

GOVERNMENT OF INDIA
MINISTRY OF CIVIL AVIATION
RAJYA SABHA
UNSTARRED QUESTION NO : 4017
(TO BE ANSWERED ON THE 3rd April 2018)

Compensation for denying seats due to overbooking

4017. SHRIMATI VIJILA SATHYANANTH

Will the Minister of CIVIL AVIATION be pleased to state:-

- (a) whether it is a fact that the Directorate General of Civil Aviation (DGCA) has asked the airlines to pay for denying seats to those with confirmed tickets due to overbooking;
- (b) whether it is also a fact that such cases were reported concerning Air India way back in 2015;
- (c) whether it is a fact that DGCA added that its 2010 rules do not put a cap on the compensation that can be demanded from the airlines in case of over booking and a passenger has full right to approach a Court for relief; and
- (d) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION

(Shri Jayant Sinha)

(a): Under the provision contained at Para 3.2.2 of Civil Aviation Requirements (CAR), Section - 3, Series 'M', Part-IV titled " Facilities to be provided to passengers by airlines due to denied boarding, Cancellation of flights and delays in flights" issued by DGCA, if the boarding is denied to passengers against their will, the airline shall not be liable for any compensation in case alternate flight is arranged that is scheduled to depart within one hour of the original schedule departure time of the initial reservation. Failing to do so, the airline shall compensate the passengers as per the following provisions:

- i. An amount equal to 200% of booked one-way basic fare plus airline fuel charge, subject to maximum of INR 10,000, in case airline arranges alternate flight that is scheduled to depart within the 24 hours of the booked scheduled departure.
- ii. An amount equal to 400% of booked one-way basic fare plus airline fuel charge, subject to maximum of INR 20,000, in case airline arranges alternate flight that is scheduled to depart more than 24 hours of the booked scheduled departure.
- iii. In case passenger does not opt for alternate flight, refund of full value of ticket and compensation equal to 400% of booked one-way basic fare plus airline fuel charge, subject to maximum of INR 20,000.

(b): 13175 cases of denied boarding concerning Air India were reported in year 2015.

(c) & (d): The amount of compensation as mentioned in the CAR is for immediate relief that the airlines were required to provide to the passengers who had been denied boarding. As per the provisions of the CAR, if the airlines fail to fulfill their obligations, the passenger may complain to the statutory bodies set up under relevant applicable laws.