

CONSUMER PROTECTION IN AIRLINES SECTOR

OVERVIEW

The civil aviation industry in India has emerged as one of the fastest growing industries in the country over the last three years. India is currently considered as the third largest domestic civil aviation market in the world.

According to International Air Transport Association (IATA), India will displace the UK for the third place in 2026.

The Civil Aviation industry has shown a great expansion due to factors such as low-cost carriers (LCCs), modern airports, Foreign Direct Investment (FDI) in domestic airlines; advanced information technology (IT) interventions and growing emphasis on regional connectivity etc. There are many developments that have been made due to various initiatives taken by the government.

GROUNDS FOR COMPLAINTS

- Cancellation /Rescheduling of Flights /Delays are a normal practice.
- Poor responses while enquiring on phones.
- Misinformation provided by Airlines staff when called on phones.
- Promised services are not provided.
- Long procedure in getting refund or even denial of refund.
- Denying boarding to the passengers having valid ticket and reported at proper check - in time at the last moment due to over booking or some unknown reasons.
- Misleading advertisement that invites passengers for free travel.
- Misinformation on confirmed booking.
- Unfriendly terms and conditions framed by the private airlines which caused discomfort to the passengers.
- Loss of baggage for which compensations are not paid or when paid it is very less.
- Pilferage of baggage.
- No proper guidance when the passengers are in harness.
- Misbehaviour at the counter.
- Minor fault in booking through airlines/agents net may cost dearer to the passenger.

COMPLAINT REDRESSAL SYSTEM

Click here <http://www.consumerhelpline.gov.in> for registering complaints regarding issues relating to airlines sector.

Consumers can also lodge a complaint regarding airlines sector directly to Aviation Regulator DGCA. A special cell called SUGAM has been set up within the Directorate General of Civil Aviation (DGCA) to address the difficulties faced by the passengers.

The below given link will assist the consumers to the SUGAM website.

http://dgca.nic.in/kyrdgca/KYR_portal.html

REGULATORY BODY

The Directorate General of Civil Aviation (DGCA) is the regulatory body in the field of Civil Aviation, primarily dealing with safety issues. It is responsible for regulation of air transport

services to, from or within India. It is also responsible for enforcement of civil air regulations, air safety, and airworthiness standards.

The DGCA also co-ordinates all the regulatory functions with the International Civil Aviation Organisation (ICAO).

As there is no Government Ombudsman in this sector to control airlines activities, the NCH have appraised the Ministry of Civil Aviation and Director General of Civil Aviation about passenger grievances and requested for creating Regulatory Body in this sector. Ministry of Civil Aviation /DGCA as a nodal body in airlines sector have provided guidelines and norms facilitating to the passengers. Ministry of Civil Aviation has created a Regulatory Body AERA (Airport Economic Regulatory Authority) to regulate economic operation in this sector. Few Consumer organisations are nominated to this body. Besides, NCH have established convergence program with Kingfisher, Air Deccan (Now amalgamated with Kingfisher) etc. Passenger complaints against NACIL (Air India/ Indian Airlines), Spice jet, Jet airways, Go-air and Indigo airlines are also regularly forwarded to the respective airlines for redressal. CONSUMER VOICE, an associate of NCH has conducted country wide survey on the "Quality of services (AQS) rendered by Domestic Airlines in India."

ACTS

Airport Authority Act, 1994

Governs Regulation of Airports

http://www.civilaviation.gov.in/sites/default/files/moca_000719_0.pdf

Airports Authority Of India Amendment Act, 2003

<http://www.lawsonline.com/bareacts/airports-authority-of-india-amendment-act-2003/airports-authority-of-india-amendment-act.html>

Aircraft Act, 1934 & Aircraft Rules, 1937

Governs Regulation of Aircrafts

Aircraft Act, 1934

<http://dgca.nic.in/airact/aircraftact.pdf>

The Aircraft Amendment Act, 2007

<http://dpal.kar.nic.in/Central%20Acts&Ordinance%20PDF/Act%2044%20of%202007%20P R-6.pdf>

Aircraft Rules, 1937

<https://indiankanoon.org/doc/165790640/>

Airports Economic Regulatory Authority of

India Act, 2008

Governs Tariffs & Disputes between Airport Service Providers

<http://aera.gov.in/upload/uploadfiles/files/AERA ACT.pdf>

Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982

Defines Offences in Relation to Civil Aviation

http://dgca.nic.in/nat_conv/NatConv_Chap10.pdf

Anti Hijacking Act, 2016

Provides for Penalties against Hijacking

<http://www.indiacode.nic.in/acts-in-pdf/2016/201630.pdf>

Carriage by Air Act, 1972

Defines Liability of Airlines in Case of Damage or Injury

http://dgca.nic.in/nat_conv/The%20Carriage%20by%20Air%20Act%20and%20Amendment%202009.pdf

The Carriage By Air (Amendment) Act, 2016

<http://www.indiacode.nic.in/acts-in-pdf/2016/201612.pdf>

CONTACT DETAILS

The link given below will guide the consumers to the contact details

<http://nationalconsumerhelpline.in/Contact-NCH.aspx>

PROCEEDING IN ACCORDANCE WITH THE CONSUMER PROTECTION ACT 1986

One can file a case in the respective consumer forums /Commission either in case of getting relief or to appeal.

http://clap.nls.ac.in/?page_id=102

REFERENCES

<http://www.indiareviewchannel.com/resources/2939-Consumer-rights-flight-passenger-India.aspx>

<https://www.ibef.org/industry/indian-aviation.aspx>

<http://www.civilaviation.gov.in/aboutus/orgsetup>

<http://nationalconsumerhelpline.in/Airlines.aspx>

http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/The_Indian_Aviation_Sector.pdf

<http://www.thehindu.com/business/Industry/air-travellers-can-now-approach-dgca-directly-with-complaint/article5577033.ece>

Reference from all the links given for the various acts mentioned in the Acts subheading.