

PART V - PERSONNEL OF AIRCRAFT

38. Licensing Authority – (1) The authority by which the licences and ratings specified below may be granted, renewed or varied shall be the Central Government, which may withhold the grant or renewal of a licence or a rating, if for any reason it considers it desirable to do so :-

- (a) Student Pilot's Licence (for aeroplanes, helicopters, gyroplanes, gliders, balloons, microlight aircraft and light sport aircraft),
- (b) Private Pilot's Licence (for aeroplanes and helicopters),
- (c) Commercial Pilot's Licence (for aeroplanes and helicopters),
- (d) Airline Transport Pilot's Licence (for aeroplanes and helicopters),
- (e) Instrument Rating (for aeroplanes and helicopters),
- (f) Assistant Flight Instructor's Rating (for aeroplanes and helicopters),
- (g) Flight Instructor's Rating (for aeroplanes and helicopters),

- (h) Pilot's Licence (for gliders, balloons, microlight aircraft, light sport aircraft and gyroplane),
- (i) Student Flight Navigator's Licence,
- (j) Flight Navigator's Licence,
- (k) Student Flight Engineer's Licence
- (l) Flight Engineer's Licence,
- (m) Flight Radio Telephone Operator's Licence,
- (n) Flight Radio Telephone Operator's Licence (Restricted);

(2) The Senior Commercial Pilot's Licence (for aeroplanes) specified under clause (d) and the Flight Instructor's Rating (for gliders and balloons) specified under clause (h) of sub-rule (1) shall cease to be granted with effect from a date to be notified by the Central government.

*[Amended by - (i) GSR No. 1238 dated 8-9-1962,
(ii) GSR No. 1118 dated 5-8-1977,
(iii) GSR No. 2197 dated 29-9-1980,
(iv) GSR No. 218 dated 13-3-1991,
(v) GSR No. 637 (E) dated 4-10-1993,
(vi) GSR No.485 (E) dated 28-6-2001,
(vii) GSR No.870 (E) dated 22-12-2008,
(viii) GSR No 721(E) dated 23-6-2017; and
(ix) GSR No 1358(E) dated 01-11-2017]*

38A. Carriage of operating crew - Subject to the provisions of rules 6, 6A and 6B, every aircraft registered in India shall comply with such of the following requirements in respect of the personnel which it carries and by which it is operated as are applicable to the aircraft and type of operation concerned, namely :-

(1) Pilot

- (a) Private Aircraft – Every private aircraft shall be flown by a person holding a valid pilot's licence issued in accordance with Schedule II:

Provided that:

- (i) a private aircraft shall not be flown by a person holding a Student Pilot's Licence;
- (ii) a private aircraft shall not be flown by a person holding a Private Pilot's Licence for remuneration or hire of any kind;
- (iii) a private aircraft carrying passengers at night, shall not be flown by a person holding a Private Pilot's Licence, without having a valid Instrument Rating.

(b) Public transport and Aerial Work Aircraft – Every Public transport or aerial work aircraft (other than a microlight or a glider or a balloon) shall be flown by a person holding an appropriate professional pilot's licence, i.e. a Commercial, or Airline Transport Pilot's Licence issued in accordance with Schedule II:

Provided that an aircraft other than a microlight, a glider or a balloon which is the property of or is being used by a duly constituted flying/gliding/ballooning/aerosport club may be flown by a person holding a Student Pilot's or a Private Pilot's Licence for the purpose of receiving instructions or for qualifying, renewal of a licence or for issue of a higher category of licence:

Provided further that an aircraft other than a microlight or a glider or a balloon which is the property of, or being used by, a duly constituted flying /gliding/ballooning aerosport club flown by a member and carrying a person otherwise than for the purpose of instructing such person in flying, shall not for the purpose of this rule, be deemed to be flown for public transport, if however, in respect of such carriage, payment is made, either directly or indirectly, to the pilot of the aircraft or the pilot of the aircraft is a paid employee of the flying/gliding/ballooning/aerosport club, the aircraft shall be deemed to be flown for public transport;

