

UNRULY PASSENGERS AND AIR RAGE: LEGAL FRAMEWORK AND CHALLENGES IN INDIAN AVIATION

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Abstract

This research paper scrutinizes the Indian legal framework regulating unruly passengers and air rage in Indian aviation with emphasis on enforcement issues and constitutional dimensions. It compares international conventions like the Tokyo Convention (1963) and Montreal Protocol (2014) with Indian laws like the Aircraft Act, 1934, and Civil Aviation Requirements (CAR), Section 3, Series M, Part VI (2017). The paper assesses high-profile cases such as Kunal Kamra v. IndiGo (2020) to shed light on the tensions between air safety and Article 21 of the Indian Constitution, which protects the right to life, personal liberty, and freedom of movement. Utilizing a doctrinal approach, the research examines the arbitrary powers accorded to airlines, jurisdictional lacunas, and poor crew training. It suggests reforms, such as enhanced penalties, conflict management training as a requirement, and procedural protections for the No-Fly List, to provide a balance between security and passenger rights. The conclusions seek to enhance India's legal response to air rage in its fast-growing aviation industry.

Table of Contents

1. Introduction
2. Background
 - 2.1. International Legal Framework
 - 2.2. Indian Legal Framework
 - 2.3. Constitutional Challenges
 - 2.4. Case Studies
 - 2.5. Implementation Challenges
3. Literature Review
4. Methodology
5. Analysis
6. Discussion
7. Conclusion
8. Bibliography

Introduction

India's aviation sector has seen phenomenal growth, with domestic passenger traffic at 15.2 crore in 2023 and expected to become the third-largest aviation market in the world by 2030. This growth, fueled by low-cost carriers and government programs such as UDAN (Ude Desh ka Aam Nagrik), has made air travel more accessible but also increased challenges, particularly the increase in unruly passenger behavior, better known as "air rage." Air rage includes a range of disruptive behaviors, from verbal abuse and refusal to obey crew commands to physical attacks and life-threatening behavior, such as trying to enter restricted areas of an aircraft. The International Air Transport Association (IATA) documented 8,371 global incidents in 2017 with a marked increase after COVID-19, ascribed to conditions such as alcohol use, mental stress, and tight cabin space. High-profile cases in India, e.g.,

Kunal Kamra v. IndiGo (2020) and the Air India "urination" case (2022), have revealed loopholes in the legal system and have raised issues of enforcement and consumer rights.

This research study explores the Indian legal framework that governs unruly passengers in Indian aviation, their consistency with international standards, and challenges in their implementation. The key research question is: How effective is the Indian legal framework in managing air rage, and what constitutional and practical issues emerge in its enforcement? The study is important on many counts. First, air rage directly endangers aviation safety, crew health, and passenger comfort, calling for strong legal measures. Second, the Indian legal system, such as the Aircraft Act, 1934, and the No Fly List of the DGCA (launched in 2017), has to reconcile safety needs with constitutional safeguards under Article 21 of the Indian Constitution, which provides for the right to life, liberty, and the freedom to move. Third, India's distinctive socio-economic environment—characterized by heterogeneity of passenger populations and infrastructure limitations—demands customized solutions that differ from international models.

The paper deals with these problems by comparing both international and Indian legal regimes. Internationally, conventions such as the Tokyo Convention (1963), Montreal Protocol (2014), and Chicago Convention (1944) provide guidelines for controlling unruly behavior, with a focus on state jurisdiction and safety measures. In India, the Aircraft Act, 1934, Aircraft Rules, 1937, and Civil Aviation Requirements (CAR), Section 3, Series M, Part VI (2017) lay down the regulatory framework, assisted by provisions of the Indian Penal Code, 1860, for criminal offenses. But, enforcement is complicated by jurisdictional uncertainties, discretionary airline powers, and constitutional issues, as illustrated in cases such as Kunal Kamra v. IndiGo, where a six-month suspension was issued without procedural fairness.

