



SereneAir H.O. Isb
Diary No. 2557
Date 14 May 18
Initials SB

**MOST IMMEDIATE**

Air Transport & Economic Regulation  
Directorate  
HEADQUARTERS  
**CIVIL AVIATION AUTHORITY**  
Terminal-1 JIAP  
Karachi 75200  
Tel : (92-21) 99242048  
Fax : (92-21) 99242032  
Email : ADLDAT.CP@caapakistan.com.pk

Ref: HQCAA/1105/090/ATCP/II

Date: 8 May, 2018


Dear Sir,

**RECOMMENDATIONS OF THE COMMISSION CONSTITUTED BY THE HON'BLE  
SUPREME COURT OF PAKISTAN IN HUMAN RIGHTS CASE NO. 24770-G OF 2011 TO  
ADDRESS THE GRIEVANCES OF PASSENGERS AT AIRPORTS**

Reference this office letter number HQCAA/1105/090/ATCP/II dated 29<sup>th</sup> March 2018 and clause 8.1.5. of the Recommendations of the Commission constituted by the Hon'ble Supreme Court of Pakistan in the subject case.

2. In compliance to the Order of the Hon'ble Supreme Court of Pakistan dated 31<sup>st</sup> March 2018 in the subject case (**Annex-A**), Summaries of Air Passenger Rights for international flights (**Annex-B**) & domestic flights (**Annex-C**) have been developed and are enclosed herewith for display / uploading on the official website of airline(s).
3. Compliance report along with the website link address in this regard may please be submitted at the earliest for onward submission to the Hon'ble Supreme Court of Pakistan.

**Encl: As stated**

  
(SYED MUZAFFAR ALAM)  
Director Air Transport &  
Economic Regulation  
For, **Director General CAA**

To,

- Chief Executive Officer,  
M/s PIA,  
Head office, Terminal-1, JIAP,  
Karachi
- Chief Executive Officer,  
M/s Shaheen Air International (Pvt.) Limited,  
Head office, Terminal-1, JIAP,  
Karachi
- Chief Executive Officer,  
M/s Airblue (Pvt.) Limited,  
Head Office, ISE Tower, 12<sup>th</sup> Floor, 55-B Jinnah Avenue, Blue Area,  
Islamabad
- ✓ ➤ Chief Executive Officer,  
M/s Serene Air (Pvt.) Limited,  
13-K, Moiz Centre, F-7/ Markaz,  
Islamabad

Annex-A

**IN THE SUPREME COURT OF PAKISTAN**  
**(ORIGINAL JURISDICTION)**

**PRESENT:** MR. JUSTICE MIAN SAQIB NISAR, HCJ  
MR. JUSTICE FAISAL ARAB  
MR. JUSTICE SAJJAD ALI SHAH

**HUMAN RIGHTS CASE NO.24770-G OF 2011**

(In the matter regarding inconvenience to the passengers  
in baggage handling at airports)

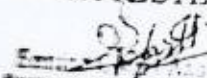
In attendance: Mr. Asim Mansoor Khan, DAG  
Mr. Usaid-ur-Rehman, Acting D.G., CAA  
Dr. Muhammad Raheem Awan, Secretary, LJCP  
Mr. Nasrullah Khan, Joint Secretary, LJCP  
Mr. Ali Sher Jakhrani, Director, FIA  
Mr. Manzoor Hussain Addl. Dir. OPF, Karachi  
Airport  
Mr. Fayaz Ali Shah, Manager Legal  
Mr. Mumtaz-ul-Hassan DD Law FIA  
Mr. Fayaz Ali Shah, Manager Legal PIA  
Mr. Iftikhar Ahmed, Collector Customs  
Mr. Abdul Shakoor Soomro, P.E. (BEOE)  
Mr. Ahmed Noor, Deputy Director (L), ASF

Date of Hearing: 31.3.2018

**ORDER**

**MIAN SAQIB NISAR, CJ.-** This human rights case has its genesis in an action initiated on the report of Hon'ble Justice Jawwad S. Khawaja, former Chief Justice of Pakistan who noticed certain hazards and difficulties being faced by the passengers at the Airport. In light whereof, *vide* order dated 17.2.2018 we have constituted a Commission comprising of Mr. Usaid-ur-Rehman Usmani, Acting Director General, Civil Aviation Authority, Dr. Muhammad Raheem Awan, Secretary, Law and Justice Commission of Pakistan and Mr. Khalid Tipu Rana, Director General, Human Rights Cell of this Court, which (Commission) has submitted in the Court its report dated 15.3.2018, which has been made part of the record. The recommendations made therein are reproduced

ATTESTED below:-

  
Associate  
Justice  
Supreme Court of Pakistan



that of a domestic passenger. However, instead of paying to each crash victim's family, the air carrier manipulates with the insurance companies to pay the least amount as compensation. To address the grievances of victims' family, the CAA should ensure that the compensation should be given to the legal heirs as provided under the Carriage by Air Act 2012 and as per international conventions with deadlines.

