



AIRLINE USERS RIGHTS AND GRIEVANCES REDRESSAL FORUM

Memorandum to Hon. Minister for Civil Aviation, Shri Kinnara Rammohan Naidu, Government of India, submitted on 29th August 2024 by the Executive Committee of the Airline Users Rights and Grievances Redressal Forum (AURGRF)

Subject: Critical Gaps in Passenger Safety Standards and Regulatory Oversight

Respected Shri Rammohan Naidu ji,

Greetings from the Airline Users Rights and Grievances Redressal Forum (AURGRF).

The Airline Users Rights and Grievances Redressal Forum (AURGRF) is a registered industry body comprising aviation experts, legal and business professionals, and frequent flyers, dedicated to addressing and resolving passenger rights and grievances in the aviation sector. We emphasize critical safety failures and regulatory gaps in India's aviation industry, particularly in passenger rights and safety, and draw attention to the country's delay in implementing vital safety measures despite established international and national regulations.

Under international and regional frameworks, air passengers are entitled to fundamental rights, including access to information, compensation, care, refunds, baggage protection, and safety—rights reinforced by ICAO standards and India's Civil Aviation Requirements (CAR). However, India has yet to fully implement key aspects of ICAO Annex 6, especially in fare transparency, passenger safety, and compensation. Despite Article 24 of the Montreal Convention mandating a five-year review of liability limits, India's compensation standards for domestic airlines remain outdated, with no updates since the global revisions in 2019, even as the next review approaches in 2024.

India's aviation sector saw significant growth in 2023, with 133 new aircraft entering service, yet safety oversight has struggled to keep pace. Although 5,745 surveillance activities were recorded, over 300 flights were cancelled due to operational issues. The recent Rs 98 lakh fine on Air India for operating with unqualified crew highlights glaring safety lapses. Furthermore, the current regulatory framework does not sufficiently distinguish between service models, allowing low-cost carriers to bypass fair competition in fares, services, and safety. Urgent action is needed to address these compromises, which are exacerbated by limited passenger awareness and aggressive industry competition.

Recent Dangerous Goods Incidents Highlight Critical Safety Failures

Recent incidents involving the mishandling of dangerous goods, including radioactive materials, underscore significant regulatory failures and raise serious concerns about the enforcement of aviation safety protocols.

- On July 29, 2023, Indigo Flight 6E-892 narrowly avoided disaster when smoke from a prohibited dangerous good, hydrogen peroxide, forced an emergency return to Kolkata, saving 191 lives.
- On August 16, 2024, in Mumbai, hazardous chemicals in baggage caught fire while being loaded onto Ethiopian Airlines Flight ET 641.
- The following day, radioactive material leaked at Lucknow airport, endangering passengers and staff.

These incidents and the ongoing irregularities unidentified, unreported, or concealed in handling dangerous goods underscore the urgent need for comprehensive regulatory reforms to ensure passenger safety.

Regulatory Deficiencies in Civil Aviation Requirements (CAR): The AURGRF Technical Expert Committee on 'Passenger Rights for Safety' has identified critical deficiencies in the Civil Aviation Requirements (CAR) issued on January 25, 2023, under ICAO Doc 10147 (2021). These gaps compromise aviation safety and undermine effective regulatory oversight, posing serious risks to passenger safety.

Airline Users Rights and Grievances Redressal Forum (AURGRF)

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Parliamentary Action for Immediate Reform: On August 8, 2024, Hon. MP Shri N.K. Premachandran raised these safety concerns in the Lok Sabha, advocating for the immediate implementation of ICAO Document 10147. He emphasized the need to cultivate a robust safety culture and make dangerous goods training mandatory for all air transport personnel. He also called for reversing the flawed CAR issued on January 25, 2023, to address the existing safety gaps.

- **Memorandum to MoCA and DGCA:** On September 22, 2023, AURGRF, led by Chief Patron Shri N.K. Premachandran MP, submitted a memorandum to the Ministry of Civil Aviation (MoCA) and DGCA, following discussions with former Civil Aviation Minister Shri Jyotiraditya Scindia. The absence of a formal response highlights significant regulatory oversight failures. The full implementation of ICAO Doc 10147 is not only a regulatory duty but a moral obligation, which is crucial to supporting the Safety Management Systems (SMS) outlined in ICAO Annex 19 and ensuring comprehensive passenger safety.

