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Shri Jyotiraditya M. Scindia ji,
Hon. Minister for Civil Aviation
Government of India. New Delhi

Sub: Memorandum inviting the intervention of MoCA on the series of airline safety incidents that occurred in India, with the potential for catastrophic consequences, imperilling the safety of Air Passengers

Respected Hon. Sri Jyotiraditya M. Scindia Ji,

At the outset, let us introduce ourselves as the Airline Users Rights and Grievance Redressal Forum (AURGRF), a registered organization dedicated to safeguarding the interests of the traveling public. The Management Committee and Advisory Board consist of experienced professionals from various fields, such as airline and airport industry, tourism, law, business, and government.

We are humbly submitting this Memorandum concerning Air Passenger Rights and Air Safety. It's impacting Air Passengers in India, for your kind perusal and consideration, particularly in the era of the 'open sky policy and considering the exceptional growth in the number of Air Passengers in India

Safeguarding Passengers: Mitigating Concerns and Near-Miss Incidents to Enhance Air Travel Safety in India

The aviation sector in India is witnessing exponential growth. The present era of privatization in India's aviation sector is a bold step and reform for the economic and infrastructure development of the country. The UDAN scheme aiming for widespread regional connectivity has increased the number of passengers and flights, which in turn led India to the position of the world's third-largest domestic aviation market and complements the vision of our Hon. Prime Minister about empowering the ordinary Indian citizen to travel by Air at an affordable Airfare and enjoy the convenience.

Simultaneously, as air traffic continues to rise, the frequency of air safety breaches and other incidents in India is escalating at a concerning pace due to factors such as a compromised safety culture resulting from mergers, oversights by airlines, and a lack of stringent regulatory systems.

Safety Lapses and Security Oversights in 2023:

Human errors and negligence compromise safety, breaching laws - In the first 150 days of 2023, Indian Airlines faced a troubling series of incidents involving 23 disruptive passenger behaviour, including pilot misconduct. Among these, 14 incidents were unruly behaviours, while the remaining ten categorically related to dangerous goods regulatory violations. Nine incidents revealed safety oversights and lapses that could trigger in-flight fires or other catastrophic damages. Regrettably, these risks have yet to be sufficiently identified or addressed.

Airborne Ignorance -a knowledge gap: One specific incident that highlighted a gap in knowledge regarding Indian air travel regulations occurred on May 7, 2023, involving Akasa Air. The 9th reported incident was a 56-year-old labourer from the Rajasthan Marwar region arrested for smoking a "Beedi," posing a threat to the safety of fellow passengers and himself. The passenger, traveling by air for the first time, admitted his ignorance of airline regulations and restrictions during his arrest. This case serves as an example of the lack of awareness about the Rules & Regulations of Air Travel among many ordinary Indian citizens, including those who are illiterate.

We request your kind attention to these NINE incidents of Smoking in the lavatory reported in 2023, which highlights the shortfalls in the Air safety measures, and its performance:

- 1) January 3 -Air India Paris-Delhi flight -the incident in December, reported on January 3
- 2) January 25 -- Two passengers on Air India -Male to Mumbai, flight
- 3) January 31 -One Passenger on Spice Jet destined for Cochin.
- 4) February 18 -Blogger smoking on an Indigo flight from Mumbai to Ranchi
- 5) March 4 - A man on Air India AI 763 Kolkata- Delhi flight
- 6) March 5 - A 24-year-old woman on Indigo flight 6E 716 Kolkata- Bangalore
- 7) March 10 - A passenger on AI130, the London-Mumbai flight
- 8) March 16 - Passenger from Assam to Bengaluru, IndiGo flight 6E 716
- 9) May 7 Passenger on Alaska Airlines- Ahmedabad to Bengaluru arrested for smoking Beedi

The Tenth incident was a violation of law, carrying and drinking alcohol onboard a domestic flight. On January 9, 2023, two passengers were arrested from the Indigo 6E-6383 Delhi-Patna flight.

Smoking in the aircraft lavatory:

A critical incident with in-flight fire risks and potentially fatal consequences- Smoking on board aircraft and drinking alcohol on domestic flights were banned and prohibited in India. It is a severe offense as one of the most dangerous situations on board, mainly throwing cigarette butts or matches in the trash, which may be full of flammable materials like paper towels and alcohol-based sanitizer used wipes that threaten the Aircraft and may even cause the airplane to catch fire, leading to a fatal ending.

- Several incidents have occurred due to cigarettes disposed of in lavatory trash cans, resulting in immediate fires and the loss of many lives; the incident in Brazilian Airline Varig caused the death of 123 passengers, and another incident in Air Canada caused the death of 23 passengers. Recently on an El Al flight from Tel Aviv to Bangkok, one of the passengers lit a cigarette in the toilet and accidentally set the toilet on fire. Luckily the crew members managed without much damage.

