



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

CIVIL AVIATION REQUIREMENTS

SECTION 1 – GENERAL

SERIES 'B' PART III

...TH JULY 2017

EFFECTIVE: FORTHWITH

F.No.

Subject: **Procedure for seeking exemption from Civil Aviation Requirements.**

1. INTRODUCTION

Civil Aviation Requirements (CARs) are special directions issued by the Director-General not inconsistent with the Aircraft Act, 1934 (22 of 1934) or rules made thereunder relating to operation, use, possession, maintenance or navigation of aircraft flying in or over India or of aircraft registered in India.

Compliance with CARs is not optional. Occasionally, however, there may be situations where it may not be possible to comply with the directions given in the CARs because of exceptional circumstances, physical constraints, non-availability of specified equipment etc. which may warrant exemptions from the CARs. However such deviation would be an exception and not the norm.

To cater to such circumstances, sub-rule (4) of Rule 133A of the Aircraft Rules, 1937 provides Director General of Civil Aviation (DGCA) the power to exempt any aircraft or class of aircraft or any person or class of persons from the direction(s) given in CARs, either wholly or partially, subject to such conditions, if any, as may be specified in such order which may be of a general or specific nature.

This CAR is issued under Rule 133A of the Aircraft Rules, 1937 and stipulates the procedures for application and grant of exemptions from provisions of CARs.

2. CATEGORIES OF EXEMPTIONS:

- i. **Temporary Exemptions:** where the non-compliance is expected to be removed within a reasonable time.
- ii. **Permanent Exemptions:** where non-compliance is not expected to be removed within a reasonable time.

3. PROCEDURE FOR SEEKING EXEMPTIONS

3.1 A person/ organization seeking exemption shall submit separate application for exemption(s) to a CAR in the prescribed proforma to DGCA (Appendix I).

3.2 The application for exemption shall clearly state the reasons with full justification for seeking exemption and be supported with the reasons for non-compliance, safety assessment reports, along with means of mitigation and clear indication as to when compliance can be expected with full documentation.

3.3 An application for a standard exemption shall include:

- i. the applicant's name and current mailing address.
- ii. reference of CAR including relevant provision(s) of the CAR for which the exemption is being sought.
- iii. the category under which exemption sought (temporary/ permanent) and justifiable reasons why the applicant needs the exemption.

Note: The reasons provided should be detailed and self-explanatory.

- iv. the period for which the exemption is required.
- v. whether the exemption will affect a particular kind of operation, the details thereof;
- vi. for a temporary exemption, an action plan for rectification and review of non-compliance, including the mitigation measures adopted for ensuring the safety during the exemption period.
- vii. for a permanent exemption, the safety assessment report and the mitigation measures proposed to be adopted to reduce the risk arising due to non-compliance.

3.4 The applicant should provide adequate information in the prescribed proforma for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing/ refusal of the application.

4 GRANT OF EXEMPTION UNDER RULE 133A

- 4.1 The DGCA after examining the application(s) for exemption(s) may exempt, in writing, the applicant from complying with specific provisions of the CAR and may impose conditions for such exemptions to ensure the safety and regularity of aircraft operation. The permission for allowing exemptions may contain conditions/ limitations for the person/ organization to follow while operating under the exemption. In all cases, before granting exemption, it shall be ascertained that an equivalent level of safety shall be maintained.
- 4.2 The permanent exemption, once approved, shall be included in the relevant manual(s) and published on the DGCA website.
- 4.3 Exemptions, both permanent and temporary, shall be reviewed at intervals specified in the exemption by DGCA.
- 4.4 For removal of the permanent exemption the holder shall inform DGCA and after approval of DGCA, the same shall be deleted from the relevant manual(s).
- 4.5 DGCA may refuse requests for exemptions which do not have adequate justification for non-compliance.

(B. S. Bhullar)
Director General of Civil Aviation

APPLICATION FORMAT FOR SEEKING EXEMPTION

1. DETAILS OF APPLICANT

1.1 Name of Applicant/ Organization and Address

1.2 License/ Approval/Certificate Number

2. DETAILS OF EXEMPTION SOUGHT

2.1 Relevant CAR:

2.1 Provisions of CAR for which exemption is sought.

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

2.3 Nature of exemption (Temporary/ Permanent)

2.4 Period for which exemption is required.

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

2.6 for temporary exemption, the action plan for rectification, including the safety assessment and mitigation measures adopted for ensuring the safety during the exemption period.

2.7 for permanent exemption, the mitigation measures, including the safety assessment proposed to be adopted to ensure safety of aircraft operation.

Note: Attach safety assessment report

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

SIGNATURE OF APPLICANT

DATE.....

NAME.....
(in capital letters)

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

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