(2) Flight Instructor or Assistant Flight Instructor –

- (a) Every aircraft which is being used for the purpose of giving dual instructions in piloting shall carry a person holding an appropriate professional pilot's licence, that is, a Commercial, Senior Commercial or Airline Transport Pilot's Licence or Pilot's Licence (Microlight, Gliders and Balloons) as the case may be, which has an appropriate Flight Instructor's or Assistant Flight Instructor's rating in accordance with Schedule II, or an authorization issued in writing by the Director-General.
- (b) No person other than a person having a Flight Instructor's or Assistant Flight Instructor's rating shall impart instructions in piloting an aircraft, unless he has been specifically authorized in writing by the Director-General to impart such instructions.

(3) Flight Navigator – Every public transport aircraft engaged on a flight without landing over a great circle distance of more than six hundred NMs and not equipped with the navigational equipment capable of providing instant and continuous ground position of the aircraft with adequate stand-by arrangements, shall carry on board a Flight Navigator licenced in accordance with Schedule II, if the total distance between any two consecutive radio navigational fixing aids located within thirty NMs of the route of the proposed flight and capable of being used by the aircraft is more than six hundred NMs:

Provided that the Director-General may require a Flight Navigator to be carried on board an aircraft on any flight.

(4) Flight Engineer - Where a Flight Engineer is required to be carried on board an aircraft as flight crew member under sub-rule (7), he shall be a person holding the appropriate licence in accordance with Schedule II.

(5) Deleted

(6) Flight Radio Telephone Operator – An aircraft which is equipped or required to be equipped with radio apparatus in accordance with rule 63 and which communicates by radio telephony, shall carry a person holding a Flight Radio Telephone Operator's Licence or Flight Radio Telephone Operator's Licence (Restricted), as the case may be, issued in accordance with Schedule II, to operate radio apparatus on such aircraft.

(7) Minimum crew for any flight – The number and description of the flight crew members operating any flight of an aircraft registered in India shall be:-

- (a) if a certificate of airworthiness in respect of the aircraft is in force at least the number and description of persons specified as the minimum operating crew for that aircraft in the certificate of airworthiness;
- (b) if no certificate of airworthiness in respect of the aircraft is in force, but a certificate of airworthiness in respect of that aircraft has previously been in force, at least the number and description of persons specified as the minimum operating crew in the certificate of airworthiness last in force of that aircraft;
- (c) if no certificate of airworthiness in respect of the aircraft is or has been in force and the aircraft is a series aircraft conforming with a prototype (modified) aircraft in respect of which a certificate of airworthiness has been issued, at least the number and description of persons specified as the minimum operating crew in that certificate of airworthiness;
- (d) in all other cases, at least such number and description of persons sufficient to ensure the safety of the aircraft as may be approved by the Director-General.

Note- For the purpose of this rule, foreign registered aircraft falling under sub-rule (3) of rule 1 shall be deemed as aircraft registered in India and Indian registered aircraft falling under sub-rule (4) of rule 1 shall be deemed as aircraft not registered in India.

[Inserted by GSR No. 1238 dated 8-9-1962, and amended by GSR No. 637 (E) dated 4-10-1993, GSR No. 20 (E) dated 12-1-1994 and GSR No. 485 (E) dated 28-6-2001 and GSR 481(E) dated 15-05-2017]

38B. Carriage of cabin crew.—(1) No aircraft registered in India shall be operated for public transport of passengers unless the following minimum number of cabin crew are on board the aircraft for the purpose of performing such duties as may be assigned in the interest of the safety of passengers, by the operator or the Pilot-in-command of the aircraft, namely:—

- | | |
|---|--|
| (a) For an aeroplane having a seating capacity of not less than 10 and not more than 50 passengers. | One cabin crew |
| (b) For a helicopter having a seating capacity of not less than 20 and not more than 50 passengers. | One cabin crew |
| (c) For an aeroplane or a helicopter cabin having seating capacity of more than 50 passengers | Two cabin crew Plus one cabin crew for each unit (or part of a unit) of 50 passengers seats above a seating capacity of 99 passengers. |

(2) Notwithstanding anything contained in sub-rule (1), if any higher number is specified by the aircraft manufacturer for the type of aircraft being used, then that minimum number of crew members shall be carried on-board:

Provided that in case of multi-aisles (single or multi-deck) at least one crew member for each floor level exit and for the purpose of certification, if any higher number of crew member is required to conduct emergency evacuation demonstration then that number of crew member shall be carried on board.

