

**STANDING COMMITTEE ON LABOUR
(2018-19)
(SIXTEENTH LOK SABHA)
MINISTRY OF LABOUR & EMPLOYMENT
AND
MINISTRY OF CIVIL AVIATION**

**[SCHEDULED/ NON-SCHEDULED/ TEST FLYING AIR OPERATORS/
MAINTENANCE, REPAIR AND OVERHAUL (MRO) COMPANIES/
AIRPORTS OPERATORS - SAFETY, SOCIAL SECURITY MEASURES
AND NORMS FOR THEIR WORKERS/ EMPLOYEES ESPECIALLY IN
THE CONTEXT OF THOSE WHO ARE ASSOCIATED WITH FLYING
THE AIRCRAFT IN CIVIL AVIATION SECTOR]**

FORTY-FIFTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2018/Pausa, 1940 (Saka)

FORTY-FIFTH REPORT

STANDING COMMITTEE ON LABOUR

(2018-19)

(SIXTEENTH LOK SABHA)

MINISTRY OF LABOUR & EMPLOYMENT

AND

MINISTRY OF CIVIL AVIATION

[SCHEDULED/ NON-SCHEDULED/ TEST FLYING AIR OPERATORS/ MAINTENANCE, REPAIR AND OVERHAUL (MRO) COMPANIES/ AIRPORTS OPERATORS - SAFETY, SOCIAL SECURITY MEASURES AND NORMS FOR THEIR WORKERS/ EMPLOYEES ESPECIALLY IN THE CONTEXT OF THOSE WHO ARE ASSOCIATED WITH FLYING THE AIRCRAFT IN CIVIL AVIATION SECTOR]

Presented to Lok Sabha on 28.12.2018

Laid in Rajya Sabha on 28.12.2018



LOK SABHA SECRETARIAT

NEW DELHI

December, 2018/Pausa, 1940 (Saka)

CONTENTS

	<u>PAGE No.</u>
COMPOSITION OF THE COMMITTEE	(iv)
INTRODUCTION	(vi)
REPORT	
I. INTRODUCTORY	1
II. SCHEDULED OPERATORS, NON-SCHEDULED OPERATORS, MAINTENANCE REPAIR OVERHAUL AND FLIGHT TESTS AND DAMAGE TO AN AIRCRAFT	2
III. SAFETY NORMS IN AVIATION SECTOR AND COVERAGE UNDER LABOUR LAWS	21
IV. INSURANCE COVERAGE OF THE AIRCRAFT	34
V. FILING OF FIRs IN AN AIR CRASH	36
ANNEXURES	
Annexure-I Extracts of the replies dated 29.10.2018 to the List of Points furnished by the Ministry of Civil Aviation.	39
Annexure-II Extracts of the replies dated 05.12.2018 to the List of Points furnished by the Ministry of Civil Aviation.	42
Annexure-III Letter dated 30.11.2018 of Office of the Director General of Civil Aviation	47
Annexure-IV News clipping dated 11.12.2018 (ToI)	51
Annexure-V Applicability of EPF and MP Act, 1952 to M/s UY Aviation Private Limited and status of compliance in respect of employees who died in air crash on 28.06.2018.	53
APPENDICES	
Appendix-I Minutes of the Twenty-Eighth Sitting of the Committee (2017-18) held on 28th May, 2018	55
Appendix-II Minutes of the First Sitting of the Committee (2018-19) held on 27th September, 2018	60
Appendix-III Minutes of the Seventh Sitting of the Committee (2018-19) held on 19th December, 2018	65

COMPOSITION OF THE STANDING COMMITTEE ON LABOUR

(2018-19)

DR. KIRIT SOMAIYA - CHAIRPERSON

MEMBERS

Lok Sabha

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Dayakar Pasunoori
17. Shri Hariom Singh Rathore
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
21. Vacant

Rajya Sabha

22. Dr. Banda Prakash
23. Shri Ram Narain Dudi
24. Shri N. Gokulkrishnan
25. Shri Nazir Ahmed Laway
26. Shri P.L. Punia
27. Shri Rajaram
28. Shri Amar Shankar Sable
29. Ms. Dola Sen
30. Shri Akhilesh Prasad Singh
31. Shri Madanlal Saini

SECRETARIAT

- | | | | |
|----|----------------------|---|---------------------|
| 1. | Ms. Rimjhim Prasad | - | Joint Secretary |
| 2. | Shri P.C. Choulda | - | Director |
| 3. | Shri C. Vanlalruata | - | Additional Director |
| 4. | Shri Kulvinder Singh | - | Under Secretary |

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
(2017-18)**

DR. KIRIT SOMAIYA - CHAIRPERSON

MEMBERS

Lok Sabha

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Dayakar Pasunoori
17. Shri Hariom Singh Rathore
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
21. Vacant

Rajya Sabha

22. Dr. Banda Prakash
23. Shri Ram Narain Dudi
24. Shri N. Gokulkrishnan
25. Shri Nazir Ahmed Laway
26. Shri P.L. Punia
27. Shri Rajaram
28. Shri Amar Shankar Sable
29. Ms. Dola Sen
30. Shri Akhilesh Prasad Singh
31. Shri Madanlal Saini

SECRETARIAT

- | | | | |
|----|----------------------|---|---------------------|
| 1. | Ms. Rimjhim Prasad | - | Joint Secretary |
| 2. | Smt. Anita B. Panda | - | Director |
| 3. | Shri C. Vanlalruata | - | Additional Director |
| 4. | Shri Kulvinder Singh | - | Under Secretary |

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2018-19) having been authorized by the Committee to present on their behalf this Forty-Fifth Report on 'Scheduled/Non-Scheduled/Test Flying Air Operators/Maintenance Repair and Overhaul (MRO) Companies - Safety and Social Security Measures for their Workers/Employees especially in context of those who are associated with flying of the Aircraft' relating to the Ministry of Labour & Employment and the Ministry of Civil Aviation.

2. The Committee took oral evidence of the representatives of the Ministry of Labour & Employment alongwith the representatives of the Ministry of Civil Aviation on 30th August, 2018 and took further oral evidence of the representatives of the Ministry of Labour & Employment alongwith the representatives of the Ministry of Civil Aviation on 27th September, 2018.

3. The Committee considered and adopted the Draft Report at their Sitting held on 19th December, 2018.

4. The Committee wish to express their thanks to the officers of the Ministry of Labour & Employment and Ministry of Civil Aviation for tendering oral evidence and placing before them the detailed written notes and post evidence information as desired by the Committee.

5. Several incidents have been brought to the knowledge of the Committee including forcing ineligible staff to board private carriers and using the same for test flight resulting into the accident and loss of human lives. The 28.06.18 test flight of private aircraft of U.Y. Aviation was not only illegal but also forced the ineligible employees to travel in that aircraft resulted in killing of five persons. Recent incident came to light wherein DGCA Inspector turns test flight into spirited joyride for relatives as reported in Times of India on 11.12.18. In past three incidents/accidents of such private aircraft/helicopter being used by CM of Maharashtra also came before the Committee. The Committee is upset by all these and feels the Civil Aviation Ministry/DGCA must be more serious about the same. DGCA has informed the Committee that they have recently came out with further clarifications of the guidelines and also have undertaken special audit of some of the private companies and MRO (Maintenance Repair Operators).

6. As observed that a large number of incidents/accidents of non-schedule private/chartered aircrafts/helicopters are increasing day by day. In the background of economic growth/heavy growth in civil aviation sector, increasing air traffic/air passengers, the use of non-schedule private aircrafts/helicopters is also getting momentum. Presently more than 600 such private aircrafts are used in India.

- Regulatory mechanism for using such private non-schedule aircrafts/helicopters needs to be improved.
- Increasing number of accidents resulting into death of passengers, employees, labours etc. and also common citizens on the ground, demands review of safety network system for them.
- The information which came out about the horrible non-transparency/manipulation which resulted into accident of a private aircraft on 28.06.18 is an eye opener. On the background of the same, the Committee took up the status of that particular accident and also status and implementation of guidelines and regulatory procedure of such non-schedule private air carriers.

7. The facts about the Ghatkopar air crash that came out during the hearing before the Committee are shocking. DGCA has stated the airline company and MRO, Indamer went ahead with the test flight in a bad weather (which prohibits any type of test flights) and that too without the legal sanction from DGCA which is also mandatory whose C of A was already cancelled. The flight carried two ground engineers in illegal manner (ground engineer are not supposed to fly in the test flight), the family of the deceased also stated which is confirmed by the officials that the pilot and ground engineer are pushed into the aircraft forcefully in an illegal manner. The agencies informed the Committee that the particular aircraft was grounded due to an accident in February 2008 whose C of A (Certificate of Airworthiness) was cancelled and was repaired in non-scientific manner and was taken for test flight without getting completion/final certificate from DGCA is nothing but criminal negligence which resulted into death of five employees/people.

8. The Committee also express concerns that proper justice/respect is not shown to the family members of the victims by the system. In spite of coming into the knowledge about such horrific, lacuna, casual, illegal behaviour of the aircraft company and MRO, the Civil Aviation Ministry, DGCA, Mumbai Police has not registered any FIR of this accident, are the feelings of the family of deceased/victims.

9. The Committee feels strong action should be taken against all the concerned for such callous behaviour. The family members of the deceased employees have informed the Committee about the grief and harassment caused to them as they are fighting for justice, no compensation, no insurance etc. The officials of Labour Ministry, PF Commissionerate had informed the Committee that the employees who were travelling in that test flight and died were not legally appointed and also not covered for accidental death insurance. The shocking information came before the Committee that the aircraft was insured for Rs.7 crore in January 2017 in illegal and non-transparent manner by a PSU insurance company. It seems that the deceased employees will not get any insurance due to non-transparent and illegal insurance policy and as now it is came to the knowledge that the test flight itself is illegal.

10. As per the response received from the UP Government, M/o Civil Aviation, U Y Aviation, Silver Jubilee and others, it seems that that Silver Jubilee bought the aircraft at Rs.1.25 crore which was resold to U Y Aviation on 18.08.16 at around 1.40 crore. The actual repair started in 2017. The Committee is surprised as to how the insurance company accepted the valuation of Rs.7 crore in January 2017 and issued an insurance policy of Rs.7 crore in January 2017. In practical terminology the cost/valuation of the aircraft should be Rs.1.40 crore, then how and why the insurance company issued such insurance cover of Rs.7 crore that too of an aircraft which did not have C o A at that time and was parked in a damage condition at Juhu Airport, Mumbai. The Committee wish that the Department of Financial Services should enquire in the manner in which Rs.7 crore insurance were issued by that PSU insurance company its legality, non-transparency and ensure that no such occurrence in future .

11. The Committee is shocked by the abnormality and non-transparency about the dealing and repairs. The purchase of the aircraft by Silver Jubilee. MoU signed by U Y Aviation and Silver Jubilee on 27.07.15. DGCA's license to U Y Aviation issued on 09.08.16. U Y Aviation purchased the plane from Silver Jubilee on 09.09.16, needs explanation and investigation.

12. While on the one hand the Regulatory mechanism and execution seems in place for scheduled airlines and DGCA is the major regulator for the same. On the other hand, lack of proper network and lacuna in the regulatory implementation system for non-schedule private air carriers is observed by the Committee. The Committee feel that the Civil Aviation Ministry, DGCA, Labour Ministry must review the

provisions/guidelines and its execution and regulatory mechanism about the social security and safety norms for the employees of the such non-schedule private/chartered aircrafts/ helicopters. We respect the families of the deceased victims who died in the private plane crash of 28.06.18 and expect the Labour Ministry, Civil Aviation Ministry, DGCA and Mumbai Police shall take appropriate action.

13. For ease of reference, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

New Delhi;
26th December, 2018
5th Pausa, 1940 (Saka)

DR. KIRIT SOMAIYA
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR

REPORT

INTRODUCTORY

On 28th June, 2018 a king Air C-90 charter aircraft on test flight crashed in Ghatkopar, Mumbai. All the occupants on board, which included two pilots and two aircraft maintenance engineers were killed. One bystander was killed and three persons, were injured. The aircraft belonged to U.Y Aviation Private Limited and was purchased by them from Silver Jubilee Private Limited, who in turn had purchased it from the State Government of Uttar Pradesh. The U.Y Aviation Private Limited entered into an agreement with Indamar Aviation Private Limited for carrying out the repairs and making the aircraft serviceable.

2. At the sitting of the Committee held on 20.08.2018 the Hon'ble Chairperson informed the Committee about the above chartered plane crash. The Committee were deeply anguished over the air crash killing five persons and desired to know in particular about the labour's social security and the labour safety norms in vogue in the country in the aviation sector and also about the guidelines, norms etc. for undertaking such test flights in the country in general. The Committee decided to examine the issue at length keeping in view labour social protection and labour safety for the aviation industry, as aviation industry is growing day by day and were anxious to know about the regulator of aviation industry and the guidelines which will govern this industry. The Committee noted that a labour protection system for the scheduled air operators exists in the country and desired to know the similar provisions of the law for non-scheduled air operators/chartered services being run in the country. As such the Committee decided to examine the subject 'Scheduled, non-schedule/test flying airline operator/MROs – safety measures of its worker/employees especially in context of those

who are flying the aircraft. The Committee therefore, decided to call the representatives of the Ministry of Civil Aviation, Ministry of Labour and Employment, Directorate General of Civil Aviation and Employees Provident Fund Organisation, Mumbai, Representatives of the State Government of Maharashtra inquiring into the aircraft accident at Ghatkopar as well as the representatives of the operator of the crashed aircraft, the buyer and seller companies and also the next kith and kin of the deceased undertaking the flight test. Needless to mention, that the thrust of the Committee was on the labour social security services and labour safety norms. In this connection, the Committee sought information on the Subject from the Ministry of Civil Aviation, Ministry of Labour & Employment, Directorate General of Civil Aviation, Oriental Insurance Company Limited etc.

II. SCHEDULED OPERATORS, NON-SCHEDULED OPERATORS, MAINTENANCE REPAIR OVERHAUL AND FLIGHT TESTS AND DAMAGE TO AN AIRCRAFT

3. In reply to a query of the Committee regarding Scheduled operators, Non-scheduled operators, Maintenance Repair Overhaul and the conditions for the companies registration with DGCA and for what duration is the registration valid, the Ministry of Civil Aviation in a written note submitted to the Committee explained the terms (i) Scheduled operators- scheduled operators are the entities engaged in carrying out scheduled air transport service. Scheduled air transport service means an air transport service undertaken between the same two or more places and operated according to a published time table or with flights so regular or frequent that they constitute a recognizably systematic series each flight being open to use by members of the public (sub-rule 49 of the rule 3 of the Aircraft Rules 1937). Scheduled operators are granted an Air Operator Certificate (AOC) by DGCA to carry

out scheduled air transport service under rule 134 of the Aircraft Rules, 1937. The duration of validity of the AOC is for a period not exceeding five years which may be further renewed for a period not exceeding five years. The regulation for grant of AOC is given in Rule 134 of the Aircraft Rules, 1937. Relevant DGCA civil aviation requirements (CARs) lay down detailed requirements. (ii) Non-scheduled operators are the entities engaged in carrying out Non-Scheduled air transport service. Non-Scheduled air transport service means an air transport service, other than a scheduled air transport service, being operated for carriage of passengers, mail and goods, and includes charter operations. (Para 3.3 if CAR section 3 series C Part III read in conjunction with Rule 134A of the Aircraft Rules, 1937). Non-Scheduled operators are granted an Air Operator Permit (AOP) by DGCA to carry out non-scheduled air transport service under Rule 134A of the Aircraft Rules, 1937. The duration of validity of the AOP is for a period not exceeding five years which may be further renewed for a period not exceeding five years. The regulation for grant of AOP is given in Rule 134A and schedule XI of the Aircraft Rules, 1937. Relevant DGCA Civil Aviation Requirements (CARs) lay down detailed requirement. (iii) Maintenance Repair Overhaul – Maintenance organizations are approved under Rule 133B of the Aircraft Rules, 1937 for the purpose of maintenance, repair and overhaul. ‘Maintenance’ means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification and the embodiment of a modification or repair or test. Maintenance Organisations are approved by DGCA under Rule 133B of the Aircraft Rules, 1937 to carry out maintenance, repair and overhaul as per the scope of approval. The duration of validity of the approval is for a period not exceeding five years. The regulations for grant of approval are given

in Rule 133B of the Aircraft Rules, 1937. DGCA CAR 145 lays down detailed requirements.

