



THE BRIEFCASE



**VOL.#2
ISSUE #05**

**PGCL
NEWSLETTER**

August 2026



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Here's what has happened in the last month and what's to come!

'The Briefcase' returns with an edition exploring one of the fastest evolving areas of modern law: Aviation Law

Aviation Law governs the legal and regulatory framework that keeps the aviation industry functioning safely and efficiently. It extends beyond airlines and airports to encompass passenger rights, aircraft financing, insolvency, safety regulations, international conventions, airspace governance and emerging technologies. As India's aviation sector continues to expand and connect millions of passengers each year, questions surrounding regulation, accountability and consumer protection become increasingly significant.

This edition examines the evolving landscape of aviation law through a range of contemporary legal and policy issues. From airline insolvencies and aircraft leasing disputes to passenger rights, aviation safety, and the regulatory framework governing the sector. Our contributors explore the legal mechanisms that shape one of the world's fastest-growing aviation markets.

By approaching aviation as a convergence of commerce, regulation, technology, and public interest, this issue invites readers to consider whether India's legal framework is equipped to meet the demands of an increasingly dynamic and interconnected aviation ecosystem. Through analyses of legislation, judicial developments, and policy debates, these pieces highlight a fundamental principle: behind every successful flight lies a robust legal framework that ensures safety, accountability, and confidence in the skies.

We invite you to explore this edition with curiosity and reflection.

The Editorial Board x

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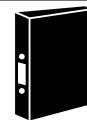
THE CAUSELIST

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- Your monthly dose of 'Did you know?'

THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

Who's Liable at 35,000 Feet?

Introduction

Every day, lakhs of Indians board flights trusting that if something goes wrong, the law stands behind them. As airways are becoming a more popular form of travel, airline trust is tested more often. Understanding who is liable for a lost bag, a missed connection, or a fatal accident is now an important concern for every air traveller.

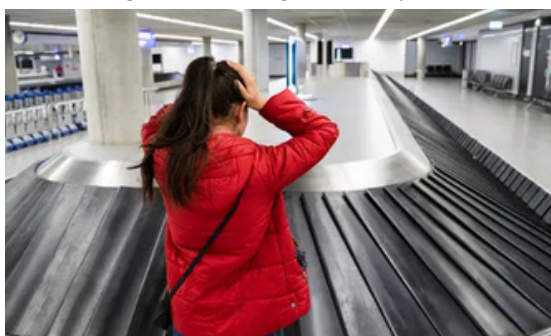
What is airline liability?

According to the Montreal Convention, 1999 and Carriage by Air Act, 1972, 'airline liability' is a carrier's legal duty to compensate passengers and shippers when carriage goes wrong.

The Montreal Convention, 1999

The Montreal Convention, 1999 was drafted to replace a patchwork of earlier rules of the Warsaw Convention, 1929, and to modernise compensation for international travel. The liability limits are expressed in Special Drawing Rights (SDRs), an IMF reserve asset based on a basket of major currencies, that stays stable across countries. It adopts a two-tier scheme for death or bodily injury up to 128,821 per passenger, the carrier is strictly liable and cannot escape by proving care. Any liability beyond that figure is presumed only if it's fault-based.

The Convention also covers delay, allowing recovery for provable loss unless the carrier proves it took all reasonable measures. Baggage liability is capped at 1,288 SDR per passenger, and cargo up to a per-kilogram limit. These figures were revised upward in 2019, taking up a passenger friendly approach.



Credits: [Stock.adobe.com](https://www.stock.adobe.com)

How India adopts Montreal Convention, 1999

India gave the Convention domestic force through the Carriage by Air Act, 1972, as amended in 2009, which inserted Section 4A and a Third Schedule reproducing the Montreal text. The rules apply irrespective of the aircraft's nationality, and the Central Government may revise the limits to track the Convention's own revisions.

Regulatory Layer

The Directorate General of Civil Aviation issues binding Civil Aviation Requirements for everyday domestic disruptions. CAR Section 3, Series M, Part IV fixes what airlines must offer for denied boarding, cancellations, and delays, including refunds, meals, accommodation, and compensation. These entitlements sit alongside, and do not displace, remedies under consumer law.

In Triveni Kodkany v. Air India Ltd., 2020, the Supreme Court treated the SDR figure as a floor, not a ceiling, enhancing damages by reference to the deceased's earnings and future prospects.

Why do passengers still struggle ?

The gap between rule and remedy remains wide. Compensation ceilings can fall short of real loss. Proving fault above the strict-liability tier is demanding, and delay claims turn on evidence passengers seldom hold. Enforcement is slow and families sometimes litigate for a decade. Consumer forums and the AirSewa portal offer cheaper routes, though overlapping jurisdictions can confuse.

Conclusion

The Indian regime combines a respected convention with an active domestic regulator, giving passengers a legal footing that did not exist a generation ago. The framework pairs a respected convention with an active regulator, giving passengers a footing that did not exist a generation ago. Its weaknesses lie in delay and in limits that lag behind real loss. A faster route for small claims, firmer DGCA enforcement, and clearer guidance on forums would ease the friction. Its weaknesses lie less in doctrine than in delay and in limits that lag behind economic reality. Strengthening enforcement, rather than rewriting the rules, is the more pressing task.

Ms. Supriya Puntambekar
Student, 4th Year



THE BINDER

Your essential collection of the latest legal updates, neatly organised for a quick reference.

Financial Turbulence in Aviation

Introduction of India's Aviation Market and its Financial Vulnerabilities

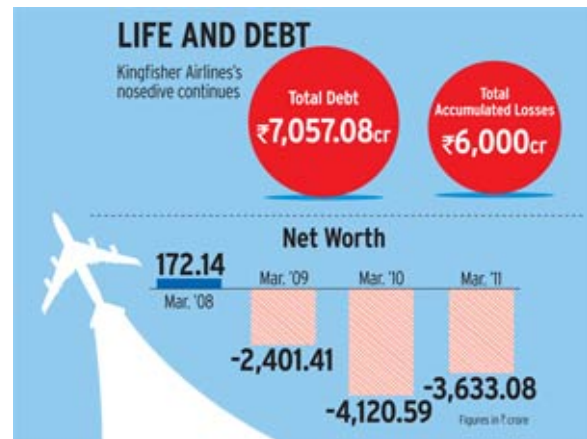
India has become the world's third largest domestic aviation market after the U.S and China. This reflects the expanding connectivity and a growing economy. The aviation sector in India is valued at USD 16.56 Billion in 2026 and is projected to be at USD 26.07 Billion by 2030 at a compound growth rate of 12.03%. In the last decade, Indian skies have grown busier than ever, from 74 Airports in 2014 to 163 in 2025. Many Airports require planes that bring legal liability. Despite the rapid growth of India's aviation sector, two major airlines have filed for bankruptcy in the last ten years. This raises a crucial question: why does the industry continue to experience financial instability despite a booming market?