(3) The cabin crew shall be located—

(a) during take-off and landing as near as possible to the floor level exits; and

(b) at any other time, at a suitable place in the aircraft, so as to provide the most effective exit of passengers in the event of emergency evacuation.

(4) An operator shall ensure that every member of cabin crew meets the requirements of age, qualification, training and medical assessment as specified by the Director-General from time to time.

(5) Every member of cabin crew shall, before being detailed for duty on board the aircraft, successfully complete an approved course of training followed by periodical approved refresher course concerning evacuation procedure, location and use of emergency equipment and any other requirement as specified by the Director-General.

(6) Whenever two or more cabin crew members are assigned to a flight, the operator shall nominate an experienced cabin crew member as a senior cabin crew member who shall be responsible to the Pilot-in-Command for the conduct and coordination of cabin safety and emergency procedure specified in the Operations Manual:

Provided that the senior cabin crew member has a minimum of one year's experience as cabin crew and has successfully undergone the training as specified by the Director-General.

(7) The operator shall cause checks of proficiency in carrying out safety and emergency duties by each cabin crew after completion of training as per sub-rule (5) and the checks shall be conducted by the Instructors approved, and having qualifications specified, by the Director-General.

(8) No cabin crew shall perform duties on more than three types of aircraft.

Explanation.—For the purposes of this sub-rule, types of aircrafts shall be considered to be different types if they are not similar in all the following aspects, namely:—

(a) emergency exit operation;

(b) location and type of safety equipment; and

(c) emergency procedures

(9) The Director-General may, if he is of the opinion that it is expedient so to do, by order and for reasons to be recorded in writing, waive fully or partially, the requirement of sub-rule (1).

[Substituted by GSR No. 383 dated 11-7-2001 and further amended by GSR No. 150(E) dated 04-03-2009 and Substituted by GSR 481(E) dated 15-05-2017]

39. Deleted.

[GSR No.1238 dated 8-9-1962]

39A. Disqualification from holding or obtaining a licence – (1) Where the licensing authority is satisfied, after giving him an opportunity of being heard, that any person –

(a) is habitually intemperate in the use of alcohol, or is an addict of narcotics, drugs and the like, or

(b) is using, has used or is about to use an aircraft in the commission of a cognizable offence or in contravention of these rules, or

(c) has, by his previous conduct as member of the crew of an aircraft, shown that he is irresponsible in the discharge of his duties connected with his employment or is likely to endanger the safety of the aircraft or any person or thing carried therein, or of other aircraft or persons or things on the ground, or

- (d) is a habitual criminal or has been convicted by a Court in India for an offence involving moral turpitude or an offence which amounts to heinous crime, or
- (e) has obtained the licence, rating, aircraft type rating or extension of aircraft type rating, or renewal of any of them, by suppression of material information or on the basis of wrong information, or
- (f) has unauthorisedly varied or tampered with the particulars entered in a licence or rating,

the licensing authority may, for reasons to be recorded in writing, make an order disqualifying that person for a specified period from holding or obtaining a licence.

(2) The Central Government may debar a person permanently or temporarily from holding any licence or rating mentioned in rule 38 if in its opinion it is necessary to do so in the public interest.

(3) Upon the issue of any order under sub-rule (1) or sub-rule (2), the person affected, if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority, if the licence has not already been surrendered. The licensing authority shall keep the licence until the expiry of the period for which the person has been disqualified or debarred, or if he has been debarred permanently, for a period of 5 years.

