

**INDIAN MILITARY AIRWORTHINESS BILL, 2024**

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## THE INDIAN MILITARY AIRWORTHINESS BILL, 2024

An Act to ensure Airworthiness of Military Air Systems, Airborne Stores, associated Software and Firmware during the activities being carried out by Design, Production and Maintenance firms/organisations/ companies.

The act provides for establishment of Centre for Military Airworthiness and Certification (CEMILAC) as a formation under Defence Research and Development Organisation (DRDO) entitled for design airworthiness certification by ensuring design adequacy and test adequacy to meet the safety, reliability and operational requirements of military air systems & air borne stores, issuance of certificate of airworthiness to Military Air-Systems, Airborne Stores and associated Software & Firmware and continued airworthiness assurance of military air systems and airborne stores throughout the product life cycle.

The act provides for establishment of Defence Aeronautical Quality Assurance Agency i.e., Directorate General of Aeronautical Quality Assurance (DGAQA) for conformity assessment against military airworthiness requirements, to ensure quality compliance and for matters connected therewith or incidental thereto throughout the product life cycle. The Act enables entrustment of 'responsibility for product conformity assessment' to the manufacturer under DGAQA oversight.

Centre for Military Airworthiness & Certification (CEMILAC) and Directorate General of Aeronautical Quality Assurance (DGAQA) are two independent bodies, which have been entrusted with mutually exclusive set of responsibilities towards Airworthiness Assessment by design and by product conformity respectively during various stages of Life-cycle of Military Air systems and Airborne Stores and together constitute Technical Airworthiness Authorities (TAAs) in India.

The Part I of the act covers 'airworthiness by design' applicable to CEMILAC functions and Part II covers 'airworthiness by product conformity' applicable to DGAQA functions.

BE it enacted by the parliament in the Seventy-sixth year of Republic of India.





## PART 1

### 'AIRWORTHINESS BY DESIGN & TEST ADEQUACY'

#### CHAPTER 1

#### PRELIMINARY

**1. Short title, Extent and Commencement**---(1) This Act may be called as Indian Military Airworthiness Act, 2024.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

**2. Definitions.** --- In this act, unless the context otherwise requires,--

(1) "Airworthiness" means the continued capability of the military Air Systems and Airborne Stores to perform satisfactorily and fulfil mission requirements throughout the specified life in the specified environments with acceptable levels of safety and reliability.

(2) "Aircraft" means any machine which can derive support in the atmosphere from reactions of the air other than reactions of the air against earth's surface and includes balloons, whether fixed or free, airships, kites, gliders and flying machines.

(3). "Air-System" Air Systems include Fixed or Rotary Wing Aircraft, Unmanned Aircraft, Air Launched Missiles and Aero Engines.

(4) "Airborne Stores" include all Parts & Appliances and their associated Software & Firmware, Airborne General Stores (AGS), Propeller, Aero Materials, Air Armaments, Air-Crew Personal Protection Equipment, Fuel Oil Lubricants (FOL), Aero-Parachutes used in an Air System.

(5) "Aeronautical related stores" includes Ground Support Equipment, Simulators, Test Rig, Power Supply & Hydraulic Trolleys, Arrestor barriers, Radars, Ground Control Stations, Airspace Surveillance & Navigation Equipment, Ground Handling Equipment, Special Test Equipment, Special Maintenance Tools and Test Jigs etc., used for military purposes.

(6) "Aviation stores" means and includes stores defined in sub section (2), (3), (4) & (5).

(7) Chief Executive (A) means head of the CEMILAC.

(8) "Conformity Assessment" means the process that demonstrates the requirements specified/relevant for an air-system, airborne store, aeronautical related stores, and therequirement related to the concerned process, system, person and organisation are met.

(9) "Continued Airworthiness" constitutes of all the processes to be carried out to verify that the conditions under which the initial airworthiness approvals have been granted, continued to be fulfilled at any time during its period of validity. This includes all upgrades/

modifications to the in-service Air Systems / Airborne Stores to enhance its usefulness and capability and to also address obsolescence and life extension.

(10) "Continuing Airworthiness" constitutes of all the processes which ensure that, at any time in its operating life, the Air system and/or the Airborne Store complies with the Airworthiness requirements in force and is in a condition for safe operation. This includes following the prescribed scheduled maintenance practices, implementing the servicing and technical instructions and daily inspection practices to ensure that the Air system and /or Airborne Store is Airworthy for Operations.

(11) "Company" means a body/ corporate and includes a firm or other association of individuals.

(12) "Design" means the set of data and information that defines the configuration of an Air System, Airborne stores and Aeronautical related stores, its associated parts and appliances for the purpose of airworthiness determination.

(13) "Directive" means instruction issued for necessary compliance.

(14) "Manufacture" means the performance of tasks that involve assembly or production of aircraft, engine, propeller or associated parts and appliances in conformity with its applicable design including prototype.

(15) "MoD" means Ministry of Defence.

(16) "Mutual Recognition" means acceptance of airworthiness clearance issued by CEMILAC by foreign airworthiness authorities and vice-versa.

(17) "Organisation" means an organised group of individuals with administrative and functional structure of command and control.

(18) "Quality Assurance" means activities performed with 'process control and system approach' to convey assurance for conformity to the qualitative requirements.

## CHAPTER II

### AIRWORTHINESS CERTIFICATION BY DESIGN VALIDATION AND TEST ADEQUACY

#### 3. Scope of the Bill :

3.1 The scope of the Bill is to facilitate the Indian Industry partners to design, develop, produce and maintain the military air systems, airborne stores, and associated firmware and hardware to foster the growth of Military Aviation through delegation and decentralization of airworthiness certification processes / non-intrusive certification and/or quasi-stage gated approach of airworthiness certification.