4. When asked to explain the term 'Flight Test' of an aircraft the Ministry of Civil Aviation in a written reply submitted that 'Flight Test' means the flying of an aircraft, without any passenger on board for the purpose of ensuring that the aircraft handling characteristics function as they are intended to/have not deteriorated with time, the aircraft performance is as per design/remains as scheduled and the aircraft and its equipment function properly. In case of an aircraft under design stage, a series of flight tests are carried out to ascertain that the aircraft handling characteristics function as they are intended to, the performance is as per the design and all equipment are functioning properly. Requirements for conduct of flight tests for aircraft designed in India is laid down in CAR 21. An aircraft during the course of its operations may also be subjected to flight tests which are carried out to ensure the aircraft handling characteristics have not deteriorated with time, the aircraft performance remains as schedule and the aircraft and its equipment is functioning properly. All flight tests are carried out without any passenger on board and only those essential for its operation are carried. Rule 15 of the Aircraft Rules, 1937 states that no aircraft will be flown unless it has a valid certificate of Airworthiness (C of A) under the provisions of Rule 50 of the Aircraft Rules, 1937 signifying that the aircraft conforms to its applicable type design and is in a condition for safe operation. The C of A is issued only after an inspection to ensure that the aircraft is of approved type design and has been maintained in accordance with periodic inspection schedules stipulated by the manufacturer of the aircraft. During the course of validity of C of A of an aircraft, officers of DGCA monitor routine maintenance, major checks and significant defects through spot checks and surveillance.

5. On being asked as to whether test flight is allowed in densely populated areas in our Country and if so, the reasons thereto and if not the reasons for test flight conducted recently in the Ghatkopar area in Mumbai and also whether such test flights should not be conducted in isolated places, the Ministry of Civil Aviation submitted that there is no regulation specifically prohibiting test flight over populated areas. However, ICAO in Annex 2 - Rules of the Air has laid down the following standard for flying over congested areas of cities, towns or settlements:

"3.1.2 Minimum heights Except when necessary for take-off or landing, or except by permission from the appropriate authority, aircraft shall not be flown over the congested areas of cities, towns or settlements or over an open-air assembly of persons, unless at such a height as will permit, in the event of an emergency arising, a landing to be made without undue hazard to persons or property on the surface. Note. — See 4.6 for minimum heights for VFR flights and 5.1.2 for minimum levels for IFR flights. 4 4.6 Except when necessary for take-off or landing, or except by permission from the appropriate authority, a VFR flight shall not be flown: a) over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 300 m (1 000 ft) above the highest obstacle within a radius of 600 m from the aircraft; b) elsewhere than as specified in 4.6 a), at a height less than 150 m (500 ft) above the ground or water. 5.1.2 Minimum levels Except when necessary for take-off or landing, or except when specifically authorized by the appropriate authority, an IFR flight shall be flown at a level which is not below the minimum flight altitude established by the State whose territory is overflown, or, where no such minimum flight altitude has been established: a) over high terrain or in mountainous areas, at a level which is at least 600 m (2 000 ft.) above the highest obstacle located within 8 km of the estimated position of the aircraft; b) elsewhere than as specified in a), at a level which is at least 300 m (1 000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft. Note 1.— The estimated position of the aircraft will take account of the navigational accuracy which can be achieved on the relevant 5 route segment, having regard to the navigational facilities available on the ground and in the aircraft. Note 2.— See also 3.1.2. Based on the above, similar provisions have been introduced in CAR Section 9 Series C Part I. Accordingly, the Air Traffic Control Services personnel allow flight operations. As per the flight profile mentioned in the flight plan by the Pilot, ATC permits the flight subject to traffic conditions."

6. It was further submitted that DGCA does not give permission for carrying out the Test Flight. The operator was required to submit to DGCA the completed work package to enable DGCA to assess/ensure that the work has been completed as per the work scope/package approved by them and further as to whether the aircraft was ready to be flown for test flight. DGCA does not give permission for carrying out the Test Flight.

7. As regard to flight test the Oriental Insurance Company Limited submitted that the test flight is a part of process of obtaining the certificate of air worthiness to be issued by the Aviation Regulator. The subject aviation policy also covers test flight of the aircraft provided necessary approval is granted by Aviation Regulator and all the air navigation regulation are complied with. In the instant case the approval of test flight for the subject aircraft was duly granted by Deputy Director of Civil Aviation (Western Region) vide letter dated 2nd May, 2018.

8. The Committee then desired to know whether DGCA gave its clearance for the test flight of the said aircraft. In reply the representatives of the DGCA informed that they were not provided the completed work package to ensure that the work had been completed as per the work scope/ package approved by them and further as to whether the aircraft was ready to be flown for test flight. DGCA does not give permission for carrying out the test flight. DGCA only approves the test flight schedule which contains the items to be checked/ noted during a test flight.

9. The Committee observed that if it is a grey area then they would like to review the same.

10. In reply to a specific query of the Committee regarding 'Damage to an Aircraft; the Ministry of Civil Aviation in a written note submitted to

the Committee stated that in case of a damage to an aircraft which requires a repair and/or modification to be carried out, the C of A of the aircraft is deemed to be suspended. The Certificate of Airworthiness (C of A) is automatically restored once the repair/modification is carried out as per the manufacturer's instructions. Some of these approved maintenance / repair/ modification action may affect the operational or flight characteristics of the aircraft and may require a flight test to be carried out. Before the flight test is carried out, the licensed engineer ensures that the repair/ modification is carried out and documentation complete before the aircraft is offered to the pilot for the test flight. The flight test is carried out by a pilot who is qualified and experienced on the type of aircraft as per the laid down requirements. On completion of the checks including flight test (if carried out) a certificate of release to service is issued by the aircraft maintenance engineer which signifies that all checks have been completed satisfactorily and the aircraft is fit to fly. The aircraft is thereafter, placed into operations.

11. Maintenance /repair/modification actions which are not covered in the manufacturer's maintenance documents (Aircraft Maintenance Manual/ Structural repair manual) require approval of DGCA. CAR M MA.304 provides the detailed requirements in this regard. As part of the approval process, the repair/ modification scheme is prepared by the manufacturer for approval of DGCA.

12. In case, the C of A of Aircraft is suspended on account of a major accident or due to any other reason, the C of A can be revalidated only on satisfactory completion of the required repair/ modification/ maintenance action.

13. The required repair/ modification is carried out as per manufacturer's instructions and approval (if required) of DGCA. As part

of the C of A revalidation, the DGCA officer ensures that the repair/ overhaul/ rectification of defect/modification have been satisfactorily carried out. The concerned Airworthiness Office may also require test flight of the repaired/ modified aircraft. Subsequent to satisfactory repair/ modifications/ rectification of defect/ overhaul and test flight (if carried out) the C and A may be revalidated.

14. The Committee further desired to know that in the air accident in Mumbai, the crashed plane was given to Indamar Aviation in the year 2016 to make it airworthy and they were confident that the plane was fit to fly and so they give airworthiness to the plane. In this context, the Committee desired to know whether the plane was not checked by any Government body/regulator i.e. DGCA? If not, whether there is no such provision of counter checking by a third party. In reply the Ministry of Civil Aviation submitted that as per records available in their office, the aircraft after being purchased by Silver Jubilee Traveller in 'as is where condition' from M/s UP Aviation, M/s Silver Jubilee Traveler entered into an 'Aircraft Maintenance and Technical Support Agreement' with M/s Indamar Aviation for the aircraft on 27th June 2014. The aircraft was not offered for inspection by DGCA before the test flight was carried out. CAR Section 2 Series F Part III provides the requirements for inspection of completed aircraft maintenance records for those aircraft whose C of A is not valid due to damage or any other reason.

15. The Committee also desired to know whether the maintenance company can repair a scrap plane and if it is confident that the plane can fly, can also give airworthiness certificate to it and its owner company and whether there are any rules/guidelines in this regard which are followed by DGCA. In reply the Ministry of Civil Aviation submitted that an aircraft with substantial damage that cannot be repaired or is 'beyond economic repair' may be declared as a scrap

aircraft. Such aircraft cannot be repaired by a maintenance organization. A Maintenance organization can repair damaged aircraft which are permissible as per the repair scheme provided by manufacturer and approved by DGCA. After completion of the repair, a certificate of release to service is issued. The Aircraft Rules and regulations cover the requirements and guidelines for the maintenance, modification and repair of damaged aircraft.

16. The Committee noted that the plane in question had belly landed in 2008 in UP. It was kept in abeyance for 5 years. In early 2014 it was purchased by Silver Jubilee Traveler as scrap. It was brought to Mumbai in pieces in trucks. The Indamar Aviation accepted that it was given the plane for repair in early 2016. UY Aviation did not give information regarding their purchase date, but Silver Jubilee Traveller informally accepted that it sold the plane as soon as it was brought to Mumbai to UY Aviation on as and where basis. On being asked as to how UY Aviation purchased the plane before it was granted license by DGCA. The Ministry of Civil Aviation submitted that as per the Investigation report of the serious incident to aircraft VT-UPZ at Allahabad on 22.2.2008 it possibly landed with a nose-down attitude. The damaged aircraft was taken to Lucknow and kept in the hangar of U.P. Government. The aircraft was purchased by Silver Jubilee Traveler in 'as is where condition' after taking permission from DGCA in 2014. M/s Silver Jubilee Traveler entered into an 'Aircraft Maintenance and Technical Support Agreement' with M/s Indamar Aviation for the aircraft on 27th June 2014. On purchase, the aircraft was brought to Mumbai on 31.7.2014 and kept in Indamar Hanger. As per the records available with DGCA, the aircraft was purchased by M/s UY Aviation from Silver Jubilee Traveler in 18.8.2016. The aircraft remained in the Indamar Hanger from 2014 to 2016 without any repair work M/s U. Y. Aviation

Private Limited was already holding a valid Non-scheduled operator's permit for operating a different type of aircraft when they applied for permission to acquire King Air C90A (VT-UPZ) airplane from M/s Silver Jubilee Traveler Limited.

17. The Committee after perusing the above facts observed that some more information is required and accordingly sought it from the Ministry of Civil Aviation, DGCA etc.

18. The Committee desired to know about the details of the plane which crashed in the year 2008 when it was owned by Uttar Pradesh Government and the condition of the plane and the place where it was parked by the UP Government at Allahabad. In reply the Ministry of Civil Aviation in a written submitted note **(Annexure-I)** as follows:

"Aircraft Type: King Air C 90 A; Reg. Mark: VT-UPZ; MSN: LJ 1400; Year of Manufacture : 1994, Owner & Operator : Directorate of State Civil Aviation, U.P; C of A validity: 10/06/2009. The aircraft VTUPZ, was owned and operated by Government of Uttar Pradesh. The aircraft was involved in a serious incident at Allahabad on 22.2.2008. As per the Investigation report of the above serious incident, the aircraft possibly landed with a nosedown attitude. The damaged aircraft was taken to Lucknow and kept in the hangar of U.P. Government. c. The aircraft was purchased by Silver Jubilee Traveller Ltd., Pune in 'as is where condition' after taking permission from DGCA in 2014. M/s Silver Jubilee Traveller entered into an 'Aircraft Maintenance and Technical Support Agreement' with M/s Indamar Aviation for the aircraft on 27th June 2014. On purchase, the aircraft was brought to Mumbai on 31.7.2014 and kept at Indamar Hanger. d. Silver Jubilee Traveler Ltd bought the aircraft for the purpose of utilizing it under the Non-Scheduled Operating Permit. As per information received and records available with this office, the aircraft was purchased by M/s Silver Jubilee Traveller ltd., Pune from Director, Civil Aviation, U.P for the purpose of operating under Nonscheduled permit and was purchased at the cost of Rs 125.50 lakhs after obtaining permission from DGCA. M/s Silver Jubilee Traveler entered into an 'Aircraft Maintenance and Technical Support Agreement' with M/s Indamar Aviation for maintenance of aircraft on 27th June 2014. On purchase, the aircraft was brought to Mumbai on 31.7.2014 and kept at Indamar Hanger. M/s Silver Jubilee Traveller applied for Work scope approval for making aircraft serviceable in Dec 2014 which was approved

by DGCA in Jan. 2016. The aircraft remained in the Indamar Hanger from 2014 to 2016 without any repair work. Thereafter, the aircraft was purchased by M/s UY Aviation from M/s Silver Jubilee Traveler on 18.8.2016 after obtaining permission from DGCA for non-scheduled operations at the cost of Rs.140 lakhs. Work to repair the aircraft thereafter commenced."

19. On being asked about the role of Silver Jubilee Company with regard to the aircraft, the Ministry of Civil Aviation submitted that M/S Silver Jubilee Travelers Ltd. was issued a Non-scheduled operator Permit No. 07/2011 valid up to 15.06.2015 for operating Robinson R66 helicopter, M/S Silver Jubilee Traveler Ltd. Sought permission for local acquisition on outright purchase of VT-UPZ aircraft for non-scheduled air transport services on 05.05.2014 the aircraft was acquired by M/S Silver Jubilee Traveler Ltd. The aircraft was purchased by M/S U.Y. Aviation from M/S Silver Jubilee Traveler Ltd. On 18.08.2016 after obtaining permission from DGCA for inclusion in their Non-Scheduled permit at the cost of Rs. 140 lakhs.