*[Amended by – (i) GSR No. 1238 dated 8-9-62,
(ii) GSR No. 711 dated 3-5-1965,
(iii) GSR No. 218 dated 13-3-1991, and
(iv) GSR No. 485 (E) dated 28-6-2001]*

39B. Medical standards- (1) No licence or rating referred to in rule 38, required for any of the personnel of the aircraft, shall be issued or renewed unless the applicant undergoes a medical examination with an approved medical authority and satisfies the medical standards as notified by the Director-General:

Provided that if in the opinion of the approved medical authority the condition of the applicant is not such as to introduce any hazard either of sudden incapacity or of inability to perform his duties safely during the period of validity of his licence or rating and failure to attain the requirement is capable of being compensated and the Director-General has satisfactory evidence that the applicant has already acquired and demonstrated his ability, skill and experience which compensate for his deficiency, the licence or rating may be renewed or endorsed with any special limitation when the safe performance of flight duties is dependent on compliance with such limitations :

Provided further that, in the case of a member of the operating crew of an aircraft engaged in public transport or aerial work who is on duty in the territory of a foreign country where medical centres recognized by the Director-General do not exist, the Director-General may renew the licence or rating for two consecutive periods of three months each without the candidate having successfully undergone the prescribed medical examination if such candidate produces a medical certificate from a registered practitioner in modern medicine declaring his fitness in accordance with the prescribed medical standards.

Explanation- For the purposes of this sub-rule 'approved medical authority' means a medical authority approved by the Director-General.

(2) The Director-General may require a member of any flight crew to undergo a medical examination by any Medical Authority at any time, if, in his opinion, such examination is necessary in the interest of safety of operations.

[Inserted by SRO No.3625 dated 5-12-1955 and amended by GSR No. 1238 dated 8-9-1962 and GSR No. 1865 dated 13-12-1965.]

39C. Period of validity of medical fitness Assessment and Licences (1) The period of validity of medical fitness assessment and licence in respect of various categories shall be as specified in the following table, namely:

| | Category of licence | Validity of medical fitness assessment | Validity of licence |
|-------|--|---|----------------------------|
| | (1) | (2) | (3) |
| (i) | Airline Transport Pilot's Licence (aeroplanes or helicopters) | Twelve months | Five years |
| (ii) | Commercial Pilot's Licence (aeroplanes or helicopters), Flight Navigator's Licence and Flight Radio Telephone Operator's Licence | Twelve months | Five years. |
| (iii) | Student Pilot's Licence (aeroplanes or helicopters or gyroplanes or microlight aircraft or light sport aircraft or gliders or balloons), Student Flight Navigator's Licence and Student Flight Engineer's Licence | Twenty-four months | Five years |
| (iv) | Private Pilot's Licence (aeroplanes or helicopters), Pilot's Licence (microlight aircraft or light sport aircraft or gliders or balloons), Flight Radio Telephone Operator's Licence (Restricted) and Flight Engineer's Licence. | Twenty-four months | Ten years |

(2) The period of validity of the initial medical fitness assessment shall commence from the date of the medical examination.

(3) In case of renewal, the period of validity of medical fitness assessment shall commence from the date following the date of expiry of the previous medical fitness assessment, subject to the condition that the medical examination for renewal has been conducted within a period of not more than one month preceding the date of expiry of the previous validity.

(4) In cases other than those referred to in sub-rule (3), the validity of the renewal of the medical fitness assessment shall commence from the date of the medical examination.

(5) (a) The period of validity of medical fitness assessment in respect of the licences specified against items (i) and (ii) of the table under sub-rule (1) shall be reduced to half after the holder of the licence has attained the age of forty years in case of single crew commercial air transport operations and sixty years in case of multi-crew commercial air transport operations.

(b) The period of medical fitness assessment in respect of the licences specified against items (iv) of the table under sub-rule(1) shall be reduced to half after the holder of the licence has attained the age of fifty years.

(6) The period of validity of a licence shall commence from the date of issue of the licence.

(7) In case of renewal, the period of validity of the licence shall commence from the date following the date of expiry of the previous validity of the licence, subject to the condition that the application for renewal has been submitted within a period of not more than one month preceding the date of expiry of the previous validity.

(8) In cases other than those referred to in sub-rule (7), the validity of renewal of the licence shall commence from the date of renewal of the licence.”

