International Aviation Law
IX Semester LL.B. - Elective Course

Introduction:

International Aviation Law is one of the major areas of law developed in the twentieth century consequent to the rapid developments in air technology. Ever since the Wright Brothers successfully carried out their first engine powered flight in 1903, the aviation law has been a matter of international concern and debate. While the debate between the freedom of air and the sovereignty of states over airspace was the primary concern in the early days, the more complicated questions relating to liability, insurance, airport management and crimes on board aircrafts are the matters of concern for legal fraternity at present. In response to ever increasing legal issues of international debate in civil aviation, the international community has adopted various legal measures at international, regional and municipal levels.

Objective of the Course:

The course, as the title suggests, has the objective of dealing with the developments in the air law at the international level. To start with, the course would look into the provisions of Chicago Convention on International Civil Aviation 1944, which provides the fundamental principles governing the international civil aviation. The composition and working of International Civil Aviation Organization (ICAO) would from one of the major areas of study. The course would then go on to deal with the regime of liability established under the Warsaw Convention 1929 and the related instruments. It would also look into the possibility of application of strict liability in aviation. Rules of liability for damage caused on the surface of the earth and to aircrafts in flight would be covered extensively by referring to the Rome Convention 1952 and the Montreal Protocol 1978. Moving forward, the course is intended to cover the most recent development of aviation insurance, which is the requirement of flying in most of the states. Finally, the course is also designed to deal with the legal issues surrounding crimes on board aircrafts by referring to the Tokyo Convention 1963, the Hague Convention 1970 and the Montreal Convention 1971.
Course Outline:

The course is divided into following seven modules.

Module 1:  Introduction to Air Law

1.1 Theories of airspace

1.2 Origin of air law

1.3 Freedom v. Sovereignty debate

1.4 The development of international legal regime

Time allotted: 3 Hours

Reading List:


Module 2:  Chicago Convention and the Fundamental Principles

2.1 Scheduled and nonscheduled air traffic

2.2 Airline cooperation

2.3 Nationality of aircrafts

2.4 Rules on airports

2.5 Jurisdiction

2.6 International Civil Aviation Organization

Time allotted: 6 Hours
Reading List:


Module 3:  **Carriers’ Liability under the Warsaw Convention**

3.1 Debate over the applicability

3.2 Carriage documents

3.3 Extent of the liability of carrier

3.4 Duration of the Liability

3.5 Jurisdiction and procedural aspects

3.6 Related instruments

Time allotted: 12 Hours

Reading List:


**Module 4: Product Liability in Aviation**

4.1 Concept of product liability

4.2 Move towards strict liability in aviation

4.3 Crashworthiness

4.4 Punitive damages

4.5 Codification of product liability

**Time allotted: 4 Hours**

**Reading List:**


**Module 5: Liability for Damage Caused on Surface and During Collisions**

5.1 Non-applicability of the Warsaw system
5.2 Relevance of the Rome Convention and Montreal Protocol

5.3 Risk liability of the operator

5.4 Liability for noise, sonic boom and crop-dusting

5.5 Air collisions

**Time allotted: 8 Hours**

**Reading List:**


**Module 6: Liability Insurance in Aviation**

6.1 Development of aviation liability insurance

6.2 Risk evaluation

6.3 Aviation Hull Insurance

6.4 Carriers’ liability insurance

6.5 Flying personnel insurance

6.6 Insurance against hijacking of aircrafts

**Time allotted: 6 Hours**
Reading List:


Module 7: Legal Regime Governing Crimes on Board Aircrafts

7.1 Problem of jurisdiction and applicable law to try the offenses on board aircrafts

7.2 The Tokyo Convention

7.3 The Hague Convention to combat hijacking

7.4 The Montreal Convention and the safety of civil aviation

Time allotted: 6 Hours

Reading List:


Books for Reference (For all Modules):

Compulsory Readings:


Recommended Readings:

Modes of Evaluation:

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Dr. Sandeepa Bhat B.
(Course Teacher)