

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii)]

**Government of India
Ministry of Civil Aviation**

NOTIFICATION

New Delhi, the ___ March, 2012

G.S.R. - The following rules, which the Central Government proposes to make in exercise of the powers conferred by sections 4 and 7 of the Aircraft Act, 1934 (22 of 1934), is hereby published as required by section 14 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after a period of thirty days from the date on which copies of the Gazette of India in which this notification is published, are made available to the public;

Any objection or suggestion, which may be received from any person with respect to the said draft rules before the expiry of the period specified above, will be considered by the Central Government.

Objections or suggestions, if any, may be addressed to the Director, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi – 110 003.

Draft Rules

1. Short title, extent and commencement. — (1) These rules may be called the Aircraft (Investigation of Accidents and Incidents) Rules, 2012.

(2) These rules extend 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.

2. Definitions and interpretations. — In these rules, unless there is any thing repugnant in the subject or context —

- (a) **“accident”** shall mean an occurrence associated with the operation of an aircraft which, —
 - (i) in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until

such time as all such persons have disembarked; or

(ii) in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which —

(a) a person is fatally or seriously injured as a result of—

(i) being in the aircraft, or

(ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or

(iii) direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

(b) the aircraft sustains damage or structural failure which —

(i) adversely affects the structural strength, performance or flight characteristics of the aircraft, and

(ii) would normally require major repair or replacement of the affected component,

except for failure of engine or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

(c) the aircraft is missing or is completely inaccessible.

Explanation.— For the purposes of this clause, “determining aircraft damage” are as specified in Schedule B.

(b) “**accredited representative**” means a person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State and where the State has established an accident investigation authority, the designated accredited representative may be from that authority;

(c) “**Act**” means the Aircraft Act, 1934 (22 of 1934);

(d) “**adviser**” means a person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation;

(e) “**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the surface of the earth;

(f) “**Aircraft Accident Investigator**” means a person appointed by the Central Government to investigate an accident or a serious incident or an incident either by

Committee of Inquiry under rule 11 or Formal Investigation under rule 12;

- (g) **“Annex 13”** means Annex 13 to the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 as amended from time to time;
- (h) **“Bureau”** means Aircraft Accident Investigation Bureau set up by the Central Government under rule 9;
- (i) **“causes”** means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident but does not amount to assigning fault or determination of administrative, civil or criminal liability;
- (j) **“Chicago Convention”** means Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 as amended from time to time;
- (k) **“Director-General”** means Director General of Civil Aviation;
- (l) **“fatal injury”** means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident;
- (m) **“flight recorder”** means any type of recorder installed in the aircraft for the purpose of assisting accident or incident investigation;
- (n) **“incident”** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- (o) **“investigation”** means a process conducted for the purpose of prevention of accident which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes, contributing factors and, when appropriate, the making of safety recommendations;
- (p) **“maximum mass”** means maximum certificated take-off mass;
- (q) **“missing aircraft”** means when the official search has been terminated and the wreckage of the aircraft has not been located;
- (r) **“operator”** means a person, organization or enterprise engaged in or offering to engage in operation of an aircraft;
- (s) **“preliminary report”** means the communication used for the prompt dissemination of data obtained during the early stages of the investigation;
- (t) **“safety recommendation”** means a proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident including safety recommendations may resulting from diverse sources and safety studies;
- (u) **“Schedule”** means a Schedule to these rules;
- (v) **“serious incident”** means an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, —

(i) in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or

(ii) in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down;

Note.— The difference between an accident and a serious incident lies only in the result and the serious incidents are as specified in Schedule A.

(w) **“serious injury”** means an injury which is sustained by a person in an accident and which —

(i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or

(ii) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

(iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

(iv) involves injury to any internal organ; or

(v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or

(vi) involves verified exposure to infectious substances or injurious radiation;

(x) **“State of Design”** means the State having jurisdiction over the organization responsible for the type design of the aircraft;

(y) **“State of Manufacture”** means the State having jurisdiction over the organization responsible for the final assembly of the aircraft;

(z) **“State of Occurrence”** means the State in the territory of which an accident or incident occurs;

(za) **“State of the Operator”** means the State in which the principal place of business of the operator is located or, if there is no such place of business, the permanent residence of the operator;

(zb) **“State of Registry”** means the State on whose register the aircraft is entered.

Explanation.— In the case of the registration of aircraft of an international operating agency other than on a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry.

(zc) **“Unmanned aircraft”** means an aircraft having a design or operational approval.