*[Inserted by GSR No.637 (E) dated 4-10-1993;
Substituted by GSR No. 485 (E) dated 28-6-2001;
Substituted by GSR No. 11(E) dated 10-01-2011;
Amended by (i) GSR No. 32(E) dated 13-01-2015;
(ii) GSR No. 494(E) dated 04-05-2016;
(iii) GSR No 721(E) dated 23-6-2017;
(iv) GSR No. 325 dated 9-10-2017; and
(v) GSR No 1358(E) dated 01-11-2017]*

40. Signature of licence holder- On the issue of a licence to an applicant he shall forthwith sign his name on the licence as the holder thereof with his ordinary signature.

41. Proof of competency- Applicants for licences and ratings shall produce proof of having acquired the flying experience and having passed satisfactorily the test and examinations specified in Schedule II in respect of the licence or rating concerned:

Provided that a person who is a qualified pilot from the Indian Air Force, Indian Navy or Indian Army or Indian Coast Guard and who produces satisfactory evidence to show that he possesses the necessary flying experience, competency and standards of physical fitness as required under these rules may be exempted by the Director-General, by general or special order in writing, and subject to such conditions, if any, as may be specified in such order, from all or any of the flying tests and from medical or other technical examinations required for the issue of the licences under these rules :

Provided further that a person to whom a licence of a particular class has been issued by the competent authority in a Contracting State may be exempted by the Director-General from all or any of the flying tests or technical examinations required for issue of a licence if his flying experience and competency are not less than the flying experience and competency laid down in Schedule II in respect of the corresponding licence under these rules. If he is the holder of a current licence, he may be further exempted from medical examination for the period for which his licence is current:

Provided further that in the case of a licence issued under any of the preceding provisions, only such type or types of aircraft shall be entered in the aircraft rating of the licence as in the opinion of the Director-General the applicant has sufficient and satisfactory experience and competency to fly :

Provided further that the Director-General may, on examination of the syllabi, determine the relative equivalence of technical examinations for granting exemptions to applicants from passing the examinations required under Schedule II:

Provided further that the Director-General may require any candidate, training establishment or operator to produce for examination all relevant training records, including the syllabi, certificates, mark-sheets, flight-test reports, assessments, etc., in respect of the candidate who has undergone a course of training, examination or flight-test, etc., with such training establishment or operator.

[Amended by- (i) GSR No. 1238 dated 8-9-1962,

(ii) GSR No. 1112 dated 26-9-1973,

(iii) GSR No. 1172 dated 12-10-1973,

(iv) GSR No. 28(E) dated 17-01-2011, and

(v) GSR 481(E) dated 15-05-2017]

41A. Checks, Tests and Examinations- (1) The Director-General may conduct examinations specified in Schedule II, may fix examination centres within India, appoint invigilators and lay down the procedure for conducting the examinations.

(2) The Director-General may appoint Examiners for carrying out flying tests and technical examinations required under Schedule II and may also appoint a Board to conduct oral examinations when necessary.

(3) The Director-General may determine the manner in which the skill tests shall be carried out and may approve check pilots and examiners for this purpose. He may require their reports to be submitted to him in respect of any flying test on any aircraft for which an aircraft rating is desired on a licence or which is entered in the aircraft rating of the licence and the renewal of which is desired or for checking skill at any time in respect of any aircraft included in the aircraft rating of the licence.

(4) The Director-General may debar permanently or temporarily a candidate from any flying test or examination if, in his opinion, the applicant has adopted unfair means during the test or examination.

(5) The Director-General may declare any flying test or examination conducted by an examiner or a Board, null and void, if in the opinion of the Director-General, the test or examination has not been carried out to his satisfaction, and require the test or the examination to be carried out again by another Examiner or Board and the Director-General may also take such action against the Examiner as he may deem fit under rule 19.

(6) If a licence holder or a candidate for a licence or rating has failed in any flying test subsequent to any flying test successfully undergone by him for issue or renewal of the licence or rating, the previous test as far as it is affected by the subsequent flying test in which he has failed, will be considered invalid from the date of the subsequent test and the privileges accruing as a result of such earlier test shall be deemed to have been withdrawn.

(7) Detailed syllabi for the technical examinations for the issue of flight crew licences and ratings shall be laid down by the Director-General.

