

# Change in travel plan, compensation may be given | रसरंग में आपके अधिकार: यात्रा कार्यक्रम में बदलाव, मिल सकता है मुआवजा

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## Your rights in Rasrang: Change the itinerary, you may get compensation

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The tourism industry in India is growing rapidly. If we talk about domestic tourism alone, 1.7 billion trips were recorded in the country in the year 2023. Whether the trips are international, pilgrimage packages or domestic holiday trips, consumers spend lakhs of rupees on bookings through travel operators. The relationship between consumers and tour operators is governed by the Consumer Protection Act, 2019. Let us understand today what rights consumers have under this law.

**Sudden changes in itinerary** A frequently occurring issue is that of changes in itineraries by tour operators. MakeMyTrip vs Manvendra Saha Roy (2019) was heard by the National Consumer Commission. In this case, the operator had sent a provisional

itinerary to the consumer and had also taken full payment. But then sent a completely different itinerary just 3 days before departure. The operator also had a very strict cancellation policy, according to which the entire amount was forfeited if the trip was cancelled within 10 days of the proposed trip. This practice of making last minute changes while maintaining this cancellation policy was considered to be an unfair and restrictive trade practice. The Commission directed to refund the entire booking amount along with compensation.

**Cancellation of Visa** If international travel programs are cancelled due to visa rejection, the consumer commissions pass orders only after considering the terms and conditions of the tour operators. In *MakeMyTrip v. Dr. S. Nagarajan (2024)*, consumers had to cancel their tour to Europe due to visa rejection. The National Commission held that if the visa rejection is communicated 45 days before departure, only administrative charges can be deducted. However, if the tour operator is informed later, normal cancellation charges will apply as per the contract entered into. The Commission observed that for international tourism, operators need more time to make confirmed bookings and get better deals.

**What should consumers pay attention to?** Under Section 2(9) of the Consumer Protection Act, 2019, consumers have the right to receive all relevant information and to be protected from unfair trade practices. Before booking a tour, consumers should obtain a complete itinerary in writing from their operator and also read the cancellation and refund policies carefully. Keep copies of all communications and also get details of hotels and promised services in advance. Also check the registration and credentials of the operator and use a traceable system for payment. Obtain proper receipts and (in the case of international tourism) keep a copy of the visa rejection letter.

How to complain? Consumers can approach consumer commissions under Section 35 of the Consumer Protection Act, 2019 with their grievances. The complaint should be filed within two years from the date of the incident (cause of action). If the amount paid is less than Rs 50 lakh, the complaint will be filed with the District Commission. Commissions have in the past generally ordered refund of travel amount with interest, compensation for mental agony and harassment, litigation costs and additional compensation in cases of unfair trade practices. Court success depends on retaining proper documentation, including booking receipts, correspondence with the operator, brochures showing the promised itinerary and evidence of changes in the itinerary without consent or proper notice.

**(The author is also the Secretary, CASC.)**

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