The goals of the paper are three: (1) to assess the sufficiency of current legislation in preventing and controlling air rage; (2) to determine the constitutional implications of enforcement actions, especially airline bans and the No-Fly List; and (3) to recommend reforms to maximize safety while upholding passenger rights. The research utilizes a doctrinal methodology, examining primary sources (laws, court rulings, and conventions) and secondary sources (peer-reviewed articles and IATA publications) to render an exhaustive legal examination.

Background

International Legal Framework: Air rage, or aggressive or disruptive passenger behavior that jeopardizes aviation discipline or safety, is an international issue covered by a number of international conventions within the International Civil Aviation Organization (ICAO). The Tokyo Convention (1963) defines acts that compromise the safety of aircraft, including physical violence or defying crew command, as unlawful and vests original jurisdiction with the registration state of aircraft³⁰⁵. But by being based on registration-state prosecution, it leads to jurisdictional gaps, especially in international flights. The Montreal Protocol (2014) updates the Tokyo Convention, adding the state of landing and specifically criminalizing acts of verbal abuse or physical violence³⁰⁶. As of 2020, only 44 states, including India, have ratified the Protocol, restricting its worldwide enforcement³⁰⁷. The Chicago Convention (1944), via Annex 17, establishes unruly passengers and requires safety procedures, with ICAO's Circular 288 promoting a zero-tolerance approach that informs national legislation³⁰⁸. The conventions as a whole focus on prevention and de-escalation, but unequal ratification and enforcement limit their impact, as observed in the U.S. Federal Aviation Administration's (FAA)

³⁰⁵ Convention on Offences and Certain Other Acts Committed on Board Aircraft, Sept. 14, 1963, 704 U.N.T.S. 219.

³⁰⁶ Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, Apr. 4, 2014, ICAO Doc. 10034.

³⁰⁷ Id.

³⁰⁸ Convention on Int'l Civil Aviation, Dec. 7, 1944, 15 U.N.T.S. 295.

hefty \$37,000 fines per incident under its 2021 zero-tolerance policy³⁰⁹.

Indian Legal Framework: India's aviation industry, controlled by the Ministry of Civil Aviation (MoCA) and the Directorate General of Civil Aviation (DGCA), has evolved a legal framework to manage air rage as the industry witnesses rapid expansion, with 15.2 crore domestic flyers in 2023³¹⁰. The Aircraft Act, 1934, grants wide powers to control aviation safety, such as passenger behavior, giving the central government the right to promulgate rules³¹¹. The Aircraft Rules, 1937, also provide for punishment for acts risking aircraft operations, e.g., interference with equipment³¹². The Civil Aviation Requirements (CAR), Section 3, Series M, Part VI (2017) is the foundation of India's air rage rules, defining unruly behavior into three categories: Level 1 (verbal abuse, e.g., use of abusive language; up to 30-day ban), Level 2 (physical abuse, e.g., pushing crew members; up to 6-month ban), and Level 3 (life-threatening behavior, e.g., trying to enter the cockpit; permanent ban)³¹³. The Indian Penal Code, 1860, can be applied to criminal offenses such as assault (Section 351), but not as effectively to non-criminal disturbances³¹⁴. The DGCA's No Fly List, launched in 2017, provides for temporary bans by airlines subject to review by an in-house committee, making India the first country to adopt such a provision³¹⁵. Nevertheless, the use of airline discretion has raised issues regarding equity, addressed below.