[Inserted by GSR No. 1238 dated 8-9-1962 and

Amended by GSR 481(E) dated 15-05-2017]

41B. Approved Training Organisation. (1) A Flying Training Organisation (hereinafter referred to as FTO) providing training on aircraft below 5700 kgs all-up-weight shall obtain the approval of the Director-General before the students are enrolled to acquire flying experience and the level of competency required for obtaining a licence or rating specified in rule 38 and Schedule II of these rules.

(2) (a) For the grant of approval under this rule, the FTO shall, in the first instance, obtain a 'No objection Certificate' by making an application in the prescribed format to the Director-General along with a fee of fifty thousand rupees.

(b) The No Objection Certificate obtained under clause (a) shall be valid for a period of two years from the date of its issuance and may be extended by six months at a time on payment of a fee of twenty-five thousand rupees subject to the satisfaction of the Director-General regarding progress towards meeting the requirements of sub-rule (3).

(3) (a) The FTO shall possess the requisite infrastructure, adequate facilities, qualified and trained manpower including instructors as may be specified by the Director-General and the simulator training in such organisation shall be undertaken on simulator approved by the Director-General.

(b) The FTO shall have a 'Training and Procedure Manual' and a 'Quality Assurance Manual' with contents as may be specified by the Director-General and both the documents shall be submitted to the Director-General for approval.

(c) It shall be the duty of the FTO to provide a copy of the approved Training and Procedure Manual to its personnel for their use and guidance.

(4) (a) The holder of a valid No Objection Certificate may apply to the Director-General for issuance of approval of the FTO in the prescribed format along with a fee of two lakh rupees.

(b) The Director-General may, on being satisfied that all the requirements pertaining to the setting up of a FTO have been complied with, grant an approval to the FTO subject to such conditions as may be specified in the approval.

(c) The approval so granted shall, unless suspended or cancelled, remain valid for a period not exceeding five years and on being satisfied with the performance of FTO during this period, the Director-General may renew the approval for a period of two years at a time on payment of a fee of one lakh rupees, subject to such terms and conditions as may be specified by the Director-General:

Provided that after the 13th January, 2015, in case of a FTO holding approval of the Director-General prior to said date, the first renewal may be carried out for a period of five years on payment of a fee of two lakh rupees.

(5) The various fees payable under this rule shall be paid by demand draft drawn in favour of the Pay and Accounts Office, Directorate General of Civil Aviation, Ministry of Civil Aviation, New Delhi or by other means to be specified by the Director-General.

(6) The training records of the FTO shall be maintained in a manner specified by the Director-General and shall be produced on demand to the Director-General or any other officer authorised by him in this behalf.

(7) The FTO shall not impart any training which is not included in the scope of its activities and has not been duly approved by the Director-General.

(8) The FTO shall have an acceptable safety management system as specified by the Director-General.

(9) Upon being satisfied that, (a) any of the conditions of the approval of the FTO has not been complied with and the failure is due to any wilful act or default on the part of the holder of such approval or by any of his employees or agents, irrespective of whether or not such wilful act or default of the employee or agent was with the knowledge or consent of the holder of the approval; or

(b) the holder of the approval has failed to maintain safe, efficient and reliable training organisation; or

(c) the approval of the FTO was obtained by suppressing any material fact or furnishing wrong information, the Director-General may cancel the approval or suspend it for such a period as deemed fit:

Provided that no such approval shall be cancelled or suspended without giving a show-cause notice in writing informing the holder of the approval the ground on which it is proposed to suspend or cancel the approval and giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice and, if that person so desires, of being heard.

(10) Notwithstanding anything contained in sub-rule (9), if the Central Government is of the opinion that in the interest of public safety it is necessary to do so, it may, for reasons to be recorded in writing, summarily suspend the approval of a FTO with a view to make further enquiry.