Credits: shutterstock.com

The Pre-IBC Era & Kingfisher Airline Collapse (2012)

Airlines today operate in a hostile space which is shaped by volatile fuel prices, elevated airport charges and significant maintenance liabilities, which leads to airline failures. Prior to the implementation of IBC (Insolvency and Bankruptcy Code, 2016), The Kingfisher Airline Collapse (2012) exposed what was a critical void in India's legal architecture for resolving airline bankruptcies. Kingfisher's failure stands as a key lesson for everyone about borrowing excessive debts and aggressive and unsustainable expansions.



Credits: Bussiness Today

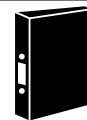
The Introduction of IBC and India's first Major Airline Insolvency: Jet Airways

IBC, 2016, marked a major shift in how the Indian Corporate Regulatory Environment worked. Jet Airways which was once India's largest private airline was pushed to Insolvency under this new framework. Jet Airways ceased its flight operations and grounded its fleet in 2019 due to several financial issues which was a Rs. 8000 crore in debt to lessors, suppliers, oil companies, pilots, etc. As a consequence, SBI (State Bank of India) which was the lead creditor acted on behalf of the consortium of lenders and initiated what is called the CIRP (Corporate Insolvency Resolution Process) under Section 7 of the IBC. The Mumbai Bench of the National Company Law Tribunal admitted this application in the case of State Bank of India v. Jet Airways (India) Ltd. (2019).



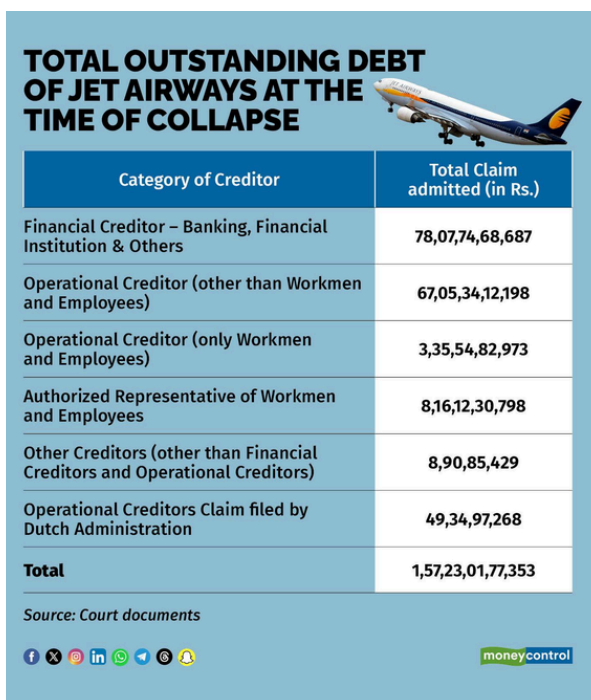
Credits: Forbes

THE BINDER



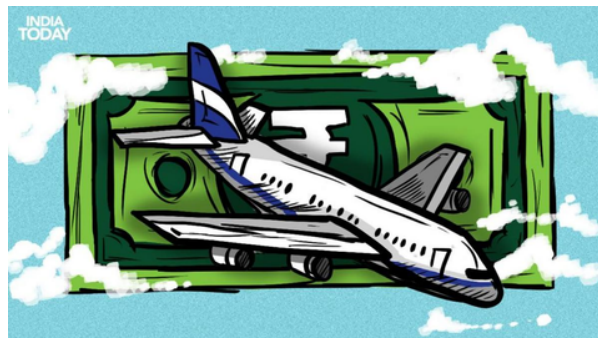
Your essential collection of the latest legal updates, neatly organised for a quick reference.

Jet Airways bought to the front page, the uniqueness of Airline insolvency apart from a standard corporate insolvency, The Primary difference in an airline insolvency lies with who owns the asset. In a standard corporate Insolvency the asset are owned by companies in a certain country. In the case of Aviation the Airlines rely on leased planes (leased from all around the world) which are managed through Global Contracts and are regulated under the Cape Town Convention on International Interests in Mobile Equipment, to which India is a signatory. Now when the Insolvency strikes the first major move of the lessors is to repossess their airplanes that clash with the Moratorium period of IBC (Moratorium also known as Breathing Room period refers to the automatic asset freeze period under Section 14 of IBC).



Credits: Moneycontrol

The resolution plan for Jet Airways was approved in 2021 and had remained unimplemented for years, due to constant non compliances. In 2024, this deadlock finally came to an end when the Hon'ble Supreme Court set aside this plan in the case of State Bank of India & Ors. v. The Consortium of Mr. Murari Lal Jalan and Florian Fritsch & Anr, directing liquidation, This decision proved that IBC's moto of Revival cannot override statutory compliance.



Credits: IndiaToday

A Decade to IBC, GoFirst's Operational Failures Leading to IBC

In recent times, GoFirst also initiated voluntary insolvency proceeding under Section 10 of IBC because of Financial Collapse due to chronic engine failures that establishes that operational disruptions can push a carrier into bankruptcy. As of 2026, Go First is officially under Liquidation and it had its 4th Auction of Assets on 26th April. This highlights airline insolvency has its own challenges such as cross border creditor claims, aircraft leasing disputes, passenger refund obligations and regulatory approvals.



Credits: The Statesman

Conclusion

India should adopt a sector specific aviation-insolvency framework within IBC, Such a framework will provide for early coordination between the insolvency professionals & aviation regulators to establish a clear protocol for the leased aircraft and ensure swift resolution of its operational value. As India's aviation sectors expand such an approach will help balance airline revival with regulatory certainty.

Ms. Saryu Nahar
Student, 4th Year

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

When Can a Pilot's Licence Be Suspended? (Jitendra Krishna Varma v. DGCA (2026))

Introduction

Jitendra Krishna Varma was an aircraft pilot holding an Airline Transport Pilot License, also known as ATPL is the highest category of pilot certification. Varma held a Commercial Pilot License in 1988 and was employed by Air India. After completing the required number of flying hours and clearing mandatory examinations. Varma was eligible for the Aircraft Transport Pilot License in the year 2010. However, a year later, in March 2011, an FIR was filed against Varma alleging he had obtained ATPL using misguided documents.

Procedural History

The Directorate General of Civil Aviation (DGCA) suspended his license, viewing it as a threat to public safety and for possible scrutiny of the civil aviation safety norms in India. 'Audi Alteram Partem' is an established principle of natural justice that translates to "no one should be condemned unheard." Thus, when a person is denied an opportunity to present their case before a decision is made affecting their rights or interests, such a decision is considered bad in law.

In the present case, Varma's license was suspended without him being given a chance to be heard. No formal proceedings before a court of law or any committee had taken place. Merely based on an FIR, the DGCA took the executive decision to suspend Varma's license.



Credits: NDTV

Verma challenged this suspension in the High Court, arguing that it was passed without a show-cause notice or an opportunity to be heard.

