



**AIRLINE USERS RIGHTS
AND GRIEVANCE REDRESSAL FORUM**

EKM/TC/360/2023

Ref : No. AURGRF /O-42/24

25th November 2024

**Shri Kinjarapu Rammohan Naidu
Hon. Minister of Civil Aviation
Ministry of Civil Aviation
Rajiv Gandhi Bhawan, New Delhi – 110003**

Subject: Urgent Action Required to Address Critical Safety Gaps in India's Aviation Sector

Respected Minister ji,

Greetings from the Airline Users Rights and Grievances Redressal Forum (AURGRF)!

On August 8, 2024, Hon. MP Shri N.K. Premachandran, in Lok Sabha, called for implementing ICAO Document 10147 to establish a strong safety culture and mandated dangerous goods training for air transport personnel. He also urged the reversal of the flawed Civil Aviation Requirement (CAR) issued on January 25, 2023.

Following this, we submitted a memorandum titled '*Critical Gaps in Passenger Safety Standards and Regulatory Oversight*' on August 29, 2024, which was re-endorsed by Shri N.K. Premachandran MP on September 12, 2024, to your good offices.

The 2nd Asia Pacific Ministerial Conference on Civil Aviation adopted the Delhi Declaration, emphasizing regional cooperation, safety, and accessibility. While India's aviation sector is expanding rapidly, with a projected fleet of 1,400 aircraft serving over 300 million passengers by 2030, safety lapses, regulatory inefficiencies, and weak oversight remain critical concerns.

Following up on our August 29 memorandum, *Critical Gaps in Passenger Safety Standards and Regulatory Oversight*, we sent a detailed letter to the Secretary, Ministry of Civil Aviation, on November 22, recommending urgent measures to align India's aviation framework with international standards. A copy of the letter is enclosed for your reference.


We request your immediate intervention to address these urgent safety challenges and strengthen passenger safety across the sector.


Thanking you and sincerely,

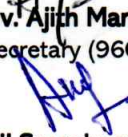
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- Copy to 1 Shri. Murlidhar Mohol, Hon'ble Minister of State for Civil Aviation
2. The Secretary, Ministry of Civil Aviation, Govt of India
3. - Shri. M.K. Premachandran M.P (AURGRF Chief Patron)
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AIRLINE USERS RIGHTS AND GRIEVANCE REDRESSAL FORUM

EKM/TC/360/2023

Ref. No. AURGRF/ 0-41/24

22nd November 2024

To

Shri Vumlunmang Vualnam IAS
Secretary,
Ministry of Civil Aviation,
Government of India, Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi - 110003.

Sub: - Critical Gaps in Passenger Safety Standards and Regulatory Oversight

Ref: - Earlier representations, submitted to your esteemed office on various dates, concluding on 29 August 2024

Sir,

Greetings from the Airline Users Rights and Grievances Redressal Forum (AURGRF)!

The Airline Users Rights and Grievances Redressal Forum (AURGRF), a registered body of aviation experts, legal professionals, and frequent flyers, is committed to addressing passenger rights and safety concerns in India's aviation sector.

Despite established ICAO standards and India's Civil Aviation Requirements (CAR), significant safety lapses and delays in implementing international regulations persist. Passengers are entitled to rights such as information, compensation, care, refunds, baggage protection, and safety. However, India has not fully aligned with ICAO standards, particularly in fare transparency, passenger safety, and compensation. While Article 24 of the Montreal Convention (1999) mandates periodic liability reviews, India's compensation standards remain outdated, with no updates since the global revisions in 2019, even as the next review approaches in 2024. Urgent action is needed to close these gaps and uphold passenger rights.

India's aviation sector grew significantly in 2023, with 133 new aircraft entering service, yet safety oversight lagged. Despite 5,745 surveillance activities, over 300 flights were canceled due to operational issues. A Rs 98 lakh fine on Air India for operating with unqualified crew highlights serious safety lapses. Additionally, the regulatory framework fails to address differences in service models, allowing low-cost carriers to bypass fair competition in fares, services, and safety. Urgent reforms are needed to address these compromises, compounded by limited passenger awareness and intense industry competition.

