

Himachal Pradesh Aero Sports Rules, 2004

Tourism And Civil Aviation Department

Notification

CONTENT

1. Short title, extent and commencement.-

2. Definitions.-

CHAPTER-II

REGISTRATION

3. Procedure for application for Aero Sport operations.-

4. Registration and qualifications of operator for Aero Sports.-

5. Registration and Qualifications of the Pilot /Guide /Instructor/ tandem Pilot.-

6. Constitution of Technical Committee.-

7. Functions of the Technical Committee.-

8. Establishment of the Regulatory Committee and its function.-

CHAPTER -III

SAFETY MEASURES

9. Equipments required for carrying out operation.-

10. Medical facilities and other facilities to be available during operation.-

11. Safety measures for operators.-

12. Duties of the operator.-

13. Claim on account of any mishap.-

14. Other safety measures for operator.-

CHAPTER-IV

MISCELLANEOUS

15. Areas for Aero sports.-

16. Classification of rapid grading.-

17. Collection of registration fees and user fee.-

18. Association to be framed.-

19. Functions of the association.-

20. Disciplinary Committee of Association.-

21. Apex Association and its functions.-

No. Tsm -F (6) 3/ 2001.-Whereas the draft Himachal Pradesh Aero Sports Rules, 2002 were published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 28-09- 2002 vide this Deptt. Notification of Even No. dated the 24th August, 2002 for inviting objections/ suggestions from the general public, as required under the provisions of clause (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002) :

And whereas, no objection(s)/suggestion(s) has been received in this behalf during the stipulated period;

Himachal Pradesh Aero Sports Rules, 2004

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Shimla-2, the 21st July , 2004.

Now, therefore, in exercise of the powers conferred under clause (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002, the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the aforesaid Act, namely :-

1. Short title, extent and commencement.-

(1) These rules may be called the Himachal Pradesh Aero Sports rules, 2004.

(2) These rules shall extend to the whole State of Himachal Pradesh.

(3) They shall come in to force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Definitions.-

(1) In these Rules, unless there is any thing repugnant to the subject or context,-

(a) "Act" means the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002);

(b) "association" means a society registered under the Himachal Pradesh Co-operative Societies Act, 1968 ;

(c) " crew members" means the persons who conduct the aero sports operation including the guides accompany the operation ;

(d) "guide" means a person who for the purposes of these rules is registered as such and accompany the operation for guiding its smooth and safe completion ;

(e) "operator" means a travel agent(s) whether individual, company or an association or a society who is registered as such under the Act for carrying out the Aero Sports ;

(f) "operation" means an aero sport trip to be undertaken of undertaken under these rules ;

(g) "participant" means the person(s) who participates in an operation;

(h) "air raft" means any equipment / contraption (para glider, hang glider, hot air balloon, etc.) used for being air borne;

(i) "season"for the purposes of these rules means whole of the year excluding the period from 15th July to 15th September during which no Aero Sports operation shall be permitted :

Provided that the aero sport operation may be permitted in District Lahaul and Spiti during the 15th July to 15th September if the weather conditions permit to do so ;

(j) "travel agent" for the purposes of these rules means a person who is registered and engaged in the business of aero sports for the monitory consideration.

(k) "technical committee" means committee constituted by the State Government under rule 6 ;

(l) "site" means location approved by the Technical Committee for conducting Aero Sport activities.

(2) Words and expression used in these rules but not defined shall have the same meaning as assigned to them in the Act.

CHAPTER-II

REGISTRATION

3. Procedure for application for Aero Sport operations.-

(1) Application for aero sports operation during the ensuing season shall be received in the office of District Tourism Development Officers or Assistant Tourism Development Officer, as the case may be, from the operator from 1st of November to 1st of March each year. The concerned District Tourism Development Officer, as the case may be, shall scrutinize these applications initially and put up the same before the Technical Committee, which shall hold the meeting before 15th of April each year and fix date time and venue for the scrutiny/inspection of the documents, equipments conducting practical/physical tests and guides and final approval by giving at least 15 days clear notice to all the qualified operators.

