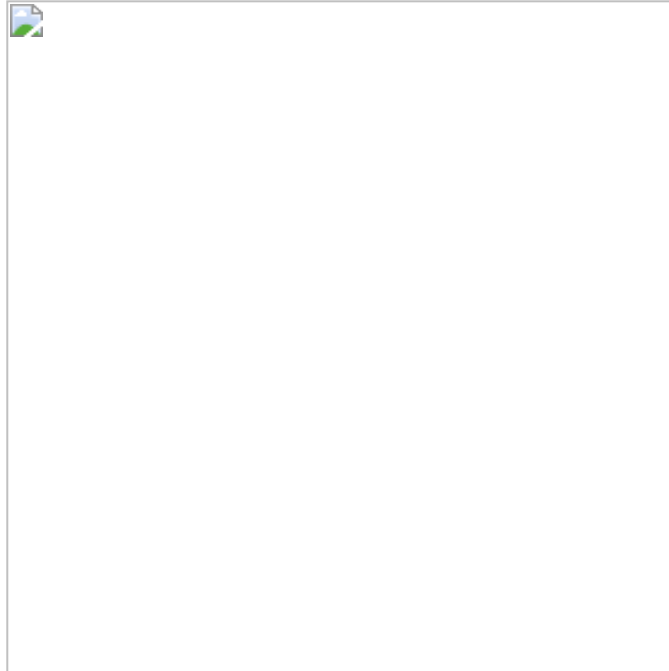


Your rights in Rasrang: The hotel has the responsibility to ensure the safety of the guest

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Gaurav Pathak 1 day ago

The hotel industry in India is growing rapidly. Hotels are trying their best to provide a comfortable stay to their guests, but there have been many cases of deficiency in service. Today we will analyze the rights of hotel guests and the respective responsibilities of hotels in the light of decisions given by consumer courts.

Ensuring safety It is the primary responsibility of hotels to ensure the safety of their guests. In *Koka Naga Trinath vs Gonimadathala Chandra Lakshmi (2024)*, the National Commission held that any customer staying in a lodge expects safety of his life and belongings. It is the duty of the lodge owner to ensure the safety of the people staying in the lodge. A guest was killed in the lodge due to the negligence of the hotel, which the court held amounted to deficiency in service.

Similarly, in *Gangadhar Shamandas Mangalani v. Hotel Lucky India (2022)*, the National Commission applied the principle of “res ipsa loquitur” and held the hotel liable for the death of a guest due to a fire. The hotel had no smoke detectors and its staff was not trained to operate fire extinguishers. Since the hotel was aware of the cause of the accident and no explanation was given, negligence on the part of the hotel was established.

Valet parking Hotels offering valet parking cannot escape their liability by simply writing 'owner's risk' on the parking token. In *Taj Mahal Hotel vs United India Insurance Company Limited* (2018), the Supreme Court held that the hotel-guest relationship falls under the concept of "infra-hospitium". That is, when the car owner hands over the keys to the valet (hotel employee), the duty of care passes on to the hotel and it is liable to return the vehicle in the same condition in which it was received. Simply printing a 'disclaimer' on the parking tag will not absolve the hotel of its responsibility.

One-sided terms in the contract Hotels tend to limit their liability to booking receipts, bills etc. by printing a 'disclaimer'. In *S.K. Teng v. Hotel Sealord* (2015), a guest fell from the second floor and was injured. The hotel argued that the token clearly stated that the management would not be responsible for any loss, theft or damage. The National Commission rejected this argument and ordered compensation to be paid to the guest. Unfair and one-sided contract terms cannot bind consumers.

Claim for compensation Consumer courts have awarded compensation for harassment and mental agony in a number of accident cases. In *C. Venuprasad v. Narangs International Hotel Private Limited* (2012), guests were stuck in a hotel lift for two and a half hours. Holding the hotel guilty of negligence in the maintenance of the lift, the National Commission awarded compensation of Rs. 2 lakh to each guest for damages and mental agony.

While determining the responsibility of hotels, consumer commissions and forums have focused on the duty of care. Hotels are expected to take reasonable care of guests and their belongings as long as they are within the hotel premises. Guests can claim compensation not only for actual damages but also for inconvenience and mental agony. (The author is also the secretary of CASC.)