

MINISTRY OF CIVIL AVIATION

NOTIFICATION

New Delhi, the 19th January, 2012

G.S.R. 34(E).- Whereas certain draft of the Aircraft (Security) Rules 2011 were published as required by Section 14 of the Aircraft Act 1934 vide the notification of the Government of India in the Ministry of civil Aviation No. G.S.R. 109 dated 25 March, 2011 in Gazette of India, Part II, Section 3, sub section (i) dated 25 March, 2011 for inviting objection and suggestion from all persons likely to be affected thereby before expiry of the period of forty-five days from the date of publication of the said rules in the Official Gazette;

And whereas, no objections and suggestions were received from the public on the said draft rules:

Now, therefore, in exercise of the powers conferred by section 4 read with section 5 of the Aircraft Act, 1934, the Central Government hereby makes following rules, namely:

PART I – PRELIMINARY

1. Short title, extent and commencement – (1) These rules may be called the Aircraft (Security) Rules, 2011.

(2) They shall extend to whole of India and apply also to –

(a) an aircraft registered in India, and to persons on an aircraft operated by an operator who has his principal place of business or permanent residence in India, wherever they may be;

(b) all aircrafts in India.

(3) They shall come into force on the date of their final publication in the Official Gezette.

2. Definitions – (1) In these rules unless there is anything repugnant in the subject or context;-

(a) “Act” means the Aircraft Act, 1934 (22 of 1934);

(b) “aerodrome operator” means a person, organisation or enterprise responsible for operation and management of an aerodrome;

(c) “aerodrome entry permit” means the photo identity card, smart card or temporary permit issued by the Commissioner of Security (Civil Aviation), Bureau of Civil Aviation Security, Ministry of Civil Aviation or any person authorized by the Central Government for entry into the aerodrome or part of an aerodrome;

(d) “aircraft operator” means a person, organisation or enterprise engages in or offering to engage in an aircraft operation;

- (e) “acts of unlawful interference” means acts or attempted acts to jeopardize the safety of civil aviation and air transport, including-
- (i) unlawful seizure of aircraft in flight;
 - (ii) unlawful seizure of aircraft on the ground;
 - (iii) hostage-taking on board aircraft or on aerodromes;
 - (iv) forcible intrusion on board an aircraft, at an aerodrome or on the premises on an aeronautical facility;
 - (v) introduction on board an aircraft or at an aerodrome of a weapon or hazardous device or material intended for criminal purposes;
 - (vi) communication of false information with a view to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an aerodrome or on the premises of a civil aviation facility;
- (f) “airside” means the movement area of an aerodrome, adjacent terrain and building or portions thereof access to which is controlled;
- (g) “Commissioner” means the Commissioner of Security (Civil Aviation), Bureau of Civil Aviation Security, Ministry of Civil Aviation who shall be appropriate authority for the requirements of Annex 17;
- (h) “Aviation Security Group” means an unit of specialized Government agency authorized by the Commissioner to safeguard civil aviation against acts of unlawful interference and protection of property at the aerodrome handling civil aviation;
- (i) “Cabin baggage” means a baggage intended for carriage in the cabin of an aircraft;
- (j) “Convention” means the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944;
- (k) “express cargo” means goods other than mail and accompanied or baggage involuntarily or inadvertently separated from passengers or crew which is required to be carried on priority basis by an aircraft operator;
- (l) “In-flight security officer” means Government security personnel deployed on board an aircraft for maintaining security of aircraft against any acts of unlawful interference;
- (m) “mail” means dispatches of correspondence and other objects tendered by and intended for delivery to postal administrations;
- (n) “movement area” means the area of an aerodrome which is intended for the surface movement of an aircraft and includes the man powering area and aprons;
- (o) “national civil aviation security programme” means such programme established by an officer authorized by Central Government in this behalf to give effect to any annex of the Convention with the prior approval of central Government;

