6) The Court shall make a report to the Central Government in the format specified by the Director-General.

(7) The assessors (if any) shall either sign the report, with or without reservations, or state in writing their dissent therefrom and their reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Central Government with the report. The Central Government may cause any such report and reservation or dissent and reasons (if any) to be made public, wholly or in part, in such manner as it thinks fit.

*[Amended by (i) GSR No. 816(E) dated 29-10-1985, and
(ii) GSR No. 168(E) dated 13-03-2009]*

75A. Reopening of Investigation – Where it appears to the Central Government that any new and material evidence has become available after completion of the investigation under rule 71, 74 or 75, as the case may be, it may, by order, direct the reopening of the same.

[Inserted vide GSR No. 168(E) dated 13-03-2009]

76. Obstruction of proceedings- (1) No person shall obstruct or impede the Court or a member of the Committee of Inquiry or an Inspector of Accidents or an assessor or any person acting in the exercise of any powers or duties under the rules in this Part.

(2) No person shall without reasonable excuse (the burden of proving which shall lie on him) fail to comply with any summons or requisition of a Court or a Committee of Inquiry or an Inspector of Accidents holding an investigation or an Inquiry under the rules in this Part.

77. Participation of Accredited Representatives – (1) An accredited representative of the State of registry, the State of operator, the State of design and the State of manufacturer of the aircraft and of any other State which has, on request, furnished information in connection with the accident, shall each be entitled to participate in the investigation by an Inspector of Accidents or an inquiry by a Committee of Inquiry or a formal investigation by a Court or investigation by an Inquiry Officer, as the case may be, into the accident or serious incident of an aircraft, whether or not the aircraft is registered in India.

(2) The accredited representative may be accompanied by such technical or other advisers as may be considered necessary by the authorities of the State by which he is appointed.”

[Amended vide GSR No. 168(E) dated 13-03-2009]

77A. Consultation – (1) A copy of the draft report shall be forwarded each to the State that instituted the investigation, the State that participated in the investigation, the State of registry, the State of operator, the State of design and the State of manufacturer, inviting their comments on the report.

(2) In case the comments are received within sixty days of the issuance of the draft report referred to in sub-rule (1), it shall be amended either by inclusion of the substance of the comments therein or by appending the comments thereto.

[Inserted vide GSR No. 168(E) dated 13-03-2009]

77AA. Saving - Nothing in this Part shall limit the power of the Central Government with regard to the cancellation, suspension or endorsement of any licence or certificate issued under these rules.

[Inserted by SRO No. 3779 dated 23-12-1955 and renumbered vide GSR No. 168(E) dated 13-03-2009]