(2) No operator, shall be permitted to operate aero sports activities in the middle of the season. All operators shall follow the procedure as laid down in sub-rule (1).

(3) The operator(s) or associations, as the case may be, shall be registered with the Tourism Department, Himachal Pradesh and have a local office for at least one year prior to such registration.

4. Registration and qualifications of operator for Aero Sports.-

An operator intending to operate aero sports shall apply for registration to the concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, along with a bank demand draft of Rs. 100/- drawable in favour of concerned District Tourism Development Officer or Assistant Tourism development Officer, as the case may be. The Tourist Development Officer/ Assistant Tourism development Officer, as the case may be, shall issue a certificate of registration to the concerned operator after the approval of the Technical Committee.

(2) The license so issued shall be valid for a period of one year from the date of issue.

(3) No person other than an operator registered for carrying out the aero sport operation shall be permitted to carry on any operation either directly himself or through his employees unless the Technical Committee is satisfied that the operator has all the equipments and he fulfils other requirements under these rules and his proposal has been duly approved/cleared by the said Committee.

(4) No operator shall be permitted to undertake aero sport activities unless he has trained and qualified guide with at least experience of 5 years in aero sports of the required standard with good track record.

5. Registration and Qualifications of the Pilot /Guide /Instructor/ tandem Pilot.-

A person intending to participate in an aero sports operation as a pilot/guide/instructor/tandem pilot shall apply to the concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, in an application along with a Bank demand draft of Rs. 100/- drawable in favour of District Tourism Development Officer/Assistant Tourism Development Officer, as the case may be, who on being satisfied that the person applying for registration fulfills the requisite qualifications and standard for registration with the approval of Technical Committee shall issue a certificate to the person applying for registration. The certificate so issued shall be valid for a period of one year.

6. Constitution of Technical Committee.-

The Government shall, by notification constitute a Technical Committee having jurisdiction over the entire State of Himachal Pradesh consisting of the following members, namely :-

1. The Director Tourism	Chairman
2. Director Mountain Institute Manali	Member
3. Four experts to be nominated by the Govt. of H.P. (from outside H.P.) from Free Flight Association of India, Department of Tourism, Director General of Civil Aviation and Aero Club of India.	Members
4. One member each from the registered Associations in H.P. to be nominated by the Government.	Members
5. Secretary Aero Sports Club of H.P.	Member-

	Secretary.
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7. Functions of the Technical Committee.-

The Technical Committee shall meet at least twice a year, once before the start of season in the first week of April every year and the second in the last week of October every year. The Committee shall be responsible for the following namely :-

(a) to inspect and certify the equipments manufactured by the manufacturer and homologated by an Internationally recognized certification Authority or Federation Aeronotique International) with the operator from safety point of view as per rule 3 ;

(b) to scrutinize the bio data of the operator(s) and guide(s) and to conduct their physical text in order to ascertain their expertise and by doing so to approve the issue of license (licensing as per Civil Aviation Requirements (C.A.R.) to him of the Director Central Civil Aviation and respective Sporting Code of the Federation Aeronotique International and as adopted by the Free Flight Association of India) both to the operators as well as their guides; (Suiting Federation Aeronotique International’s ranking system and as adopted by Aero Club of India and Free Flight Association of India);

(c) to ensure that operator(s) and the guide(s) shall follow all safety procedures specified in these rules and give in writing, the list of such safety equipment;

(d) to identify new sites and areas for Aero Sports in the State apart from those already mentioned in rule 11;

(e) to notify the exact boundaries including take off and landing sites where operation can be safely conducted; and

(f) to determine the carrying capacity for each site before operations can be started.