3.2 The bill is a major enabling factor for growth of Military Aviation Ecosystem with well-defined checks and balances including certain deterrence and penalties which are

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essential to ensure airworthiness and flight safety with delegation and decentralization of processes/ non-intrusive certification/ quasi-stage gated approach.

#### **4.Role and Responsibilities of CEMILAC**

4.1 CEMILAC has been entrusted with the responsibility of airworthiness certification by ensuring design adequacy and test adequacy to meet the safety, reliability and operational requirements of Military Air Systems and Airborne Stores.

4.2 This act establishes that Manufacturing, Overhaul, Repair and Operation of all the military purpose Air-Systems/ Airborne Stores and associated Software&Firmware, requires Initial Airworthiness Approvals like MTC(Military type certificate), TA (Type approval), IMATSOA (Indian Military aviation technical standard order), LoA (Letter of approval) and other clearances from CEMILAC, after completing airworthiness evaluation through design adequacy and test adequacy to ensure attainment of appropriate level of safety for flight and risk management adopted to unique mission requirements including considerations of collateral damage to life/property. Such clearances shall be issued by CEMILAC as applicable in accordance with the existing policies, procedures, rules & regulations formulated by an Empowered Committee in a manner approved by the Ministry of Defence.

4.3 CEMILAC shall be entitled to perform airworthiness certification by design & test adequacy of a military air-system or an airborne store which is designed, developed, produced and overhauled/repared by a company/organisation registered in India or conducting such operations in India.

4.4 Airworthiness assessment and certification received from the Airworthiness Authority of the country concerned with whom CEMILAC is having mutual agreement for acceptance of airworthiness approvals for the airsystem or airborne store, to be operated by Indian Military Services is also an 'acceptable means of compliance'.

### **CHAPTER III**

#### **CENTRE FOR MILITARY AIRWORTHINESS AND CERTIFICATION (CEMILAC)**

##### **5. Centre for Military Airworthiness and Certification (CEMILAC):**

5.1 Establishment under the Department of Defence Research and Development Organisation (DRDO), CEMILAC is the Military Airworthiness Certification Authority responsible for conduct of Airworthiness certification by ensuring design adequacy and test adequacy to meet the safety, reliability and operational requirements of Military Air Systems, Airborne Stores.

5.2 CEMILAC grants Airworthiness approval to the military air systems, airborne stores, associated Software & Firmware and provides continued airworthiness assurance of military air systems, airborne stores (e.g Life extensions, Modification, upgrades, obsolescence management, fatigue life estimation, defect/ accident investigations, configuration control etc) throughout the product life cycle by ensuring design & test adequacy.

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5.3 CEMILAC carries out airworthiness certification activities through its field establishments known as Regional Centres for Military Airworthiness (RCMAs) in accordance with the existing Policies, Procedures, Rules and Regulations outlined in the governing documents duly approved by the Ministry of Defence.

## 6. Head of Establishment –

6.1 The Chief Executive (Airworthiness) is the controlling authority and is responsible for all technical and administrative activities of CEMILAC and RCMAs. The Chief Executive (Airworthiness) is assisted by Directors / Group Directors / Regional Directors/ Scientists and Officers who are appointed at CEMILAC and field establishments / RCMAs, specialized in different domains pertaining to Military Airworthiness and Certification.

6.2 The RCMAs are headed by Regional Director under the overall control of CEMILAC.

## 7. Powers and Functions of CEMILAC

The powers and functions assigned to CEMILAC under this act include power ---

- i. To carry out airworthiness certification by ensuring design adequacy and test adequacy of Military Air Systems, Airborne Stores, associated Software & Firmware and aeronautical related stores to meet the safety, reliability and operational requirements in all phases of their life cycle encompassing conception, design & development, production, service exploitation and retirement from service (end of life).
- ii. To supervise centrally all engineering activities involved in type certification/ approval and acceptance of Build Standard of Air Systems, Airborne Stores and their associated Software & Firmware and aeronautical related stores (wherever applicable as per the governing documents) including major modifications thereof.
- iii. To be the authority for approving the design, accepting the type record and according the certificate of approval of type in respect of Air Systems, Airborne Stores and associated Software & Firmware and aeronautical related stores (wherever applicable as per the governing documents) designed to meet Armed Forces requirements.
- iv. To examine and accept or revalidate the type approval, type record in respect of Air Systems, Airborne Stores and other Aeronautical equipment (wherever applicable as per the governing documents) acquired to meet Armed Forces requirements.
- v. To seek any design data (both proprietary as well as non-proprietary data) at any stage of the product life cycle right from its conceptualization to retirement from service. It is incumbent upon the Design/ Production/ Maintenance Organization to provide such design data to CEMILAC. This covers such data which was not asked during design & development and exploitation phase.
- vi. To seek seamless flow of Design Data, Design Documents, Analysis Reports and Test Reports etc. even in case of delegation & decentralization/ entrustment of airworthiness certification processes and authorities
- vii. Issue airworthiness directives on matters related to Airworthiness of Air System and Airborne stores for implementation by the Design Organisations.

