

Certificate Course on Aviation Law

Time: 3 hrs

Marks: 100

Module 1: Introduction to Air Law

- 1.1 Origin of air law
- 1.2 The development of international legal regime
- 1.3 Freedom v. Sovereignty debate
- 1.4 Fundamental principles and the Chicago Convention
- 1.5 International Civil Aviation Organization

Time allotted: 6 Hours

Reading List:

- A. Lord McNair, *The Law of the Air* (Chapter 1 - Introduction), 3rd edition, (London: Stevens & Sons, 1964) pp, 3 – 14,
- B. Peter Martin, et al., *Air Law* (Chapter 1 – Historical Summary), Vol, 1, 4th edition, (London: Butterworths, 1977) pp. 1 – 10.
- C. P.P.C. Haanappel, *The Law and Policy of Air Space and Outer Space* (Chapter 2 – National Sovereignty), (The Hague; Kluwer Law International, 2006) pp. 15 – 23.
- D. I.H. Ph. Diederiks – Verschoor, *An Introduction to Air Law*, 8th revised edition, (The Netherlands; Kluwer Law International, 2006) pp. 13 – 50.
- E. J.G. Gazdik, 'Nationality of Aircraft and Nationality of Airlines as Means of Control in International Air Transportation', *Journal of Air Law and Commerce*, Vol. 25, No. 1, 1958, pp. 1 – 7.
- F. Eugene Pepine, 'ICAO and Other Agencies Dealing with Air Regulation' *Journal of Air Law and Commerce*, Vol. 19, 1952, pp. 152 – 165.
- G. Paul Stephen Dempsey, 'The Role of the International Civil Aviation Organization on Deregulation, Discrimination, and Dispute Resolution', *Journal of Air Law and Commerce*, Vol. 52, 1987, pp. 529-583.

Module 2: Carriers' Liability: Warsaw System and Montreal Convention

- 2.1 Debate over the applicability
- 2.2 Carriage documents
- 2.3 Liability of the carrier
- 2.4 Extent and limits of the liability
- 2.5 Jurisdiction and procedural aspects
- 2.6 Related instruments
- 2.7 Changes brought by the Montreal Convention

Time allotted: 10 Hours

Reading List:

- A. Frederick B. Lacey, 'Recent Developments in the Warsaw Convention', *Journal of Air Law and Commerce*, Vol. 33, 1967, pp. 385 – 401.
- B. Allan I. Mendelsohn, 'The Warsaw Convention and Where We Are Today', *Journal of Air Law and Commerce*, Vol. 62, 1996 – 1997, pp. 1071 – 1082.
- C. George N. Tompkins, Jr. *Liability Rules Applicable to International Air Transportation as Developed by the Courts in the United States* (Chapter 1 – The Road from Warsaw 1929 to Montreal 1999), (The Netherlands: Wolters Kluwer, 2010) pp. 1 – 15.
- D. J.C. Batra, 'Modernization of the Warsaw System – Montreal 1999', *Journal of Air Law and Commerce*, Vol. 65, 1999 – 2000, pp. 429 – 444.
- E. P.P.C. Haanappel, *The Law and Policy of Air Space and Outer Space* (Chapter 5 – Private Aerospace Law), (The Hague: Kluwer Law International, 2003) pp. 67-96.

Module 3: Liability for Damage Caused on Surface and During Collisions

- 3.1 Non-applicability of the Warsaw system
- 3.2 Relevance of the Rome Convention and Montreal Protocol
- 3.3 Risk liability of the operator
- 3.4 Liability for noise, sonic boom and crop-dusting

Time allotted: 4 Hours

Reading List:

- A. I.H. Ph. Diederiks – Verschoor, *An Introduction to Air Law*, 8th revised edition, (The Netherlands: Kluwer Law International, 2006) pp. 211 – 241.
- B. Mairin K. North, 'Current State of the Law in Aircraft Noise Pollution Control', *Journal of Air Law and Commerce*, Vol. 43, 1977, pp. 799 – 822.

C. Anthony J. Ortner, 'Sonic Boom: Containment or Confrontation', *Journal of Air Law and Commerce*, Vol. 34, 1968, pp. 208 – 222.

Module 4: Legal Regime Governing Crimes on Board Aircrafts

- 4.1 Problem of jurisdiction and applicable law to try the offences on board aircrafts
- 4.2 The Tokyo Convention
- 4.3 The Hague Convention to combat hijacking
- 4.4 The Montreal Convention and the safety of civil aviation
- 4.5 Beijing Convention and Protocol 2010

Time allotted: 6 Hours

Reading List:

- A. Peter Martin, et al., *Air Law* (Chapter 11 – Crimes and Civil Aviation), Vol. 1, 4th edition, (London: Butterworths, 1977) pp. 521 – 533.
- B. Robert P. Boyle and Roy Pulsifer, 'The Tokyo Convention on Offenses and Certain Others Acts Committed on Board Aircraft', *Journal of Air Law And Commerce*, Vol. 30, 1964, pp. 305 – 354.
- C. Jacob M. Denaro, 'In-flight Crimes, the Tokyo Convention, and Federal Judicial Jurisdiction', *Journal of Air Law and Commerce*, Vol. 35, 1969, pp. 171 – 203.
- D. R.H. Mankiewicz; 'The 1970 Hague Convention', *Journal of Air Law and Commerce*, Vol. 37, 1971, pp. 195 – 210.
- E. Diana M. Stancu, 'AVSEC Conventions: Beyond Chicago until Beijing', *Global Journal of Airport and Airline Security*, Vol. 16, Issue 5, October 2010, pp. 11 – 13.

Module 5: Aviation Law in India

- 5.1 Historical survey
- 5.2 Aircraft Act and Rules
- 5.3 An Analysis of Carriage by Air Act 1972
- 5.4 Mangalore air Crash: A case study
- 5.5 What is the way ahead?

Time allotted: 4 Hours

Reading List:

- A. S. Bhatt, V.S. Mani and V. Balakista Reddy (eds), *Air Law and Policy in India* (New Delhi: Lancer's Books, 1997).
- B. Sanjay Kumar, 'Airline Liability in India for Death or Injury to Passengers: An Insight from the Perspective of Mangalore Air Crash', *Asian Journal of Air & Space Law*, Vol. 1, No. 2, 2011, pp. 197-210.
- C. Satadru Goswami, 'The Warsaw System and the Montreal Convention: Questions over Implementation of Liability Regime', *Asian Journal of Air & Space Law*, Vol. II, No. 1, 2012 (in print).

Books for Reference:

Compulsory Readings:

Paper – I

I.H. Ph. Diederiks – Verschoor, *An Introduction to Air Law*, 8th revised edition, The Netherlands: Kluwer Law International, 2006.

P.P.C. Haanappel, *The Law and policy of Air Space and Outer Space*, The Hague: Kluwer Law International, 2003.

Recommended Readings:

Paper-I

Lord McNair, *The Law of the Air*, 3rd edition, London: Stevens & Sons, 1964.

J.C. Batra, *International Air Law*, New Delhi: Reliance Publishing House, 2003.

Elmar Giemulla, et al., *Montreal Convention*, The Netherlands: Wolters Kluwer, 2010.
