

LLRJ

LEX LUMEN RESEARCH JOURNAL

VOLUME 2 - ISSUE 2
2025

EDITOR-IN-CHIEF: DR. RAZIT SHARMA,
PUBLISHER: MRS. RACHANA

This is an **Open Access** article brought to you by **Lex Lumen Research Journal** made available under the terms of Creative Commons-Attribution Non-Commercial-Share Alike 4.0 International (**CC-BY-NC-SA 4.0**) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

It has been accepted for inclusion in the Journal after Due-review process.

© 2025. LEX LUMEN RESEARCH JOURNAL

AIRLINE PASSENGERS' RIGHTS IN INDIA: EVALUATING THE SUFFICIENCY OF DGCA GUIDELINES IN A GROWING AVIATION SECTOR

By- Esha Jain¹

ABSTRACT

With the rapid expansion of civil aviation within India, the average consumer finds air travel more accessible. Yet passenger grievances have surged this growth has been welcome. Flight delays also last-minute cancellations plus denied boarding along with involuntary downgrades in addition to insufficient redressal mechanisms offer examples of these grievances. In 2010, to deal with these problems, the Directorate General of Civil Aviation (DGCA) introduced the Civil Aviation Requirements (CAR), Series M, Part IV. It seeks to set out all of the rights for passengers and all of the obligations for airlines. These guidelines mandate that airlines compensate, furnish meals plus hotel rooms, also arrange alternate flights in specific circumstances, to minimize inconvenience for ensuring fair service delivery.

CAR guideline sufficiency faces critical evaluation regarding Indian law's protection of airline consumers. Identified are airline compliance implementation gaps and inconsistencies while explored are their legal status, scope, and enforceability. The study does also examine the constitutional implications in terms of inadequate passenger protection because it draws upon Articles 14 (right to equality), 19 (freedom of movement), and 21 (right to life and personal

¹ Student, SVKM's NMIMS Indore.

liberty). For underscoring the legal obligation of state as well as private actors toward upholding dignified and non-discriminatory treatment in aviation services, landmark cases such as Jeeja Ghosh v. Union of India and Maneka Gandhi v. Union of India are discussed.

The paper also discusses India's regulatory mechanisms alongside the international models, including the European Union Regulation 261/2004 and the U.S. federal aviation regulations, to determine global best practices. The research indicates that although the DGCA Guidelines serve as a floor, there is neither a statutory foundation nor enforceable mechanism. In light of the research, this is why a more robust, legally binding framework is required for stakeholders in India's burgeoning aviation market with an aim towards improving transparency, accountability, and consumer protections.

KEYWORDS: Airline passenger's rights, DGCA Guidelines, Passenger protection, Constitutional Challenges, Regulatory Framework etc.

INTRODUCTION

India's aviation sector has experienced rapid growth, ranking among the fastest-growing in the country. It has evolved into a credible and affordable alternative to road and rail transport which traditionally takes a much longer time. For instance, India continues to grow the airline market year-on-year and over the ten-year period from 2024-2034 it is expected to be one of the biggest aviation markets in the world.²As of FY2024, IndiGo leads the pack at 62% of domestic passenger traffic.³

The bulk of consumer protection for Indian airline passengers is provided under the Consumer Protection Act, 2019, which superseded the Consumer Protection Act,

² Indian Brand Equity Foundation, 'Indian Aviation' (IBEF, 2025) < <https://www.ibef.org/industry/indian-aviation> > accessed July 19, 2025.

³ Statista, India: Domestic Airline Traffic Share by Passengers Carried 2024 (STATISTA, 2024), accessed July 19, 2025.

1986. So in effect this new law offers some statutory solutions to air travelers when it all goes wrong – flight delays/cancellations, denied boarding, lost/damaged luggage. The DGCA is the primary regulator for civil aviation in India, dealing not just with safety and security of air travel but also passenger interests. Accordingly, the DGCA released a number of regulations and directives for the protection of consumer rights in aviation. These are supposed to guarantee equitable treatment, safe operation and dependable services to air passengers. More specifically, CAR Section 3 -- Air Transport, Series M Part IV, dated 15th August 2010, states that, barring extraordinary circumstances outside the airline's control, passengers will be owed compensation and/or facilities for denied boarding, delays and cancellations. These rules are intended to give passengers significant protections when plans are disrupted, while also fostering an environment of collaboration and confidence between consumers and carriers.

OBJECTIVE OF THE STUDY

The aim of this paper is to scrutinize DGCA's CAR, Series M, Part IV, on whether it satisfactorily protects airline passenger rights in India. And by benchmarking India's regime against global best practices, the study seeks to highlight legal and procedural enforcement gaps, explore constitutional challenges and suggest legal reforms.

RESEARCH PROBLEM

Although regulatory directives have been issued for airline services by the DGCA (Civil Aviation Requirement (CAR), Series M, Part IV), many airline passengers in India have experienced service failures, such as denied boarding, flight cancellations, and delays, and in many cases without offering adequate compensation or assistance. These failures, combined with low levels of enforcement, and a lack of legislative backing, has led to inconsistent and fringe consumer protection use and limited accountability in the civil aviation sector.

RESEARCH QUESTIONS

Q.1. Are the DGCA regulations (CAR, Series M, Part IV) enough to protect airline consumers in India?

Q.2. What significant legal and regulatory gaps are there in our current consumer protection arrangements in civil aviation?

Q.3. How do Indian air passengers' rights compare to similar rights in the EU and US?

Q.4. What constitutional rights are stitched together when airlines refuse to protect passengers from arbitrary or unfair practices?

Q.5. What institutional and/or legislative changes should occur to ensure better enforcement of passenger rights?