Recent Dangerous Goods Incidents Highlight Critical Safety Failures

Recent incidents involving Dangerous Goods, including radioactive leaks and fires, expose critical regulatory failures and enforcement gaps in aviation safety. In July 2023, 191 passengers narrowly avoided disaster when an Indigo flight returned to Kolkata due to smoke from prohibited hydrogen peroxide in a postal bag. On August 16, 2024, hazardous chemicals from passenger baggage caused a fire while loaded onto Ethiopian Airlines Flight ET 641 in Mumbai, followed by a radioactive leak at Lucknow airport the next day, endangering passengers and staff. These incidents underscore severe lapses in implementing ICAO Document 10147 and Technical Instructions (Doc 9284), highlighting the urgent need for regulatory reforms to ensure passenger safety.

Page 1 of 6

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Regulatory Deficiencies in Civil Aviation Requirements (CAR):

The Airline Users Rights and Grievances Redressal Forum (AURGRF) Technical Expert Committee on 'Passenger Rights for Safety' has identified significant deficiencies in the **Civil Aviation Requirements (CAR)** issued on **January 25, 2023**, under ICAO Doc 10147 (2021). These gaps compromise safety by failing to address critical issues, undermining regulatory oversight, and exposing passengers to substantial risks.

The AURGRF's recommendations are grounded in the principles and provisions of **ICAO Annexes 6 (Operation of Aircraft), 9 (Facilitation), 17 (Security), 18 (Safe Transport of Dangerous Goods by Air), and 19 (Safety Management)**. However, India may have overlooked the full importance of **Annex 18**, which serves as a cornerstone of global aviation safety, applying to all stakeholders, including postal operators, to mitigate risks, prevent incidents, and safeguard passengers, crew, cargo, and the aviation ecosystem.

Parliamentary Action for Immediate Reform: On August 8, 2024, Hon. MP Shri N.K. Premachandran raised these safety concerns in the Lok Sabha, advocating for the immediate implementation of ICAO Document 10147. He emphasized the need to cultivate a robust safety culture and make dangerous goods training mandatory for all air transport personnel. He also called for reversing the flawed Civil Aviation Requirements (CAR) issued on January 25, 2023, citing its contradiction with the essential provisions of ICAO Document 10147 to address the existing safety gaps.

Memorandum to MoCA and DGCA: In light of escalating safety concerns, the Airline Users Rights and Grievances Redressal Forum (AURGRF) submitted a formal appeal to Hon. Civil Aviation Minister Shri Kinnara Rammohan Naidu on August 29, 2024, with copies to the Secretary of Civil Aviation and DGCA, urging immediate regulatory action,—this appeal, endorsed by Shri N.K. Premachandran MP was reinforced with an additional submission on September 12, 2024, emphasizing the urgent need for intervention.

- Earlier, on September 22, 2023, AURGRF, under Shri Premachandran's patronage, had submitted a detailed memorandum to MoCA and DGCA. Following discussions with former Civil Aviation Minister Shri Jyotiraditya Scindia, the memorandum highlighted 14 critical safety lapses in 2023, exposing passengers and crew to severe risks, including potential fires and catastrophic incidents.

The continued lack of response underscores significant gaps in regulatory oversight. Full implementation of ICAO Doc 10147 and the strengthening of Safety Management Systems (SMS) under ICAO Annex 19 are both regulatory imperatives and moral obligations to ensure comprehensive passenger safety.

Critical Regulatory Gaps in ICAO Doc 10147 and Lapses in CAR dt 25th January 2023

ICAO Document 10147 (2021) requires states to establish a national framework, industry standards, and a dangerous goods control board. This framework, incorporating Competency-Based Training and Assessment (CBTA) aligned with technical instructions and the Procedures for Air Navigation Services — Training (PANS-TRG), ensures that personnel managing passengers, baggage, cargo, mail, and stores are properly trained and competent. It also holds employers accountable for compliance, thereby enhancing global aviation safety.

The Civil Aviation Requirements (CAR) of January 25, 2023, contradict ICAO Document 10147 by lacking a national framework, industry standards, or regulatory control board while failing to define clear functions and responsibilities. By shifting accountability and making training providers responsible instead of employers, it neglects key risks and prevention measures, weakening safety oversight and jeopardizing passenger safety.

