

AVIATION SAFETY

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AUDITS OF STATE
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INTRODUCTION

This subject is about compliance and non – compliance of Safety and Security standards laid down by ICAO from time to time. Undoubtedly such standards and recommended practices have to be followed by all the 180 signatories to Chicago convention of 1944, which includes Asian states and India as well. To ensure compliance. ICAO conducts safety and security Audits.

2. CHICAGO CONVENTION / ICAO AND STANDARDS

ICAO is the apex body under United Nations formed in accordance with Part II of Chicago Convention. After intensive studies, extensive deliberations and detailed analysis ICAO laid down various standards and practices to be followed by all Civil aircraft and aviation authorities the world over for achieving Safe & orderly flow of air traffic.

3. INTERNATIONAL STANDARDS & RECOMMENDED PRACTICES.

- i. As per Article 37 of Chicago Convention, ICAO is to adopt and amend from time to time, as may be necessary, international standards and recommended practices dealing with Communication Systems, *airports*, *air traffic* control, Licensing of operating personnel, Air worthiness of aircraft, exchange of meteorological information, aircraft in distress and investigation of accidents. Any infraction of the convention and any failure to carry out recommendation or determination of the council of ICAO, is reported to contracting states as per Article 54 of the convention. Adoption and amendments in the form of annexes is as per Article 90 of convention.
- ii. With regard to international standards & recommended practices on Security, Annexure 17 has been developed by ICAO. This is in force since 22.3.74 and embodies provisions on the following :
 - a. Potential hazards at airports.
 - b. New security equipments
 - c. Carriage of weapons
 - d. Pilot in command

- e. Pre-flight checks
- f. Safety on board of passengers
- g. Security control of baggage.
- h. Exchange of information by contracting states for safe guarding international civil aviation against acts of unlawful interference.

4. NON COMPLIANCE OF SAFETY / SECURITY STANDARDS MAY LEAD TO ACCIDENTS AND CONSEQUENT BLACK LISTING AND BANNING OF FLIGHTS OF PARTICULAR AIRLINES.

- a. Keeping in view that lives of people are at stake Black listing on the basis of performance record is neither unwarranted nor arbitrary nor irrelevant, though black listing tarnishes the reputation of an airline and is a harsh measure having disastrous effects.
- b. Blacklisting prevents an airline from the privilege and advantage of entering into a lawful relationship with the Govt. for purpose of gain.
- c. Black lists are real instruments of coercion, as every airline whose name is on, soon discovers to his cost. Airlines in the black list are for special avoidance. It indicates that Airlines does not conform to the rules. In other words black listing censures an Airline. It creates untrustworthiness. Its adverse civil consequence is on its future business.
- d. Even if rules do not expressly say so, it is elementary principle of natural Justice that parties affected by an order should have right of being heard and making representations against the order. Without giving a show cause notice nobody should be black listed.
- e. The procedure to be followed for such a declaration should be reasonably fair & just, consistent with good govt. However some inconsistencies / anomalies have come to light in respect of black listings by some countries. The same are given below :

- i. Pakistan international Airlines (PIA) was blacklisted by E.U., except 777s, 747s, A 310, even though the said airlines completed rigorous safety audit required for membership of IATA. FAA ranks Pakistan as category – I meaning that country conforms to highest safety standards.
- ii. Ukraine is ranked as category 2 or below par by FAA and two of its airlines i.e. Volare and Ukrainian - mediterranean were banned by E.U.
- iii. Indonesia's rash of accidents drew swift sanctions from E.U which banned all the country's Airlines. The FAA had designated the airlines as Category 2. Other nations viz Brazil & Russia had a string of crashes, but were rated as category I by FAA.
- iv. Phuket Airlines of THAI was banned by U.K. & France after series of safety lapses in 2005.
- v. E.U Threatened to ban one of high profile Russian Airlines PULKOVO, which suffered crash in 2006.

However these could be other reasons for accidents i.e. other than safety infractions viz Absence of runway barriers, counterfeit parts of aircrafts and shoddy maintenance. Fatality figure of 2007 i.e. 653 suggests that there is still much to be done.

5. SAFETY AUDITS

Safety Audits are integral part of safety program. These audits.

- Uncover hazards
- Reveal level of compliance with reference to regulatory standards.
- Measure effectiveness of safety programs
- Evaluate management issues that could result in hazards.

6. COMPLIANCE OF SAFETY STANDARDS & RECOMMENDED PRACTICES IN INDIA

- i. D.G.C.A (Directorate General of Civil Aviation) is the Regulatory Body in the field of Civil Aviation primarily dealing with safety issues. D.G.C.A takes all necessary action arising out of Universal Safety audit programme (USOAP) of ICAO.
- ii. Air safety Directorate in India coordinates regional air safety offices with Air safety Headquarters.
- iii. Air worthiness directorate in India ensures effective implementation of safety related standards and recommended practices contained in ICAO annexes.
- iv. Large part of Air Law in India is contributed and developed by ICAO. National aviation laws are interlinked with international air law.
- v. Aviation security clause is put in all bilateral air services agreements in pursuance to resolution dated. 25.06.1986. of ICAO.
- vi. International convention lead to three acts in India viz Tokyo convention Act 1975, Anti hijacking Act 1982 and Suppression of unlawful Acts against safety of Civil aviation Act 1982.
- vii. Section 5A was added in 1972 to Aircraft Act, 1934 thereby authorizing DGCA to issue directions with regard to various matters viz Aerodromes, maintenance of aircraft, air routes, & equipments to be carried for safety in the aircraft. Non compliance of the directions could lead to 6 months rigorous imprisonment and / or fine up to Rs. 10 Lacs. In the interest of public safety, central Govt could issue orders under section 6 of the Act.
- viii. As part of India's commitment to safety, IATA and its members developed IATA operational safety Audit (IOSA), the first global standard for airline operational safety management.

7. FURTHER STEPS REQUIRED TO BE TAKEN FOR AVIATION SAFETY

- i. Since safety of air navigation is and will remain the overriding priority for travelling public, operators, States and international organizations, States have to agree with ICAO in further advanced international safety standards.
- ii. Compliance with standards has to be strictly audited by ICAO mechanism and / or by international regional organizations.
- ii. Investigations into accidents should lead to effective corrections of any faults in Technology, procedures or human conduct.
- iv. Continuing vigilance to check unlawful acts against safety of aviation is unavoidable.
- v. Good order on board is essential to prevent unruly passengers causing danger to safety of flight.
- vi. International & national legal steps need to be taken to keep aviation drug free by enforcing pre employment, periodic, post accident and random testing of aviation personnel.
- vii. More conventions are needed to bring decline in incidents of unlawful acts against aviation.
- viii. Safety management courses need to be introduced, where ever not existing at present.