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- viii. To procure, maintain and issue technical data, specification and other particulars required for Certification/Design approval of aeronautical stores.
- ix. To participate in Aeronautical Development projects, Technical/Evaluation trials to provide and identify requisite inputs for certification/design approval.
- x. To participate, examine and analyse Accidents/ Incidents of all the air systems, evolve airworthiness directives and identify modifications/improvement thereon.
- xi. To issue Standard of Preparation (SOP)/ Standard of Equipment (SOE)/ Component Build Standard (CBS)/ Bill of Materials (BOM)/ Master Drawing Index (MDI) for manufacturing of the items as per Design Certification Standard.
- xii. To carry out Periodic Audit/ Surveillance Audit of Design, Production and Maintenance houses to ascertain the product designed airworthiness assurance and processes are met throughout the product life cycle. The scope of such audit shall include all the activities being carried out by Design Houses whereas for Production & Maintenance Houses it shall be only limited to ensuring adherence to the approved design and processes.
- xiii. To advice Service Headquarters on suitability of induction of Air systems /Aero Engines/ Airborne Stores along with associated software and firmware both indigenous and imported from compliance to airworthiness/certification norms.
- xiv. To align with the latest developments in the field of Airworthiness and Certification and non-invasive techniques and initiate R&D programs to meet the current and future needs.
- xv. To evolve policies, procedures, rules and regulations etc, for conduct of activities related to Design, Development, Production, Repair, Overhaul and Maintenance of Air Systems, Airborne Stores, associated Software & Firmware and aeronautical related stores in consonance with all the Stakeholders and the Empowered Committee and promulgate the governing documents in this regard after due approvals.
- xvi. Perform functions related to ensuring airworthiness certification adequacy during procurement of Air Systems, Airborne Stores and aeronautical related stores intended for Indian military purpose by ensuring flow-down of airworthiness certification requirements into defence procurement contracts, compliance thereby and exercise authority for acceptance of airworthiness certification norms thereof.
- xvii. Communicate with Director General for Civil Aviation (DGCA) to carry out assigned responsibilities and functions for certification for DUAL use (Military and Civil) of the Air Systems, Airborne Stores and aeronautical related stores.
- xviii. To entrust Design Organization through Design Organization Approval Scheme or other enabling schemes providing for delegation and decentralization of airworthiness certification procedures and authorities evolved from time-to-time, in accordance with the duly approved governing documents. The powers assigned to CEMILAC under this act in this regard include authority to: --
  - (a) Approve a Design organization in accordance with enabling schemes providing for delegation/ decentralization of airworthiness certification procedures and authorities to perform design airworthiness assessment by ensuring design & test adequacy for an air system or airborne stores.

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- (b) Withdraw privileges assigned/ approval or clearance issued to the Organization, blacklist the Organization or enact/ recommend the same for penal action in case of observing any deviations/ violation of terms of approval.
- (c) Withdraw the privileges assigned/ approval granted in case of intentional blocking/ hindering of seamless flow of design data.
- (d) To conduct frequent Audit of design/ production organisations for any discrepancy reported / observed in compliance as per approved norms of delegation.
- xix.** Communicate with counterpart Foreign Governments Agencies, and respond to the authorised representative/delegations of foreign government, as appropriate to carry out assigned responsibilities and functions. Obtain membership of Regional, International and Foreign Bodies having similar objectives and sign Memorandum of Understandings (MoUs) for Mutual Recognition to facilitate acceptance of the indigenous items for exports.
- xx.** To actively participate in international aviation forums to stay informed about global developments, share experiences and contribute to the enhancement of international standards.
- xxi.** Authorise and approve publication of advertisements, notices or proposals in newspapers, magazines, other public periodicals, internet/social media, as required for the effective discharge of responsibility and functions enlisted in this act.
- xxii.** Obtain reports and information from concerned ministries/departments of Government of India (GoI), in accordance to the GoI directives issued from time to time, as necessary, to carry out assigned responsibility and functions enlisted.
- xxiii.** Establish branches/FEs across country so as to efficiently perform allocated responsibilities and functions.
- xxiv. Initiate enforcement actions against:**
- (a) **Offences by Legal/ Natural entities** --in case of non-compliance to the airworthiness certification requirements, furnishing incorrect/false information of design data, violation of terms and conditions of the approval, not meeting the defined performance standards etc. The enforcement actions may include warning letter, suspension, withdrawal of approval, issue of Non-Conformance (NC) notices with financial penalties as per para 12 *ibid*, black listing in case of intentional or negligent default or recommend for action under criminal laws in case of loss of human lives or any other collateral damage thereof.
- (b) **Legal/ Natural entities** for negligence/repeated negligence, wilful/intentional defaults against the design requirements/ criteria for airworthiness certification.

**8. Officers and Employees of CEMILAC:** The CEMILAC shall have officers appointed on all functional duty posts, assisted by officers & staff of various other cadres of Central Government.

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## CHAPTER IV

### 'DESIGN AIRWORTHINESS CERTIFICATION' ENTRUSTMENT AND OVERSEEING'

**9. Power of Central Government to make rules:** Subject to the provisions of Section 11, the Central Government may, by notification in the Official Gazette, make rules for entrustment of airworthiness ensuring responsibility to Individuals/ Organizations involved in design, manufacture, possession, use, operation, overhaul, repairs of military Air-systems, Airborne stores, associated Software/ Firmware and aeronautical related stores.

**10. Laying of rules before Parliament.** – Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session [for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**11. Entitlement and obligations of Organisation/Companies:** Organisations/Companies engaged in design, manufacture, possession, use, operation, overhaul, repairs of military Air-systems, Airborne stores, associated Software/ Firmware and aeronautical related stores are--

(i) Entitled to seek entrustment of airworthiness certification in all airworthiness functions. Entrustment made shall be accompanied by CEMILAC assistance to the organisation/companies in discharging entrusted responsibility for airworthiness certification and product conformity assessment, as and when requested by them. Under the Entrustment made, the design airworthiness escape occurred in respect of technological reasons which were un-known/un-discovered before occurrence of failures/incidents/accidents shall ordinarily not constitute to an offence categorised for penal action as per section 12.

(ii) Obligated to provide any design data (both proprietary as well as non-proprietary data) to CEMILAC, sought at any stage of the product life cycle right from its conceptualization to retirement from service. It is incumbent upon the Design/ Production/ Maintenance Organization to provide such design data to CEMILAC and shall not be denied under any circumstances.

(iii) Obligated to ensure seamless flow of Design Data, Design Documents, Analysis Reports and Test Reports etc. to CEMILAC even in case of delegation & decentralization/entrustment of airworthiness certification processes and authorities.

(iv) Obligated to facilitate free access to CEMILAC officers in all concerned areas of operation, share information concerned & provide reasonable facilities to enable them to discharge their duties in accordance to this Act.