Critical Gaps in CAR 2023 Undermining ICAO Doc 10147 and Passenger Safety

1. **Lack of National Framework:** No unified framework, established industry standards, or Dangerous Goods Control Board aligned with competency-based training protocols.
2. **Undefined Roles and Training Standards:** Absence of Functions, stakeholder responsibilities, job roles, content management, level and depth of function-specific training, eligibility criteria, standardized assessments; restrictions on experienced industry professionals in academic roles, coupled with diminished instructor expertise.
3. **Reduced Airline Accountability:** Weakening of airline operator responsibilities and employee accountability.
4. **Inadequate Dangerous Goods Guidelines:** No comprehensive guidance on managing high-risk items like lithium batteries, radioactive materials, and other dangerous goods.
5. **Delayed GHS Adoption:** Slow implementation of the UN Global Harmonized System (GHS) for hazard communication.
6. **Limited Advisories**—There are no provisions for raising awareness of critical safety regulations among employees, employers, and passengers.

Critical Lapses in Aviation Safety and Dangerous Goods Management

The following highlights severe regulatory lapses in handling dangerous goods, which pose significant safety risks and expose critical vulnerabilities in India's aviation safety framework.

- 1) **Irregularities in Handling Radioactive Materials:** Despite serious incidents, including Air India's suspension in April 2022 for improper, dangerous goods storage and a high-temperature event involving radioactive materials in September 2022, the aviation regulator has not issued significant safety directives. The recent radioactive leak at Lucknow Airport in August 2024 further exposes regulatory inadequacies.
- 2) **Inadequate Response to High-Consequence Dangerous Goods Threats:** Recent bomb threats at Indian airports and the August 10, 2024, arrest in Bihar for smuggling 50g of Californium highlight critical vulnerabilities in handling high-consequence dangerous goods. ICAO and IATA classify radionuclides like Gold-198, Cobalt-60, and Californium-252—commonly used in medicine—as severe threats if mishandled or exploited for terrorism. Despite these risks, India has not implemented mandatory competency-based training for handling such dangerous goods, as required by ICAO Technical Instructions and Chapter 8 of the Aviation Security Manual, which poses significant risks to passenger safety and national security.
- 3) **Irregularities in Lithium Battery Handling:** The fire risk from lithium-ion and lithium-metal batteries is steadily increasing, as they can overheat, catch fire, or explode if damaged or mishandled. Despite the suspension of SpiceJet in October 2021 over the mis-declaration of lithium batteries, regulators have yet to issue updated directives on the safe transport of lithium-ion and lithium-metal batteries for passengers and cargo, leaving a significant gap in safety protocols.
- 4) **GHS Adoption Delay - A Threat to Air Travel Safety:** India's delay in adopting the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) for hazardous materials heightens the risk of dangerous incidents, especially in passenger baggage. Familiarity with Safety Data Sheets (SDS) is essential for airline, airport staff, and CISF personnel to properly assess hazards from personal care products, batteries, and aerosols, that pose a significant threat to both operational and passenger safety.

- 5) **Inappropriate Training Mandate:** Annex 18 mandates DG training for postal operators. However, the decision following the Indigo incident in August 2023 contradicts the specific- training requirements in Technical Instructions (Part 1 Chapter 4.7 and Table 1-4) revealing regulatory gaps.
- 6) **Public Awareness and Communication Failures:** Inadequate public awareness regarding aviation safety regulations, particularly on UDAN connectivity routes, poses significant risks. BCAS's report that the daily removal of 25,000 prohibited items from passenger bags underscores the urgent need for improved communication and safety awareness, especially for passengers traveling from remote areas.

General Observations:

India's aviation safety is compromised by the lack of a comprehensive regulatory framework mandated by ICAO Doc 10147, which is crucial for enforcing rigorous dangerous goods training, ensuring employer accountability, and certifying air transport personnel for role-specific safety compliance.

