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SKIES OF RESPONSIBILITY: THE LEGAL AFTERMATH OF THE AHMEDABAD PLANE CRASH

~ *Aryan Johari*

A recent tragic incident happened in Ahmedabad has tremble humanity, instilling fear that even a simple act of travelling from one place to another is not safe, Reason being an Air India Flight AI171 going to London with 242 on 12th June has crashed into a residential area in Meghaninagar which is not very far from Ahmedabad [Airport](#). The crash happened because of severe loss of power and thrust immediately after the take-off most probably involving engine or electrical failures. The accurate cause awaits thorough analysis of black box data and maintenance [record](#). The purpose of this article is to examine legal aftermath of the Ahmedabad plane crash, with a focus on assessing liability from both a civil and regulatory standpoint.

Understanding the Legal Landscape: Accountability, Compensation, and Reform After the Ahmedabad Plane Crash

The **Montreal Convention of 1999** establishes rules and regulations for international air travel, mainly concerned about detecting the liability in cases of aircraft's accident. India became the 91st country to join the Montreal Convention of 1999 by officially ratifying it on May 1, 2009. The Convention subsequently came into force for India on June 30, 2009, marking a significant step in aligning the country's aviation liability laws with international [standards](#). Article 21 of The Montreal Convention of 1999 lays down a two-tiered liability structure for international air travel. The first tier of the convention institutes a strict liability for airlines that arises liability upto 100 000 Special Drawing Rights for each passenger, disregard of the fact that the airline committed any negligence or at any fault for the crash. In the second tier the airline has a privilege to defend themselves from the liability by proving that they have done all the due diligence which is required

as per industrial standard and not committed any sort of negligence or the accident solely occurred because of the fault of a third party, but this defense is only applicable when the liability amount surpasses 100 000 Special Drawing Rights for each [passenger](#). Victims or their families can file claims in the airline's principal place of business or the passenger's principal place of [residence](#).

Tracing Accountability: Who can be held liable ?

As per Article 17 of the Montreal Convention, Air India, acting either as a carrier or an operator, can be held primarily liable for damages resulting from the death or bodily injury of a passenger. This liability arises only if the accident that caused the harm took place while the passenger was on board the aircraft or during the processes of embarking or disembarking. The provision ensures passenger protection by holding airlines accountable for accidents occurring within their operational [control](#).

The liability can also be extended towards the Third-Party manufacturers, in this scenario Boeing (airframe) and General Electric (GE) (engine) can also be held accountable if the crash is linked with the mechanical fault or design default. Under India's Consumer Protection Act, 2019, the product liability regime gives protection to consumers to claim compensation for damages brought about by products that are defective. *Sections 82 to 87* specifically cover the product manufacturers', sellers', and service providers' liability. Where it is proved by evidence that a manufacturing defect, design defect, or lack of proper instructions or warnings led to the [accident](#), victims can sue companies like Boeing or General Electric (GE). These provisions establish strict liability on manufacturers where defects lead to personal injury, property damage, or death. Indian courts have increasingly held multinational companies accountable for their actions under this body of law, especially in cases involving public safety, transportation accidents, and cases of mass harm, thus ensuring consumer protection and corporate accountability.

Furthermore, regulatory bodies like Directorate General of Civil Aviation (DGCA) and the Aircraft Accident Investigation Bureau (AAIB) as entities falling within the scope of *Article 12* of Indian Constitution, these state instrumentalities may likewise be held accountable if failures in enforcement or regulatory oversight are [established](#).

Who Is Entitled to Claim Compensation?

In this highly unfortunate event the right of seeking compensation is vested to the legal heirs or dependents of deceased passengers. While the person who has survived the accident and suffered injuries can claim the compensation by himself. As per [Article 33 of the Montreal Convention](#) and [Chapter III of Schedule I of the Carriage by Air Act, 1972](#), such claims may be filed in the courts of the country of destination or departure, or where the airline has its principal place of business, offering victims and their families multiple jurisdictional options for seeking redress.

Rights and Remedies for Ground Victims

Innocent people who were just sitting in their mess having food also died or suffered injuries because of this crash. What about them ? What was their fault ? Will they get a compensation? So many questions with no clear answer. Ground victims are also not covered under Montreal Convention. Ground victims of air crash accidents can approach relief under the [Disaster Management Act, 2005](#), which deals with both man-made and natural disasters, including air crashes. The "disaster" as defined in the Act is wide enough to cover accidents due to negligence or operational issues, even in the absence of fatality, but serious injury or damage to property. It also makes provisions for establishment of a National Disaster Response Fund by the Central Government to meet such emergencies. Also, the National Disaster Management Authority (NDMA) is required to stipulate minimum relief standards, such as ex gratia relief for death, destruction of houses, and damage to livelihoods, so that victims at least get some minimum relief during such emergencies.

Conclusion

As Theodore Roosevelt said: *“Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong.”* Human life cannot be brought back after this tragic incident but a fair compensation can definitely help the family members of the deceased to live a dignified life. Moreover, giving compensation is not a solution to this problem. Regulatory bodies must look into the root cause of these problem and fix them with strict regulations and safety protocols ensuring such type of unforgettable incident does not reoccur in future because human life is truly priceless and no amount of compensation can equate to the value human life.