- (p) “officer” means a person appointed or employed in any office by Government of India;
- (q) “prohibited article” means an object which can be used to commit an act of unlawful interference an which has not been properly declared;
- (r) “public aerodrome” means an aerodrome which has been licensed for use by public at large;
- (s) “regulated agent” means an agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the Commissioner in respect cargo, courier and express parcels or mails to be transported by air;
- (t) “screening” means the application of technical or other means which are intended to indentify or detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference with civil aviation;
- (u) “security” means a combination of measures, human and material resources intended to be used to safeguard civil aviation against acts of unlawful interference;
- (v) “security accident” means an occurrence which results in death or grievous hurt to a person or major damage to the property;
- (w) “security clearance” means compliance with the security controls specified in the national civil aviation security programme with regard to any aircraft, person or object;

Explanation:- For the purposes of this clause “grievous hurt” shall have the meaning assigned to it in Indian Penal Code 1860;

- (x) “security restricted area” means airside areas of an airport into which access is controlled to ensure security of civil aviation including passenger areas between the screening check point and the aircraft, the ramp, baggage mark up area, cargo sheds, mail center, airside catering and aircraft cleaning premises;
- (y) “security incident” in relation to civil aviation security means an occurrence, which takes place either on the ground or in flight, which results –
- (i) in injury to a person, damage to property, fire and breakage;
- (ii) contravention or breach of security laws, regulations, national civil aviation security programme and orders issued by the Central Government under the provision of the Act;
- (z) “security control” means the method by which the introduction of weapon, explosive or other dangerous device, article or substance, which may be used to commit an act of unlawful interference, can be prevented;
- (za) “security programme’ means written measures specified by the Commissioner to be adopted by an entity to safeguard civil aviation against acts of unlawful interference;
- (zb) “terminal” means the building or group of buildings and includes arrival building where screening of passenger, baggage, cargo and courier bag is done and boarding on aircraft takes place;

(zc) “unattended baggage” means baggage at an aerodrome with or without a baggage tag which is not picked up by or identified by a passenger or any other person;

(zd) “vital installation” means any facility on or connected with an aerodrome, which, if damaged or destroyed, would seriously impair the functioning of the aerodrome.

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meaning as is assigned to them in the Act.

3. Duties of commissioner.- The commissioner shall;-

(a) establish, develop, implement, maintain and review the national civil aviation security programme consistent with the provisions of Annex-17 to the convention to safeguard civil aviation operations against acts of unlawful interference and threat perception taking into account the safety, regularity and efficiency of flights;

(b) make order necessary to carry out national civil aviation security programme;

(c) respond immediately to meet any increased security threat;

(d) define and allocate tasks and coordinate activities between the departments, agencies and other organisation of the State Government, aerodrome and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme;

(e) establish an national aviation security committee or similar arrangements for the purpose of coordinating security activities between the departments, agencies and other organisations, aerodrome and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the national civil aviation security programme;

(f) establish, develop and implement national civil aviation security training programme for personnel of all entities involved with or responsible for the implementation of various aspects of the national civil aviation security programme which shall be designed to ensure the effectiveness of the said security programme;

(g) designate an authority at each aerodrome serving civil aviation who shall be responsible for coordinating the implementation of security controls;

(h) establish aerodrome security committee at each aerodrome serving civil aviation for coordinating the implementation of security controls and procedures as specified in the aerodrome security programme;

(i) develop, implement and maintain a national civil aviation security quality control programme to determine compliance with and validate the effectiveness of its national civil aviation security programme;

(k) establish and implement policy and procedure to adjust relevant element of its national civil aviation security programme accordingly, based upon a security risk assessment carried out by the national security agencies.

4. Appeals. – If any person is aggrieved by an order passed by an officer in exercise of a powers conferred on him by these rules, he may prefer an appeal to the Central Government.

