



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the 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.

DGCA PASSENGER RIGHTS CHARTER: TOOTHLESS TIGER OR TRAVELER'S SHIELD?

Pranjal Budhiraja

INTRODUCTION: THE RISE OF PASSENGER RIGHTS IN INDIAN AVIATION

Passenger annoyance over flight delays, cancellations, and inadequate help has emerged as a distinguishing characteristic of the travel experience in India's quickly growing aviation industry. The industry is dealing with growing public discontent as domestic air travel reaches record highs—more than 1.65 crore passengers in FY2025 (April 2024–March 2025)¹. In addition to causing discomfort and financial loss, long lines, ambiguous announcements, and uneven help have increased calls for airline accountability.

The increasing assertion of consumer rights reflects this change. Indian passengers are no longer passive and now demand openness, restitution, and prompt resolution. These demands are backed by changing legal frameworks such as the DGCA's Civil Aviation Requirements (CARs) and a judiciary that is becoming more and more willing to acknowledge the contractual and fiduciary obligations that airlines have to their clients.

In a number of cases, Indian courts have acknowledged the rights of passengers and have frequently granted compensation for carelessness or poor service². In the case of *Dr. Jiteswar Ahir v. The Station Manager, Indian Airlines and ors.*³ established the consumer's right to safety and restitution by holding the airline accountable for passenger injuries caused by negligence and awarding compensation over the statutory limits.

¹ ICRA Limited, Indian Aviation Industry: FY2025 Performance and Outlook 6 (May 2025), <https://www.icra.in/Rating/DownloadResearchSpecialCommentReport?id=6334>

² InterGlobe Aviation Ltd. v. N. Satchidanand, (2011) 7 SCC 463 (India).

³ Jiteswar Ahir vs. The Station Manager, Indian Airlines and Ors. (08.02.1994 - SCDRC Tripura): MANU/RF/0002/1994

THE DGCA: INDIA'S AVIATION REGULATOR

The **Directorate General of Civil Aviation (DGCA)** is the central regulatory authority for civil aviation in India, operating under the Ministry of Civil Aviation. Its core functions include:

- **Issuing and enforcing regulations** for airlines, airports, pilots, and maintenance organizations.
- **Ensuring safety, operational compliance, and consumer protection** in the aviation sector.
- **Imposing penalties, suspensions, or other sanctions** for violations of legally binding CARs and statutory rules.
- **Overseeing licensing, airworthiness, and safety audits** for all civil aviation operations in India.

The **Aircraft Act of 1934**⁴ and the **Aircraft Rules of 1937**⁵ serve as the foundation for the DGCA's jurisdiction. Under statutory authority, it can issue circulars, Airworthiness Directives, and Civil Aviation Requirements (CARs) that are legally binding.

WHAT IS THE DGCA PASSENGER RIGHTS CHARTER?

A unified set of rights for Indian aviation passengers, the DGCA Passenger Rights Charter was created in the year 2019 to provide equitable treatment and restitution in the event that airline services are disrupted or fall short of expectations. Important rights consist of:

- **Compensation for delays:** Meals, refreshments, hotel accommodation, or full refunds based on delay duration. Delays over six hours require advance notice and either an alternative flight or refund; delays over 24 hours require complimentary accommodation.
- **Denied boarding:** Compensation, alternate flights, or refunds if boarding is denied without passenger fault. If denied despite holding a valid ticket and timely check-in, the airline must offer compensation unless an alternative flight is provided within one hour.

⁴ The Aircraft Act, 1934, No. 22, Acts of Parliament, 1934 (India)

⁵ The Aircraft Rules, 1937, No. 5, Rules and Orders, 1937 (India)

- **Cancellations:** Advance notification, full refunds or alternate flights, and compensation if not notified within set timelines. Cancellations fewer than two weeks but up to 24 hours before departure require an alternative flight or full reimbursement.
- **Baggage issues:** Compensation for delayed, lost, or damaged baggage (up to ₹3,000 per kg for lost baggage and ₹1,000 per kg for delay/damage).
- **Death or injury compensation:** Airlines must compensate up to ₹20 lakh in the event of a passenger's death or injury resulting from an accident during flight operations.
- **Special assistance:** Wheelchair and disability support at no extra cost for individuals with disabilities or reduced mobility.
- **Fare transparency:** Airlines must display the total price of tickets, including all taxes and fees, with no hidden charges.

LEGAL STATUS: ADVISORY OR BINDING?

While the Charter represents a significant advance, its **legal enforceability is limited**:

The DGCA's Civil Aviation Requirements (CARs) under the Aircraft Rules are legally binding, and failure to comply may result in fines, suspensions, or other sanctions. But the Passenger Rights Charter is a set of guidelines rather than a legislation enacted by Parliament; it is not a law in and of itself. As statutory rights, passengers may not always be able to directly pursue Charter provisions in court.

Regulatory discretion frequently determines enforcement, and airlines occasionally interpret rules to reduce liability. In reality, passengers frequently have to turn to consumer forums or civil lawsuits to seek remedy rather than depending on the Charter as an independently enforceable right, even if non-compliance may result in administrative penalties.

The **COVID-19 pandemic** further exposed the Charter's enforcement limitations. Despite DGCA circulars urging refunds for cancelled flights, compliance was inconsistent. The **Supreme Court in Pravasi Legal Cell v. Union of India (2020)**⁶ had to intervene, ordering full refunds and structured compensation for affected passengers, including those who booked through travel agents. This judicial intervention, rather than regulatory enforcement, provided relief—highlighting the Charter's fragility in the absence of formal legal backing.