20. When asked whether the original manufacturer's advice and permission etc. was obtained by UP Government, Silver line, UY Aviation and Indamar, it was stated by the Ministry of Civil Aviation that after the aircraft met with a serious incident on 22.02.2008, the aircraft remained in the hangars of the U.P. Government without undergoing any repair. The aircraft was purchased by M/s Silver Jubilee Traveler Ltd. in 2014 who entered into a 'Maintenance Service Agreement' with Indamar Aviation for maintenance of the aircraft. The aircraft was brought from Lucknow to Mumbai where it remained in the hangars of Indamar Aviation from 2014-2016 without undergoing any repair. The aircraft was thereafter purchased by M/s UY Aviation Pvt.. Ltd. in 2016. As per records available, DGCA approved the work package to make the aircraft serviceable based on the manufacturer's advice and instructions

21. The Committee then desired to know about the type of permission given/obtained from original manufacturer, the checking and certification of the repairs, the terms and conditions for aircraft which met with accident in the year 2008 and after so called repair/assembling finally taking off for a test flight. In reply the Ministry of Civil Aviation in a written note submitted to the Committee informed that the aircraft is maintained as per the maintenance/repair/modification actions covered in the manufacturer's maintenance document. For maintenance/repair/modifications which are not covered by the manufacturer in these documents approval of DGCA is required. As part of the approval process the repair/modification scheme is prepared by the manufacturer for approval of DGCA. The aircraft after undergoing the required repair is required to be certified by a licensed Aircraft maintenance Engineer who certifies that the repair has been carried out in accordance with manufacturer's instructions and DGCA approved work package if any. There are no specific guidelines for repair of accidental aircraft. However as per laid down requirements after a major accident or a serious incident resulting in damage to the aircraft, the C of A of aircraft gets suspended. The C of A is revalidated subject to the completion of the required repair/modification/maintenance action. The damaged aircraft is repaired as per manufacturer's instruction/work package approved by DGCA. After completion of the work, the same is certified by licensed AME. In case the repair is carried out based on the work package approved by DGCA the same is required to be put up to DGCA who satisfied itself that the work has been completed as per the approved work package and may require a test flight to be carried out. After the completion of a satisfactory test flight, the C of A is revalidated. In case of a damaged aircraft the C of A is deemed to be suspended. In case the repair is carried out based on the work package approved by DGCA (for damage which is not covered under Structural Repair Manual), the

completion of the work package is required to be put up to DGCA who satisfied itself that the work has been completed and may required a test flight to be carried out. Such a test flight is carried out based on a 'Special Flight Permit' issued by DGCA in lieu of the C of A. The special flight permit which is for the specific test flight and is valid for a specified period lays down the conditions under which the test flight would be conducted which amongst others includes the areas over which such a flight can be conducted including persons who can be on board the flight. King Air C90 VT-UPZ aircraft suffered damage on 22.02.2008. The aircraft was not repaired and the C of A of the aircraft expired on 10.06.2009. In the instance case, after repair of the aircraft in 2018, the operator M/s UY Aviation did not approach DGCA with the completed work package for DGCA to assess as to whether the aircraft was ready to be flown for test flight and no 'Special Flight Permit' could be issued.

22. As regard to major repairs, the Committee observed that the plane is grounded due to loss of validity of certificate/license etc. Further according to the authorities including Directorate General of Civil Aviation (DGCA) firstly the Airlines/MRO shows the complete design (along with the manufacturer) and observations to the DGCA, get sanction from DGCA, then completes the major repairs, assembling etc. After completion of such repairs, once again they are supposed to approach DGCA and get confirmation from them that the repairs have taken place as per the design sanctioned by DGCA. Thereafter, the DGCA verifies and gives sanction that the repairs has been done as per the design/manual and then only the airlines company can go for test flight. In this connection the Committee desire to know whether the procedure was duly followed or not, what action the Ministry of Civil Aviation and the DGCA initiates for violation of this procedure and requested them to reconfirm this procedure/ status and also status of the particular plane

of UY Aviation which got crashed on 28.06.18 at Ghatkopar, Mumbai. The Committee further observed that the DGCA has gone on record that UY Aviation and Indamar were supposed to obtain clearance after completion of all repairs which they did not obtain from DGCA, in such situation was the so called test flight not illegal?

23. In reply it was submitted by the Ministry of Civil Aviation **(Annexure-II)** that the Non-compliance of regulations/procedures entails initialization of enforcement action. In the instant case, following the laid down procedure, the approval granted to post holders has been withdrawn along with the suspension of Continuing Airworthiness Management Organisation (CAMO) approval of M/s UY Aviation. Further, the renewal of its Air Operator's Permit has been put on hold till suspension of CAMO approval is revoked. The CAMO suspension shall be revoked once the organization is restructured with approval of appropriate post holders and revision of CAMO. As already informed, in case of a damaged aircraft, the C of A is deemed to be suspended. In case the repair is carried out based on the work package approved by DGCA (for damage which is not covered under Structural Repair Manual), the completion of the work package is required to be put up to DGCA who satisfies itself that the work has been completed and may require a test flight to be carried out. However, DGCA does not give any permission for the flight test. Such a test flight is carried out based on a 'Special Flight Permit' issued by DGCA in lieu of the C of A. The Special Flight Permit which is for the specific test flight and is valid for a specified period lays down the conditions under which the test flight would be conducted which amongst others includes the areas over which such a flight can be conducted including persons who can be on board the flight. In the instant case, after repair of the aircraft, the operator M/s UY Aviation did not approach DGCA with the completed Work

package for DGCA to assess as to whether the aircraft was ready to be flown for test flight and no 'Special Flight Permit' could be issued. Due to these lapse, DGCA has already taken enforcement action against M/s UY Aviation and further action, if required, will be taken based on findings of the investigation report of AAIB. The investigation of the accident by AAIB is in progress and is likely to be completed by the end of February 2019.

24. When asked about the action taken by the Ministry of Civil Aviation, DGCA, Aircraft Accident Investigation Bureau (AAIB) and Mumbai Police against the operator M/s UY Aviation for not approaching DGCA with the completed Work package for them to assess as to whether the aircraft was ready to be flown for test flight, it was submitted by the Ministry of Civil Aviation that it was observed by them that the Continuing Airworthiness Manager and Quality Manager of U.Y.Aviation has allowed the aircraft to be test flown without submitting the completed work package to DGCA. Accordingly, the approval granted to these post holders has been withdrawn and the Continuing Airworthiness Management Organisation (CAMO) of the U.Y Aviation has been suspended and renewal of its Air Operator's permit has been put on hold till suspension of CAMO approval is revoked. The operator has yet to take corrective action. A perusal of Office of Directorate General Civil Aviation letter no. 5-207/2018(SA)-AI(2) dated 30th November, 2018 revealed that scope of approval granted to Indamar has been suspended with immediate effect. **(Annexure-III)**

25. The Committee thereafter noted that the Government of Uttar Pradesh disposed the said aircraft after it met with an accident in the year 2008 and remained there for four - five years before its sale to Silver Jubilee Private Limited. The Committee further noted that after damage assessment of an aircraft (i) the manufacturer provides repair scheme, (ii)

permission by DGCA to carry out repair and (iii) after repair DGCA approves the repair. The Committee therefore desired to know as to how this procedure is implemented.

26. In reply the representative of the Indamar submitted as follows:-

“Any aircraft which is damaged or in which otherwise any repair is undertaken, there is an approved document. SRM means ‘structural repair manual. Similarly, there is an Aircraft Repair Manual.

27. In reply to a query of the Committee the representatives of the DGCA informed that they were not provided the completed work package to ensure that the work had been completed as per the work scope/ package approved by them and further as to whether the aircraft was ready to be flown for test flight.

28. The representative of the DGCA further apprised the Committee on the issue of repair of the aircrafts as follows:-

“The repairs are of two types. One is SRM which means structural Repair Manual and is provided by the manufacturer and also a detailed document. If the repairs are within the SRM then the approval of DGCA is not required as they can do it on their own. However if they go beyond this, then they got the scheme approved from the manufacturer and thereafter DGCA gives permission for work completion. When the repair work is completed then they come to the DGCA bringing all the things in totality. Thereafter test flight is conducted. The DGCA does not give any approval for test flight. A schedule of test flight is their which contains things to be noted when the test flight would be undertaken”.

29. Thereafter, the Committee heard the views of Silver Jubilee on the issue and the representative of the Silver Jubilee informed that they purchased it from the Govt. of Uttar Pradesh and they were having one helicopter and were flying it.

30. On being asked whether the aircraft met with an accident during transit from UP it was submitted that the aircraft was properly packed and was put in the hangar in Mumbai and when they realised that they

will not be able to earn so much of money which they required they decided to depose it off.

30(a). A press clipping regarding DGCA inspector turns test flight into 'spirited' joyride for relatives appeared in Times of India dated 11th December, 2018 **(Annexure-IV)**.

31. The Committee note that an aircraft, on flight test, crashed in the densely populated area of Mumbai killing four persons on board and one another person on the ground while injuring others. The Committee express concern over the loss of lives and desired to know about the norms and safety guidelines for social security of the labour and also for their safety being followed by concerned agencies in the country. This air crash is being viewed as an eye opener by the Committee and must be seen similarly by all agencies concerned. The Committee have been informed that growth of aviation sector in India is the highest in the world. It is observed that number of incidents/accidents of non-scheduled private/chartered aircrafts/helicopters are increasing day by day. With economic growth/heavy growth in civil aviation sector, increasing air traffic/air passengers, the use of non-scheduled private aircrafts/helicopters is also getting momentum. Thus, regulatory mechanism for such private non-scheduled aircrafts/ helicopters needs to be put in place. Increasing number of accidents resulting into death of passengers, employees, labours etc. and also common citizens on the ground, demand review of safety network system for them. Lack of proper safety network and lacuna in the regulatory mechanism for non-scheduled private air carriers is observed by the Committee. The number of Aircrafts with the non-scheduled operators, is at present 400. The Committee are therefore eager to see a foolproof mechanism for the aviation Industry not only to stop

recurrence of Ghatkopar like air crash accidents in future but also for the safety and social security of the labour/manpower engaged in the aviation Industry. The Committee, therefore, feel that the Civil Aviation Ministry, DGCA, Labour Ministry must review the provisions/ guidelines and its execution and put in place a regulatory mechanism for ensuring the social security and safety norms for the employees for operation of the such non-schedule private/ chartered aircrafts/helicopters.

32. The Committee are astounded to know about the manner in which civil aviation companies, Civil Aviation Ministry, DGCA, AAIB and other agencies are deriving/interpreting the meaning/ guidelines for the test flight suitable for them i.e. as per their convenience. The routine meaning of test flight are:

- (a) Regular testing of a plane/helicopter being undertaken by DGCA may be annually or otherwise an audit/inspection of a flight/plane is done to check its normal functioning**
- (b) A test flight is also undertaken for a plane which might have met with a small/minor incident/accident**
- (c) The importance of “Test Flight” is given in the guidelines for such a plane which have met with an accident and whose flying license “C of A i.e. (Certificate of Airworthiness)” is cancelled/revoked**
- (d) In such cases C of A is scrapped if a company undergoes for major repairs, they have to first prepare the design, action plan and has to submit it to DGCA along with manufacturer opinion/consent. DGCA first go through that plan and then approve the Major Repairs/Reconstruction etc. After completion of the major repairs, as per the design, the concerned company of the flight operator/MRO has to once**

again approach DGCA and submit the completion details along with statement that the repairs has been completed as per the approved design/plan sanctioned. DGCA after going through the whole repairs gives consent that the major repairs had been completed as per the design/guidelines, then only the permission for the test flight may be applied/obtained.

In this Ghatkopar plane crash, DGCA has gone on record that UY Aviation and Indamar neither submitted completion work detail nor approached DGCA after completing the repair work. DGCA conducted audit and also scrapped their licenses for not obtaining their consent before taking test flight. Indamar and U Y Aviation went ahead illegally for this test flight without submitting completion report to DGCA and DGCA has also observed that the work was not completed as per the design sanction for this flight. The Committee are surprised to note that the aircraft was not at all offered for inspection by DGCA before the flight test. This is a clear violation of the established procedure/ norms for undertaking the flight tests. The Ministry of Civil Aviation and DGCA cannot absolve themselves from their duty/ responsibility of ensuring that the due procedure is strictly adhered to, just by submitting that the aircraft was not offered to them for inspection. When an operator does not follow the due procedure for undertaking flight tests or does not offer the aircraft for inspection by DGCA, then how the Ministry of Civil Aviation and DGCA will come to know about this violation and how it will stop recurrence of such serious lapses in future.

DGCA in presence of the representatives of AAIB, M/o Civil Aviation Ministry, Oriental Insurance Co. Ltd. and M/o Financial Services has gone on record that this Ghatkopar test flight is illegal. During the interaction it has come to the knowledge of the

Committee that gross violations had taken place for test flights, sometimes test flights are conducted as a joy ride flight.

DGCA has further clarified that U Y Aviation/Indamar (MRO) has just applied for a flight permission in normal way for allotting a time slot which seems to be have given for the Ghatkopar flight.

The Committee is serious about the statement made by the family members of the victims and also officials of the DGCA that earlier also MRO and U Y Aviation had obtained flight time slot for this plane but cancelled the same due to bad weather. On 28.06.18 when the plane got crashed, the weather is said to be bad and it was a rainy day, a test flight of a plane whose C of A has been scrapped cannot take place on such a day.

The Committee feels an investigation and strong action for such illegal flight which resulted into death of five innocent persons should be taken up by the Police, AAIB, DGCA and Civil Aviation Ministry.

33. As regard to the non-compliance of the established procedure for repairs of an aircraft it has been informed that the Non-compliance of regulations/procedures entails initialization of enforcement action. In the case of Ghatkopar air crash, following the laid down procedure, among other things the approval granted to post holders has been withdrawn along with the suspension of Continuing Airworthiness Management Organisation (CAMO) approval scope of approval at Ahmedabad base has been suspended with immediate effect, renewal of Air Operator's Permit has been put on hold, etc. The Committee are somewhat satisfied that finally some action has been taken by the DGCA. However the Committee are pained to note that necessary action has been taken only after occurring of an air crash and loss of five innocent lives. The said air crash may have

been averted had the authorities concerned taken such a stringent action when the operator failed to approach it with the completed work package to assess as to whether the aircraft was ready to be flown for test flight and as a result no special flight permit could be issued. The Committee, therefore, strongly recommend that the DGCA should put in place such a mechanism by which it can take a strict and timely action on noticing/detecting any deviation from the established safety norms by any operator for minimizing air crashes and causing harm to the employees and workers. The Committee would like to be apprised of the action taken in this regard by the Ministry of Civil Aviation and DGCA.

III. SAFETY NORMS IN AVIATION SECTOR AND COVERAGE UNDER LABOUR LAWS

34. On being asked about the safety norms in vogue on the subject to the Ministry of Labour & Employment, it was submitted that as per allocation of business rules the Ministry of Labour & Employment has been allocated safety of mines and oil fields. Safety of Aviation sector is dealt with by the DGCA through Bureau of Civil Aviation Security (BCAS) under the Ministry of Civil Aviation who are responsible for the administration of the Aircrafts Act, 1934 and Aircrafts rules 1937. When asked whether both the deceased pilots were not on the pay roll of the UY Aviation. It was submitted that inspecting officials of office of Chief Labour Commissioner under the Ministry of Labour & Employment had conducted inspection under various labour laws including contract labour and regulation Act, 1970. However, the name of the pilot co-pilot could not be ascertained as no muster roll and wage register were found to be maintained at the work site. However, appointment offer and its acceptance by both the pilots were found. As per the EPFO, while

registering on Online Registration of Establishments (OLRE) in July, 2018, UY Aviation submitted month wise Payroll and retainers roll which did not carry names of pilot and co-pilot -Late Pradeep Rajput and Late Ms.Maria Zuberi who died in the tragedy on 28.06.2018. Later on it was discovered by EPFO that the Company had removed names of employees/ retainers who had left employment and offer of appointments of the two deceased employees emerged. These documents do not carry details terms & conditions.

