

You can get compensation if your luggage is lost during flight | रसरंग में आपके अधिकार: हवाई उड़ान में सामान गुम हो जाने पर पा सकते हैं मुआवजा

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Your rights in Rasrang: You can get compensation if your luggage is lost during an air flight

Gaurav Pathak23 days ago



Section 2(11) of the Consumer Protection Act, 2019 defines “deficiency” as “negligence or omission or any act which causes harm or injury to the consumer”. Such deficiencies are common in the aviation industry and consumers have often taken airlines to task over this. In the last issue, we explained what rights a passenger can have in case of denial of boarding by an airline and cancellation of flight and how they can claim compensation. In this issue, we will talk about some more rights of air passengers.

As per the Directorate General of Civil Aviation guidelines for persons with disabilities and/or reduced mobility on denial of wheelchair, airlines should ensure that passengers requiring wheelchairs have seamless travel from the departure terminal to the aircraft and from the aircraft to the arrival terminal exit at the end of the journey without any additional cost. In 2019, the National Consumer Disputes Redressal Commission (NCRDC) passed an order awarding a compensation of Rs 5 lakh to a senior citizen couple whose seats were changed and they were not provided with a wheelchair. Recently, the DGCA imposed a fine of Rs 30 lakh on Air India for failing to provide a wheelchair to an 80-year-old passenger who had to walk from the aircraft to the terminal and died.

In case of loss of luggage, action is taken under the Montreal Convention in cases of loss of luggage on international flights. In domestic flights, it operates under the Carriage by Air Act, 1972. In both situations, the liability of the airlines is limited. Therefore, it is better to take travel insurance while traveling abroad. Usually when the luggage does not reach the destination airport, the airlines deliver it to the passenger's address through the next available flight. However, if the luggage is not found or is lost, the consumer can get compensation from the airline. In July 2023, the Supreme Court upheld the NCDRC's decision, which ordered Air India to pay a compensation of Rs 2.03 lakh for losing a passenger's luggage. In this case, the passenger had shown shopping receipts of the luggage as he was traveling to attend a wedding. However, earlier the airline had offered him a compensation of just Rs 3,600 as per the rules.

Technical reasons excuse 'The flight got delayed due to technical reasons', such excuses are common in the aviation industry. The airlines rarely explain what those technical reasons are. When an airline was sued for a flight delay that led to a missed connecting flight, the airline attributed the delay to 'technical reasons'. The NCDRC observed that citing technical reasons for delays and diversions in front of passengers waiting at airports may be common, but if an airline is appearing in a consumer court, it should give a detailed account of such reasons instead of making a generalised statement like 'technical reasons'. It clearly stated that airlines cannot hide their inefficiencies under the guise of technical reasons. The airlines are duty bound to take care of stranded passengers who have missed connecting flights due to the delay, and accordingly the Commission ordered compensation.

After the boarding pass is issued, passengers are expected to proceed towards the boarding gate and report before the boarding gate is closed. The Supreme Court said that if a passenger misses boarding after the boarding pass is issued, it is not the responsibility of the airlines. In a separate judgment, the NCDRC has clarified that the airline cannot be held guilty in such circumstances. **(The author is also the secretary of CASC.)**

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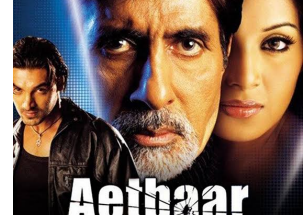
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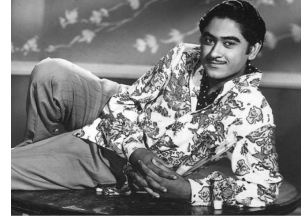
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