RESEARCH METHODOLOGY

Our method here will be purely doctrinal. Research paper on the topic ranging a plethora of primary and secondary sources, papers, journals, comparative law study etc.

LITERATURE REVIEW

Azash, SMD, Subhan, Bande, & Prasad, K. R. (2017). Consumer rights in civil aviation sector in India. *The IUP Law Review*, VII (2), 7-23.⁴

This paper examines the history and scope of consumer rights for airline passengers in India. It discusses actions by the regulator, the DGCA, related to denied boarding, flight cancellations, and delays, although it is particular recognized that these mean to be enforced. Further, the paper acknowledges that regulatory determinants are generally speak reactively and sometimes disjointedly on behalf of airline passengers, while noting that where most protections exist, they are fragmented and situations are

⁴ Azash, SMD, Subhan, Bande, & Prasad, K. R., Consumer rights in civil aviation sector in India, (2017) *The IUP Law Review*, VII (2), 7-23 <<https://ssrn.com/abstract=3206388> > accessed on July 15 2025.

largely reactively applying the regulatory protections, making the status quo unacceptable. The authors contend that this area should require a statutory backing with adequate redress mechanisms to protect the airline passenger and bring compensatory and intuitive provisions together with relevant statutory and regulated mechanisms.

Prachi Darji, Consumer rights in case of aviation disruptions ⁵

This study deals the airline passenger's rights as it pertains to disruptions having to do with flight delays, cancelled flights, or, denied boarding. It presents regulatory provisions in India and raises several issues, especially regarding the characteristics of passenger right awareness, passenger compensation protocols, and enforcement of compensation and protections for passengers. The author also contends that passengers have a right to greater information and diligence regarding existing and upcoming rules, and that airlines have a duty to be open and honest with their customers. The author further maintains that regulatory mechanisms need to be more vigorous to oversee and protect airline passengers from operational disruption in terms of profound disruptive airline industry practices.

Gupta, A., & Jaiswal, M. P. (2018). Customer satisfaction and loyalty in the Indian aviation industry: A review of literature. *Journal of Air Transport Management*, 70, 59 67. ⁶

This report checks out what makes customers happy in Indian aviation, so we can figure out how to keep them flying with certain airlines. Having outlined a number of these factors (including price transparency, service quality, convenience of flights, and

⁵ Prachi Darji, Consumer rights in case of aviation disruptions < [Consumer rights in case of aviation disruptions](#)> accessed on July 15 2025.

⁶ Gupta, A., & Jaiswal, M. P., Customer satisfaction and loyalty in the Indian aviation industry: A review of literature, (2018) *Journal of Air Transport Management*, 70, 59 67.<<https://doi.org/10.1016/j.jairtraman.2018.02.004>> accessed on July 15 2025.

airline brand), the authors concluded that they play a significant role in both passenger satisfaction and repeat business. With how competitive the airline industry is now, airlines need to focus on retaining satisfied and committed passengers. They retain their position in the market by doing so.

Kanishka Choudhary (2023). Consumer protection in aviation report. *Journal of Legal Research and Juridical Sciences*, 2(4), 136-141. ⁷

In this report, we examined consumer protection practices in India as it relates to measures taken to ensure effective pricing, fair treatment, and access to grievance redressal. The report makes reference to recommendations by the Government of India on many matters, including a call for stricter regulatory methods and independent entities to oversee due process. The research serves as a reminder that any strategy for protecting consumers in the aviation sector ought to be founded on the idea that the customer comes first.

Poonam Dwivedi. Navigating the Skies: An Overview of Aviation Law in India⁸

Dwivedi offers a thorough analysis of India's aviation legal system before outlining the evolution of each statute and regulation. The research examines the roles of regulatory authorities, enfranchised consumer protections for passengers, and operational challenges that have arisen due to the blossoming of the industry and lack of clarity in the law. Dwivedi highlights the continuing need for more clear, coherent, and up to date regulation for proper consumer protection in a growing the aviation market.

⁷ Kanishka Choudhary, Consumer protection in aviation report, (2023) *Journal of Legal Research and Juridical Sciences*, 2(4), 136-141. < <https://jlrs.com/wp-content/uploads/2023/07/14.-Kanishka-Choudhary.pdf> > accessed on 16 July 2025.

⁸ Poonam Dwivedi, Navigating the Skies: An Overview of Aviation Law in India, (2023) *IJFMR*, 5(6): 2582-2160 <[11387.pdf](#)> accessed on 16 July 2025.

Lalita Devi. Legal Framework, Challenges and Constitutional Implications in Aviation⁹

This report highlights constitutional and legal issues relating to the Indian aviation industry and how these issues relate to the balance between the rights of consumers and the regulatory priorities of concerned stakeholders. These issues focus on procedural fairness and the need for the respect of fundamental rights relating, in part, to Article 21 of the Indian Constitution. This report presents a critique of the laws currently relating to airline disruptions and unruly passengers. Devi argues for a more robust and transparent statutory regime and judicial oversight to strike a better balance between customer interests and operational needs.

ACTIONS AND OVERSIGHT BY THE MINISTRY OF CIVIL AVIATION

Due to India's unprecedented growth in domestic and global air travel, the MoCA (Ministry of Civil Aviation)¹⁰ has taken various proactive steps for safeguarding the rights of passengers, in terms of denied boarding, and flight cancellations and delay at airports in India.¹¹ The MoCA is the country's primary regulator for civil air issues. It guarantees that Indian airlines adhere to air safety requirements, such as airworthiness and transportation laws. Realizing this need, the ministry introduced the Air Sewa platform¹² which is made available through web and mobile applications

⁹ Sahibpreet Singh and Lalita Devi, 'Legal Framework, Challenges and Constitutional Implications in Aviation' (2023), IJCRT,11(11):2320-2882. <[IJCRT2311097.pdf](#)> accessed on 16 July 2025.