35. In reply to another query, as to whether the Chief Labour Commissioner (CLC) has been asked to carry out the safety and documents inspection of both the companies and take all relevant documents. It was submitted by the Ministry of Labour & Employment that the Office of Chief Labour Commissioner has already mentioned that safety in respect of mines and oil fields only is allocated to the Ministry of Labour & Employment and the aviation sector is dealt by the Ministry of Civil Aviation. However, the O/o CLC (C) has conducted inspections under various Labour and enactments like contract labour and abolition act 1970, payment of wages act 1936, Payment of wages (Air Transport Rules, 1968), Payment of gratuity act, 1972, equal remuneration Act 1976 and the same are presently under process.

36. As regard to the factual position of the UY Aviation Private Limited and Indamar Aviation Private Limited, the Ministry of Labour & Employment informed that as per available data the former unit is not covered under ESI Act, 1948 whereas the later unit is covered and the employers is compiling regularly and has remitted contribution upto June, 2013 in respect of 259 employees and all the employers are eligible for benefits provided in the ESI scheme. However, ESIC has not received any benefit claimed by a sickness benefit, extended sickness benefit etc. nor any accident report after the incident from Indamar Aviation so far.

37. As regard to the Applicability of EPF & MP ACT, 1952, the Employees Provident Fund Organisation, Regional Office, Bandra, Mumbai informed as follows **(Annexure-IV)**:

1. Applicability of EPF & MP ACT, 1952:

- The Parliament of India, through various enactments, endeavoured to give effect to the ideas and objectives enshrined in the Directive Principles of State Policy in the Constitution of India. In the field of social security, the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the three schemes framed under it, namely, the Employees' Provident Fund Scheme, 1952, the Employees' Deposit Linked Insurance Scheme, 1976 and Employees' Pension Scheme, 1995 are amongst the extensive and major social security programmes for the working class of India.
- The provisions of the EPF Scheme 1952 were made applicable to the "Establishments of Aircraft or Airlines other than owned or controlled by the Central or State Government vide notification SO 746 dated 22.03.2001 w.e.f, 01.04.2001.
- However, prior to notification dated 22.03.2007, many commercial airlines have registered under EPF & MP Act, 1952 as "Commercial establishments" and many MROs/Aviation Services Agencies are registered as "expert service establishments" or "Engineering Contractors" or "Electrical, mechanical general engineering establishments".
- As per Para 2 (f) of the EPF Scheme, 1952, the employer is liable to extend membership of EPF Scheme 1952 if monthly pay of the employee on joining is up to Rs.15000/- or if the employee is already a member even if pay is above Rs.15000/-

2. Coverage of Airline Operators/ MROs/ Aviation Service Agencies under EPF and MP Act 1952 and enrollment of employees at Bandra, Mumbai:

- (i) The contract employees are engaged through MROs and Aviation agencies by the owner/operators of Airport like MIAL at CSIA, Mumbai and various Airlines
- (ii) Many of the Private Airlines and MROs/Aviation Companies and Ground handling agencies are covered under EPF & MP Act, 1952 at RO, Bandra, Mumbai.
- (i) The Airport owner and operator - MIAL is having 55 contractors for 105 contracts which is executed by 5685 employees.
- (ii) The ground handling work for various Airlines is executed by various agencies.

3. Applicability of EPF and MP Act 1952 to M/s Indamar Aviation Private Limited and Status of compliance in respect of employees who died in Air crash 28.06.18.

- 1. M/s Indamar Aviation Pvt.. Ltd. is covered from the year 1962 with Code no.MH/BAN/4632 and presently complying for 250 employees every month.
- 2. Late Ms. Surabhi, Asstt. Maintenance Manager and Late Sh.Manish Pandey, Technician who were on board the flight which crashed were employed with M/s Indamar Aviation Pvt.. Ltd.
- 3. M/s Indamar Aviation Pvt.. Ltd. have informed that the Company has sent claim forms for signature of the family members for claiming the PF, Pension and Insurance benefit.

4. Applicability of EPF and MP Act, 1952 to M/s UY Aviation Private Limited and status of compliance in respect of employees who died in air crash on 28.06.2018.

- 1. The Aircraft which crashed on 28.06.18 at Ghatkopar, Mumbai was owned by M/s U Y Aviation Pvt. Ltd. and the Pilot and Copilot- died in the tragedy were employees of the U Y Aviation Pvt.. Ltd.
- 2. At the time of crash, M/s U Y Aviation Pvt.. Ltd. had not registered for complying under the EPF & MP Act, 1952.
- 3. Investigations conducted in month of July and August, 2018 revealed that the establishment is liable to comply with the provisions of the EPF & MP Act, 1952 and following facts emerged:.

- That the Company is incorporated on 11.05.2015 under Companies Act, 2013 That the Company got AIR OPERATOR PERMIT NONSCHEDULED from DGCA w.e.f 09.08.2016
- That the Company entered into contract with M/s Indamar Aviation on 02.11.2015 for repair of ill-fated aircraft VT UPZ, C-90.
- U Y Aviation entered into MOU with M/s Silver Jubilee on 27.7.15 and purchase agreement on 09.09.16 for purchase of ill-fated aircraft
- The Company registered itself on 08.08.18 on OLRE portal with no, MH/BAN/775829 for compliance under EPF & MP Act, 1952 declaring that it has 20 employees with effect from March 2018.
- That the Company submitted its month wise Payroll and retainership roll which did not carry names of Pilot and Copilot- Late Pradeep Rajput and Late Ms Maria Zuberi who died in the tragedy on 28.06.18.
- Later on it was discovered by EPFO that the Company had removed names of employees/retainees who had left employment and Order of appointments of the two deceased employees emerged. The establishment was found to be employing 20 employees from September 2017.
- As per the appointment offer letters- Late Sh Rajput joined on 20.04.18 with annual salary package of Rs.48 lakhs and Late Ms Zuberi joined on 01.04.2018 on annual salary package of Rs,18 lakhs.
- Company accepted the above in its letter dated 23.08.18

38. As regard to the Payment of minimum wages and working condition of the workers in the Aviation Industry, the representatives of the Ministry of Labour & Employment submitted as under:

" जहां तक वर्किंग कंडीशन या मिनिमम वेजेज का प्रश्न है, निश्चित रूप से यह मिनिस्ट्री ऑफ लेबर का मंडेट है। हम प्रयत्न करते हैं कि कांट्रैक्ट बेसिस पर काम करने वाले कर्मचारियों का इंसपेक्शन रेगुलर बेसिस पर हो। सोशल सिक्योरिटी के बारे में भी

मिनिस्ट्री ऑफ लेबर का ही मंडेट है। इसके बारे में ईएसआइसी और पीएफ से आए हुए अधिकारी बताएंगे। शेड्यूल्ड फ्लाइट्स, जिसके बारे में मिनिस्ट्री ऑफ सिविल एविएशन के अधिकारियों ने बताया, उनका इंस्पेक्शन हम रेगुलर बेसिस पर करते हैं। नॉन-शेड्यूल्ड फ्लाइट ऑपरेशंस के कारण अभी कुछ दुर्घटनाएँ हुईं। अभी तक हमारा ज्यादा ध्यान शेड्यूल्ड फ्लाइट्स के ऊपर होता था, लेकिन हाल में कुछ दुर्घटनाएँ हुई हैं, जिसके बाद हमने में पता किया है मुम्बई के जुहू एयरपोर्ट पर करीब 35 नॉन-शेड्यूल्ड टेस्ट फ्लाइट ऑपरेटर्स काम करते हैं। उनके वर्किंग कंडीशंस, मिनिमम वेजेज, अदर वॉयलेशन ऑफ लेबर लॉज के बारे में इंस्पेक्शन शुरू कर दिया है। जिसकी विस्तृत रिपोर्ट इस कमेटी को जल्द ही उपलब्ध करा देंगे।

मैडम ने अभी प्रश्न उठाया कि इंस्पेक्शन करना मिनिस्ट्री ऑफ लेबर का ही मंडेट है, तो निश्चित रूप से यह हमारा दायित्व है और हम रेगुलर बेसिस पर इसे पूरा करने का प्रयत्न करते हैं। इसके साथ ही हम अन्य विभागों जैसे मिनिस्ट्री ऑफ सिविल एविएशन, मिनिस्ट्री ऑफ माइंस आदि से सहयोग की अपेक्षा करते हैं कि उनके यूनिट्स प्रिंसिपल एम्प्लॉयर होते हैं। उनकी जिम्मेदारी सिर्फ इतनी ही होती है कि वह मॉनिटरिंग करते रहें कि जो वायलेशंस हैं, वेजेज का पेमेंट समय से हो रहा या नहीं या वेजेज का रेट उन्हें ठीक से दिया जा रहा है या नहीं। इससे हमें भी सुविधा होती है। इनसे हमें भी कम्प्लायंस कराने में आसानी होती है।

मैं पीएफ के अधिकारियों से अनुरोध करूंगा कि वे सोशल सिक्योरिटी के ऊपर कुछ प्रकाश डालें। डॉ.एस.के.ठाकुर : सर, एक्ट के अनुसार, जहां कभी भी 20 आदमी से ज्यादा कर्मचारी काम करते हैं, जैसा कि शेड्यूल में हैं, उनके ऊपर हम प्रॉविडेंट फंड का नियम लागू करते हैं our jurisdiction is only upto the members or employees who are in the establishments, which are covered under the Act. These are the employees who can be extended the benefits of provident fund. वर्तमान कानून के अनुसार, हमारे प्रॉविडेंट फंड के मेंबर या पेंशन के मेंबर वही कर्मचारी बन पाते हैं जिनकी सैलरी 15,000 रुपये से नीचे है। जैसा कि श्रीमान जानते हैं कि सिविल एविएशन सेक्टर के अंतर्गत मैटेनेंस इंजीनियर्स, क्रू- मेंबर्स, केबिन क्रू या ग्राउंड स्टाफ होते हैं। पायलेट्स की सैलरी तो बहुत ज्यादा होती है। अतः इस सेक्टर के ज्यादातर वर्कर्स या कर्मचारी हमारे एक्ट और स्कीम की परिधि में नहीं आ पाते हैं। इसके कंप्लायंस के लिए हम उनके साथ हम कोई दबाव नहीं दे सकते हैं। मेरा समिति से अनुरोध है कि इस 15,000 रुपये के लिमिट के पर कुछ विचार किया जाए, तो शायद हम इसे सभी के लिए एक्सटेंड कर पाएंगे।"

39. The Committee sought full details in this regard and requested the Ministry of Civil Aviation, the DGCA, the Ministry of Labour & Employment and the EPFO to reconfirm about the nature, status of appointment, legality of the and flying in the aircraft on 28.06.2018 and the compensation and insurance claim for which they are eligible, its acceptance and insurance claim settled, etc.

40. In reply the Ministry of Labour and Employment in a written note submitted to the Committee informed that the EPF & MP Act, 1952 applies to establishments and employer in relation to the covered establishment, is required to extend the benefits due under the Act to all persons engaged in or in connection with the work of the establishment. M/s Indamar Aviation Pvt.. Ltd. is covered from the year 1962 with Code no.MH/BAN/4632 and presently complying for 250 employees every month.

- Late Ms. Surabhi, Asstt. Maintenance Manager and Late Sh Manish Pandey, Technician, who died in air crash were members of the EPF Scheme, 1952 from their respective date of appointments- Ms. Surbhi- 21.4.17 and Mr Pandey -24.5.17.
- M/s U Y Aviation Pvt.. Ltd. was not registered under the EPF & MP Act, 1952 at the time of crash. It got registered on 08.08.18 on OLRE portal with no.MH/BAN/175829 declaring that it attracts the provisions of EPF & MP Act, 1952 from 03/2018
- That names of- Late Pradeep Rajput and Late Ms. Maria Zuberi who died in the tragedy on 28.06.18 were not found in payroll of UY Aviation but UY Aviation provided offer of appointments issued to the two deceased employees which are only communication over email without any terms and conditions for employment.
- No wages were found disbursed to either of the two employees from April 2018, to June 2018. M/s UY Aviation vide its letter dated 23.08.18, clarified that Late Col Rajput's joining was subject to test flight and his name was not mentioned in list of employees/retainers and Late Ms. Zuberi, joined on 1.6.18 but had not completed one month or drawn salary, so her name is not in the pay roll.
- Lata Marya Zuberi was found eligible for membership as she was already a member in her previous employment.

- Late Ms Zuberi of UY Aviation; Late Ms. Surabhi and Late Sh Manish Pandey of Indamar are eligible for membership and entitled for settlement of their dues.

41. On being asked about the labour safety guidelines for safety of pilots, engineer etc. of the aircraft the Ministry of Civil Aviation submitted that the subject is not under their purview.

42. The Committee had a meeting on the said subject by the above representatives on 30.08.2018. At the outset the Committee heard the views of the next kith and kin of the deceased and requested them to tell about their concern and views. They accordingly apprised the Committee. Some of the main points which emerged include (i) moving from pillar to post for justice (ii) non- issue of appointment letters to pilots/co-pilots (iii) forcing of pilots/co-pilots for undertaking test flights in bad weather conditions also (iv) delay in settlement of compensation and other claims and (v) delay in payment of salary etc.(page nos. 2-8 of proceedings dated 30.08.2018).

43. The Committee thereafter desired to know about the labour and social security norms that are maintained in U.Y. Aviation Private Limited (the last owner of the aircraft) and the Indamar Aviation Private Limited (the company which carried out the repairs of the aircraft) as stipulated by the Ministry of the Civil Aviation and the Ministry of Labour and Employment guidelines and what are the labour safety norms and how are they implemented. Accordingly the representative of the U.Y. Aviation Private Limited deposed as follows:-

“UY Aviation has been formed in early 2016. We have a total of four aircraft – three fixed-wing aircraft and one helicopter. The aircraft in question which crashed was not in the NSOP aircraft of the company. This aircraft was just to reiterate, though many of you would be knowing the entire history of it - bought from Silver Jubilee Aviation, which they had bought from the U.P Government. In 2008, the aircraft met with an accident, which was brought out during the investigation by DGCA. I have a copy of

the investigation. Director of Air Safety has deemed it as minor. This aircraft was purchased by Silvery Jubilee and in turn we purchased from them. On the day this accident took place - it was the 28th of June 2018- the aircraft took off from Juhu. We had two of our pilots who have flown this aircraft.

“Coming to the compensation part, we have settle the compensation with the family of the aircraft’s Captain....also settled the compensation in full and final with the family of the passer-by who got killed in this incident. However the insurance part in both the cases is pending..... that is under process.”

“Coming to the place where the accident took place, the contractor had filed certain claim which has also been settled. Two of the labourers who were injured have also been compensated for. I have all the documents with me, Sir, and if need be, they can be produced.....

