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GOVERNMENT OF INDIA

OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION

TECHNICAL CENTRE, OPP SAFDURJUNG AIRPORT, NEW DELHI

CIVIL AVIATION REQUIREMENTS

SECTION 3 – AIR TRANSPORT

SERIES 'M' PART IV

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Subject: Facilities to be provided to passengers by airlines due to denied boarding, cancellation of flights and delays in flights.

1. INTRODUCTION

- 1.1 In view of rapid expansion of air services within India and on international routes to/from India and with the increase in the volume of passenger traffic, it has become necessary for the Government to take appropriate action to ensure appropriate protection for the air travelers in case of flight disruptions and, in particular, denied boardings, flight cancellations and delays without due notice to the passengers booked on the flight(s).
- 1.2 The Government accordingly considers it necessary to raise the standards of protection both to strengthen the rights of the passengers and to ensure that the airlines operate under harmonized conditions. As the distinction between the scheduled and non-scheduled services is reducing, such protections shall be provided to passengers traveling not only on scheduled flights but also on non-scheduled flights and foreign carriers operating to/from India.
- 1.3 In order to ensure effective application of this CAR, the obligation of compliance shall rest with the airline which performs or intends to perform the flight in question whether with its own aircraft, aircraft under dry or wet lease or on any other basis subject to the conditions laid down herein. This CAR, however, does not restrict the rights of the operating airline to seek compensation from any person, including third parties, in accordance with the applicable law.
- 1.4 The operating airline would not have the obligation to pay compensation in cases where the cancellations and delays have been caused by an event(s) of force majeure i.e. extraordinary circumstance(s) beyond the control of the airline, the impact of which lead to the

cancellation/delay of flight(s), and which could not have been avoided even if all reasonable measures had been taken by the airline. Such extraordinary circumstances may in particular, occur due to political instability, natural disaster, civil war, insurrection or riot, flood, explosion, government regulation or order affecting the aircraft, strikes and labour disputes causing cessation, slowdown or interruption of work or any other factors that are beyond the control of the airline.

- 1.5 Additionally, airlines would also not be liable to pay any compensation in respect of cancellations and delays clearly attributable to Air Traffic Control (ATC), meteorological conditions, security risks, or any other causes that are beyond the control of the airline but which affect their ability to operate flights on schedule. Extraordinary circumstances should be deemed to exist where the impact of an air traffic management decision in relation to a particular aircraft or several aircraft on a particular day, gives rise to a long delay or delays, an overnight delay, or the cancellation of one or more flights by that aircraft, and which could not be avoided even though the airline concerned had taken all reasonable measures to avoid or overcome of the impact of the relevant factor and, therefore, the delays or cancellations.
- 1.6 This CAR is issued under the provisions of Rule 133 A of the Aircraft Rules, 1937 and with the approval of Ministry of Civil Aviation for information, guidance and compliance of all concerned.
- 1.7 This CAR shall be applicable to all scheduled and non-scheduled operators.

2. DEFINITIONS

- 2.1 *Airline* means an air transport undertaking with a valid Operating Permit operating Scheduled or Non Scheduled services.
- 2.2 *Operating airline* means an airline that performs or intends to perform flights under a contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger.
- 2.3 *Reservation* means the fact that the passenger has a confirmed ticket or other proof which indicates that the booking for travel on a particular flight or several flights has been accepted and registered by the airline.
- 2.4 *Final destination* means the last destination shown on the ticket presented at the check-in counter for a flight or in case of directly connecting flight, the destination of the last flight. Alternative connecting flights available shall not be taken into account if the original arrival time is respected.
- 2.5 *A person with reduced mobility* shall be as is defined in CAR Section 3, Series M, Part I.
- 2.6 *Denied Boarding* means a refusal to carry a passenger or passenger holding confirmed ticket on a flight although he/she has presented himself/herself for boarding within the time specified by the airline, except where there are

reasonable grounds to refuse carriage such as reasons of health, safety or security, or inadequate travel documentation.

2.7 *Volunteer* means a person who has presented himself for boarding and responds positively to the air carrier's call for passengers who are prepared to surrender their reservation on the flight.

2.8 *Cancellation* means non-operation of a flight which was previously planned to be operated and on which at least one place was reserved for a passenger.

2.9 *Block time* is the total time from the moment an aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight.