- 8.1.5 CAA may be directed to ensure that the passengers' rights in simple language should be uploaded on the official websites of all the airlines including its own website for general information.
- 8.1.6 Due to absence of timelines for resolution of complaints and award of compensation in cases of delay, denied boarding and loss/damage of luggage, the complainants have to waive of their rights or to shuttle between offices for resolution of their complaints. Each carrier should be bound to develop and deploy a time bound complaint resolution mechanism under intimation to CAA.
- 8.1.7 The CAA may also be directed to establish dispute resolution mechanism for complaint handling.
- 8.1.8 Establishment of One-Window-Facility (OWF) at international departure lounges at various airports is a good initiative of the Federal Ombudsman however due to absence of oversight mechanism the facility is not working at its optimum and even relevant staff is found absent. There are also issues of ownership, independence and working in silos. It is, therefore recommended that the Airport Managers being administrators of the airports should supervise the working of ONE Window Facility and submit monthly performance to the heads of relevant agencies.
- 8.1.9 Most of the passengers complained about indifferent attitude of staff of the various agencies and screening/frisking of baggage and passports by the ASF,

ATTESTED  
  
Senior Court Associate  
Supreme Court of Pakistan  
Karachi

Aspect of the matter would be taken separately in the next hearings.



Sdt. Minu Sagib Nisar, H.C.J.  
Sdt. Faisal Arab, J.  
Sdt. Sajjad Ali Shah, J.

CERTIFIED TO BE TRUE COPY

*[Signature]*  
Senior Court Associate  
Supreme Court of Pakistan  
Karachi.

Karachi, the  
31<sup>st</sup> of March, 2018  
Not approved for reporting  
Wazir Naseer

*[Signature]*  
6/4/2018



**AIR PASSENGER RIGHTS**  
**( INTERNATIONAL FLIGHTS )**

**A. LONG FLIGHT DELAYS**

1. In case of flight delay of more than 2 to 4 hours (in proportion to flight distance), the airline shall serve refreshments / meals to passengers (according to time of day) and offer communication facilities & hotel accommodation for the night when necessary (e.g. transit passengers / outstation passengers who do not have own accommodation).  
[ Article D 12.2.5 & D14 of ANO-001-ATCP-2.0 ]
2. When the delay is more than 5 hours and the passenger decides to discontinue his journey with the airline, the airline shall offer full refund of the unutilized ticket.  
[ Article D 13.4 & D14 of ANO-001-ATCP-2.0 ]
3. The airline liability for damage caused by delay in international carriage by air of passenger is limited to Special Drawing Rights (SDR) 4,150/=. Nevertheless, the airline shall not be liable for damage if it proves that it took all measures that could reasonably be required to avoid the damage or that it was impossible for it to take such measures.  
[ Article 19 & 22 (1) of The Montreal Convention, 1999 / Rule 19 & 22 (1) of The Fourth Schedule of Carriage by Air Act, 2012 ]

**B. FLIGHT CANCELLATION**

1. Whenever a passenger's flight is cancelled, the operating airline shall give the passenger a choice of either alternative transport to his final destination / re-routing or full refund of unutilized ticket.  
[ Article D13 of ANO-001-ATCP-2.0 ]
2. The airline shall offer hotel accommodation for the night when necessary (e.g. transit passengers / outstation passengers who do not have own accommodation).  
[ Article D 13 of ANO-001-ATCP-2.0 ]
3. The airline may also have to compensate the passenger at the same level as for denied boarding, unless it gives him sufficient advance notice (at least 12 hours prior to flight time). Nevertheless, the airline shall not be liable if it proves that it took all measures that could reasonably be required to avoid the cancellation or that it was impossible for it to take such measures.  
[ Article D 13 of ANO-001-ATCP-2.0 ]

### **C. DENIED BOARDING**

1. If a passenger reports at the airline check-in counter before the check-in deadline and fulfils all the requirements but is denied boarding (due to overbooking), the airline shall give the passenger a choice of either alternative transport to his final destination / re-routing or full refund of unutilized ticket.  
[ Article D12.3 of ANO-001-ATCP-2.0 ]
2. In addition to above, if the passenger is not a volunteer, the airline shall pay compensation to passenger equivalent to 50% of the face value of ticket excluding taxes. The compensation may be halved if the passenger is not delayed for more than 04 hours with alternative transport arrangement.  
[ Article D12.3 of ANO-001-ATCP-2.0 ]
3. The airline shall offer hotel accommodation for the night when necessary (e.g. transit passengers / outstation passengers who do not have own accommodation).  
[ Article D12.3 of ANO-001-ATCP-2.0 ]

### **D. BAGGAGE LOSS / DAMAGE / DELAY**

1. The airline liability for loss / damage / delay in international carriage of baggage is limited to Special Drawing Rights (SDR) 1,000/=.  
[ Article 19 & 22 (2) of The Montreal Convention, 1999 / Rule 19 & 22 (2) of The Fourth Schedule of Carriage by Air Act, 2012 ]
2. A Property Irregularity Report (PIR) is to be lodged by each passenger to the airline for the missing / delayed / damaged baggage, immediately on arrival (before exiting terminal building), along with provision of copy of baggage tag number as evidence / inspection of damaged bag or its contents by airline.
3. Submission of receipts of claimed baggage contents (which are allowed in checked baggage by airline) would strengthen the lost baggage compensation claim of the passenger.