8. Establishment of the Regulatory Committee and its function.-

The Government shall by notification constitute a Regulatory Committee for each Aero Sport Site consisting of the following :-

(a) The Deputy Commissioner of the concerned District	Chairman
(b) Superintendent of Police	.. Member
(c) Sub-Divisional Officer (Civil) concerned or his nominee	..Member
(d) Medical Officer of the concerned area	..Member
(e) District Tourism Development Officer	..Member
(f) President of the District Aero Sports	..Member Secretary.

Club	President of the District Aero Sports Member Secretary,
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(2) The Regulatory Committee shall have the overall control for regulating the operations taking place in the area with the assistance of the Association.

(3) The regulatory Committee may conduct surprise inspections during the operation to ascertain that these rules are being implemented properly.

(4) The Regulatory Committee may be entrusted with any other function in relation to Aero Sports operation by the Government.

CHAPTER -III

SAFETY MEASURES

9. Equipments required for carrying out operation.-

Each operator shall have to arrange for the following equipments before he is permitted to carry out the operation and at the time of inspection the technical Committee shall check each equipment and shall get the same stamped through the Tourism Department, Himachal Pradesh, namely :-

(1) Flying equipment of Internationally Homologated design.

(2) Safety Parachute and Helmet.

(3) Two way radio communication equipment, instrument panel (Altimeter variometer/compass/Air Speed Indicator) and General Positioning system.

(4) Ground support and retrieval vehicle.

(5) Insurance for self (comprehensive) and Insurance for use of helicopter for casually evacuation.

10. Medical facilities and other facilities to be available during operation.-

(1) The operator during each operation shall carry with him on site two well-equipped first aid kits consisting of triangular bandages, sterile pads, gauze roller bandages, pressure bandages, first aid adhesive tape, splints, scissors, as a bare minimum.

(2) (any other safety equipment to carry)

11. Safety measures for operators.-

No operator shall be permitted to operate operation unless,-

(a) he has to Aero sports qualified guides for the guidance of participants and the persons operating the air raft having the requisite qualifications and experience prescribed under these rules in these rules and have equipment individually for safety measures on the same lines as are required for participants;

(b) he has guides not less than 18 years of age and all guides are well-trained in aero sports and rescue techniques and a guide shall deemed to be qualified with a

minimum training/experience period of five years and has attained a level of flying for carrying passenger;

(c) he has the guides who have through knowledge of the Micro metrology affecting the site are also qualified in first aid/cardio pulmonary resuscitation and have successfully completed the basic course in first aid from Government Hospital or any Recognized Institution;

(d) the guides engaged by the operator are graded by the Technical Committee;

(e) he has instructors and guides who are to pilot the trip equipped with safety gear including helmet at all times during the demonstration as well as the flight;

(f) he display list of the equipments and accessories recommended and makes it available at all times at the site and with the guide/instructor respectively;

(g) he has insured that the guides shall cover all safety details for the trip as given to the participants before start to every trip;

(h) he insures that all the participants are in a suitable attire and bulky clothes, sarees, turbans, neck, ties, long skirts and three piece suites are not used;

(i) he maintain a log book of each aircraft, which shall be a record of usage, inspection, repairs and safety measures to be undertaken by them and the log book shall be countersigned by the member of the association on duty for the fortnight and the inspecting authorities shall also countersigned the log book on the date of the visit and record his remarks;

(j) he has displayed the capacity of the aircraft at the flying site and made visible to the users along-with a warning that to carry more persons than the capacity shall be dangerous;

(k) the Government develops and allots the operation sites in Himachal Pradesh on charging fees for the same, income of which shall accrue to the Association; and

(l) the Regulatory Committee in consultation with the Association shall notify a roster indicating the operator on duty on fortnightly basis and the operator on duty ensures the strict adherence to safety standards for the fortnight on the site.

12. Duties of the operator.-

(1) The operator shall report all incident/accident immediately to the Association/ District Administration/ Chairman Technical Committee.

(2) The operator shall ensure that the aero sports operations shall finish one hour before sunset or 6 PM, whichever is earlier.

