

Pakistan Information Commission

Government of Pakistan

1st Floor, National Arcade, 4-A Plaza

F-8 Markaz, Islamabad

Website: www.rti.gov.pk

Phone: 051-9261014

Email: appeals@rti.gov.pk

  @PkInfoComm



In the Pakistan Information Commission, Islamabad

Appeal No 345-03/20

Syed Abu Ahmad Akif

(Appellant)

Vs.

Civil Aviation Authority

(Respondent)

Order

Date: January 08

, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated March 02, 2020, to the Commission, stated that

“I write to file an appeal against the Aviation Division, Government of Pakistan) and Civil Aviation Authority (CAA) to which I had sent a request on January 23, 2020 (through Secretary) for requiring the CAA to mandate the following actions

- i. *“Require all domestic airline to follow a legal format of tickets which provide the full set of passenger rights that are already listed on CAA website (in both English and Urdu); this way at least the passengers will be informed of their rights which while being placed the website
(<https://www.caapakistan.com.pk/upload/AT/ANO620Air%20Passenger%20Rights.pdf>) are still not fully in the public domain as these are only accessible to IT-savvy passengers who access CAA Website. (copy attached)*
- ii. *Require all domestic airline call centers to inform passengers of their full rights when sending a cancellation message or making a call indicating that if they wish to travel then they should reach the airline office where they will be endorsed to other airlines.*
- iii. *Place large signs at all airports publicly displaying passenger rights.*
- iv. *CAA should establish a 24/7 call center for passenger facilitation (with sufficient number of agents) to handle situations of unreasonable I.e. non-weather based cancellations and provide information on their rights.*

Copy of my letter and proof of delivery by official DR book are at Appendix I .

2. *The 10 working days provided by RoAI Act for a decision /communication ended on February 06, 2020.*
3. *Accordingly, I submit an appeal which while based on a case of a personal ordeal is general public interest issue that impacts thousands of other travelers on domestic routes: the totally unreasonable, arbitrary cancellation of flights and lack of proper information on passenger rights*
4. *Quite obviously, if an airline cancels the flights on the basis of force majeure situations like inclement weather, etc that is understandable. Indeed, tickets/bookings for flights on some sectors suffering from constant weather issues, are issued with the noting that these are "subject to weather.*
5. *However, cancellation made many days before or even several hours before the flight then this is not because of weather but because of commercial reasons like*
 - (a) *not having a sufficient load of passengers for economic Viability or*
 - (b) *operational reasons like non-availability of aircraft which may be out of service or delayed elsewhere.*
6. *Any and every flight cancellation or unreasonable change in departure has an impact on passengers who have made plans to arrive at their destinations for engagements that cannot be postponed like meetings, marriages or onward travels. Such forced changes also impose an additional cost as these days purchase of tickets is linked with time before departure of flight, especially when purchases are made on other airlines. For instance in my case, I had to incur an expense of appx PKR 24,000 over and above the ticket purchased from Airblue well in advance of departure (by way of purchasing a ticket on another airline). Although the present appeal is not based on my case, the full case is detailed in Appendix II.*
7. *As can be seen (from the attached tickets) neither Airblue's tickets nor its website which gives other terms of carriage (<http://www.airblue.com.pk/corp/terms>) informs passengers rights in case of cancellations and other changes.*
8. *CAA website gives passengers rights. However, Airblue call center which informed me of the cancellation (both through text message and voice call) did not inform me of my right to be endorsed on other airlines (in addition to being provided accommodation for the night as I was an outstation passenger). While the airline has settled this case by providing additional tickets, the issue of dissemination of passenger rights on tickets and by call centers remains unresolved - and hence citizens continue to suffer both financial and other losses.*
9. *Therefore, I appeal that the Information Commission directs the Aviation Division and CAA to undertake public information of passenger rights to all domestic passenger on tickets (not subject to weather) as well as to force airlines to inform passengers by text and voice messages when informing them of cancellations. These rights should also be prominently displayed in all departure lounges."*

2. The information request of the Appellant is as follows:

“I write to present to you a case that began as a personal ordeal but one which is shared by thousands of other travellers on domestic routes: the totally unreasonable, arbitrary cancellation of flights. Quite obviously, one can understand if an airline cancels the flights on the basis of force majeure situations like inclement weather, etc. However, when cancellation takes place a number of days before or even several hours before the flight then this is not because of weather but because of commercial reasons like not enough passengers or operational reasons like non-availability of aircraft which may be out of service or delayed elsewhere.