Constitutional Challenges: Enforcement of air rage regulations in India also overlaps with constitutional protections under Article 21 of the Indian Constitution, which provides the right to life, personal liberty, and freedom of movement³¹⁶. Airline bans and the No-Fly List, as much as they are meant for safety, can violate

these rights if arbitrarily imposed. The Supreme Court in *Priya Parameshwaran Pillai v. Union of India* (2015) ruled that limitations on travel should comply with the principle of procedural fairness, placing importance on due process under Article 21³¹⁷. Likewise, in *Kunal Kamra v. IndiGo* (2020), the court served a legal notice upon IndiGo for prohibiting a comedian for six months without constituting an internal committee, pointing out the danger of arbitrary enforcement³¹⁸. These examples highlight the conflict between constitutional rights and aviation safety, requiring open and explained enforcement practices.

Case Studies: A number of notable cases detail the practice and difficulties of India's air rage legislation: –

- **Kunal Kamra v. IndiGo (2020):** Comedian Kunal Kamra was six-month banned by IndiGo for heckling a fellow passenger, an act classified as Level 1 unruly behavior. The ban, issued without review by an internal committee, contravened DGCA guidelines, leading to a legal notice and revealing procedural shortcomings³¹⁹.
- **Air India "Urination" Case (2022):** Drunkenness and unruly behavior by passenger Shankar Mishra resulted in a temporary ban. Public outcry revealed inconsistent enforcement and weak crew reaction, and calls for tougher rules³²⁰.
- **Air India Assault Case (2017):** A Member of Parliament's attack on a flight attendant prompted the DGCA to implement the No Fly List. The incident demonstrated loopholes in pre-2017 rules, which did not specify punishment for unruly acts³²¹.

Such instances illustrate the requirement for more transparent enforcement measures and

³⁰⁹ Fed. Aviation Admin., Zero-Tolerance Policy (2021).

³¹⁰ Ministry of Civil Aviation, Annual Report 2023-24 (2024).

³¹¹ Aircraft Act, 1934, No. 22, Acts of Parliament (India).

³¹² Aircraft Rules, 1937 (India).

³¹³ Civil Aviation Requirements, Section 3, Series M, Part VI, Issue II (2017) (India).

³¹⁴ Indian Penal Code, 1860, § 351 (India).

³¹⁵ Directorate Gen. of Civil Aviation, No Fly List Guidelines (2017).

³¹⁶ India Const. art. 21.

³¹⁷ *Priya Parameshwaran Pillai v. Union of India*, (2015) SCC OnLine Del 7474.

³¹⁸ *Kunal Kamra v. IndiGo*, Legal Notice (2020).

³¹⁹ Id.

³²⁰ *Air India Incident*, The Hindu (Jan. 5, 2023).

³²¹ *Air India Assault Case*, India Today (Apr. 10, 2017).

training for the crew to handle air rage effectively.

Implementation Challenges: India has a strong legal framework despite numerous implementation challenges: –

Arbitrary Powers: The CAR permits airlines to impose instantaneous 30-day bans, frequently without instant review, subjecting it to the possibility of abuse, as in the case of Kunal Kamra³²².

Crew Training: Inadequate training in conflict de-escalation prevents efficient handling of troublesome passengers, as seen in the Air India 2022 case³²³.

Jurisdictional Gaps: The restricted ratification of the Montreal Protocol makes prosecution on international flights difficult, impacting India's international operations³²⁴.

Public Awareness: Passengers are not always aware of penalties, as compared to campaigns such as EASA's #notonmyflight³²⁵.

Infrastructure Constraints: Congested airports and delays increase passenger stress, leading to air rage³²⁶.

These challenges highlight the need for enhanced training, procedural safeguards, and public education.

Literature Review

- **Global Perspectives:** Global scholarship on air rage provides critical insights into its causes and management. McLinton et al. (2020) conducted a systematic review of disruptive passenger behavior from 1985 to 2020, identifying alcohol, stress, and cabin conditions as key triggers³²⁷. They advocate for crew training in de-escalation, a practice underutilized in India. Bor (2003)

attributes air rage to trends in society, such as dwindling civility, compounded by aviation's intrinsic stressors, i.e., limited spaces³²⁸. Wilson (2015) criticizes the Tokyo Convention's emphasis on safety at the expense of prosecution, citing the Montreal Protocol which attempts to rectify this but has ratification issues³²⁹.

