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**LIABILITY OF THE AIR CARRIAR TO COMPENSATE ACCIDENT VICTIMS WITH REFEREENCE TO WARSAW CONVENTION/ INDIAN AIR ACT 1972.**

**ABSTRACT**

In the era of globalization, the world is reduced to a village. People are intensely and extensively resorting to Air travel. Airline passengers' traffic is almost double then it used to be 10 years ago. The hazard and problems of travelers increased with expansion of aviation. Some problems include loss and delay of Baggage, delay of flight, injury to the passenger and death of passengers. It also includes damages to life and property of people on the ground due to fall of debris of Air crash.

One of the major problem, the travelers and their heirs are facing is uneven distribution of compensation, delay in compensation and also the hires had to go through a lot of harassment due to confusion arise in governing the precedence and law setup to over- come these problems.

The study taken on this subject open the Pandora of the liabilities of the Air carrier towards the victims. Aviation law is a study of various rules and regulation, practice both under the international regime and under the Indian legal system to evolve a mechanism to provide compensation to the victims. The concept of limited liability of Air carried is done away with minimum interest in awarding the

compensation to the victims. Section 9A of the Aircraft Act, 1934 fixes the liability of Air Carrier to compensate a victim. The amount of compensation fixed under the "Air Carrier Act 1972" is too insignificant to be considered as compensation. Since there is no fixed legislation or law prevails. Conclusion always arises while compensating the victim in the court of law by comparing "Carriage by Air Act 1972" to the "Motor Vehicle Act, 1988". The concept of limited liability has been done away with the "Motor Vehicle Act 1988" with Section 109-A. The mode of compensation granted to the victim by the decision of the tribunals in deciding the cases and the amount to be compensated to the victims in case of injury or death to the victim is fixed and certain formulas is adopted to compensate the keen of victims.

After reviewing the Warsaw Convention and its various amendments, it has become apparent that the very basic intention of the framers of the Warsaw convention still remains unfulfilled .A realistic amount of compensation needs to be provided. Efforts to make the amount realistic await due attention of International aviation legislation

In India, neither any tribunal exists nor does any law prevail for compensating the victims of air accident. This undermines the confidence of the people in the safety of Air travel. However because of the very frequency of the incidents and also because mounting escalation the intensity of the incidents coupled with the disregard for and gratuitous mistreatment of the Aircraft passengers and their kin involved in accident, the need to frame rules are deeply felt. A competent Tribunals, Court or Lok Adalat should be formed for the solution.