(v) Obligated to inform CEMILAC of any change in the conditions which were declared at the time of assessment for registration under DOAS or any other enabling schemes or

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airworthiness certification. Any change in design and processes shall be brought to the notice of CEMILAC. Information obtained by CEMILAC from any statement made or information supplied or any evidence collected from audit/ inspection done shall be treated as confidential and IPR Protected. However, CEMILAC reserves the right to disclose any data for prosecution purposes or risk mitigation in military aviation.

## CHAPTER V

### PENALTY AGAINST VIOLATIONS

**12. Penalty for offences against Airworthiness during design assessment and validation:** Explicit to the terms and conditions of the contract between concerned parties for the liabilities against compensation/penalties, this Act provisions for 'over and above' imposition of penalties by CEMILAC against all Legal & Natural entities engaged in design, manufacture, possession, use, operation, overhaul, repairs of military Air-systems, Air Armaments & Airborne stores and any person employed/engaged/detailed by such organization/firm/company for the mentioned purposes and thereby for committing offences.

12(1) Authority for deciding the nature of an offence and stipulating punitive action for the offence related with design activities and processes having bearing on Airworthiness is vested with CEMILAC/ RCMA.

12 (1.1) Design lapses during various phases of product life cycle of an Air system / Airborne stores which have a bearing on Airworthiness is put under four categories as stated below: --

- i) **Minor:** Violations not affecting the overall functionality and safe functioning of the air system/ stores and not compromising survivability of the air system, mission and safety. The penalty shall be an amount of the fines not exceeding 1% of the turnover of the organisation and/or blacklisting the organisation for 03 years.
- ii) **Major:** Violations not affecting the overall safe functioning of the air system, safety and survivability of the air system but compromising the mission. The penalty shall be an amount of the fines not exceeding 3% of the turnover of the organisation and/or blacklisting the organisation for 10 years.
- iii) **Severe:** Violations affecting the safety and survivability of the air systems which may result in loss of the air system without any collateral damage/ loss of life. The penalty shall be an amount (5% of the turnover) of the organisation and blacklisting the organisation for 10 years.
- iv) **Catastrophic:** Violations affecting the safety and survivability of the air systems which may result in collateral damage including loss of life. The penalty shall be an amount (10% of the turnover) of the organisation and blacklisting the organisation for 15 years besides action under criminal laws in case of loss of lives or any other collateral damage thereof.

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12 (1.2) **Penalties:**The Punitive action for the design lapses in all the assigned projects for the above stated four categories committed by an organization shall rest with the dealing / assigned RCMA. Regional Director shall decide on the punitive action based on the recommendation of the dealing DRDS/ DRTC officer. The decision of Regional Director shall be final in this regard.

12(1.2.1) The monetary penalties and period for backlisting of the organization shall be set taking account of the category and severity of the case, and in particular the extent to which safety or protection of the environment has been compromised, the activity to which the violations pertains, and the economic capacity of the organization concerned. The procedure for calculation of monetary penalty and/or time period for blacklisting shall be prescribed by the committee consisting of all Directors of CEMILAC as brought out in Sub section 12 (1.1). The same shall be issued by MOD as procedure document after promulgation of this bill.

12 (1.2) The details of all Violations/ Offences are tabulated below:

<u>Offence</u>
<b>(a) Design and Development phase</b>
<i>(i) Neglect in converting user QR's to product technical specification which can lead to inadequate product design.</i>
<i>(ii) Obviating the conduct of Technical Requirement Review (TRR) as per the applicable governing documents without sufficient reason.</i>
<i>(iii) Compromising on adequacy of Type Certification Basis (TCB) / Type Approval Basis (TAB).</i>
<i>(iv) Neglect in formulating the Airworthiness Certification Plan (ACP) leading to inadequacy in compliance to established TCB / TAB for the product.</i>
<i>(v) Use of inappropriate formula, empirical relations, design data, design factors, safety factors, reliability data etc., causing design inadequacy.</i>
<i>(vii) Not adhering to the requirements of applicable governing documents while carrying out PDR/CDR.</i>
<i>(viii) Not adhering to the drawing office procedure.</i>
<i>(ix) Obviating the requirements of Design Organization Exposition (DOE) in case approved organization under Design Organisation Approval Scheme (DOAS).</i>
<i>(x) Compromising on the test requirements for qualification of the product and demonstrating compliance to specification requirements.</i>
<i>(xi) Not adhering to the laid-down procedures and requirements for deviation disposition, configuration control and handling defects during D&amp;D phase as per the applicable</i>

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*governing documents.*

*(xii) Producing false statements in the Certificate of Design (COD).*

*(xiii) Misuse / Overrate privileges granted to the design organization as part of Design Organization Approval (DOA) or' as Designated Engineering Representative (DER)*

**(b) Production phase**

*(i) Changing the approved SOP/SOE/CBS/BOM without prior approval of RCMA/CEMILAC or designated authorities*

*(ii) Modifying the dimensions and / or tolerances in the drawing without prior approval of RCMA /CEMILAC or designated authorities.*

*(iii) Change of material in drawings without prior approval of RCMA / CEMILAC or designated authorities.*

*(iv) Change of place of manufacturing and method of manufacturing without prior approval of RCMA /CEMILAC or designated authorities.*

*(v) Obviating provision of governing documents/ laid-down procedures relating to configuration control of air systems / airborne stores.*

*(vi) Use of obsolete SOP and drawings for manufacturing of parts.*

**e) Continued Airworthiness phase:**

*(i) Not adhering to the laid-down procedures and requirements of governing documents for deviation disposition, configuration control and handling defects during service exploitation.*

*(ii) Granting extension of shelf life without prior approval of RCMA/CEMILAC or designated authority.*

*(iii) Granting extension of operating life / calendar life without prior approval of RCMA/CEMILAC or designated authority.*

*(iv) Issue of service bulletin and service instructions, special technical instructions, alert notice / urgent operating notice etc., without prior approval of RCMA/CEMILAC or designated authority.*

**d) Other serious offenses:**

*(i) Submission/ Presentation of false forged or morphed analysis report and design documents for certification to RCMA/CEMILAC or designated authorities at any point*

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during product life cycle.

