Government unveils rules to tackle on-board disruptive and unruly behaviour by passengers, paves way for No Fly List

The Ministry of Civil Aviation today unveiled rules to tackle on-board disruptive and unruly behaviour by passengers. Briefing the media in New Delhi today, the Minister for Civil Aviation Shri P Ashok Gajapathi Raju said that the new rules will allow for the formation of a national, No Fly List of such unruly passengers. He said the promulgation of the No - Fly List in India is unique and first-of-its-kind in the world. Emphasizing the Government's commitment for ensuring safety, Shri Raju said that the concept of the No-Fly List is based on the concern for safety of passengers, crew and the aircraft, and not just on security threat.

The DGCA has revised the relevant sections of the Civil Aviation Requirement (CAR Section 3, Series M, Part VI on "Handling of Unruly Passengers) to bring in a deterrent for passengers who engage in unruly behaviour on board aircrafts. The revision has been done in accordance with the provisions of Tokyo Convention 1963.

The revised CAR deals with unruly behavior of passenger on-board aircrafts. Unruly behavior of passengers at airport premises will be dealt with by relevant security agencies under applicable penal provisions. The revised CAR will be applicable for all Indian operators engaged in scheduled and non-scheduled air transport services, both domestic and international carriage of passengers. The CAR would also be applicable to foreign carriers subject to compliance of Tokyo Convention 1963.

Also speaking on the occasion the Minister of State for Civil Aviation Shri Jayant Sinha said that the new rules have been promulgated after a lot of deliberation and consultation with all stakeholders. The focus has been on ensuring on board safety while maintaining an element of balance and safeguarding the interest of passengers, cabin crew and the airlines.

The revised CAR defines three categories of unruly behavior - Level 1 refers to behaviour that is verbally unruly, and calls for debarment upto 3 months; Level 2 indicates physical unruliness and can lead to the passenger being debarred from flying for upto 6 months and Level 3 indicates life-threatening behaviour where the debarment would be for a minimum of 2 years.

The complaint of unruly behavior would need to be filed by the pilot-in-command. These complaints will be probed by an internal committee to be set up by the airline. The internal committee will have retired District & Sessions Judge as Chairman and representatives from a different scheduled airline, passengers' association/consumer association/retired officer of Consumer Dispute Redressal Forum as Members. As per the CAR provisions, the internal committee will have to decide the matter within 30 days, and also specify the duration of ban on the unruly passenger. During the period of pendency of the enquiry the concerned airline may impose a ban on the said passenger. For every subsequent offence, the ban will be twice the period of previous ban.

The airlines will be required to share the No-Fly list, and the same will be available on DGCA website. The other airlines will not be bound by the No-Fly list of an airline. The No Fly Lists will have two components - unruly passengers banned for a certain period based on examination of the case by the internal committee; and those persons perceived to be national security risk by the Ministry of Home Affairs. The latter component will, however, not be displayed on the DGCA website.

The revised CAR also contains appeal provisions against the ban. Aggrieved persons (other than those identified as security threat by MHA) may appeal within 60 days from the date of issue of order to the Appellate Committee constituted by MoCA comprising of retired Judge of a High Court of India as Chairman and representatives of passengers association/consumer association/retired officer of Consumer Dispute Redressal Forum and airlines as Members.

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