Issues

- Whether the DGCA's order suspending Varma's ATPL violated Rule 39A of the Aircraft Rules, 1937?
- Can DGCA invoke Rule 19(3)(d) of the Aircraft Rules to suspend a license in public interest without complying with the procedural safeguards under Rule 39A?

Reasoning

Rule 39A empowers the licensing authority to disqualify a person from holding or obtaining a license on various grounds such as abuse of substances, intention to use aircraft for the commission of an offence and obtaining license through fraud or superlative of material facts. However, Rule 39(A)(1) explicitly states that the licensing authority may suspend the license only after giving the person a chance to be heard. Rule 19(3)(d) empowers the DGCA to cancel, suspend or endorse licenses.

A bench of judges Manish Pitale and Sheeram Shirsat observed that the procedure laid down was not followed, Verma was not given a chance to be heard and a show-cause notice was not issued before suspending the license, making the suspension completely contrary to the Aircraft Rules, 1937.

The bench noted that "definitely prejudice has been caused" and therefore set aside the suspension order. It further directed the DGCA that the matter be remitted for reconsideration after granting him a proper hearing, in line with the principles of natural justice. The bench also took into account the fact that although the FIR was filed and registered in 2011, no charges were framed against Varma, thereby declaring the 15-year suspension of Mr. Varma's license "illegal and unsustainable".

Conclusion

The court, while passing the order, emphasised that the Aircraft Rules, 1937 require any disqualification to follow fair procedure and set the ground for future cases where the DGCA exceeds his authority and compromises the rights or interest of pilots.

Ms. Hiya Chevli
Student, 4th Year

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Could Retrospective IGST Be Imposed on Re-Imported Aircraft Parts? (Commissioner of Customs Air Cargo Complex (Import) Vs Inter Globe Aviation Limited. (2025).

Introduction

The complex interplay between GST (Goods and Services Tax) and Customs Duty on re-imported goods came under judicial scrutiny in the case of Commissioner of Customs Air Cargo Complex (Import) vs InterGlobe Aviation Ltd., 2025. InterGlobe Aviation Ltd., which operates Indigo, sent aircraft engines and parts abroad for repair. After the repaired aircraft engines and parts were re-imported to India. The Custom Authorities demanded payment of levies amounting to approximately ₹900 crore under both IGST Act, 2017 and Customs Tariff Act, 1975 (CTA.) This demand was first challenged before CESTAT (Customs Excise & Service Tax Appellate Tribunal) The Tribunal's order was thereafter challenged before the Delhi High Court. The Supreme Court of India, which upheld the Delhi High Court's judgement and later dismissed the review petitions, bringing the litigation to a close.

Procedural History

InterGlobe Aviation Ltd. filed writ petitions before the Delhi High Court contesting against the duty levied on the goods and argued that Customs could not simultaneously treat the repaired goods as a 'supply of services' which refers to goods taxed under the IGST Act, 2017.

The petitioner also argued that the goods were returned to the country after repairs and, therefore, should not be taxed as imported goods under the Customs Tariff Act, 1975. This would constitute double taxation, which violated the fundamental principles of GST, which removes the effect of multiple taxes. Lastly, they highlighted the definition of 'service' under Article 366 (26 A) of the constitution which states that a service is for the transport by air of persons, mail, or any other thing, animate or inanimate. The Customs authorities argued that Section 3 (7) of Customs Tariff Act, 1975, was an independent charging provision, levying an additional duty on the import of goods irrespective of classification under GST.

They emphasized the distinction between 'the import of goods' which refers to when physical assets cross a country's borders and 'supply of goods imported', which refers to a taxable commercial transaction which involves transferring the goods back to their domestic territory, arguing that these are separate taxable events.

Issues

- Can a single transaction be split into 'supply of goods' and 'supply of services' for taxation purposes?
- Does Section 3 (7) of Customs Tariff Act, 1975, create an independent power to levy IGST?

Reasoning

The Delhi High Court stressed that GST mainly focused on shifting the focus from taxing goods and services, to taxing their supply, with import considered as a part of interstate supply under Article 269A. The absence of any provision in the Customs Tariff Act, 1975 that allowed re-characterization of a service as a supply of goods for taxation purposes supported the court's reasoning.

The court explained that neither Customs Act, 1962 nor Customs Tariff Act, 1975 contemplates a duty on services, as the IGST on services can only be imposed under Section 5 (1) of the IGST Act, 2017. Section 3 (7) of the Tariff Act was also declared as an independent provision by the court as it merely cross-refers to the IGST already leviable under the IGST Act, 2017. Since GST law requires single supply to be classified as either goods or services, treating one repair transaction as both goods and services was deemed impermissible. Thus, the amending notification and the accompanying circular by Customs were declared ultra vires.

Conclusion

The Supreme Court dismissed the Customs Department's appeals against this ruling on 19 March 2025 along with its review petitions in July 2025, leaving the tribunal and High Court findings untouched. The ruling had a significant impact beyond Indigo Airlines as the other importers who sent goods for repair abroad now had clear authority against second IGST levy on reimport, which reaffirms a foundational principle of GST architecture which is that a transaction cannot be taxed twice by artificially dividing it into 'goods' and 'services.'

Ms. Mansavi Lade
Student, 2nd Year

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

How The Iran-US Conflict Impacts Indian Aviation

Aviation sits at the intersection of geopolitics and global commerce, making it highly vulnerable to international conflicts and diplomatic tensions. The Iran-US conflict highlights how events far beyond India's borders can significantly affect one of the world's fastest-growing aviation markets.

The current geopolitical situation has impacted the Indian aviation industry in multiple ways. The most immediate consequence is the disruption in flight scheduling due to the uncertainty of safety in the Middle Eastern airspace. Indian airlines operating flights to Europe, North America and parts of Africa often rely on routes through or near Iranian airspace. Airspace restrictions force carriers to take longer routes which increase flight time, fuel consumption, and crew costs while reducing aircraft utilisation.

The conflict also threatens fuel price stability. Iran is a major energy producer in the strategically important Persian Gulf region; instability involving Iran can drive up global crude oil prices.

Since Aviation Turbine Fuel (ATF) is among the largest operating expenses for airlines, higher fuel costs place significant financial pressure on Indian carriers, often resulting in increased airfares.