2. *Naturally, any flight cancellation or forced changes has an impact on passengers who have made plans to arrive at their destinations for engagements which cannot be postponed like meetings, marriages or onward travels. Such forced changes also impose an additional Cost as a last-minute purchase of tickets on other airlines is far more expensive than a ticket purchased well in advance.*

3. *The full case of my travel between Islamabad and Karachi and return along with my Wife) appears below:*

I was booked by my travel agent (AROMA Travels Khi) under PNR ZCPITM to fly on the following itinerary Airblue PA 201 Jan 08: ISB-KHI; Jan 15 PA-204 KHI-ISB. This booking was ticketed on 9th November, 2018, almost two months prior to date of travel. (Annex 1). My wife was booked under UZXDRD; her return PNR is BWYVILR

Summary of case of travel of Syed Abu Ahmad Akif and Mrs. Kausar Akif between Islamabad and Karachi and return leading to a dispute and resolution.

- (i) Booked by travel agent (AROMA Travels Khi) under pnr ZCPITM to fly on the following itinerary Airblue PA 201 Jan 08: ISB-KHI; Jan 13 PA-204 KHI-ISB. My wife was booked under UZXDRD; her return PNR is BWYVLR*
- (ii) This booking was ticketed on 9" November, 2018, almost two months prior to date to travel.*
- (iii) On December 27, 2018 (11 days before travel date), A text message was received on my cell phone that flight PA 201 had been cancelled; it added please contact Airblue for futher assistance." My travel agent called and said the option was to either go to morning of Jan. 06 or late on January 07. I travelled on 6" January by taking two extra days' leave.*
- (iv) On January 02, 2020 (11 days before the flight) I received a text message that my return flight of January 13, 2020 had been cancelled. Once again, the travel agent intervened and rebooked me on the same flight PA-204 on January 12th evening. We tolerated this also.*
- (v) On morning of January 11 (09.23) a text message came from Airblue that the departure time had been delayed till 20.15; a few minutes later came the message that the flight had been cancelled and we may contact the airline.*

- (vi) *The travel agent contacted the airline and informed that no options were available on January 12 or 13 and we could go on same airline on 14th January. Having to attend my office I booked through another airline.*
- (vii) *In one trip for one set of passengers Airblue cancelled and modified the journey three times - in all cases well before the start of the journey indicating reasons other than weather/ force majeure. On January 12, 2020 exactly at the time when I was to travel from Karachi to Islamabad, my daughter travelled on another airline on the same route so weather was also not a consideration. None of these re-bookings was requested by me (as can be proven from Airblue records as I did not pay any charges for changes). In the end the cancellation and rebooking cost me an extra 25,000 rupees due to late booking on another airline.*
- (viii) *Airblue was approached by me in writing and asked for compensation, this has been agreed in writing and two return tickets have been provided (for use at any time in 2020).*
- *That all airline call centers when sending a cancellation message or making a call inform passengers that if they wish to travel then they should reach the airline office where they will be endorsed to other airlines.*
 - *Places large signs at airport with the passenger rights*
- ii) CAA should establish a 24/7 call center for passenger facilitation (with sufficient number of agents) to handle such situations and provide information on their rights.*
- (iii) Ideally CAA should maintain a security on behalf of all domestic airlines which enables it to provide relief to passengers on the spot by providing endorsements on alternate airlines.*
- 7. My personal case should be sent to CAA for resolution of my loss caused by lack of information on my rights on the airline ticket or on its website or by its call center. I tried to provide feedback on the website, but there was a technical error which was not accepting my complaint.”*

B. Proceedings

3. Through a notice dated March 11, 2020 sent to the Secretary, Aviation Division, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent through a hearing notice dated 15-07-2020 was informed that the above-mentioned appeal is pending decision before this Commission. The text of the notice is as under:

“In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.

Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”

5. The respondent in response to the notice of the commission, submitted response stating that

“Reference is invited to Pakistan Information Commission, Islamabad’s hearing notice dated 15 July, 2020 (received on 22.07.2020) on the subject cited above.