Global Mandates for Dangerous Goods Oversight: ICAO Document 10147 (2021), effective January 2023, mandates ICAO Member States to establish a national framework, adopt industry standards, and form a Dangerous Goods Control Board. It requires integrating Competency-Based Training and Assessment (CBTA) aligned with the Technical Instructions (TI - Doc 9284) and PANS-TRG (Doc 9868) to equip personnel with role-specific skills for hazard detection and risk mitigation. These measures support Safety Management Systems (SMS) under Annex 19, ensuring global aviation safety and compliance.

IATA's Dangerous Goods Regulations (DGR), based on ICAO 10147, and technical instructions, further strengthen global safety with additional restrictive measures and integrated CBTA framework, ensuring precise handling of dangerous goods in passenger baggage, cargo, and mail while holding airlines and employees accountable for maintaining safety standards. Countries like the USA, UK, Canada, Australia, UAE, and regions under EASA (Europe), Qatar, Saudi Arabia, China, Japan, and Singapore have established independent regulatory boards and robust frameworks to enforce ICAO and IATA standards, integrating CBTA and strict regulatory oversight to mitigate risks effectively.

India's Regulatory Deficiencies: India's Civil Aviation Requirements (CAR) lack alignment with ICAO and IATA guidelines on Doc 19147 and a cohesive framework to address critical safety needs, omitting Competency-Based Training and Assessment (CBTA), defined roles for stakeholders, and function-specific training. The absence of a Dangerous Goods Control Board further weakens regulatory oversight, while shifting airline responsibilities to training providers reduces accountability. Restrictive eligibility criteria for instructors exclude experienced professionals, limiting the quality of training to general aviation knowledge rather than role-specific expertise.

The CAR fails to guide on handling high-risk cargo, such as lithium batteries and radioactive materials, leaving India unprepared for emerging challenges like the global adoption of sodium-ion batteries by 2025. Weak competency and compliance monitoring, lack of validity checks on DG certifications, and insufficient verification of authorized signatories and organizational legitimacy further exacerbate safety risks. Additionally, the CAR does not include provisions for incorporating ICAO, IATA, and industry updates. These gaps, compounded by recent dangerous goods incidents, jeopardize passenger and staff safety, highlighting the urgent need for regulatory reforms aligned with global standards.

Persistent Safety Lapses in Dangerous Goods Handling: ICAO and IATA classify over 3,561 items as dangerous goods and mishandling these materials can lead to catastrophic consequences, such as leaks, fires, explosions, and radiation exposure. Recent incidents, including the emergency return of Indigo Flight 6E-892 in 2023 due to hydrogen peroxide and Ethiopian Airlines' mishap in Mumbai in August 2024, echo past events like the Kochi incident in 2011. Safety lapses persist, with passengers still carrying matchboxes or lighters for smoking on aircraft (AURGRF reported 14 cases in August 2023), revealing severe shortcomings in screening and security.

Critical Unawareness: Most employers, management, and workforce are entirely unaware of critical safety regulations, their functional requirements, and the essential need for compliance.

Escalating Safety Risks: Regulatory gaps have created a growing safety crisis, with untrained staff, weak compliance checks, and poor incident reporting increasing risks. Undocumented dangerous goods incidents further hinder safety data collection. The lack of clarity in employer responsibilities and the location approval process for third-party training has resulted in hundreds of ground staff and CISF personnel at multiple airports operating without mandatory Dangerous Goods (DG) certification, significantly jeopardizing safety standards.

Conclusion:

Addressing critical gaps in India's aviation safety framework is vital to safeguarding passengers and ensuring compliance with international standards. Despite a booming market serving over 190 million passengers and handling 967,211 metric tons of cargo in 2023, India lacks a unified national framework and an independent regulatory control board. This absence and inadequate integration of competency-based training for hazardous materials as mandated by ICAO Doc 10147 expose significant safety risks. Without strict regulations and robust oversight, India's expanding aviation sector remains vulnerable to safety lapses and non-compliance, jeopardizing the industry's growth and reputation.