PART II – SECURITY MEASURES AT AERODROMES

5. Planning, design and layout of the Aerodrome security requirement –

(1) The Planning, design and layout of the aerodrome shall be according to the specifications provided in the national civil aviation security programme including,-

(a) security control applied to passenger, baggage, cargo, courier, express parcel, mail, catering store and supply;

(b) protection and control of access to airside, security restricted area and other sensitive aerodrome area and facility;

(c) the use of security equipment; and

(d) architectural and infrastructure related requirements.

(2) Every aerodrome operator shall establish security restricted area at aerodrome serving civil aviation in accordance with the security risk assessment carried out by the Commissioner.

(3) Aerodrome operator shall make aerodrome design mentioned in the national civil aviation security programme by integrating the design and construction of new facilities and alternation to existing design and facilities at aerodromes shall be carried out after obtaining in writing the approval of the Commissioner.

6. Aerodrome perimeter,- Every aerodrome operator shall construct a perimeter wall of the height of 2.438 meter (8ft) with overhung fence of 0.457 meter (1.5ft) around the aerodrome:

Provided that the Commissioner, keeping in view the threat or any other reason, may by order, increase the specification of the perimeter wall.

7. Provision of lighting, road for patrolling and observation post – The aerodrome operator shall make the following security arrangements at the aerodrome, namely:-

(a) lighting for perimeter and any other sensitive area;

(b) all-weather road for patrolling by the security personnel; and

(c) observation or command posts for the security personnel;

Provided that the Commissioner may, taking into consideration the security perceptions make such order in writing as may be deemed appropriate for security arrangements.

8. Aerodrome security programme.- Every aerodrome operator shall, with the approval of Commissioner, make and comply with aerodrome security programme in accordance with the national civil aviation security programme and any amendment to such programme shall be made after the approval of the Commissioner.

9. Security clearance for operations at aerodrome.- (1) No aerodrome operator shall commence operation at aerodrome without obtaining the clearance of security arrangements and the approval of the aerodrome security programme from the Commissioner.

(2) Where the Commissioner is satisfied that any aerodrome operator has contravened or failed to comply with the provision of these rules, he may, after given him an opportunity of being heard, and for reasons to be recorded in writing, suspend or cancel the security clearance and security programme granted or approved by him.

10. Handling of unattended or suspect baggage.- The aerodrome operator shall-

- (a) construct and maintain a protected and isolated area for placing a suspect or unattended baggage; and
- (b) get the same investigated and disposed off.

11. Business establishment at aerodrome – No aerodrome operator shall allow the setting up of any business establishment in the security restricted area of aerodrome without obtaining security clearance in this regard from the Commissioner;

Provided that where any business establishment is established in the security restricted area after the approval of the Commissioner, the owner of the business establishment shall make and comply with business establishment security programme in accordance with the national civil aviation security programme.

12. Protection of facilities owned by aerodrome operator.- Every aerodrome operator shall demarcate and protect all vital installations owned by him including technical and maintenance, power supplies, electrical sub-station, control towers and other building used by air traffic services and communication facilities.

13. Aviation Security Group. – (1) Every aerodrome operator shall engage such number of personnel of Government security agency as may be determined by the Commissioner for performing security duties assigned to it under these rules.

(2) The personnel engaged under sub-rule (1) shall be designated as Aviation security Group shall be designated as chief Aerodrome Security Officer.

(3) The Aviation Security Group shall work under the general supervision and direction of the aerodrome in-charge.

(4) The aerodrome operator shall provide such facility and support to the Aviation Security Group as may be approved by the Commissioner.

(5) In emergent situations, the Commissioner may make necessary changes in the deployment of Aviation Security Group.

