



FEDERATION OF INDIAN PILOTS

To,
The Hon'ble Minister,
Ministry of Civil Aviation,
Government of India,
Rajiv Gandhi Bhavan,
New Delhi-110003

FIP/MOCA/2025-07

22 September 2025

FORMAL DEMAND FOR THE CONSTITUTION OF A COURT OF INQUIRY (JUDICIAL PROBE) UNDER RULE 12 OF THE AIRCRAFT (INVESTIGATION OF ACCIDENTS AND INCIDENTS) RULES, 2017, INTO THE ACCIDENT OF AIR INDIA FLIGHT AI 171, BOEING 787-8 (VT-ANB), ON 12 JUNE 2025

Dear Hon'ble Sir,

1. Reference is made to the following:

- a. FIP Communication to MOCA dated 16 June 2025 & 23 June 2025
- b. Letter from Mr. Pushkar Raj Sabharwal to MOCA & AAIB dated 29 August 25.
- c. Email from Mr. Pushkar Raj Sabharwal to FIP dated 17th September 2025

2. This communication is in solemn continuation of our Communication dated 13th June & 23rd June 2025, wherein the Federation of Indian Pilots (FIP) expressed its profound grief over the catastrophic accident involving Air India Flight AI 171, a Boeing 787-8 aircraft (VT-ANB), operating from Ahmedabad to London Gatwick. We mourn the irreplaceable loss of Capt. Sumeet Sabharwal, Capt. Clive Kunder, the ten cabin crew members, and the 229 passengers onboard, as well as the 19 individuals on the ground. At that time, we made a preliminary request for the inclusion of subject-matter experts and a judicial enquiry to ensure transparency. However, this letter serves as a formal and urgent escalation of that position. It is necessitated by grave and alarming developments that, in the considered view of the entire Indian pilot community, have fundamentally and irrevocably compromised the integrity, impartiality, and legality of the ongoing investigation being conducted by the Aircraft Accident Investigation Bureau (AAIB).

3. The actions undertaken by the AAIB in the intervening period have not only violated statutory rules and ethical norms but have also shattered the confidence of the bereaved families and the aviation fraternity in the current investigative process. Therefore, it is a formal demand, grounded in law and precedent, for the immediate invocation of a judicial probe. We assert that this is the only remaining path to salvage the credibility of the accident investigation process in India, deliver justice to all the souls lost, and uphold public faith in our nation's commitment to aviation safety.

4. The conduct of the AAIB has moved beyond mere procedural irregularity into the realm of manifest bias and unlawful action. This has rendered the current



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investigation untenable and its potential findings is likely to affect the morale of the pilots.

5. Egregious Procedural and Ethical Breaches by AAIB Officials

On 30th August 2025, a delegation of AAIB officials conducted an unsolicited visit to the residence of Mr. Pushkar Raj Sabharwal, the 91-year-old bereaved father of the Pilot-in-Command, Capt. Sumeet Sabharwal. This visit, made under the disingenuous "pretext of offering condolences," was a gross and calculated overreach of the AAIB's mandate. During this interaction, these officials made damaging "insinuations" based on a "selective CVR interpretation and a so-called 'layered voice analysis'," suggesting that Capt. Sabharwal had deliberately moved the fuel control switches to the CUTOFF position post-take-off. This action is, as Mr. Pushkar Raj Sabharwal rightly states, "procedurally improper and professionally indefensible". It represents a deliberate strategic manoeuvre designed to pre-emptively establish a "pilot error" narrative. By confronting a grieving, vulnerable family member with speculative and uncorroborated claims outside of any formal investigative report, the officials were attempting to control the public and official discourse before a comprehensive analysis of all factors was complete. This act of "poisoning the well" serves to frame the victim as the perpetrator from the outset, a tactic that conveniently deflects scrutiny from more complex and potentially costly systemic failures, including those related to aircraft manufacturing, maintenance, or regulatory oversight—concerns explicitly raised by Mr. Pushkar Raj Sabharwal.

6. Unlawful Disclosure of Protected Information and Resultant Character Assassination

The AAIB's misconduct extends to the flagrant violation of its own governing statutes. Rule 17(5) of the Aircraft (Investigation of Accidents and Incidents) Rules, 2017, explicitly and unequivocally prohibits the public disclosure of the audio content of cockpit voice recordings. Despite this clear legal restriction, selective details and interpretations of the CVR have been systematically leaked to the media.