Critical Regulatory Gaps in ICAO Doc 10147 and Lapses in CAR dt 25th January 2023

ICAO Document 10147 mandates that states implement comprehensive safety measures and regulatory standards, establishing a binding framework for Functions and Competency-Based Training and Assessment (CBTA) to ensure all personnel involved in air transportation—passenger, baggage, cargo, mail, and stores—are properly trained and competent, thereby enhancing global aviation safety.

Civil Aviation Requirements (CAR) of January 25, 2023, contradict ICAO Document 10147 by offering an incomplete, biased system that weakens safety oversight. As a mere guideline without a clear national framework, industry standards, or regulatory control, it lacks defined roles, and responsibilities, ignores key risks, and focuses on managing incidents rather than preventing them, putting passenger safety at risk.

Gaps in CAR 2023 undermine ICAO on 10147, Threatening Passenger Safety

- 1) **Absence of a National Framework, Industry Standards, and Dangerous Goods Control Board**
- 2) **Lack of Functions, Stakeholder Responsibilities, Function-Specific Training, Eligibility Criteria, and Standardized Assessment Protocols, Reducing Instructor Expertise**
- 3) **Reduced Airline Operators' Responsibilities and Diminished Employee Accountability.**
- 4) **Absence of Verification for Authorized Signatories and Organizational Legitimacy**
- 5) **Lack of guidance on high-risk dangerous goods, lithium batteries, and radioactive materials.**
- 6) **Delayed Adoption of the Global Harmonized System (GHS) for Hazard Communication**
- 7) **Insufficient public awareness regarding safety regulations**

Critical Lapses in Aviation Safety and Dangerous Goods Management

The following highlights severe regulatory lapses in handling dangerous goods, posing significant safety risks and exposing critical vulnerabilities in India's aviation safety framework.

1. **Irregularities in Handling Radioactive Materials:** Despite serious incidents, including Air India's suspension in April 2022 for improper, dangerous goods storage and a high-temperature event involving radioactive materials in September 2022, the aviation regulator has not issued significant safety directives. The recent radioactive leak at Lucknow Airport further exposes regulatory inadequacies.
2. **Inadequate Response to High-Consequence Dangerous Goods Threats:** Recent bomb threats at Indian airports highlight the urgent need for stronger safety protocols, advanced dangerous goods training, and stricter security. ICAO and IATA classify high-risk goods like Gold-198 (Au, 79), Cobalt-60 (Co, 27), and Californium-252 (Cf, 98), commonly used in medicine, as severe threats if mishandled. The arrest of three people

people in Bihar on August 10, 2024, for smuggling 50g of Californium, following a 340g seizure in Lucknow three years ago, further emphasizes this danger.

- **India's failure to implement mandatory competency-based training for handling high-risk dangerous goods for security, as required by ICAO Technical Instructions and Chapter 8 of the ICAO Aviation Security Manual, poses serious and ongoing risks to passenger safety and national security.**
- 3. **Irregularities in Lithium Battery Handling:** The fire risk from lithium batteries is rising. However, no updated safety directives have been issued since SpiceJet's October 2021 suspension for improper handling, leaving a gap in safety protocols for these and emerging batteries.
- 4. **GHS Adoption Delay—A Safety Risk:** India's delay in adopting the Globally Harmonized System (GHS) for hazardous materials increases the risk of incidents, especially in passenger baggage, as airlines passenger handling, screening, security, and CISF staff lack proper hazard assessments.
- 5. **Misguided directives to Postal Operators:** The regulatory directive requiring DG Category 6 training for postal operators following the 2023 Indigo incident in Kolkata is a misguided decision that violates ICAO Annex 18 and its Technical Instructions by disregarding function-specific training requirements.
- 6. **Public Awareness Failures:** Poor public awareness of aviation safety rules, particularly on UDAN routes, is a significant risk, highlighted by BCAS's report of 25,000 prohibited items being removed daily from passenger bags.

General Observations:

India's aviation safety faces significant challenges due to the absence of a comprehensive regulatory and compliance framework mandated by ICAO Doc 10147 and aligned with ICAO's technical instructions (Doc 9284). This framework, tailored to national needs, ensures that airline operators implement rigorous dangerous goods training programs. It holds employers accountable for fully training and certifying all air transport personnel according to their specific job roles before duty, thus safeguarding passenger safety.