¹⁰ MINISTRY OF CIVIL AVIATION, GOVT. OF INDIA, HOME, < <https://www.civilaviation.gov.in> > accessed July 21, 2025.

¹¹ GOVERNMENT OF INDIA, *Guidelines for Air Passenger Compensation Due to Cancellation and Delay in Flight*, (2024) < [GUIDELINES FOR COMPENSATING AIR PASSENGERS DUE TO CANCELLATION AND DELAY IN FLIGHT](#) > accessed on 25 July 2025.

¹² AIRSEWA, < <https://airsewa.gov.in> > accessed July 22, 2025.

that enable passengers to lodge complaints, track real-time status, and access crucial travel information.¹³

To further enhance passenger protection, MoCA formed a Working Group on Regulatory Framework in 2010 under the Civil Aviation Economic Advisory Council (CAEAC).¹⁴ This commission was charged with advancing fare transparency, investigating domestic carrier pricing practices, and adopting international best practices. In addition to the above, DGCA (Directorate General of Civil Aviation) has issued the Civil Aviation Requirements (CAR) Series M Part IV, 2010,¹⁵ a requirement for airlines to compensate and assist passengers who have been denied boarding or whose travel has been cancelled or delayed (other than as a consequence of extraordinary circumstances). The requirements established by the Part IV CAR use a globally referenced framework and rely heavily on the Montreal Convention, 1999 and the EU regulation 261/2004.

Among other consumer-friendly actions, airlines must also put all-inclusive fares front and center, eliminating fare shadings. These regulations highlight India's dedication to passenger rights and the increased responsibility of airlines a step toward a more fair and transparent aviation landscape.

CONSUMER RIGHTS FRAMEWORK UNDER DGCA REGULATIONS

The Directorate General of Civil Aviation (DGCA), India's main civil aviation authority, is responsible for enforcing and promoting air transport services to, from,

¹³ Ira Agarwal, 'The effect of airline service quality on customer satisfaction and loyalty in India', Research Gate, August 2020.

¹⁴ CAEAC, < [Civil Aviation Ministry Sets up Working Group on Regulatory Framework](#) > accessed July 22, 2025.

¹⁵ DGCA's Civil Aviation Requirements (CAR), < <https://www.dgca.gov.in/digigov-portal/?dynamicPage=CivilAviationReqContent/6/211/viewDynamicRuleContLvl2/html&maincivilAviationRequirements/6/0/viewDynamicRulesReq> > accessed July 22, 2025.

and within the nation, and ensuring compliance with set civil aviation rules, air safety standards and airworthiness standards. The DGCA also has the responsibility to protect, and enforce the rights and interests of air passengers. The DGCA actively works with other entities like the ICAO to create harmony between Indian aviation and the best regulatory practices in the international context.

According to a DGCA report, the overwhelming majority of complaints that customers had in respect of airlines were related to issues concerning their flights, totalling a reported 41.9% of the total complaints, as compared to luggage-related complaints that totalled 19.9% and refund-related complaints that totalled 15.4%. In respect these flight-related complaints, flight delays were the (largest) complaints relating to flight issues that caused dissatisfaction amongst the passengers. The report indicated that of the 246 total complaints received, only 242 were resolved, thereby indicating a high-resolution rate. In August, there was a considerable increase of 5.9% in service-level satisfaction, as well as improvements in staff behaviour (2.4%), and overall service (10.2%) compared to prior periods. Complaints of more serious nature were low too, making up only 0.4% of the complaint numbers, and there was a slight decline to show some improvement in overall customer service.¹⁶

India's aviation sector consumer protection structure has a regulatory basis i.e. by laws such as the Aircraft Act of 1934¹⁷ and the Aircraft Rules of 1937¹⁸, which regulate flight operations, technical specifications and safe operating practices in respect of civil aviation. These laws set standards for the certification of aircraft, registration, airworthiness, and the measures associated with ensuring safety, including inquiries

¹⁶ Livemint, 'DGCA reports flight problems, baggage, and refunds as top passenger complaints' *Mint*, (India, 28th October 2023) < [DGCA reports flight problems, baggage, and refunds as top passenger complaints | Today News](#) > accessed on 21 July 2025.

¹⁷ Aircraft Act, 1934.

¹⁸ Aircraft Rules, 1937.

into accidents. India's Airports Economic Regulatory Authority (AERA) Act, 2008¹⁹ is another contributing law underpinning the consumer protection framework. The AERA protects the consumer through reasonable and transparent charges, while aligning airport charges with past performance. AERA has also established a cooperative relationship between the public and private sector to attempt to improve services, whilst maintaining affordability for all passengers.²⁰

These regulatory foundations complement DGCA's regulatory role to ensure consumer rights of passengers are protected and developed. DGCA is committed to improving the consumer experience in Indian air travel.

STATUS OF INDIA'S AVIATION INDUSTRY AND ITS PASSENGER SAFETY CONCERNS

India's aviation sector has experienced a huge ramp up in aviation traffic over the past three years. Competition among airlines has pushed them to offer expanded air services, lower fares, loyalty programs, and connectivity to get passengers to choose the airline which is quite amazing. The inflow of Foreign Direct Investment (FDI), the development of aviation as a sector, and alliances between domestic carriers and foreign financial institutions/ foreign companies have also helped to improve air passenger traffic. Although these are promising developments for the growth of Indian aviation, the outcomes have raised new serious questions involving safety, services, and other related issues for passengers.

One of the emerging issues for consumers in the changing landscape is the increasing number of flight delays for reasons that are wholly unpredictable. These include being

¹⁹ Airports Economic Regulatory Authority (AERA) Act, 2008.