[Inserted by GSR No. 909(E) dated 27-11-2015]

42. Licences and their renewal - (1) The licences and ratings mentioned in Rule 38 may be issued or renewed for any period not exceeding the period specified in rule 39C and Schedule II in respect of each licence or rating:

Provided that if, on the date of application for renewal, the licence or rating has expired for the periods specified below, the applicant may be required to qualify in the examinations and skill tests specified against them and such other examinations and tests as the Director-General may consider necessary to assess the applicant's competency to hold that licence or rating :-

(a) For a period exceeding 2 years but not exceeding 3 years. Test of skill and Air Regulations.

(b) For a period exceeding 3 years. All examinations and tests required for the issue of the licence or rating.

Provided further that the Director-General may, before the renewal of a licence or a rating, require an applicant to satisfy all or any of the requirements for the issue of licence or rating of the same class, if, in the opinion of the Director-General, the competency of the applicant is below the standard required for the licence or rating.

Provided also that, in case where the holder of expired Indian commercial licence is flying on a valid equivalent commercial licence issued by a Contracting State and satisfies the requirement of flying experience for renewal of Indian licence, his Indian licence, if expired beyond two years, shall be renewed after his qualifying the examinations and tests as the Director-General may consider necessary;

Provided also that in the case of a pilot or a flight engineer, the Director-General may, when renewing a licence or a rating, delete any type of aircraft entered in the aircraft rating if he is satisfied that the holder of the licence does not have reasonable flying experience or does not possess the required standard of competency on that type of aircraft.

(2) The holder of a licence shall not exercise the privileges of his licence without being declared fit after a fresh medical examination in the event of his having-

(a) a sickness or injury involving incapacity for a period of fifteen days or more for the work for which he is licensed; or

(b) an injury sustained in any accident occurring during the exercise of the privileges of his licence or otherwise and which is likely to cause incapacity or impair his efficiency in the discharge of his duties.

The licence holder or his employer shall immediately notify all the relevant details of the sickness or injury to the Director-General.

(3) The licence of a person disqualified under sub-rule (2) shall be deemed to be invalid until the holder passes a fresh medical examination.

(4) The holder of a licence shall not exercise the privileges of his licence during any period when he is aware that his physical condition has deteriorated below the standard required for that category of licence.

*[Amended by GSR No. 637(E) dated 4-10-1993; and
Amended by GSR No. 32(E) dated 13-01-2015]*

42A. Fatigue Management of Flight Crew and Cabin Crew Members.—

(1) Taking into account the likely impact of fatigue on the level of alertness of flight crew members and cabin crew members, the maximum limits of flight time, flight duty period and duty period of flight crew members as well as cabin crew members, and also the minimum rest periods required to be observed by such crew members, may be specified by the Director-General.

(2) No flight crew member or cabin crew member of a flying machine registered in India, or wet leased by an Indian operator, shall contravene the limitations stipulated by the Director-General under sub-rule (1).

(3) Every Indian operator shall establish a scheme of flight and duty time limitations and minimum rest periods for its flight crew members as well as cabin crew members in accordance with the stipulations made by the Director-General under sub-rule (1) and submit the same to the Director-General for approval and after approval by the Director-General, such scheme shall form part of the Operations Manual of the concerned operator.

Explanation.—For the purposes of this rule, 'Indian operator' means an operator having his principal place of business, or his permanent residence, in India.

[Inserted by SRO No. 1154 dated 23-4-1952; and Substituted by GSR 911(E) dated 16-09-2016]

43. Deleted.

[GSR No.1238 dated 8-9-1962]

44. Aircraft not registered in India- An aircraft not registered in India shall carry the personnel prescribed by the laws of the State in which it is registered and such personnel shall be licenced in accordance with the laws of that State.

Note - For the purpose of this rule, foreign registered aircraft falling under sub-rule (3) of rule 1 shall be deemed as aircraft registered in India and Indian registered aircraft falling under sub-rule(4) of rule 1 shall be deemed as aircraft not registered in India".

[Amended by GSR No.20(E) dated 12-1-1994]

45. Validation of foreign licences.—When a licence has been granted by the competent authority in a foreign State and is for the time being in force, the Central Government may, subject to such conditions and limitations and for such periods as it shall think fit, render such licence valid by an authorisation for flying aircraft registered in India and a licence so validated shall be subject to the provisions of rules 19 and 19A and such validation of a licence shall cease if the licence is revoked or suspended.

