



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

Enforcement Policy and Procedures Manual

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INTRODUCTION

The Enforcement Policy and Procedures Manual provides details and guidance to DGCA Officers/Inspectors about the statutory provisions to be complied with by the industry and the procedure to be followed for their enforcement. In this connection, it is vital to keep in mind the difference between compliance and enforcement. Compliance consists of all regulations and safety standards being met. When compliance exists, there is no need for enforcement. Enforcement is the action necessary when compliance is not present. Enforcement requires legal or administrative action.

Compliance and enforcement actions need to be applied as consistently as possible. However, DGCA Officers/Inspectors shall consider each case individually in order to determine an appropriate enforcement action. They should recommend actions that, in their professional judgment, will appropriately serve the purposes of the DGCA's safety mandate. It is essential that the DGCA's compliance and enforcement programme be conducted in as fair and equitable a manner as possible through application of consistent, transparent and systematic procedures. A vital part of this aspect is to achieve uniformity, transparency and consistency of enforcement action. Similar conduct under similar circumstances should result in the same type of enforcement action. At the same time, it also requires the Officers/Inspectors to make every effort to understand a person's position and take it into account, as well as to let the person know the DGCA's position. There should not be a rigid adherence to precedent without due regard to unusual circumstances.

Many factors are considered in choosing an appropriate course of action to ensure compliance and provide deterrence to breaches of regulatory requirements or procedures. The weight given to various factors often is left to the discretion of the individual officer/inspector. In the exercise of his discretion, the Officer/Inspector should be guided by the following general approach:-

- A person who reports making an honest mistake should generally not be prosecuted or fined, nor should their licence, certificate or authority be suspended or cancelled for reasons of punishment.
- There should be a measured response to less serious contraventions of the safety rules and procedures which may involve counselling and training rather than either criminal prosecution or the suspension or cancellation of licences, certificates or authorities or imposition of any monetary penalties.
- People who consciously and wilfully choose to operate outside the rules or procedures and thereby put the lives of members of the public including the passengers or property at risk should be prosecuted and removed from the industry.


It is imperative that Directorate General of Civil Aviation and the industry work together in a spirit of mutual understanding and close cooperation with a view to achieving a high standard of aviation safety to benefit all. The success of the enforcement programme as set out in this Manual will depend largely on the good judgment of Officers/Inspectors who are able to:

- Earn the respect of the aviation community rather than expecting it merely by virtue of their office.
- Exercise objectivity and judicious restraint, since failure to do so may provoke disregard for compliance and safety.
- Promptly and precisely detect and investigate possible contraventions and report their findings to the appropriate supervisors.
- Determine whether a contravention has, in fact, occurred and whether it involved a risk to aviation safety.
- Consider mitigating factors present at the time of an incident or contravention.
- Ensure that the rules/procedures are fairly and equally enforced and that all persons and corporations are treated equally under the rules.
- Recommend or take effective enforcement action in the case of breach of the legal provisions, particularly when such breaches are deliberate, in order to protect the safety of civil aviation.

I hope that the DGCA officials will be accessible to members of the public to explain the salient features of this Manual and clarify the doubts, if and when they arise in the course of its implementation.

Suggestions for improvement of the Enforcement Policy and Procedure Manual are always welcome.

20th May 2009


Dr. Nasim Zaidi
Director General of Civil Aviation

Chapter 1 – Organisation and Functions of DGCA

1.1 Introduction

The Directorate General of Civil Aviation (DGCA) is the principal regulatory body in the field of civil aviation. It is responsible for regulation of air transport services to/from and within India, formulation and enforcement of civil air regulations, air safety and airworthiness standards, and also co-ordinates all regulatory functions with International Civil Aviation Organisation (ICAO).

1.2 Organisation

DGCA has its Headquarters in New Delhi, consisting of the following Directorates:-

- i) Regulations & Information Directorate
- ii) Air Transport Directorate
- iii) Airworthiness Directorate
- iv) Air Safety Directorate
- v) Training & Licensing Directorate
- vi) Aerodrome Standards Directorate
- vii) Flight Standards Directorate
- viii) Aircraft Engineering Directorate
- ix) Air Space and Air Traffic Management Directorate
- x) Flying Training Directorate
- xi) Information Technology Division
- xii) Administration and Finance Directorate

DGCA's Regional Offices are located at Delhi, Mumbai, Kolkata and Chennai and Sub-Regional offices at Hyderabad, Bangalore, Bhopal, Lucknow, Kanpur, Patiala, Patna, Bhubaneswar, Guwahati and Cochin.

1.3 Functions

The main functions of DGCA are as follows:-

- i) Regulation of air transport services to/from and within India in accordance with the provisions of the Aircraft Rules, 1937, including bilateral and multilateral agreements with foreign countries and the policy pronouncements of the Government;
- ii) Registration of civil aircraft;
- iii) Laying down airworthiness requirements for civil aircraft registered in India and grant of Certificate of Airworthiness to such aircraft;

- iv) Licensing of pilots, aircraft maintenance engineers and monitoring of flight crew standards;
- v) Licensing of aerodromes and air carriers;
- vi) Rendering advice to the Government on matters pertaining to civil aviation;
- vii) Processing amendments to Aircraft Act, 1934 and the Aircraft Rules 1937, and other Acts relating to aviation, with a view to implementing in India the provisions of the Chicago Convention and Annexes thereto and other International Conventions relating to aviation;
- viii) Co-ordination of the work relating to International Civil Aviation Organisation and sending replies to State letters after consulting other agencies;
- ix) Investigation of air accidents and incidents and rendering technical assistance to the Courts/Committees of Inquiry;
- x) Supervision of training activities of Flying/Gliding Clubs, Development of light aircraft, gliders and winches;
- xi) Type certification of aircraft;
- xii) Licensing of Air Traffic Controllers; and
- xiii) Certification, inspection and regulation of communication, navigation and surveillance or air traffic management facilities.

1.4 Critical Elements

All major activities of DGCA and safety oversight capabilities are based on the following eight critical elements:-

- i) Primary aviation legislation;
- ii) Specific operating regulations;
- iii) State civil aviation system and safety oversight functions;
- iv) Technical personnel qualification and training;
- v) Technical guidance, tools and the provision of safety-critical information;
- vi) Licensing, certification, authorisation and approval obligations;
- vii) Surveillance obligations; and
- viii) Resolution of safety concerns.

Chapter 2 – General

2.1 Objectives

The objectives of this Manual are to provide –

- i) DGCA's enforcement policy and procedures;
- ii) Description of the roles and responsibilities of DGCA officers;
- iii) Description of the enforcement tools available;
- iv) Description of the aids to enforcement; and
- v) Guidelines and procedures for:
 - Appropriate use of enforcement tools
 - Reporting and recording enforcement
 - Collecting and handling evidence
 - Investigation by officers
 - Note taking and interviewing
 - Detaining aircraft

2.2 Target Group

The target group or beneficiary of the Enforcement Policy and Procedures Manual shall be the DGCA Officers/Inspectors.

2.3 Amendment Process

2.3.1 Office of Primary Interest

An officer designated by the Director-General shall be the Office of Enforcement (OOE) or Office of Primary Interest (OPI) for this Manual. All amendments to this Manual shall be issued by this office under the process and responsibilities for amendment of Enforcement Policy and Procedures Manual as provided in paragraph 2.3.2.

This Manual shall be amended as and when the enforcement policies are revised or modified. These revisions shall be presented in the form of an Enforcement Policy Letter (EPL). EPLs will supersede the related policy as stated in this Manual. The OOE or OPI will issue an appropriate amendment to this Manual as soon as practical after an EPL has been issued.

2.3.2 Responsibilities for amendment of Manual

DGCA Officers/Inspectors (REVIEW Team)	<ul style="list-style-type: none"> • Suggest changes that would improve the efficiency and effectiveness of procedures. • Review the amendment in accordance with Rules, Regulations or established Procedures. • Forward the vetted draft to the concerned Director • When Approved by DGCA, arrange for incorporation in accordance with document control procedures • Monitor compliance with procedures and gives feedback
Concerned Director / DDG / JDG	Recommend the amendment in their area of responsibility
DRI	Vets the proposed amendment.
DGCA	<ul style="list-style-type: none"> • Considers the suggested amendment • Takes final decision and introduces the amendment.
Designated OOE or OPI	Co-ordinates any issue relating to the Manual.

Chapter 3 – Enforcement Policy

3.1 Introduction

The DGCA's enforcement policy plays a vital role in the discharge of its responsibility for safety oversight of the operators functioning under its jurisdiction and promotes the goal of improved aviation safety by encouraging voluntary compliance with the provisions of the Aircraft Act, the Aircraft Rules and the directions issued under these statutes. It encompasses that DGCA may initiate investigation of alleged violations of these legislations / directions, as and when necessary.

3.2 Obligation

Being a contracting State to Convention on International Civil Aviation and a member of the International Civil Aviation Organization (ICAO), India has adopted the Standards and Recommended Practices (SARPs) contained in the Annexes to the Convention in its national law, and have filed the differences with ICAO, wherever necessary.

As a result of international obligation and promulgation of domestic legislation, the enforcement is not only an option, but a legal and social obligation. As such, the policy envisages that vigorous enforcement action shall be taken with respect to all deliberate breaches of the promulgated aviation safety standards or requirements.

3.3 Voluntary Compliance

DGCA is of the firm belief that every person holding an aviation document issued after undergoing the initial entry certification process, will commit himself, in exercising the authority of such document, to abide the applicable rules, procedures and best industry practices and work within such parameters ensuring safety. It also recognizes that voluntary compliance with the regulations is the most progressive and effective approach to aviation safety. Voluntary compliance is based on the idea that members of the aviation community have a shared interest, commitment and responsibility to aviation safety, and that they will operate on the basis of common sense, personal responsibility, and respect for others in conformity with the best practices of the industry.

Breaches of the civil aviation rules and published requirements may occur for many different reasons ranging from a genuine or innocent misunderstanding of that rule, to a blatant disregard for aviation safety. Therefore, in order to effectively address its safety obligations in the light of differing circumstances, the following tools are to be used:-

- a) Counselling
- b) Remedial training
- c) Notices of penalty including all possible deterrent actions
- d) Variation, suspension and cancellation of authorizations
- e) Recommending prosecution

These enforcement measures are set out in the following chapters, and the procedures and responsibilities for using them are also explained. The key focus of DGCA would be to

address safety by consistent and appropriate enforcement action.

3.4 Principles of Enforcement Policy

The 'Public Trust Doctrine' is based on the concept that the powers held by Government officers are, in fact, powers that originate with the people, and are entrusted / delegated to the government officers only as a means of exercising governance and with the sole objective that such powers shall be exercised in good faith for the benefit of the people. Public power is not for personal gains or favour but always to be used to minimize harm or hazards and optimize the benefits to the people. To do otherwise would be to defy the objectives of this doctrine and betray the trust reposed by the people. Powers exercised contrary to the 'Public Trust Doctrine' would amount to abuse of powers and contravene the rule of law.

The aim of the Enforcement Policy is to lead the aviation community in India to provide a world-class air safety environment, which has public trust and confidence. To achieve trust and confidence from the aviation industry and the members of the public including air commuters, DGCA will take appropriate and timely action to curb the intentional breach or neglect of the statutory provisions.

The DGCA's enforcement policy determines the way it uses its powers to regulate the aviation industry. With limited resources, DGCA shall ensure that it gives proper focus to the exercise of these powers and adequate measures are in place to give effect to the rules of law. Also a consistent and systematic enforcement process would enhance the confidence level of the compliant operators. Gathering and maintaining systematic record of an operator's compliance or lack of compliance with the applicable rules, regulations and approved procedures may also help DGCA make an opinion or perception of the track record of an operator's behaviour.

The DGCA is committed to enforcing the regulations in a fair, transparent and firm manner. This will be achieved by –

- a) encouraging open communication between alleged offenders and enforcement officers;
- b) providing oral counselling for minor violations or deviation from the requirements where there is no threat to aviation safety;
- c) informing offenders of their right to have penalties reviewed; and
- d) ensuring that repeat offenders and those who willfully disregard aviation safety are dealt with firmly.

In the process of ensuring enforcement, the officers shall invariably be guided by the following principles:-

- a) Natural Justice and Accountability: Enforcement decisions must be –
 - i) fair and follow due process of law;
 - ii) transparent to those involved;
 - iii) consistent between like circumstances; and
 - iv) subject to appropriate internal and external review.

- b) Impartiality: Enforcement decisions must not be influenced by –
 - i) personal conflict or agendas of the officers;
 - ii) irrelevant considerations, such as gender, race, religion, political views or affiliation; or
 - iii) personal, political or financial power of those involved.
- c) Proportionality: Enforcement decisions must be commensurate with the identified breaches and the safety risk they give rise to, in particular –
 - i) DGCA's first priority shall be to protect the safety of the members of the public including fare-paying passengers;
 - ii) DGCA shall take strong action against those who consistently and deliberately operate outside the existing law or approved Procedures;
 - iii) DGCA shall endeavour to educate and promote training or supervision of those who are observed to be lacking in proficiency but are willing to comply;
 - iv) DGCA shall take action when dealing with licensed and certified personnel, who breach the Rules, Regulations, Requirements etc.

3.5 Conflict of Interest

Officers/Inspectors are required to take measures to prevent real, potential or perceived conflict of interest in accordance with the principles enshrined in the conduct rules.

If it becomes apparent that there could be a possible conflict of interest during an investigation, the Officer/Inspector shall inform his or her supervisor with the request to be removed from the case.

Chapter 4 – Responsibilities

4.1 Introduction

Any enforcement action to be taken by officers should clearly and unambiguously be covered by the legal authority available to them. Therefore, only officers/persons with valid and current delegation shall exercise the authorities within the confines of instrument of authorization.

4.2 Delegation of Authority

Rule 3A of the Aircraft Rules, 1937, provides that any power or duty conferred or imposed by these rules on the Central Government or on the Director General, may be exercised or discharged by any person authorised by the Central Government in this behalf. Accordingly, the Central Government through Notifications No. S.O.726(E) and S.O.727(E) both dated 4th October, 1994, has delegated these powers to various officers of the DGCA. A copy each of these Notifications is given at **Appendix ‘A’**.

4.3 Responsibilities of Technical and Operational Personnel

Without limiting the scope of tasks which technical and operational personnel may be asked to perform in relation to variation, suspension or cancellation action, it shall be the responsibility of technical and operational officers (usually those in the field) to –

- a) gather or receive the information and evidence, which supports a recommendation for an action;
- b) seek advice and input from the relevant Division, such as Flight Inspection Directorate, Directorate of Airworthiness, Directorate of Aerodrome Standards, Chief Inspector of Dangerous Goods etc. in relation to the conduct of the operator/person in question;
- c) complete a non-compliance report and forward it to the appropriate Director in DGCA Hqrs. recommending a proposed course of action;
- d) assist the concerned Director by providing information and advice, as necessary;
- e) serve or arrange for the service of the relevant notice to the person affected;
- f) give an opportunity to the affected person to give his version orally or in writing;
- g) take any follow-up action that may be necessary (including the provision of technical and operational assistance) action or litigation; and
- h) provide any other information or take any other action, as deemed necessary.

4.4 Responsibilities of the concerned Directors

All Directors such as DAW, DAS, DTL, etc., are the senior delegates who shall–

- a) ensure that their Directorates are organised, staffed and equipped to perform the assigned functions and duties;
- b) lay down the administrative procedures for the Officers/Inspectors in order to ensure their smooth and efficient functioning;
- c) to seek advice from DRI, if required, in relation to any legal issue;
- d) supervise the safety oversight activities of the Officers/Inspectors;
- e) liaise with the operators to ensure smooth and efficient execution of the safety oversight functions;
- f) ensure that the safety oversight activities conform to rules, regulations and procedures laid down by the DGCA;
- g) submit periodic and other analytic reports to the DGCA Hqrs. of the results of the inspections;
- h) ensure that the Officers/Inspectors carry out refresher training regularly;
- i) ensure that Officers/Inspectors hold credentials, necessary authorizations and provided with handbook, checklists and all the tools and amenities needed;
- j) liaise with the other Directorates of the DGCA and provide them with specialised advice on all operational matters;
- k) advise on all matters relevant to their directorates;
- l) keep the DGCA informed of all important activities of their Directorates;
- m) ensure that the objectives of the inspections are met and that the system of inspection is updated, optimised and institutionalised to meet the changing situations; and
- n) update DGCA records about the operator's compliance with the applicable requirements.

Chapter 5 – Inspection

5.1 Introduction

Inspection which is a key element of any safety oversight function, involves examination or observation of operator's actual performance, aviation documents, aircraft, cargo, premises, aeronautical products such as appliances, parts and components and facilities relating to aeronautics. The purpose of inspection is to determine whether compliance with regulations and standards is being maintained, in relation to the approved provisions in the Operator's Manual.