2. *It is stated that the matter was taken up with Civil Aviation Authority (CAA). The following para-wise reply to the reference by the Member, Prime Minister’s Inspection Commission is conveyed:*

*i) The summaries of Air Passenger Rights are available on CAA website for the information of passengers. Moreover, these Summaries are under revision process in line with revisions in TCAO Montreal Convention and development of standardized Air Passenger Rights by International Air Transport Organization (ICAO). The revised standardized summaries would be displayed at airports in addition to CAA website for enhancing awareness to travelling passengers. It is important to mention here that each airline has its own specific "Condition of Carriage" in line with International Air Transport Association (IATA) General Conditions of Carriage" and ICAO Conventions. The main terms and conditions are mentioned on the ticket of each airline according to its specific "Condition of Carriage". For further details, passenger may refer to the full *"Conditions of Carriage of airlines on its respective website.*

ii) Airlines call centers inform the passengers via call and SMS about any changes in flight schedule. In case of flight cancellation, passengers are informed by airlines about the available alternative options (earlier or later flight of the airline) in accordance with its Conditions of Carriage If the passenger wishes a refund then full ticket refund is made by the airline.

iii) The summaries of air passenger rights are displayed at major airports.

iv) Each airline has its own call center for informing and facilitating the passengers affected by flight scheduled changes. CAA has facilitation counters at airports which facilitate the redressal of passengers grievance by coordinating with the airlines on the spot.

3. *As per facts narrated by the applicant, he is aggrieved that the cancellation and rebooking under the circumstances he faced during his travelling from Islamabad to Karachi which had cost him an extra amount. However, under para (vii) of Annex-2 or the application, the applicant has acknowledged the compensation made by M/s. Air blue for two return tickets consumable at any time in 2020. This reflects that the specific grievance of the Member, Prime Minister's Inspection Commission was compensated leaving no further relief against this Division and CAA.*

4. *It may kindly be noted that flight delays can be attributed to several reasons such as weather conditions, airspace congestion, aircraft mechanical problems and flight scheduling variations etc.*

5. *The subject appeal may graciously be disposed off in the light of position given at Para 2-4 above."*

6. The response of the Respondent was shared with the appellant on August 04, 2020.

7. The Appellant submitted rejoinder to the information shared with him on August 24, 2020 through an email stated that

I write with reference to your letter No. Appeal No. 345-03/2020 dated August 04, 2020. This letter was received in our office on August 13, 2020 (as indicated by the attached copy of the RI register of PMIC where I am currently employed). Accordingly, the response time of seven (07) working days started on 14 August. Today is the 7th day.

2. *The response of the Aviation Division (AD) is totally inadequate and therefore not acceptable. Perhaps I have been unable to communicate my point of view or they have not understood it properly.*

3. *I wrote to the AD on January 23, 2020. Since this letter was not responded, therefore I appealed to the Chief Commission, PIC through a letter dated March 02, 2020; I did not write to the AD after January 23. IN my letter to the PIC I have clearly stated the following:*

I have not sought a private relief from the Aviation Division. Indeed, I clearly stated in my letter of March "While the airline has settled this case by providing additional tickets, the issue of dissemination of passenger rights on tickets and by call centers remains unresolved - and hence citizens continue to suffer both financial and other losses."

4. *Therefore, it should be absolutely clear that I while I originally sought a personal relief, once it was done through my own efforts, my Appeal to PIC did not seek a personal or private settlement. All the same, in its response to the PIC dated July 28, 2020 the Aviation Division has stated "the specific grievance of the Member, PMIC was compensated leaving no further relief against this Division and CAA". This is not the correct stand. While my original letter to the AD dated 23 January sought removal of a personal grievance, Since it was not replied I appealed to the PIC in March. By that time, my personal grievance was resolved. Therefore, in my letter to PIC of March 02, 2020, I converted my appeal into a public interest appeal which sought the following:*

"Therefore, I appeal that the Information Commission directs the Aviation Division and CAA to undertake public information of passenger rights to all domestic passenger on tickets (not subject to weather) as well as to force airlines to inform passengers by text and voice messages when informing them of cancellations. These rights should also be prominently displayed in all departure lounges."

5. *The above is the crux of my appeal. My appeal is not against a specific airline and it is not a personal grievance. Instead it is a public interest appeal. What am asking is that*

(a) the passenger rights which are available on the CAA website and which the AD claims are available in passenger lounges and other areas of airports should be printed on the tickets.

(b) AD in its response of 28.07.2020 has just copied what I have already stated. I know that the AIR PASSENGER RIGHTS (APR) are available on the website. I found these there. My argument is that in a country where nearly 50% are illiterate and only 15% internet penetration rate how many passengers can actually visit the website and dig out the APR? With 40 years professional experience and 22 years of using internet, I had to struggle to find these.

(c) The AD in its response has stated that tickets of each airline have got specific "Conditions of Carriage" to which passengers may refer. Agreed. But I am asking that the Air Passenger Rights also be mandated to appear at least on domestic tickets for information of less informed passengers who cannot go to the CAA website.