²⁰ Uthej Vattipalli, 'Aviation Laws and Air Carrier Liabilities in India', Transportation Research Procedia 48 (2020) 60–73. <[Aviation Laws and Air Carrier Liabilities in India - ScienceDirect](#)> accessed on 23 July 2025.

denied boarding or getting delayed boarding without proper notice, sudden cancellations before departure under common circumstances, and delays from non-controllable reasons or extraordinary reasons.

To address these concerns, the Directorate General of Civil Aviation (DGCA), which is in charge of civil aviation in India, has set standards for passenger safety and consumer rights in line with the Civil Aviation Requirements (CAR). In order to resolve domestic legislation that are in line with international norms, DGCA also collaborates with the International Civil Aviation Organisation (ICAO). The CAR guidelines dated 15 August, 2010, clearly states that all airlines must offer specified facilities to a passenger in case of denied boarding, cancellation, or delay, except in the case of extraordinary circumstances.

The guidelines aim to: (1) protect the air travelling public in times of operational disruption; and (2) promote a good relationship between service provider and passenger. Several of the facilities that airlines must provide during flight cancellations and delays are complimentary meals and drinks, depending on the amount of delay; hotel accommodation and airport transfers, where appropriate; and appropriate compensation or full refunds, where applicable.

Denial of Boarding: Denial of boarding typically occurs when airlines sell confirmed tickets for an aircraft whose capacity was exceeded. In the case of involuntary denied boarding, airlines must provide compensation and refund the full fare amount. Before delivering involuntary rejected boarding, airlines are recommended to first solicit volunteers to give up their seat in exchange for specific advantages. In addition to this, the DGCA has made it mandatory for airports to have appropriate check-in and boarding facilities in place to handle denial of boarding cases in a safe and orderly manner.

Cancellation of Flight: In the case of cancellations, airlines must do their best to contact passengers in advance using the contact details supplied by the passenger

when booking. Airlines must provide compensation or a refund of the purchase or travel cost if the passenger is not contacted three hours prior to the scheduled departure. At the airport, plans must be made for lodging and meals. There is no entitlement to compensation in the event of cancellations which are due to extraordinary circumstances or when a passenger declines the alternate travel option.

Flight Delays: If a long-distance flight is delayed for more than a predetermined time, the airline must provide a particular level of facilities. Depending on the length of the flight as estimated block time, these are; two hours for individual flights up to 2.5 hours block time, Individual flights with block times of 2.5 to 5 hours take three hours, and those with block times more than five hours take four hours. In the event that the delay exceeds 24 hours, the airline has the obligation to make suitable arrangements for accommodation such as hotels, add airport transfers if required. Furthermore, no compensation is owed to passengers in the event that the flight is delayed due to extraordinary weather circumstances or if passengers were advised of the state of the delay prior to the timetable planned.²¹

Extraordinary Circumstances: In this context, this means events are unexpected and airline cannot operate the flights on time because of a reason that is beyond the airline's control. It includes events such as political instability, natural disaster (e.g., flooding, cyclone, earthquakes), civil war, riot, bomb threat, restriction by any government, labor strike, and air traffic control. Airlines are not required to provide

²¹ Wetria Fauzi, 'Airline Customers Conflict Resolution in The Framework of Legal Protection For Consumers in Indonesia', UNES Law review, Vol. 6, No. 1, September 2023 < [\(PDF\) Airline Customers Conflict Resolution in The Framework of Legal Protection For Consumers in Indonesia](#) > accessed on 28 July 2025.

compensation where an extraordinary circumstance exists, however, they are responsible for providing information and support to passengers with any issues.²²

The regulatory framework instated by the DGCA goes into act to uphold airlines for service disruptions, creating power for the consumer and protecting their journey.

AIR PASSENGER COMPENSATION: DGCA RULES AND STANDARDS

Considering the significant expansion of air transport and the increase in both domestic and international passengers travelling to and from India, it is essential for the Government to take strong action to protect air travelers (especially wherever there are flight disruptions: denied boarding, cancellations and where it provides little or no notice before the flights are delayed). To address the issues of issues surrounding denied boarding, cancellations, and delays, the Directorate General of Civil Aviation (DGCA) has provided comprehensive guidance in the form of Civil Aviation Requirements (CAR) Section 3: Series M – Part IV. This describes the responsibilities of airlines as well as the rights of passengers.

The legislation ensures that the airlines provide timely and accurate flight information and reservation information. Regarding passenger aid, airlines should present passengers with clear information on the different types of flights they could book non-stop, with stops or connecting and, fare conditions. The airlines present a good deal of information about the conditions to fly, explains specific details about the actual carrier operating the plane, what changes there are to aircraft (if any), stopovers throughout the route, and, transfers from airport to airport throughout their flight(s).

²² Prachi Darji, 'Consumer rights in case of aviation disruptions' (2018) < [Consumer rights in case of aviation disruptions](#) > accessed 25 July 2025.

In cases of **denied boarding**, when more travellers show up with confirmed reservations than there are seats available on the aircraft, the airline must first recruit volunteers in exchange for any benefits that will be paid to them later. In the event of an involuntary denial, if the airline accepts to rebook the passenger on an alternate flight after more than an hour later to their final destination, they are legally mandated to compensate the passenger **up to ₹10,000** if the carrier rebooks the alternate flight within 24 hours of their scheduled travel date, with a loss of **₹20,000** if the delay is beyond 24 hours. The airline would owe the passenger a full refund of their ticket price, combined with the above compensation if the passenger refused the alternative offered by the airline. Passengers traveling on a connecting flight that has been delayed and has been involuntarily denied boarding compensation, shall be compensated if they arrive at their final destination over three hours late.