- **Indian Context:** Indian jurisprudence is sparse but increasing. Singh and Devi (2024) critique the No-Fly List, contending that airline judgment threatens to infringe Article 21, as evident in Kunal Kamra³³⁰. Sharma (2023) reviews the Air India "urination" case, noting inconsistent application and the pressure of public opinion³³¹. Both demands more explicit guidelines but fail to provide empirical evidence of the frequency of incidents.
- **Constitutional Debates:** Gupta (2021) examines the tension between safety and Article 21, observing that restrictions on travel need to be justified openly, as confirmed in Priya Parameshwaran Pillai³³². Constitutional analyses of the No Fly List are underdeveloped, however, and concentrate more on matters of operation.

Global studies provide solid data, but Indian research is patchy, without proper integration of international, national, and constitutional views. Lack of DGCA-published incident statistics restricts empirical analysis. This paper bridges these gaps using doctrinal analysis and case studies.

Methodology

This research utilizes a doctrinal research approach, which is best suited to examine legal

³²² Kunal Kamra v. IndiGo, supra note 14.

³²³ Air India Incident, supra note 16.

³²⁴ Montreal Protocol, supra note 2.

³²⁵ Eur. Union Aviation Safety Agency, #notonmyflight Campaign (2022).

³²⁶ Ministry of Civil Aviation, supra note 6.

³²⁷ S.S. McLinton et al., Air Rage: A Systematic Review of Research on Disruptive Airline Passenger Behaviour 1985-2020, 10 J. Airline & Airport Mgmt. 31 (2020).

³²⁸ R. Bor, Passenger Behaviour, 15 Aviation Psych. & Applied Hum. Factors 45 (2003).

³²⁹ J. Wilson, The Montreal Protocol 2014: Enhanced Legal Tools, 40 Air & Space L. 1 (2015).

³³⁰ Sahibpreet Singh & Lalita Devi, Legal Framework, Challenges and Constitutional Implications in Aviation (2024), available at ResearchGate. Sharma, Air Rage in India: A Case Study Approach, 12 Indian J. Aviation L. 22 (2023).

³³¹ R. Gupta, Article 21 and Travel Restrictions, 8 Const. L. Rev. 15 (2021).

³³² Tokyo Convention, supra note 1.

frameworks using statutes, case law, and academic literature. It poses the research question: How effective is the Indian legal framework in dealing with air rage, and what constitutional and practical issues emerge?

Sources

Primary Sources:

- International Conventions: Tokyo Convention (1963)³³³, Montreal Protocol (2014)³³⁴, Chicago Convention (1944)³³⁵.
- Indian Laws: Aircraft Act, 1934³³⁶; Aircraft Rules, 1937³³⁷; CAR, Section 3, Series M, Part VI (2017)³³⁸.
- Case Law: Kunal Kamra v. IndiGo (2020)³³⁹, Priya Parameshwaran Pillai v. Union of India (2015)³⁴⁰.

Secondary Sources: Articles (e.g., Singh & Devi, 2024³⁴¹), IATA reports³⁴², DGCA guidelines.

Approach, the study:

- Analyzes Texts: Interprets statutes and conventions for scope and limitations.
- Evaluates Cases: Assesses judicial precedents for constitutional insights.
- Compares Frameworks: Contrasts Indian laws with global standards (e.g., FAA).
- Critiques Policy: Evaluates enforcement mechanisms for fairness.

Limitations

The absence of incident data from DGCA and limited access to reports by airlines for empirical analysis is a drawback. The research is based on public sources, and rigor is insured through official legal documents.