5.2 Duties of Directorates

As a part of their duties, the following activities shall be performed by various Directorates:-

- a) Flight Inspection Directorate (FID) conducting airline inspections, audits and flight tests;
- b) Directorate of Training & Licensing (DTL) scrutinising the examination results and flight tests of pilot licence applicants and instructors and performing inspections and audits of flying schools and clubs;
- c) Directorate of Airworthiness conducting audits and inspection of aircraft, Aircraft Maintenance Organisations (AMO) and aircraft maintenance engineering institutes;
- d) Directorate of Aerodrome Standards carrying out inspection of aerodrome facilities, services, documents, records and air navigation facilities;
- e) Aircraft Engineering Division (AED) conducting audit and inspection of design organisations;
- f) Chief Inspector of Dangerous Goods conducting inspection of facilities, services, documents, records etc. of persons engaged in the carriage/ training of dangerous goods; and
- g) Air Space and Air Traffic Management Directorate conducting inspection and surveillance of communication, navigation and surveillance or air traffic management facilities.

5.3 Inspection Authority

An inspection may be conducted by Officers/Inspectors pursuant to the powers conferred by various provisions such as rules 82, 156 of the Aircraft Rules, 1937 and delegated vide Ministry of Civil Aviation & Tourism Notifications No. SO 726(E) & 727(E) both dated 4th October, 1994. These provisions provide for the following:-

- (i) Entry into aircraft, aerodromes, facilities or premises at all reasonable times;
- (ii) Production of records and documents; and

- (iii) Inspection and search for the purpose of securing compliance with the provisions of the Aircraft Act, 1934 and Aircraft Rules, 1937.

5.4 Inspection Procedure

When conducting routine inspections for the purpose of determining compliance, Officers/Inspectors shall observe the following:–

- i) Inspection should be conducted at a time that minimizes inconvenience to flight crew, owner/operator and the travelling public;
- ii) Officers/Inspectors shall not enter aircraft or premises which are locked or where the owner/operator or appointed representative is not present;
- iii) They shall use credentials card for personal identification. They should also wear the airport entry permit, if required;
- iv) The flight crew and owner/operator of an aircraft shall be informed about the inspection. Notifying the Pilot-in-Command or Station Manager is considered sufficient for this purpose. This can be done either by phone or by having met them in the aircraft;
- v) A document produced for the purpose of inspection should be kept no longer than is necessary to determine its validity;
- vi) Where the validity of a document cannot be determined readily, a photocopy, photograph, accurate record or facsimile of the entries or endorsement on both sides of the document should be made before returning the document;
- vii) Officers/Inspectors may seize relevant and appropriate evidence with respect to a contravention discovered during the course of a routine inspection;
- viii) If an unsafe situation is discovered, the Pilot-in-Command or aircraft representative shall be informed and the inspector shall decide whether or not immediate detention of the aircraft is required;
- ix) Inspections should be completely documented with notes recorded sequentially in the Inspector's Handbook including dates and times; and
- x) In the event of any obstruction to an inspection, the Officer/Inspector should politely inform the individual of the purpose of the inspection, the authority granted for performing the inspection, and that the individual is obstructing the conduct of this inspection. If this does not gain cooperation, the Officer/Inspector shall explain that obstruction is an offence, and that a charge could be laid under the rules for obstructing an inspection. Should the individual continue to obstruct the inspection, the inspection should be abandoned and charges under Rule 159 of the Aircraft Rules, 1937 may be framed.

5.5 Seizure, Retention and Return of Evidence

Where evidence is seized, the Officer/Inspector shall ensure that –

- i) the holder is given a receipt;

- ii) the evidence is clearly marked in an identifiable manner;
- iii) reasonable care is taken to preserve and protect the evidence; and
- iv) continuity of possession of evidence is assured.

Where an Aircraft Journey Log Book is seized, a Temporary Aircraft Journey Log Book can be issued. The Temporary Log Book must contain a statement that the original has been seized. Alternatively, a photocopy of the log book properly identified as a certified true copy and signed by the owner, the inspector or the investigator is acceptable. Before making a photocopy, the original should be marked in a uniquely identifiable manner to preclude alteration or substitution; and the evidence is returned to the person from whom it was seized or who has lawful entitlement to it as soon as practicable when continued retention is not required for the purposes of any investigation, hearing or other similar proceeding. Evidence must be returned within 30 days of seizure and the receipt mentioned above be cancelled if –

- i) there is no dispute as to who is lawfully entitled to it;
- ii) return is not likely to affect aviation safety; and
- iii) it is no longer required.

5.6 Detention and Return of Aircraft

5.6.1 Authority for Detention

Section 8 of the Aircraft Act, 1934, provides that any authority authorised in this behalf by the Central Government may detain any aircraft, if in the opinion of such authority –

- a) having regard to the nature of an intended flight, the flight of such aircraft would involve danger to persons in the aircraft or to any other person or property; or
- b) such detention is necessary to secure compliance with any of the provisions of the Aircraft Act or the rules applicable to such aircraft; or
- c) such detention is necessary to prevent a contravention of any rule or to implement any order made by any Court.

The Central Government, vide Ministry of Civil Aviation and Tourism Notification No. S.O. 754 dated 28th February, 1994, has authorised the following officers to detain any aircraft:-

- i) Director General of Civil Aviation.
- ii) Joint Director General of Civil Aviation.
- iii) Deputy Director General of Civil Aviation.
- iv) Director of Airworthiness.
- v) Deputy Director of Airworthiness.
- vi) Controller of Airworthiness
- vii) Senior Airworthiness Officer
- viii) Director of Air Safety
- ix) Deputy Director of Air Safety
- x) Regional Controller of Air Safety
- xi) Assistant Director of Air Safety

- xii) Senior Air Safety Officer
- xiii) Director of Regulations and Information
- xiv) Deputy Director of Air Transport
- xv) Director of Training and Licensing.

5.6.2 Procedure for Detention and Release of Aircraft

When Officers/Inspectors contemplate the detention of an aircraft, they must introduce themselves to the Pilot-in-Command or owner/operator and specify the unsafe condition or unsafe operation which they believe exists or is likely to exist. They should tactfully try to obtain voluntary compliance in correcting the situation. If unsuccessful, the Officers/Inspectors shall –

- i) again advise the Pilot-in-Command or owner/operator of the unsafe condition or operation and the consequences of failing to abide by the inspector's advice (e.g. detention and/or enforcement action);
- ii) where the Pilot-in-Command or owner/operator is unavailable or indicates an unwillingness to comply with the inspector's advice, attach to that part of the aircraft most likely to be seen by the flight crew a written notice of detention specifying the unsafe condition or operation;
- iii) if necessary, restrain the movements of the aircraft–
 - a) by requesting ATS deny taxi and take-off clearances; or
 - b) by blocking it with vehicles; or
 - c) by attaching it to an immovable object; or
 - d) in extreme cases, and with the assistance of a licensed Aircraft Maintenance Engineer, by judicious and temporary disablement, a record of which must be made in the aircraft log.

Whenever possible, an aircraft shall be detained without removing it from the custody of its owners or operators. This will permit such persons to make repairs or otherwise remedy the unsafe situation. However, if no other measures have been or are likely to be effective in alleviating the unsafe condition or operation, the aircraft may be taken into the custody of the DGCA. In such cases, all reasonable care shall be taken to preserve and protect the aircraft in the condition in which it was first acquired. The aircraft should be released if it will not be operated or if it will be rendered airworthy before operation and will not be operated in an unsafe manner. The decision to release the aircraft shall be taken by an officer senior to the one who had detained the aircraft. Therefore, details concerning the detention should be forwarded to the appropriate supervisor for a decision on the release of the aircraft from detention.

Chapter 6 – Surveillance Operations

6.1 Introduction

The most effective method of performing safety oversight functions and enhancing safety within the aviation community is to prepare a structured surveillance programme which should be implemented vigorously. Surveillance may be either routine or special-purpose. The purpose of surveillance is to provide a regulatory presence to promote voluntary compliance and reveal contraventions of the legal provisions. The probability of being detected is one of the most powerful compliance motivators. When a comprehensive and effective surveillance programme is in place, a higher degree of compliance and flight safety can be expected.

6.2 Objectives

The surveillance programme shall be prepared with the aim of achieving the following objectives:-

- i) promotion of compliance by the establishment of regulatory presence;
- ii) conduct of investigations;
- iii) detection of contraventions;
- iv) promotional and educational activities;
- v) liaison with detection sources;
- vi) information gathering; and
- vii) targeted surveillance.

6.3 Field Operations

Routine surveillance, which includes surveys, audits, base inspections, organisation/permit renewal inspections, and ramp checks, is conducted during the normal course of the Officers/Inspectors' duties of monitoring day-to-day aviation activity. When contraventions of regulations are detected, Officers/Inspectors are responsible for completing the detection process for submission to the concerned Directorate. These contraventions, collated and analyzed at the Director level, may reveal problems, trends or threats to aviation safety. Planned surveillance is directed at specific areas, events and activities in support of annual surveillance plan, which shall be prepared in the last month of the year for the purpose of surveillance to be conducted during the next year, which will also be notified on the DGCA website.

6.4 Implementation

The implementation of a safety oversight surveillance programme is concerned with satisfying the DGCA objectives of regulatory presence, investigation, detection of contraventions, compliance, promotion and education. Generally, the surveillance shall be carried out overtly by the Inspector introducing themselves to the operator/organisation and also giving the purpose of surveillance. This helps to promote voluntary compliance of the requirements.

Surveillance is carried out wherever and whenever aviation activity is most likely, including weekends and evenings. To the extent possible, it should cover a cross-section of all operations taking place in the respective field.

It must be ensured that each surveillance team –

- a) is composed of Officers/Inspectors whose specialty is pertinent to the type of the surveillance activity; and
- (b) is fully qualified, duly authorized and properly briefed for the operation.

6.5 Procedure

Officers/Inspectors shall make use of the Inspector's Handbook or a similar document provided by the DGCA for this purpose. Where appropriate, photographs may be taken. The primary objective should be to watch for any regulatory contraventions and wherever possible, prevent a contravention by dealing with the cause beforehand. Usually a friendly approach emphasizing the safety element can bring about voluntary compliance with the regulations.

6.6 Reporting

At the conclusion of the surveillance activity, a detailed report shall be prepared and submitted to the Head of the Directorate, who shall forward the same to the DGCA Hqrs. The report shall include the evidence that has been gathered in support of the contraventions as well as an account of all actions taken.

Chapter 7 – Detection

7.1 Introduction

Detection is the discovery of a possible contravention of the legal provisions. It may result from activities such as inspections and surveillance programmes, and public complaints. DGCA officials are required to take action on observing a contravention or when apprised of one relating to his area of speciality, without waiting for further instructions from the superiors, subject to the delegation of authority. It is also necessary that every DGCA officer keeps the appropriate Directorate apprised in case the applicable requirements have not been adhered to or contravened. At the very least, an officer is required to carry out the initial violation process and forward it without delay to the Regional Director along with all evidence gathered in support of the allegation of a violation. Even when the matter does not require further action, as in the case of an oral counselling, the reporting of the initial violation process helps the concerned Director in shaping the surveillance/enforcement programme.

7.2 Reporting of an Initial Violation Process

In all cases where an Officer/Inspector detects a contravention or where information about a possible contravention is received, information about the incident shall be gathered as far as possible. This is necessary to preserve perishable evidence and to provide sufficient information about the contravention to enable a complete and comprehensive investigation. The initial violation process simply provides answers to the questions: WHO, WHERE, WHEN, WHAT, WHY and HOW. The information is required to be recorded and passed on the concerned Director as soon as possible along with any notes or evidence such as photos, logs, tapes, etc. The decision to conclude the incident with an oral counselling or to refer the matter for further investigation shall entirely be at the discretion of the concerned Director.

If the contravention is considered minor, the Officer/Inspector may opt for oral counselling. If the contravention is of a more serious nature, the Officer/Inspector shall refer the incident without delay to the Director of Airworthiness /Air Safety (Region) (hereinafter called the Regional Director) for further action. The concerned Director will then determine if a comprehensive investigation is to be carried out or not.

7.3 Officers/Inspectors Flying as Passengers

If Officers/Inspectors, while flying as passengers on an airline either on duty or off duty, detect a contravention which, in their judgement, must be brought to the attention of the flight crew (e.g. a major disregard of the Rules and Regulations), they shall contact the Pilot-in-Command after the flight has terminated. After identifying themselves, the Officers/Inspectors shall indicate to the Pilot-in-Command the nature of the contravention and advise him that a detailed written report shall be made in this regard. An Initial Violation Process Form shall be forwarded to DGCA Hqrs. without delay. It shall contain sufficient details including all available evidence to allow follow-up action. The policy of

post-flight notification does not apply where the contravention compromises flight safety. In such a case, direct and immediate action shall be taken by the Officer/Inspector.

7.4

Upon detection of a violation and the completion of the Initial Violation Process Form, an inspector shall forward the same to Regional Director/DGCA Hqrs. who will assign an investigator to the case. Both the reporting officer and assigned investigator shall continue to coordinate their work as necessary until the conclusion of the case.

Chapter 8 – Investigation

8.1 Introduction

An investigation is a systematic search for and documentation of the facts relevant to an event so that a decision to take appropriate action can be made. It is the most significant phase of the action since both individual rights and public safety will depend on its thoroughness and adequacy. In order for investigators to conduct thorough investigations from the initial complaint to the conclusion of the case, it is imperative that they have a thorough understanding of their delegation of authority and a sound knowledge of their inspection and investigative powers. Officers/Inspectors must also know what constitutes relevant evidence if an action is to be taken against an alleged offender. Sound evidence collected through investigation would be the basis to prove that the violation has actually taken place.

8.2 Cockpit Voice Recorder (CVR) / Flight Data Recorder (FDR)

CVR/FDR recordings may be used by DGCA in any enforcement matters. Their use is generally limited to aircraft accident/incident investigations to assist in determining the cause of accidents and incidents.

8.3 No Investigation Conducted (NIC)

Sometimes, it is evident from the original complaint or from the Initial Violation Process that the case does not warrant a comprehensive investigation because of lack of evidence, statutory limitation, low safety item, insufficient resources etc. Moreover, the facts collected during initial investigation may point to the likelihood that an alleged offender could successfully justify his actions. In such cases, the investigator may opt to terminate the investigation with a recommendation for no further action. The final decision in this regard shall be taken by the Regional Director.

8.4 Comprehensive Investigations

If the initial violation process indicates that a contravention took place and further evidence is necessary to establish the facts, a comprehensive investigation must be commenced. The purpose of the comprehensive investigation is to obtain all the evidence necessary to establish the truth. The investigator's objective is not only to obtain sufficient evidence to prove an alleged offence occurred, but also to ensure that all the facts of the incident are disclosed so that the ends of natural justice are met.

The following procedure shall be followed for conducting a comprehensive investigation:-

- a) identify all provisions that were possibly contravened;
- b) analyse the regulations allegedly contravened;
- c) determine the evidence necessary to prove each element of a violation;
- d) plan and initiate the steps necessary to obtain such evidence; e.g. interviews, resource personnel, expert witnesses, log books, records, search warrant, etc.;
- e) obtain information from the alleged offender;
- f) contact the alleged offender in person, by telephone or by mail to advise that–
 - i) an investigation is in progress; and
 - ii) there is an opportunity for him to offer voluntary information.
 - iii) this information may be used as evidence.

NOTE – It is mandatory to advise the alleged offender that an investigation is in progress as he may be able to provide valuable evidence. The case file must be annotated to record the issuance of such a notification.

- g) co-ordinate the investigation to prevent overlap or conflict with other personnel;
- h) establish the cause of the violation. e.g. weather, navigation hazard, equipment, deliberate, inadvertent;
- i) record the relevant information, including a narrative of the facts and circumstances of the event which led to the alleged violation; and
- j) prepare a personnel or company enforcement case file incorporating the results of the foregoing activities and including the Initial Violation Process Form.

8.6 Comparison of Interviews of Witnesses and Alleged Offenders

Witness	Alleged Offender
AIM	
...to gather information and test its validity in order to determine the particulars of the matter under investigation.	...to gather information and test its validity in order to determine whether the subject was responsible for or involved in the matter under investigation.
WHO	
...witnesses who are willing to provide the investigator with any information they possess about the matter under investigation.	...persons suspected of offences as well as others who may have information but are reluctant to offer it.
WHEN	
...interviews should take place as soon as possible after the event has occurred so that statements by witnesses are not affected by memory loss, influence of talking to others, etc. Immediate gathering of information enables the investigator to prepare for interviewing alleged offenders.	...interviews of alleged offenders should take place ideally after the investigator has gathered enough information to make a judgement on how truthful the subject is. An alleged offender interview is more fruitful after witnesses have been interviewed and physical evidence has been located and evaluated.

LOCATION	
...at a place convenient and familiar to the subject or in a neutral setting. The subject's home, place of business or any place where privacy is assured is preferred.	...the interview room at the office is best since it enables the inspector to manage the security of the subject and to control other factors which might tend to be distracting.
TECHNIQUE	
...a low-pressure, informal atmosphere is preferred to allow the subject to relate his information in narrative style. Specific questions should be used to gather more detail and to jog the witness' memory.	...basically the same method as with witness interviews, but the atmosphere is more formal and the investigator works toward a more specific purpose.

