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White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

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The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

REGULATION OF CIVIL AVIATION IN INDIA: SAFETY, SOVEREIGNTY, AND STATE CONTROL

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Introduction

Aviation Law is an area of study which is distinct and quite technical in nature, therefore finding its home at the crossroads of International Law, Administrative Law, Constitutional Law and Commercial Regulation. It is common for regulatory issues concerning the Civil Aviation Industry to touch on state sovereignty, public safety, and executive powers.

The Aviation Law regime in India has developed through a combination of legislation, international obligations, and judicial interpretation; this article will examine regulatory controls and oversight in Civil Aviation in India with a particular focus on; Statutory Controls; Regulatory Authorities; Obligations of Safety; and Judicial Precedent as it relates to the development of Jurisprudence.

International Legal Framework and Sovereignty

International law has established an unqualified sovereignty of a State over its entire airspace. The courts of India have accepted that the regulation of airspace by the government is one of the sovereign powers. Thus, any individual right to access or use the airspace will be subject to the limitations of public law as established by the government's power.

Domestic Statutory Framework

Aircraft Act, 1934 and Delegated Powers

In 1934 the Aircraft Act gave the Central Government broad authority for making regulations under the Act. Courts have upheld that the delegation of authority is constitutional, finding aviation to be a highly technical area and requires advanced administrative expertise.

In the M.C. Mehta v. Union of India (Air Pollution Case) matter, although this was not strictly an aviation case, the Supreme Court stated that when an activity is considered to be of high risk to public safety, the activity shall be subject to stringent regulatory oversight and shall be

required to meet a higher standard of care; which was later used as the basis for regulatory oversight in aviation safety jurisprudence.

Role and Authority of the DGCA: Judicial Interpretation

Nature of DGCA's Powers

The Directorate General of Civil Aviation (DGCA) is in charge of the regulation and supervision of all aspects of civil aviation in India. The DGCA has been given authority over civil aviation operations through the delegation of powers by the Central Government under the Aircraft Act. This has been confirmed by the Courts as being valid as long as the power is delegated to an executive authority, such as the DGCA.

In *InterGlobe Aviation Ltd. v. N. Satchidanand*, the Supreme Court was asked to determine the legal status of aviation regulators and what obligations an airline has to comply with.

The Court held that:

The Civil Aviation Requirements (CARs) issued by the DGCA have the force of law.

Airlines must legally comply with the regulatory instructions.

Passenger rights are an essential element of the regulation of aviation safety and services.

This case is also significant as it clarifies that when aviation regulators issue executive instructions based on statutory authority, they are legally enforceable.

Passenger Rights and Carrier Liability

Strict Liability and Consumer Protection

With regard to aviation related disputes, Indian courts have followed the principles of strict and absolute liability, particularly where a passenger's safety is concerned.

For example, the National Consumer Disputes Redressal Commission held in *H. D. Vimal v. Lufthansa German Airlines* that an airline owes its passengers a very high standard of care; where an airline fails to follow safety or service standards it can be found liable, regardless of whether it acted intentionally or negligently.

Also, in the case of *Saudi Arabian Airlines v. Dr. R.K Singha*, the Supreme Court held that international airline companies operating within the territory of India are subject to the

provisions of Indian consumer protection laws, unless the international conventions explicitly exclude them from such liability.

This decision reinforced the following principles:

Aviation is not exempt from domestic consumer jurisprudence.

Passenger dignity and safety are entitlements that are protected by law.

Aviation Safety and Accident Investigation

Judicial Deference to Technical Expertise

Indian Courts have consistently adopted a conservative, measured response to either Aviation Safety or Investigations of Aviation Accidents.

As held by the Supreme Court in *Union of India v. Kushal Chand*, decisions about aviation safety require a technical and scientific assessment. Judges should not replace the decision of Experts/Expert Regulatory Bodies unless the High Court finds evidence of bad faith, arbitrariness, or denial of natural justice.

This principle can be understood as the doctrine of 'Judicial Deference' to specialised Administrative Jurisdictions.

National Security and Airspace Control

Restrictions on Fundamental Rights

Aviation laws often relate to constitutional rights (the freedom to conduct one's trade and profession, for instance, is found in Article 19(1)(g)).

In *Akash Infra Projects Ltd. v. Union of India*, the Delhi High Court upheld regulations restricting flight operations in proximity to sensitive installations, establishing, national security considerations take precedence over commercial convenience. The aviation regulations in issue were considered reasonable by way of Article 19(6).

In summary, this decision illustrates the emphasis that aviation law places on balancing fundamental rights against the sovereign imperatives of a nation.

Judicial Review and Administrative Discretion

Indian courts have made it clear that, although the aviation regulator has wide-ranging powers, the exercise of those powers is subject to certain limitations.

The Supreme Court of India stated in *Manohar Lal Sharma v. Union of India* that decisions made by the executive in very high technical areas can be subject to judicial review. However, there may only be a limited review based on whether or not the decision was legal, whether the procedure by which the decision was made was fair and whether the decision was rationally justified.

Accordingly, the law applicable to aviation represents an example of regulated administrative discretion within the limits of the Constitution.

Conclusion

India's aviation legal framework is a combination of international obligations, laws, presidential authorities, and judicial review. Through cases decided by the courts, India's courts have further advanced passenger rights, upheld safety regulations, and confirmed the right of governments to regulate the airspace over their territories.

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