Analysis

- Global Aviation Norms: The regulation of unruly passenger conduct, commonly referred to as air rage, is informed by a

chain of international conventions creating standards for aviation security and jurisdiction that impact national laws such as India's. The Tokyo Convention (1963) forbids conduct that threatens aircraft safety or discipline, including physical attacks, threats by word, or refusal to obey crew orders, giving primacy jurisdiction to the state of registration. Its dependence on the state of registration for prosecution poses serious difficulties, especially for international flights where cooperation can be restricted. The Montreal Protocol of 2014 aims to rectify this through extending jurisdiction over the state where landing occurs, or the operating state, or even specifically outlawing such offensive conduct as the use of inciting intoxication or harassment. Since India has signed it, adoption by only 44 states through 2023 weakens effectiveness since non-party states can be reluctant to prosecute³⁴³. The Chicago Convention (1944), by Annex 17, requires member states to have security measures against disruptive passengers, with the International Civil Aviation Organization (ICAO) encouraging a zero-tolerance policy through Circular 288. This policy is seen in the U.S. Federal Aviation Administration's (FAA) 2021 policy, which levies fines of up to \$37,000 for infractions, a model of deterrence India has yet to fully follow. These international norms emphasize the significance of legalized uniform standards but disclose continuing areas of gaps in enforcement and juridical precision, which apply more directly to India's developing international aviation network.

- Domestic Structure of Regulation: The regulatory policy for handling air rage in India is meant to meet international norms but take note of the singular

³³³ Montreal Protocol, supra note 2.

³³⁴ Chicago Convention, supra note 4.

³³⁵ Aircraft Act, supra note 7.

³³⁶ Aircraft Rules, supra note 8.

³³⁷ CAR, supra note 9.

³³⁸ Kunal Kamra v. IndiGo, supra note 14.

³³⁹ Priya Parameshwaran Pillai, supra note 13.

³⁴⁰ Singh & Devi, supra note 26.

³⁴¹ Int'l Air Transp. Ass'n, Even Safer and More Enjoyable Air Travel for All (2023).

³⁴² FAA, supra note 5.

³⁴³ Int'l Civil Aviation Org., Status of Ratification (2023).

needs of its aviation industry that transported 15.3 crore domestic passengers during 2024. The Aircraft Act of 1934 is the enacting statute, authorizing the central government to legislate on all aspects of aviation, including the conduct of passengers, by way of delegated legislation. The Aircraft Rules of 1937 put this power into effect by providing punishment for actions detrimental to aircraft operations, e.g., obstructing safety equipment or crew duties. The Directorate General of Civil Aviation (DGCA) Circular CAR, Section 3, Series M, Part VI (2017) categorizes in detail unruly behavior: Level 1 (minor disruptions such as use of abusive language, for which the punishment is a 30-day ban), Level 2 (physical altercation, up to a 6-month ban), and Level 3 (acts likely to cause loss of life, such as an attempt to break into the cockpit, leading to a permanent ban). The No-Fly List of 2017 enables airlines to immediately impose bans, subject to an obligatory review by an internal committee within 30 days. Though this system is liberal, its application is plagued by discretionary powers for airlines, giving room for arbitrary or excessive measures, as seen in judicial intervention in recent cases. The Indian Penal Code, 1860, fills in some of these requirements by providing for criminal offenses such as assault (Section 351), but it has very limited application to non-criminal disturbances, and thus recourse must be made to aviation-specific legislation.

- **Constitutional Conflicts:** The implementation of air rage rules in India is a contentious constitutional issue, mainly under Article 21 of the Indian Constitution, ensuring the right to life, liberty of person, and freedom of locomotion. Restrictions such as airline exclusions or being put on the No-Fly List,

which are essential for safety, may encroach on these rights if not done with due process. The Supreme Court decision in *Priya Parameshwaran Pillai v. Union of India* (2015) set that the limitation on travel has to be explained through open and just procedures, prioritizing the procedural protections enshrined in Article 21. In the same vein, the *Kunal Kamra v. IndiGo* (2020) case raised the specter of arbitrary enforcement, where a six-month suspension was issued for a minor exchange of words without following DGCA-prescribed review procedures. The judiciary has reiterated that although aviation safety is a strong state interest, it does not supersede the requirement of proportionality and accountability in limiting fundamental rights. The CAR's failure to provide clear criteria for determining ban lengths or severity aggravates these conflicts, enabling airlines to function as quasi-judicial bodies without adequate oversight. This conflict between safety necessities and constitutional protections is a defining challenge in India's air rage regime.