44. Thereafter the Committee directed the representative of the Indamar Aviation to apprise the Committee regarding ‘security norms’ of the aviation industry as in the 21st century this industry is going to widen and progress rapidly . The representative of the Indamar Aviation deposed as follows:-

“Respected Sir and all Members, this company was established in 1947.....regarding this incident, we are carrying work on this aircraft for the last two years with all DGCA permissions. While doing the work, we are following all safety norms.....we are reporting to our CEO...We are following all the DGCA rules. All paper works are submitted to them. While doing the work, we are taking all safety clearances. We have complied with all labour compliances like pay, ESIC etc. Both the pilots were on our pay-roll and compensation of both have been worked out. After getting the declarations signed by them we are handing over all the payments.”

45. The Committee then desired to be apprised about the social security norms/safety norms regarding all other employees. The representative of the Indamar deposed as follows:-

"Sir, regarding safety norms, as per DGCA guidelines, the SMS or safety management system has been prepared by us and approved by the DGCA. We have got a safety manager. As per the safety manual approved by DGCA, we are following all the safety norms”

46. The representative of the Ministry of Labour & Employment deposed as follows on the subject:-

"Sir our Ministry is mainly concerned with the social security of the labourers. I will request on Additional Commissioner, they have already done the investigation and so he will tell what they have already done till now".

47. Accordingly, the Additional Chief Commissioner deposed as follows:-

"Sir, I am the Additional Chief Labor Commissioner. Before this, we had a meeting with you. Our officers went to the two companies to do spot investigation. Regarding compaction, we tried to get people to record some of their records, whether they were in the Implementation Compensation Act or something else, but both of them could not satisfy us in this matter. Labor laws are also applicable on companies".

48. The Committee then desired to know the safety norms, rules, guidelines and other labour related issues. In reply, the representative of DGCA replied as follows:

"सर, यह सिविल एविएशन एक ऐसा मुद्दा है, जो राष्ट्रीय सीमा के पार चला जाता है। जो एयरक्राफ्ट्स हैं, ये एक देश से दूसरे और दूसरे देश से तीसरे देश में चली जाती हैं, इसलिए सभी देशों को एक ही प्लेटफॉर्म पर होना चाहिए, as far as the regulations, particularly the safety regulations, are concerned. इसलिए इसका एक बहुत ही मजबूत अंतर्राष्ट्रीय रेगुलेटर है, जिसे 'इंटरनेशनल सिविल एविएशन ऑर्गेनाइजेशन' कहते हैं। यह एक यू.एन. बॉडी है और मॉन्ट्रियल में स्थित है। यह बहुत पुरानी है। वर्ष 1944 में ही इन्होंने एक चार्टर बनाया था कि जो देश हवाई सेवाएं चलाना चाहते हैं, वे कैसे एक साथ आएंगे। That is called the Chicago Convention. उसका भारत भी सिग्नेटरी है। आज की तारीख में उसे 191 देशों ने साइन किया हुआ है। Each and every aspect of civil aviation is regulated very minutely by ICAO. They issue various standards and उन्हें एनेक्स कहते हैं। इस तरह से 19 एनेक्सेज हैं, जिसमें लाइसेंसिंग कैसे करनी है, एयरक्राफ्ट को कैसे एयर-वर्दीनेस रखना है, उसे कैसे देखना है, ये सब चीजें हैं। उसमें क्या-क्या

इंवेस्टीगेशन करना है, इसके ऊपर एक पूरा सेपरेट एनेक्स है। उसमें सेफ्टी के क्या-क्या नॉर्म्स हैं, इसके ऊपर भी एक पूरा एनेक्स है।

इसमें हर देश का एक सेफ्टी रेगुलेटर होता है। भारत का सेफ्टी रेगुलेटर डी.जी.सी.ए. है। हमने भारत में दो और रेगुलेटर्स बनाए हैं। एक तो एक्सीडेंट इनवेस्टीगेशन वाला है, क्योंकि इसमें लॉजिक यही है कि जब एक्सीडेंट होगा तो उसमें यह भी हो सकता है, उसमें एक रेगुलेटर के रूप में डी.जी.सी.ए. की जो रेगुलेशंस हैं, वह भी इसमें इन्वॉल्व्ड हों। इसलिए यह जो इनवेस्टीगेशन की बॉडी है, यह एक स्वतंत्र बॉडी होनी चाहिए। इसलिए सरकार ने वर्ष 2012 में इसे इंडिपेंडेंट बना दिया।

इसी तरह, सेफ्टी से जो रिलेटेड है, what we call as, the Bureau of Civil Aviation Security, वह भी एक सेपरेट रेगुलेटर है। उसके अपने डी.जी. हैं। एक एनेक्स, जो सिक्योरिटी का है, वह 17 नम्बर एनेक्स है। उसे डी.जी. देखते हैं।

एक 13 नम्बर एनेक्स है, जो एक्सीडेंट इंवेस्टीगेशन वाला है, उसे ब्यूरो ऑफ एक्सीडेंट इंवेस्टीगेशन देखते हैं। बाकी जितनी हैं, उन्हें डी.जी.सी.ए. देखता है। They all are related to the safety norms.

अन्यथा, यह बहुत ही वाइड है। सेफ्टी से रिलेटेड जो मेन इश्यू तथा फंक्शंस हैं, वे भी काफी वाइड हैं। इन्होंने अपने रेगुलेशंस बनाए हुए हैं, उनको सभी कंट्रीज एडॉप्ट करते हैं। उसके लिए इंडिया का मेन एयरक्राफ्ट एक्ट है जो वर्ष 1934 का है। यह स्वाभाविक है कि जब भी हमें जरूरत पड़ती है, उसमें चेंज करते हैं। उसके आगे एयरक्राफ्ट्स रूल्स, 1937 भी है, उसमें भी चेंज होते रहते हैं। डीजीसीए जो टोटल पावर ड्रॉ करता है, वह इस एक्ट तथा रूल्स से ड्रॉ करता है। उसको आगे इम्प्लीमेंट करने के लिए डीजीसीए अपनी रेगुलेशन इश्यू करता है, जिसको हम सिविल एविएशन रेगुलेशन बोलते हैं। But, these are the regulations issued by the DGCA. इसमें जो मेजर काम आता है, वह ऑपरेशन ऑफ एयरक्राफ्ट है। उसमें जो भी हवाई सेवा चलाना चाहता है, चाहे वह शेड्यूल ऑपरेटर्स हो या चाहे नॉर्म्स शेड्यूल हो, उनका लाइसेंसिंग तथा परमिट डीजीसीए देता है। उसका एक पूरा प्रोसेस इन्वॉल्व्ड है, उसको फाइव फेज़ प्रोसेस बोला जाता है।"

49. The Committee were not satisfied with the reply of the representative of DGCA and were of the view that either the norms in this regard needs to be revised or there are loop holes in the execution of the norms. The representative of the DGCA submitted as follows:

"सर, इसमें मैं बताना चाह रहा था कि हम जिसको भी परमिट देते हैं, वह परमिट इतनी आसानी से नहीं मिलता है, बल्कि किसी को भी परमिट देने के लिए तीन से चार साल तक का समय लगता है।"

50. The representative of the DGCA further submitted as follows:

सर, यह तो उसको परमिट देने वाली बात हो गई, लेकिन हम सेफ्टी की बात कर रहे हैं। मैं कह रहा हूं कि जो सेफ्टी से रिलेटेड नॉर्म्स हैं, पहली बात यह है कि जो हवाई सेवाएं चलाएगा, उसकी पूरी कैपेसिटी होनी चाहिए, तभी उसको परमिट मिलता है। उसके बाद जो एयरक्राफ्ट है, वह एयर वर्दीनेस होना चाहिए, उसका सर्टिफिकेट डीजीसीए देता है। हमारी जो टेक्निकल टीम हैं, वे देखती हैं कि यह एयरक्राफ्ट उड़ सकता है। इस प्रकार से उसको Certificate of air worthiness दिया जाता है। जब वह उड़ान भरता है तथा ऑपरेशन में है, उसमें पूरे नॉर्म्स हैं कि कैसे इसको मेनटेन किया जाएगा। उसमें जैसे- इंडामेर है तथा एक MRO है, उस MRO का भी रेगुलेशन करता है। जो उनको लाइसेंस देता है, वह डीजीसीए देता है। उसके बाद जो एयरक्राफ्ट मेंटेनेंस इंजीनियर (AME) होते हैं, उनको भी डीजीसीए लाइसेंस देता है। उसके भी पूरे नॉर्म्स बने हुए हैं।

51. The representative of the DGCA further submitted as follows:

श्री बी.एस.भुल्लर: सर, हमारे करीब अभी 630 एयरक्राफ्ट्स हैं, जो एयरलाइंस के पास हैं। दो-तीन साल पहले इनकी संख्या 400 थी। इंडिया में इस सेक्टर की ग्रोथ विश्व में सबसे ज्यादा है।"

52. Asked about the number of Scheduled Airlines (SOP) and non-scheduled airlines (NSOP) and the number of their respective employees, it was informed that the former are 15 whereas the later are 109 and DGCA does not maintain data with respect to the number of employees employed in these organisations.

53. The Ministry of Labour and Employment has submitted that the inspecting officials of the office of Chief Labour Commissioner

under the Ministry had conducted inspection under various labour laws including Contract Labour and Regulation Act, 1970 and the same is under process. However the names of the deceased pilots/technicians could not be ascertained as no muster roll and wage register were found to be maintained at the work site and only appointment offer and its acceptance could be found. Based on this fact, the Committee were of the considered opinion that this sort of practice may also be prevalent in many non-scheduled air operator firms. In this regard, the Committee would like to know the reasons for the same and why the Ministry of Labour and Employment initiated no action in this regard. The Committee are anxious to know as to how both the pilots were allowed to undertake the test and in which capacity. The Committee while desiring a detailed explanation from the Ministry of Labour in this regard recommend that concrete steps be taken and system be put in place in good time to ensure completely stopping recurrence of such unfortunate incidents. The Committee, therefore, recommend that the Ministry of Labour and Employment should conduct an inspection of all such organisations and ensure presence of muster rolls and wage register. The Committee further desire that the inspection being conducted under various labour laws be concluded expeditiously and they be apprised of the outcome.

54. The Ministry of Labour and Employment have submitted that no wages were found to be disbursed to the pilot and the co-pilot from April 2018 to June 2018. The co-pilot has been found eligible for membership benefits under EPF and M.P Act 1952 and other labour laws as she was already a member in her previous employment. The Committee apprehend that a mockery of labour laws is being made in the Country. The Committee, therefore,

strongly recommend that an extensive enquiry be conducted for violation of labour laws, which must be concluded expeditiously and responsibility be fixed and they be informed of the same. They further recommend that safety norms for the Pilots, Crew and Ground Staff in the country be reviewed by the Ministry of Civil Aviation, DGCA etc. urgently.

55. As regard to the Minimum Wages and working condition of the workers engaged in the Aviation Industry the representatives of the Ministry of Labour & Employment and EPFO submitted that their jurisdiction is only up to the members or employees who are in the establishments which are covered under the Act and they are the employees to whom the benefits of Provident Fund can be extended. However, as per the present rules only those employees whose salary is less than Rs.15,000 are entitled for benefits under the Scheme. As the salary of engineers, crew members, cabin crew, ground staff etc., is higher than Rs.15,000 as such most of the workers/ employees are outside the purview of the Scheme, the Committee therefore, recommend that the Ministry of Labour & Employment, EPFO, should take appropriate steps to consider increasing the present limit of Rs.15,000 to bring more and more workers and employees in its ambit.

IV. INSURANCE COVERAGE OF THE AIRCRAFT

56. On being asked about Insurance coverage provisions for Ghatkopar test flight, the Oriental Insurance Company Ltd. submitted in a return reply that the insurance coverage was provided by them and the aircraft was covered under Hull All Risks issued to M/S UY Aviation Private Ltd. from 01.02.2018 to 31.01.2019 for the sum assured of Rs.7,00,00,000 on agreed value basis.

57. When asked about the details of compensation and insurance that have been given to the five deceased persons during the crash it was

submitted that the two pilots are covered under Aviation Personal Accident Insurance policy for Rs.50,00,000 each. Claim under the Aviation Personal Accident Insurance Policy from legal representative of the pilot for Rs.50,0,000 has been received. However, claim for the co-pilot has not been received. The passing pedestrian is covered under Third Party Legal Liability Section of Hull All Risks and a claim of Rs.20,00,000 have been received from his legal representatives. The claims of all the deceased are pending for issuance of preliminary/ final report of AAIB.

58. As regard to the Insurance of Rs.7 Crore of the plane given by the Oriental Insurance Company Ltd and valuation of the aircraft it was submitted that in Aviation Insurance the worldwide practice is to insure the aircraft on agreed value basis, in terms of internationally accepted agreed value. The book value or depreciated value is not considered for aviation insurance purpose. The Value of the aircraft is proposed by the Insured and accepted by the Insurer, taking into account the present market value, make and model, age etc., such details are published by internationally acclaimed agencies. In case the aircraft is imported on lease basis, then the insurance value of the aircraft is determined on the basis of the value stipulated in the aircraft lease agreement. As is customary in India and worldwide, no specific physical agreed valuation is required to be performed of the aircraft to arrive at the hull agreed value prior to insuring the aircraft. In the subject policy issued to insured, M/s UY Aviation, the aircraft hull agreed value was proposed for Rs.7 Crore by the Insured vide their mail dated 13th October, 2016 and the underwriting information received from mandated Brokers and accepted by us based on the above, and also in consonance with fundamental principles of Utmost Good Faith of Insurance followed whilst granting insurance coverage.

59. Also at the time of insuring the subject aircraft we checked the generic value of a 1994 manufactured Beech-craft King Air C90A aircraft from the Aircraft Type and Price Guidelines published by CTC Services Aviation, an internationally acclaimed organisation. As per this publication value of the aircraft of same make and model was noted to range from US\$850,000.00 to US\$1,250,000.00. The average market value of this make and model therefore works out to be approximately in the amount of Rs.6,99,00,000/- (Equivalent INR for US\$1,050,000.00).

As per the industry practices followed any variation in the range from 10% to 20% is considered to be normal.

60. When asked how the Oriental Insurance had given such insurance, it was submitted that the Insurance for the subject aircraft had been effected by us based on the underwriting information provided by the mandated Broker & / Or Insured in the form of Insurance slip and various mails and the risk accepted in consonance with fundamental principles of Utmost Good Faith of Insurance. It is customary in the aviation insurance industry worldwide, no onsite inspection of aircraft is performed by the Insurer to ascertain the airworthiness and fitness of the aircraft prior to insuring the aircraft as the conditions precedent applicable to all the coverage/ section of the aviation insurance policy takes care of this aspect.

61. The Committee have been informed with regard to the payment of compensation that in such cases claims of victims are subject to issuance of preliminary/ final report of AAIB. From the information provided it is not clear that there is any time limit fixed for completing the inquiry and submitting the report in a time bound manner. The Committee strongly recommend that guidelines for conclusion of the inquiry into air accidents for AAIB be framed and upto a maximum of one year's time be given and further extension of time, if any, be granted only on submission of appropriate reasons justifying such an extension. The Committee would like to be apprised of the action taken in this regard.