8.7 Defences available to the Alleged Offender

In certain cases where wrongful conduct can be proven or is admitted, the alleged offender may still be able to raise a defence based on necessity, due diligence or officially induced error etc., which are available in both judicial and administrative proceedings. Therefore, utmost care should be exercised to ensure that the case is prepared meticulously leaving no room for any defect or deficiency. The defences generally available to the alleged offender are as follows:-

(i) The Defence of Necessity

The defence of necessity has its origins in common law and remains available to alleged offender. In deciding whether the defence has been established, the head of Directorate is required to carefully examine the facts to determine whether the following conditions apply:-

- a) the situation was so urgent and the dangers from inaction were so imminent that it was unreasonable to delay any action;
- b) compliance with the law was demonstrably impossible as the violation was inevitable or unavoidable in that there was no opportunity for an alternative course of action that did not involve a contravention of the regulations; and
- c) the hazards to flight safety caused by the contravention were less serious than the hazard posed by complying with the law (e.g. breaking the law is less serious than any accident that might result from complying with it in the particular circumstances).

In addition, the concerned Director must be satisfied on reasonable grounds that the urgent situation was not brought about by the alleged offender through negligence or a breach of the regulations. Where the defence of necessity is proven, the alleged offender cannot be found to have contravened the law because the contravention was necessary to avoid an immediate greater danger (in particular, death or injury).

(ii) The Defence of Due Diligence

In order to establish this defence, the alleged offender must show that due diligence was exercised (all reasonable steps were taken) to avoid committing the contravention. Where due diligence is proven, the alleged offender cannot be found in contravention of the law because all reasonable steps to avoid the contravention were taken. What constitutes due diligence will, therefore, vary from case to case depending on the facts.

(iii) Officially Induced Error

The defence of officially induced error is available where an alleged offender has reasonably relied upon the erroneous legal opinion or advice of an official who is responsible for the administration or enforcement of the particular law. It must be proved, on a balance of probabilities, that the alleged offender relied on the erroneous legal opinion or advice of the official and that this reliance was reasonable. The reasonableness will depend on several factors, including the efforts made by the alleged offender to ascertain the proper law, the complexity or ambiguity of the law, the position of the official and the clarity, definitiveness and reasonableness of the advice given. The defence may at times overlap with the defence of due diligence, but it is separate and distinct.

8.8 Application of Defences

Any one of the defences mentioned above can be raised by the alleged offender during the investigation or at any time before a decision to impose a sanction has been made. If the concerned Director is satisfied that a defence has been established and therefore no offence has been committed, then the case must be closed. When a defence of due diligence or necessity has not been proven, a mitigating circumstance may still exist that may be taken into consideration. If an informal meeting is sought by the alleged offender, the same may be granted. If the alleged offender insists the defences are valid, the matter could be decided by the appellate authority or adjudicated by the court.

8.9 Case Closure - No Further Action (NFA)

A case should terminate with no further action if–

- (a) the alleged offender's identity cannot be ascertained;
- (b) the evidence does not provide reasonable grounds to believe that the violation took place;
- (c) there is an un-correctable technical or other flaw in the case which precludes further action;
- (d) an exemption had been granted which negated the contraventions; or
- (e) a defence of necessity, due diligence or officially induced error is established.

Enforcement correspondence relating to a case in which no further action was taken shall be recorded, but the case shall not be considered as a contravention.

8.10 Disclosure of Information

8.10.1 Purpose of Disclosure

The disclosure of information may help–

- a) to ensure that the document holder knows the case to be met and is able to make full answer and defence;
- b) to encourage the resolution of facts at issue; and
- c) to encourage the resolution of the case prior to the hearing.

8.10.2 Extent of Disclosure

A responsible DGCA official may disclose to the document holder or his representative all evidence that may assist him in his defence. However, file notes containing personal opinions as well as internal correspondence outlining how to proceed with sanctions shall not be disclosed.

The document holder shall be given at least the following, as is relevant to the case–

- i) particulars of the circumstances surrounding the case;
- ii) copies of relevant written statements (these may include witness statements, investigative notes, and summaries);
- iii) an appropriate opportunity to examine electronic statements and/or air traffic service (ATS) tapes;
- iv) a copy of relevant electronic evidence, where such taped evidence exists;
- v) particulars of the document holder's enforcement record, if applicable;
- vi) copies of relevant expert witness reports (caution should be exercised so that privileged information is not released or that it is not released to the wrong parties);
- vii) copies of relevant documents and photographs that the case presenting officer (CPO) intends to introduce into evidence during the hearing;
- viii) details of the documents/ papers inspected;
- ix) a copy of the Notice of Suspension;
- x) particulars of relevant evidence intended to be relied upon at the hearing and any information known to the CPO;
- xi) if applicable, a copy of the flow chart relating to an airworthiness matter; and
- xii) the names of witnesses, their employment and their address, unless there is evidence to indicate that the witness will be harassed or intimidated prior to the hearing. The witnesses should be informed of the action, and inquiries should be made as to whether there is any problem anticipated.

The information that is disclosed should be sent to the document holder by registered mail.

8.10.3 Exceptions to Full Disclosure

Certain information that is related to items of public interest may not be disclosed to the document holder. This information includes but is not limited to the following:-

- a) information concerning a confidential informant, an ongoing investigation, or investigative techniques;
- b) information that may be considered confidential;
- c) information that cannot lawfully be disclosed; and
- d) the information, if disclosed, would be injurious to international relations, national defence or security.

8.11 Return Of Evidence

Evidence that was obtained with the consent of the owner/operator shall be returned to him after the investigation/purpose is over.

Chapter 9 – Investigation Reports

9.1 Introduction

An Investigation Report is an abridged narration of the facts of a case drawn up by the investigator for use by the concerned Directorate. The investigation report provides a method of systematically compiling and summarizing all information pertinent to the case so that the concerned Directorate can quickly become familiar and conversant with the case without the need to review in detail the complete contents of the file. After reading the case report, the concerned Directorate should have a sufficient understanding of the case to be able to determine with confidence the appropriateness of the action recommended by the investigator. The investigation report also serves as a checklist for the investigator to ensure that all necessary investigative steps have been completed and nothing further remains to be done. It should be as accurate and comprehensive as possible.

9.2 Preparation of Investigation Reports

The Investigation Reports shall be prepared on the following lines:-

- (i) The cover sheet of the investigation report shall contain the identity of the alleged offender by name and licence number, if applicable, as well as the alleged contraventions and the name of the investigator.
- (ii) This shall be followed by a case synopsis providing a quick overview of the situation.
- (iii) Next is a sheet fully identifying the alleged offender by name, address and date of birth, and setting out licensing details and details of the aircraft involved.
- (iv) An analysis of legislation shall follow breaking down the alleged contraventions into their elements, listing the facts to be established and identifying the evidence to be used to prove those facts.
- (v) A list of evidence shall be followed by the exhibits, e.g. copies of statements, diagrams, photographs and Certificates. The exhibits should be flagged with a letter to ensure quick and easy location. Originals of the items can be placed in the case report.
- (vi) If applicable, the alleged offender's enforcement history is indicated next.
- (vii) The package is rounded off with the inspector's recommendation in which any mitigating or aggravating circumstances may be outlined.

While the work relating to preparation of the Investigation Report is quite demanding, a case cannot be expediently concluded without a properly prepared case report. In some instances, many man-hours may have been expended in investigating the offence. A successful and thorough investigation should not be jeopardized by the use of a poorly

prepared or inadequate case report. In case an internal deficiency of DGCA comes to light during the course of investigation, the investigator shall prepare a separate report giving the details of the deficiencies noticed. He shall forward this report to DGCA headquarters for appropriate action.

Chapter 10 – Analysis of Legislative Provisions

10.1 Introduction

For the successful implementation of any enforcement programme, it is important that the relevant legislative provisions are properly understood and analysed in their right perspective so as to determine the facts and evidence required for their enforcement. The decision to continue or terminate a case is often based on the results of the analysis of legislation. Where a comprehensive investigation is conducted, the investigators shall record each element of the legal provision that has been contravened.

10.2 Types of Legislative Provisions:

Legislative provisions may be enabling, administrative, informative and offence creating. Only the last category would be the subject of enforcement actions.

- (a) Enabling provisions are those, which confer power on persons to make rules, issue directions or lay down any standard or policy. Sections 4, 5, 5A, 6 and 7 of the Aircraft Act, 1934 and rule 133A of the Aircraft Rules, 1937, are some of the examples.
- (b) Administrative provisions are those which confer a power or impose a duty to take certain actions. Their purpose is to provide a statutory basis for administrative actions. For example: grant, renewal, suspension or cancellation of licences / certificates etc.
- (c) Informative provisions are intended to guide the aviation community and assist individuals in complying with the legislative provisions. Some of the Aeronautical Information Circulars (AIC) and most of the Advisory Circulars come in this category.
- (e) Offence creating provisions are those which mandate a certain form of conduct or which prohibit certain conduct. Non-compliance with these provisions is a violation that can result in administrative or judicial enforcement action. The Aircraft Rules, 1937 are replete with these provisions.

For the purpose of this Manual, the “offence creating provisions” are most relevant and pertinent. It is easy to recognize them as they contain phrases such as, “no person shall”, “an operator shall”, “the pilot-in-command shall”.

10.3 Interpretation of Legislative Provisions.

Precise interpretation requires analysis of the various elements of a legislative provision. An element is a segment, either a single word or group of words, that expresses a unit of thought. Every element contributes to the total meaning of the legislative provision. As such, efforts should be made to interpret the legislative provisions on the basis of the plain reading without trying to find out any hidden meaning in it or to attribute any meaning on

the basis of one's own thinking, philosophy or ideology.

10.4 Record of Possible Violations

During the early stages of a comprehensive investigation, the investigators are required to list all possible violations, not necessarily in order of importance, and then select the corresponding legislation which, if correctly applied, would constitute a violation. A timely analysis will indicate what evidence is available and what further evidence may be required; it could also determine that there is, in fact, no violation.

10.5 Analysis of Offence Creating Legislative Provisions for Interpretation

For the purpose of interpretation, the legislative provisions may be analysed as follows:-

- i) Divide the legislative provision into elements, [e.g., (No person) (shall fly) (a helicopter) (on a Sunday)].
- ii) Determine the applicability of each element.
- iii) If a meaning is unclear and there are no pertinent regulatory definitions, use dictionary meanings.
- iv) Determine the modifying effect of the qualifying elements [e.g., (unless) (provided)].
- v) Summarize the results to arrive at the interpretation.

10.6 Analysis of Offence Creating Legislative Provisions for Evidence

Where a contravention is suspected, the pertinent legislative provisions are required to be divided into elements and analyzed for interpretation. The facts that need to be established to prove a contravention and the forms and sources of evidence that tend to establish those facts must then be determined.

This is done by first classifying the elements as common or uncommon elements. Standard forms of evidence are used to establish the facts concerning common elements. Special forms of evidence may be needed to establish the facts concerning uncommon elements.

Standard forms of evidence include witness statements, oral testimony, admissions, tape recordings, photographs, objects and documentary evidence such as journey logs, technical logs and business records. Special forms of evidence include voice-prints, x-rays, magnaflux, dyecheck, etc.

Chapter 11 – Enforcement Provisions

11.1 Introduction

Under the Aircraft Rules, 1937, powers have been conferred on the Central Government and the DGCA to grant various licences, permits, certificates, approvals etc. At the same time, these rules empower them to suspend, cancel, withdraw or modify them, if the document holder contravenes certain provisions of these rules or does not comply with the directions issued by the Director General of Civil Aviation or does not observe the terms and conditions of the relevant document. This can be termed as administrative action.

In addition, a case can be filed in the court of appropriate jurisdiction for imposition of penalty against the offender under the relevant provisions of the Aircraft Act, 1934 or the Aircraft Rules, 1937. This is a judicial action to be taken by the court.

11.2 Provisions regarding Administrative Action

A brief account of the provisions of the Aircraft Rules, 1937 relating to administrative action is given below:-

S.No.	Relevant Provision	Administrative Action
1	Rule 19 of the Aircraft Rules, 1937	The Central Government may cancel or suspend any Certificate of Registration, Certificate of Airworthiness, Type Certificate or any other certificate, licence or approval if any person is convicted of a contravention of, or failure to comply with, these rules or any direction issued under rule 133A of the Aircraft Rules.
2.	Sub-rule (6) of rule 30 of the Aircraft Rules, 1937.	The Central Government may cancel the registration of an aircraft for reasons mentioned in sub-rule(6) of rule 30.
3.	Sub-rule (1) of rule 38 of the Aircraft Rules, 1937	The Central Government may withhold the grant or renewal of a licence or rating.
4.	Rule 39A of the Aircraft Rules, 1937	The licensing authority may disqualify a person or debar him from holding a licence if he is a habitual criminal or has been convicted by a court for moral turpitude or heinous crime or is a habitual addict or has or about to use an aircraft for commission of a cognizable offence or has obtained the licence on the basis of wrong information or has tampered with the particulars entered in his licence etc.

5.	Rule 49D of the Aircraft Rules, 1937	The Director-General may cancel, suspend or endorse a Type Certificate of an aircraft, aircraft component or item of equipment for reasons mentioned in rule 49D.
6.	Clause (a) of sub-rule (2) of Rule 55 of the Aircraft Rules, 1937	The Director-General may suspend or cancel the certificate of airworthiness in respect of the aircraft if he is satisfied that reasonable doubt exists as to the safety of an aircraft or to the safety of the type to which that aircraft belongs.
7.	Sub-rule(2) of rule 59 of the Aircraft Rules, 1937.	The Director-General may require the part of an aircraft to be delivered to a person authorised by him, if it is revealed or suspected to be defective.
8.	Sub-rule (1) of rule 59A of the Aircraft Rules, 1937	The Director-General may prohibit a foreign registered aircraft from flying if a major defect or damage is found whilst in Indian territory.
9.	Sub-rules (13), (14) and (15) of rule 61 of the Aircraft Rules, 1937	The Central Government may cancel, suspend, vary or endorse any licence, authorisation, approval or certificate of competency granted under rule 61, or withhold the grant or renewal of a licence, authorisation, approval or certificate of competency for reasons mentioned in rule 61.
10.	Sub-rule (4) of rule 83 of the Aircraft Rules, 1937.	The Central Government may cancel the aerodrome licence if any major alteration to the aerodrome is undertaken without the previous approval of the Director-General.
11.	Sub-rule (10) of rule 133 B of the Aircraft Rules, 1937.	The Director-General may cancel, suspend or endorse any authorisation or approval granted under rule 133B or issue a warning or an admonition to any organisation or person for the reasons mentioned in rule 133B.
12.	Sub-Rule (9) of rule 155A of the Aircraft Rules, 1937.	The Director-General may cancel, suspend or endorse any authorisation or approval granted under rule 155A or issue warning or admonition to the operator or person for the reasons mentioned in rule 155A.
13.	Paragraph 15 of Schedule XI to the Aircraft Rules, 1937	The Director General may cancel or suspend the permit to operate scheduled air transport services from, to, in or across India for reasons mentioned in Schedule XI.
14.	Rule 15 of the aircraft (Carriage of Dangerous Goods) Rules, 2003	The Director-General may cancel or suspend any licence, certificate or approval issued under the Aircraft (Carriage of Dangerous Goods) Rules, 2003 or under the Aircraft Rules, 1937.

11.3 Delegation and Appeal Provisions

As already mentioned, in pursuance of rule 3A of the Aircraft Rules, 1937, the powers of the Director-General or Central Government have been delegated to officers of the DGCA at various levels vide notifications S.O. 726(E) and S.O. 727(E), both dated 4th October, 1994. On the basis of these notifications, the specific powers/responsibilities of the DGCA officers in regard to enforcement action have been described in **Appendix 'B'**.

The responsibility for any decision taken shall be of the concerned delegate, as he is the decision-maker. As a delegate, he shall exercise the power without any bias and take a decision without prejudice.

If any person is aggrieved by an order passed by an officer in exercise of a power conferred on him by these rules or delegated to him under rule 3A, he may prefer an appeal to the next higher officer within sixty days of the date of the order. The next higher officer in case of Director-General shall be the Secretary to the Government of India in the Ministry of Civil Aviation.

Since these are statutory provisions and the aggrieved person may prefer an appeal to the next higher authority or challenge it in the court of law, utmost care should be exercised to make sure that the administrative action is based on sound evidence and the officer has appropriate delegation to take the action.

11.4 Judicial Action

Sections 10,11, 11A, 11B of the Aircraft Act, 1934 provide for the maximum punishment for contravention of various provisions of the Aircraft Rules, 1937 and also for non-compliance with the directions issued under Section 5A of the said Act.

Accordingly, the Central Government has made rule 161 of the Aircraft Rules, 1937 which provides that any person who has contravened any provision of these rules and any direction issued under rule 133A shall be punishable to the extent laid down in Schedule VI of these rules. This Schedule contains the nature of offence, relevant rules(s) and the penalty for that offence. A copy of Schedule VI is given at **Appendix 'C'**.

In addition, there are a few offences for which the punishment is specified in the Aircraft Act itself. These are as follows:-

- (i) Section 10(1) of the Aircraft Act, 1934 provides that if any person contravenes any provision of any rule made under clause(1) of sub-section(2) of section 5 of the Act, regulating the carriage of arms, explosives or other dangerous goods, he shall be punishable with imprisonment which may extend to two years or with fine which may extend to ten lakh rupees, or both. In pursuance of this provision, the Central Government has made rule 8 of the Aircraft Rules, 1937 and also the Aircraft (Carriage of Dangerous Goods) Rules, 2003. Therefore, any violation of these rules will attract the penalty as specified in Section 10(1) of the Aircraft Act, 1934.
- (ii) Section 11 of the Aircraft Act, 1934 provides that if any person wilfully flies any aircraft in such a manner as to cause danger to any person or property, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten lakh rupees, or with both.
- (iii) Section 11A of the Aircraft Act, 1934 provides that if any person wilfully fails to comply with any direction issued under section 5A, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten lakh rupees, or with both.