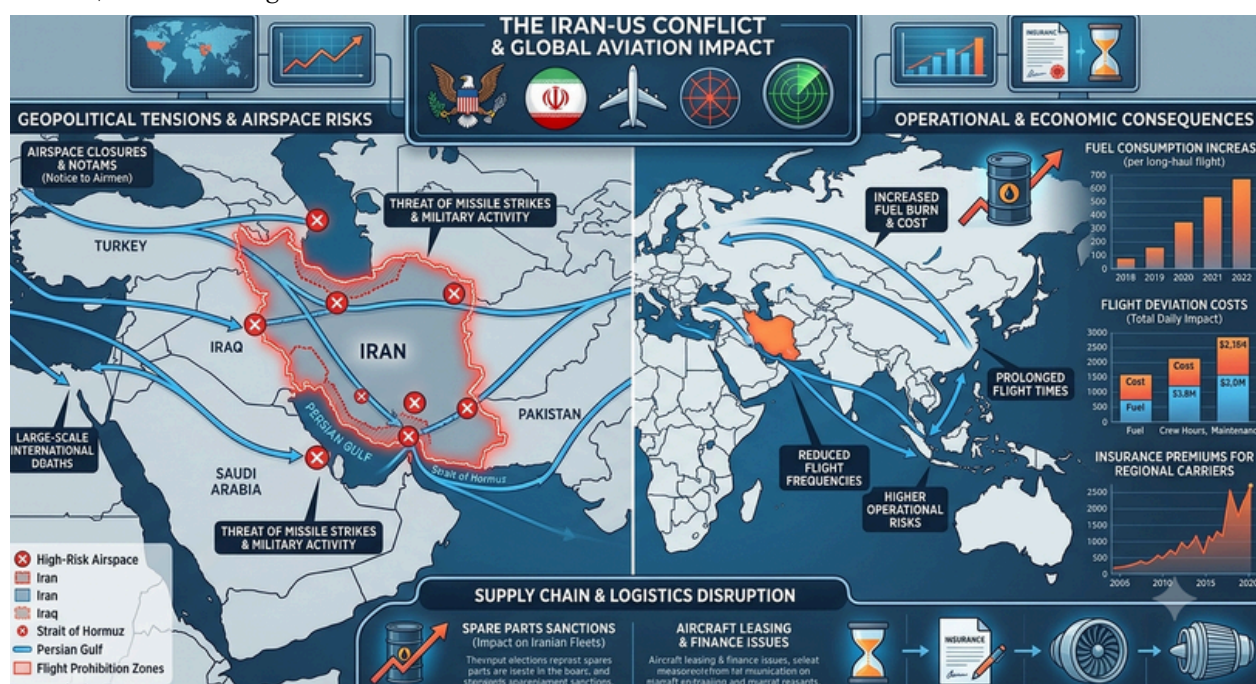
Safety remains the industry's foremost priority. Airlines and regulators must continuously monitor intelligence inputs, Notices to Air Missions (NOTAMs), and geopolitical developments to safeguard passengers and crew while making rapid operational decisions in an evolving security environment.

Air cargo operations are similarly affected. Route disruptions can delay shipments of pharmaceuticals, perishables and other high-value goods, increasing freight costs and disrupting supply chains.

The conflict also creates legal and regulatory issues, such as claims of force majeure, insurance problems, contract disagreements, following sanctions, and changing international aviation rules.

The Iran-US conflict demonstrates that aviation cannot be viewed in isolation from global politics. Strengthening route flexibility, fuel efficiency, crisis management and legal preparedness will be essential for Indian airlines. In an increasingly interconnected world, resilience will depend not only on operational agility but also on robust legal and regulatory frameworks capable of responding to geopolitical uncertainty.

Ms. Khushi Goda
Alumnus, SVKM'S PGCL



AI Generated Illustration

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

Beyond the Cockpit: How Aviation Law Keeps the Sky Safe

"Every safe flight depends not only on engines and aerodynamics but also on the rules that make aviation possible."

When people get on a plane, they usually look at the things they can see like the pilots, the cockpit or the cool technology that helps a huge machine go up into the air. People usually do not think about the laws that make it possible for all those planes to fly. The laws are very important for the planes to be able to fly. The legal framework of flying is what makes every flight possible.

As a pilot I have come to realize that Every decision I make before I take off when I am in the air and after I land is shaped by rules and regulations that are developed over the years. Any law which is made or decided has been made after a particular real-life incident, and aviation is no different.

The Beginning

The need for aviation law appeared not long after the first flight took off. The Wright brothers' flight in 1903 changed transportation forever, but it also created questions that no nation had previously needed to answer. If an aircraft crossed an international border, whose laws applied? Could every country control the skies above its territory? How could international flights operate safely when each nation had different rules?

So to decide and discuss on these arising questions, conventions were held. One of the first major answers came with the Paris Convention of 1919, which established the principle that every country has complete sovereignty over the airspace above its territory. More than a century later, this principle remains one of the foundations of international aviation.

In 1944 after the end of the Second World War. Representatives from 52 nations gathered in Chicago with a common objective to build a framework that would allow civil aviation to grow safely across national borders. This resulted in the Chicago Convention, which led to the creation of the International Civil Aviation Organization (ICAO). Today, there are 193 member states developing globally accepted standards for aviation safety, security, efficiency, and environmental protection.

As time went by, with the growth of commercial aviation, more conventions were held, viz; Paris Convention, Montreal Convention, Hague Convention, Warsaw Convention. Thus we have 19 Annexures and thousands of historical docs.

A Pilot's Perspective

To many people, aviation law sounds like something discussed in courtrooms or government offices. In reality this is a part of pilot's routine long before an aircraft leaves the ground. A flight begins with legal compliance as much as operational planning, pilots having valid current licenses, meeting medical fitness standards, aircraft being inspected, maintained, and certified as airworthy before it can carry passengers.

Even our working hours are carefully regulated. Fatigue affects decision-making just as surely as poor weather or technical problems, so flight duty limitations and mandatory rest periods are built into aviation regulations around the world.

These aren't administrative formalities but are safety measures that developed through years of operational experience and accident investigation. The same philosophy applies to flight planning. Decisions about fuel reserves, alternate airports, weather minima, and operational limitations which aren't based solely on individual judgment. Rules are in place to make sure we have safety standards, but they also let pilots make their own decisions when things get tough.

As pilots we know that experience is important but just having experience is not enough. We need rules that're easy to understand and always the same so every time we fly, we know will be safe.

Why Standardization Matters

Some people assume that regulations restrict professional judgment. In aviation, I've found the opposite to be true. Standard procedures create predictability, and predictability saves lives. For example, whether I'm speaking with an air traffic controller in India or flying into another country, the same standard phraseology and operating procedures provide a common language. That consistency reduces misunderstandings, especially during busy or demanding situations where clarity matters most.

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

It's easy to underestimate how remarkable this is. Everyday thousands of airplanes transport millions of passengers around the world. Planes take off. Land every single minute, sometimes flying in busy skies with many other planes. Despite this complexity, serious accidents remain exceptionally rare. This level of safety is a result of technological progress, disciplined training, effective oversight, and regulations that continue to evolve as aviation learns from experience.

Learning From Tragedy

There's a saying every pilot eventually hears:

"Aviation regulations are written in blood."

Many of today's safety procedures exist because previous accidents have exposed weaknesses that the industry could no longer ignore. The Tenerife airport disaster in 1977, the deadliest accident in aviation history caused by miscommunication, assumptions, and failures in cockpit coordination combined with poor visibility to produce catastrophic consequences. The industry's response fundamentally changed the way pilots work together. Standardized radio phraseology became even more rigorous, while Crew Resource Management transformed cockpit culture by encouraging communication, teamwork, and the willingness of every crew member to question decisions when safety is at stake. Today, CRM is considered just as important as technical flying skills.