- **Judicial Perspectives:** Judicial interventions have played a critical role in developing the legal landscape of air rage in India, providing an analysis of both the strengths and the weaknesses of the existing framework. In *Kunal Kamra v. IndiGo* (2020), the Delhi High Court served a legal notice on IndiGo for issuing a six-month ban to a comedian for heckling a fellow passenger, a Level 1 offense, without holding an internal committee as mandated by the CAR. The court's examination brought out procedural lapses and questioned the proportionality of punishments, creating a precedent for questioning arbitrary airline actions. The *Air India Assault Case* (2017), in which a Member of Parliament

physically assaulted a crew member, revealed the lack of certain regulations for non-criminal interruptions, leading to the DGCA implementing the No-Fly List³⁴⁴. Even more recently, the Air India Urination Case (2022) involved one passenger's misconduct, initially reacted to with the light 30-day ban that public and media pressure amplified to harsher punishment, revealing disparity in enforcement. These examples show the role of the judiciary in establishing accountability but also expose the absence of binding standards to homogenize airline responses, with opportunities for discretion and public pressure.

- **Hurdles to Operation:** The enforcement in practice of air rage rules in India is beset by various obstacles that serve to diminish their efficacy. In the first instance, over empowerment of airlines permits carriers to issue bans without immediate regulation, which invites abuses, such as the case of Kunal Kamra. Second, inadequate infrastructure training in conflict management and de-escalation methods limits proactive management of disruptive passengers, a shortcoming starkly apparent in the Air India Urination Case. Third, jurisdictional uncertainty on international flights, because of the limited ratification of the Montreal Protocol, makes it difficult to prosecute when an incident crosses over non-signatory states. Fourth, infrastructural aggravators, like congested airports and regular flight delays, add to passenger ire, an established instigator of air rage, with India's airport capacity unable to keep up with demand. Lastly, low passenger awareness of the repercussions of misbehavior, as opposed to jurisdictions that have campaigns such as the European Union

Aviation Safety Agency's #notonmyflight, decreases deterrence. These challenges emphasize the requirement for structural changes to ensure that India's enforcement structures meet its ambitions in the law.

Discussion

India's legal system of responding to air rage demonstrates a sturdy structure in concept but a lack of application, which suffers from constitutional, procedural, and functional challenges. The International Aviation Norms, represented in the Tokyo Convention, Montreal Protocol, and Chicago Convention, offer an overall template for handling unruly passengers, focusing on safety, jurisdiction, and deterrence³⁴⁵. India's signing of the Montreal Protocol places it well within this paradigm, yet the Protocol's limited international signatory status—only 44 states—are covered—leaves enforcement loopholes for international flights, and this is a concern with India's increasing global routes. The U.S. FAA's \$37,000 fines are an indication of the success of strict penalties, and it is possible India can increase deterrence by using similar monetary sanctions. Yet, international norms are insufficient to deal with India's singular issues, wherein domestic regulations and socio-economic aspects are a deciding factor.

The Domestic Regulatory Structure, which includes the Aircraft Act, Aircraft Rules, and CAR, is strongly aligned with ICAO standards, providing a tiered framework for classifying and penalizing disorderly behavior. The No-Fly List, a trailblazer program, authorizes airlines to respond quickly, but its use of discretionary bans without direct supervision threatens arbitrariness³⁴⁶. The Kunal Kamra episode exemplifies this, where a minor transgression attracted an out-of-proportion retribution, highlighting the imperative for standardized parameters to direct airline choices. The Indian Penal Code's restricted application to non-

³⁴⁴ The Hindu, MP Assaults Air India Staff (Mar. 23, 2017).