3. Objective of the investigation of accidents and incidents. — (1) The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents and not to apportion blame or liability.

(2) Any investigation conducted in accordance with the provisions of these rules shall be separate from any judicial or administrative proceedings.

4. Notification. — (1) Where an accident or a serious incident occurs involving an Indian registered aircraft or an aircraft operated by an Indian operator, then the pilot-in-command of the aircraft or, if he be killed or incapacitated, the owner, the operator, the hirer or other person on whose behalf he was in command of the aircraft, or any relevant person, as the case may be, shall, as soon as is reasonably practicable after he becomes aware of the accident or serious incident —

- (a) send notice thereof to the Aircraft Accident Investigation Bureau and Director-General of Civil Aviation by the quickest means of communication available; and
- (b) in the case of an accident occurring in India, give information to the District Magistrate and the Officer-in-charge of the nearest Police Station of the accident and of the place where it occurred.

(2) The notification shall be in plain language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information, namely —

- (a) for accidents the identifying abbreviation ACCID, for serious incidents INCID;
- (b) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) name of owner, operator and hirer, if any, of the aircraft;
- (d) qualification of the pilot-in-command, and nationality of crew and passengers;
- (e) date and time (local time or UTC) of the accident or serious incident;
- (f) last point of departure and point of intended landing of the aircraft;
- (g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
- (i) description of the accident or serious incident and the extent of damage to the aircraft so far as is known;
- (j) an indication to what extent the investigation will be conducted or is proposed to be delegated by the Central Government;
- (k) physical characteristics of the accident or serious incident area, as well as an indication of access difficulties or special requirements to reach the site;
- (l) identification of the originating authority and means to contact the investigator-in-charge and the accident investigation authority of India at any time; and
- (m) presence and description of dangerous goods on board the aircraft.

(3) If the details or, other known information referred in sub-rule (2) are omitted, such information shall also be dispatched to as soon as it is possible.

(4) The Central Government shall notify the facts of the accident or serious incident in the Indian territory or in the assigned oceanic air space beyond the territory of India, containing as much of the information referred to in sub-rule (2) as may be available with a minimum of delay and by the most suitable and quickest means available, to —

- (a) the State of Registry;
- (b) the State of Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane.

(5) If the State where the accident occurs is not aware of a serious incident to an Indian registered aircraft or an aircraft operated by Indian operator, the Central Government shall forward a notification of such an incident to the State of Design, the State of the State of Manufacturer and the State of Occurrence.

5. Obligation to investigate. — (1) In case of accident or an incident to an aircraft in the territory of India then notwithstanding its registration: —

- (a) the Central Government shall institute an investigation into the circumstances of the accident and shall be responsible for conducting the investigation;
- (b) the Central Government shall institute an investigation into the circumstances of the serious incident when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbo-jet airplane; or
- (c) the Director-General shall institute an investigation into the circumstances of all incidents and serious incidents to aircraft not covered by clause (b).

(2) Notwithstanding anything contained in clause (c) of sub-rule (1), where it appears to the Central Government that it is expedient to hold an investigation into circumstances of any incident or a serious incident covered by clause (c) sub-rule (1), it may, by order, institute an investigation into circumstances of an incident or a serious incident to any aircraft.

(3) In case of an accident or a serious incident to an Indian registered aircraft occurs at a location not being a territory of any State then the Central Government shall institute an investigation into the circumstances of the accident or serious incident and shall be responsible for conducting the investigation.

(4) In case India is nearest State to the scene of an accident in international waters to an aircraft not registered in India or not operated by an Indian operator, then the Central Government shall advise the State of Registry to institute an investigation and the Central Government in such a case shall provide assistance as to the extent it is able to and shall, likewise, respond to requests by the State of Registry.

6. Participation. — (1) In case the Central Government has instituted an investigation of an accident or a serious incident in accordance with rule 5, then accredited representatives shall be permitted to participate in the investigation, who are appointed by the following States, namely: —

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design; and
- (d) the State of Manufacture.

(2) The States referred to in sub-rule (1) of this rule shall also be entitled to appoint one or more advisers to assist their accredited representatives.

(3) Participation in the investigation shall confer right to participate in accordance with the standards stipulated under Annex 13.

(4) The Central Government, on receipt of a notification of an accident or a serious incident to an Indian registered aircraft in the territory of another State, may appoint accredited representative and advisers to participate in the investigation and intimate it to the State of Occurrence.