The terrorist attacks of 11 September 2001 reshaped another dimension of aviation security. Reinforced cockpit doors, stricter passenger screening, enhanced airport security, and new international security standards quickly became part of normal airline operations. Although these measures changed the passenger experience, they significantly strengthened the protection of both aircraft and those on board.

The disappearance of Malaysia Airlines Flight MH370 reminded the aviation community that even in an era of advanced technology, gaps still existed in global aircraft tracking. The incident prompted renewed international efforts to improve position reporting and distress tracking, particularly over remote oceanic regions where radar coverage is limited.

The Boeing 737 MAX accident offered a different lesson. They highlighted the need for regulators, manufacturers, and airlines to continually reassess how increasingly sophisticated aircraft are certified and how pilots are trained to operate them.

India's Evolving Aviation Landscape

Over the past decade, India has become one of the fastest-growing aviation markets in the world. Building airports, more people wanting to fly and better connections between regions have changed the aviation industry in India very quickly. As this growth happens there is a duty to make sure the laws keep up with the changes.

The passing of the Bharatiya Vayuyan Adhiniyam, 2024 taking the place of the Aircraft Act of 1934 is a move in this area. Even though many of the ideas about safety in aviation stay the same the new law shows that there is a need for a set of rules that can help a modern and fast-changing industry.

DGCA along with Ministry of Civil Aviation are working on these reforms and making sure that the new ideas and safety go together, also aligning with ICAO standards. For Indian pilots, engineers, airlines, and regulators alike, this alignment is essential. Aviation has always been an international industry, and maintaining globally recognized standards allows Indian aviation to continue operating confidently within the worldwide aviation system.

Conclusion

As pilots we say that every flight starts long before the engines are turned on. We have to plan and get ready for each trip. This is what makes it possible to land safely. The same thing is true for aviation law. Before an aircraft takes off, years of collaboration among nations and the development of carefully crafted laws have already shaped that journey.

When you see an aircraft take off, remember that its success is due to more than just powerful engines, advanced technology, or the skill of the people flying it. Every safe flight is made possible by a system of laws, regulations, and global cooperation that operates behind the scenes. This system allows millions of people to travel with confidence every day.

"Every rule has a past."

Capt. Dharav Modi



THE COMMENTARY

Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

Reccomendations from the Editorial Board:

Zero Hour! (1957)

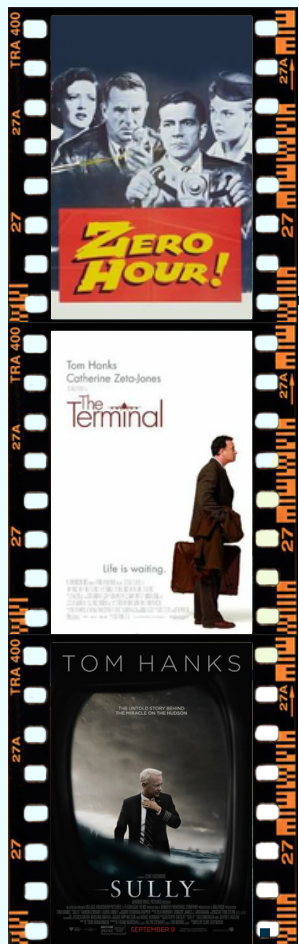
"Zero Hour!" (1957) is a suspenseful black-and-white aviation drama starring Dana Andrews as Ted Stryker, a traumatized ex-military pilot struggling with severe PTSD. When food poisoning from a bad batch of in-flight fish incapacitates the entire flight crew and several passengers mid-flight, Stryker becomes the only person on board who can fly the plane through dense fog. Stryker must overcome his psychological trauma to land the airliner safely.

The Terminal (2004)

The Terminal is an American comedy-drama film produced and directed by Steven Spielberg and starring Tom Hanks, Catherine Zeta-Jones and Stanley Tucci. The film is about an Eastern European man who is stuck in New York's John F. Kennedy Airport terminal when he is denied entry to the United States, but is unable to return to his native country because of a military coup. The film is partially inspired by the true story of Mehran Karimi Nasseri who lived in Terminal 1 of Paris Charles de Gaulle Airport, France, from 1988 to 2006.

Sully (2016)

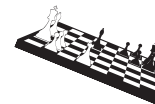
Starring Tom Hanks, Aaron Eckhart and Laura Linney, Sully is more than a film about a miracle on the Hudson. It gives a thoughtful look at aviation, pilot decision-making, and the responsibility that comes with every flight. At its heart, it is a story of courage, trust, and doing what is right under pressure. A compelling watch for anyone interested in aviation and the people behind every safe landing.



Recommended Reading:

Readers looking to gain a deeper understanding of India's rapidly evolving aviation legal framework should explore **"India's Aviation Law Revolution: Legislative Reform, Judicial Developments, and Regulatory Transformation, 2024–2026" by Dr. P. Jogi Naidu, published in the International Journal of Research and Scientific Innovation (IJRSI), Volume 13, Issue 6 (2026), pp. 4032–4042.** The article offers a comprehensive analysis of recent legislative reforms, landmark judicial decisions, and regulatory developments that are reshaping India's aviation sector. It serves as an excellent resource for students, legal professionals, researchers, and aviation enthusiasts seeking a more detailed perspective on the themes discussed in this edition.

THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

A Plea to Regulate the Rise of AI in Aviation

Every aircraft has a pilot in command who bears ultimate responsibility for its safety, and liability has always traced back to identifiable human conduct. That premise is now being tested by artificial intelligence. The urgency is sharpened by a global pilot shortage. Boeing projects that aviation industry will need over 660,000 new pilots by 2044, Oliver Wyman separately forecasts a North American shortfall of roughly 24,000 pilots by 2026, driven by mass retirements and pandemic-era furloughs that shrank the training pipeline. India shows an acute version of the same problem. A parliamentary panel found the country's pilot-to-aircraft ratio at just 14, against a global benchmark of 18-20, with only 5,700 licences issued between 2020 and 2024 against a projected need of 7,000 by 2026 and 25,000-30,000 over the next decade. The shortage has forced airlines to rely on expensive temporary foreign pilots to keep operations running. As this pilot shortage continues worldwide, manufacturers and regulators are increasingly turning to AI-assisted systems. This raises a fundamental question, not merely of liability, but of whether aviation laws are equipped to regulate AI-assisted flight.

Where AI Already Flies

Modern aircraft already rely on AI beyond the cockpit for predictive maintenance, fuel-efficient routing, navigation assistance, and rapid analysis of operational data. As the shortage deepens, manufacturers are exploring reduced-crew and eventually single-pilot operations. Some AI functions already sit within safety-critical territory such as autoland and thrust control, collision-avoidance advisories, and flight-management systems that recommend route changes which the EASA's classifies under its tiered framework as progressively higher levels of automation. An algorithm may thus shape a critical decision without possessing legal personality because AI is not a person capable of being sued or held negligent. The law still assumes that a human is solely accountable.