7. These unlawful disclosures have fuelled a vicious and baseless media campaign, resulting in the character assassination of a decorated professional. Capt. Sumeet Sabharwal, a Line Training Captain with an unblemished 30-year career and 15,638 hours of safe flying (8,596 hours on the B787), has been posthumously subjected to grotesque speculation about his mental state. Media reports, citing these leaks, have concocted a narrative of suicidal intent, absurdly linking it to his divorce 15 years prior and his mother's passing over three years ago—events after which he operated hundreds of flights without incident. This is a direct and malicious attack on the Fundamental Right to reputation guaranteed under Article 21 of the Constitution of India. Indian courts recognize this right, though its extension posthumously is subject to debate among jurists.

8. This pattern of behaviour also violates the foundational principle of air accident investigation enshrined in Rule 3 of the 2017 Rules: "The sole objective



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of the investigation “shall be prevention of accidents and incidents and not to apportion blame or liability”. The AAIB's actions are in direct contravention of this mandate.

9. The AAIB's violation of its own statutory framework creates significant legal and international liability for the Government of India. Mr. Sabharwal has already put the Ministry on formal notice of his intent to pursue legal action. Furthermore, this conduct contravenes the spirit and letter of ICAO Annex 13, which obligates member states to conduct independent and impartial investigations. A flawed domestic probe compromises India's standing in the global aviation community. A judicial inquiry is therefore not only a matter of justice but also a necessary mechanism for the Ministry to cure these profound procedural defects and mitigate its own legal and reputational exposure.

10. The Legal Imperative for a Court of Inquiry under Rule 12

The 2017 Rules provide a clear and specific remedy for a situation where a standard investigation is insufficient or compromised. Rule 12 empowers the Central Government to order a formal investigation, to be held by a "Court," when it appears "expedient to do so".

11. The FIP submits that the circumstances surrounding the AI 171 investigation make the constitution of a Court of Inquiry not merely "expedient," but an absolute and urgent necessity. The complete breakdown of trust, the manifest bias demonstrated by the AAIB, the public hysteria fuelled by illegal leaks, and the sheer scale of this national tragedy are precisely the conditions for which this provision was created.

12. The critical distinction of a Court of Inquiry is that it possesses "all the powers of a civil court". Unlike the AAIB's private, administrative process, a Court can compel testimony under oath, issue summons, and demand the production of any and all documents from any party—including international manufacturers like Boeing and General Electric, whose representatives, it is alleged, have already unduly influenced the preliminary report dated 12th July 2025. This is the only mechanism that can guarantee the level of transparency and forensic rigour this disaster demands. Crucially, upon the appointment of the Court, all other investigations are formally closed, and all materials are transferred to it, providing a clean slate and a definitive end to the AAIB's compromised process.

13. The Mangalore Precedent: A Blueprint for Accountability

The Government of India has an established and commendable precedent for invoking its highest level of investigative authority in response to aviation disasters of this magnitude. The tragic accident of Air India Express Flight 812 (Boeing 737-800) in Mangalore on 22 May 2010, which claimed 158 lives, prompted the government to constitute a formal Court of Inquiry under the corresponding Rule 75 of the Aircraft Rules, 1937. This action demonstrates a clear understanding that for accidents of such scale and public concern, an



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administrative inquiry is insufficient. The AI 171 accident, with an even greater loss of life, warrants no less decisive a response.

14. The Mangalore Court of Inquiry was headed by a retired Air Marshal and, importantly, included a panel of expert assessors: a former Flight Inspector, a former senior DGCA officer, an airline's Executive Vice President of Engineering, and a former Executive Director of the Airports Authority of India. This composition offers a useful precedent for a multi-disciplinary approach and supports the FIP's request for expert involvement. The credibility of the 2010 process was noted in public records. While the Mangalore inquiry ultimately identified pilot error as the direct cause, the integrity and credibility of its process were robust and accepted. The FIP's demand is for a process of at least equal integrity, a standard the current AAIB probe has already failed to meet.

15. In 2010, the investigation was initiated to find the cause of a crash. In 2025, the investigation must first overcome the profound failings of the investigators themselves. This justifies the demand for an even higher standard of independence. While an Air Marshal is a respected figure, the current circumstances, tainted by allegations of a cover-up within the executive machinery, necessitate a leader from outside the administrative and military establishment. Therefore, we fully endorse Mr. Sabharwal's request that the Court be presided over by a retired Judge of the Hon'ble Supreme Court of India, representing the complete independence of the judiciary.

16. A Global Cautionary Tale: The Boeing 737 MAX Tragedies

Should any investigation prematurely focus on pilot error, there is a risk of overlooking systemic factors, as witnessed in the cases involving the Boeing 737 MAX a catastrophic global failure to look beyond such simplistic conclusions. The crashes of Lion Air Flight 610 in October 2018 and Ethiopian Airlines Flight 302 in March 2019, which together killed 346 people, serve as a chilling cautionary tale.