7. Removal and preservation of damaged aircraft. — (1) In the case of an accident or serious incident, which is required to be notified under rule 4, the aircraft shall not, except by a person under the authority of the Bureau, be removed or otherwise interfered with:

Provided that—

- (a) if the aircraft is wrecked on water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety;
- (b) the aircraft or any parts or contents thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals dead or alive, of preventing the destruction of the aircraft and its contents by fire or other cause or of preventing any damage or obstruction to the public or to air navigation or to other transport;
- (c) goods may be removed under the supervision and with the concurrence of an Aircraft Accident Investigator;
- (d) personal luggage of passengers' and crews' may be removed from the aircraft under the supervision of a Police Officer, a Magistrate, an Officer of the Bureau; and
- (e) mails may be removed under the supervision of a Police Officer, a Magistrate, an Officer of the Department of Posts and Telegraphs or an Officer of the Bureau.

(2) The Central Government may, for the purposes of any investigation or inquiry under these rules, authorise any person to take measures for the preservation of any aircraft involved

in an accident, and such person may thereupon have access to examine or otherwise deal with the aircraft.

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

8. Protection of evidence, custody and removal of aircraft. — (1) The Central Government through the Police Officer or any other person authorised by it, shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation.

(2) Protection of evidence referred to in sub-rule (1) shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed and safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.

(3) The Central Government shall, if a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation:

Provided that the aircraft may be moved to the extent necessary to extricate persons, animals, mail and valuables, to prevent destruction by fire or other causes, or to eliminate any danger or obstruction to air navigation, to other transport or to the public, and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

(4) Subject to the provisions of sub-rules (1), (2) and (3), the Central Government shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable.

(5) For purpose of sub-rule (4), the Central Government shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the Central Government finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

9. Aircraft Accident Investigation Bureau.— (1) For the purpose of carrying out investigation into accidents and serious incidents referred to in sub-rules (1) and (2) of rule 5, the Central Government shall set up a Bureau in the Ministry of Civil Aviation known as the Aircraft Accident Investigation Bureau of India and appoint such number of officers familiar with aircraft accident investigation procedures and other persons, as it deems fit from time to time.

(2) The Aircraft Accident Investigation Bureau shall function under overall supervision and control of Government of India, Ministry of Civil Aviation.

(3) The Aircraft Accident Investigation Bureau shall discharge the obligations of the Central Government in respect of—

- (a) Annex 13 to the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 as amended from time to time;
- (b) assisting the Central Government in setting up of Committee of Inquiry and Formal investigation under these rules, receiving and processing of reports;
- (c) follow-up the recommendations made by Courts and Committees of inquiry;
- (d) establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies obtained, including that from its incident reporting systems, and to determine any preventive actions required; and
- (e) any other functions, which the Central Government may ask the Bureau to perform from time to time under these rules.

(4) The Aircraft Accident Investigation Bureau may, by notification in the Official Gazette, and with the previous approval of the Central Government, make regulations, not inconsistent with the provisions of the Act to carry out the purposes of these rules and the functions referred to in sub-rule (3).

(5) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the persons required to notify the accidents and incidents;
- (b) the occurrences which shall be treated as serious incidents;
- (c) the procedure for notifications of accidents and serious incidents to International Civil Aviation Organisation and the States for participation in the investigation;
- (d) the procedure for investigation of aircraft accident and serious incidents;
- (e) the format of preliminary and final reports of Committee of Inquiry and Formal Investigation conducted under these rules;
- (f) the procedure of consolidation and follow-up of safety recommendations made by the Committee of Inquiry and Formal Investigation with the agencies required to implement the recommendations and require action taken reports from these agencies; and
- (g) any other matter subsidiary or incidental to aircraft accident and incident investigation.

10. Powers of Aircraft Accident Investigators.— (1) For the purpose of investigation of accidents and incidents an Aircraft Accident Investigator shall have power—

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

nature of the statements made by him;

- (c) to require and enforce the production of all books, paper, documents and articles which he may consider necessary for the investigation, and to retain any such books, papers, documents and articles until completion of the investigation;
- (d) to have access to and examine any aircraft involved in the accident, the place where the accident occurred or any other place, the entry upon and examination of which appears to the Investigator necessary for the purpose of the investigation.

11. Committee of Inquiry. — (1) The Central Government may, at its discretion, appoint a Committee of Inquiry composed of two or more persons to hold an inquiry into an aircraft accident or a serious incident and such a Committee shall have the same powers as an Aircraft Accident Investigator under rule 10.