Chapter 12 – Deterrent Action

12.1 Introduction

The most important decision in the enforcement process is determining the appropriate deterrent action to be taken when the evidence indicates that an individual has contravened a statutory provision. This decision may significantly affect the individual's attitude towards aviation safety and compliance in future. The intent of the systematic application of the procedures is to promote fairness and uniformity in the selection of the appropriate deterrent action. It helps to develop a history of the document holder's compliance with the applicable legal provisions so that the holder's attitude towards safety regulations can be gauged. Such a system will also deter document holders to defy the safety regulations as it will affect their image and reputation.

12.2 Objectives of Deterrent Action

The major objectives of deterrent action are:

- i) to protect the individual and the public from possible harm;
- ii) to encourage future compliance; and
- iii) to deter others from contravening legislative provisions.

12.3 Types of Deterrent Action

There are two types of deterrent actions: **judicial** and **administrative**. While the administrative action comprises of all measures taken by the DGCA pursuant to the provisions of the Aircraft Act/ Rules, such as suspension or cancellation of documents, including oral counselling, the judicial action involves prosecution of an alleged offender in the criminal courts.

12.4 Oral Counselling

Oral counselling provides the document holder with immediate counselling on the necessity for compliance. Officers/Inspectors are required to assess all aspects of the contravention and the attitude of the document holder to determine whether oral counselling will secure future compliance. Oral counselling may be most appropriate in cases of ignorance or misinterpretation of the law, provided aviation safety was not jeopardized, i.e. a minor contravention having little or no impact on safety or where there was no indication of a wilful act. Oral counselling is not an option when the alleged offender disputes the allegation. In all cases, the Officer/Inspector is required to maintain a written record of such counseling. If in doubt about the appropriate action to be taken in a given circumstance, the Officer/Inspector is required to refer the matter to the Regional Director for further investigation.

12.5 Selection of Appropriate Deterrent Action

The type of deterrent action depends on the specific offence. The minimum enforcement action is sufficient to achieve compliance as stringent sanctions for a first offence are more likely to cause resentment than encourage future compliance. However, where the offence is repetitive in nature or has seriously jeopardized aviation safety, administrative action may not be sufficient. In these cases, judicial action may be more appropriate.

12.6 Joint Judicial-Administrative Deterrent Action

Judicial action and administrative action may be taken simultaneously where evidence discloses that a person has contravened two or more different provisions arising from the same incident. A prosecution for one offence may be accompanied by suspension for another offence. Judicial and administrative deterrent action shall not be taken in respect of the same contravention. Either one or the other shall be selected depending upon the facts of the particular case.

12.7 Suspension Procedure

The suspension of aviation document for contravention of a provision of the Aircraft Act/Rules is the most severe administrative sanction the DGCA can impose. Suspension action is taken where continued use of the document would create a hazard to aviation safety and judicial action is either not available or inappropriate.

Where an aviation document has been suspended, the person to whom it was issued shall return it to the DGCA and shall not exercise the privileges attached to that document until it is restored by the DGCA. Suspensions for contravention are punitive in nature and are in effect for a specified time period.

The following procedure may be followed for suspension of an aviation document:-

- i) The concerned officer who has power of suspension, shall determine the appropriate duration of suspension on the basis of the recommendation of the investigator.
- ii) In order to meet the ends of natural justice, a Notice of Suspension (show cause notice) to the alleged offender shall be required to be issued, whether or not it is legally binding and obligatory. The charge is required to be mentioned in the Notice and appropriate time should be given to submit his explanation. The standard format for show cause notice is given in Appendix. The Notice shall contain a clear description of the offence and sufficient details of the contravention so the alleged offender can identify the incident or incidents constituting the contravention. A copy of investigation report may be enclosed along with the notice.
- iii) With the Notice, the competent officer shall enclose an information sheet describing the informal meeting procedure and offering the alleged offender an opportunity to discuss the sanction.
- iv) The concerned competent officer shall serve the Notice on the alleged offender personally or send it by registered mail. The date appearing on the Notice shall be the date on which the Notice is to be served or sent.

- v) Where the alleged offender requests a review by the DGCA and applies for a stay of suspension pending its decision, the concerned officer shall not oppose the application unless it appears that a threat to aviation safety would result. In such a case, the concerned officer or his designate shall present the case to the DGCA.
- vi) Where the alleged offender does not ask for a review by the DGCA within thirty days and then fails to deliver the suspended document, after giving due consideration for delay in the mail, charges shall be laid against the alleged offender. Prior to laying charges, the document holder should be contacted to confirm the situation.
- vii) Suspended period may be endorsed on the aviation document.

12.8 Cancellation

The procedure to be followed for cancellation is the same as for suspension. However, since cancellation is a very stringent punishment, the powers to do so have been delegated to very senior officers. Therefore, before taking any cancellation action, the delegation of powers must be ascertained with certainty.

12.9 Informal Meeting

The informal meeting offers the alleged offender who has received a Notice of Suspension, the opportunity to discuss the sanction. Keeping in mind that the objective of the sanction is to obtain future compliance and provide deterrence to others, the DGCA may modify or amend the original decision. This may be done when new evidence of a statutory defence or mitigating factors come to light, or when the DGCA obtains the assurance, during the discussion, that the alleged offender will comply in the future.

DGCA may conduct informal meetings with alleged offenders in person, or other electronic medium, or through written submissions. During an informal meeting, DGCA may enter into penalty negotiations with a view to reaching a settlement in the case, thereby closing the file. Any discussions during the informal meeting are predicated on the fact that the alleged offender or the alleged offender's representative will not question the finding of the investigation.

The alleged offender shall normally have 30 days from the date the Notice is served or sent to accept the offer and meet with the DGCA.

12.10 Penalty Negotiation Considerations

In deciding whether to enter into penalty negotiations or not, the following factors shall be considered:

- i) evidence of mitigating factors not previously identified during the investigation;
- ii) the alleged offender's enforcement record;
- iii) the seriousness of the offence;
- iv) the attitude of the offender toward future compliance;
- v) whether deterrence can still be achieved through a negotiated settlement;

- vi) the financial burden on the alleged offender of costs associated with Legal proceedings; and
- vii) whether negotiations with a particular alleged offender would bring the enforcement program into disrepute.

12.11 Action against Air Carriers

Different considerations apply regarding deterrent action for contraventions committed by air carriers from those which apply to contraventions committed by individuals such as pilots and other document holders. This is because sanctions imposed in respect of a contravention by an air carrier affect not only the carrier but also the carrier's employees and the public at large. Safety remains the overriding factor. Deterrent measures must impress upon the carrier that unsafe operation at the risk of public safety will not be tolerated.

12.11.1 Administrative Action

The following types of administrative action may be taken where an air carrier contravenes a provision or regulation:-

- i) oral counselling;
- ii) a suspension of an aviation document; or
- iii) a cancellation of an aviation document.

Suspension or cancellation of an aviation document would be appropriate where the carrier had repeatedly contravened the regulations even though the safety implications were minimal. Cancellation would also be appropriate where suspensions are not having the desired effect. The systematic tracking of an air carrier's non-compliance history would help in the determination of deterrent actions against the carrier.

12.11.2 Judicial Action

Prosecution of an air carrier for a contravention is recommended in cases where, in the opinion of the DGCA, the contravention is such that it would be appropriate to seek a significant punishment in court.

12.11.3 Emergency Action

Sometimes, the contravention of a regulation by an air carrier may pose an immediate threat to aviation safety. In such a situation, the following courses of action are available:-

- i) Where the threat arises from a particular aircraft that is unsafe or likely to be operated in an unsafe manner, that aircraft may be detained pursuant to section 8 of the Aircraft Act, 1934 read with rule 18 of the Aircraft Rules. The detention shall remain in effect until the unsafe condition is corrected.
- ii) Where the threat arises from the operations of the carrier (instead of a single aircraft), the DGCA may decide to suspend the Air Operator Permit (AOP) pursuant to Schedule XI of the Aircraft Rules, 1937. This must be viewed as a last resort to be carried out only if the DGCA is satisfied that the immediate threat to aviation safety exists or is likely to occur if the privileges of the document to be

suspended are allowed to be exercised. The suspension of AOP shall come into effect immediately and remain in effect until such time as the threat to aviation safety is removed.

12.11.4 Punitive Suspension or Cancellation of the Air Operator Permit

The punitive suspension of an AOP shall be considered only when the carrier has a history of repeated violations (two or more significant offences) and when, in the opinion of the suspending authority, other measures would not promote future compliance. In such cases, the DGCA shall provide an opportunity for an informal meeting with the carrier, in which the concerned Director shall also be allowed to participate.

12.12 Sanction Determination in Cases of Multiple or Continuing Violations

12.12.1 Multiple Violations

Multiple violations involve a series of distinct and separate contraventions of a particular regulation or regulations over a period of time. Each time, the circumstances of the offence may be different. For example, an aircraft could be operated in an overloaded condition each time it was flown during a certain period. Each time, the amount of overload could be different but there would be a violation every time. The contravention was not caused by something "inherent" in the aircraft, but by factors surrounding the preparation of the flight.

In cases of multiple violations, both the administrative and judicial action may be considered. The show cause notice or the Notice of Suspension shall state the particulars of each offence including the dates and times of each violation, and the sanction proposed in respect of each. Evidence to prove each individual infraction shall be secured so that in the case of a review by the Government or the court, the evidence can be presented.

12.12.2 Continuing Violations

There are a number of offences which could be repeated over a period of time as the result of a continuing condition or state of affairs. These generally relate to aircraft or personnel aviation document requirements, modifications or additions to aircraft equipment outside of airworthiness specifications and entries made in a log.

Depending on the circumstances, separate acts which are successive and cumulative, comprising a continuous series, can be considered as one offence. However, for the purposes of suspension, each separate flight conducted in violation of the regulations will be considered as a separate offence. The show cause notice or the Notice of Suspension shall provide the dates and times of each flight during the period of non-compliance, together with particulars and the sanction in respect of each offence.

12.12.3 Termination of a Continuing Violation

A continuing violation which was the subject of enforcement action, but has not ceased, may need further action to secure compliance. If the violation was in respect of provisions not affecting airworthiness requirements, detention of an aircraft pursuant to Rule 18 of the Aircraft Rules, 1937 may not be advisable. When the violations involve an air carrier,

a viable option is to suspend the Air Operator Permit under Schedule XI of the Aircraft Rules, 1937, in addition to any other enforcement action.

12.12.4 Flights with Intermediate Stops

Flights involving intermediate stops made on a scheduled or non-scheduled basis should, where circumstances warrant, be treated as one flight. Where the facts giving rise to the violation remain the same on a flight with intermediate stops, it is appropriate to lay charges in respect of the entire flight, as opposed to considering the flight as two separate offences. It may, however, be emphasised that each segment of the flight, was operated in violation of the regulations.

12.12.5 Assessment of Sanction

During assessment of the sanction in cases of administrative action, each count shall be considered separately. A brief reason for sanction shall be recorded for each count. The total period of suspension shall be the sum total of the sanctions imposed for each count. Where exceptional circumstances warrant, the final sanction may be modified. The reasons for such a modification should be recorded in the case file.

12.13 Consideration by Board/for Aviation Safety

Although the DGCA officers are competent to take the enforcement action to the extent delegated to them under notifications No. S.O. 726(E) and S.O. 727(E) dated 4th October, 1994 (paragraphs 4.2 and 11.3), it would be advisable to refer the matter to the Hqrs. Where appropriate decision will be taken by the Board for Aviation Safety and conveyed to the concerned officer for implementation / further necessary action. Pending a decision by the Board / Committee, the document holder shall be advised not to exercise the privileges of the document.

12.14 Disclosure of Deterrent Action

12.14.1 Disclosure to Employers

Employers or the AOP holders should be advised of the deterrent action taken if the contravention took place while the alleged offender was on company business. If the alleged offender was not on company business at the time of the contravention, the disclosure of deterrent action shall not be made to his employer. An exception may exist where the deterrent action taken against a professional pilot affects the pilot's employment, (e.g., suspension of licence privileges). An exception may also exist where it would definitely be in the public interest, usually in terms of aviation safety, to inform the employer, (e.g., a pilot who has been detected flying while under the influence of alcohol). The decision whether or not to inform an employer shall be taken on a case-to-case basis. The DGCA shall decide if disclosure to the employer is necessary or appropriate.

12.14.2 Notification of Detection Source

It shall be ensured that the detection source is advised of the outcome of the case. This fact shall also be recorded in the case file.

Chapter 13 – Judicial Proceedings

13.1 Introduction

The Aircraft Act, 1934 and the Aircraft Rules, 1937 cast certain duties and obligations on various stake holders in the aviation industry so as to ensure safety of aircraft operations. The contravention of these provisions is punishable by law. This is in line with Article 12 of the Chicago Convention, 1944, which provides: "Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable".

The Aircraft Act, 1934 extends to the whole of India and applies also –

- a) to citizens of India wherever they may be;
- b) to, and to the persons on, aircraft registered in India wherever they may be;
- c) to, and to the persons on, aircraft registered outside India but for the time being in or over India; and
- d) to an aircraft operated by a person who is not a citizen of India but has his principal place of business or permanent residence in India.

DGCA is vested with the powers to take administrative action under rules 19, 39A, 61, 83, 133B, 155A etc. of the Aircraft Rules, 1937. Nevertheless, judicial action may be required in cases where the violations are not covered by the provisions relating to administrative action or the violations are of such a serious nature as to warrant judicial action.

13.2 Definitions

- i) "cognizable offence" means an offence for which, and "cognizable case" means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;
- ii) "complaint" means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.
Explanation.-A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant;
- iii) "non-cognizable offence" means an offence for which, and "non-cognizable case" means a case in which, a police officer has no authority to arrest without warrant;
- iv) "summons-case" means a case relating to an offence, and not being a warrant-case;
- v) "warrant-case" means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years;

13.3 Offences and Penalties

Sections 10, 11, 11A, 11B of the Aircraft Act, 1934 provide for penalties for contravention of the various provisions of the Act or Rules made thereunder. There are certain offences the

penalty for which is provided in the Act itself, while the penalties for the other offences are contained in the Aircraft Rules, 1937.

13.3.1 Penalties under the Aircraft Act, 1934

The following provisions of the Aircraft Act, 1934 directly provide for the penalties for contravention of certain provisions of the rules made or notifications issued thereunder:-

<u>Relevant provision of the Aircraft Act</u>	<u>Legal provision violation</u>	<u>Penalty</u>
Section 10(1)	Contravention of the Aircraft (Carriage of Dangerous Goods) Rules, 2003.	Imprisonment which may extend to two years and also fine which may extend to ten lakh rupees.
Section 10 (1A) Section 10 (IB)	Rule 90 of the Aircraft Rules, 1937. (Slaughtering and flaying of animals, depositing of rubbish and other polluted or obnoxious matter in the vicinity of aerodrome)	Imprisonment which may extend to three years or fine which may extend to ten lakh rupees, or both. [This offence is cognizable.]
Section 11	Section 11 of the Aircraft Act, 1934. (Flying an aircraft in such a manner so as to cause danger to any person or property)	Imprisonment which may extend to two years or fine which may extend to ten lakh rupees, or both.
Section 11A	Section 11 of the Aircraft Act, 1934. (Failure to comply with any direction issued under section 5A of the Act)	Imprisonment which may extend to two years or fine which may extend to ten lakh rupees, or both.
Section 11B	Notification No. S.O. 1589(E) dated 3 rd March, 2009 issued under section 9A of the Aircraft Act, 1934. (Failure to comply with any direction contained in notification)	Imprisonment which may extend to two years or fine which may extend to ten lakh rupees, or both.

13.3.2 Penalties under the Aircraft Rules, 1937

Section 10(2) of the Aircraft Act, 1934, *inter alia*, provides that in making any rule under section 4, section 5, section 7, section 8 of the Act, the Central Government may direct that a breach of it shall be punishable with imprisonment for a period which may extend to two

years or with fine which may extend to ten lakh rupees or with both. Accordingly, the Central Government has made rule 161 of the Aircraft Rules, 1937 which provides that any person who has contravened any provision of these rules or any direction issued under Rule 133A, shall be punishable to the extent laid down in Schedule VI of these rules. This Schedule contains the nature of offence, relevant rules (s) and the penalty for that offence. Depending on their seriousness and gravity, the offences listed in Schedule VI have been classified under the following categories:-

- a) Offences punishable with imprisonment for a term not exceeding two years or with fine not exceeding ten lakh rupees or with both;
- b) Offences punishable with imprisonment for a term not exceeding one year or with fine not exceeding five lakh rupees or with both;
- c) Offences punishable with imprisonment for a term not exceeding six months or with fine not exceeding two lakh rupees or with both;
- d) Offences punishable with imprisonment for a term not exceeding three months or with fine not exceeding one lakh rupees or with both.