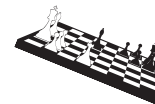
Credits: cirium

The Regulatory Vacuum

DGCA regulates certification, licensing and maintenance of aircraft and aviation personnel in India. However DGCA has no dedicated framework for certifying AI systems deployed in safety-critical functions or rules on apportioning liability when AI contributes to an accident. The FAA's 2024 Roadmap for AI Safety Assurance commits to an incremental, safety-first approach which will distinguish static "learned" AI from adaptive "learning" AI, with certification guidance by 2026. EASA's AI Roadmap 2.0 goes further, requiring AI to augment rather than replace human judgment through a tiered trustworthiness framework running from human augmentation to advanced automation. These roadmaps recognise that AI systems need oversight distinct from conventional avionics because they learn and adapt rather than operate on fixed logic. The DGCA can draw on these existing frameworks and adapt them to suit India's aviation ecosystem.

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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

When the Algorithm Errs

An AI-powered flight management system may recommend a different route after analysing weather conditions, a function the FAA already considers safety-critical. However if that recommendation is wrong and contributes to an accident, who is responsible? Is it the software developer, the aircraft manufacturer, the airline, or the pilot who relied on the system? Existing liability laws do not provide a clear answer. While passengers can claim compensation under the Montreal Convention, 1999, incorporated into Indian law through the Carriage by Air Act, 1972, disputes between manufacturers, airlines, and other stakeholders still depend on traditional negligence and product liability principles. These rules were designed for accidents caused by identifiable human error, not by decisions shaped through the interaction of AI systems and multiple human actors.

The 2025 crash of Air India Flight 171 highlights just how difficult it can be to determine the true cause of an aviation accident. Investigators confirmed that both fuel control switches moved to the "cutoff" position shortly after takeoff, but more than a year later, they have still not established why. Whatever the final findings, the incident serves as a reminder that aviation safety cannot rely entirely on either human judgment or automation.



Credits: cirium

Neither Pilot Nor Manufacturer Alone

Placing primary liability on pilots would be unfair because they neither design AI systems nor control the data used to train them. At the same time, holding manufacturers solely responsible is equally problematic. AI systems are developed, integrated, deployed, and used by multiple stakeholders, including software developers, aircraft manufacturers, airlines, and pilots. When something goes wrong, the harm often results from the interaction between these actors rather than the fault of any one party.

Toward Certification-First Liability Reform

Before any liability rule can work well, India needs certification infrastructure like the FAA's and EASA's, generating the audit trails and safety data needed to identify who was best placed to prevent harm. Once that exists, the "cheapest cost avoider" principle points toward a joint-and-several model. The EU's Directive (EU) 2024/2853 already treats AI and software as "products" and imposes joint-and-several liability among responsible parties. The India's Consumer Protection Act, 2019 offers a narrower foundation that could be extended similarly. Claimants could then recover from any responsible party, whether airline, manufacturer, developer or integrator, while those parties apportion loss internally based on fault and control.

Conclusion

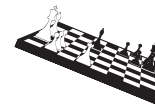
AI will inevitably define modern aviation; the real question is whether India's regulatory institutions evolve fast enough to govern it. The DGCA should treat the FAA and EASA roadmaps as templates by publishing its own AI safety-assurance roadmap, mandating certification for safety-critical functions, and codifying joint-and-several liability. Before autonomous systems take on greater responsibility in Indian skies, accountability must be shared among all who design, deploy and profit from them, not left by default to the pilot in the cockpit.

Ms. Gauri Yadav
Student, 4th year

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India's eVTOL Revolution needs regulatory wings

Leaping Ahead, Grounded in Law

In hyper-congested metropolitan cities such as Mumbai and Bengaluru, methods of urban transport have slowly been exhausted and one of the only ways to tackle this seems to be the skies. The Ministry of Civil Aviation has taken up the arduous task of laying down the blueprints for an eVTOL revolution in India. Electric Vertical Take-Off and Landing or eVTOL aircrafts represent a transformative shift in the aviation playbook of India that aims to improve India's Urban Air Mobility (AUM) network. As domestic startups and global giants rush to launch "Air Taxis" in India, it raises a critical question-is India's traditional civil aviation framework ready to incorporate this engineering marvel into its twentieth-century regulatory architecture?

As the innovation makes leaps and bounds, the core legal apparatus governing the Indian skies stagnates with insufficient legislative frameworks. This article explores four regulatory hurdles facing eVTOL deployment; Classification, Airspace and Tort Law, Pilot Licensing and Liability and Insurance.

An Aerodynamic Changeling

Indian civil aviation jurisprudence has historically divided air vehicles into 2 distinct categories - fixed wing airplanes and rotorcrafts (helicopters). EVTOLs however are an engineering hybrid, between an airplane and a rotorcraft. It has been internationally termed and recognized as a "Powered-lift" vehicle. It functions as a rotorcraft during vertical take-off, shifts its propulsion mechanism mid-air to cruise via its fixed wings, similar to an airplane and morphs back into a rotorcraft when landing. This is where the Directorate General of Civil Aviation (DGCA) is faced with a problem, categorizing this new technology. The Aircraft Act, 1934 and the Aircraft Rules, 1937 lack the architecture to govern such a vehicle that can alter its physical and aerodynamic properties mid-flight. To tackle this, the DCGA has taken initial steps by introducing the Advisory Circular AEAC No. 01 of 2024 to evaluate Vertical Take-Off and Landing aircrafts.

While the framework and guidelines outlined by the DCGA seem well crafted, they leave massive gaps which could lead to real-world operations to stall.

Skyways Over Suburbs

Unlike commercial airplanes that cruise at 35,000 feet, eVTOLs operate in dense and low altitude airspaces, they also require infrastructure known as "Vertiports" that are equipped with high voltage grids that are required to be directly embedded into city skyscrapers and densely populated city zones. This leads to 2 issues, the first one being a jurisdictional authority conflict, while the DCGA handles flight safety, it holds no statutory power over local municipal bodies. This creates a tug-of-war like situation over the zoning laws and the development of vertiports between a federal agency and state actors. This also brings us to the second issue, the geographical shift of the flight zone can possibly trigger friction of Article 21, (Right to Life and Personal Liberty) of the constitution under which, the Supreme Court has expansive regulatory precedents, such as the Re: Noise Pollution (2005), and Justice K.S. Puttaswamy(RET D) Vs Union of India on 15 December, 2017. Recognizing that the right to life encompasses the right to a quiet environment and spatial privacy free from unwarranted surveillance. When these air taxis fly just a couple hundred feet directly above residential areas, they blur the lines between public airspace and tortious trespass, challenging the fundamental right to privacy, safety and freedom from noise pollution