V. FILING OF FIRs IN AN AIR CRASH

62. The Mumbai Police with regard to filing of an FIR submitted that "in so far as registration of an FIR is concerned, it is registered on disclosure of information relating to the commission of a cognizable

offence. In the aforesaid incident, it is not yet clear as to whether this has happened due to the negligence of the particular person/ company or it has occurred due to technical reasons. It would be clear only on the receipt of a investigation report from authorised Investigation Bureau i.e AAIB of DGCA as to whether the ill-fated plane has crashed due to mechanical error, human error or other causes and whether any negligence or criminal act on the part of any individual or Company is responsible for the said accident. The Black Box and other allied parts of the said plane which could have given accurate information regarding cause of accident were taken into possession by the officials of AAIB from the spot of the accident.

63. In this regard the representatives of the Ministry of Civil Aviation submitted as under:

" सर, मैं सिर्फ इतना ही कहना चाहता हूं कि एफ.आई.आर सीआरपीसी के सेक्शन 154 में इसका प्रावधान है, उसके लिए एयरक्राफ्ट में कोई प्रोविजन नहीं है और सीआरपीसी सेक्शन 154 में बहुत ही साफ तौर पर उल्लेख है कि किसी की सूचना के आधार पर अगर पुलिस को कागजेनिबल ऑफेंस की जानकारी हो गई तो वह एफ.आई.आर दर्ज कर सकती है।"

64. The Committee observe that delay in filing of FIRs can be a cause for delay in settlement of social benefits of the workers/employees. The Committee has been informed that there is a provision under Section 154 of Criminal Procedure Code to file an FIR and not under the Aircraft Act, 1934. The Committee under these circumstances recommend that a Committee be formed to look into the matter to consider the requirement for making provision in the Aircraft Act, 1934, Aircraft Rules etc., so that an FIR in the air accidents can be filed in the minimum possible time. The Committee would also like to know as to how many air crashes

occurred and how many FIRs were filed in such cases during the last three years.

65. An important aspect that has got the Committee's undivided attention is the plight of the family members of the victims of the fatal air crash who due to the systemic deficiencies/shortcomings are being made to run frantically from pillar to post seeking justice, but without any success. Deeply moved by this plight of the victim's families, the Committee are of the considered opinion that such systemic deficiencies which delay the process of fact finding, fixing responsibility and award of compensation need to be simplified and speeded up. Otherwise, it becomes a case of delayed justice leading to denial of justice to the victim's families. The Committee, therefore, recommend that the Government take a freshlook into this vexed issue and ensure that a foolproof system is put in place to avert future occurrence of such incidents and to ensure the safety and security of employees associated.

New Delhi;
19th December, 2018

28th Agrahayana, 1940 (Saka) **DR. KIRIT SOMAIYA**
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR

Annexure –I
(vide para 18)

AV-15018/1/2018-DG
Government of India
Ministry of Civil Aviation

B Block, Rajiv Gandhi Bhawan,
Safdarjung Airport, Aurobindo Marg
New Delhi, dated the 29.10.2018

OFFICE MEMORANDUM

Subject: List of Points on the Subject 'Scheduled/ Non-scheduled/ Test Flying Air Operators/ Maintenance, Repair and Overhaul (MRO) companies - Safety and Social Security Measures for their Workers/ Employees especially in the context of those who are associated with flying the Aircraft' – reg.

The undersigned is directed to refer to the Lok Sabha Sectt.'s OM No. 4/5/2/CLB/2017-18 dated 04.10.2018 regarding the subject mentioned above and to furnish herewith the reply to the points raised by the Committee as under :-

S/ N	List of Points	Remarks
1.	<p>a. The details of the same plane which was crashed in 2008 when it was owned by Uttar Pradesh Government.</p> <p>b. What was the condition of the plane and the place where it was parked by the U.P Government at Allahabad?</p> <p>c. The details of auction and advertisement for sale, also furnish the copy of the advertisement/ terms/ conditions by the U.P Government when it sold the plane.</p> <p>d. Information of the company, which bought the plane, the purpose of buying the plane, rate</p>	<p>a. Aircraft Type: King Air C 90 A; Reg. Mark: VT-UPZ; MSN: LJ 1400; Year of Manufacture : 1994, Owner & Operator : Directorate of State Civil Aviation, U.P; C of A validity: 10/06/2009. The aircraft VTUPZ, was owned and operated by Government of Uttar Pradesh. The aircraft was involved in a serious incident at Allahabad on 22.2.2008.</p> <p>b. As per the Investigation report of the above serious incident, the aircraft possibly landed with a nosedown attitude. The damaged aircraft was taken to Lucknow and kept in the hangar of U.P. Government.</p> <p>c. The aircraft was purchased by Silver Jubilee Traveller Ltd., Pune in 'as is where condition' after taking permission from DGCA in 2014. M/s Silver Jubilee Traveller entered into an 'Aircraft Maintenance and Technical Support Agreement' with M/s Indamar Aviation for the aircraft on 27th June 2014. On purchase, the aircraft was brought to Mumbai on 31.7.2014 and kept at Indamar Hanger.</p> <p>.</p>

	of purchase, repairs and modifications done by them after buying the flight along with all documents.	<p>d. Silver Jubilee Traveler Ltd bought the aircraft for the purpose of utilizing it under the Non-Scheduled Operating Permit.</p> <p>As per information received and records available with this office, the aircraft was purchased by M/s Silver Jubilee Traveller Ltd., Pune from Director, Civil Aviation, U.P for the purpose of operating under Nonscheduled permit and was purchased at the cost of Rs 125.50 lakhs after obtaining permission from DGCA. M/s Silver Jubilee Traveler entered into an 'Aircraft Maintenance and Technical Support Agreement' with M/s Indamar Aviation for maintenance of aircraft on 27th June 2014. On purchase, the aircraft was brought to Mumbai on 31.7.2014 and kept at Indamar Hanger. M/s Silver Jubilee Traveller applied for Work scope approval for making aircraft serviceable in Dec 2014 which was approved by DGCA in Jan. 2016. The aircraft remained in the Indamar Hanger from 2014 to 2016 without any repair work.</p> <p>Thereafter, the aircraft was purchased by M/s UY Aviation from M/s Silver Jubilee Traveler on 18.8.2016 after obtaining permission from DGCA for non-scheduled operations at the cost of Rs 140 lakhs. Work to repair the aircraft thereafter commenced.</p>
2.	<p>a. What is the role of Silverline Company in regard to the plane?</p> <p>b. Whether Silverline Company has sold the plane? If yes, please furnish the reasons for the selling plane and also furnish the details of the cost of plane and when it sold the plane.</p>	<p>a. There is no company issued with NSOP in the name of Silverline. However, a company in the name of M/s Silver Jubilee Traveler Ltd. was issued a Non-Scheduled operator Permit No. 07/2011 valid up to 15.06.2015 for operating Robinson R66 helicopter. M/s Silver Jubilee Traveler Ltd. sought permission for local acquisition on outright purchase of VT-UPZ aircraft for non-scheduled air transport services on 05.05.2014. Based on the permission given by DGCA on 26.08.2014, the aircraft was acquired by M/s Silver Jubilee Traveler Ltd.</p> <p>b. The aircraft was purchased by M/s UY Aviation from M/s Silver Jubilee Traveler Ltd. on 18.8.2016 after obtaining permission from DGCA for inclusion in their Non-scheduled permit at the cost of Rs 140 lakhs.</p>
3.	<p>a. Who bought the plane and their qualifications?</p> <p>b. Whether the Company obtained legal permission to buy that plane? If yes, please furnish the reasons</p>	<p>a. The aircraft was bought by M/s U.Y. Aviation Pvt. Ltd. who were an existing NSOP holder (AOP No. 03/2016) and operating Beechcraft Super King Air B-200 aircraft (VT-BAS).</p> <p>b. M/s U.Y. Aviation Pvt. Ltd. obtained permission from DGCA to purchase the aircraft from M/s Silver Jubilee Traveler Limited for inclusion in their</p>

	<p>for the same.</p> <p>c. If not please furnish the reasons for the same</p>	<p>nonscheduled permit.</p> <p>c. Permission of DGCA to purchase the aircraft was obtained by M/s U.Y. Aviation Pvt. Ltd.</p>
4.	<p>a. What was the experience and financial capacity of the UY Aviation Company?</p> <p>b. Please furnish the details of expenditure incurred while buying the plane and to repair the aircraft.</p>	<p>a. M/s UY Aviation Pvt. Ltd. was an existing Nonscheduled Air Operator holding a valid Air Operator's Permit (AOP No. 03/2016) for operating Super King Air B-200 (VT-BAS). The AOP was issued on the basis of the initial NOC granted by the Ministry of Civil Aviation vide the letter dated 08.02.2016.</p> <p>In pursuance of the NOC granted by Ministry of Civil Aviation, DGCA issued a Non-scheduled Air Operator's Permit (AOP No. 03/2016 valid till 9.8.2018) to M/s U. Y. Aviation Pvt. Ltd. on 9.8.2016 to undertake non-scheduled Air Transport Service (NSOP) with Super King Air B-200 (VT-BAS) after ensuring the compliance with laid down regulatory requirements and as per the certification procedure contained in Air Operator Certification manual (CAP 3100). Further, M/s U.Y. Aviation Pvt. Ltd. obtained permission from DGCA to purchase the aircraft from M/s Silver Jubilee Traveler Limited for inclusion in their non-scheduled permit on 20.12.2016.</p> <p>b. As per information received and records available, the aircraft was purchased by M/s U.Y. Aviation Pvt. Ltd. from M/s Silver Jubilee Traveler Ltd., Pune for Rs 140 lakhs for non-scheduled operations after obtaining permission to purchase the aircraft from DGCA. The cost to make the aircraft serviceable is not available with DGCA.</p>

Annexure -II
(vide para 23)

AV-15018/1/2018-DG
Government of India
Ministry of Civil Aviation

B Block, Rajiv Gandhi Bhawan,
Safdarjung Airport, Aurobindo Marg
New Delhi, dated the 05.12.2018

OFFICE MEMORANDUM

Subject: Examination of Scheduled/Non-Scheduled /Test Flying Air Operators/ Maintenance, Repair and Overhaul (MRO) companies/Air Ports Operators - safety, social security measures and norms for their workers/employees especially in the context of those who are associated with flying the Aircraft in civil aviation sector – reg.

The undersigned is directed to refer to the Lok Sabha Sectt.'s OM No. 4/5/2/CLB/2017-18 dated 19.11.2018 regarding the subject mentioned above and to furnish herewith the reply (in English) to the points raised by the Committee in Annexure.

2. This issues with the approval of competent authority.

Kameshwar Mishra
Under Secretary to the Govt. of India
Tel. No.- 24648983

To,
Lok Sabha Secretariat,
Standing Committee on Labour Branch,
Room No. 007, PHA-Ext,
Parliament House Annexe, New Delhi - 110001

Annexure

Examination of Scheduled/Non-Scheduled /Test Flying Air Operators/ Maintenance, Repair and Overhaul (MRO) companies/Air Ports Operators-Safety, Social Security Measures and norms for their Workers /Employees especially in the context of those who are associated with flying the Aircraft in Civil Aviation Sector

S. No.	Para Wise type	Response
1.	It is understood that in major repairs, the plane is grounded due to loss of validity of certificate/license etc. In this regard, the authorities including Directorate General of Civil Aviation (DGCA) have stated that firstly the Airlines/MRO shows the completes design (along with the manufacturer) and observations to the DGCA, get sanction from DGCA, then complete the major repairs, assembling etc. After completion of such repairs, once again they are supposed to approach DGCA and get confirmation from them that the repairs have been taken place as per the design sanctioned by DGCA. Thereafter, the DGCA verifies and gives sanction that the repairs has been done as per the design/manual and then only the airlines company can go for test flight. In this connection please state whether the procedure was duly followed or not. What action the Ministry of Civil Aviation and the DGCA initiates for violation of this procedure?	<p>Non-compliance of regulations/ procedures entails initialization of enforcement action. In the instant case, following the laid down procedure, the approval granted to post holders has been withdrawn along with the suspension of Continuing Airworthiness Management Organisation (CAMO) approval of M/s UY Aviation. Further, the renewal of its Air Operator's Permit has been put on hold till suspension of CAMO approval is revoked.</p> <p>The CAMO suspension shall be revoked once the organization is restructured with approval of appropriate post holders and revision of CAMO.</p>
2.	The DGCA has already confirmed the above procedure to the Standing Committee on Labour Committee orally and also in writing. In this regard the DGCA, the Ministry of Civil Aviation and Aircraft Accident Investigation Bureau are requested to reconfirm this procedure/ status and also status of the particular plane of UY Aviation which got crashed on 28.06.18 at Ghatkopar, Mumbai. DGCA has gone on record that UY Aviation and Indamar were supposed to obtain clearance after completion of all repairs which they did not obtained from DGCA, in such situation is the so called test flight was not at all illegal? Please provide full details and also the action which the concerned authorities are supposed to initiate in such cases. What is the present status of the enquiry of the accident being conducted by the..	As already informed, in case of a damaged aircraft, the C of A is deemed to be suspended. In case the repair is carried out based on the work package approved by DGCA (for damage which is not covered under Structural Repair Manual), the completion of the work package is required to be put up to DGCA who satisfies itself that the work has been completed and may require a test flight to be carried out. However, DGCA does not give any permission for the flight test. Such a test flight is carried out based on a 'Special Flight Permit' issued by DGCA in lieu of the C of A. The Special Flight Permit which is for the specific test flight and is valid for a specified period lays down the conditions under which the test flight would be conducted which amongst others includes the areas over which such a flight can be conducted including persons who can be on board the flight. In the instant case, after repair of the aircraft, the operator M/s UY Aviation did not approach