(2) The Inquiry shall be held in private.

(3) The Central Government may notify in such manner as it may think fit that an inquiry is being held and every such notice shall state that any person who may desire to make representations concerning the circumstances or causes of the accident may do so in writing within the time specified in the notice.

(4) The Committee of Inquiry shall make a Final Report to the Central Government in the format specified by the Bureau based on relevant standards of Annex 13 and after consultation with the States in accordance with the provisions of rule 13 and sub-rules (2) and (3) of rule 16.

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

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

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

12. Formal Investigation. — Where it appears to the Central Government that it is expedient to hold a formal investigation of an accident, it may, whether or not an inquiry has been made under rule 11, by order, direct a formal investigation to be held and with respect to any such formal investigation the following provisions shall apply, namely: —

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

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

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

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

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

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

(3) The Court shall have, for the purpose of the investigation, all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) and without prejudice to these powers the Court may:—

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

(b) enforce the attendance of witnesses and compel the production of documents and material objects; and every person required by the Court to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code (45 of 1860).

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

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

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

(6) The Court shall make a final report to the Central Government in the format specified by the Bureau based on relevant standards of Annex 13 and after consultation with the States in accordance with the provision of rule 13 and sub-rule (2) and (3) of rule 16.

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

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

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

14. Reopening of Investigation. – Where it appears to the Central Government that any new and material evidence has become available after completion of the investigation under rule 11 or rule 12, as the case may be, it may, by order, direct the reopening of the same.

15. Obstruction of proceedings. — (1) No person shall obstruct or impede the Court, Assessors or members of the Committee of Inquiry or any other person acting in the exercise of any powers or duties under these rules.

(2) No person shall without reasonable excuse fail to comply with any summons or requisition of a Court or a Committee of Inquiry or an Aircraft Accident Investigator or any other person holding an investigation or an inquiry under these rules.

Explanation. — For the purposes of this rule, when a question arises as to whether a person has a reasonable excuse, the burden of proving that he has a reasonable excuse is upon him.

(3) Any person, who obstructs or impedes the proceedings, shall be punishable in accordance with the provisions of sub-section (2) of section 10 of the Act.

16. Non-Discloser of Records.— (1) The following records shall not be disclosed for purposes other than the investigation of the accident except when the Central Government determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

- (a) all statements taken from persons by the investigation authorities in the course of their investigation;
- (b) all communications between persons having been involved in the operation of the aircraft;
- (c) medical or private information regarding persons involved in the accident or incident;
- (d) cockpit voice recordings and transcripts from such recordings;
- (e) recordings and transcriptions of recordings from air traffic control units;
- (f) cockpit airborne image recordings and any part or transcripts from such recordings; and
- (g) opinion expressed in the analysis of information, including flight recorder information.

(2) A record referred to in sub-rule (1) shall be included in a Final Report or its appendices, or in any other report only when it is relevant to the analysis of the accident or incident and parts of the records not relevant to the analysis shall not be included in the Final Report.

(3) The Final Report shall not disclose the names of the persons involved in the accident or incident.

17. Mandatory incident reporting system.— (1) The Director-General shall establish a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.

(2) The mandatory incident reporting system shall require the relevant persons, service providers and stakeholders to notify all accidents, serious incidents and incidents by most suitable and quickest means to the Director-General but in any case not later than 24 hours.

(3) The relevant persons, service providers and stakeholders specified in sub-rule (2) shall include—

- (a) the operator and the commander of an aircraft which has a certificate of airworthiness issued by the Directorate General of Civil Aviation;
- (b) the operator and the commander of a foreign aircraft operating to, from or through India;
- (c) a person who carries on the business of maintaining or modifying an aircraft, which has a certificate of airworthiness issued by the Directorate General of Civil Aviation, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
- (d) a person who carries on the business of manufacturing an aircraft or any equipment or part of such an aircraft, in India;
- (e) a person who signs an airworthiness review certificate, or a certificate of release to service for an aircraft, which has a certificate of airworthiness issued by the Directorate General of Civil Aviation, and a person who signs an airworthiness review certificate or a certificate of release to service for any equipment or part of such an aircraft;
- (f) a licensee or manager of a licensed aerodrome or a manager of an airport;
- (g) a person who performs a function as an air traffic controller;
- (h) the organisation which provides Air Navigation Services;
- (i) a person who performs a function concerning the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilized by a person who provides an air traffic control service; and
- (j) a person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, load-sheet preparation, loading, de-icing and towing at an airport.