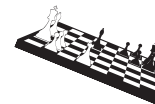


Credits: Joby Aviation

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THE BLACK & THE WHITE



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The Licensing Bottleneck

The DGCA in its Flight Crew Licensing Circular FCL 01 of 2025, prescribes flight crew licensing directives wherein instead of building a new licensing procedure, it ruled that to fly an eVTOL, a person must hold valid Indian Commercial Pilot License for traditional airplanes (CPL-A) or helicopters (CPL-H). The framework recommended by the DCGA is a convenient transitional path for experienced airline pilots however, it erects an entry barrier for a new generation of dedicated eVTOL operators. Since an aspiring aviator wanting to pilot an eVTOL, must spend upwards of 50 lakhs, train 200 hours to obtain a traditional CPL only to instantly discard almost all those manual piloting habits to operate a highly automated, eVTOL that manages its own aerodynamics. This also highlights another issue, CPL pilots are trained to react to emergencies in specific ways: airplane pilots look for runways, and helicopter pilots rely on autorotation. An eVTOL behaves completely differently during emergencies, it relies on electric propulsion and automated parachutes. Pilots are not trained for these types of situations, forcing them to rely on muscle memory in a hybrid flight deck is a tremendous risk

The Cost of a Crash

When airborne vehicles operate within such densely populated city areas, the legal framework governing any accident should be airtight. International conventions such as the Montreal Convention, 1999 and Carriage by Air Act, 1972 set liability caps on airlines for transit. Since eVTOLs are brand new, they lack crucial flight-log and crash-rate data which renders it difficult for domestic insurance companies to provide insurance policies for eVTOLs. Another dilemma arises if an eVTOL experiences a battery thermal malfunction or a software failure during its transition phase over a crowded commercial market, who is liable?



Vertiport Infrastructure Hub. Credits: Aerospace America

A single crash causes overlapping product liability claims against the component manufacturer, the software architect or the urban infrastructure provider. Traditional aviation liability frameworks were crafted around standard carrier fault and defined transit routes and are ill-equipped to govern high density urban areas. This complexity forces a shift from fault-based liability to product liability.

Beyond Blueprint Advisory Circulars

The rise of eVTOLs has set the grounds for testing the nation's Administrative Law. The DCGA has drawn a cautious, structured framework through its four-stage certification criteria. However safety blueprints alone cannot build an entirely new industry. The DGCA has failed to clarify whether internationally vetted airworthiness certificates issued by the EASA (European Union Aviation Safety Agency) and the FAA (Federal Aviation Administration) would be validated for the Indian markets or not, creating an unnecessary hurdle. Instead of accepting global validation certificates, the Indian regulatory framework forces these companies to repeatedly prove their safety in lengthy domestic trials, delaying the take-off of the eVTOL sector.

Mr. Siddhanth Sanghavi
Student, 2nd Year

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THE WIG & THE WIT

Simple and fun puzzles to judge your wit!



MATCH THE AVIATION ACRONYM

ACRONYM	DEFINITION
DCGA	Private Pilot Licence
ICGA	Air Traffic Control
BCAS	Commercial Pilot Licence
AAI	Directorate General of Civil Aviation
ATC	Airports Authority of India
CPL	Bureau of Civil Aviation Security
PPL	International Civil Aviation Organization

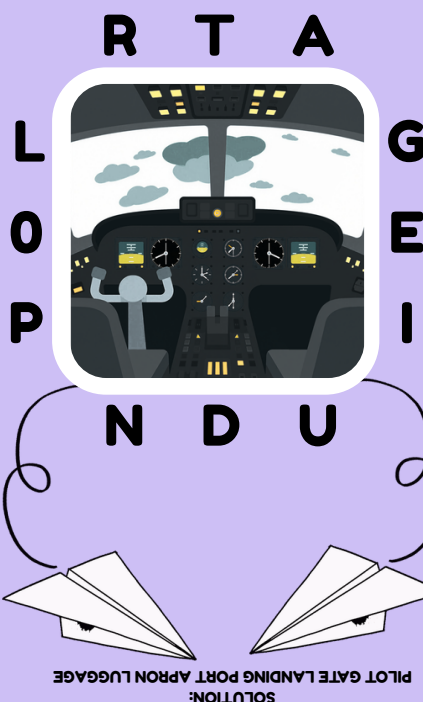
AIRPORT BINGO

WHICH OF THESE CAN ACTUALLY LEAD TO A LEGAL DISPUTE?

 GATE CHANGED	 LOST LUGGAGE	 FLIGHT DELAYED
 LAST BOARDING CALL	 WINDOW SEAT FLIGHT	 TURBULENCE
 CRYING BABY	 SECURITY BEEPED	 OVERWEIGHT BAGGAGE

LETTER BOXXED

Connect all 12 letters around the box into a chain of valid words using the fewest turns possible. Beat the target word count to win!



AVIATION EMOJI CHALLENGE

	I _____ F _____
	L _____ B _____
	P _____ C _____
	T _____ E _____
	P _____ T _____
	D _____ L _____

THE CAUSELIST



The Newsletter's schedule for all things high and happening around the world.



15th August 2026
80th Independence Day

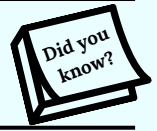


- **19 August 2026 (Wednesday)**
Nazariya World Photography Day
- **29 August 2026 (Saturday) (Tentative)**
Film Screening
- **CLPRS Student-Led Discussion**
Topic: Menstrual Stigma and Related Social, Economic, and Personal Perceptions.