		<p>DGCA with the completed Work package for DGCA to assess as to whether the aircraft was ready to be flown for test flight and no 'Special Flight Permit' could be issued.</p> <p>Due to the above lapse, DGCA has already taken enforcement action against M/s UY Aviation as explained in reply to Point 1. Further action, if required, will be taken based on findings of the investigation report of AAIB.</p> <p>The investigation of the accident by AAIB is in progress and is likely to be completed by the end of February 2019.</p>
3.	<p>On the basis of the above what action DGCA, Ministry of Civil Aviation, AAIB and Mumbai Police has taken so far and what action is proposed to be taken in this case. The authorities have gone on record before the Committee that all the licenses of UY Aviation have been cancelled. Accordingly, give details of such cancellation orders along with the reasons for the same and present status thereof.</p>	<p>Based on the available records, it was observed that Continuing Airworthiness Manager and Quality Manager of M/s UY Aviation had allowed the aircraft to be test flown without submitting the completed work package to DGCA. Accordingly, the approval granted to these post holders has been withdrawn and the Continuing Airworthiness Management Organisation (CAMO) of M/s UY Aviation has been suspended and renewal of its Air Operator's Permit has been put on hold till suspension of CAMO approval is revoked.</p> <p>The operator has yet to take corrective action.</p>
4.	<p>It seems that there is a lot of controversy about the legality and confirmation about the status of appointment, insurance, duties assigned etc. to those four people who were on the test flight and died due to the crash. However, nothing is clear till now. The families of the deceased and also Labour Commissionerate, PF Commissionerate and other agencies have gone on record that the appointment of these four employees is not clear, not confirmed (not appointed) and it is also not clear whether the insurance protection/ compensation/ accident insurance would be paid to them or not. The nature of work, the legality of those staff in the flight and the type and manner of insurance done have also run into controversy. The Ministry of Labour and Employment, EPFO, Ministry of Finance (Department of Financial Services) concerned agencies Labour, PF, D/o Financial Services, Oriental Insurance have informed</p>	<p>Does not pertain to MoCA/DGCA.</p>

	during the interaction with the Committee that the insurance/insurance claim may not be accepted and is facing the investigation. Please give full details.	
5.	The Ministry of Civil Aviation, the DGCA and the Ministry of Labour & Employment and the EPFO are requested to reconfirm about the nature, status of appointment, legality of the job and flying in the aircraft on 28.06.18 and the compensation and insurance claim for which they are eligible, its acceptance and insurance claim settled, etc.	Does not pertain to MoCA/DGCA.
6.	According to the replies submitted to the Committee by the Ministry of Civil Aviation (O.M No.AV-15018/ 12018-DG dated 29.10.2018) the aircraft was involved in a serious accident at Allahabad on 22.02.2008 whereas the representative of the UY Aviation who appeared before the Committee on 30.08.2018 informed that the Director of Air Safety has deemed the 22.02.2008 accident as 'minor' and the aircraft was thereafter purchased by Silver Jubilee and in turn UY Aviation purchased it from them. In this regard, please clarify whether the accident was serious or minor. Please also provide a copy of the report of Director Air Safety in which the accident has been treated as minor. Please give reasons for the anomaly also to the Committee.	As per the Investigation report, the aircraft VT-UPZ was involved in a serious incident at Allahabad on 22.02.2008 wherein the aircraft landed with a nose-down attitude. The damage to the aircraft was categorized as 'minor' in the investigation report along with details of the damage. Investigation Report is attached at Appendix 'A'.
7.	According to the letter No. A7/UPZ/180/373 dated 02.05.2018 of Office of the Deputy Director General of Civil Aviation (Western Region), Mumbai (copy enclosed) approval of test flight schedule for the aircraft was given. What is the difference between test flight schedule and test flight. The representatives of the DGCA at the sitting held on 30.08.2018 have informed the Committee that no permission for test flight is given by DGCA. In this regard, please state whether any operator can take a test flight according to his convenience and DGCA has no check on such test flights? Please provide a detailed reply.	<p>'Flight test schedule' for the aircraft is prepared by the owner/ operator based on manufacturer's guidelines and approved by DGCA. The 'Flight Test Schedule' defines the purpose of the test and enlists all the items to be checked/ confirmed during the test. While Flight test is the actual flight wherein the parameters observed during the flight are recorded in the flight test schedule.</p> <p>Flight Tests are carried out for demonstration of flight capabilities and ascertaining the characteristics. ICAO requires flight test(s) to be carried out during the process of type certification of an aircraft. Thereafter, Production flight test is carried out on production of an aircraft. Flight tests are also carried out during the issue of Certificate of Airworthiness. Flight tests may also be carried out during maintenance or the process of approval of a modification. Such flight tests are</p>

		<p>expected to be part of regular production procedures or be specified in the aircraft manufacturer's maintenance data or in the requirements pertaining specifically to the approval of a particular modification and be under the control of an organization, or person, approved to do such test flying. Additionally, flight tests may be carried out for continuing airworthiness assurance such as after replacement of engine(s), replacement of controls, functioning of a system which can be ascertained only in air etc. Such flight tests do not require approval of DGCA.</p>
8.	<p>Whether DGCA and the Ministry of Civil Aviation has no information regarding the test flights being conducted from time to time in the Country. If so, can't it be said that it is a grey area and need immediate attention. Please comment specifically on the issue.</p>	<p>Flight test(s) are part of design, production and continuing maintenance of the aircraft and are carried out for demonstration of flight capabilities and ascertaining the characteristics and continued airworthiness assurance. These are carried out under well established procedures.</p>
9.	<p>What are the norms for undertaking test flight in the country and which agency is responsible for implementation of such norms by the air operators. What action according to the law can be initiated in case of violation of those norms.</p>	<p>ICAO has laid down conditions and norms for carrying out flight test during the design, production and subsequent maintenance of the aircraft. DGCA ensures that these norms are followed by manufacturer's/ maintenance agencies.</p>
10.	<p>Whether the DGCA and Ministry of Civil Aviation has any record of test flights conducted in thickly populated areas during the last 3 years particularly in Mumbai? If so, please provide the details if no, the reasons thereto.</p>	<p>The flight test in thickly populated areas is not prohibited. However, regulations on flying over congested areas of cities, towns and settlements have been laid down based on ICAO Annex 2 which are followed by all operators. Flight tests are carried out for demonstration of flight capabilities and ascertaining the characteristics and continued airworthiness assurance and no records are required to be made available to DGCA.</p>



सत्यमेव जयते

Government of India

Office of the Director General of Civil Aviation

Technical Centre, Opp. Safdarjung Airport, New Delhi - 110 003

Tel: 91-11-246414450

File No: 5-207/2018(SA)-AI (2)

Dated 30.11.2018

To

The Accountable Manager,
M/s Indamer Aviation Pvt. Ltd.
Hanger No.1,
Juhu Aerodrome,
P.O.Box 6912
Mumbai - 400054

Subject: Audit of M/s Indamer Aviation Pvt. Ltd.

Dear Sir,

Based on DGCA Headquarters Order No.78/3/2018-AI(1) dated 02.07.2018, an audit of your organisation was carried out by a team of DGCA officers from 10.07.2018 to 13.07.2018 and 23.07.2018 at Mumbai, on 03.09.2018 at Pune and from 05.09.2018 to 06.09.2018 at Ahmedabad.

2. The audit team has submitted its report which is hereby attached. The report has been analysed at this office and some of the findings which have been considered significant in nature are enumerated below:

- a) Phase IV Inspection schedule on SKA B200 Aircraft VT-BAS of M/s U. Y. Aviation was commenced without ensuring availability of necessary tools and equipment. AME did not entered BSI performance date. The AME also did not ensure the installation of correct serial number of major components such as landing gear while issuing the CRS.
- b) Organisation has issued work order on Hawker 850 aircraft VT-AGP based on old maintenance manual reference number. Organization did not ensure use of current maintenance data while issuing work order and performing the maintenance..

- c) Steering actuator was removed from aircraft VT-FTL and installed on aircraft VT-AGP without ensuring the approved documented procedures relating to removal and installation of serviceable components from another aircraft.
- d) Customized training requirements commensurate with the job function for all personnel were not established i.e. instructor's qualification, experience, training and competency requirements commensurate with the subjects taught by incumbent personnel.
- e) Shot peening of Hartzell propeller was sub-contracted to M/s Daksha Engineering Company, Mumbai. M/s Indamer did not follow the procedure for sub-contracting nor did it ensure that the manufacturer's requirements are followed for carrying out maintenance.
- f) Locally fabricated tools were used during Phase IV inspection of B200 aircraft, 800 hours inspection for Agusta A109 helicopter and trim tab free play check tool for maintenance of Cessna Citation aircraft. The locally fabricated tools have not been subjected to appropriate inspection/ test and certification standards prior to their use. Further, the documented MOE procedures were not followed in this regard.
- g) The required tools for installation/removal of filter group bowl were not used during 800hrs inspection on Agusta 109, VT-JSF. Further, tools specified by the manufacturer were not used during maintenance.
- h) Most of the tools, equipment, spares & consumables for the product line of Embraer EMB-135(Legacy 650) for LU144 check, Cessna Citation Mustang for 2700 Hrs/48 monthly check, Bombardier BD 700 for 1500 Hrs/60 month inspection, Beech Super King Air B 200 for Phase-I, II, III & IV inspection etc. at Ahmedabad sub-base were not available.
- i) Duplicate inspection of rigging part of the engine & propeller controls was not carried out after replacement of engine on VT-GUJ aircraft. Further, the AME did not follow approved procedures of MOE relating to Critical Task Control/ Monitoring.
- j) Evidence of aircraft being released for flight without recording and rectifying known defects were found. Such practice was noticed across many product lines and stations during sample verification. As a sample, nineteen cases of non-recording of defects encountered by the maintenance/operational personnel were evidenced. Aircraft with defect had been released for flight in contravention to Rule 60, 50A, and 55 of the Aircraft Rules, 1937.

- k) There were number of findings relating to inadequate facilities, lack of procedures, inadequate infrastructure/accommodation, non-availability of required technical manpower, non-adherence to standard procedures wherein the organisation did not satisfactorily demonstrate compliance to the applicable regulations.

3. In view of the above, the following scope of approval granted to your organisation under CAR145 is hereby suspended with immediate effect:

a) Mumbai Base

- i. Maintenance of King Air B200, Hawker 850, King Air C90 and Augusta A109
- ii. Overhaul of Hartzell Propeller
- iii. Sub-contracting of maintenance

b) Complete scope of approval at Ahmedabad Base

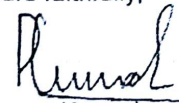
4. Further, the organisation shall be subjected to recertification to ensure compliance with CAR 145 requirements. You are accordingly advised to apply afresh for recertification of your organisation as per CAR 145 and AAC 6 of 2018. Until the recertification is completed, no request for extension in the existing scope of approval will be considered.

5. Meanwhile, you are hereby directed to take the following action(s):

- a) Evolve a mechanism to ensure availability of current maintenance data.
- b) Review the procedures relating to removal/ installation of serviceable components from another aircraft.
- c) Review procedure for Customized training requirements commensurate with the job function for all personnel in MOE/MTOE.
- d) Withdraw all locally fabricated tools from the use until these are certified, calibrated/ validated by appropriately authorized agency/ person.

The above has approval of the Competent Authority.

Yours faithfully,

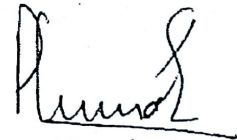


(Pawan Kumar)

Director of Airworthiness
For Director General of Civil Aviation

Copy along with a copy of Audit report forwarded to DDG, Mumbai for following actions:

1. To issue Show-cause notice to following personnel of M/s Indamer Aviation:
 - a) Accountable Manager, Base Maintenance Manager and Quality Manager –
To explain non availability of required spares/ consumables while issuing work order/ commencement of maintenance work on VT-BAS aircraft and their failure to ensure compliance of requirements.
 - b) AMEs -
 - i) To explain installation of untraceable component on VT-BAS and not making proper entries of BSI.
 - ii) To explain why duplicate inspection of critical tasks on B200 aircraft VT-GUJ was not carried out as per documented procedure.
 - iii) To explain why aircraft were released without ensuring recording/ rectification of defects.
2. In view of the above findings, the following may be ensured:
 - a) Phase IV inspection on VT-BAS aircraft is re-done and authenticity of components installed verified before the aircraft is released for next flight.
 - b) 800 hrs inspection schedule on A109 helicopter VT-JSF is redone.
3. Pending completion of the recertification, enhanced surveillance to ensure availability of requisite technical manpower, material, equipment and current literature to be carried out. During this period, no enhancement in existing Scope of Approval to be considered to the organisation under CAR-145.
4. To ensure that the actions taken by the organisation are verified.



(Pawan Kumar)
Director of Airworthiness
For Director General of Civil Aviation

Printed from **THE TIMES OF INDIA**

DGCA inspector turns test flight into ‘spirited’ joyride for relatives

TNN | Dec 11, 2018, 02.35 AM IST



MUMBAI: A senior official of the civil aviation watchdog, DGCA, cleared two pilots of an aircraft charter company to be designated as examiners last week after a flight check that threw all norms out of the cockpit window. Seated in the passenger cabin with the director of a charter company—whose pilots were being tested — and his wife were the deputy chief

flight operations inspector's wife and his sister-in-law, holding bottles of wine.

The blatant nexus between DGCA officials and aircraft operators was soon on show as the wife of the charter company's director subsequently posted photographs of the joyride on her private Instagram account.

The highly irregular flight check was carried out by Capt Pankaj Anand, DGCA deputy chief flight operations inspector (Dy CFI), on December 4, on the Delhi-Amritsar-Delhi route. The flight was operated by two pilots of Delhi-based Air Charter Services Pvt Ltd (ACS) on board the company's Pilatus PC12 aircraft.

Charter airline co doesn't have accident-free record. This paper has a copy of the passenger manifest, which shows that on board the same flight was Capt Anand's wife Priti and his sister-in-law Sharika Anand along with an

unidentified woman. The other passengers on board were Semoun Jolly, director of ACS, and his wife Dipti. Photographs with TOI show that on landing in Amritsar, the passengers visited the Golden Temple; they posed with bottles of wine on the return flight.

Capt Anand had carried out what in aviation parlance is called an “examiner release check” for two pilots employed with ACS. It’s a test taken by pilots before they can be designated as examiners by the DGCA.

In their new role as examiners, these two pilots of ACS can now carry out skill tests on commanders, co-pilots certified on Pilatus.

ACS doesn’t have an accident-free record. In May 2011, 10 people were killed after its Pilatus PC12 met with an accident in Faridabad while operating a flight from Patna to Delhi. In March 2017, another Pilatus PC12 crashed during a Delhi-Bangkok flight, killing the pilot.

“Had it not been for the exam that went on in the cockpit, it would just have been a case of four women illegally enjoying alcohol on board a domestic flight, thanks to their influential spouses.... But that was the most inconsequential of all the violations that took place on that flight,” said a highly placed source.

At the time of going to press, Capt Anand was yet to reply to a query sent by TOI. DGCA chief B S Bhullar did not respond.

Annexure -V
(Vide para No. 37)

Applicability of EPF and MP Act, 1952 to M/s UY Aviation Private Limited and status of compliance in respect of employees who died in air crash on 28.06.2018.

1. The Aircraft which crashed on 28.06.18 at Ghatkopar, Mumbai was owned by M/s U Y Aviation Pvt. Ltd. and the Pilot and Copilot- died in the tragedy were employees of the U Y Aviation Pvt.. Ltd.

2. At the time of crash, M/s U Y Aviation Pvt.. Ltd. had not registered for complying under the EPF & MP Act, 1952.

3. Investigations conducted in month of July and August, 2018 revealed that the establishment is liable to comply with the provisions of the EPF & MP Act, 1952 and following facts emerged:.

- That the Company is incorporated on 11.05,2015 under Companies Act, 2013
- That the Company got AIR OPERATOR PERMIT NONSCHEDULED from DGCA w.e.f 09.08.2016
- That the Company entered into contract with M/s Indamar Aviation on 02.11.2015 for repair of ill-fated aircraft VT UPZ, C-90.
- U Y Aviation entered into MOU with M/s Silver Jubilee on 27.7.15 and purchase agreement on 09.09.16 for purchase of ill-fated aircraft
- The Company registered itself on 08.08.18 on OLRE portal with no, MH/BAN/775829 for compliance under EPF & MP Act, 1952 declaring that it has 20 employees with effect from March 2018.
- That the Company submitted its month wise Payroll and retainership roll which did not carry names of Pilot and Copilot- Late Pradeep Rajput and Late Ms Maria Zuberi who died in the tragedy on 28.06.18.
- Later on it was discovered by EPFO that the Company had removed names of employees/retainees who had left

employment and Order of appointments of the two deceased employees emerged. The establishment was found to be employing 20 employees from September 2017.