(ii) Continuation of production even after expiry of Airworthiness clearance issued by RCMA / CEMILAC or designated authority

(iii) Not adhering to the timelines for compliance of modifications / Type Certification approved by RCMA / CEMILAC or designated authority.

(iv) Transferring the airworthiness clearance issued by RCMA/CEMILAC or designated authority to any other agency without prior permission.

(v) Any other offence by action or intent which in opinion of CEMILAC is adversely affecting the Airworthiness and safety of military aviation store.

13. Any intentional act of the above offences as enumerated in para 12 would be liable for punishment as enumerated in BNS (BHARATIYA NYAYA SANHITA) 2023(criminal law) and other criminal laws including the monetary penalty or/and blacklisting of organisation.

14. **Compounding of Offence**---(1)Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence committed for the first time, punishable under this act, not being offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution for penalty, be compounded by Chief Executive (A), CEMILAC based on the recommendations of the Compounding Committee {a standing committee formed by Chief Executive (A), CEMILAC for this purpose}, in such a manner as may be prescribed. Representation for compounding of an offence shall be made to the Compounding Committee by the aggrieved with necessary justification thereof within such period as prescribed. The Compounding Committee shall exercise the powers to compound an offence subject to the directions, control and supervision of the Chief Executive (A) for offences mentioned at 12. Compounding Committee shall essentially provide reasonable opportunity to the legal/ natural entities to represent and shall impose penalty after satisfying about committed offence and the reasons/ grounds pleaded for compounding of offence.

15. **Appeal:** Any organisation/company aggrieved by the act may prefer to make

15.1 The first appeal to the Appellate Committee of CEMILAC {a standing committee chaired by Chief Executive (A), CEMILAC for this purpose} within such period as prescribed. The Appellate Committee is entrusted with full powers to repeal / reduce the enforcement action in such a manner as may be prescribed.

15.2 The second appeal may be made to the Appellate Committee chaired by Defence Secretary/ Equivalent or his nominated representative with Chief Executive(A), DG, DGAQA and AS (DP) as members. The Appellate Committee is entrusted with full powers to repeal / reduce the enforcement action in such a manner as may be prescribed.

16. Cognizance of offences.





(1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by or with the previous sanction in writing by the Chief Executive (A) as the case may be.

(2) The complaint referred to in sub-section (1) shall be made within a period of one year from the date on which the offence came to the knowledge of the Chief Executive (A) as the case may be.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try the offences under this Act.

CHAPTER VI  
MISCELLANEOUS

20. **Action taken in good faith**--No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is done in good faith under this act or rules or regulation made there-under.

21. **Saving of Application of Act**--- Nothing in this Act or any order or rule made there-under shall apply to armed forces of the Union of India [Air Force, Navy, Coast Guard and Army], to any person employed with these forces or to any of Air-System, Air Armament or Airborne store in possession of these forces.

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PART II  
**AIRWORTHINESS BY PRODUCT CONFORMITY**

CHAPTER 1

PRELIMINARY

**1. Short title, Extent and Commencement**---(1) This Act may be called as Indian Military Airworthiness Act, 2024.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

**2. Definitions.** --- In this act, unless the context otherwise requires,--

(1) "Airworthiness" means the continued capability of the military Air Systems and Airborne Stores to perform satisfactorily and fulfil mission requirements, throughout the specified life in the specified environments with acceptable levels of safety and reliability.

(2) "Aircraft" means any machine which can derive support in the atmosphere from reactions of the air other than reactions of the air against earth's surface and includes balloons, whether fixed or free, airships, kites, gliders and flying machines.

(3). "Air-System" Air Systems include Fixed or Rotary Wing Aircraft, Unmanned Aircraft, Air Launched Missiles and Aero Engines.

(4) "Airborne Stores" include all Parts & Appliances and their associated Software & Firmware, Airborne General Stores (AGS), Propeller, Aero Materials, Air Armaments, Air-Crew Personal Protection Equipment, Fuel Oil Lubricants (FOL), Aero-Parachutes used in an Air System.

(5) "Aeronautical related stores" includes Ground Support Equipment, Simulators, Test Rig, Power Supply & Hydraulic Trolleys, Arrestor barriers, Radars, Ground Control Stations, Airspace Surveillance & Navigation Equipment, Ground Handling Equipment, Special Test Equipment, Special Maintenance Tools and Test Jigs etc., used for military purposes.

(6) "Aviation stores" means and includes stores defined in sub section (2), (3), (4) & (5).

(7) "Conformity Assessment" means the process that demonstrates the requirements specified/relevant for an air-system, airborne store, aeronautical related stores, and the requirement related to the concerned process, system, person and organisation are met.

(8) "Continued Airworthiness" constitutes of all the processes to be carried out to verify that the conditions under which the initial airworthiness approvals have been granted, continued to be fulfilled at any time during its period of validity. This includes all upgrades/modifications to the in-service Air Systems / Airborne Stores to enhance its usefulness and capability and to also address obsolescence and life extension.

(9) "Continuing Airworthiness" constitutes of all the processes which ensure that, at any time in its operating life, the Air system and/or the Airborne Store complies with the

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Airworthiness requirements in force and is in a condition for safe operation. This includes following the prescribed scheduled maintenance practices, implementing the servicing and technical instructions and daily inspection practices to ensure that the Air system and /or Airborne Store is Airworthy for Operations.

(10) "Company" means a body/ corporate and includes a firm or other association of individuals as per companies act 2013 or any previous company law.

