

POST GRADUATE DIPLOMA IN AIR & SPACE LAW

COURSE CONTENT

PAPER-I

INTRODUCTION TO AIR LAW

- ❖ **Definition, Nature, Scope and Sources of Air Law:**Freedom and Sovereignty in the Air
- ❖ **Development of Air Law:**Origin of Air Law-Theories of Airspace-Aerial Navigation
- ❖ **Basic Principles of Air Law:** Principle of Exclusive and Total Sovereignty of State over their Air Space-Principle of the Freedom of the Fighters in International Air Space-Principle of Ensuring the Security of International Civil Aviation Organisation (ICAO)
- ❖ **Conventions relating to Aerial Navigation:** Paris Convention, 1919-Havana Convention, 1928-Warsaw Convention,1929-Chicago Convention, 1944
- ❖ **International Civil Aviation Organization(ICAO):** Organizational Structure-Legislative-Administrative and Judicial Functions-Dispute Settlement Mechanism of ICAO

PAPER-II
FUNDAMENTALS OF AVIATION LAW

- ❖ **International Air Law:** Origin & Development of Aviation Law in USA, UK, & EU
- ❖ **Chicago Convention and the Fundamental Principles:** Scheduled and Non-Scheduled Air Traffic-Airline Cooperation-Nationality of Aircrafts-Rules on Airports-Jurisdiction
- ❖ **Carriers' Liability under the Warsaw Convention:** Applicability-Carriage Documents-Extent of the Liability of Carrier-Duration of the Liability-Jurisdiction and Procedural Aspects
- ❖ **Domestic Air Law:** Aircraft Regulations Pre & Post-Aircraft Act, 1934-Aircraft Rules, 1937&Related Amendments
- ❖ **Development of International Legal Regime:**Implementation of International Air Law in India

PAPER-III

AVIATION LIABILITY AND LAW ON AIR TRANSPORT

- ❖ **Product Liability in Aviation:** Concept of Product Liability-Strict Liability in Aviation-Crashworthiness-Punitive Damages-Codification of Product Liability
- ❖ **Liability Insurance in Aviation:** Development of Aviation Liability Insurance-Risk Evaluation-Aviation Hull Insurance-Carriers' Liability Insurance-Flying Personnel Insurance-Insurance against Hijacking of Aircrafts
- ❖ **Liability for Damage Caused on Surface and During Collisions:** Non-applicability of the Warsaw System-Relevance of the Rome Convention and Montreal Protocol-Risk Liability of the Operator-Liability for Noise, Sonic Boom and Crop-Dusting Air Collisions
- ❖ **Carrier Liability:**Air Carrier Liability for Passenger Death or Injury-Loss and Damage of Air Freight-Surface Liability-Manufacturer Liability
- ❖ **Law on Air Transport:**Bilateral Air Transport Agreements-Traffic Rights and Air Transport Agreements-Competition Law and Air Alliances

PAPER-IV
AVIATION LAW ON SAFETY AND SECURITY

- ❖ **Legal Regime Governing Crimes on Board Aircrafts:** Problem of Jurisdiction and Applicable Lawsto try the Offenses on Board Aircrafts-Aviation Terrorism
- ❖ **Aircraft Hijacking:**The Tokyo Convention-The Hague Convention to Combat Hijacking-The Montreal Convention and the Safety of Civil Aviation- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 2010
- ❖ **Security Regulations:** ICAO & Directorate General of Civil Aviation (DGCA) Regulatory Approach on Safety
- ❖ **Regulations in India:**Air Safety Provisions, Air Space & Air Traffic Management- Airline Management-State obligation to Provide Air Navigation Services
- ❖ **New Development in Air Law:** Technological Development and Problem in Civil Aviation- Airport Management, Problems in Application of Air Laws-Liability in International Civil Aviation

PAPER-V

INTRODUCTION TO SPACE LAW

- ❖ **Nature, Definition & Scope of Space Law:** Development and Sources-Demarcation of Outer Space-Space Technology-Use of Space Technology-Remote Sensing-Disaster Prediction, Warning and Mitigation-Management of Earth Resources-Satellite Navigation and Location-Space Communication-Satellite Broadcasting and Telecommunication
- ❖ **Development of the Space Law:** UN General Assembly Resolutions-International Cooperation for Peaceful Use-Shift from Air Law to Space Law
- ❖ **Fundamental Principles:** Province of all Mankind-Freedom of Exploration, Use and Scientific Investigation-Jurisdiction and Control-Cooperation between the States-Astronauts-Envoys of Mankind
- ❖ **Space Treaties:** Space Treaty, 1967-Rescue Agreement, 1968-Liability Convention, 1975-Registration Convention, 1975-Moon Treaty, 1979-Partial Test Ban Treaty 1963-Weather Modification Convention, 1977
- ❖ **International and Inter-Governmental Organizations:** Bilateral Agreement in Space Activity-Organization of Space Activities-Department of Space (DOS) and Indian Space Research Organisation (ISRO)