(d) I was able to take on the airline because of my internet skill and general professional experience as well as patience and ability to write an appeal. Does the AD feel that every passenger can do this easily? It is quite likely that the airline offered the compensation also because of my current official status.

6. *In Para (11) of its response, the AD has given the official position "Airline call centers inform the passengers via call and SMS about any changes in flight schedule. In case of flight cancellation, passengers are informed by airlines about available alternative options in accordance with the "Conditions of Carriage In this case the Conditions of Carriage are in conflict with the Air Passengers Rights. So what is to be done in this case?"*

7. *In para (11) the AD again gives the normative position that the summaries of APR are displayed in major airports. I suggest that the PIC visit some airports and locates these displays. I could not find these in my many travels over the past few years. The AD has not stated what happens in case the flight is cancelled without a force majeure and passengers do not reach the airport to see these displays?*

8. *In Para (iv) the AD has once again given the normative position that "each airline has its own call centre for informing and facilitating the passengers affected by flight schedule changes. Does the AD ever check whether these call centres are doing what they should be doing? Or does the AD just assume that 100% airlines operate as per law and morality and do what are supposed to do? The AD can easily do some random phone calls and see what information the call centres provide. IN my case they did not offer me any facility. Do the call centres keep a recording of the phone calls by which it can be proven what facilities they offered?"*

9. Para 4 of the AD response actually reiterates what I had written to the PIC (Para 4 of my letter of March 02). Quite obviously, if an airline cancels the flights on the basis of force majeure situations like inclement weather, etc that is understandable. Indeed, tickets/bookings for flights on some sectors suffering from constant weather Issues are issued with the noting that these are "subject to weather However, cancellation made many days before or even several hours before the flight then this is not because of weather but because of commercial reasons like

(a) not having a sufficient load of passengers for economic viability or

(b) operational reasons like non-availability of aircraft which may be out of service or delayed elsewhere.

10. A commercial organization cannot be expected to act against its interests by giving full information on rights which hurts its commercial interests. In my case the Airblue call center which informed me of the cancellation (both through text message and voice call) did not inform me of my right to be endorsed on other airlines (in addition to being provided accommodation for the night as I was an outstation passenger).

7. Therefore, let me reiterate my appeal of March 02 to PIC

(i) AD and CAA should mandate that Air Passenger Rights (APR) are placed on all domestic passenger on tickets (not subject to weather)

(ii) Mandate that all airlines inform passengers of APR by text and voice messages when informing them of cancellations.

(iii) These rights should also be prominently displayed in all departure lounges (and provide photo evidence of these to the PIC)"

8. The hearing of the appeal was fixed for October 08, 2020 both parties were informed accordingly.

9. Mr. Noor Mohammad, Deputy Secretary, Aviation Division and Rana Muhammad Bilal Anwar, Senior Assistant Director (Legal), Pakistan Civil Aviation Authority attended the hearing and submitted response to the rejoinder filed by the Appellant.

10. The response of the Respondent was again shared with the Appellant on October 16, 2020.

11. The Appellant submitted rejoinder to the information shared with him stating that "I write with reference to your letter No. Appeal No. 345-03/2020 dated October 16, 2020. This letter was received in our office on October 23, 2020. Hence today is the fourth working day.

2. No fresh response or information has been provided by the CAA; instead enclosed with it are some old photocopies which do not address the Issue at hand. Accordingly, the response of the CAA like that of its controlling office, Aviation Division (AD) is totally inadequate and therefore not acceptable. The last tie also (On

August 24, 2020) I had stated that either I have been unable to communicate my point of view or they have not understood it properly.

3. Accordingly, it is proposed that a hearing/ meeting be held at the PIC in which both parties (I.e. Aviation Division and myself) be called with the respondent not being represented by an officer lower than Joint Secretary so that I may communicate my point directly. Alternately, they may be asked to respond to my letter of August 24, a copy of which is enclosed.”

12. Through a notice dated November 24, 2020 the Appellant was directed to intimate this commission which specific information has not been provided by the respondent.

13. The Appellant through an email shared his response and stated that “I have not sought a private relief from the Aviation Division. Indeed, I clearly stated in my letter of March 02, 2020 “While the airline has settled my personal case by providing additional tickets, the issue of dissemination of passenger rights on tickets and by call centers remains unresolved - and hence citizens continue to suffer both financial and other losses.

Passenger suffer payment of much higher fares as the airlines do not inform them of their right to travel by the first available flight of any airline.