(11) "Design" means the set of data and information that defines the configuration of an Air System, Airborne stores and Aeronautical related stores, its associated parts and appliances for the purpose of airworthiness determination.

(12) "Directive" means instruction issued for necessary compliance.

(13) "Director" means in relation to a firm- partner to a firm, or head of organisation and includes definition as per companies act 2013 or any previous company law.

(14) "Manufacture" means the performance of tasks that involve assembly or production of aircraft, engine, propeller or associated parts and appliances in conformity with its applicable design including prototype.

(15) "MoD" means Ministry of Defence.

(16) "Mutual Recognition" means acceptance of airworthiness clearance issued by CEMILAC by foreign airworthiness authorities and vice-versa.

(17) "Organisation" means an organised group of individuals with administrative and functional structure of command and control.

(18) "Person" means individual who is/are employed or previously employed in the company/organisation.

(19) "Quality Assurance" means activities performed with 'process control and system approach' to convey assurance for conformity to the qualitative requirements.

## CHAPTER II

### 'PERMIT TO FLY', PRODUCT CONFORMITY ASSESSMENT AND TEST CERTIFICATION

3. **'Permit to Fly' and test certification for product conformity:** This act establishes that for getting airborne, all military purpose Air-Systems manufactured, overhauled/repared requires issuance of 'Permit to Fly' in form of 'Certificate of Safety for Flight; F-1090' by DGAQA after completing airworthiness assessment to ensure attainment of appropriate level of safety for flight and risk management adopted to unique mission requirements including considerations of collateral damage to life/property. DGAQA shall be entitled to perform product conformity assessment and to issue test certification for airworthiness certification of a military air-system or airborne store which is designed, developed, produced and overhauled/repared by a company/organisation registered in India or conducting such operations in India. Airworthiness assessment and certification received from the

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airworthiness authority of country concerned for the Air-system or airborne-store is also an 'applicable means of compliance' to the design airworthiness certification requirement necessary to issue 'permit to fly'.

### CHAPTER III

#### DEFENCE AERONAUTICAL QUALITY ASSURANCE AGENCY i.e. DIRECTORATE GENERAL OF AERONAUTICAL QUALITY ASSURANCE 'DGAQA'

**4. Defence Aeronautical Quality Assurance Agency i.e. Directorate General of Aeronautical Quality Assurance(DGAQA)---**(1) DGAQA 'an attached office to the Ministry of Defence' shall act as Defence Aeronautical Quality Assurance Agency, to assess airworthiness by product conformity. DGAQA shall effort to induce Quality consciousness in military aviation functions and ensure Quality Conformance for military aviation products.

**5. Director General.---**(1) There shall be a Director General of the DGAQA appointed in accordance to the Defence Aeronautical Quality Assurance Service Rules (DAQAS) service rules.

**6. Officers and Employees of DGAQA.---**(1). The DGAQA shall have DAQAS officers appointed on all functional duty posts, assisted by officers & staff of various cadres.

**7. Powers and Functions of DGAQA---** The powers and functions assigned to DGAQA under this act includes power to---

(1) Organize, direct, and manage the agency and all assigned resources in accordance with this act.

(2) Stipulate Quality Assurance Requirements (QAR) for the Indian military aviation industry. Issue AQA directives contained with procedures and mandatory guidelines, publicise them as required and ensure their implementation.

(3) Perform QA functions during procurement of Aeronautical and related stores intended for Indian military purpose by ensuring flow-down of QA requirements into defence procurement contracts, compliance thereby and exercise inspection authority for acceptance.

(4) Administer AQA functions at substantiated and sustained military aviation store and service suppliers and entrust them for the primary responsibility for Quality compliance through a suitable framework of approval to the Firm and its Quality Management System (QMS) and ensuring Quality compliance under continual overseeing by DGAQA.

(5) Issue 'Permit to Fly' in form of 'Certificate of Safety for Flight;F-1090' for all flights conducted for conformity assessment of the military Air-system which includes

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Development, Modification, Production test flights, Induction & Ferry flights and Training flights conducted by Manufacturer for military pilot training purpose.

(6) Extend QA coverage to indigenous Aeronautical Design & Development projects intended for military use, carried-out by Government Agencies, PSUs, Private Firms or any entity on the Indian soil.

(7) Register all Military Air-systems as central registry of military aircrafts produced/operated in India.

(8) Register prospective military aviation store suppliers under list of MoD suppliers for the respective store.

(9) Accord approval to authorise Aeronautical pioneering test facilities especially wherein other contemporary test lab approval {National Accreditation Board of Laboratories (NABL) approval etc} references are not available.

(10) Carrying out surveillance or survey of any military aviation and related store, process system or service to monitor their Quality.

(11) To seek any product specification data (both proprietary as well as non-proprietary data) at any stage of the product life cycle right from the stage of product realisation to retirement from service. It is incumbent upon the Production/ Maintenance Organization to provide such data to DGAQA. This covers such data which was not asked during design & development and exploitation phase.

(12) To seek seamless flow of Product specification data, Analysis Reports and Test Reports etc. even in case of delegation & decentralization/ entrustment of airworthiness ensuring responsibility.

(13) Constitute enquiry on Air-system accident/incident happened at manufacturer's works and on cases where enquiry conducted by the user indicates discrepancies/defaults in manufacturer's domain. Concerned agencies, as mentioned with the convening order shall be obliged to facilitate and assist the enquiry/investigation as required.

(14) enter into and search places, premises or vehicles, inspect and seize goods or articles, aero-stores or other material or document which in his opinion will be useful for, or will be relevant to establish contravention to Quality compliance requirements in military aviation.

(15) Take samples of any Goods, article or any material or substance used or intended to be used in relation to any military aviation store, which in his opinion will be useful for, or will be relevant to establish contravention to Quality compliance requirements in military aviation.