14. Duties of the Chief Aerodrome Security Officer.- The Chief Aerodrome Security Officer shall perform following duties, namely:-

- (i) safeguarding of passengers, crew, ground personnel and other aerodrome users, aircraft, aerodrome and related facilities including vital installations;
- (ii) enforcement of access control measures into the restricted area of the aerodrome;
- (iii) Security of perimeter;
- (iv) Screening of passengers and their hand baggage;
- (v) surveillance within and around aerodrome area;
- (vi) enforcement of security measures including car parks, viewing gallery, aerodrome restaurant and areas close to movement area;
- (vii) enforcement of security measures;
- (viii) maintenance of order and discipline in the aerodrome premises;
- (ix) supervise the movement of persons in the restricted areas;
- (x) maintenance of liaison with local police and intelligence agencies; and
- (xi) any other duty assigned by the Commissioner.

15. Ground handling service.- No ground handling service provider shall be allowed to provide ground handling services at any aerodrome without obtaining the security clearance and the approval of its security programme from the Commissioner.

16. Contingency Plan.-

- (1) The aerodrome operator shall make contingency plans to deal with acts of unlawful interference with the approval the Commissioner.
- (2) The contingency plan shall be tested at such regular intervals as may be specified by the Commissioner.

17. Disembarkation of unruly passenger.- The Chief Aerodrome Security Officer or any other Officer of Aviation Security Group authorized by him in this behalf shall, on a written request of the pilot-in-Command, disembark any person from the aircraft on grounds of risk to safety and security of the passengers and the crew.

PART III – AERODROME ACCESS CONTROL

18. Entry into aerodrome.-

- (1) The entry into aerodrome shall be permissible only to the persons having admission ticket or aerodrome entry permit.
- (2) The entry ticket to the aerodrome shall be issued by the aerodrome operator.
- (3) The aerodrome entry permit shall be issued by the Commissioner after due verification.
- (4) The Central Government may direct the Commissioner or aerodrome operator or any other person to issue such admission ticket or aerodrome entry permit.
- (5) No person shall enter into aerodrome without obtaining an admission ticket or aerodrome entry permit.
- (6) The aerodrome entry permit shall be displayed by the holder conspicuously above waist level at all time while on duty.
- (7) No person shall-
 - (a) Leave or throw or cause to be thrown any animal, bird or object,
 - (b) cause any animal under his possession or control to stray, and
 - (c) operate any vehicle without entry permit from the Commissioner in the movement area;

Provided that a passenger in the process of embarking, disembarking or in transit holding an air ticket or any person who is engaged on regular duty at an aerodrome and holds an aerodrome entry permit issued by the Commissioner shall not be required to obtain the admission ticket or entry permit.

- (8) The aerodrome entry permit shall be surrendered to the Commissioner or to any person authorized by the Central Government in this behalf, upon its expiry or cancellation or upon termination of employment of the person to whom it is issued.
- (9) Notwithstanding anything contained in this rule, the aerodrome operator or the Commissioner, may, if he is satisfied that it is necessary or expedient so to do in the interest of security,-
 - (i) refuse admission to any person in the aerodrome; or
 - (ii) require any person to leave the aerodrome.

19. Entry into security restricted area.- (1) The aircraft operator shall make arrangement for movement of person and vehicles to and from the aircraft in security restricted areas at each aerodrome.

(2) Before granting access to security restricted areas, the aviation security group shall screen every person, vehicle, baggage, belongings or supplies.

(3) The entry of vehicles in the security restricted area shall be permissible after obtaining entry permit or special permission from the Commissioner.

20. Prohibition to carry weapons or explosive.- (1) No person shall enter aerodrome or the aircraft with any arm, ammunition or explosive;

Provided that the provisions of this sub-rule shall not be applicable

(i) to the Aviation Security Group, Armed forces and police personnel required to carry their arms or ammunition in connection with the performance of their duties; and

(ii) to such dummy weapon, explosive, explosive device or any other dummy prohibited item, duly authorized by the Commissioner, for the purpose of testing the efficacy of aviation security.

PART IV – PRE-EMBARKATION SECURITY CHECKS

21. Security check before embarkation. –

(1) Before embarkation, every originating passenger and transfer passenger boarding an aircraft and his hand baggage, if any, shall be screened by an officer of the Aviation Security Group or an officer duly authorized in this behalf by the Commissioner.

