

CLASS:- LL.M. 3rd SEMESTER

OPTIONAL PAPER

AVIATION SAFETY, SECURITY AND LIABILITY LAWS

Paper: 302-G

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note:

1. There shall be total Five Units in the question paper.
2. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus.
3. There shall be two questions in each Unit i.e. Unit-II to Unit-V.
4. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

COURSE OBJECTIVE:

- With aviation navigation becoming inevitable for the conduct of world trade and tourism, the concerns on safety and security at air space occupies the centre stage.
- The subject highlights the related international legislations on various aspects of safety and security in space.
- Moreover, the subject covers the legal arena for liability in Aviation collision; salvages and wrecks; towage; pilot age; piracy, hijacking and armed robbery at air space.

UNIT-I

Global Air Safety and Security Regulations

- Global Air Safety Regulations:
 - An Overview, Concept and Problems of Aviation Safety,
 - State Sovereignty under Public International Air Law,
 - Air Sovereignty and the Exchange of Air Traffic Rights,
 - The ICAO and Aviation Safety,
- Global Air Security Regulations,
 - Problems relating to aviation security,
 - The ICAO and Aviation Security,
- Conventions Relating to Aviation Security:
 - Convention on Offences and Certain Other Acts Committed on Board Aircraft Tokyo 1963,
 - Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, (Supplementary to the Montreal Convention 1971) 1988,
 - Conventions on the Marking of Plastic Explosives for the Purpose of Detection 1991.

UNIT -II

Anti -Hijacking and Aviation Liability

- Law relating to Anti-Hijacking,
- Aviation Terrorism and Global Regulations,
 - Causes, Impact and Categories of Terrorism,
 - International legal regime for aircraft hijacking.
- Aviation Liability:
 - The Warsaw Convention of 1929,
 - The Hague Protocol, 1955,
 - Montreal Agreement of 1966,
 - Guatemala City Protocol in 1971,
 - Montreal Protocols of 1975,
 - The IATA and ATA Inter-Carrier Agreement, 1997,

UNIT-III

Space Commercialization and Legal Issues

- Introduction to Global Space Activities and Space law
- International Space Law on Space Commerce
- Space Commerce Governance:
 - Overview of the Legal Regime,
 - Contemporary Space Industry,
 - Space Commerce and its benefits,
 - Commercial Development of the Outer Space Sector,
 - Commercial Launches, Legal and Policy Perspectives,
- Challenges for Space Law in the era of Globalization

UNIT-IV

Space Commercialization and Legal Issues In India

- Introduction to Space Activities and Space Commerce in India,
- Organizational Structure for Space Commerce Governance in India,
- Regulatory Framework for Space Activities in India, Commercialization and Privatization of Space Industry in India and Emerging Legal Challenges.
- Transporting Legal Systems for Property Rights from Earth to Stars,

COURSE OUTCOME:

- Use the basic provisions of International conventions to establish national, regional and global individual and collective responsibility for aviation safety and security; and
- Eligible to as attorney on behalf of client filing suit for the violation of the safety measures by the concerned authority and claiming compensation for suffering.

SUGGESTED READINGS:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft Tokyo 1963,

2. The Convention for the Suppression of Unlawful Seizure of Aircraft Signed at the Hague 1970,
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation Montreal 1972,
4. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, (Supplementary to the Montreal Convention 1971) 1988,
5. Conventions on the Marking of Plastic Explosives for the Purpose of Detection 1991.
6. The Warsaw Convention of 1929,
7. The Hague Protocol, 1955,
8. Montreal Agreement of 1966,
9. Guatemala City Protocol in 1971,
10. Montreal Protocols of 1975,
11. The IATA and ATA Inter-Carrier Agreement, 1997,
12. Rome Convention on damage caused by foreign aircraft to third party on the surface, 1952,
13. The Montreal Convention ,1999.

BOOKS

1. Dr. Shrikant Hathi and
Ms. Binita Hathi : Ship Arrest In India and Admiralty Laws Of India, Brus
Chambers Advocates and Solicitors, Twelfth Edition,
2019.
2. Simon Baughen : Shipping Law, Routledge Taylor & Francis Group,
London, New York, Sixth Edition, 2015.
3. Paul Todd : Maritime Fraud And Piracy, Informa, Second Edition.
4. SamareshwarMahanty : Maritime Jurisdiction and Admiralty Law in India,
Universal Law Publishing, Shipping Law Series,
Second Edition.
5. Thomas J. Schoenbaum: Admiralty And Maritime Law, Sixth Edition.