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दैनिक भास्कर

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Your rights in Rasrang: Travel: You may receive compensation if your seat or blanket is dirty

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Indians are traveling more than ever before. With faster transportation, connectivity, and improved networks, travelers expect a basic level of comfort and cleanliness during their travels. The Consumer Protection Act, 2019, translates these expectations into legal rights. Passengers can complain to consumer forums if they encounter deficiencies in service, even if they suffer mental distress. Two decisions (one against an airline and one against the railways) demonstrate how these rights play out on the ground.

What are passengers' rights? Section 2(7) states that any person who receives a service for a fee is a "consumer." This includes both air and rail passengers traveling with a ticket. Once this relationship is established, the passenger is entitled to receive service without any defects or deficiencies. The Act also includes the right to information, the right to file a complaint, and the right to consumer awareness. This means that service providers must not only provide the promised service but also take appropriate action upon receiving a complaint.

Air Travel: When the Seat Was Dirty A 60-year-old passenger named Pinky boarded an IndiGo international flight from Baku (Azerbaijan) to New Delhi. She was pre-allotted a window seat, but it was dirty and unhygienic. Upon complaining, the crew failed to provide a clean window seat, and she was given a middle seat, separate from her family. Photographic evidence proved the unhygienic conditions. The airline also failed to produce necessary records, such as a situation data display or aircraft cleaning logs, as required by Directorate General of Civil Aviation regulations. The Commission considered this a "deficiency in service" under Section 2(11) and an "unfair trade practice" under Section 2(47), as the airline's advertisements promised a "hassle-free" journey, while the reality was otherwise. The failure to comply with DGCA hygiene regulations further strengthened the case. As a result, the passenger was ordered to pay Rs 1.5 lakh for mental agony and Rs 25,000 as litigation expenses.

Train Travel: Dirty Blankets, Poor Food This case was filed by the Assam State Food Commission in 2015. Dr. Lokendra Prasad Deka, a senior citizen, was traveling from Bengaluru to Guwahati in an AC-2 tier coach. During the journey, he faced problems such as dirty sheets and blankets, poor quality food, and a lack of charging points. The Railways did not respond to written complaints. The State Commission upheld the District Consumer Forum's order awarding compensation of 20,000 rupees and litigation costs to each passenger. The Commission stated that this constituted "deficiency in service" and "unfair trade practice" because the passengers' legitimate complaints were ignored. The Railways' argument that contractors were responsible for the facilities was rejected, as the Railways, as the primary service provider, is ultimately accountable.

The legal principles emerging from these cases clearly demonstrate that service standards are legally enforceable. Cleanliness, comfort, and basic amenities are part of the contract, and failing to provide them is a violation of the Consumer Protection Act, 2019. Sector-specific regulations, such as the

DGCA's Civil Aviation Requirements for airlines and the Railways' Passenger Amenities Guidelines, reinforce the Consumer Protection Act. Violations of these regulations can be crucial evidence in proving deficiency in service.

Passengers should keep these things in mind: If you encounter such a problem during your journey, immediately take a photo, preserve your ticket/boarding pass, and file a written complaint with the service provider's grievance cell. Citing Section 2(11) and Section 2(47) in your complaint strengthens your legal basis. Even if the journey has already been completed, compensation may still be available. Compensation may be awarded not only for financial loss, but also for inconvenience, humiliation, and mental anguish, especially for senior citizens. **(The author is also the Secretary of CASC.)**