13.4 Abetment and Attempt

It may be pointed out that in accordance with section 12 of the Aircraft Act, 1934, abetment or attempt in connection with the commission of any offence is also punishable. Therefore, section 12 of the said Act may also be invoked against the persons found to have been involved in any abetment or attempt in the commission of the offence.

13.5 Initiation of Judicial Action

Judicial action involves initiation of prosecution proceedings of an alleged offender in the criminal courts. For this purpose, the following steps may be taken:-

- i) On detection of the violation, immediate action shall be taken by the Regional Director to initiate investigations for collection of the necessary evidence for the purpose of taking penal action.
- ii) Highest priority must be accorded to investigations in all cases of violation of the statutory provisions as contained in the Aircraft Act, 1934 and the Aircraft Rules, 1937. Such cases must be immediately brought to the attention of the concerned Regional Director by the Officer/Inspector through the Initial Violation Process Form.
- iii) The evidence must be collected without any delay to avoid losing it. It may be mentioned that since prosecution under the Aircraft Act and the Rules made thereunder is of criminal nature, highest degree of proof is required for successful conviction. Further, since the onus of proving the violation lies with the prosecution, the evidence has to be fool-proof and legally tenable.

- iv) The Regional Director shall forward the report of the violation alongwith the evidence collected to the DGCA Hqrs. for a decision in the matter.
- v) The Board for Aviation Safety at the DGCA Hqrs. shall review the material on record and collectively arrive at a decision whether administrative action would suffice or the case warrants initiation of judicial proceedings against the offender. The decision will be conveyed to the concerned Regional Director with regard to the initiation of judicial proceedings against the offender in the court having the appropriate territorial jurisdiction.
- vi) The judicial action shall then be initiated by the Regional Director through an officer authorised for the purpose.

13.6 Filing of Criminal Complaint

The following procedure shall be followed in filing of the Criminal Complaint:-

- i) The criminal proceedings shall be initiated by the Regional Director as per the procedure laid down in the Code of Criminal Procedure, 1973 (“Code”). In view of the fact that offences under Aircraft Act, 1934 and Aircraft Rules, 1937 (except violation of rule 91 of the Aircraft Rules) are non-cognizable and bailable, the criminal complaint can be filed in the court of a Magistrate of competent jurisdiction depending on the Police Station where the offence was committed. In case of violation of rule 91 of the Aircraft Rules, 1937 (cognizable offence), an FIR (First Information Report) may be registered with the police who will prosecute the offenders directly.
- ii) The Criminal Complaint must list the alleged offences with the case background. It must be supported by all the documents upon which the Regional Director is relying as the complainant. Statements of witnesses recorded during the course of investigation and relied upon in the complaint, constitute a part of documents to be placed on record. The complaint should be accompanied with a separate “List of Documents” and “List of Witnesses” etc. The Standard Form for filing a Criminal Complaint is given in Appendix ‘D’.
- iii) As the onus of proof lies with the complainant it is advisable to have strong evidence prior to initiating a criminal complaint.
- iv) On receipt of the complaint, the Court shall take cognizance of the complaint and on being satisfied that there is sufficient ground for proceeding with the case, the Magistrate may issue Summons or Warrants, as the case may be.
- v) As the Summons / Warrants are issued only upon receipt of the list of prosecution witnesses, the authorized Officer shall ensure that the list of witnesses is placed on record of the Court along with the complaint.
- vi) An extra copy of the complaint should also be provided to the Court, as it is mandatory that every summon or warrant issued to the accused is accompanied by a copy of the complaint.

- vii) Where the case relates to an offence punishable for a maximum term of two years, the Magistrate shall issue summons to seek the attendance of the accused before the Court. If the accused fails to appear before the court pursuant to issuance of the Summons, the Magistrate may issue Warrants for arrest of the accused. However, where the case relates to an offence punishable for a term exceeding two years, the Magistrate shall issue warrants for causing the accused to be brought before the court.
- viii) The court may then proceed with the framing of the charges and hearing will commence.
- ix) The authorised officer of the DGCA shall engage the Government Counsel and seek his help and guidance at every stage of criminal proceedings.

13.7 Limitation

Legal action is required to be initiated within a certain period of the commission of the offence, failing which it becomes time-barred and the court may not take cognizance of the offence. The investigation, therefore, must be completed in time and case filed during the stipulated period, otherwise the entire effort may go waste.

13.7.1 Period of Limitation

In accordance with the Code of Criminal Procedure, the period of limitation is as follows:-

- (a) six months, if the offence is punishable with fine only;
- (b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;
- (c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

It will, therefore, be seen that the cases under Schedule VI of the Aircraft Rules, 1937 shall fall in categories (b) and (c) above. It may also be mentioned here that the period of limitation, in relation to offences which may be tried together, shall be determined with reference of the offence which is punishable with the most severe punishment.

13.7.2 Commencement of the Period of Limitation

The period of limitation shall commence –

- (a) on the date of the offence; or
- (b) where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or

- (c) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.

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EXTRAORDINARY

Part II – Section 3 – Sub-section (ii)

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[NO.504] NEW DELHI, THURSDAY, OCTOBER 6, 1994

MINISTRY OF CIVIL AVIATION AND TOURISM

NOTIFICATION

New Delhi, the 4th October, 1994

S.O. 726 (E) – In pursuance of sub-rule (2) of rule 3A of the Aircraft Rules, 1937, and in supersession of the notification of the Government of India in the Ministry of Tourism and Civil Aviation No.S.O.3562, dated the 29th September, 1976, except as respects things done or omitted to be done before such supersession, the Central Government hereby authorises the officers specified in column (1) of the First Schedule annexure hereto to exercise such of the powers of the Director General of Civil Aviation (more specifically described in the Second Schedule annexed hereto) as are specified in the corresponding entries in column (2) of the said First Schedule.

FIRST SCHEDULE

Designation of the Officer	Powers in the Second Schedule to be exercised
Joint Director General of Civil Aviation (except Joint Director General of Civil Aviation Research & Development)	All
Deputy Director General of Civil Aviation (except Deputy Director General of Civil Aviation Research & Development)	1, 2 to 5, 7, 12, 13, 15 to 37, 39 to 83
Chief Flight Operations Inspector	1, 1A, 7 to 9, 63, 74, 75
Director of Airworthiness (Headquarters)	1, 2 to 5, 7, 12, 13, 15 to 37, 39 to 42, 47, 48, 50, 51, 53 to 56, 58, 59, 64 to 73, 76 to 83
Director of Airworthiness (Region)	4, 16, 18 to 34, 36, 37, 39 to 42, 47, 48, 50, 51, 54, 58, 64 to 70, 73, 76 to 82

Deputy Director of Airworthiness (Headquarters)	2 to 4, 16 to 21, 26 to 34, 36, 37, 39 to 42, 50, 53 to 56, 65 to 70, 79 to 82
Controller of Airworthiness	4, 16, 18, 21, 22, 25 to 28, 30, 34, 37, 39 to 41, 50, 51, 58, 65, 70, 77, 79 to 82
Senior Airworthiness Officer (Headquarters)	4, 17, 18 (Restricted to aircraft with all-up-weight up to 15,000 kgs.) 20, 21, 26, 37, 39, 70, 79, 82
Senior Airworthiness Officer (In charge of Airworthiness Office)	4, 18 (Restricted to aircraft with all-up-weight up to 15,000 kgs.), 21, 26, 37, 39, 70, 79, 82
Senior Airworthiness Officer (Region)	4, 18 (Restricted to aircraft with all-up-weight up to 15,000 kgs.), 26 to 28, 37, 39, 70, 82
Airworthiness Officer (In charge of Airworthiness Office)	4, 18 (Restricted to aircraft with all-up-weight up to 2,000 kgs.), 26 to 28, 37, 39, 70, 82
Airworthiness Officer	4, 18 (Restricted to aircraft with all-up-weight up to 2,000 kgs.), 26, 37, 70, 82
Joint Director General of Civil Aviation (Research & Development)	10 to 12, 15 to 17, 30, 31, 41, 47, 48, 51
Deputy Director General of Civil Aviation (Research & Development)	10 to 13, 15 to 17, 30, 31, 41, 47, 48, 51
Director of Research & Development	16, 17, 30, 31, 51
Deputy Director of Research & Development	16, 17, 30, 31, 51
Director of Air Safety	51, 52, 70
Deputy Director of Air Safety	51, 52, 70
Regional Controller of Air Safety	51, 52, 70
Assistant Director of Air Safety	51, 70
Senior Air Safety Officer	51, 70
Air Safety Officer	51, 70
Director of Training & Licensing	7, 75
Director of Regulations & Information	74
Deputy Director of Air Transport	74
Commissioner of Security (Civil Aviation)	60
Additional Commissioner of Security (Civil Aviation)	60
Deputy Commissioner of Security (Civil Aviation)	60
Chairman Airports Authority of India and officers of Airports Authority of India authorised by the Chairman ^(a)	61

(a) Amended vide S.O.1095 dated 25th May, 1998

(b) Inserted vide S.O.366 dated 20th January, 2003

SECOND SCHEDULE

S.No.	Rule by which power conferred	Nature of Power
<u>GENERAL</u>		
1.	Rule 7B	To specify cockpit check and emergency check in respect of an aircraft registered in India.
1A.	Rule 6C ^(b)	To specify flights for testing and other non-revenue special purposes.
2.	Sub-rule (2)(i) of rule 15	To specify minimum design requirements for microlight Aircraft.
3.	Sub-rule (2)(ii) of rule 15	To issue and renew permit to fly in respect of a microlight aircraft.
4.	Sub-rule (2) (ii) of rule 15	To renew Permit to Fly in respect of a micro light aircraft.
<u>REGISTRATION OF AIRCRAFT</u>		
5.	Sub-rule (2)(a) and (2) (b) of rule 37	To specify the form and manner of affixing Nationality and Registration marks.
<u>PERSONNEL OF AIRCRAFT</u>		
6.	First proviso to rule 41	To exempt certain personnel of Indian Air Force, Air Operational Wing of Indian Army or Indian Navy from flying tests and medical and other technical examinations for the issue of Private Pilot's Licence, Commercial Pilot's Licence and Glider Pilot's Licence.
7.	Sub-rule (1) of rule 41A	To conduct examinations specified in Schedule II, to fix examination centres to appoint invigilators and lay down procedures thereof.
8.	Sub-rule (2) of rule 41A	To appoint Examiners for carrying out flying tests and technical examinations required under Schedule II.
9.	Sub-rule (3) of rule 41A	To approve check pilots and examiners for carrying out proficiency checks in individual cases on a one-time basis.
<u>AIRWORTHINESS AND AIRCRAFT MAINTENANCE ENGINEERS</u>		
10.	Sub-rule (1) of rule 49 and 49A	To direct that there shall be a Type Certificate for aircraft, aircraft component or item of equipment designed, manufactured, sold or distributed in India as a

		pre-requisite for issue, renewal or continued validity of Certificate of Airworthiness of an Aircraft.
11.	Sub-rule (3) of rule 49 and Sub-rule (2) of rule 49A and rule 49B	To issue or validate Type Certificate and to specify documents and other evidence necessary for the purpose.
12.	Proviso to rule 49B	To exempt an aircraft, aircraft component, or item of equipment from the provision of this rule.
13.	Rule 49C	To group Type Certificates whether issued or validated in one or more categories.
14.	Rule 49D	To cancel Type Certificate of an aircraft, aircraft component or item of equipment which has been issued or validated.
15.	Rule 49D	To suspend or endorse Type Certificate of an aircraft, aircraft component or item of equipment which has been issued or validated.
16.	Rule 49D	To require incorporation of any modification in aircraft, aircraft component or item of equipment as a condition for continued validity of Type Certificate which has been issued or validated.
17.	Sub-rule (2) & (3) of rule 50	To issue, renew or validate Certificate of Airworthiness in respect of an aircraft and to specify documents or other evidence or technical data for the purpose.
18.	Sub-rule (2) of rules 50	To renew Certificate of Airworthiness in respect of an aircraft and to specify documents and other evidence for the purpose.
19.	Sub-rule (4) of rule 50	To issue, renew or validate Certificate of Airworthiness of an aircraft in one or more categories.
20.	Sub-rule (5) of rule 50	To specify the period of validity of Certificate of Airworthiness of an aircraft.
21.	Sub-rule (5) of rule 50	To authorise person to inspect an aircraft.
22.	Sub-rule (5) of rule 50	To require aircraft to be tested in flight.
23.	Sub-rule (1) of rule 50A	To specify conditions in respect of Certificate of Airworthiness of a particular type of class or aircraft.
24.	Sub-rule (1) of rule 50A	To specify standards in respect of Certificate of Airworthiness of a particular type or class of aircraft.
25.	Sub-rule (2) of rule 50A	To require modification to be incorporated in an aircraft, its component or item of equipment for the Certificate of Airworthiness of aircraft remaining in force.
26.	Sub-rule (2) of rule 50A	To require repairs to be carried out on any aircraft, its component or item of equipment or to require replacement of any component or item of equipment of an aircraft for the Certificate of Airworthiness of the aircraft remaining in force.
27.	Sub-rule (2) of rule 50A	To require any inspection to be carried out on an aircraft, aircraft component or item of equipment for Certificate of Airworthiness of aircraft remaining in force.
28.	Sub-rule (2) of rule 50A	To require overhaul of an aircraft, its component or item of equipment for Certificate of Airworthiness of Aircraft

		remaining in force.
29.	Rule 51	To endorse the Certificate of Airworthiness for carriage of Flight Manual.
30.	Sub-rule (3) of rule 52	To approve modification in respect of an aircraft, aircraft component or item of equipment and to specify evidence for the same.
31.	Sub-rule (3) of rule 52	To approve repair schemes in respect of an aircraft, aircraft component or item of equipment and to specify evidence for the same.
32.	Sub-rule 5(a) & 5(b) of rule 52	To specify manner of certification required after major damage or major defect has been rectified.
33.	Sub-rule (6) & (7) of rule 52	To specify form, manner or distribution and preservation of the Certificate issued after an aircraft, component or item of equipment has been modified or repaired and to specify or approve instructions for the purpose.
34.	Sub-rule (1) of rule 53	To specify persons, licensed/approved/authorised, responsible for inspection and certification.
35.	Sub-rule (3) of rule 53	To exempt person or class of persons from the proviso to Rule 53 either wholly or partly.
36.	Rule 53A	To specify form & manner, distribution and preservation of the copies of Certificates required to be issued for manufacture and distribution of aircraft, aircraft components and item of equipment or any other material used or intended to be used in an aircraft.
37.	Sub-rule (2) Clause (a) of rule 55	To suspend a Certificate of Airworthiness.
38.	Sub-rule (2) Clause (a) of rule 55	To cancel Certificate of Airworthiness.
39.	Sub-rule (2) Clause (b) of rule 55	To specify that an aircraft, aircraft component or item of equipment should undergo modification, repair, replacement, overhaul, inspection including Flight Tests under supervision of an approved person as a condition of Certificate of Airworthiness remaining in force.
40.	Sub-rule (4) Clause (a) of rule 55	To permit ferry flights without passenger of an aircraft when Certificate of Airworthiness is suspended or deemed to be suspended.
41.	Sub-rule (4) Clause (b) of rule 55	To authorise flights for the purpose of experiment or tests.
42.	Sub-rule (4) Clause (c) of rule 55	To authorise flights where safety or succor of persons or aircraft is involved.
43.	Sub-rule (4) Clause (d) of rule 55	To authorise flights for special purposes.
44.	Sub-rule (5) of rule 55	To exempt Aircraft from operation of rule 55.
45.	Sub-rule (a) rule 56	To recognize the requirements of contracting states for the purpose of requirements of Rule 56.
46.	Sub-rule (b) rule 56	To recognize the qualification of person of Non-contracting states for certification of required under rule 56.

47.	Sub-rule (1) & (2) of rule 57	To specify and approve the installation of instrument and equipment of any other special equipment for an aircraft including radio apparatus.
48.	Sub-rule (1) & (2) of rule 58	To specify maximum permissible weight, corresponding centre of gravity limits condition for weighting of aircraft and display of winter schedule, load and loadsheets.
49.	Proviso to rule 58	To exempt an aircraft from the operation of rule 58.
50.	Sub-rule (1) of rule 59	To specify manner of reporting major defect or major damage.
51.	Sub-rule (2) of rule 59	To require delivery of defective aircraft components or parts to any person or organisation.
52.	Sub-rule (1) of rule 59A	To prohibit from flight any foreign aircraft which sustains any major damage or in which any major defect found.
53.	Sub-rule (4) of rule 59A	To permit flights of any foreign aircraft which has suffered major damage and to impose conditions therefore.
54.	Sub-rule (2)(a) and (2)(b) of rule 60	To specify conditions and standards for maintenance for any aircraft company or item of equipment.
55.	Sub-rule (3) & (4) of rule 60	To specify maintenance requirements, personnel for certifying maintenance and contents, form, period of validity and disposition, preservation of the Certificate required under rule 60.
56.	Sub-rule (5) of rule 60	To approve deficiency list in respect of an aircraft or class of aircraft.
57.	Proviso to rule 60	To exempt an aircraft from the operation of rule 60.