PAPER-VI

SPACE LAW AND OTHER REGULATORY ISSUES

- ❖ **Liability and Registration:** Launching State and Registering State-Liability and Responsibility Regime under the Outer Space Treaty-Absolute Liability and Fault Liability- State Liability & Responsibility for Private Space Activities-Registration and Identification
- ❖ **System of Financing Outer Space Activities:** Increasing Private Space Activities-Asset-Based Financing-UNIDROIT Convention and Draft Space Protocol
- ❖ **National Space Legislation:** Need for National Space Legislation-Commerce Oriented Approach-US, Australian, Russian & UK Models-Indian Position
- ❖ **Current Development in Space Law:** International Space Law Regime and Protection of Environment-Property Rights in Outer Space-Intellectual Property Rights Created in Outer Space-Space tourism
- ❖ **Emerging Issues of Space Settlements & Property Rights:** Question of State Sovereignty and Claim of Property Rights-Human Habitation on the Moon and Other Celestial Bodies-Protection of the Space Environment-Demilitarization of the Outer Space-International Space Station-Inventions in Outer Space

Recommended Readings:

1. Allan I. Mendelsohn, "The Warsaw Convention and Where We Are Today", 62 *Journal of Air Law and Commerce* 1071-1082 (1996-1997).
2. Andre Kaftal, "The Problem of Liability for Damages Caused by Aircraft on the Surface", V (3) *Journal of Air Law* 347-409 (1934).
3. Anthony J. Ortner, "Sonic Boom: Containment or Confrontation", 34 *Journal of Air Law and Commerce* 208-222 (1968).
4. Bin Cheng, *Studies in International Space Law* (Clarendon Press, Oxford, 1997).
5. Chia-Jui-Cheng and Doo Hwan Kim, *The Utilization of the World's Airspace and Free Outer Space in the 21st Century* (Kluwer Law International, Hague, 2000).
6. Donald M. Haskell, "The Aircraft Manufacturer's Liability for Design and Punitive Damages-The Insurance Policy and the Public Policy", 40 *Journal of Air Law and Commerce* 595-635 (1974).
7. Douglas A. Harrison, "Aviation 'Crashworthiness': An Extrapolation in Warranty, Strict Liability and Negligence", 39 *Journal of Air Law and Commerce* 415-432 (1973).
8. E. Howard Osterhout, "The Doctrine of Res Ipsa Loquitur as Applied to Aviation", 2 *Air Law Review* 9-28 (1931).
9. Elmar Giemulla, et al., *Montreal Convention* (Wolters Kluwer, Netherlands, 2010).
10. Eugene Pepin, "ICAO and Other Agencies Dealing with Air Regulation", 19 *Journal of Air Law and Commerce* 152-165 (1952).
11. Frederick B. Lacey, "Recent Developments in the Warsaw Convention", 33 *Journal of Air Law and Commerce* 385-401(1967).
12. George N. Tompkins, Jr., *Liability Rules Applicable to International Air Transportation as Developed by the Courts in the United States* (Wolters Kluwer, Netherlands, 2010).
13. Guy H. Riddle, "Aviation Insurance Coverage Issues: Beware the Renter Pilot", 70 *Journal of Air Law and Commerce* 407-428 (2005).
14. I. H. Ph. Diederiks-Verschoor, *An Introduction to Space Law* (Kluwer Law International, Hague, 2008).
15. I. H. Ph. Diederiks-Verschoor, *An Introduction to Air Law* (Kluwer Law International, Netherlands, 2006).
16. J. C. Batra, "Modernization of the Warsaw System - Montreal 1999", 65 *Journal of Air Law and Commerce* 429-444 (1999-2000).
17. J. C. Batra, *International Air Law* (Reliance Publishing House, New Delhi, 2003).
18. J. G. Gazdik, "Nationality of Aircraft and Nationality of Airlines as Means of Control in International Air Transportation", 25(1) *Journal of Air Law and Commerce* 1-7 (1958).
19. Lawrence B. Goldhirsch, *The Warsaw Convention Annotated: A Legal Hand Book*, (Kluwer Law International, Hague, 2000).
20. Lord McNair, *The Law of the Air* (Stevens & Sons, London, 1964).
21. Mairin K. North, "Current State of the Law in Aircraft Noise Pollution Control", 43 *Journal of Air Law and Commerce* 799-822 (1977).
22. NandasiriJasentuliyana (ed.), *Space Law-Development and Scope* (Praeger, London, 1992).

23. P.P.C. Haanappel, *The Law and Policy of Air Space and Outer Space* (Kluwer Law International, Hague, 2003).
24. Paul Stephen Dempsey, "The Role of the International Civil Aviation Organization on Deregulation, Discrimination, and Dispute Resolution", 52 *Journal of Air Law and Commerce* 529-28 (1986-1987).
25. Peter Martin, *et al.*, *Air Law* (Butterworths, London, 1977).
26. Rod D. Margo, "Aspects of Insurance in Aviation Finance", 62 *Journal of Air Law and Commerce* 423-478 (1996-1997).
27. Sa'id Mosteshar (ed.), *Research and Inventions in Outer Space-Liability and Intellectual Property Rights* (Martinus Nijhoff, London, 1995).
28. Sandeepa Bhat B. (ed.), *Space Law in the Era of Commercialization* (Eastern Book Company, Lucknow, 2010).
29. Sandeepa Bhat B. (ed.), *Outer Space Law: From Theory to Practice* (Icfai University Press, Hyderabad, 2009).
30. V. S. Mani *et al.*, *Recent Developments in International Space Law and Policy* (Lancers Books, New Delhi, 1997).
31. V.S. Mani, S. Bhatt and V. Balakista Reddy (ed.), *Recent Trends in International Space Law & Policy* (Lancers Books, New Delhi, 1997).
32. Wallace E. Maloney, "Current Trends in Aviation Product Liability Law", 36 *Journal of Air Law and Commerce* 514-549 (1970).