- As per the appointment offer letters- Late Sh Rajput joined on 20.04.18 with annual salary package of Rs.48 lakhs and Late Ms Zuberi joined on 01.04.2018 on annual salary package of Rs,18 lakhs.
- Company accepted the above in its letter dated 23.08.18

STANDING COMMITTEE ON LABOUR
(2017-18)

Minutes of the Twenty-eighth Sitting of the Committee

The Committee sat on Thursday, the 30th August, 2018 from 1030 hrs. to 1215 hrs. in Committee Room No. '3', Parliament House Annexe Extension Building, New Delhi.

PRESENT

Dr. Kirit Somaiya, MP – Chairperson

MEMBERS

LOK SABHA

2. Shri Udayanraje Pratapsingh Bhonsle, MP
3. Shri Rajesh Kumar Diwakar, MP
4. Shri Ashok Kumar dohrey, MP
5. Shri Satish Chandra Dubey, MP
6. Shri Satish Kumar Gautam, MP
7. Shri Rama Chandra Hansdah, MP
8. Shri Bahadur Singh Koli, MP
9. Shri Kaushalendra Kumar, MP
10. Shri Hari Manjhi, MP
11. Shri R. Parthipan, MP
12. Shri Hariom Singh Rathore, MP
13. Shri Naba Kumar Sarania, MP
14. Shri Kodikunnal Suresh, MP
15. Shri Dayakar Pasunoori, MP

RAJYA SABHA

16. Shri Nazir Ahmed Laway, MP
17. Shri P.L. Punia, MP
18. Shri Rajaram, MP
19. Shri Akhilesh Prasad Singh, MP

SECRETARIAT

- | | | | |
|----|----------------------|---|---------------------|
| 1. | Ms. Rimjhim Prasad | - | Joint Secretary |
| 2. | Smt. Anita B. Panda | - | Director |
| 3. | Shri C. Vanlalruata | - | Additional Director |
| 4. | Shri Kulvinder Singh | - | Under Secretary |

WITNESS

**REPRESENTATIVES OF MINISTRY OF LABOUR & EMPLOYMENT
AND EPFO**

Sl. No.	Name	Designation
1.	Shri Heera Lal Samariya	Secretary
2.	Shri Manish Kumar Gupta	Joint Secretary
3.	Shri R.K. Gupta	Joint Secretary
4.	Shri Rajan Verma	Additional Chief Labour Commissioner

REPRESENTATIVES OF MINISTRY OF CIVIL AVIATION AND DGCA

Sl. No.	Name	Designation
1.	Shri Satyendra Kumar Mishra	Joint Secretary
2.	Shri B.S. Bhullar	DG, DGCA
3.	Capt. Atul Chandra	Chief Flight Operations Inspector
4.	Shri P.K. Srivastava	DDG, DGCA, Mumbai

AIRCRAFTS ACCIDENTS INVESTIGATION BUREAU

Sl. No.	Name	Designation
1.	Shri Bir Singh Rai	Joint DG, AAIB
2.	Shri Raje Bhatnagar	Assistant Director, AAIB

**REPRESENTATIVES OF DEPARTMENT OF CIVIL AVIATION, GOVT
OF UTTAR PRADESH**

Sl. No.	Name	Designation
1.	Capt. Pragesh Mishra	Operation Manager
2.	Shri Shobhit Das	Chief Engineer

REPRESENTATIVES OF MUMBAI POLICE

Sl. No.	Name	Designation
1.	Shri Lakhmi Gautam	Addl. Commissioner of Police, Mumbai

M/S UY AVIATION

Sl. No.	Name	Designation
1.	Capt. MR SK Vinod	Chief of Operations
2.	Ms. Roma Bhadra	Advisor
3.	Shri Abid Hassan	GM Ops.

M/S SILVER JUBILEE TRAVELER LTD.

Sl. No.	Name	Designation
1.	Shri Mukesh Ramani	Director & COO
2.	Shri Ashok Shinde	Director

M/S INDAMER AVIATION

Sl. No.	Name	Designation
1.	Mr. Sunil Patil	Head Finance
2.	Mr. Jagannath Mandal	Head of Quality
3.	Mr. Ravi Wadhwa	Head Engineering

**RELATIVES OF DECEASED PILOTS/ENGINEERS IN THE
GHATKOPAR AIR ACCIDENT**

Sl. No.	Name	Designation
1.	Mr. Prabhat Kathuria	Husband of deceased Co-Pilot P2
2.	Mr. Surya Prakash Gupta	Father in law of deceased Engineer
3.	Mr. Sumit Gupta	Brother of deceased Engineer

2. At the outset, the chairperson welcomed the Members and explained that the occupational safety and social security of all workers is of paramount importance hence the subject 'Scheduled/Non-Scheduled/Test Flying Air Operators/Maintenance, Repair and Overhaul (MRO) companies - Safety and Social Security Measures for their Workers/Employees especially in context of those who are associated with flying the Aircraft' was selected for briefing by the relevant Ministries/Departments. He also informed that in the Ghatkopar Air Accident Case, which took place in Mumbai on 28.06.2018, five persons including two pilots, one engineer, one technician and a by-stander were killed and no compensation was given to their relatives by the concerned companies. Thereafter, first the Committee heard the relatives of the deceased persons on the matter.

(The relatives then withdrew)

(The representatives of Ministry of Labour & Employment, Ministry of Civil Aviation, Directorate General of Civil Aviation (DGCA), M/s Indamar, M/s Silver Jubilee Traveler Ltd. and M/s UY Aviation were called in.)

3. Thereafter, the representatives of the Ministry of Labour & Employment, Ministry of Civil Aviation, Directorate General of Civil Aviation (DGCA), M/s Indamer, M/s Silver Jubilee Traveler Ltd. and M/s UY Aviation (the companies concerned with the Ghatkopar Air Accident) were called in. The Chairperson drew attention of the representatives to Direction 55(1) of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees.

4. The representative of M/s Indamer, M/s Silver Jubilee Traveler Ltd. and M/s UY Aviation briefed the Committee about the above said air accident and its follow up. The Committee directed the representatives to furnish a detailed note regarding social security, safety and welfare measures followed by them with regard to their pilots/workers/technicians at the earliest.

(The representatives of M/s Indamer, M/s Silver Jubilee Traveler Ltd. and M/s UY Aviation then withdrew)

5. The Committee then sought the views of representative of Directorate General of Civil Aviation on the said air accident as well as the procedure in place for allowing scheduled/non-scheduled flights. The Committee directed that a report be furnished to them regarding details of such air crashes in the Country so far, the action taken by the DGCA and by the Ministry of Labour & Employment, etc. with special reference to social security, safety & welfare measures. The Committee also desired that the Labour Commissioner furnish a similar report as well. The representatives of Mumbai Police present in the sitting informed the Committee that no FIR has been filed in the Ghatkopar accident so far. However, an Accidental Death Report (ADR) has been filed. The Committee desired that an FIR may be filed in the case at the earliest by the

Mumbai Police, as it was a necessary pre-requisite for any claims with respect to accidental deaths.

6. The Chairperson thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised. The Chairperson directed the representatives to furnish written replies in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

The Committee then adjourned.

STANDING COMMITTEE ON LABOUR
(2018-19)

Minutes of the First Sitting of the Committee

The Committee sat on 27th September, 2018 from 1130 hrs. to 1310 hrs.
in Committee Room No. 1, Block-A, PHA-Ext. Building, New Delhi.

PRESENT

Dr. Kirit Somaiya – CHAIRPERSON

MEMBERS
LOK SABHA

2. Shri Ashok Kumar Dohrey, MP
3. Shri Satish Chandra Dubey, MP
4. Shri Satish Kumar Gautam, MP
5. Shri Rama Chandra Hansdah, MP
6. Shri Bahadur Singh Koli, MP
7. Dr. Arun Kumar, MP
8. Shri Kaushalendra Kumar, MP
9. Shri R. Parthipan, MP
10. Shri Naba Kumar Sarania, MP

RAJYA SABHA

11. Shri Nazir Ahmed Laway, MP
12. Shri Rajaram, MP
13. Ms. Dola Sen, MP
14. Shri Akhilesh Prasad Singh, MP
15. Dr. Banda Prakash, MP

SECRETARIAT

- | | | | |
|----|----------------------|---|---------------------|
| 1. | Ms. Rimjhim Prasad | - | Joint Secretary |
| 2. | Shri C. Vanlalruata | - | Additional Director |
| 3. | Shri Kulvinder Singh | - | Under Secretary |

PART I

(1130 hrs to 1200 hrs.)

XX

XX

XX

XX

XX

XX

PART II

(1200 hrs. to 1310 hrs.)

Witnesses

REPRESENTATIVES OF MINISTRY OF LABOUR & EMPLOYMENT

Sl. No.	Name	Designation
1.	Shri Rajan Verma	Additional Chief Labour Commissioner (C)
2.	Shri S.K. Thakur	Addl. Central PF Commissioner
3.	Shri Pankaj Raman	Regional PF Commissioner, Mumbai
4.	Shri M.K. Sharma	Additional Commissioner, ESIC

**REPRESENTATIVES OF MINISTRY OF CIVIL AVIATION AND
DIRECTORATE GENERAL OF CIVIL AVIATION (DGCA)**

Sl. No.	Name	Designation
1.	Shri Satyendra Kumar Mishra	Joint Secretary
2.	Shri B.S. Bullar	Director General
3.	Shri Lalit Gupta	Joint Director General

7. At the outset, the Chairperson welcomed the representatives of the Ministry of Civil Aviation, Directorate General of Civil Aviation (DGCA), Ministry of Labour & Employment, Employees' State Insurance Corporation (ESIC) and Employees Provident Fund Organisation (EPFO) to the sitting of the Committee, convened to have an evidence on 'Scheduled/ Non-Scheduled/ Test Flying Air Operators/ Maintenance Repair and Overhaul (MRO) Companies - Safety and Social Security Measures for their Workers/Employees Especially in Context of

Those Who Are Associated With Flying the Aircraft'. The Chairperson then drew attention of the representatives to Direction 55(1) of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees. He then asked the representatives of the Ministries to give an overview of the subject matter.

8. The representative of the DGCA informed that DGCA is an organisation, headed by Director General of Civil Aviation and it works under the Ministry of Civil Aviation and generally it is called the safety regulator. DGCA regulates all air operation from safety view point and for security there is another regulator. The Committee were also informed that for civil aviation there are international regulations because the limits of this sector are spread beyond the boundaries of the Country and the planes of the country go abroad and similarly the foreign planes also lands in our country. As such all of them should be on the same platform as far as regulations, operations and all other things are concerned and for these reasons it has a very strong international regulator which is known as International Civil Aviation Organisation (ICAO). The ICAO drafts regulations for its member countries and the countries which has signed their charter are called 'Contracting States'. Today there are about 193 such countries and India is also one of them. Each country has a safety regulator which has different nomenclature and in India it is called DGCA.

9. The Committee desired to know about the monitoring of the accidents occurring at airports in the Country. In reply the representative of the DGCA informed that they have a safety related framework and if an accident occurs at any airport, airline or inside any aircraft, whether it occurred during take off or landing of the aircraft, the responsibility for all such accidents is on the DGCA and they monitor them also.

10. The Committee then desired to be informed about the labour safety and social security norms in the aviation sector. In reply, the representative of DGCA informed that the functions of the DGCA are related to safe operations, safety of employees, etc. but the matter of the employment, salary, etc. of the employees is between the respective operator and them and DGCA has no role

in it. The Committee thereafter desired to know the guidelines of the safety norms and their monitoring. The representative of the DGCA informed that the safety norms comes under their purview, but if an accident occurs at an Airport and is related to airport then the airport operator is responsible and if it is related to an airline or aircraft then the concerned Airline is responsible for the same and 100% reporting of such incidents to DGCA is necessary. The Committee was informed by the representative of Ministry of Labour & Employment that as far as the working condition and minimum wages of the employees are concerned, it is their mandate and the Ministry inspects the contract workers on regular basis. The inspection of scheduled flights is also done on regular basis however on the receipt of reports of accidents related to non-scheduled flight operations, an inspection of about 35 non-scheduled operators working on Juhu airport has been started and they will submit their report to the Committee shortly. In this regard the representative of the EPFO added that only those employees which are getting salary less than Rs. 15,000/- fall under their jurisdiction and as such most employees of aviation sector are beyond their purview.

11. The Committee while being aware of the existence of labour safety and their social security, the norms, guidelines, etc. desired to know about their implementation and gave one week's time to the Ministry of Labour & Employment for submitting the same in writing. The Committee were of the view that in aviation sector the safety of employees related to the aviation is important but equally important is the safety of general public, in case an aircraft falls on them accidentally and desired that the safety guidelines be reviewed. In this regard, the Committee cited the example of Ghatkopar aircraft crash accident in which the family members of the deceased pilots and maintenance staff were facing problems in getting the adequate compensation and also payment of compensation to the deceased passerby

12. The Chairperson then thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised. The Chairperson directed the representatives to furnish written

replies within 15 days in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

The Committee then adjourned.

XX Does not pertain to this Report.

STANDING COMMITTEE ON LABOUR
(2018-19)**Minutes of the Seventh Sitting of the Committee**

The Committee sat on 19th December, 2018 from 1600 hrs. to 1630 hrs.
in Committee Room No. 139, Parliament House Annexe, New Delhi.

PRESENT**Dr. Kirit Somaiya – CHAIRPERSON****MEMBERS**
LOK SABHA

2. Shri Satish Kumar Gautam, MP
3. Dr. Boora Narsaiah Goud, MP
4. Shri Bahadur Singh Koli, MP
5. Shri Hariom Singh Rathore, MP
6. Shri Naba Kumar Sarania, MP

RAJYA SABHA

7. Shri Nazir Ahmed Laway, MP
8. Shri P.L.Punia, MP
9. Shri N. Gokulakrishnan, MP
10. Shri Madanlal Saini, MP
11. Shri Akhilesh Prasad Singh, MP
12. Dr. Banda Prakash, MP

SECRETARIAT

- | | | | |
|----|----------------------|---|---------------------|
| 1. | Ms. Rimjhim Prasad | - | Joint Secretary |
| 2. | Shri P.C. Choulda | - | Director |
| 3. | Shri C. Vanlalruata | - | Additional Director |
| 4. | Shri Kulvinder Singh | - | Under Secretary |

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened for consideration and adoption of draft Report on 'Scheduled/Non-Scheduled/Test Flying Air Operators/ Maintenance Repair and Overhaul (MRO) Companies - Safety and Social Security Measures for their Workers/Employees especially in context of those who are associated with flying of the Aircraft'

3. The Hon'ble Chairperson thereafter briefed the Committee about the draft Report. The Committee considered and adopted the draft report and authorised the Hon'ble Chairperson to finalise the Report in light of suggestions received from Members/consequential changes that might arise *inter-alia*, out of factual verification of the draft Report and to present the same to both Houses of Parliament in the ongoing Winter Session of Parliament, 2018. However, the Hon'ble Chairperson directed that the draft Report be circulated and all the members may be requested to submit their suggestions/amendments, if any, latest by 24th December, 2018.

4. XX XX XX XX

The Committee then adjourned

XX Does not pertain to this Report.