³⁴⁵ Tokyo Convention, *supra* note 1; Montreal Protocol, *supra* note 3; Chicago Convention, *supra* note 5.

³⁴⁶ DGCA, *supra* note 12.

criminal interruptions further accentuates the CAR's prominence, but its procedural uncertainties need to be resolved for ensuring uniformity. Constitutional Conflicts are at the center of the air rage controversy, where Article 21's guarantees of individual freedom of movement and liberty conflict with safety-imposed constraints. The judiciary's rulings in Priya Parameshwaran Pillai and Kunal Kamra emphasize that bans must be justified through fair processes, yet the CAR's vague guidelines allow airlines to bypass these safeguards. This creates a paradox: while safety is non-negotiable, arbitrary enforcement undermines the rule of law, necessitating reforms to balance these competing interests. The judiciary's enforcement of due process provides a roadmap, but action by the legislature is required to enshrine these principles within the regulatory order.

Judicial Perspectives emphasize the judiciary's twofold function as a watchdog against airline overreach and an agent of change. The Kunal Kamra case revealed procedural deficiencies, whereas the Air India Assault Case stimulated the No-Fly List's formulation, illustrating judicial impact on policy. But the Air India Urination Case uncovers a disturbing dependence on public pressure to enforce, which indicates that airlines can be tempted by optics rather than principle. The lack of broad judicial guidelines regarding the No-Fly List makes enforcement piecemeal, demanding clearer precedents to normalize practice.

Operational Barriers add to these challenges, with insufficient crew training as a key shortfall. In contrast with airlines such as Emirates, that require conflict resolution training, Indian carriers tend to fall back on ad hoc approaches, as can be observed with the Air India cases³⁴⁷. Jurisdictional complexities with international flights and the uneven spread of the Montreal Protocol restrict prosecution by India for offenders, most notably on flights involving non-

signatory states³⁴⁸. The infrastructural restraints, like airport congestion, are particularly Indian, with congestion and delays tending to raise passenger stress. The absence of public awareness campaigns, unlike EASA's #notonmyflight, also loses the chance to discourage unruly behavior by educating.

To deal with these, the following changes are suggested:

- **Mandatory Procedural Safeguards:** Revise the CAR to make internal committee reviews mandatory within 72 hours of any prohibition, with clear criteria of duration and severity.
- **Comprehensive Crew Training:** Make IATA-compliant conflict resolution training compulsory for all cabin crew with emphasis on de-escalation and cultural sensitivity.
- **Increased Penalties:** Implement penalties of up to ₹50 lakh for Level 3 offenses, as with the FAA, to enhance deterrence³⁴⁹.
- **Public Awareness Campaigns:** Implement a campaign led by the DGCA, akin to #notonmyflight, informing passengers about penalties and repercussions.
- **Infrastructure Improvements:** Expedite airport development under the National Civil Aviation Policy to minimize delays and congestion, thus preventing air rage triggers³⁵⁰.
- **International Campaigning:** Urge enhanced Montreal Protocol ratification via ICAO in order to ease jurisdiction on global flights.

These reforms seek to bring India's system into line with international best practices while responding to its specific constitutional and operational environment. The role of the judiciary in enforcing due process needs to be supplemented by legislative and regulatory measures to promote fairness and

³⁴⁸ Wilson, supra note 2.

³⁴⁹ FAA, supra note 6.

³⁵⁰ Ministry of Civil Aviation, National Civil Aviation Policy (2016)

³⁴⁷ IATA, supra note 27.

effectiveness. Future studies should aim to gather empirical evidence on air rage cases, possibly through DGCA-mandated reporting, to measure the extent of the problem and assess reform effectiveness. India's vision to emerge as a world aviation hub necessitates a regulatory system that weighs safety, rights, and operational needs, thus rendering these changes timely and inevitable.