Note : For the purpose of this rule, foreign aircraft falling under sub-rule (3) of rule 1 shall be deemed as aircraft registered in India and Indian aircraft falling under sub-rule (4) of rule 1 shall be deemed as aircraft not registered in India.

[Amended by GSR No. 1567 dated 6-11-1962; GSR No. 150(E) dated 04-03-2009, GSR 481(E) dated 15-05-2017 and GSR No. 832(E) dated 30-06-2017]

46. Deleted.

47. Minimum age for holding a licence- The minimum age of a person who is otherwise qualified and to whom a licence may be granted shall be as laid down in Schedule II.

[Amended by GSR No. 1238 dated 8-9-1962]

47A. Minimum educational qualification for holding a licence- No person shall be granted a licence unless he possesses the educational qualification laid down in Schedule II :

Provided that candidates already enrolled for training on or before the coming into force of these rules with flying club or institution shall be exempted from application of this rule.

[Inserted by GSR No. 452(E) dated 11-6-1993]

48. Fees and other charges-(1) The following fee shall be payable for the issue, renewal and validation of licences and ratings or the issue of duplicate licences and for the tests and examinations for such licences and ratings:

- (i) for tests and examinations for licences and ratings : Rs. 500/per paper
- (ii) for issue or validation of a licence or rating for Student Pilot's Licence and Glider Pilot's Licence : Rs. 1,000/
- (iii) for renewal of a licence or rating for Student Pilot's Licence and Glider Pilot's Licence : Rs. 500/
- (iv) for issue or validation of a licence or rating other than Student Pilot's Licence and Glider Pilot's Licence : Rs. 5,000/
- (v) for renewal of a licence or rating other than Student Pilot's Licence and Glider Pilot's Licence : Rs. 2,500/
- (vi) for issue of duplicate Student Pilot's Licence and Glider Pilot's Licence : Rs. 250/
- (vii) for issue of duplicate licence or rating other than Student Pilot's Licence and Glider Pilot Licence : Rs. 500/-
- (viii) for issue of duplicate result sheet : Rs. 500/-of examination
- (xi) Where the examination is conducted on line through computer, in addition to the fee mentioned in clause (i), an amount of Rs 2000/- per paper shall be payable by the candidate.

(2) For all flying tests, the candidate shall be required to provide the aircraft and bear all charges in respect of the flight, and if a Government Examiner is carried on board during the flying test, the following fee shall be payable to the Central Government, namely:

- (i) for a single-engine aircraft : Rs. 5,000/-
- (ii) for a multi-engine aircraft with maximum permissible take-off weight below 5,700 kilograms : Rs.10,000/-

- (iii) for a multi-engine aircraft with maximum : Rs. 50,000/-
permissible take-off weight of 5,700 kilograms
and above upto 50,000 kilograms
- (iv) for a multi-engine aircraft with maximum : Rs.1,00,000/-
permissible take-off weight above 50,000
kilograms

(2A) The fee shall be paid by crossed Indian Postal Order or Demand Draft drawn in favour of the Pay and Accounts Office, Director General of Civil Aviation, Ministry of Civil Aviation, New Delhi.

(3) The fees for the medical examinations conducted by the official Medical Board shall be paid in the manner as prescribed and notified by the Director- General.

(4) Every application for technical examination or the issue, validation, renewal or revalidation of licences and ratings or the issue of duplicate licence and ratings shall be paid in the manner prescribed and notified by the Director-General.

(5) When in any case the licence or rating is not issued, validated, renewed or revalidated or a duplicate licence or rating is not issued, the Central Government may order the refund to the applicant of a proportionate part of the sum paid as fees.

[Amended by- (i) GSR No. 1238 dated 8-9-1962,

(ii) GSR No. 1232 dated 18-9-1972,

(iii) GSR No. 605 dated 17-7-1989,

(iv) GSR No. 637(E) dated 4-10-1993,

(v) GSR No. 181(E) dated 20-03-2006,

(vi) GSR No. 101(E) dated 19-02-2009, and

(vii) GSR No. 213(E) dated 05.04.2013]