3. REQUIREMENTS

3.1 Information about Flights and Reservations

3.1.1 While making enquiries or making a booking for a flight through an airline or its designated travel agent, each passenger shall be provided neutral and accurate information on the flight details and reservation status as also the applicable conditions specified by the airline for both the fare category and the conditions of travel.

3.1.2 Unless a passenger specifies, the airline/agent must provide neutral information on the different options available for a journey ranked in the following order:

- a) Non stop flights
- b) Flights with intermediate stops but without a change of aircraft
- c) Connecting flights
- d) All the fares available from airlines, as applicable

However, the airline will have the right to give preference to its own flights in providing the information in order to promote business on its services.

3.1.3 The airline or its designated travel agent must pass on to the passengers the following information in the form of a computer print-out:

- a) The identity of the airline which will actually provide the service, as opposed to the airline mentioned on the ticket;
- b) Changes of aircraft during the journey;
- c) Stops en-route during the journey;
- d) Transfer between the airports during the journey.

3.2 Denied Boarding

- 3.2.1 When the number of passengers, who have been given confirmed bookings for travel on the flight and who have reported for the flight well within the specified time ahead of the departure of the flight, are more than the number of seats available, an airline must first ask for volunteers to give up their seats so as to make seats available for other booked passengers to travel on the flight, in exchange of such benefits/facilities as the airline, at its own discretion, may wish to offer, provided airports concerned have dedicated check-in facilities/gate areas which make it practical for the airline to do so.
- 3.2.2 If the boarding is denied to passengers against their will, the airline shall as soon as practicable compensate them in accordance with the provisions of Para 3.5 in addition to refund of air ticket.
- 3.2.3 Airlines overbook their scheduled flights to a limited extent in order to reduce the possibility of flights departing with unoccupied or empty seats because of 'No Shows' by booked passengers i.e. passengers who do not report for travel despite firm bookings before the time limit stipulated by the airline. Under the provisions of this CAR, airlines shall be liable to pay compensation to passengers who are denied boarding. Hence, in order to minimize 'No Shows', the airlines will be allowed to levy appropriate 'No Show' penalties in relation to the Fare as defined under rule 135 of the Aircraft Rules 1937. This penalty will be deducted from the Fare paid by the passenger.

3.3 Cancellation of Flight

- 3.3.1 In order to reduce inconvenience caused to the passengers as a result of the cancellations of the flights on which they are booked to travel, whenever possible, airlines should endeavour to invariably inform the passengers of cancellations of their flights as far in advance as possible of the scheduled time of departure provided at the time of effecting his/her reservation, the passenger has given relevant contact information e.g. telephone number (landline or mobile), and/or fax number and/or e-mail id or in any alternate reasonable form requested for by the airline.
- 3.3.2 Subject to Para 3.3.1, in respect of passengers who have not been informed at least three hours in advance about the cancellation of the flight on which they were scheduled to travel,
- i) Airlines shall provide compensation for the inconvenience caused in accordance with Para 3.5;
 - ii) Refund the ticket prices in the event they do not wish to travel instead on an alternate or subsequent flight of the carrier concerned or on another carrier's flight or if so desired by the passengers, provide them alternate travel opportunities at no additional cost; and

- iii) Additionally provide them facilities at the airport in accordance with Para 3.6.1 (a) in the event they have already reported for their original flight and whilst they are waiting for the alternate flight.

3.3.3 No financial compensation shall be payable to passengers who have not provided adequate contact information at the time of making booking or when the ticket for firm travel on the selected flight is issued. In respect of such passengers the airlines will either refund the ticket prices or make reasonable endeavour to make alternate travel arrangements as per the choice of the passengers. Additionally, in respect of such passengers who elect to travel to their destination on an alternate flight, the airline shall provide them with reasonable facilities during the period that they are required to wait at the airport for the alternate flights in accordance with Para 3.6.1 (a).

3.3.4 No such compensation shall be payable to any of the affected passengers in the event:

- i) They do not accept the alternate travel arrangements made by the airline; or
- ii) The cancellations occur due to extraordinary circumstances beyond the control of the airline (as described in Para 1.4 and Para 1.5) even if all reasonable measures had been taken by the airline.

3.3.5 The refund of air ticket shall be made in accordance with CAR Section 3, Series M, Part II.

3.4 Delays in Flight

3.4.1 The airlines shall provide facilities in accordance with Para 3.6.1 (a) if the passenger has checked in on time, and if the airline expects a delay beyond its original announced scheduled time of departure or a revised time of departure of:

- a) 2 hours or more in case of flights having a block time of up to 2 ½ hrs; or
- b) 3 hours or more in case of flights having a block time of more than 2 ½ hrs and up to 5 hours; or
- c) 4 hours or more in case of flights not falling under sub-para (a) and (b) of Para 3.4.1.