Avoidable mishaps and safety oversights:

Risks of severe accidents, in-flight fires, and fatal outcomes due to lapses in regulatory procedures

In this context, a passenger needs a matchbox or matchstick or lighter in his carry-on baggage or person to light a cigarette, which is prohibited in India, so how do they manage to carry the prohibited items on board, particularly the following regulatory measures are in place:

- 1) Passenger carrying or smuggling prohibited items is a severe offense {The Aircraft (Carriage of Dangerous Goods) Rules 2003 Rule-3}.
- 2) Smoking and drinking alcohol (domestic flight) is a crime and a breach of the law.
- 3) Allowing passengers to carry restricted or banned items is a lapse on the operators' part {The Aircraft (Carriage of Dangerous Goods) Rules 2003 Rule-9 sub-rule 8}.

All these TEN incidents were related to the carriage of Dangerous Goods Regulations (DGR) in hazard identification that supports airlines' safety management system (SMS). Every handling personnel, including security and screening, must train and possess DG certification, which needs to renew every two years. Recently Government of India amended the punishments for noncompliance or violations of DGR in September 2020 to two years imprisonment and a fine of ten million rupees (1 Cr) or both. Surprisingly, the AvSec list on restricted articles, March 4, 2022, did not mention match boxes or match sticks but prohibits lighters and alcohol on domestic flights.

- 1) Failure to detect, identify and prevent prohibited items is an oversight and safety lapse from operators/ security.
- 2) Lack of knowledge due to inadequate training, possible intentional or unintentional human error, deficiency of skills, and competency in identifying and preventing hidden dangerous goods.

Observations:

Regrettably, the efforts made by regulatory authorities to address Air Safety issues have been inadequate. It is crucial to conduct thorough inquiries or investigations to identify the underlying causes, and it is equally important to promptly implement corrective actions or preventative measures to minimize such incidents or oversights.

Furthermore, it is essential to establish a zero-tolerance policy for noncompliance to ensure the safety and security of Air Passengers in India, considering the Rights of Air Passengers.

Empowering Passengers: Bridging the Information Gap on Baggage Regulations

Revive the process of Informing Passengers about Hazardous Baggage Contents and Regulations-

Passengers' baggage may contain hazardous materials such as lithium batteries, perfumes, cigarette lighters, or matchboxes, which can be susceptible to vibrations, temperature changes, and pressure variations during the flight. These items could cause fire or explosions on board the Aircraft. Lithium batteries and Personal Electronic Devices (PEDs) containing lithium batteries may ignite if damaged or on short circuit.

- **Ignorance of Baggage Regulations and Online Ticketing Implications:** Many passengers in India need help with baggage regulations, restrictions, and prohibitions on onboard items, such as certain liquids, gels, or medicines for personal use. The transition from paper tickets to e-tickets has led airlines to direct passengers to rely on digital platforms or websites for information on restricted items and baggage policies during the reservation or ticketing. However, this approach may not be convenient or appropriate for many Indians, particularly those from remote villages, who may be illiterate or unfamiliar with digital platforms. The prevalence of online ticketing encourages impulse purchasing but can also decrease passengers' cognitive capacity to understand the regulatory requirements.
- **Challenges Faced by Indian Passengers:** The warning pictograms displayed at check-in counters or baggage areas are reminders for passengers entering the terminals. They are also in English, which may need to be readable by passengers from several States of India, as they can read or write only the regional languages of their respective States. So, the present scenario of illiteracy and inadequate education contribute to the need for more awareness of regional languages at the Airports and onboard Aircraft.
- **Enhancing Communication:** Another standard issue is the failure of flight crews to communicate effectively with illiterate passengers. Language barriers, pronunciation issues, and difficulties in cross-cultural communication often led to misunderstandings in the crew members' messages on board. It raises concerns about understanding ordinary passengers like unskilled laborers or individuals from rural villages who may need help comprehending such communications. Sometimes, even educated/ literate passengers may need assistance understanding the crew's communications. To overcome this challenge, passengers must be well-briefed during reservation or ticketing.
- **Unveiling the Hidden Risks - Unreported Human Errors:** The presentation by Hon Minister V.K. Singh in Lok Sabha revealed that in 2022, there were 546 technical issues during aircraft operations and eight accidents involving FTO (Flight Training Organization) planes. Despite these alarming statistics, human error incidents related explicitly to hazardous material identification directly impacting passenger safety have not been adequately documented or made public.

Airlines can enhance efficiency and improve the travel experience by promoting a safety-focused culture among employees, educating passengers about prohibited items, and optimizing security gates and screening procedures, resulting in reduced waiting times, minimized inconveniences, and a more enjoyable overall journey.