LOG BOOKS

58.	Sub-rule (2) of rule 67	To require technical log or flight log to be provided in respect of an aircraft and to specify its methods of maintenance.
59.	Sub-rule (3) of rule 67	To specify type of log books, their contents and entries and manner of certification of log books and their period of preservation.

AERODROMES

60.	Rule 78A	To permit entry into Government aerodromes.
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REGULATORY PROVISIONS

61.	Rule 133A	To issue Notices to Airmen (NOTAMS) and Aeronautical
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		Information Publication ^(a) .
62.	Rule 133A	To issue notices to Aircraft owners and Maintenance engineers.
63.	Rule 133A	To issue Civil Aviation Requirements.
64.	Sub-rule (3) of rule 133B	To approve an organisation to operate under the system of approval.
65.	Sub-rule (3) of rule 133B	To approve persons to operate under the system of approval.
66.	Sub-rule (3) of rule 133B	To require organisation/person to work under the system of approval and to specify requirements for the purpose.
67.	Sub-rule (4)(a), (4)(b) & (4)(c) of rule 133B	To specify contents and term of manuals and require its approval.
68.	Sub-rule (5) of rule 133B	To specify the distribution pattern of any of the manuals required under rule 133B
69.	Sub-rule (8) of rule 133B	To specify the type of records an organisation shall maintain and the manner of preserving the same.
70.	Sub-rule (8) of rule 133B	To require production of records, reports, logs, drawings for inspection and check.
71.	Sub-rule (10) of rule 133B	To cancel suspend or endorse or take any other action under the rules on any approval or authorization granted to an individual or to an organisation.
72.	Note 4(3) under rule 133C	To refund such portion of the fees paid as may represent the cost of any inspection, examination, test not carried out.
73.	Rule 140	To specify requirements concerning engineering/ inspection manual.
74.	Rule 140	To specify requirements concerning air routes.
75.	Rule 140	To specify requirements concerning air crew.
76.	Sub-rule (1) and (2) of rule 155	To specify maintenance standards for private aircraft, aircraft component or item of equipment and to specify period of preservation of records.
77.	Sub-rule (2) of rule 155A	To grant approval or require scheduled, non-scheduled aerial work operators and flying clubs to operate under approved maintenance system.
78.	Clause (a) of sub-rule (3) of rule 155A	To specify contents and form of Manuals required under rule 155A.
79.	Clause (b) & (c) of sub-rule (3) of rule 155A	To approve complete or parts of any of the manuals and its revisions as required under rule 155A.
80.	Sub-rule (4) of rule 155A	To direct distribution of any of the manual required under rule 155A.
81.	Sub-rule (7) of rule 155A	To specify type of records an operator shall maintain.
82.	Sub-rule (7) of rule 155A	To require production of records, for inspection and check and to specify the period for which the records shall be kept.
83.	Sub-rule (9) of rule 155A	To cancel, suspend or endorse or take any other action under these rules on any approval or authorization granted to an individual or an operator.

(a) Amended vide S.O.1095 dated 25th May, 1998.

(b) Inserted vide S.O.366 dated 20th January, 2003.

The Gazette of India

EXTRAORDINARY

Part II – Section – Sub-section (ii)

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MINISTRY OF CIVIL AVIATION AND TOURISM

NOTIFICATION

New Delhi, the 4th October, 1994

S.O. 727 (E) – In pursuance of sub-rule (1) of rule 3A of the Aircraft Rules, 1937, and in supersession of the notification of the Government of India in the Ministry of Tourism & Civil Aviation No.S.O.No.3563, dated the 29th September, 1976 except as respects things done or omitted to be done before such supersession, the Central Government hereby authorizes the officers specified in column (1) of the First Schedule annexed hereto to exercise such of the powers (more specifically described in the second schedule annexed hereto) as are specified in the corresponding entries in column (2) of the said First Schedule.

THE FIRST SCHEDULE

Designation of the officer	Powers in the Second Schedule to be exercised
Director General of Civil Aviation	All
Joint Director General of Civil Aviation (except Joint Director General of Civil Aviation, Research & Development)	All
Deputy Director General of Civil Aviation (except Deputy Director General of Civil Aviation, Research & Development)	1 to 5, 7 to 15, 17 to 22, 24 to 44, 46 to 61, 64 to 92.
Chief Flight Operations Inspector	91
Director of Regulations and Information	1, 2, 13, 82.
Director of Training and Licensing	9, 10, 12, 13, 50 to 56, 60, 61, 65, 66, 75,

DGCA Enforcement Policy and Procedures Manual
First Edition – 2009

	76, 90
Deputy Director of Training and Licensing (Headquarters)	10, 50, 51, 54, 55, 65, 76, 91.
Deputy Director of Flight Crew Standards	10, 50, 51, 54, 55, 65, 76, 91
Assistant Director of Training and Licensing	10, 51, 53, 54
Director of Flying Training	50 to 53 (in respect of Assistant Flight Instructor and Flight Instructor Rating only)
Deputy Director of Training and Licensing (Region)	10, 51, 52, 54.
Director of Air Safety	2, 5, 10.
Deputy Director of Air Safety	2, 10.
Assistant Director of Air Safety	2, 10.
Senior Air Safety Officer	2, 10.
Regional Controller of Air Safety	2,10
Air Safety Officer	2, 10
Joint Director General of Civil Aviation (Research & Development)	27, 29, 31, 33, 70, 71
Deputy Director General of Civil Aviation (Research & Development)	27, 29, 31, 33, 70, 71
Director of Research & Development	29, 31, 33, 70, 71.
Deputy Director of Research & Development	33
Director of Airworthiness (Headquarters)	2, 3, 9, 10, 12, 14, 17 to 22, 24, 25, 28, 30, 32, 34 to 44, 46 to 48, 49, 57 to 60, 65, 70, 71, 75, 76.
Deputy Director of Airworthiness	9, 10, 19, 20, 24, 25, 28, 32, 34 to 44, 46 to 48, 49, 54, 57 to 59, 65, 70, 71, 75, 76.
Senior Airworthiness Officer (Headquarters)	9, 10, 19, 20, 24, 28, 34, 40, 43, 44, 58, 59
Director of Airworthiness (Region)	2, 9, 10, 12, 19, 24, 28, 30, 32, 34, 36, 40, 43, 44, 46, 47, 54, 58 to 60, 70, 71, 75, 76.
Controller of Airworthiness	2, 9, 10, 19, 24, 28, 32, 34, 36, 40, 43, 44, 47, 54, 58, 59, 70, 71, 75, 76.
Senior Airworthiness Officer (In charge of Airworthiness Office)	2, 9, 10, 19, 24, 28, 32, 34, 40, 43, 44, 54, 58, 59.
Senior Airworthiness Officer (Region)	2, 9, 10, 19, 24, 28, 32, 34, 43, 44, 58, 59.
Airworthiness Officer (In charge of Airworthiness Office)	2, 9, 10, 28, 32, 34, 43, 58
Airworthiness Officer (Region)	2, 9, 10, 28, 32, 34.
Commissioner of Security (Civil Aviation)	2,11, 82.
Additional Commissioner of Security (Civil Aviation)	2, 11, 82.
Deputy Commissioner of Security (Civil Aviation)	2, 11, 82.
Assistant Commissioner of Security (Civil Aviation)	2, 82
Police Officer of the rank of Assistant	2, 82

Commissioner of Police and above posted at any airport in the Civil Aviation Security set-up.	
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- (a) *Amended vide S.O. 2901 dated 03-11-1997*
- (b) *Amended vide S.O. 1873 dated 29-05-2000*
- (c) *Inserted vide S.O. 365 dated 20-01-2003*
- (d) *Amended vide S.O. 365 dated 20-01-2003*

SECOND SCHEDULE

S.No.	Rule by which power conferred	Nature of power
<u>GENERAL</u>		
1.	Clause (c) of Sub-rule (2) of Rule 8	To permit carriage of arms, ammunition and other dangerous goods by air.
2.	Sub-rule (6) of rule 8	To cause the goods in question to be placed under custody pending detailed examination of the nature of the goods or pending a decision regarding the action, if any, to be taken in the matter.
3.	Proviso to rule 15	To exempt aircraft from the conditions to be complied with by aircraft in flight.
4.	Clause (a) of Sub-rule (3) of rule 19	To suspend any certificate, rating, licence, authorization or approval or any or all the privileges of any certificate, rating, licence, authorization or approval for any specified period.
5.	Clause (b) of sub-rule (3) of rule 19	To suspend any certificate, rating, licence, authorization or approval during the investigation of any matter.
6.	Clause (c) of sub-rule (3) of rule 19	To cancel any certificate, rating, licence, authorization or approval.
7.	Clause (d) of sub-rule (3) of rule 19	To endorse any adverse remarks on any certificate, rating, licence, authorization or approval.
8.	Sub-rule (4) of rule 19	To cancel or vary any particulars in any licence, authorization, approval, certificate or journey log book.
9.	Sub-rule (4) of rule 19	To vary any particulars in any authorization, approval certificate of airworthiness, certificate of registration or journey log book.
10.	Sub-rule (5) of rule 19	To require the surrender of any licence, authorization, approval, certificate or other document granted or issued under the rules.
11.	Rule 24B	To permit carriage of prisoners on aircraft.
12.	Sub-rule (2) of rule 25	To permit smoking in aircraft.
13.	Rule 26	To permit parachute descents and dropping of articles from aircraft.
14.	Clause (b) of proviso to rule 27	To permit persons to be carried on or in any part of aircraft or any thing attached thereto.

<u>REGISTRATION OF AIRCRAFT</u>		
15.	Proviso to rule 5	To permit a person to fly or assist in flying an unregistered aircraft and/or without its nationality and registration marks and to specify any conditions and limitations for the purpose.
16.	Sub-rule (1) of rule 19	To cancel certificate of registration.
17.	Sub-rule (1) of rule 19	To suspend certificate of registration.
18.	Sub-rule (4) of rule 19	To cancel or vary any particulars in certificates of registration.
19.	Sub-rule (5) of rule 19	To require surrender of certificates of registration.
20.	Sub-rule (1) of rule 30 and rule 32	To register and grant certificates of registration.
21.	Sub-rule (4) of rule 30	To decline to accept an application for registration.
22.	Sub-rule (5) of rule 30	To decline to register aircraft.
23.	Sub-rule (6) of rule 30	To cancel registration of aircraft.
24.	Sub-rule (1) (a) of rule 31	To require particulars relating to aircraft and its ownership.
25.	Sub-rule (1) (b) of rule 31	To refund fees if the application is not granted.
<u>AIRWORTHINESS AND AIRCRAFT MAINTENANCE ENGINEERS</u>		
26.	Sub-rule (2) of rule 19	To cancel, suspend or vary the conditions attached to any certificate relating to airworthiness of aircraft, aircraft component or item of equipment.
27.	Sub-rule (2) of rule 19	To cancel, suspend or vary the conditions attached to the Type Certificate of an aircraft, aircraft component or item of equipment.
28.	Sub-rule (2) of rule 19	To suspend any certificate relating to airworthiness of aircraft, aircraft component or item of equipment.
29.	Sub-rule (2) of rule 19	To suspend the Type Certificate of an aircraft, aircraft component or item of equipment.
30.	Sub-rule (2) of rule 19	To vary the conditions attached to any certificate relating to airworthiness of aircraft, aircraft component or item of equipment.
31.	Sub-rule (2) of rule 19	To vary the conditions attached to the Type Certificate of an aircraft, aircraft component or item of equipment.

32.	Sub-rule (5) of rule 19	To require the surrender of Certificate of Airworthiness or any document relating thereto.
33.	Sub-rule (5) of rule 19	To require the surrender of Type Certificate or any document relating thereto.
34.	Sub-rule (5) of rule 19	To require the surrender of Aircraft Maintenance Engineer's licence, authorization/approval.
35.	Sub-rule (1) of rule 61	To grant Aircraft Maintenance Engineer's licence/authorization/approval.
36.	Sub-rule (1) of rule 61	To grant approval/authorization.
37.	First proviso to sub-rule (2) of rule 61	To grant exemption from general papers to students of Engineering Institutions.
38.	Second proviso to sub-rule (2) of rule 61	To grant relaxation in minimum experience requirement for persons appearing for licence on gliders.
39.	Third proviso to sub-rule (2) of rule 61	To grant relaxation of the experience requirements of Training Institutes.
40.	Sub-rule (6), (7) and (8) of rule 61	To grant authorizations, approvals and Certificates of Competency.
41.	First proviso to sub-rule (9) of rule 61	To grant exemption from the tests for grant of or extension to an Aircraft Maintenance Engineer's licence to any person from Indian Air Force, Air operational Wing of Indian Army or Indian Navy ^(b) .
42.	Second proviso to sub-rule (9) of rule 61	To grant exemption from tests for grant of or extension to an Aircraft Maintenance Engineer's licence to any person who holds a licence granted by a competent authority of a Contracting State.
43.	Sub-rule (11) of rule 61	To renew Aircraft Maintenance Engineer's licence.
44.	Sub-rule (13) of rule 61	To vary entries in Aircraft Maintenance Engineer's licence.
45.	Sub-rule (14) of rule 61	To cancel Aircraft Maintenance Engineer's licence.
46.	Sub-rule (14) of rule 61	To suspend Aircraft Maintenance Engineer's licence.
47.	Sub-rule (14) of rule 61	To endorse Aircraft Maintenance Engineer's licence.
48.	Sub-rule (15) of rule 61	To withhold grant or renewal of Aircraft Maintenance Engineer's licence.
48A.	Rule 61A	To validate foreign licences of Aircraft Maintenance Engineers.
49.	Sub-rule (2) of rule 62	To refund such portion of the fees paid as represents the cost of any examination or inspection not carried out or any licence or

		certificate not issued.
<u>PERSONNEL OF AIRCRAFT</u>		
50.	Rule 38 and sub-rule (5) of rule 19	To grant, to renew, to withhold the grant and renewal, and to require surrender of the following licences:- 1. Student Pilot's Licence 2. Private Pilot's Licence 3. Commercial Pilot's Licence 4. Instrument Rating 5. Assistant Flight Instructor's Rating 6. Glider Pilot's Licence 7. Student Flight Navigator's Licence ^(c) 8. Flight Radio Telephone Operator's Licence 9. Flight Radio Operator's Licence 10. Flight Radio Telephone Operator's Licence (Restricted).
51.	Rule 38 and sub-rule (5) of rule 19	To renew, to withhold the renewal, and to require surrender of the following licences:- 1. Student Pilot's Licence 2. Private Pilot's Licence 3. Commercial Pilot's Licence 4. Instrument Rating 5. Assistant Flight Instructor's Rating 6. Glider Pilot's Licence 7. Student Flight Navigator's Licence ^(c) 8. Flight Radio Telephone Operator's Licence 9. Flight Radio Operator's Licence 10. Flight Radio Telephone Operator's Licence (Restricted).
52.	Rule 38 and sub-rule (5) of rule 19	To grant, to renew, to withhold the grant and renewal, and to require surrender of the following licences/ratings:- 1. Senior Commercial Pilot's Licence 2. Airline Transport Pilot's Licence 3. Flight Instructor's Rating 4. Flight Navigator's Licence
53.	Rule 38 and sub-rule (5) of rule 19	To renew, to withhold the renewal, and to require surrender of the following licences/ratings:- 1. Senior Commercial Pilot's Licence 2. Airline Transport Pilot's Licence 3. Flight Instructor's Rating 4. Flight Navigator's Licence

54.	Rule 38	To renew licences (except Student Flight Engineer's and Flight Engineer's Licence) and ratings of aircraft personnel.
55.	Rule 38	To vary licences (except Student Flight Engineer's and Flight Engineer's Licences) and ratings, in respect of aircraft with A.U.W. not exceeding 5,700 kgs.
56.	Rule 38	To vary licences (except Student Flight Engineer's Licence) and ratings, in respect of aircraft with A.U.W. exceeding 5,700 kgs.
57.	Rule 38 and sub-rule (5) of rule 19	To grant, to withhold the grant and renewal of and to require the surrender of :- 1. Student Flight Engineer's Licence. 2. Flight Engineer's Licence.
58.	Rule 38	To renew Student Flight Engineer's and Flight Engineer's Licences.
59.	Rule 38 and sub-rule (3) and (4) of rule 19	To vary, to endorse any adverse remarks on and to cancel or vary particulars in:- 1. Student Flight Engineer's Licence; and 2. Flight Engineer's Licence.
60.	Sub-rule (3) of rule 38B	To specify approved course for cabin attendants.
61.	Sub-rule (1) of rule 39A	To disqualify a person for a specified period from holding or obtaining licence, rating or aircraft rating ^(c) .
62.	Sub-rule (1) of rule 39A	To debar a person permanently or temporarily from holding any licence or rating ^(c) .
63.	First proviso to rule 41	To exempt certain (a) personnel of the Indian Air Force, Air Operational Wing of Indian Army or Indian Navy from flying tests and medical or other technical examinations for the issue of Senior Commercial and Airline Transport Pilot's Licence ^(a) .
64.	Rule 45	To validate foreign licences.
65.	Sub-rule (5) of rule 48	To order refund of proportionate part of fees.