(2) The provisions of sub-rule (1) shall be applicable to the transit passengers only if they disembark from the aircraft;

Provided that the provisions of sub-rule (1) and this rule shall not be applicable to such persons as may be specified by the Commissioner by a special order.

(3) Aviation Security Group and aircraft operator shall protect the passenger and cabin baggage from unauthorized interference from the point of screening to boarding the aircraft.

22. Certification of screener. – The screening duty shall be performed by such officer who has been certified by the Commissioner.

23. Prohibition on carriage of certain goods.-

(1) The Commissioner may by an order in writing prohibit the carriage of certain goods on persons or in cabin baggage of passenger and crew member which , in his opinion, is likely to be used for committing unlawful interference with civil aviation.

(2) Where prohibited goods are detected during screening, the passenger shall not be allowed to board the aircraft and action may be taken against him in accordance with the provisions of these rules or any other law for the time being in force.

PART V – SECURITY MEASURES BY AIRCRAFT OPERATORS

24. Security Programme. – Every aircraft operator shall, with the approval of Commissioner, make and comply with aircraft operator security programme in accordance with the national civil aviation security programme and any amendment to such programme shall be made after the approval of the Commissioner.

25. Security clearance for operation. – (1) No aircraft operator shall commence operation at aerodrome without obtaining the clearance of security arrangements and the approval of the aircraft operator security programme under rule 24 from the Commissioner.

(2) Where the Commissioner is satisfied that any aircraft operator has contravened or failed to comply with the provisions of these rules, he may, after giving him an opportunity of being heard, and for reasons to be recorded in writing, suspend or cancel the security clearance and security programme granted or approved by him.

26. Deployment of staff. – An aircraft operator shall engage only those personnel for security duties who are whole time employees whose character and antecedents have been verified and who are employed after proper training, selection procedure and certification in accordance with national civil aviation security programme.

27. Security search of aircraft. – An aircraft operator shall carry out the search of his aircraft –

- (a) before taking it to security restricted area; and
- (b) before boarding of passengers after disembarkation.

28. Access control to aircraft. –

(1) The aircraft operator shall control access to aircraft and maintain surveillance from the security check to the departure.

(2) The aircraft operator shall control the non-operational aircraft by keeping,-

- (i) Cabin doors closed;
- (ii) aerobridges and ventral stairs secured, withdrawn or retracted ; and
- (iii) temper evident sealed doors.

29. Closing of cockpit door. – Every aircraft operator shall, -

- (a) lock cockpit doors of aircraft during, all phases of flight, unless required to be opened for operational reasons;
- (b) establish and maintain communication system between the flight crew and cabin crew during flight; and
- (c) assign responsibility of access control of cock-pit to pilot-in-command.

30. Deployment of in-flight security officer.-

- (1) Aircraft operator shall carry such number of in-flight security officer on board a passenger aircraft, as the Commissioner may specify by an order in writing.
- (2) Aircraft operator shall declare to the pilot-in-command the number of armed persons and their seat location.

31. Security control for hold baggage. – The aircraft operator or the aerodrome operator shall screen and protect the hold baggage in such a manner as may be specified by the Commissioner from time to time.

32. Identification and reconciliation of hold baggage. – An aircraft operator shall carry out the identification and reconciliation of hold baggage in such manner as may be specified by the Commissioner by an order in writing from time to time.

33. Transfer baggage. – The aircraft operator shall screen the transfer hold baggage before loading into an aircraft:-

Provided that the hold baggage screened at the point of origin and subsequently protected from unauthorized interference from the originating aerodrome to the departing aircraft at the transfer aerodrome shall not be subject to screening.

34. Carriage of prisoners in aircraft. – The aircraft operator shall carry any prisoner, in such manner as may be specified by an order in writing by the Commissioner.

35. Carriage of cargo, mail, catering items and other stores. – The aircraft operator shall accept on board any cargo, mail, catering items and other stores and supplies in such manner as may be specified by the Commissioner.