⁶ Pravasi Legal Cell v. Union of India [2020]12SCR102

INDIA VS INTERNATIONAL MODELS

Unlike the **European Union's EC Regulation 261/2004**⁷, India lacks independent passenger rights law, while having legally enforceable compensation rules and direct enforceability. customers in the EU are entitled to set compensation sums for delays, cancellations, and denied boarding; these amounts are directly enforceable in national courts, and impacted customers are required to get help.

On the other hand, India's system is more dependent on post-facto judicial involvement and regulatory discretion, which makes redress less predictable and frequently slower. The majority of complaints must be filed in civil court or consumer forums, which can be unpredictable and time-consuming.

THE ROLE OF TECHNOLOGY IN PASSENGER RIGHTS ENFORCEMENT

Digital tools are increasingly important in bridging the awareness and enforcement gap:

- Passengers may follow their status, make grievances online, and get user-friendly rights information through the AirSewa portal. Through AirSewa, which is supervised by the DGCA and the Ministry of Civil Aviation, passengers who are unhappy with airline responses can escalate their complaints.
- As of February 10, 2024, 45.8 lakh mobile phones have downloaded the Digi Yatra platform. uses digital boarding tickets and facial recognition to expedite airport procedures since launch. It can also be used to gather feedback and distribute rights.⁸
- Airlines are now required to include links to the passenger charter in booking confirmations and on their websites, enhancing transparency and making it easier for passengers to know their rights at every stage of their journey.

However, the effectiveness of these platforms depends on broader public outreach and integration with airline systems to ensure accessibility for all travellers, not just the tech-savvy.

GRIEVANCE REDRESSAL: HOW CAN PASSENGERS SEEK HELP?

⁷ Regulation (EC) No 261/2004 of the European Parliament and of the Council, arts. 1–16, 2004 O.J. (L 46) 1 (EU)

⁸ Press Information Bureau, Digi Yatra app users number crosses 45.8 Lakhs, No. 2007679 (Feb. 10, 2024), [Press Release: Press Information Bureau](#)

The **grievance redressal process** for airline passengers in India typically follows these steps:

1. **Contacting the Airline:** Travelers who have a grievance must first speak with the airline's customer service department. They can bring the matter up with the airline's Nodal Officer and subsequently the Appellate Authority if they're not satisfied.
2. **AirSewa site:** Passengers can file a complaint on the AirSewa site, which is supervised by the DGCA and the Ministry of Civil Aviation, if they feel that the airline has not responded adequately.
3. **Consumer Forums:** Under the 2019 Consumer Protection Act⁹, travellers may file a complaint in a civil court or seek redress through consumer forums for unresolved or significant issues.
4. **Regulatory Action:** Although this is usually saved for severe or pervasive infractions, the DGCA may apply fines or other punishment on airlines in cases of systematic non-compliance.

REAL-WORLD IMPACT: ENFORCEMENT AND AIRLINE COMPLIANCE

Despite these mechanisms, **enforcement remains inconsistent**. Airlines sometimes delay or deny compensation, citing “extraordinary circumstances” or interpreting rules narrowly. Only a small fraction of affected passengers actually pursues claims, meaning airlines face limited pressure to improve compliance unless there is significant public or regulatory scrutiny.

In a recent high-profile example, IndiGo Airlines refused to give an elderly passenger a wheelchair that they had reserved in advance at Delhi Airport. The DGCA was forced to require all airlines to actively notify passengers of their rights at the time of booking and on all travel papers as a result of the occurrence, which caused public indignation. According to recent DGCA guidelines, airlines must notify customers of their rights through websites, tickets, WhatsApp, and SMS.¹⁰

FUTURE PROSPECTS: TOWARDS A STATUTORY PASSENGER RIGHTS ACT?

⁹ The Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019 (India)

¹⁰ India Today, Know Your Rights: DGCA Tells Airlines to Share Passenger Info via SMS, Mar. 24, 2025, <https://www.indiatoday.in/information/story/know-your-rights-dgca-tells-airlines-to-share-passenger-info-via-sms-2698052-2025-03-24>

The **Bhartiya Vayuyan Adhiniyam, 2024**¹¹, which replaced the Aircraft Act, 1934, modernizes aviation law and enhances consumer protection, but **India still lacks a dedicated Passenger Rights Act**. Ongoing debates and advocacy efforts call for legislation that would:

- Codify passenger rights and compensation as statutory entitlements.
- Establish independent grievance redressal mechanisms, such as an aviation ombudsman.
- Impose binding obligations and penalties for non-compliance.
- Align Indian regulations with international best practices, such as the EU model.

Such a law would **transform the Charter from a symbolic shield to a substantive legal safeguard**, ensuring enforceable rights and robust remedies for all Indian air travelers.

CONCLUSION: THE ROAD AHEAD FOR PASSENGER RIGHTS IN INDIA

The aviation industry in India is at a turning point. The absence of independent enforcement tools and statutory support leaves passengers susceptible to variable airline compliance and limited remedy, even though the DGCA Passenger Rights Charter and subsequent digital initiatives represent significant improvement. A strong, legally enforced foundation for passenger rights is becoming more and more necessary as air travel continues to develop. Adopting a specific Passenger Rights Act that ensures responsibility, openness, and prompt remedy for everyone is the next necessary step in giving India's air passengers real authority. Until then, the Charter continues to serve as an essential but insufficient barrier, and efforts to provide total passenger protection are ongoing.

¹¹ The Bhartiya Vayuyan Adhiniyam, 2024, No. 49, Acts of Parliament, 2024 (India)