(16) Initiate enforcement actions against:

(a). Any person employed/engaged by an organisation/firm/company dealing in military air-systems and airborne stores, who for any reason such as negligence/decision/action under allocated duties, adversely affect military aviation product Quality and thereby contravenes the provisions invoked for quality conformance of military aviation store and shall impose financial penalty upto 50 thousand rupees. Also, to recommend the organisation/firm/company to take punitive actions, such as suspension or monetary penalty or suspension of career progression.

(b). Any person who deliberately contravenes or wilfully defaults the provisions for Quality compliance and shall impose financial penalties which may extend upto two lakhs rupees or imprisonment term as per relevant sections of BNS (BHARATIYA NYAYA SANHITA) or both.

(c). Offences by the companies---in case of non-compliance to the quality requirements, inspection lapses, furnishing incorrect/false information or quality data, violation of terms and conditions of the approval, not meeting the defined quality performance standards etc. The enforcement actions may include warning letter, suspension, withdrawal of approval, issue of Non-Conformance (NC) notices with financial penalties upto 1 crore rupees, black listing and Imprisonment term per relevant sections of BNS (BHARATIYA NYAYA SANHITA) for the directors in case of wilful default.

(d). Organisation or person for negligence/repeated negligence, wilful defaults against the design requirements/ criteria for airworthiness assessment.

(17) Communicate with counterpart foreign governments agencies, and respond to the authorised representative/delegations of foreign government, as appropriate to carry out assigned responsibilities and functions. Obtain membership of regional, international and foreign bodies having similar objectives and sign memorandum of understandings (MoUs) for reciprocal GQA arrangements to facilitate acceptance of the indigenous items for exports.

(18) Authorise and approve publication of advertisements, notices or proposals in newspapers, magazines, other public periodicals, internet/social media, as required for the effective discharge of responsibility and functions enlisted in this act.

(19) Obtain reports and information from concerned ministries/departments of Government of India (GoI), in accordance to the GoI directives issued from time to time, as necessary, to carry out assigned responsibility and functions enlisted.

(20) Establish branches/FEs across country so as to efficiently perform allocated responsibilities and functions.

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## CHAPTER IV

### ENTRUSTMENT OF PRODUCT CONFORMITY ASSESSMENT FOR 'AIRWORTHINESS' AND ITS OVERSEEING

**8. Power of Central Government to make rules.**—Subject to the provisions of Section 9, the Central Government may, by notification in the Official Gazette, make rules for entrustment of airworthiness ensuring responsibility to the individuals/company involved in the design, manufacture, possession, use, operation, overhaul, repairs of military Air-systems, & Airborne stores.

**9. Laying of rules before Parliament.**—Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session [for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**10. Entitlement and obligations of Organisation/Companies:** Organisations/Companies engaged in design, manufacture, possession, use, operation, overhaul, repairs of military Air-systems, & Airborne stores are--- (1). Entitled to seek entrustment of the 'responsibility for product conformity assessment' in all primary airworthiness functions. Entrustment made shall be accompanied by DGAQA assistance to the organisation/companies in discharging entrusted 'responsibility for product conformity assessment', as and when requested by them. Under the Entrustment made, the escape against Airworthiness compliance occurred in respect of technological reasons which were un-known/un-discovered before occurrence of failures/incidents/accidents shall ordinarily not constitute to an offence categorised for penal action as per section 13.

(2) Obligated to provide product specification data (both proprietary as well as non-proprietary data) at any stage of the product life cycle right from the stage of product realisation to retirement from service. This covers such data which was not asked during design & development and exploitation phase.

(3) Obligated to provide seamless flow of Product specification data, Analysis Reports and Test Reports etc. even in case of delegation & decentralization/ entrustment of airworthiness ensuring responsibility.

(4). Obligated to facilitate free access to DGAQA officers in all concerned areas of operation, share information concerned & provide reasonable facilities to enable them to discharge their duties in accordance to this Act.

(5). Obligated to inform DGAQA of any change in the conditions which were declared at the time of assessment of registration or QMS (Quality Management System) approval or airworthiness verification or quality of product. Any change in design shall be brought to

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the notice of DGAQA. Information obtained by DGAQA from any statement made or information supplied or any evidence collected or from inspection done shall be treated as confidential and IPR Protected, provided that nothing shall apply to the disclosure of any information for prosecution purposes or risk mitigation in military aviation.

## CHAPTER V

### PENALTY FOR OFFENCES AGAINST 'AIRWORTHINESS BY PRODUCT CONFORMITY'

**11. Penalty for offences against Airworthiness compliance:** Explicit to the terms and conditions of the contract between concerned parties for the liabilities against compensation/penalties, this Act provisions for 'over and above' imposition of penalties by DGAQA against the Companies/firms/organisations engaged in design, manufacture, possession, use, operation, overhaul, repairs of military Air-systems, Air Armaments & Airborne stores and any person employed/engaged/detailed by such organisation/firm/company for the mentioned purposes and thereby for committing offences such as---

	<b>Offence</b>	<b>Penalty on Individual committing offence/culpable in offence</b>	<b>Penalty on company for culpability /overall accountability</b>
(1)	<p>In-advertent neglect causing:</p> <ul style="list-style-type: none"> <li>i.Non conduct of assessment at development milestones.</li> <li>ii.Escape of technical review.</li> <li>iii.Escape of QA checkpoint.</li> <li>iv.Non Adherence to procedural requirements of QMS approval held.</li> <li>v.Non conduct of periodical Non-Conformity (NC) reviews</li> <li>vi.Non conduct of Defect Investigation (DI) reviews.</li> <li>vii.Non conduct of periodical Internal Quality Audits.</li> <li>viii.Non conduct of periodical Quality reviews.</li> </ul>	10 thousand rupees	5 lakhs rupees