3.4.2 When the reasonably expected time of departure is more than 24 hrs. after the scheduled time of departure previously announced, the airline shall provide facility to the passengers in accordance with the provisions of Para 3.6.1 (b) hereunder.

3.4.3 An operating airline shall not be obliged to adhere to Para 3.6 if the delay is caused due to extra ordinary circumstances as defined in Para 1.4 and Para

1.5 which could not have been avoided even if all reasonable measures had been taken.

3.4.4 The burden of proof concerning the questions as to whether and when the passenger has been informed of the delay of the flight shall rest with the operating airline.

3.5 Compensation

3.5.1 The financial compensation indicated below shall be given only if the amount of tickets costs is higher than the compensation amount:

- a) Rs. 2,000/- or the value of the ticket whichever is less for flights having a block time of upto and including one hour
- b) Rs. 3,000/- or the value of the ticket whichever is less for flights having block time of more than one hour and upto and including two hours.
- c) Rs. 4,000/- or the value of the ticket whichever is less for flights having a block time of more than two hours.

If the cost of the ticket is less than the amount of compensation indicated above, the airline will be liable to compensate an amount equivalent to the ticket cost in addition to refund of air ticket.

3.5.2 The compensation referred to in Para 3.5.1 shall be paid in cash, by bank transfer or with the signed agreement of the passenger in the form of travel vouchers, in accordance with CAR Section 3, Series M, Part II.

3.5.3 Additionally, the passenger shall be offered the choice between the following:

- a) Refund of air ticket at the price it was purchased.
- b) A flight to the first point of departure.
- c) Alternate transportation under comparable/alternate mode of transport (whenever applicable), to the final destination.
- d) Alternate transportation under comparable/alternate mode of transport (whenever applicable), to their final destination at a later date at the passengers' convenience, subject to availability of seats.

3.5.4 The affected passenger shall be offered compensation alternatives listed in Para 3.5.1 and Para 3.5.3 above and once the option has been selected the affected passenger will not have the option to switch to another form of compensation.

3.5.5 In case of foreign carriers, the amount of compensation paid to the passengers shall be as contained in the regulations of their country of origin or as given in para 3.5.1 of this CAR, whichever is higher.

3.6 Facilities to be offered to Passengers

3.6.1 Passengers shall be offered free of charge the following:

- a) Meals and refreshments in relation to waiting time.

b) Hotel Accommodation when necessary (including transfers).

3.6.2 Airlines shall pay particular attention to the needs of persons with reduced mobility and any other person (s) accompanying them.

3.7 Passenger Redressal

3.7.1 When affected by denied boarding, a cancellation or a long delay, the passenger may complain directly to the airline in the event the airline has not provided the compensation, reasonable facilities listed in Paras 3.5 and 3.6. If the airlines fail to fulfill their obligations, the passenger may complain to the statutory bodies set up under relevant applicable laws.

3.8 General

3.8.1 The airlines shall display their policies in regard to compensation, refunds and the facilities that will be provided by the airline in the event of denied boardings, cancellations and delays on their respective websites as part of their passenger Charter of Rights. Passengers shall be fully informed by the airlines of their rights in the event of denied boarding, cancellations or delays of their flights so that they can effectively exercise their rights provided at the time of making bookings/ticketing, they have given adequate contact information to the airline or their agents. The obligation of airlines to fully inform the passenger(s) shall be included in ticketing documents and websites of the airlines and concerned third parties (GDS and travel agents) issuing such documents on airlines' behalf.

3.8.2 Airline shall display policy on their respective websites about passenger handling in the event of cancellation and delays. Airline counters at airports shall disseminate reasons of cancellation and delays to the affected passengers and attend to their grievances.

3.8.3 Each Airline shall appoint a Nodal officer and Appellate Authority to settle passenger grievances in a stipulated time frame. Airlines shall conspicuously display the details of Nodal Officer and Appellate Authority on their respective website.

3.8.4 The internal grievance mechanism of airlines shall be transparent with a provision of on line complaint handling. All complaints registered shall be issued a unique reference number.

3.8.5 Airline shall regularly submit data on number of cases of denied boarding, cancellations and delays along with the status on a monthly basis so as to reach DGCA office before the tenth day of the next month.

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