### **E. DEATH OR INJURY OF PASSENGERS**

1. The carrier is liable for damage sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking or disembarking.  
[ Article 17(1) of The Montreal Convention, 1999 / Rule 17 (1) of The Fourth Schedule of Carriage by Air Act, 2012 ]
2. The airline liability is as per Article 21 of The Montreal Convention, 1999 / Rule 21 of The Fourth Schedule of Carriage by Air Act, 2012.



## **AIR PASSENGER RIGHTS**

### **( DOMESTIC FLIGHTS )**

#### **A. LONG FLIGHT DELAYS**

1. In case of flight delay of more than 2 to 4 hours (in proportion to flight distance), the airline shall serve refreshments / meals to passengers (according to time of day) and offer communication facilities & hotel accommodation for the night when necessary (e.g. transit passengers / outstation passengers who do not have own accommodation).  
[ Article D 12.2.5 & D14 of ANO-001-ATCP-2.0 ]
2. When the delay is more than 5 hours and the passenger decides to discontinue his journey with the airline, the airline shall offer full refund of the unutilized ticket.  
[ Article D 13.4 & D14 of ANO-001-ATCP-2.0 ]
3. The airline liability for damage caused by delay in domestic carriage by air of passenger is limited to proven damages which may have been sustained due to the delay or an amount representing double the sum paid for the carriage, whichever amount may be smaller. Nevertheless the airline shall not be liable for damage if it proves that it took all measures that could reasonably be required to avoid the damage or that it was impossible for it to take such measures.  
[ Rule 19 & 22 (1) of The Fifth Schedule of Carriage by Air Act, 2012 ]

#### **B. FLIGHT CANCELLATION**

1. Whenever a passenger's flight is cancelled, the operating airline shall give the passenger a choice of either alternative transport to his final destination / re-routing or full refund of unutilized ticket.  
[ Article D13 of ANO-001-ATCP-2.0 ]
2. The airline shall offer hotel accommodation for the night when necessary (e.g. transit passengers / outstation passengers who do not have own accommodation).  
[ Article D 13 of ANO-001-ATCP-2.0 ]
3. The airline may also have to compensate the passenger at the same level as for denied boarding, unless it gives him sufficient advance notice (at least 12 hours prior to flight time). Nevertheless, the airline shall not be liable if it proves that it took all measures that could reasonably be required to avoid the cancellation or that it was impossible for it to take such measures.  
[ Article D 13 of ANO-001-ATCP-2.0 ]

### **C. DENIED BOARDING**

1. If a passenger reports at the airline check-in counter before the check-in deadline and fulfils all the requirements but is denied boarding (due to overbooking), the airline shall give the passenger a choice of either alternative transport to his final destination / re-routing or full refund of unutilized ticket.  
[ Article D12.3 of ANO-001-ATCP-2.0 ]
2. In addition to above, if the passenger is not a volunteer, the airline shall pay compensation to passenger equivalent to 50% of the face value of ticket excluding taxes. The compensation may be halved if the passenger is not delayed for more than 04 hours with alternative transport arrangement.  
[ Article D12.3 of ANO-001-ATCP-2.0 ]
3. The airline shall offer hotel accommodation for the night when necessary (e.g. transit passengers / outstation passengers who do not have own accommodation).  
[ Article D12.3 of ANO-001-ATCP-2.0 ]

### **D. BAGGAGE LOSS / DAMAGE**

1. The airline liability for loss / damage in domestic carriage of baggage is limited to PKR 1,000/= per kilogram.  
[ Rule 22 (2) of The Fifth Schedule of Carriage by Air Act, 2012 ]
2. A Property Irregularity Report (PIR) is to be lodged by each passenger to the airline for the missing / damaged baggage, immediately on arrival (before exiting terminal building), along with provision of copy of baggage tag number as evidence / inspection of damaged bag or its contents by airline.
3. Submission of receipts of claimed baggage contents (which are allowed in checked baggage by airline) would strengthen the lost baggage compensation claim of the passenger.

### **E. DEATH OR INJURY OF PASSENGERS**

1. The carrier is liable for damage sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking or disembarking.  
[ Rule 17 (1) of The Fifth Schedule of Carriage by Air Act, 2012 ]
2. The airline liability is as per Article 21 of The Fifth Schedule of Carriage by Air Act, 2012.