In the event of a **flight being cancelled**, passengers must be informed more than two weeks beforehand and be given either an alternate flight or a refund. If the notice is given between two weeks and 24 hours before departure, then passengers will have a similar option. If a passenger is not notified, or they miss their connecting flight which is part of the MAP from the same ticket, they should be compensated by the airline for the domestic MAP, even though it ranges from **₹5,000 to ₹10,000** depending upon the actual flight duration. Also of note, if the cancellation is due to extraordinary circumstances, or the passenger didn't supply contact information during the booking, there is no obligation on the part of the airline.

Flight delays also put obligations on the airline. In the event of an airline delay greater than 2 hours for flights under 5 hours, greater than 3 hours for flights under 10 hours, or greater than 4 hours for flights over 10 hours, the airline must provide meals and refreshments. For delays greater than 6 hours, the passenger has the option of either a full refund or alternate flight. For delays greater than 24 hours and greater at 6 hours if for a night departure, hotel accommodation must be provided by the airline. The

only time airlines are excused from these obligations is if extraordinary and unavoidable circumstances caused the incorrectly delayed flight.

In terms of being **involuntarily downgraded**, passengers are entitled to a compensation amount of **75%** on the ticket price on domestic flights and **30% - 75%** entitlements based upon flight distances on international flights.

Foreign airlines operating in India are governed by the compensation provisions of either the airline's country of origin or the Indian compensation provisions in accordance with CAR provisions. Compensation can either be paid in cash, bank transfer or in travel vouchers as long as the passenger consents to the payment of the compensation in one of those other forms.

According to the provisions on **passenger assistance** in the regulations, airlines must provide passengers with free meals and refreshments during delayed flight and free accommodation (with transfers) when overnight stays are necessitated. Particular attention must be given to persons with reduced mobility and other vulnerable passengers while providing assistance.

Every recommendation under these provisions can be made to the direct airline by the passenger whose compensation and passenger assistance provisions were denied. If complaints remain unsatisfactorily resolved by airlines, complaints are also taken to the Air Sewa portal/app. If the complaints by the Air Sewa portal/app remains unsatisfactory, passengers also pursue redress through the courts or the appropriate statutory authorities.

The DGCA provisions to some degree can ensure transparency and accountability to protect passenger rights as well as fairness and efficiency within Indian aviation.²³

AIRLINE PASSENGERS' RIGHTS: CONSTITUTIONAL AND REGULATORY CONTEXT IN INDIA

Different treatments by airlines; resulting in different access to compensation, refunds, or services directly connected to those policies or internal operations; could potentially raise issues of constitutional validity under the Indian Constitution. More specifically, **Article 14**²⁴ which protects citizens from arbitrary action from the State and guarantees equality before the law for citizens. If a Delayed state-owned airline only provides compensation to business class passengers during a delay or cancellation, while ignoring economy passengers during the same delay or cancellation, the state-owned airline is now in violation of the Right to Equality. In *E.P. Royappa v. State of Tamil Nadu*²⁵ the Supreme Court held that arbitrariness is the antithesis of equality and acts that are arbitrary can be invalidated by a court since they are breaches of Article 14. Though an airline is private and not directly bound by Article 14, a manner of due diligence exercised by DGCA which is implemented unevenly or selectively, may cause constitutional scrutiny under Article 14 to arise.

The absence of basic rights of passengers, like timely information, safety, and humane treatment when a flight is disrupted, may violate **Article 21**²⁶, which guarantees the fundamental right to life and personal liberty. The Supreme Court of India in '*Maneka Gandhi v. Union of India*'²⁷ extended this further, and held that "Article 21 creates a

²³ GOVERNMENT OF INDIA, *Guidelines for Air Passenger Compensation Due to Cancellation and Delay in Flight*, (2024) < [GUIDELINES FOR COMPENSATING AIR PASSENGERS DUE TO CANCELLATION AND DELAY IN FLIGHT](#) > accessed on 25 July 2025.

²⁴ Constitution of India 1950, art 14.

²⁵ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

²⁶ Constitution of India 1950, art 21.

²⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

right to travel with dignity, and personal liberty.” The case noted that any law or provision that restricts liberty must be just, fair, and reasonable. This also applies to the circumstances faced when an airline (especially a public airline, or an airline that indicates that they are supporting it as a business accordance to its DGCA licence) refuses to travel for unreasonable hours without any accommodation or medical care puts the passenger's dignity in question. The Court also reaffirmed in '*Justice K.S. Puttaswamy v. Union of India*'²⁸, that Article 21, as a severely important liberty, incorporates dignity and privacy, and that it can be applied to the area of informational privacy if passengers are subjected to high data collection by an airline in a horizonless fashion. The landmark case in this area is **Jeeja Ghosh & Anr. v. Union of India (2016)**²⁹, where, in that writ (under Article 32), the Court found that SpiceJet had violated Jeeja Ghosh's constitutional rights when it denied her passage based solely on her disability. The Court specifically found that the actions of SpiceJet were in violation of Articles 14 and 21 and ordered ₹10 lakh in damages for mental trauma. The judgment established that airlines (even private ones) owe passengers dignified and non-discriminatory service and must accommodate disabilities.

Article 19(1)(d)³⁰ provides freedom of movement to all citizens within the territory of India. Impeding movement through arbitrary cancellations of flights, unreasonable denials of boarding, or the creation of no-fly lists without any process, runs counter to this freedom. In *Romesh Thappar v. State of Madras*³¹, the courts clarified that movement can't be fettered without a law that fulfills the substantive requirements of Article 19(2) to Article 19(6). DGCA guidelines or airline policies that refuse boarding or blacklist passengers without transparent and fair processes might be

²⁸ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

²⁹ *Jeeja Ghosh v. Union of India*, (2016) 7 SCC 761.