17. In the aftermath of the first crash, the manufacturer and others were quick to imply pilot error. It was only after a second, nearly identical tragedy and subsequent exhaustive, independent investigations by bodies like the U.S. Congress that the horrifying truth emerged: a latent and aggressive design flaw in the Manoeuvring Characteristics Augmentation System (MCAS), a culture of concealment at Boeing, and critical lapses in the U.S. Federal Aviation Administration's certification process. The pilots of those flights were confronted with a complex, undocumented failure that, in the words of experts, created a "no-time event" that was practically unrecoverable.

18. This history provides a direct and disturbing parallel to the current situation. Mr. Sabharwal's letter explicitly notes that the preliminary report appears to give a "clean chit to the manufacturer Boeing" while simultaneously building a case against the crew. This mirrors Boeing's initial strategy post-Lion Air. India cannot afford to repeat this mistake. We must not wait for a second



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tragedy to uncover a potential systemic flaw that the AAIB appears determined to overlook.

19. The nature of the AI 171 accident—a catastrophic event occurring "within a minute or so of its take-off"—has the hallmarks of a non-recoverable system failure. A credible investigation must therefore reframe its central question. The inquiry should not be limited to "Did the pilots make a mistake?" but must ask the far more critical question: "Was the crew presented with a survivable event?" This shift in perspective moves the focus from the crew's final, desperate actions to the entire causal chain preceding them: aircraft design, software integrity, maintenance history, and regulatory certification. The AAIB, by focusing narrowly on the fuel switches, is examining a potential effect while ignoring a universe of potential causes. Only a judicial probe, with its broad mandate and powers, can competently investigate this entire chain and determine if this accident was a failure of human action or a failure of system recoverability.

20. **FIP's Demands:**

In light of the overwhelming evidence of a compromised investigation and the grave threat this poses to public safety and institutional integrity, the Federation of Indian Pilots formally requests that the Ministry of Civil Aviation take the following immediate actions:

a. **Immediate Constitution of a Court of Inquiry:** FIP demands that the Central Government exercise its authority under Rule 12 of the Aircraft (Investigation of Accidents and Incidents) Rules, 2017, without any further delay. The current AAIB investigation must be formally halted, and a Court of Inquiry constituted to take over the entire matter.

b. **A Judicially-Led and Expert-Informed Composition:** We propose, in the interest of maximum impartiality and expertise, that the Court be composed as follows, building upon the Mangalore model and the specific needs of this case:

i. **Presiding Officer:** A retired Judge of the Hon'ble Supreme Court of India.

ii. **Assessors:** A panel of unimpeachable, independent experts possessing operational, aircraft maintenance, avionics and flight control systems, aviation human factors knowledge.

c. **Public Censure and Clarification:** We request that the Ministry issue a formal directive to the AAIB to immediately cease and desist from all extra-judicial commentary and communication with bereaved families or the media regarding this or any other investigation. We further demand that the Ministry issue a formal press release to clarify for the public that the sole objective of an accident investigation under Indian law is accident prevention, not the apportionment of blame, as mandated by Rule 3, and that all media reports attributing blame are, at this stage, unsubstantiated and damaging speculation.

21. **Conclusion:** A Solemn Duty to Justice and the Future of Air Safety

This demand/request is not made lightly, nor is it merely about defending the sterling reputation of one of our most esteemed pilots, though that is a matter of



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profound importance. This is about defending the very integrity of the air accident investigation process in India.

22. The Federation of Indian Pilots, and the entire professional pilot community it represents, has a solemn and non-negotiable duty to the victims of Flight AI 171, to their grieving families, and to the future safety of the travelling public. That duty is to ensure that the true, systemic, and unvarnished lessons of this tragedy are learned and acted upon. A compromised, biased investigation that defaults to a simplistic and convenient "pilot error" narrative is the single greatest threat to achieving that goal. It ensures that underlying dangers—be they in design, maintenance, or oversight—remain hidden, only to re-emerge in a future catastrophe.

23. We trust that the Ministry will recognize the gravity of this situation and the legitimacy of our demands. We await your swift and affirmative action and stand ready to provide any and all necessary assistance to the newly constituted Court of Inquiry.

With Warmest Regards,

Federation of Indian Pilots (FIP)

CC:

1. Secretary, MOCA, Rajiv Gandhi Bhavan, New Delhi-110003
2. Gp Capt G.V.G. Yugandhar, DG AAIB, Safdarjung Airport, New Delhi-110003

Encl:

1. Letter of Mr Pushkar Raj Sabharwal
2. Email of Mr Pushkar Raj Sabharwal
3. Emails from FIP