AIR MANUFACTURER’S LIABILITY IN INDIA

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ABSTRACT

When an aircraft is involved in an accident, the manufacturer of the aircraft may be involved in the litigation regarding the accident. This most often occurs when there is a claim that the aircraft accident was the result of a malfunction or a defect in the aircraft. The types of actions that may be brought against the manufacturer may include for negligence, breach of warranty, or products liability.

All the types of action that one can resort to, fall within the ambit of Torts. In India, this stream of law has not developed to its optimum standards. Further, there is no explicit legislation to monitor and regulate this aspect of aviation industry in specific. The other issue that is to be pondered upon is the question of jurisdiction that jeopardizes the objective of the judicial proceedings so initiated. For instance, in the case of Airbus Industries v/s Laura Howell Linton, these were the basic points of determination that were to be presided over before the ultimate objective, to provide relief to the victims. Due to the absence of a codified law, the judiciary is impaired in delivering appropriate remedy. The solution to it resides in the process of formulating a legal order and succinctly dealing with the conflict between municipal and foreign jurisdiction by studying incidents that have occurred in the past and meeting the requirements of the future.