Therefore, I reiterate my appeal of March 02 to PIC

(i) *Aviation Division and Civil Aviation Authority (CAA) should mandate that Air Passenger Rights (APR) already available on CAA website are printed on all domestic passenger tickets, including e-tickets (which are not subject to weather or COVID-19). I am attaching a copy of these rights available on CAA website.*

(ii) *CAA should mandate that all airlines inform passengers of APR by text and voice messages when informing them of cancellations, particularly their right to travel by the first available flight of any airline.*

(iii) *CAA should display these rights prominently in all departure lounges (and provide photo evidence of these to the PIC).”*

C. Discussion and Commission’s View on Relevant Issues

14. The question for the consideration of the commission is as under:

Has Civil Aviation Authority, (CAA) as a regulator, taken adequate steps to share information with passengers about their rights?

15. The instant appeal has brought to the fore not only the significance of the right of access to information in matters of public importance but also the need for enabling citizens in exercising this right of access to information in matters of public importance.

16. The right to information is key to all other rights. It is through the exercise of right to information that we are able to exercise other rights.

17. The Appellant has raised a pertinent point that “a *commercial organization cannot be expected to act against its interests by giving full information on rights which hurts its commercial interests*”.
18. It is responsibility of CAA, as a regulator, to ensure that both the commercial interests of airlines and the rights of passengers are protected.
19. The Respondent, CAA, as a regulator can protect and promote rights of passengers, including those with different disabilities, by ensuring that they have access to information about their rights.
20. The Respondent, CAA, as a regulator, cannot absolve itself from its responsibility of sharing rights of passengers by merely putting information about their rights on its web site, at some obscure corner, which is not easily accessible to citizen.
21. As a part of processing the instant appeal, the commission could not locate information about the rights of the passengers on CAA’s web site. The staff of the commission required considerable efforts to locate information about the rights of the passengers. The relevant document could only be retrieved through Google search.
22. The fact that the commission found it difficult to locate document pertaining to the rights of the passengers on CAA’s web site demonstrates that CAA has not prominently displayed this crucial information on its web site. Thus, instead of facilitating citizens’ in exercising their right of access to information about their rights as passengers, the Respondent, CAA has created hurdle in the exercise of constitutional right of citizens in matters of public importance.
23. The Right of Access to Information Act 2017 requires that citizens not only have ‘improved access’ to information but that the information should be made ‘accessible’ to all citizens, including citizens with low-literacy level and those with different disabilities.
24. It would be stating the obvious that passengers should not be treated as a homogenous group of people while disseminating information about their rights as passengers. Passengers also include those with different disabilities i.e., low-vision, blindness, speech, hearing and physical impairments.
25. The ability to exercise the right of access to information by passengers with different disabilities is dictated by the nature of their different disabilities. As such, it is responsibility of the Respondent, CAA to ensure that both the content and the design of the web sites of CAA and those of airlines is accessible and that information about rights of passengers should be provided catering to the special needs of passengers with different disabilities.
26. Every passenger has the right to travel with dignity on equal basis with others irrespective of any disability. It is responsibility of the Respondent, CAA to ensure that both ground staff and the plane crew are apprised of the rights of passengers with

different disabilities and trained to provide services to passengers with different disabilities in line with the nature of each disability.

27. The Respondent, CAA is responsible to ensure that information about the rights of passengers is prominently displayed at airports, on its web site and that passengers are apprised about their responsibilities as well as their rights through Public Address Systems.
28. The Respondent, CAA is responsible to ensure that information about the rights of passengers is disseminated through all channels of communication which the airlines employ for transaction of business with their passengers. As such, the Respondent should ensure airlines make available information about the rights of passengers through their web sites, electronic and printed tickets and airlines counters.

D. Order

29. The appeal is allowed. Director General, Civil Aviation Authority is directed to ensure that:

information about the rights of passengers is prominently displayed at airports, on its web site and that passengers are apprised about their responsibilities as well as their rights through Public Address Systems;

airlines make available information about the rights of passengers through their web sites, electronic and printed tickets and at airlines counters; and

both ground staff and the plane crew are apprised of the rights of passengers with different disabilities.
30. The compliance report, containing relevant documents and empirically verifiable evidence, pertaining to the dissemination of information mentioned in para 28 be submitted to this commission by 12/02/2021.
31. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification to this effect on its web site as required under Section 5 (1) (b) of the Act, put name, designation and contact details of the PIO on its web sites as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
32. The Respondent is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission by 12/02/2021.
33. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act

2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission by 12/02/2021.

34. Copies of this order be sent to Director General, Civil Aviation Authority, Secretary, Aviation Division and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
January 08, 2021

This order consists of 12 (twelve) pages, each page has been read and signed.