66.	Sub-rule (3) and (4) of rule 19	<p>(a) To suspend the following licences/ratings and any or all of the privileges thereof for a specified period or during the investigation of any matter;</p> <p>(b) To cancel the following licences/ratings;</p> <p>(c) To endorse any adverse remarks thereon; and</p> <p>(d) To cancel or vary particulars therein:-</p> <ol style="list-style-type: none"> 1. Student Pilot's Licence 2. Private Pilot's Licence 3. Commercial Pilot's Licence 4. Instrument Rating 5. Assistant Flight Instructor's Rating 6. Glider Pilot's Licence 7. Student Flight Navigator's Licence 8. Flight Radio Telephone Operator's Licence 9. Flight Radio Operator's Licence 10. Flight Radio Telephone Operator's Licence (Restricted).
67.	Sub-rule (3) and (4) of rule 19	<p>(a) To suspend the following licences and any or all of the privileges thereof for a specified period or during the investigation of any matter;</p> <p>(b) To cancel the following licences;</p> <p>(c) To endorse any adverse remarks thereon; and</p> <p>(d) To cancel or vary particulars therein:-</p> <ol style="list-style-type: none"> 1. Senior Commercial Pilot's Licence 2. Airline Transport Pilot's Licence 3. Flight Instructor's Rating 4. Flight Navigator's Licence
68.	Sub-rule (3) of rule 19	To suspend or cancel Student Flight Engineer's Licence.
69.	Sub-rule (3) of rule 19	To suspend or cancel Flight Engineer's Licence.
<u>RADIO TELEGRAPHY APPARATUS</u>		
70.	Rule 63	To approve the type of radio telegraph apparatus for use in aircraft.

71.	Rule 63	To approve the installation, bonding and screening of radio telegraph apparatus in aircraft.
<u>AIR ROUTE BEACONS, AERODROME LIGHTS AND FALSE LIGHTS</u>		
72.	Sub-rule (1) of rule 65	To approve the establishment and maintenance of, or alteration in the character of the light exhibited from air route beacons or aerodrome lights and prescribe conditions for such approval.
73.	Sub-rule (1) of rule 66	To serve a notice on the owner or person in possession of the place where a light is exhibited or upon the person having charge of the light for extinguishing or effectually screening such a light and for preventing for the future exhibition of any similar light.
74.	Sub-rule (4) of rule 66	To enter upon the place where the light is and forthwith extinguish the same.
<u>LOG BOOKS</u>		
75.	Sub-rule (4) of rule 19	To cancel or vary any particulars in any journey log book.
76.	Sub-rule (4) of rule 19	To vary any particulars in any journey log book.
<u>AERODROMES</u>		
77.	Rule 78	To determine the extent and the condition subject to which Government aerodromes may be opened to public use.
78.	Rule 80	To licence aerodromes.
79.	Sub-rule (2a) of rule 82	To determine the charges for space in or outside a hangar at a Government Civil Aerodrome, leased out to any person for housing and parking of aircraft or for other purposes and to enter into agreement with a person regarding the terms and conditions of such lease.
80.	Sub-rule (3) of rule 82	To approve tariff of charges for landing and housing at licenced public aerodromes (where such approval may be necessary) other than Government aerodromes.
81.	Sub-rule (2) and (3) of rule 86	To approve alterations to the landing areas, building or other structures or to withhold such approval.

82.	Rule 81-A	To permit entry into movement area.
83.	Sub-rule (3) of rule 19 Sub-rule (4) of rule 86	To cancel aerodrome licences.
84.	Sub-rule (3) of rule 19	To suspend aerodrome licences.
85.	Sub-rule (5) of rule 86	To approve that the aerodrome has been maintained by the licensee in a fit state for use by aircraft and marked adequately.
86.	Proviso to rule 87	To require the inspection of an aerodrome before the grant or renewal of a licence.
<u>AIR TRANSPORT SERVICES</u>		
87.	Sub-rule (1) of rule 134	To permit operation of scheduled services by private operators.
88.	Sub-rule (2) of rule 134	To permit any air transport undertaking of which the principal place of business is in any country outside India to operate an air transport service.
89.	Sub-rule (3) of rule 134	To permit operation of non-scheduled air transport services.
<u>RULES OF THE AIR</u>		
90.	Schedule IV Section 3 – General Rules, Paragraph 3.1.2.2 sub-paragraph (iv)	To permit aerobatics to be carried out at a height of less than 600 metres (2000 feet above the ground).
91.	Schedule IV Section 3 – General Rules, Paragraph 3.2.3 Towing objects	To prescribe the requirements regarding the towing of an object by an aircraft.
92.	Schedule IV Appendix- A Paragraph 5.2.2	To prescribe the requirements regarding the lighting of the landing area, the approach to the landing area and the boundary of landing area.

- (a) *Inserted vide S.O. 2555 dated 12-12-1998*
(b) *Amended vide S.O.2901 dated 03-11-1997*
(c) *Inserted vide S.O. 1873 dated 29-05-2002*

Appendix 'B'

POWERS/RESPONSIBILITIES OF DGCA OFFICERS FOR TAKING ENFORCEMENT ACTION UNDER THE AIRCRAFT RULES, 1937.

I – Notification No. S.O. 726(E) dated 04-10-1994

S.No.	Brief Description of Power/Responsibility	Relevant Rules	Designation of Officer
1.	To cancel Type Certificate of an aircraft, aircraft component or item of equipment which has been issued or validated.	Rule 49D	JDG.
2.	To suspend or endorse Type Certificate of an aircraft, aircraft component or item of equipment which has been issued or validated.	Rule 49D	JDG, DDG, DAW(Hqrs.), JDG(R&D) and DDG(R&D).
3.	To suspend a Certificate of Airworthiness.	Clause (a) of Sub-rule (2) of rule 55	JDG, DDG, DAW(Hqrs.), DAW (Region), DDAW, CAW, Sr. AWO(Hqrs.), Sr. AWO (Region), AWO(Hqrs.) and AWO(Region)
4.	To cancel Certificate of Airworthiness.	Clause (a) of Sub-rule (2) of rule 55	JDG and DAW(Hqrs.).
5.	To require delivery of defective aircraft components or parts to any person or organisation.	Sub-rule (2) of rule 59	JDG, DDG, DAW(Hqrs.), DAW (Region), CAW, JDG(R&D), DDG(R&D), Dir(R&D), DDir(R&D), DAS, DDAS, RCAS, Astd. DAS, Sr. ASO and ASO.
6.	To prohibit from flight any foreign aircraft which sustains any major damage or in which any major defect found.	Sub-rule (1) of rule 59A	JDG, DDG, DAS, DDAS and RCAS.
7.	To cancel, suspend or endorse or take any other action under the rules on any approval or authorization granted to an individual or to an organisation.	Sub-rule (10) of rule 133B	JDG, DDG and DAW(Hqrs.).
8.	To cancel, suspend or endorse or take any other action under these rules on any approval or authorization granted to an individual or an operator.	Sub-rule (9) of rule 155A	JDG, DDG and DAW(Hqrs.).

II – Notification No. S.O. 727(E) dated 04-10-1994

S.No.	Description of Power/Responsibility	Relevant Rules	Designation of Officer
1.	To suspend any certificate, rating, licence, authorization or approval or any or all the privileges of any certificate, rating, licence, authorization or approval for any specified period.	Clause (a) of sub-rule (3) of rule 19.	DG, JDG and DDG.
2.	To suspend any certificate, rating, licence, authorization or approval during the investigation of any matter.	Clause (b) of sub-rule (3) of rule 19.	DG, JDG, DDG and DAS.
3.	To cancel any certificate, rating, licence, authorization or approval.	Clause (c) of sub-rule (3) of rule 19.	DG and JDG.
4.	To endorse any adverse remarks on any certificate, rating, licence, authorization or approval.	Clause (d) of sub-rule (3) of rule 19.	DG, JDG and DDG.
5.	To cancel or vary any particulars in any licence, authorization, approval, certificate or journey log book.	Sub-rule (4) of rule 19.	DG, JDG and DDG.
6.	To vary any particulars in any authorization, approval, certificate of airworthiness, certificate of registration or journey log book.	Sub-rule (4) of rule 19.	DG, JDG, DDG, DTL, AW(Hqrs.), DAW (Region), DDAW, Sr. AWO (Hqrs.), Sr. AWO(Region) CAW and AWO (Region).
7.	To require the surrender of any licence, authorization, approval, certificate or other document granted or issued under the rules.	Sub-rule (5) of rule 19.	DG, JDG, DDG, DTL, DDFCS, ADTL, DTL(Region), DAS, DDAS, Astd.DAS, Sr.ASO, RCAS, ASO, DAW(Hqrs.), DDAW, DDTL, AWO(Hqrs.), AWO (Region), Sr. AWO (Hqrs.)DAW (Region), CAW, Sr.AWO (Region) and AWO(Region).
8.	To cancel certificate of registration.	Sub-rule (1) of rule 19.	DG and JDG
9.	To suspend certificate of registration.	Sub-rule (1) of rule 19.	DG, JDG, DDG and DAW(Hqrs.).
10.	To cancel or vary any particulars in certificates of registration.	Sub-rule (4) of rule 19.	DG, JDG, DDG and DAW(Hqrs.).
11.	To require surrender of certificates of registration.	Sub-rule (5) of rule 19.	DG, JDG, DDG, DAW(Hqrs.), DAW

S.No.	Description of Power/Responsibility	Relevant Rules	Designation of Officer
			(Region), DDAW, Sr. AWO (Hqrs.), CAW, Sr. AWO(Hqrs.) and Sr. AWO (Region).
12.	To cancel registration of aircraft.	Sub-rule (6) of rule 30.	DG and JDG.
13.	To cancel, suspend or vary the conditions attached to any certificate relating to airworthiness of aircraft, aircraft component or item of equipment.	Sub-rule (2) of rule 19.	DG, JDG and DDG.
14.	To cancel, suspend or vary the conditions attached to the Type Certificate of an aircraft, aircraft component or item of equipment.	Sub-rule (2) of rule 19.	DG, JDG, DDG, JDG(R&D) and DDG(R&D).
15.	To suspend any certificate relating to airworthiness of aircraft, aircraft component or item of equipment.	Sub-rule (2) of rule 19.	DG, JDG, DDG, DAW(Hqrs.), DAW (Region), DDAW Sr. AWO(Hqrs.), Sr. AWO (Region) AWO(Hqrs.), CAW, and AWO (Region).
16.	To suspend the Type Certificate of an aircraft, aircraft component or item of equipment.	Sub-rule (2) of rule 19.	DG, JDG, DDG, JDG(R&D), DDG(R&D) and Dir(R&D).
17.	To vary the conditions attached to any certificate relating to airworthiness of aircraft, aircraft component or item of equipment.	Sub-rule (2) of rule 19.	DG, JDG, DDG, DAW(Hqrs.) and DAW(Region).
18.	To vary the conditions attached to the Type Certificate of an aircraft, aircraft component or item of equipment.	Sub-rule (2) of rule 19.	DG, JDG, DDG, JDG(R&D), DDG(R&D) and Dir(R&D).
19.	To require the surrender of Certificate of Airworthiness or any document relating thereto.	Sub-rule (5) of rule 19.	DG, JDG, DDG, DAW(Hqrs.), DAW (Region), DDAW, AWO(Hqrs.), AWO (Region), CAW, Sr. AWO(Hqrs.) and Sr. AWO (Region).
20.	To require the surrender of Type Certificate or any document relating thereto.	Sub-rule (5) of rule 19.	DG, JDG, DDG, JDG(R&D), DDG(R&D), Dir(R&D) and DD(R&D).
21.	To require the surrender of Aircraft Maintenance Engineer's Licence, authorization/approval.	Sub-rule (5) of rule 19.	DG, JDG, DDG, DAW(Hqrs.), DAW (Region), DDAW, Sr. AWO (Headquarters), AWO, AWO

S.No.	Description of Power/Responsibility	Relevant Rules	Designation of Officer
			(Region), CAW, Sr. AWO and Sr. AWO (Region).
22.	To vary entries in Aircraft Maintenance Engineer's licence.	Sub-rule (13) of rule 61.	DG, JDG, DDG, DAW(Hqrs.), DAW (Region), DDAW, Sr. AWO (Hqrs.), Sr. AWO (Region), CAW and Sr. AWO.
23.	To cancel Aircraft Maintenance Engineer's Licence.	Sub-rule (14) of rule 61.	DG and JDG.
24.	To suspend Aircraft Maintenance Engineer's Licence.	Sub-rule (14) of rule 61.	DG, JDG, DDG, DAW(Hqrs.), DAW(Region) and DDAW.
25.	To endorse Aircraft Maintenance Engineer's Licence.	Sub-rule (14) of rule 61.	DG, JDG, DDG, DAW(Hqrs.), DAW (Region), DDAW and CAW.
26.	To withhold grant or renewal of Aircraft Maintenance Engineer's Licence.	Sub-rule (15) of rule 61.	DG, JDG, DDG, DAW(Hqrs.) and DDAW.
27.	To renew, to withhold the grant and renewal, and to require surrender of the following licences:- 1. Student Pilot's Licence 2. Private Pilot's Licence 3. Commercial Pilot's Licence 4. Instrument Rating 5. Assistant Flight Instructor's Rating 6. Glider Pilot's Licence 7. Student Flight Navigator's Licence(c) 8. Flight Radio Telephone Operator's Licence 9. Flight Radio Operator's Licence 10. Flight Radio Telephone Operator's Licence (Restricted).	Rule 38 and sub-rule (5) of rule 19.	DG, JDG, DDG, DTL, DDTL, DDFCS and DFT (in respect of Astt. Flight Instructor's Rating only).
28.	To withhold the renewal, and to require surrender of the following licences:- 1. Student Pilot's Licence 2. Private Pilot's Licence 3. Commercial Pilot's Licence 4. Instrument Rating 5. Assistant Flight Instructor's Rating 6. Glider Pilot's Licence 7. Student Flight Navigator's Licence 8. Flight Radio Telephone Operator's Licence	Rule 38 and sub-rule (5) of rule 19.	DG, JDG, DDG, DTL, DDTL, DDFCS, ADTL, DFT (in respect of Astt. Flight Instructor and Flight Instructor Rating only) and DDTL(Region).

S.No.	Description of Power/Responsibility	Relevant Rules	Designation of Officer
	9. Flight Radio Operator's Licence 10. Flight Radio Telephone Operator's Licence (Restricted).		
29.	To withhold the grant and renewal, and to require surrender of the following licences/ratings:- 1. Senior Commercial Pilot's Licence 2. Airline Transport Pilot's Licence 3. Flight Instructor's Rating 4. Flight Navigator's Licence	Rule 38 and sub-rule (5) of rule 19.	DG, JDG, DDG, DTL, DDTL(Region) and DFT (in respect of Flight Instructor's Rating only).
30.	To withhold the renewal, and to require surrender of the following licences/ratings:- 1. Senior Commercial Pilot's Licence 2. Airline Transport Pilot's Licence 3. Flight Instructor's Rating 4. Flight Navigator's Licence	Rule 38 and sub-rule (5) of rule 19.	DG, JDG, DDG, DTL and DFT (in respect of Flight Instructor's Rating only).
31.	To vary licences (except Student Flight Engineer's and Flight Engineer's Licences) and ratings, in respect of aircraft with A.U.W. not exceeding 5,700 kgs.	Rule 38	DG, JDG, DDG, DTL, DDTL and DDFCS.
32.	To vary licences (except Student Flight Engineer's Licence) and ratings, in respect of aircraft with A.U.W. exceeding 5,700 kgs	Rule 38	DG, JDG, DDG and DTL.
33.	To withhold the grant and renewal of and to require the surrender of:- 1. Student Flight Engineer's Licence. 2. Flight Engineer's Licence.	Rule 38 and sub-rule (5) of rule 19.	DG, JDG, DDG, DAW(Hqrs.) and DDAW.
34.	To vary, to endorse any adverse remarks on and to cancel or vary particulars in:- 1. Student Flight Engineer's Licence; and 2. Flight Engineer's Licence.	Rule 38 and sub-rule (3) and (4) of rule 19.	DG, JDG, DDG, DAW(Hqrs.), DAW (Region), DDAW, Sr. AWO(Hqrs.), Sr. AWO (Region) and CAW.
35.	To disqualify a person for a specified period from holding or obtaining licence, rating or aircraft rating.	Sub-rule (1) of rule 39A.	DG, JDG, DDG and DTL.
36.	To debar a person permanently or temporarily from holding any licence or rating.	Sub-rule (1) of rule 39A.	DG and JDG.
37.	(a) To suspend the following licences/ratings and any or all of the privileges thereof for a specified period or during the investigation of any matter; (b) To cancel the following licences/ratings; (c) To endorse any adverse remarks thereon; and	Sub-rule (3) and (4) of rule 19.	DG, JDG, DDG and DTL.