(3) Operator shall, before commencing operations for the season inform the respective SDO (Civil)/Police Station concerned/District Tourism Development Officer Assistant Tourism development Officer regarding the duration, timings and nature of operations for the season.

(4) The operator shall keep the environment clean. In case, if any operator or participants or guides is found not ad-hearing to the environment guidelines, his permission will be suspended and a minimum fine of Rs. 5,000/shall be charged.

(5) The operator shall display the laminated license and safety guidelines on the site and also on the air raft for the knowledge of the visitors and participants. He shall have to produce the same when asked by any authority to do so.

13. Claim on account of any mishap.-

The State Government/ Tourism Department, shall not be responsible for any claims on account of any mishap.

14. Other safety measures for operator.-

The operator shall ensure that :-

(a) children below 12 years or less than 40 kg. Shall not be permitted to participate in aero sports;

(b) all participants and crew members shall be provided with full safety gear;

(c) complete safety briefing to all the participants at the start of each operation shall be mandatorily made;

(d) persons suffering from heart ailments conditions, epilepsy , lung disorder, asthma and pregnant women shall not be allowed to participate in the operation;

(e) the right to alter or cancel the operations in any site depending on the prevailing conditions vests with the Technical Committee, regulatory Committee or Tourism department, as the case may be;

(f) each participant shall give an undertaking as at annexure "A" before the start of the operation;

(g) it shall be the responsibility of the operator that the participants shall adhere strictly to the norms laid down in these rules;

(h) any person consuming alcohol in any form or quantity or illicit drugs at least 8 hours prior to the operation shall not be permitted to participate in the operation shall not be permitted to participate in the operation; and

(i) no foreign guide shall be permitted to participate as such in an operation unless he/she has adequate experience and equipments and cleared to do so by the State Aero Sports Association along-with a State Government registered Operator/Club/Travel Agent.

CHAPTER-IV

MISCELLANEOUS

15. Areas for Aero sports.-

Aero sport activities shall be confined to the following sites to begin with, however new sites may be identified by the Technical committee and notified by Director Tourism :-

I Solang Nallah

.. Distt Kullu.

II Marhi

.. District Kullu.

III Bilaspur	..Bilaspur.
IV Bir	.. District Kangra.
V Triund and Dharamkot	.. District Kangra.
VI Kala Top in Dalhousie	..District Chamba
VII Kasauli (monkey point over looking Pinjore)	District Solan

16. Classification of rapid grading.-

The Technical Committee shall grade all the sites or launches, as the case may be, identified for aero sports purposes in following manner, namely :-

- (1) Class 1 : Basic level;
- (2) Class 2 : Intermediate level; and
- (3) Class 3 : Advance and Cross Country level launches.

17. Collection of registration fees and user fee.-

The operator shall, pay to the Government in cash or demand draft draw able in favour of District Tourism Dev. Officer or Assistant Tourism Development Officer, as the case may be, the following fees before commencing the operations :-

- (a) User Fee-Rs. 1500/ per aircraft, per year and Rs. 500/- per guide, per year;
- (b) Facility fee shall be charged at such rate as may be determined by District Tourism development Officer in consultation with the Association in case facilities have been created out of the Government funds at the boarding and landing sites;
- (c) The funds collected from the above sources shall be deposited in the bank account of the district Aero association which shall be operated jointly by the association and the District Tourism Development Officer; and
- (d) The funds shall be used only for the promotion of aero sports, repair and maintenance of common facilities connected with the aero sports.

18. Association to be framed.-

The Government shall form Associations to be known as the District Aero Club (DAC) for each of the Districts in the State for the purpose of Aero sports in which there shall be at-least two nominees of the Government and other members of the club shall be taken from amongst the local qualified pilots who are interested in the Aero sports.

19. Functions of the association.-

- (1) The District Aero Club shall ensure in the safe and convenient conduct of the Aero sports.
- (2) The District Aero Club may extend assistance to the operator when asked for.
- (3) The District Aero Club may manage the camping, lodging and boarding of the participants of the operation and the crew members .