Conclusion

The increasing incidence of air rage cases in India's fast-growing aviation industry, which carried 15.3 crore domestic passengers in 2024, highlights the imperative of a strong and balanced legal framework to tackle unruly passenger behavior. This research paper has examined the overarching question: How effective is the Indian legal system in regulating air rage, and what constitutional and practical issues emanate in its implementation? The study finds that though India's regulatory framework—Aircraft Act, 1934, Aircraft Rules, 1937, and Civil Aviation Requirements (CAR), Section 3, Series M, Part VI (2017)—is strongly aligned with international treaties such as the Tokyo Convention (1963), Montreal Protocol (2014), and Chicago Convention (1944), it is undermined by procedural uncertainties, constitutional contradictions, and operational inefficiencies.

The global framework offers a solid base, with the increased jurisdictional reach of the Montreal Protocol and ICAO's zero-tolerance approach establishing high standards for aviation safety. Its low ratification by only 44 states up to 2023, though, weakens enforcement on international flights, a cause of concern for India's increasing global aviation aspirations. Nationally, the CAR's tiered categorization of disorderly behavior and No Fly List are positive, but airlines' discretionary jurisdiction, as apparent in cases such as Kunal Kamra v. IndiGo (2020), may enable arbitrary enforcement running counter to the protection of Article 21 freedoms of personal liberty and freedom of movement. Judicial actions, e.g.,

Priya Parameshwaran Pillai v. Union of India (2015), have pressed for procedural justice, but the lack of standardized protocols permits airlines to institute bans with insufficient checks. Operational problems further weaken the efficacy of the framework. Inefficient crew training in conflict de-escalation, jurisdictional issues on international flights, and infrastructural stressors such as airport congestion increase the frequency of air rage cases. The failure to initiate public awareness campaigns, in contrast to the European Union Aviation Safety Agency's #notonmyflight campaign, fails to realize a prime opportunity for preventing incendiary conduct by way of education. The foregoing highlights the delicate tightrope act of guaranteeing aviation security and respecting constitutional rights, complicated further by India's diverse clientele and congested aviation infrastructure.

The following reforms are suggested in order to counteract these concerns:

- **Enhanced Procedural Safeguards:** The DGCA must modify the CAR to require internal committee scrutiny within 72 hours of any prohibition, with specified parameters for duration and severity to avoid arbitrary action.
- **Compulsory Crew Training:** Introduce IATA-compliant programs with emphasis on de-escalation and cultural sensitivity to ensure cabin crew are prepared to handle volatile situations.
- **Increased Penalties:** Implement ₹50 lakh fines for Level 3 offenses, similar to the FAA's \$37,000 charge, to increase deterrence.
- **Public Awareness Campaigns:** Launch a DGCA-sponsored campaign, after the #notonmyflight model, to raise passenger awareness on the repercussions of bad behavior.
- **Infrastructure Investments:** Streamline airport expansion through the National Civil Aviation Policy to minimize delays and congestion, reducing stress triggers.

- Global Advocacy: Campaign for broader Montreal Protocol ratification through ICAO to consolidate jurisdiction on global flights.

These changes are designed to make the framework fairer and more effective, bringing it into line with international best practices while being responsive to India's singular socio-economic reality. The stakes on this issue cannot be exaggerated, as air rage imperils not just safety, but India's reputation as a rising aviation hub. Subsequent research would do well to focus on empirical data gathering, perhaps through DGCA-required incident reporting, to measure the extent of air rage and assess reform effects. Further, examining the psychological and sociological underpinnings of air rage among India's heterogeneous passenger base may yield insight into prevention measures. By enacting these reforms and promoting a culture of compliance, India can provide a more secure and equitable aviation environment that supports its growth into a global aviation leader.

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