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(2)	<p>Escapes against technical procedure:</p> <ol style="list-style-type: none"> <li>i. Non conduct of production process verification and validation.</li> <li>ii. Non adherence to technical validation procedure.</li> <li>iii. Violation of drawing office procedure.</li> <li>iv. Traceability gaps.</li> <li>v. neglect/non-self reporting by operating personnel of variations/deviations/NCs evidenced/observed</li> <li>vi. Furnishing incorrect entries in the inspection records or incomplete records</li> <li>vii. Quality attestation outside allocated scope.</li> <li>viii. Non adherence of design change procedure.</li> <li>ix. Inspection attestation on incomplete inspection documents/test records/ technical activities.</li> <li>x. Non adherence to Quality review/DF recommendations</li> <li>xi. Failures in observing/reporting deviations.</li> </ol>	25 thousand rupees	10 lakhs rupees
(3)	<p>Non adherence/Neglect of technical requirements.</p> <ol style="list-style-type: none"> <li>i. Use of non qualified/ non-calibrated gauges and equipments.</li> <li>ii. Un authorised work on aircrafts/components/parts.</li> <li>iii. un authorised change in documents.</li> <li>iv. Generation of un-authorised technical documents.</li> <li>v. un-authorised changes to the configuration.</li> </ol>		

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	<p>vi. un-authorized manufacturing process change.</p> <p>vii. Non record keeping of deviation/variation/NCs.</p> <p>viii. production walkahead escaping quality validation tests/checks.</p> <p>ix. production walk ahead disregarding evident technical non-compliance.</p> <p>x. use of non-validated/unapproved parts</p> <p>xi. Non-adherence to the Process control Document/process requirements such as sealant curing time- temperature requirements Paint curing requirements etc.</p> <p>xii. Use of un-approved test equipments tools, jigs &amp; fixtures.</p> <p>xiii. Failures in taking measures to obviate deviations.</p> <p>xiv. Failures in conducting root cause analysis of deviations and implementing corrective and preventive actions</p> <p>xv. Use of un-authorized components/parts/consumables.</p> <p>xvi. Use of parts from unauthorised source.</p>	50 thousand rupees	50 lakhs rupees
(4)	<p>Wilful defaults (audacious/deliberate/intentional acts) of</p> <p>i. Use of non-conforming parts or life expired material/parts.</p> <p>ii. Submission/presentation of false or forged or morphed reports and records.</p> <p>iii. Wilful neglect of deviation/variation/NCs.</p> <p>iv. Production walkahead with an intent to hide Non Conformances.</p> <p>v. Production walkahead</p>	2 lakhs rupees or imprisonment term as per relevant sections of BNS (BHARATIYA NYAYA SANHITA) or both	1 crore rupees

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	<p>disregarding production hold by company quality personnel or DGAQA against evidenced non conformances in process/product assessment.</p> <p>vi. Failure in complying with penal actions imposed upon.</p> <p>vii. Conducting flight without having a valid 'Permit to Fly i.e. F-1090'</p>		
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(5). Any other offence by action or intent which in opinion of DGAQA is adversely affecting the product conformity/Airworthiness and safety of military aviation store will be categorised in sub-section (1) to (4) for penal actions.

(6). Under penal action on companies registered as Micro, Small and Medium Enterprise as per the criteria of classification notified by the Government, monetary penalty on company for culpability /overall accountability under sub-section (1), (2) and (3) shall be restricted to 1/10<sup>th</sup> for Micro, 1/5<sup>th</sup> for Small and 1/2 of the amount for Medium Enterprise as against the specified penalty amount.

**12. Penalty for abetment of offences and attempted offences.**—Whoever abets the commission of any offence under this Act or the rules or attempts to commit such offence, and in such attempt does any act towards the commission of the offence, shall be liable to the punishment or with monetary penalty which may extend upto 50 lakh rupees or with imprisonment term as per relevant sections of BNS(BHARAT NYAY SANHITA), or with both.

**13. Penalty for act in contravention of rule made under this Act.**--- any person/company who/which for any reason contravenes any provision of any rule made under this Act, shall be punishable with monetary penalty which may extend to one crore rupees or with imprisonment term as per relevant sections of BNS (BHARATIYA NYAYA SANHITA) or with both.

**14. Ground for protection of customer rights:** Penal actions imposed upon a company under this Act shall be considered a valid ground for the customers of the company to invoke contractual provisions as they may be.

**15. Compounding of Offence**---(1)Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence committed for the first time, punishable under this act, not being offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by a DAQAS officer or any DGAQA officer so authorised by Director General, in such a manner as may be prescribed. Every such officer shall exercise the powers to compound an offence subject to the directions, control and supervision of the Director General and the subordinate elements as per the flow of command structure. The compounding officer shall essentially provide reasonable opportunity to the individual/

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company to represent and shall impose penalty after satisfying himself about committed offence.

**16. Cognizance of offences.**—(1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by or with the previous sanction in writing by the Director General of Aeronautical Quality Assurance.

(2) The complaint referred to in sub-section (1) shall be made within a period of one year from the date on which the offence came to the knowledge of the Director General of Aeronautical Quality Assurance.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try the offences under this Act.

**17. Appeal**---Any person/organisation/company aggrieved by the order made in section 11, 12 & 13 may prefer to make the first appeal to the competent authority in DGAQA notified under the rules within such period as prescribed. Subsequent second appeal may be made to the Competent Authority in DGAQA/MoD as notified under the rules, which will be decided by competent authority with exercise of prerogative on the appeal as 'Fit for Admission' or otherwise. Competent Authority as notified under the rules shall be entrusted with full powers to repeal enforcement action in such cases.

## CHAPTER VI

### MISCELLANEOUS

**18. Action taken in good faith**---No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is done in good faith under this act or rules or regulation made there-under.

**19. Saving of Application of Act**--- Nothing in this Act or any order or rule made there-under shall apply to armed forces of the Union of India [Air Force, Navy, Coast Guard and Army], to any person employed with these forces or to any of Air-System, Air Armament or Airborne store in possession of these forces.

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