Our Recommendations - Transforming Dangerous Goods Training: Advancing Air Safety through Regulatory Reform in India

Considering India's current air safety concerns, the government must prioritize the implementation of the Dangerous Goods Training program under the guidance of ICAO Doc 10147, the competency-based training and assessment (CBTA) approach. This comprehensive program encompasses policy development, legislation, and various measures to enhance aviation safety. The regulatory body must establish standards, accreditation, monitoring, collaboration, and continuous improvement to promote the safe handling and transportation of dangerous goods, thereby minimizing risks to public safety and the environment. To effectively implement this:

- 1) The current Aircraft (Carriage of Dangerous Goods) Rules 2003 and relevant Civil Aviation Requirements (Section 11 Series C Part 1), which were revised on January 25, 2023, require a thorough and extensive redefinition and restructuring of the regulations that govern the handling of dangerous goods.
- 2) An evaluation of the responsibilities and duties of airline operators and other stakeholders, as well as the capabilities and accountability of the individuals involved, is necessary.
- 3) Revisions should be implemented to broaden the reach, criteria, and demands of the Competency-Based Training and Assessment (CBTA) approach, encompassing uniform protocols for training, evaluating, and assessing competencies.
- 4) This redefinition aims to determine suitable task proficiency levels and foster a sense of mutual obligation and liability between employers and employees in the aviation industry.

Need for DG Control Board: India must empower DG Directorate to establish a DG Control Board to achieve the desired outcomes. This board would oversee and regulate the safe handling of dangerous goods, including reviewing incident and accident reports and enhancing safety training.

- a. To redefine national priorities and requirements, India must rely on veterans and the expertise of skilled CBTA professionals with a proven track record in handling dangerous goods. They can play a crucial role in providing valuable advice and suggestions for regulatory decision-making to improve safety and efficiency in the aviation industry. These subject matter experts could also help assess organizations and individuals to monitor their performance and competency at airports/workplaces to uphold safety standards across all levels.
- b. In India, the current DG certification system prioritizes meeting audit requirements over ensuring quality. Hence, the process must be revived to examine the essential aspects of integrity and standards for ground, in-flight and security services. Many airline and airport personnel still need training or certification renewal, including security, screening, and CISF. This knowledge gap poses an immediate risk to the safety of travellers.

Role and Responsibility of Employers:

Revolutionizing Air Safety: Training and Assessment for an Empowered and Safety-Oriented Workforce

Airlines are responsible for hazard identification, risk mitigation, and ensuring the safety of employees, passengers, infrastructure, and the environment. They are responsible for providing DG training to employees with specific knowledge and skills and ensuring the competencies required for their assigned job functions.

Competency-based training plays a vital role in preparing airline personnel to effectively handle dangerous goods carried by passengers, their baggage, cargo, and mail and respond during emergencies, fostering a safer environment for passengers.

The incorporation of Competency-Based Training and Assessment (CBTA), as outlined in ICAO Doc10147 and IATA Dangerous Goods Training Guidance (edition-1, 2023), with specific reference to Table 7.1 to 7.10 Functions, underscores the legal responsibility of airline employers to deliver adequate training and assessment to their personnel, thereby guaranteeing competence in the execution of daily tasks. By doing so, these organizations enable their workforce to handle hazardous situations involving dangerous goods efficiently and expeditiously, mitigating potential harm to passengers and crew members.

General Conclusion:

Airline operators must hold entirely accountable for ensuring safety. To effectively enforce these measures, we, the Airline Users Rights and Grievance Redressal Forum, kindly request the Ministry of Civil Aviation and the Directorate General of Civil Aviation to consider the following suggestions and recommendations:

- 1) Implement measures to ensure passengers receive comprehensive information about baggage regulations, restrictions, and prohibitions during ticketing or reservation, empowering them to make packing decisions accordingly.
- 2) The cabin crew announcements on Domestic Flights should incorporate the local languages spoken at the Departure and Destination Airports.
- 3) Enforce guidelines requiring airport operators to extensively promote awareness of hidden dangerous goods in local languages, alongside English and Hindi.
- 4) India should either sign MP-14 or establish penalties to reduce the occurrence of disruptive passengers.

Identifying and preventing hazardous materials from passenger baggage is a real challenge for security personnel in India. It emphasizes the need for a revamped safety strategy and hazard prevention at the airport to avoid harassment of the traveling public. So, we put forward the following suggestions and recommendations:

- 5) DG Training based on the CBTA approach should be customized to specific job functions, ensuring that individuals demonstrate the necessary competency in their assigned roles.
- 6) Regulatory audits should prioritize evaluating the competence of individuals in their assigned tasks and sub-tasks while verifying that employers are conducting ongoing workplace assessments.
- 7) Expedite implementation of 3D Scanners in all airports in India along with DGR-certified Scanners for a hassle-free travel experience for passengers.

The Ministry of Civil Aviation (MoCA) and the Directorate General of Civil Aviation (DGCA) should take steps to establish a Consultative Council. This council should include representatives from all relevant stakeholders, including airline users and air passenger associations in India, to improve air safety measures, including the safety of air passengers.

Thanking you in advance for your kind understanding and consideration of the above memorandum.

Yours Sincerely,

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