³⁰ Constitution of India 1950, art 19(1)(d).

³¹ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124.

constitutionally challenged as imposing unreasonable restrictions. Following COVID-19, several passengers were refused flights for seemingly not complying with required items, leading to guidance and discussions regarding the need for safeguards and process to guarantee Article 19 rights are fully adhered to.³²

The developing case law on Articles 14, 19, and 21, shows the overlap between the rights of passengers and the operations of an airline, and the constitutional requirement to provide non-arbitrary treatment, travel with dignity, and transparent remedies. A carefully constructed regulatory framework can balance passenger rights, and industry needs.

INSTANCES OF DIFFERENT CONSUMER PROTECTION LAWS BEING APPLIED TO U.S.-EU AIRLINES

Jurisdictions worldwide vary in terms of how aggressively they take measures to protect passengers. The European Union's Regulation 261/2004 is often referenced as the gold standard. Under EU 261, airlines are responsible for compensating passengers from €250-600 (depending upon distance) for cancellations or delays greater than 3 hours plus provide hotel and meals in the case of long delays. Compensation is mandatory unless the delay or cancellation was due to "extraordinary circumstances" beyond the control of the carrier. Denied boarding (i.e. overbooking) also entails similar compensation and rerouting assistance if required. The CJEU (the EU Supreme Court) has interpreted this regulation to provide the maximum protection for the passenger with little wiggle room for airlines in terms of legal loopholes.

³²Sahibpreet Singh and Lalita Devi, 'Legal Framework, Challenges and Constitutional Implications in Aviation' (2023), IJCRT,11(11):2320-2882. <[IJCRT2311097.pdf](#)> accessed on 16 July 2025.

In contrast, while U.S. federal law (49 C.F.R. Part 250) compensates for involuntary denied boarding (i.e. oversales), it does not pay for delays or cancellations. The U.S. Department of Transportation regulates that bumped passengers will receive two times (200%) or four times (400%) their one-way fare (up to either US\$1,075 or \$2,150 depending on the delay). For example, a domestic ticketed passenger (who is involuntarily bumped on an oversold flight and arrives >2 hours late) would receive 400% of the one-way fare (which has a maximum of \$2,150). For delays or cancellations, U.S. airlines must refund the ticket according to U.S. transportation regulations if they canceled the flight, but they are not required to provide extended compensation. Tarmac delay rules (i.e. delays of 3+ hours on the runway) do require expedited deplaning and passengers' rights are identified, but again there are no large cash payments involved.

In comparison, India's regime is much closer to the U.S. approach than to the EU. DGCA guidelines (CAR) require a refund plus modest compensation, but the regulations do not have specifics in rupee amounts. The offered "passenger charter" in 2019 would have set these amounts (for example, up to ₹10,000 for last-minute cancellation, and up to ₹20,000 for denied boarding), but the airlines almost uniformly fought against this policy proposal. Accordingly, it was never promulgated. Compensation in India has been delivered almost exclusively by means of good corporate practice (or settlements from litigation) and not legally. Make no mistake: airlines will only offer you vouchers or partial refunds, and only if the regulator steers them in the right direction, or the courts issue a judgment. Effectively, Indian flyers have no statutory right to fixed compensation on delay (unlike EU) and only a guideline right to meals (or accommodation).

One result of the same system, is that passengers in India typically do worse than EU passengers; for example, a short-cancelled flight to Goa would be worth €400 compensation to an EU passenger, while the Indian passenger would just get a

refunded ticket and tea/snack while they wait. By contrast, involuntary bumping in India (oversales) is rarer because of demand so the EU/US regulations regarding overbooking compensation generally happens less in practice. Enforcement is a significant point of difference, for example the EU has enforcement agencies and complaints networks while India relies on DGCA advisories / consumer claim processes. There are also some legislative initiatives ongoing to address this: in 2024 the Congress MP Hibi Eden has introduced a private Member's Bill that proposes an "Airlines Passenger Services Authority" that will "provide compensation for flight delays, cancellations, denied boarding and baggage loss".³³ If this Bill becomes law, India's system is still a long way from the statutory framework.

AVIATION DISPUTE ADJUDICATION IN INDIA: LEGAL MECHANISMS AND EVOLVING TRENDS

India's civil aviation industry is growing exponentially, with passenger travel growing by ~9.6% annually and record fleet expansion. As well, the dispute resolution mechanisms associated with civil aviation law are evolving to adapt to this increasing complexity and integrative international aviation sector environment. Dispute resolution is naturally situation and subject matter dependent, but may involve specialized bodies, judicial forums and developing international contexts.³⁴

Issue-Based Tribunals and Specialized Forums

India uses a multi forum model that allocates disputes based on subject matter, including the following:

³³ PTI, 'Private members' bills to amend MGNREGA introduced in Lok Sabha' *The Economic Times*, (India, 9th August 2024).

³⁴ Sanjay Gupta and Roshi Surele, 'Navigating the Skies: Opportunities and Challenges in Indian Aviation Sector', (2024) Chambers and Partners, < <https://chambers.com/articles/navigating-the-skies-opportunities-and-challenges-in-indian-aviation-sector> > accessed on 1 August 2025.