ICAO Document 10147 and CBTA require all stakeholders—airlines, airports, ground handlers, security staff, shippers, cargo agents, and travel companies—to collaborate and ensure safety through proper training. This training is essential to prevent mishandling or mis-declaring dangerous goods including lithium batteries and cells and to comply with ICAO's expanded Safety Management Systems (SMS) under Annex 19. Yet, while the world moves towards adopting eight new UN classifications for sodium-ion technologies by 2025, India still lacks a basic regulatory framework for lithium battery safety, leaving a critical gap in compliance and global alignment.

The Shippers' Dangerous Goods Declaration (DGD) is a critical regulatory document essential for ensuring the safe handling and transporting of dangerous goods. However, the absence of a central registry to verify signatories, the legitimacy of organizations involved, and inadequate compliance monitoring pose a serious threat to passenger safety. Lapses in mandatory training for aviation personnel further exacerbate this risk. Over the past six months, hundreds of ground handling staff, screening personnel, CISF security officers, and other key workers have failed to receive or renew required certifications, endangering the safety of over 5 Lakh passengers moving daily through 142 airports. Compounding the issue, pre-announced audit checks often focus on document verification rather than assessing skills and competencies, leaving gaps in operational safety and increasing potential risks.

India urgently needs regulatory reforms, including establishing an independent aviation safety authority modelled on the UK's CAA, as CAPA- Centre for Aviation (India) recommended. Strengthening India's Universal Safety Oversight Audit Programme (USOAP) performance is crucial for global safety alignment.

To enhance aviation safety and passenger protection, it is essential to establish a national framework, updated industry standards, and a Dangerous Goods Control Board aligned with ICAO Doc 10147 and the IATA CBTA approach (Edition 1, 2022), tailored to national requirements. The IATA Dangerous Goods Regulations Manual, with stricter requirements than the Technical Instructions, ensures compliance with industry standards and operational best practices. This framework must amend the Aircraft (Carriage of Dangerous Goods) Rules, 2003, and replace the flawed CAR issued on January 25, 2023. Functions, responsibilities, job roles, eligibility criteria, training content, depth, and level of training, as well as a standardized assessment protocol, must be clearly defined. The guidance and expertise of industry veterans and professionals with function-specific knowledge should be utilized for developing industry frameworks. Instructors, irrespective of academic qualifications or age, must meet international standards, and function-specific expertise, as outlined in Part 1, Chapter 4.6 of the

Technical Instructions and ICAO's PANS-TRG (Part I, Chapter 3). Additionally, annual IATA or equivalent workshops are essential to stay updated on key changes and address industry challenges.

ICAO Document 10147 mandates that employers must establish dangerous goods training programs based on the Competency-Based Training and Assessment (CBTA) approach, ensuring compliance with national and international standards. These programs must include well-defined functions, objectives, responsibilities, eligibility criteria, training content, depth, levels, and structured processes for renewal and assessment, ensuring personnel are fully skilled and competent before undertaking their duties. Employers using third-party training providers must verify that their staff have acquired the required skills and competencies and demonstrate these competencies in the workplace through continuous assessments. Regulators must oversee these training programs to ensure they produce personnel capable of performing their designated functions effectively within specific operational settings and in full compliance with the national regulatory framework. The scope of audits and spot checks must be legally binding, expanded, and enforced to include all stakeholders within the regulatory framework, ensuring comprehensive safety compliance at all levels.

Key priorities include rigorous training, accountability, competency validation, fault analysis, Corrective and Preventive Action (CAPA) protocols, a Certification Control and Verification Hub, and 360-degree feedback to address hidden or mis-declared dangerous goods, along with incident dissemination to warn the industry. Raising passenger awareness is equally crucial for ensuring safety compliance.

In conclusion, we urge the Ministry to promptly address these critical safety gaps by implementing regulatory reforms and strengthening oversight mechanisms. Establishing a dedicated task force to revise outdated regulations and ensure compliance with international standards is essential. Collaboration with industry experts and regular working groups will be vital in developing a robust safety framework. Your leadership is crucial in enhancing aviation safety and maintaining India's global reputation in aviation. We look forward to your swift action and support.

We are also happy to come in person and provide you with more input on the abovementioned aspects. Thank you for your attention.

Sincerely,

For Airline Users Rights and Grievances Redressal Forum (AURGRF) Executive Committee



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