36. Detention of aircraft. – The Commissioner or any other person authorized in this behalf by the Central Government may, for reasons to be recorded in writing, detain an aircraft if in his opinion,-

- (a) the aircraft has on board unauthorized arms, explosives or other sabotage devices which are likely to cause danger to the security of that aircraft; or
- (b) the aircraft on board a person who has gained entry in unauthorized manner or is likely to cause unlawful interference with civil aviation operational; or
- (c) the detention is necessary to secure compliance with any of the provisions of these rules.

PART VI – CARGO, COURIER BAGS, MAIL AND REGULATED AGENT

37. Security control for cargo and courier bag. –

(1) Any cargo, express cargo or courier bag intended to be carried on any aircraft, shall be received, processed and handled by regular employees who are trained in accordance with the national civil aviation security programme of aircraft operator or any other agency authorized by an order in writing by the Commissioner.

(2) NO cargo shall be loaded on aircraft without making security controls including X-ray screening or physical search;

Provided that the Commissioner may by an order in writing exempt any cargo, express cargo or courier bag from the provisions of this rule.

38. Registration of courier agency. – NO aircraft operator shall accept any courier bag for transportation from any agency unless such agency,-

(a) has registered as such with the aircraft operator; and

(b) has made and complied with a security programme approved by the Commissioner from time to time.

39. Identification or reconciliation of the Accompanied courier bags. – The identification or reconciliation accompanied courier bag shall be made by air craft operator in such manner as may be specified by the Commissioner from time to time.

40. Prohibition on carriage of certain goods. –

(1) The Commissioner may, by order in writing, prohibit the carriage of certain items through cargo or courier bags or mail.

(2) The consignment containing prohibited article shall not be loaded on aircraft.

41. Protection of security cleared cargo or mail or courier bag etc. – The aircraft operator or airport operator or any other agency working for any of them shall screen and protect the cargo or mail or courier bag in such manner as may be specified by the commissioner from time to time.

42. Regulated agent. – The aircraft operator may engage Regulated Agent for carriage of cargo, courier or mail to be carried by air, who shall function as per the procedure laid down by the Commissioner in writing from time to time.

PART VII-CATERING SUPPLIES AND STORES

43. Catering supplies. –

(1) No person shall supply any catering item from loading in the aircraft without obtaining the approval of its security programme from the Commissioner.

(2) Where the Commissioner is satisfied that owner or operator of catering establishment has contravened the provisions of sub-rule (1), his security programme shall, after affording an opportunity of being heard, be cancelled.

44. Supply of other stores. – No aircraft operator shall load on the aircraft any item for use on the aircraft without security screening.

PART VIII – SECURITY ACCIDENTS / INCIDENTS

45. Reporting of security accident or incident. – Every aircraft operator, aviation security group, aerodrome operator, regulated agent and owner or operator of catering establishment shall report the security accident or security incident to the Commissioner immediately on the occurrence of the security accident or security incident.

46. Investigation of security accident or incident. – (1) The Commissioner may order investigation of any security accident or security incident and appoint an officer not below the rank of Assistant Commissioner of security as Inquiry Officer.

(2) The Inquiry Officer shall, after affording an opportunity of being heard to the defaulting person, make a report to the Commissioner who should forward the same to the Central Government.

47. Power of the Inquiry Officer. – For the purpose of inquiry an Inquiry Officer shall have power-

- (a) to require, by notice, the attendance of any person;
- (b) to require any such person to make an to sign a declaration regarding the true nature of the statements made by him;
- (c) to require the production of books, papers, documents and articles;
- (d) to have access to and examine any aircraft or place.

PART IX - GENERAL

48. Inspection. – Any person, authorized by the Commissioner in writing may, at all reasonable times, enter any place or aircraft to which access is necessary and to inspect the facilities, services, equipment, documents and records for the purpose of securing compliance with the provisions of these rules.

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