- **Competition Matters:** The Competition Commission of India (CCI) resolves competition disputes in the aviation sector, such as issues related to cartelization or abuse of dominance by one firm under the 2002 Competition Act.
- **Consumer Grievances:** For passenger claims for the denial of boarding with a plane, etc. (e.g., transportation of passengers and luggage) related to the denial of boarding, luggage lost, refunds of fares etc, are adjudicated under the provisions in the Consumer Protection Act, 2019 before the appropriate Consumer Dispute Redressal Commission (CDRC).
- **Accident Investigations:** In accordance with the Aircraft Act of 1934, the Aircraft Accident Investigation Bureau (AAIB) looks into aviation accidents. Additionally, Section 22(1) of the AA Act mandates that arbitration be used when a party who has been wronged by an accident wants compensation.
- **Airport Tariff Disputes:** Airport tariff disputes are resolved by the Airports Economic Regulatory Authority Appellate Tribunal (AERAAT) and grants leave to appeal to the Supreme Court. This multi-forum and issue-based system, permits experts who are specialized in the particular sectoral issues effecting aviation disputes to resolve disputes.

Judicial Forums: Writs, Civil, and Criminal Courts

Aside from many other specialized bodies, the Indian Judiciary will be considering aviation related litigation. For instance:

- **High Courts (Article 226):** Any writ petition challenging DGCA actions or decisions, including refusing to register aircraft or lease or corporate de-registration, can only be challenged in a High Court.
- **Magistrate Courts:** For most parts, claims made against a defendant in a Magistrate or District Court are mainly criminal offences such as unruly/uncontrolled behaviour under the Aircraft Act and Aircraft Rules. Criminal offences are usually 'bailable' and 'non-cognizable', however, Rule 91

(regarding pollution with respect to aerodromes) is one of the few excluding that is cognizable, allowing a FIR by police to be filed.

- **Supreme Court:** If one effect is to be obtained by one forum, the Supreme Court is the final appellate court and has final jurisdiction about constitutional and legally substantial questions as a result of directing the uniformity of civil and criminal procedures across the different courts.

ADR and the Rise of GIFT City Mechanisms

With litigation being time-consuming, inefficient, and convoluted, India is embracing Alternative Dispute Resolution (ADR) in relation to aviation finance:

- **GIFT City ADR Centers:** Under the IFSCA Act, 2019, and the recommendations of an Expert Committee have provided India with a roadmap to establish high-quality international ADR services in GIFT City at the IFSC level. India's international ADR services will mimic global ADR centres such as DIFC and SIAC and provide the forum with arbitrators, mediator or hybrid processes with less prescribed rules, and technological options.³⁵
- **Cape Town Framework:** India's implementation of the Cape Town Convention and Aircraft Protocol through the Protection of Interests in Aircraft Objects Act, 2025 arose out of the Go First on insolvency to pre-emptively solve issues around aircraft asset repossession.³⁶ India can now operate as a cognizable land with the DGCA being the national registry, and the benefit of enforcement of its statutory rights through the courts, and support a down to earth standard for precedents established for aviation assets that are comprehensive and globally recognised.

³⁵ International Financial Services Centres Authority, 'Report of the expert committee for drafting institutional arbitral rules' (16th July 2024).

³⁶ ICLG, 'Aviation Laws and Regulations Report 2025: India' (ICLG, 7 March 2025) < <https://iclg.com/practice-areas/aviation-laws-and-regulations/india> > accessed 1st August 2025.

These ADR and legislative reforms represent a huge change in favor of efficiency and a creditor-friendly approach to resolution,³⁷ all happening concurrently with GIFT City striving to establish a global hub for aircraft leasing.³⁸

India's aviation dispute resolution system is moving from one that is fragmented and reactive to a more structured and proactive approach- led by ADR mechanisms and internationally aligned specified air law. Consolidating forums, strengthening and opening avenues for empowered regulators, and institutionalizing specialist tribunals will promote effective dispute resolution and competitiveness in the global aviation market in light of the continued growth of aviation demand.

BARRIERS TO EFFECTIVE ENFORCEMENT OF PASSENGER RIGHTS IN AVIATION AND PROPOSED SOLUTIONS

The increasing growth of aviation industry, both domestically and internationally, include challenges with protecting consumer rights. These difficulties require effective consumer protection mechanisms to protect passenger rights according to national and international law.

1. Lack of Awareness Among Consumer- Many passengers don't even realize their entitlements when denied boarding for any reason, flights are delayed, or flights are cancelled. With the lack of communication regarding consumer rights, this leaves

³⁷ International Bar Association, 'Indian aviation takes off with Cape Town convention and GIFT' (IBA, 2025) < <https://www.ibanet.org/indian-aviation-cape-town-convention> > accessed 1st August 2025'

³⁸ Nand Gopal Anand, 'GIFT City And Targeted Legal Reforms: Catalysing India's Rise In Global Aviation Finance' (July 15 2025).

passengers little relief as they face unscheduled variants to the flight and sometimes the rest of the trip.

As a way to combat low consumer awareness, airlines and regulatory, like the Directorate General of Civil Aviation, can work harder to educate consumers by:

- **Prominent Display of Rights:** Airlines should display passenger rights when customers are booking a ticket, when they go to the check-in counter, and notably during their flight. The DGCA's AirSewa app is an educational tool for passengers.
- **Incorporation into Booking Platforms:** Lists of passenger rights should be included when agreeing to terms and conditions at the point of booking where it contains summary language that is easy to understand.

2. Inadequate Compensation Mechanisms - Regulations such as the DGCA's Civil Aviation Requirements (CAR) do provide compensation related to denied boarding and cancellations, however, passengers have experienced either delays in getting compensation, or there was never any compensation at all. These inconsistencies occur as there is no real definition of extraordinary circumstances and there is limited enforcement of rules.

A stronger compensation framework is needed, as follows:

- **Clear Guidelines:** The DGCA should have more stringent regulations on explaining what constitutes "extraordinary circumstances" and specifying the exact compensation amounts for each flight interruption.
- **Strengthened Enforcement:** There should be stronger enforcement of compensation regulations with serious monetary penalties for airlines who fail to comply.
- **Consumer Forums and Digital Platforms:** Accessible platforms, such as AirSewa, can allow consumers to have a simple grievance redressal mechanism for compensation.