- **Deficiencies in the Civil Aviation Requirements (CAR) of 2023:** The Civil Aviation Requirements (CAR) issued on January 25, 2023, and effective from April 2024, contradict ICAO Doc 10147 by omitting critical elements such as Competency-Based Training and Assessment (CBTA) functions, stakeholder responsibilities, function-specific training, and standardized assessment protocols. This framework reduces airline responsibilities and weakens employee accountability. It excludes experienced experts based on academic credentials and age, compromising safety oversight.
- **Persistent Safety Lapses in Dangerous Goods Handling:** ICAO and IATA classify over 3,552 items as dangerous goods, and mishandling these materials can lead to catastrophic consequences, such as leaks, fires, explosions, and radiation exposure. Recent incidents, including the emergency return of Indigo Flight 6E-892 in 2023 due to hydrogen peroxide and Ethiopian Airlines' mishap in Mumbai in August 2024, echo past events like the Kochi incident in 2011. Safety lapses persist, with passengers still carrying matchboxes or lighters for smoking on aircraft (AURGRF reported 14 cases in 2023), revealing severe shortcomings in screening and security.
 - **The absence of thorough fault analysis, Corrective and Preventive Action (CAPA) protocols, a central registry for verifying authorized signatories, and organizations and the involvement of untrained or inadequately trained staff leave dangerous goods like lithium batteries and radioactive materials vulnerable to improper documentation and packaging, putting passenger lives at risk daily.**
- **Regulatory Gaps and Insufficient Oversight:** Ineffective regulatory policies and insufficient expert oversight have led to persistent training gaps in the aviation sector. India's inadequate system for inspecting documentation, verifying packaging compliance, authenticating signatories, and determining the legitimacy of

organizations exacerbates these risks. The situation is further compounded by untrained personnel and insufficient Dangerous Goods (DG) certification renewals. Additionally, the concealment of dangerous goods incidents fosters industry ignorance, and regulatory measures can only be effective when such information is transparently shared as a precautionary warning.

Conclusion:

Addressing critical gaps in India's aviation safety framework is essential to protecting passengers and ensuring compliance. This is especially true given that, despite a booming market with over 190 million passengers and 967,211 metric tons of cargo in 2023 across 142 airports, the country lacks a national framework for hazardous materials regulation and competency-based training as mandated by ICAO Doc 10147, exposing significant safety risks.

ICAO Document 10147 and Competency-Based Training and Assessment (CBTA) emphasize collaboration among stakeholders—aircraft operators, ground handlers, and security personnel—to maintain high safety standards. Comprehensive training and assessment for all personnel involved in air transport are vital for preventing the mishandling or mis-declaration of dangerous goods, supporting the Safety Management Systems (SMS) outlined in ICAO Annex 19.

Immediate action is needed to overhaul existing regulations, establish an autonomous aviation safety body akin to the UK's CAA, and improve India's safety ranking in the Universal Safety Oversight Audit Programme (USOAP). Regulators must ensure thorough training, enforce accountability, and verify competencies, using CAPA and 360-degree feedback to prevent and properly handle hidden, undeclared, or mis-declared dangerous goods, while also improving passenger awareness.

A new regulatory framework is urgently required, including amendments to the Aircraft (Carriage of Dangerous Goods) Rules 2003 and a revised CAR to replace the flawed version of January 25, 2023. Clearly defining functions, managing content, implementing comprehensive assessment portfolios, and enforcing employer accountability as per ICAO 10147, are essential for a smooth transition to the CBTA approach, ensuring both aviation safety and the protection of passenger rights. Immediate, decisive reforms are crucial to addressing these gaps and raising safety standards effectively.

In conclusion, we urge the Ministry to promptly address these critical safety gaps by implementing regulatory reforms and strengthening oversight mechanisms. Establishing a dedicated task force to revise outdated regulations and ensure compliance with international standards is essential. Collaboration with industry experts and regular working groups will be vital in developing a robust safety framework. Your leadership is crucial in enhancing aviation safety and maintaining India's global reputation in aviation. We look forward to your swift action and support.

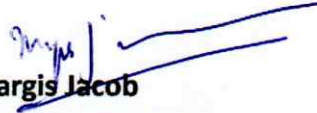
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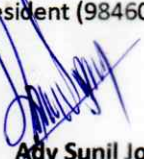
Sincerely

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