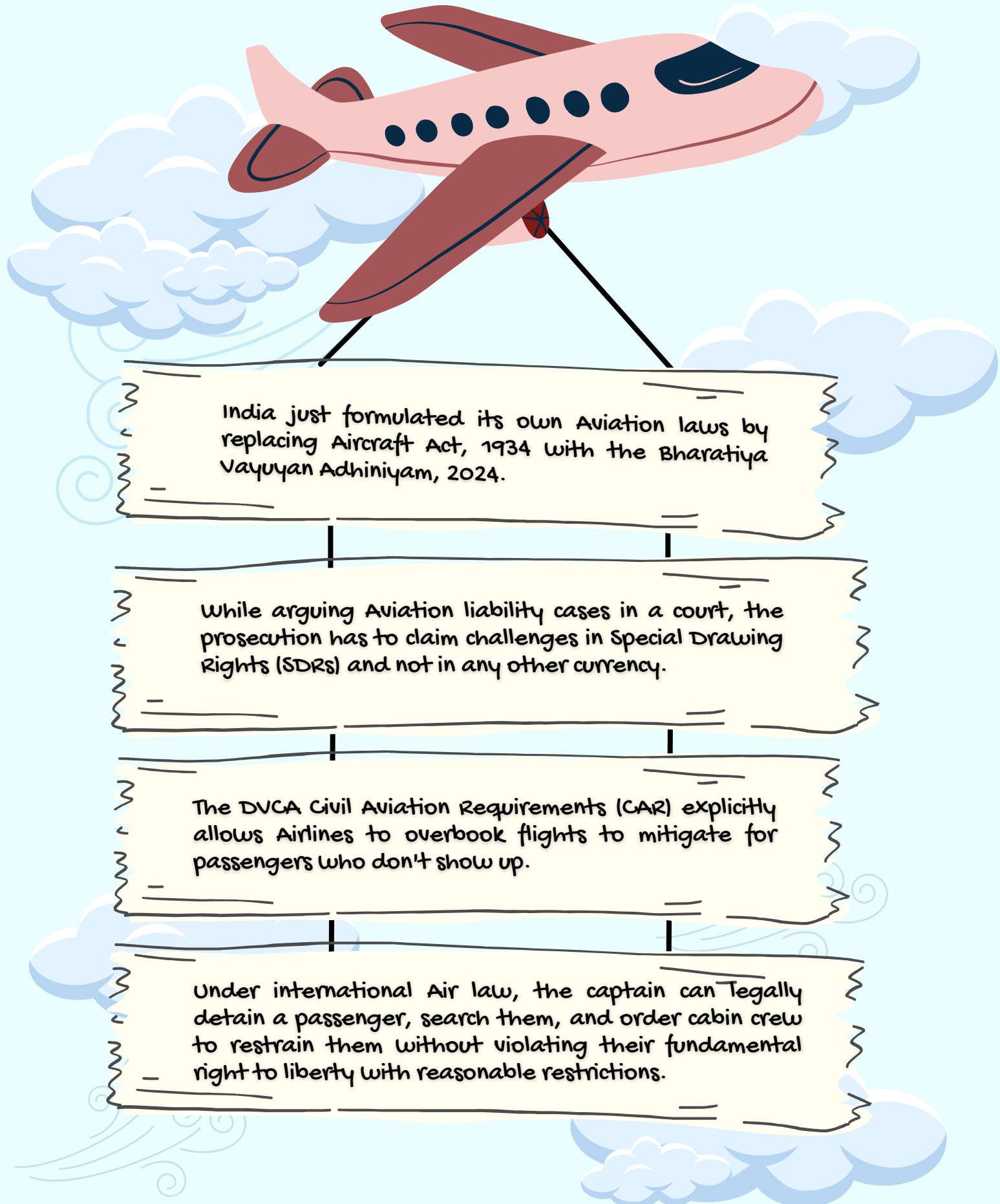
Coming Soon!

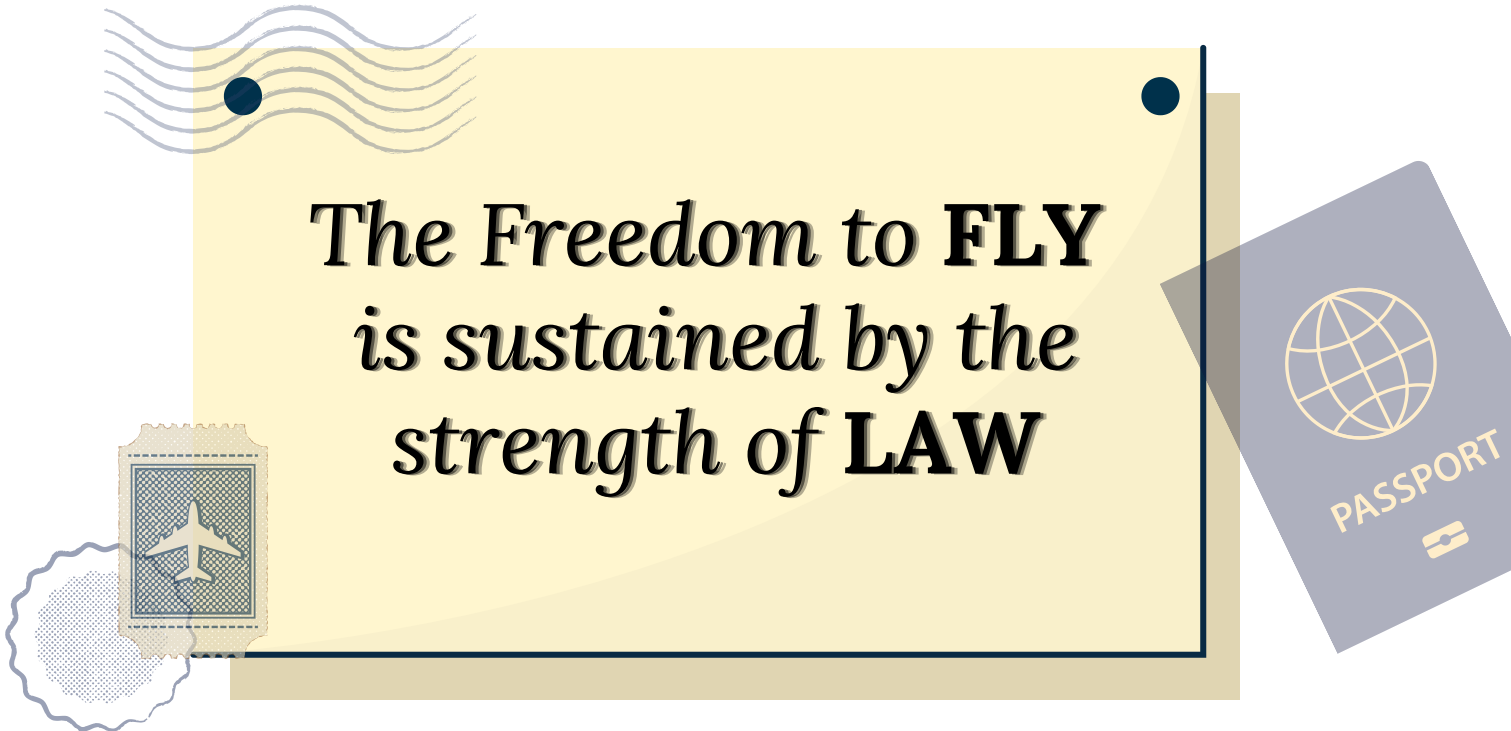
29.08.2026
National Sports Day
Birth anniversary of
Major Dhyan Chand

THE POST-ITS



Sticky Notes to tack up some fun legal facts.





The Freedom to **FLY** is sustained by the strength of **LAW**

Until Next Time...

As we conclude this Aviation Law edition of The Briefcase, we thank you for joining us on a journey through the legal landscape of one of the world's most dynamic and rapidly evolving industries. This issue encouraged us to look beyond the aircraft and airports, and instead explore the laws, regulations, and institutions that keep global aviation safe, connected, and accountable.

This is not where the conversation ends. It is only the beginning. As aviation continues to evolve alongside technological innovation, sustainability goals, and emerging legal challenges, so too must our understanding of the legal frameworks that shape the future of air travel.

Next month, The Briefcase returns with fresh legal insights, thought-provoking discussions, engaging games, and exciting new features that continue to make the law accessible, relevant, and inspiring.

Until then, stay curious, keep questioning, and continue exploring the law beyond the classroom.

With purpose and commitment,
The Editorial Board

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newsletter even better. Tell us
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