S.No.	Description of Power/Responsibility	Relevant Rules	Designation of Officer
	(d) To cancel or vary particulars therein:- 1. Student Pilot's Licence 2. Private Pilot's Licence 3. Commercial Pilot's Licence 4. Instrument Rating 5. Assistant Flight Instructor's Rating 6. Glider Pilot's Licence 7. Student Flight Navigator's Licence 8. Flight Radio Telephone Operator's Licence 9. Flight Radio Operator's Licence 10. Flight Radio Telephone Operator's Licence (Restricted).		
38.	(a) To suspend the following licences and any or all of the privileges thereof for a specified period or during the investigation of any matter; (b) To cancel the following licences; (c) To endorse any adverse remarks thereon; and (d) To cancel or vary particulars therein:- 1. Senior Commercial Pilot's Licence 2. Airline Transport Pilot's Licence 3. Flight Instructor's Rating 4. Flight Navigator's Licence	Sub-rules (3) and (4) of rule 19.	DG, JDG and DDG.
39.	To suspend or cancel Student Flight Engineer's Licence.	Sub-rule (3) of rule 19.	DG, JDG and DDG.
40.	To cancel or vary any particulars in any journey log book.	Sub-rule (4) of rule 19.	DG, JDG, DDG, DTL, DAW(Hqrs.), DAW (Region), DDAW and CAW.
41.	To vary any particulars in any journey log book.	Sub-rule (4) of rule 19.	DG, JDG, DDG, DTL, DDTL DAW(Hqrs.), DAW (Region), DDAW, CAW and DDFCS.
42.	To cancel aerodrome licences.	Sub-rule (3) of rule 19 and sub-rule (4) of rule 83.	DG, JDG and DDG.
43.	To suspend aerodrome licences.	Sub-rule (3) of rule 19.	DG, JDG and DDG.

SCHEDULE VI OF THE AIRCRAFT RULES, 1937

Penalties

(See Rule 161)

(Substituted by G.S.R. No. 686(E) dated 17th September, 2009)

Category I – Offences punishable with imprisonment for a term not exceeding two years or with fine not exceeding ten lakh rupees, or with both:

S.No.	Nature of offence	Relevant rule or rules
1.	Flying an aircraft without registration.	Clause (a) of rule 5
2.	Flying an aircraft without valid certificate of airworthiness or without being maintained in airworthy condition.	Clause (i) of sub-rule (1) of rule 15
3.	Contravention of the provisions of rule 29.	Rule 29
4.	Non-compliance with the provisions of rule 38A.	Rule 38A
5.	Operating an aircraft without specified minimum crew.	Sub-rule (7) of rule 38A
6.	Flying an aircraft without valid and appropriate pilot's licence, rating or medical fitness.	Rules 6, 6A and 39C
7.	Failure to notify or report accidents.	Rules 68 and 69
8.	Operation of a scheduled air transport service without permission.	Sub-rule(1) of rule 134
9.	Operation of a non-scheduled air transport service without permission.	Sub-rule(3) of rule 134
10.	Contravention of the provisions of rule 158.	Rule 158
11.	Contravention of the provisions of rule 158A.	Rule 158A

Category II – Offences punishable with imprisonment for a term not exceeding one year or with fine not exceeding five lakh rupees, or with both:

S. No.	Nature of offence	Relevant rule or rules
1.	Flying an aircraft in contravention of rule 5A.	Rule 5A
2.	Non-compliance with the direction issued under sub-rule (2) of rule 7A.	Sub-rule (2) of rule 7A
3.	Unauthorised carriage of arms, ammunitions, explosives, military stores etc.	Rule 8
4.	Contravention of the provisions of rule 9 relating radio-telegraph apparatus.	Rule 9
5.	Contravention of the provisions of rule 12.	Rule 12
6.	Unauthorised photography at a Government aerodrome or from an aircraft in flight.	Rule 13
7.	Unauthorised use of aircraft for aerial work.	Rule 14
8.	Non-compliance with the terms and conditions of certificate of airworthiness.	Clause (ii) of sub-rule (1) of rule 15
9.	Flying an aircraft without having on board the required serviceable equipment.	Clause (iv) of sub-rule (1) of rule 15
10.	Non-compliance with the directions issued under sub-rule (1) of rule 18.	Sub-rule (2) of rule 18
11.	Contravention of the provisions of sub-rules (1), (3) and (4) of rule 24.	Sub-rules (1), (3) and (4) of rule 24
12.	Contravention of the provisions of rule 25A relating to fuelling of aircraft.	Rule 25A
13.	Contravention of the provisions of rule 25B relating to housing of aircraft.	Rule 25B
14.	Contravention of the provisions of rule 26 relating to dropping of articles and descent by parachutes.	Rule 26
15.	Carriage of persons in unauthorised parts of aircraft.	Rule 27
16.	Flying an aircraft in contravention of rule 28	Rules 28 and 28A

	or 28A.	
17.	Violation of the provisions of temporary certificate of registration issued under rule 32.	Rule 32
18.	Contravention of provisions of sub-rule (1) of rule 38B.	Sub-rule (1) of rule 38B
19.	Destruction, mutilation etc. of any entry in the log books or making of any false and fraudulent entry therein.	Rule 67B
20.	Contravention of or non-compliance with any of the conditions specified in the order under sub-rule (1A) of rule 134.	Sub-rule(1A) of rule 134
21.	Contravention of or non-compliance with the conditions attached to the permission under the bilateral agreement or to the temporary authorisation.	Sub-rule(2) of rule 134
22.	Contravention of or non-compliance with the conditions attached to the permission for operation of non-scheduled services.	Sub-rule(3) of rule 134
23.	Non-compliance with requirements contained in rule 140.	Rule 140
24.	Obstructing any person acting in the exercise of his powers or in discharge of his duties under the provisions of the Aircraft Rules, 1937.	Rule 159
25.	Contravention of the provisions of Schedule XI by an air transport undertaking.	Schedule XI

Category III – Offences punishable with imprisonment for a term not exceeding six months or with fine not exceeding two lakh rupees, or with both:

S.No.	Nature of offence	Relevant rule or rules
1.	Flying an aircraft not bearing nationality and registration marks.	Clause (b) of rule 5
2.	Contravention of the provisions of rule 11.	Rule 11
3.	Non-compliance with the rules of the air.	Rule 16
4.	Contravention of the provisions of sub-	Sub-rule (2) of rule 24

	rule(2) of rule 24.	
5.	Contravention of the provisions of rule 29A.	Rule 29A
6.	Failure to notify change in ownership of the aircraft	Rule 33
7.	Exercising the privileges of a licence without being declared fit after sickness or injury or not notifying the details of sickness or injury to the Director-General.	Sub-rule(2) of rule 42
8.	Violation of the provisions of rule 42A.	Rule 42A
9.	Contravention of the provisions relating to logging of flight time.	Rule 67A
10.	Failure to notify incidents.	Rule 77B
11.	Operation of a schedule air transport service or a series of landing and departures by any aircraft carrying passengers and cargo for hire and reward from an unlicensed or non-approved aerodrome.	Sub-rule (1) of rule 78 and sub-rules (1) and (2) of rule 11
12.	For not maintaining an aerodrome in a fit state with adequate markings and not informing the Director-General of any unserviceability.	Sub-rule (5) of rule 83
13.	Non-compliance with the directions issued under rule 133A.	Rule 133A
14.	Non-compliance with the provisions of rule 140A.	Rule 140A
15.	Non-availability of approved organisation, maintenance system and manuals.	Sub-rules (1),(2), (3) and (4) of rule 155A
16.	For not maintaining records as required by the Director-General.	Sub-rule (7) of rule 155A
17.	Denial of access to an authorised person.	Sub-rule(3) of rule 156
18.	Contravention of provisions of rule 157.	Rule 157

Category IV – Offences punishable with imprisonment for a term not exceeding three months or with fine not exceeding one lakh rupees, or with both:

S.No.	Nature of offence	Relevant rule or rules
1.	Non-carriage of documents as required by rule 7.	Rule 7
2.	Non-carriage of certificate of airworthiness or other certificates on board the aircraft.	Clause (iii) of sub-rule (1) of rule 15
3.	Flying Microlight aircraft without meeting the requirements laid down in sub-rule (2) of rule 15.	Sub-rule (2) of rule 15.
4.	Non-production of the documents as required by rule 17.	Rule 17
5.	Contravention of the provisions of rule 24C.	Rule 24C
6.	Contravention of the provision of rule 25.	Rule 25
7.	Contravention of the provisions of rule 29B.	Rule 29B
8.	Non-compliance with the provisions of rule 37.	Rule 37.
9.	Contravention of the provisions of rule 37A.	Rule 37A
10.	Contravention of the provisions of sub-rules (3), (5), (6) and (7) of rule 38B.	Sub-rules (3) , (5), (6), and (7) of rule 38B
11.	Exercising of the privileges of a licence when the physical condition has deteriorated below the required standard.	Sub-rule (4) of rule 42
12.	Non-compliance with the provisions of rule 44.	Rule 44
13.	Establishment or alteration of aeronautical beacons without approval.	Rule 65
14.	Non-compliance with the direction to extinguish or screen false lights.	Rule 66
15.	Non-compliance with the provisions governing	Rule 67

	the issue and maintenance of log books.	
16.	Denial of excess to an authorised person for inspection.	Rule 82
17.	Alteration in the landing area, building or any structure of the aerodrome affecting the safety of the aircraft without approval of the Director-General.	Sub-rule (2) of rule 83
18.	Non-display of tariff charges and levy of non-uniform tariff.	Sub-rule (1) of rule 86
19.	Unauthorised entry into terminal building of an aerodrome.	Sub-rule (1) of rule 90
20.	Unauthorised entry of any person or vehicle in the movement area of an aerodrome.	Sub-rule (2) of rule 90 and sub-rule (3) of rule 11
21.	Leaving any animal, object or bird in the movement area of an aerodrome.	Sub-rule (2) of rule 90
22.	Non-compliance with the provisions of rule 92.	Rule 92
23.	Non-compliance with the provisions of sub-rules (2A) and (2B) of rule 135.	Sub-rules (2A) and (2B) of rule 135
24.	For not carrying Operations Manual on board the aircraft.	Sub-rule(3) of rule 140B
25.	For not carrying Route Guide on board the aircraft.	Rule 140C
26.	Non-compliance with the provisions of sub-rule (1) of rule 141.	Sub-rule (1) of rule 141
27.	Non-compliance with the instructions contained in the manual(s).	Sub-rule (5) of rule 155A
28.	For not having a provision for imparting instructions to personnel authorised to certify.	Sub-rule (6) of rule 155A
29.	The doing of any act prohibited by or under any rule, or failure to do any act required to be done by or under any rule, not specified elsewhere in this Schedule.	_____

Standard Form for Initial Violation Process Form

Office of the Director General of Civil Aviation

Dated

INITIAL VIOLATION PROCESS FORM

- i) Name of the person / operator :
- ii) Date and time of suspected violation :
- iii) Location where the incident took place :
- iv) Description of the event(s) leading to suspected violation :
- v) Names, addresses, telephone numbers of the witnesses :
- vi) Any other relevant information :

()
Signature of DGCA Officer / Inspector

Standard Form for Detention of Aircraft

Office of the Director General of Civil Aviation

No.

Dated

ORDER

WHEREAS (indicate type and
Registration No. of the aircraft) belonging to
.....(indicate name of operator / owner) is
likely to (specify the ground(s)
for detention from section 8 of the Aircraft Act or para 5.6.1 of this Manual);

NOW, THEREFORE, the undersigned, in exercise of the powers
conferred by section 8 of the Aircraft Act, 1934 read with rule 18 of the Aircraft
Rules, 1937, and delegated to him vide Ministry of Civil Aviation and Tourism
notification No. S.O. 754 dated 28th February, 1994, hereby directs
that the said aircraft shall be detained and shall not be operated until further
orders.

()
Signature of the Authorised Person

To

1. The Pilot-in-Command
2. Owner/Operator of the aircraft

Standard Form for Release of Aircraft

Office of the Director General of Civil Aviation

No.

Dated

ORDER

WHEREAS (indicate type and Registration No. of the aircraft) was detained by (indicate name and designation of the officer) vide Order No..... dated

AND WHEREAS from the documents / evidence submitted by the operator / owner / Pilot-in-Command, it appears that adequate measures have been taken;

NOW, THEREFORE, the undersigned, being satisfied that the grounds on which the aircraft was detained no longer exist, hereby orders the release of the said aircraft.

()
Signature of the person senior to the one who ordered detention of aircraft.

To
1. The Pilot-in-Command

2. Owner/Operator of the aircraft

Appendix 'D'(Cont'd)

Standard Form for Investigation Report

File Reference No. _____

INVESTIGATION REPORT

1. Alleged Offender's Name :
2. Civil Aviation Document :
Number held by the alleged
offender
3. Address :
4. List the Provisions in the
Aircraft Act or Regulations
contravened by the alleged
offender
5. Name of the Investigating :
Officer
6. Position held by the :
Investigator
7. Signature and Date :

CASE SYNOPSIS

IDENTITY OF THE ALLEGED OFFENDER

Name: (Offender's Name)
Address: (Offender's Address)
D.O.B.: (Offender's DOB)
License: (Offender's License - Type and Number)

DGCA Enforcement Policy and Procedures Manual
First Edition – 2009

Rev. 3, 18th September 2009

AIRCRAFT

Identity: (Aircraft Type, Model, Registration)
Owner: (Aircraft Owner)
Address: (Aircraft Owner's Address)

ANALYSIS OF LEGISLATION

ALLEGATION: Reference number and text of the regulation which has been contravened.

ELEMENTS	FACTS TO BE ESTABLISHED	EVIDENCE	EXHIBIT
Reg Element	Reg Fact	Evidence	

ANALYSIS:

JURISPRUDENCE

INVESTIGATOR'S RECOMMENDATION

Investigator's comments

SUPERVISOR'S COMMENTS

DAS/DAW/FID DETERMINATION

DGCA DECISION

LIST OF EXHIBITS

Standard Form for Show Cause Notice

Office of the Director General of Civil Aviation

No.

Dated

SHOW CAUSE NOTICE

WHEREAS during surveillance / investigation, it was observed that Shri (name of alleged offender) has violated / not complied with (indicate the legal provision), the details of which is set out in the enclosed statement;

NOW, THEREFORE, it is proposed to suspend / cancel (specify the aviation document) issued to (name of the alleged offender);

Shri is hereby called upon to show cause as to why the proposed action should not be taken against him. His reply should reach this office within 30 days of the receipt of this Notice.

The representation received from Shri will be considered on merit and a decision will be taken accordingly.

If Shri fails to reply within the stipulated time, it will be assumed that he has nothing to say in his defence and suitable orders will be liable to be passed against him *ex parte*.

()
Signature of the Authorised Person

To

Standard Form for Final Action

Office of the Director General of Civil Aviation

No.

Dated

ORDER

WHEREAS it was observed that Shri (name of the alleged offender) had violated / not complied with (specify the legal provision);

AND WHEREAS a Show Cause Notice was served on Shri (name of the alleged offender) vide No. dated

AND WHEREAS the representation received from Shri has been considered and has not been found satisfactory;

OR

AND WHEREAS Shri has not made any representation within the stipulated time of 30 days;

NOW THEREFORE, the undersigned in exercise of the powers conferred by rule of the Aircraft Rules, 1937, and delegated to him vide Ministry of Civil Aviation and Tourism notification No. S.O. 726(E) / 727 (E) dated 4th October, 1994, hereby cancels / suspends (specify the aviation document).

Shri is further directed to surrender (specify the aviation document) for cancellation / suspension / endorsement / variation within 10 days of the receipt of this Order.

()
Signature of the Authorised Person

To

Standard Form for Criminal complaint

BEFORE THE COURT OF THE CHIEF METROPOLITAN MAGISTRATE AT (CITY)

CRIMINAL COMPLAINT NO. _____ OF 20_____

IN THE MATTER OF :

(Name and address of DGCA – local office)
Through its Authorized Representative

..... **COMPLAINANT**

VERSUS

(Name and address of the accused)

..... **ACCUSED**

Police Station:_____

U/Section - of the Aircraft Act, 1934.

and/or Rule of the Aircraft Rules, 1937.

RESPECTFULLY SHOWETH:

- 1) The name, designation of the authorized representative and the document authorizing him to file the complaint.
- 2) A brief paragraph about name, address and occupation of the accused.

BACKGROUND:

- 1) Background of the facts of the case.
- 2) Background of the regulatory provisions which warrant compliance.

NATURE OF OFFENCE:

- 1) Offences committed by the accused.
- 2) Punishment liable to be imposed on accused.

OTHER EVIDENCE IN SUPPORT OF COMPLAINT:

- 1) Copy of statements of witnesses.
- 2) Copies of documents available.
- 3) Copies of letters, notices etc. issued to the accused seeking rectification of the offence.
- 4) Copies of any directions issued by DGCA violated by accused.

JURISDICTION:

Territorial jurisdiction based on Police Station

LIMITATION:

Complaint is filed within limitation from the date of offence

PRAYER:

The complainant therefore prays :-

- i) that the accused may be punished appropriately so that culprits of similar kind would be afraid to indulge in such criminal activities.
- ii) that such other orders be passed as the Hon'ble Court may deem fit in the circumstances of the case.
- iii) (mention any other statement of prayer you wish to make)

PLACE :

DATED:

Name & signature of the complainant

VERIFICATION

I (name of complainant), authorized representative of DGCA, (local address) do hereby declare that the facts stated herein are true and correct on the basis of the records maintained by the office of the DGCA and nothing material has been concealed therefrom.

Verified on this _____ day of _____, 20____.

Name & signature of the complainant