18. Voluntary incident reporting system. — (1) The Director-General shall establish a voluntary incident reporting system to facilitate collection of information on actual or potential safety deficiencies that may not be captured by the mandatory incident reporting system established under rule 17.

(2) The voluntary incident reporting system established under sub-rule (1) shall be non-punitive and afford protection to the sources of the information.

19. Maintenance of an accident and incident database.— (1) The Director-General shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies obtained and shall from its incident reporting system determine any preventive actions if required.

20. Saving.— Nothing in these rules shall limit or otherwise affect the power of the Central Government with regard to the cancellation, suspension or endorsement of any licence or certificate issued under the Aircraft Rules, 1937.

21. Penalties.– Any person who contravenes, or fails to comply with, any of these rules, or the regulations made under sub-rule (4) and (5) of rule 9, shall be punishable in accordance with the provisions of the sub-section (2) of section 10 of the Act.

Schedule A
[See rule 2 (v)]

EXAMPLES OF SERIOUS INCIDENTS

1. Serious incident means an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

2. The incidents listed are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.

- (a) Near collisions requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.
- (b) Controlled flight into terrain only marginally avoided.
- (c) Aborted take-offs on a closed or engaged runway, on a taxiway (Excluding authorized operations by helicopters) or unassigned runway.
- (d) Take-offs from a closed or engaged runway, from a taxiway (Excluding authorized operations by helicopters) or unassigned runway.
- (e) Landings or attempted landings on a closed or engaged runway, on a taxiway or unassigned runway.
- (f) Gross failures to achieve predicted performance during take-off or initial climb.
- (g) Fires and smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
- (h) Events requiring the emergency use of oxygen by the flight crew.
- (i) Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.
- (j) Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
- (k) Flight crew incapacitation in flight.
- (l) Fuel quantity requiring the declaration of an emergency by the pilot.
- (m) Runway incursions classified with severity A. The *Manual on the Prevention of Runway Incursions* (Doc 9870) contains information on the severity classifications.

- (n) Take-off or landing incidents. Incidents such as under-shooting, overrunning or running off the side of runways.
- (o) System failures, weather phenomena, operations outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft.
- (p) Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.

Schedule B
[See rule 2 (a)]

DETERMINATION OF AIRCRAFT DAMAGE

1. If an engine separates from an aircraft, the event is categorized as an accident even if damage is confined to the engine.
2. A loss of engine cowls (fan or core) or reverser components which does not result in further damage to the aircraft is not considered an accident.
3. Occurrences where compressor or turbine blades or other engine internal components are ejected through the engine tail pipe are not considered an accident.
4. A collapsed or missing radome is not considered an accident unless there is related substantial damage in other structures or systems.
5. Missing flap, slat and other lift augmenting devices, winglets, etc., that are permitted for dispatch under the configuration deviation list (CDL) are not considered to be an accident.
6. Retraction of a landing gear leg, or wheels-up landing, resulting in skin abrasion only. If the aircraft can be safely dispatched after minor repairs, or patching, and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence would not be classified as an accident.
7. If the structural damage is such that the aircraft depressurizes, or cannot be pressurized, the occurrence is categorized as an accident.
8. The removal of components for inspection following an occurrence, such as the precautionary removal of an undercarriage leg following a low-speed runway excursion, while involving considerable work, is not considered an accident unless significant damage is found.
9. Occurrences that involve an emergency evacuation are not counted as an accident unless someone receives serious injuries or the aircraft has otherwise sustained significant damage.

Note 1.- Regarding aircraft damage which adversely affects the structural strength, performance or flight characteristics, the aircraft may have landed safely, but cannot be safely dispatched on a further sector without repair.

Note 2.- If the aircraft can be safely dispatched after minor repairs and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence

would not be classified as an accident. Likewise, if the aircraft can be dispatched under the CDL with the affected component removed, missing or inoperative, the repair would not be considered as a major repair and consequently the occurrence would not be considered an accident.

Note 3.- The cost of repairs, or estimated loss, such as provided by insurance companies may provide an indication of the damage sustained but should not be used as the sole guide as to whether the damage is sufficient to count the occurrence as an accident. Likewise, an aircraft may be considered a "hull loss" because it is uneconomic to repair, without it having incurred sufficient damage to be classified as an accident.

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(G. Asok Kumar)

Joint Secretary to the Government of India