



**AIR INDIA'S RESPONSE TO SUBMISSIONS BY
THE FAMILY INTERESTS PARTY FILED BY
WEIR FOULDS LLP**

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Submitted by Air India's solicitors:

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Unauthorized Baggage Issue

1. In the early 1980s, neither airlines nor the regulatory regime that governs civil aviation understood that passenger baggage reconciliation should be done for interconnecting airlines. Air India, for its own customers, carried out baggage passenger reconciliation but there was a gap that was not understood to be a gap. The failure to prevent a suitcase that contained a bomb from being carried on board Air India Flight 181/182 was the culmination of a series of failures: an overall failure of intelligence by the law enforcement agencies, a failure of the existing civil aviation security regulatory regime, and a failure in human judgment, in particular by the Canadian Pacific check-in agent. The screening of checked baggage and passenger-baggage reconciliation were not normally being conducted in Canada or elsewhere, as systems were primarily designed for preventing hijackers from boarding aircraft.

Organization Issues

2. From 1982 to 1987, Mr. Mahendra Saxena was the employee of Air India who was posted at John F. Kennedy Airport in New York to look after Air India's security functions. His responsibilities included the implementation of the instructions as contained in Standing Orders, Security Manual, written/verbal instructions from superiors in the areas of Access Control, Search/Inspection, surveillance, investigation, fraud prevention, liaison with law enforcement and aviation security agencies, supervision, administration etc., and overseeing of security functions. Being closer to Canada, he was also asked, as and when required, to attend to security work pertaining to Air India's once weekly flight operations in Canada. Prior to June 22, 1985,

he visited Canada on duty, for four to five times. His duties in Canada included briefing on security matters to concerning Air India staff, handling agents and security agency, inspecting flight kitchen, cargo and handling areas to ensure all security measures as laid down in security plan are being undertaken, and visiting Transport Canada, RCMP and local law enforcement agency when necessary.

3. There was only one security officer from Air India who used to handle the flight at YYZ and YMX. That officer was temporarily based at JFK and used to visit YYZ and YMX to attend to the Air India flight. After attending the flight at YYZ he used to travel to YMX on the same flight to attend to security issues at YMX. Mr. John De Souza was the security officer who handled Air India Flight 181/182 on June 22, 1985. There is no confusion as to who was in charge of security issues on June 22, 1985.

June 1, 1985 Telex

4. Air India agrees with the position of the Attorney General of Canada that the June 1, 1985 telex did not describe a specific threat to Air India. Air India provided a copy of the telex to the RCMP at Pearson International Airport. Mr. Saxena's comments in his questionnaire dated October 24, 2007 has been taken out of context. He does not say that Air India was operating under a specific threat to Flight 181/182 on June 22, 1985. One needs only to examine the telex to determine that this does not constitute a specific threat.

Hand Searching of Checked Luggage

5. There was no evidence before the Inquiry that would suggest that a physical hand search of checked baggage would have detected the bomb in the interlined bag from Canadian Pacific Airlines.

6. Air India agrees with the position of the Attorney General of Canada that Mr. Serge Carrignan was not called to check all baggage on the aircraft on June 22, 1985 in Montreal. He was only called by the RCMP to inspect the three suspect bags removed from the flight by Air India in accordance with its security program.

Cost Factor

7. Air India submits that there was no cost factor involved in the decision to allow Air India Flight 182 to depart from Montreal on June 22, 1985. In the initial statement taken from Mr. Daniel Lalonde on June 26, 1986 by the RCMP, Mr. Lalonde made no reference to having overheard anything about the cost of delaying the aircraft, contrary to his latest testimony before the Inquiry.