(4) The District Aero Club may conduct the operation on it's own.

(5) The District Aero Club shall conduct any other functions that may be assigned to it by the Government.

20. Disciplinary Committee of Association.-

(1) The District Aero Club shall form a Disciplinary Committee comprising of three to five members to regulate the safety and cleanliness aspects of the sport of Aero sports on site and as per the guidelines adopted by the State Level Association in Himachal Pradesh.

(2) Visiting pilots to the State from within the country or from a foreign country shall get themselves registered with the District Aero Club for the duration of the flying in the District by paying a prescribed fee and declaring the equipment and flying plan during his day.

21. Apex Association and its functions.-

The Government shall constitute an Apex Association (Himachal Pradesh Aero Sports Club) of District Aero Club which shall perform the following functions :-

(1) to coordinate the activities of the various DACs in the State;

(2) to organize State, National and International meets, competitions and festivals on aero sports;

(3) to seek funding from Government of India and other funding agencies for the purpose;

(4) to train and update the knowledge and skills of the guides and operators in the trade; and

(5) to ensure the implementation of these rules.

UNDERTAKING

[See rule 14 (f)]

I have been informed and I am aware that paragliding can be dangerous and includes many risks, and dangers, including but not limited to, the hazards of traveling by paraglider accident or illness in remote places, without medical facilities, forces of nature, acts of God, extreme weather conditions, physical exertion for which I may not be prepared and evacuation difficulties, should I be injured or disabled I have been informed and am aware of these and other inherent risks, and of the proposed trip and acknowledge that the enjoyment of adventuring beyond normal safety of home and work is in part the reason for my participation on this trip.

In full recognition of the forgoing and in consideration of being granted a reservation and acceptance for my participation in an adventure vacation under the auspices of (name of operator who is registered travel agent under the Himachal Pradesh Tourism Development and Registration Act, 2002), operator his agent associates, assigns, employees and guides and successors in interest hereinafter referred as "the operator" I here by agree as follows :-

I hereby release, waive, indemnify and agree not to sue the operator Government of Himachal Pradesh for all or any liability to me, my personal representatives, heirs, assigns, a next of kin, for any and all losses, damages, or injuries or any claim or demand on account of any injury to my person or property, or on account of my death resulting from any cause, including negligence of operator, or others, while I am participating in adventure, I further agree that I will assume the risk and will release operator of any liability for any injury or damage to my body or property or my death due to any negative failure to obtain or administer appropriate rescue operations in the event of injury or mishap, including failure to obtain adequate medical services, to evacuate or to supply treatment, medicine or trained rescue personal.

I further agree that if I am injured or become ill, operator may at my cost, arrange, or supply medical treatment, evacuation, or any other emergency services on my behalf as operator deems necessary or appropriate for my safety and well being.

I expressly acknowledge and agree that Adventure travel, including the operators adventure trip in which I am participating can be dangerous and involves serious and unprecedented of bodily injury, property, damage and death I intend the forgoing waiver and release of operator to be as broad and inclusive as permitted by law, that I am not relying on oral or written representations or operator regarding safety, that I am entering this agreement at my own free will.

I have read and agreed to the policy on cancellation and refunds as stated in the general information else where in the operator brochure. I am aware that should I choose not to purchase insurance cover as put forth under the insurance sub head of general information, I will be liable for all costs in the case of cancellations, trip delays, damage or loss of baggage and medical emergency howsoever caused.

I further agreed that any controversy or claim arising out of or relating to my participation in the paragliding and or this agreement or making preference, or interpretation thereof shall be settled by binding arbitration in Shimla Himachal Pradesh, in accordance with the Arbitration and Conciliation Act, 1996.

I further agree that I will have no liquor or illegal drugs in my possession when participating in the paragliding trip.

I have read and understand all of the terms of this liability and assumption of risk and agree to it of my own free will and without reservation.

(R.H.P. Extra., dated, 24.7.2004, p. 1293-1306)