3. Delayed Refunds and Reimbursement - Cancellation and delay of flights can create a delayed or nonexistent refund to the affected passengers. Due to operational and fiscal complexities many airlines face a refund within the regulatory period ends up creating customer dissatisfaction.

Ways to fix the refund process include:

- **Mandatory Refund Timeframe:** Legally compel airlines to give refunds in a proper timeframe (i.e. 14 days) if passengers don't fly due to a cancellation of some type or they reject a series of rerouting.
- **Automated Refund Systems:** Implement an automated method of offering refunds to resolve the refund aspect and help with expediency so passengers don't need to "hassle" airlines to issue a refund.
- **Collaboration with Financial Institutions:** Partner with banks or online wallet companies to expedite the refund process which will reduce additional waiting time.

4. Enforcement Challenges and Regulatory Gaps - There are regulations in place, such as the DGCA's CAR, but enforcing those protections is a problem. Airlines resist parts of the regulations, and even if there were complete regulations, the powers of the DGCA are too weak to ensure compliance. Also, there is no dedicated authority to deal with passenger complaints anyway, leading to slow or no resolution to some complaints.

To address enforcement deficiencies:

- **Creation of a Centralized Aviation Ombudsman:** A central authority or aviation ombudsman with adjudication ability on passenger complaints and fining power for non-compliant airlines would also improve enforcement.

- **Tighter Regulatory Scrutiny:** The DGCA could conduct audits of airlines' work for compliance with consumer protection regulations more frequently, especially compliance with compensation and refund requirements.
- **Collaborative Approach with Consumer Protection Authorities:** Partnering with consumer protection authorities, would help with consumer enforcement and allow more timely resolutions of disputes.

5. Overbooking and Denied Boarding - Overbooking is a widespread practice throughout the airline industry in which airlines book and sell more tickets than available seats, which ultimately leads to passengers being denied boarding and significant inconvenience. This should lead to compensation, and while it will be applicable in these situations, airlines may provide inadequate or inconsistent compensation.

As an industry, it could do the following:

- **Clear Overbooking Policies:** Airlines must further articulate their overbooking policies, specifically during the ticket booking process, and each passenger must also be made aware of the risks of the pricing they chose.
- **Voluntary and Involuntary Denied Boarding Compensation:** While airlines can solicit for volunteers, airlines must have generous options or packages (i.e., meals, hotel accommodations, cash) for involuntary denied boarding as recognized in the DGCA regulations.
- **Increased Passenger Help:** In case passengers are not allowed to board, the airlines should provide more help with special staff to ensure that you receive fair and timely alternatives or compensation.

6. Airline Responsiveness to Customer Service- Passengers often witness unprofessional conduct from airline staff, and customer service quality differs among airlines. It could aggravate issues during flight delays, even leaving passengers enraged and unserved.

- **Enhanced Employee Training:** The airlines should invest in customer service training for their staff so that they learn to handle issues that arise when flights are delayed. These should include understanding others, problem-solving, and customer focus.
- **Passenger Service Charter:** All airlines should have to have a passenger service charter that clearly spells out the standards of service, how long it will take to respond, and how to get paid back.
- **Public Reporting and Accountability:** In order to hold airlines responsible for their repeated inability to provide satisfactory service, customer complaints regarding customer service should be made public.

To improve consumer protection in India's aviation sector, we need to tackle several issues. These include a lack of awareness poor compensation, problems with enforcement, and airlines doing things. India can make air travel fairer and more efficient by making stronger rules, teaching passengers more, improving how people get paid back and making sure rules are followed These changes will help passengers and make the aviation industry more open and responsible.

CONCLUSION

The development of passenger rights in the airline industry in India is still a work in progress, especially with the efforts of the DGCA (Directorate General of Civil Aviation) with their Civil Aviation Requirements (CAR) Series M, Part IV. These requirements outline the fundamental rights of passengers concerning boarding, delays, and cancellations. It is found that the DGCA guidelines, while important, serve as a foundational step in the consumer protection framework. However, the lack of legal backing enforcement untapped under these guidelines renders the provisions with very limited enforcement frameworks.

The primary issue remains the lack of statutory authority without a legislative framework providing a definite impact to these CAR. Unlike the travel information

regime in other jurisdictions, such as the European Union with its Regulation 261 of 2004 which guarantees compensation, has strict enforcement mechanisms, and generally more robust statutory law. Moreover, several challenges arise in the absence of adjudicatory body and an ombudsman for aviation disputes, resulting in the passenger being stalled in their response timeframe for their grievances, effectively leaving them without a solution. The consequences of such lethargy in action is in lack of awareness, slow refunds, and discretionary approach to compensation shows that the efficiency of frameworks available becomes greatly undermined, especially in enforcement. Though the Indian judiciary has played a critical role in recognizing airline travelers' rights via the Constitution, especially Articles 14 and 21, the lack of a statutory charter aviation consumers' access to relief mechanisms. Consequently, the lack of airline governance regulations as outlined by the DGCA serve as a foundational starting point, but in its current form does not allow absoluteness in ensuring carriers provide customer service compliance. India needs to enact a comprehensive law that aims to define airline passengers' rights and responsibilities, improve compliance and enforcement, provide airline level uniformity, and extend the jurisdiction of a truly independent aviation regulatory body. This constitutionally bound the passengers' rights and obligations charter will not only enhance the passengers' rights but will bolster consumer confidence while assuring trust and transparency in the ever-expanding Indian aviation industry.