

It is the airlines' responsibility to give notice of flight cancellation | रसरंग में आपके अधिकार: एयरलाइंस का दायित्व है फ्लाइट कैंसलेशन की सूचना देना

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Your rights in Rasrang: Airlines have a duty to inform you about flight cancellations

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India is one of the fastest growing aviation markets in the world. In August 2024 alone, 1.24 crore people took domestic air travel. But with the increasing interest in air travel, many types of problems are also increasing. The legal system regarding this is a bit complicated, as it involves many rules and regulations and international laws. To simplify this matter, let us know what are your rights as a flight passenger.

Passenger Charter The Government of India issued a document called Passenger Charter in February 2019. It details certain situations and informs passengers about their rights. Although the charter is not a law, it presents a simplified version of the legal

provisions and is therefore an excellent document for creating awareness. For example, it explains the basis on which passengers can get free food or hotel accommodation if their flight is delayed. Similarly, in case of lost luggage during a domestic flight, the airline's liability is Rs 20,000 per passenger, while in international flights, this liability is a maximum of about Rs 1,25,000 per passenger.

While the passenger has rights and redressal under the aviation law relating to consumer rights , he also has certain rights under the Consumer Protection Act, 2019. The Supreme Court has held in several cases that the Consumer Protection Act is a social benefit oriented law and hence the courts should adopt a constructive liberal approach while interpreting the provisions of the Act.

Denial of boarding There have been many cases on international flights where airlines have denied boarding to a passenger. One of the main reasons given by airlines for denying boarding is that the passenger has a 'bad profile'. If the passenger takes the matter to the consumer commission, the onus is on the airlines to prove that the passenger had a 'bad profile'. In the case of Shamimuddin vs Kuwait Airways, the airline could not prove this. The Delhi State Commission ordered the airline to pay a compensation of Rs 6 lakh to the passenger.

If a flight is cancelled , it is the airlines' responsibility to inform passengers about the delay or cancellation. This would fall under the consumer rights mentioned under Section 2(9)(ii) of the Consumer Protection Act, 2019. In one case, Jet Airways did not inform passengers about a change in flight timings and they came to know about it only after reaching the airport. Due to this, some passengers could not appear for an examination to be held in another city. The National Consumer Disputes Redressal Commission (NCDRC) considered it a deficiency in service and ordered a compensation of Rs 1 lakh. But when an Air India flight was cancelled due to a pilots' strike and a passenger was not informed about it, the National Consumer Commission ordered only Rs 10,000 as compensation. This is because the concerned passenger had not submitted his contact details to the airline. However, Air India was also ordered to refund the ticket money to the passenger and also pay the cost of litigation. In the next section we will discuss other issues and rights that may arise during travel.

(The author is also the Secretary, CASC.)

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