



GOVERNMENT OF INDIA
OFFICE OF DIRECTOR GENERAL OF CIVIL AVIATION
TECHNICAL CENTRE, OPP SAFDARJANG AIRPORT, NEW DELHI

CIVIL AVIATION REQUIREMENTS

SECTION 1 – GENERAL

SERIES 'B' PART II

6TH MARCH 2007

EFFECTIVE: FORTHWITH

Subject: Exemption procedure for non-compliances with Aircraft Rules.

1. INTRODUCTION

The provision of the Aircraft Rules, 1937 apply to, whole of India, and to persons on, aircraft registered in India wherever they may be and also to, and to persons on, all aircraft for the time being in or over India except otherwise specified.

In consonance with the above, all persons/ aircraft are expected to comply with the rules/ regulations stipulated in the Aircraft Rules. However, there may be situations wherein it may not be possible to comply with the regulations because of exceptional circumstances, physical constraints, non-availability of specified equipment etc. which may warrant exemption from the Aircraft rules.

To cater to such circumstances, Rule 160 of the Aircraft Rules, 1937 provides the Central Government the power to exempt any aircraft, person or an organization from the operation of these rules, either wholly or partially, subject to such conditions, if any, as may be specified in such order which may be of a general or specific nature. In addition, the Director General and other officers of DGCA have inherent or delegated powers under S.O. 726 and S.O. 727 for granting exemption from specific provisos of the Aircraft Rules.

This CAR is issued under Rule 133A of the Aircraft Rules, 1937 and stipulates the procedures for application and grant of exemptions for non-compliance of Aircraft rules.

2. PROCEDURE FOR SEEKING EXEMPTIONS

2.1 A person/ organization seeking exemption shall submit separate application for each exemption in the prescribed proforma to DGCA/ regional office (Appendix I).

- 2.2 The application for exemption shall clearly state the reasons for seeking exemption and be supported with the reasons for non-compliance, safety assessment reports, along with means of mitigation and indication as to when compliance can be expected.
- 2.3 An application for a standard exemption shall include:
- i. the applicant's name and current mailing address.
 - ii. the relevant provisions of rules for which the exemption is sought.
 - iii. the category under which exemption sought (temporary/ permanent) and justifiable reasons why the applicant needs the exemption. The reasons provided should be detailed and self-explanatory.
 - iv. the period for which the exemption is required.
 - v. whether the exemption will affect a particular kind of operation, the details thereof;
 - vi. The action plan for rectification and review of non-compliance for temporary exemption, including the mitigation measures adopted for ensuring the safety during the exemption period.
 - vii. If a permanent exemption is sought, the applicant has to indicate the mitigation measures adopted to reduce the risk arising due to non-compliance after carrying out a safety assessment.
 - viii. Undertaking by the person/ organization that he shall annually review the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the activity are proposed.
- 2.4 The applicant should provide adequate information in the prescribed proforma for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing/ refusal of the application.

3. GRANT OF EXEMPTION UNDER RULE 160

- 3.1 Exemptions under Rule 160 can only be granted by the Central Government.
- 3.2 The Director General shall forward the application for approval of the Central Government along with his recommendations after technical evaluation of the application by the concerned directorate. The recommendation for allowing exemptions may contain conditions/ limitations for the person/ organization to follow while operating under the exemption. In all cases, before recommending exemption, it shall be ascertained that an equivalent level of safety is maintained.

4. GRANT OF EXEMPTION UNDER RULES OTHER THAN RULE 160

- 4.1 Exemptions under rules other than rule 160 shall be granted by the Director General or any other officer specified in the rules or by officers delegated with such authority under S.O. 726(E) and 727(E).
- 4.2 The concerned directorate shall carry out a technical evaluation of the application for grant of exemption. The exemption, if granted, may contain conditions/ limitations for the person/ organization to follow while operating under the exemption. In all cases, before granting exemption, it shall be ascertained that an equivalent level of safety is maintained.
5. The exemption, once approved, shall be included in the relevant manuals. (Operations Manual/ Quality Manual)
6. Exemptions of 'temporary' nature shall be reviewed annually by the person/ organization with respect to the conditions or mitigation measures.
7. On removal of the exemption the holder shall notify the same to the DGCA.
8. DGCA may refuse the requests for exemptions which do not have adequate justification for non-compliance.



(Kanu Gohain)
Director General of Civil Aviation

APPLICATION FOR SEEKING EXEMPTION

(In duplicate)

1. DETAILS OF APPLICANT

1.1 Name of Applicant/ Organization and Address

1.2 License/ Approval Number

2. DETAILS OF EXEMPTION SOUGHT

2.1 Relevant provisions of Rule/ CAR/ procedures for which exemption is sought.

2.2 Reasons why the exemption is needed. *(The reasons provided should be detailed and self explanatory)*

2.3 Nature of exemption (Temporary/ Permanent)

2.4 Period for which exemption is required.

2.5 if the exemption will affect a particular kind of operation, the details thereof

2.6 for temporary exemption, the action plan for rectification and review of non-compliance, including the mitigation measures adopted for ensuring the safety during the exemption period.

2.7 for permanent exemption, the mitigation measures adopted to ensure safety of aircraft operation. Complete safety assessment report shall be enclosed.

I hereby certify that the forgoing information is correct in every respect and no relevant information has been withheld. I also undertake the responsibility for annually reviewing the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the nature of operation are proposed.

SIGNATURE OF APPLICANT

DATE..... NAME.....
(in capital letters)

POSITION HELD.....
(with official seal)

Note: i) It is an offence to make any false representation with the intent to deceive, for the purpose of procuring exemption
ii) Application not completed in all respect and not accompanied with relevant enclosures is likely to be rejected.