

GOVERNMENT OF INDIA
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION
OPPOSITE SAFDARJUNG AIRPORT, NEW DELHI -110003

No. 4/1/2020-IR
Dated: 08-06-2022

Subject: Strict Compliance of COVID-19 Protocols at Airports and Inside the Aircraft

Reference is made to the directions of Hon'ble High Court of Delhi vide its order dated 03.06.2022 passed in W. P. (C) No. 3184/2021 and MoCA order No. AV-29017/14/2020-DT dated 10.05.2022 regarding "Strict Compliance of COVID-19 Protocols at Airports and Inside the Aircraft". In view of these, the following directions are issued for strict compliance by all stakeholders:

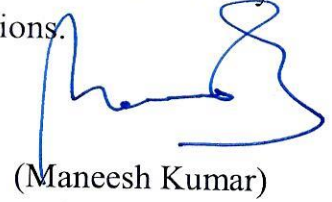
For Airlines

1. Airline shall ensure that all passengers are wearing Face Mask properly and continue to wear the mask throughout the journey. The face masks can be removed under exceptional circumstances and for permitted reasons only.
2. The Airline shall ensure that passengers are sensitized on the precautionary measures to be taken by them through their websites, travel agents, call centers, display at airports, assistance booths at the airports, etc.
3. The Airline shall make regular announcements for awareness among the passengers on the need to follow COVID-19 appropriate behavior such as hand hygiene, wearing mask, etc. during travel.
4. The Airline shall make arrangement of extra Face Mask and provide to the passengers, if required.
5. The Airline shall ensure that in case any passenger does not adhere to above instructions even after repeated warnings, he/she should be de-boarded, if need be, before departure.
6. In case, any passenger on board an aircraft refuses to wear mask or violates the "COVID-19 Protocol for passengers" even after repeated warnings, during the course of the flight, such passenger may be treated as "Unruly Passenger" as defined in para 3.1 of Civil Aviation Requirements (CAR) Section 3 Series M Part VI (dated 8" September, 2017) and the procedure in respect of handling such unruly passenger, as provided in above mentioned CAR, shall be followed by the concerned Airline.

For Airports:-

1. CISF or other Police personnel deployed at the entrance of the Airport shall ensure that no one is allowed to enter the Airport without wearing a mask. CASO and other supervising officers must ensure this personally.
2. All Airport operators are hereby directed to increase airport announcements and surveillance to ensure that passengers at terminal are wearing Face Masks properly and follow COVID appropriate behavior at all times within the airport premises. In case any passenger does not wear mask or refuse to wear mask and follow COVID-19 protocol, he should be fined as per the respective State Law where the airport is located and he may even be handed over to Security Agencies for dealing with the matter as per the applicable law on the subject.
3. Airport operators shall take sanitization measures at airports and provide hand sanitizers/dispensers at prominent places in the Terminal. Also, airport operators shall levy fines on those violating COVID protocols in accordance with state regulations with the help of local police/security agencies, etc. for violation of COVID Protocols.

The copy of the order dated 03.06.2022 passed by Hon'ble High Court of Delhi in Writ Petition No 3184 of 2021 is enclosed herewith for information and strict compliance by all stakeholders. It is also clarified that these direction are not in supersession of currently prevailing directions issued by Central Govt. or any State government rather these directions are in addition to such prevailing directions. The adherence to above directions shall be ensured by all concerned with immediate effect. Appropriate action as per the applicable provisions would be initiated in case of any violation by any airline or any airport operator, of the above directions.



(Maneesh Kumar)
Joint Director General

Encl: As Stated

To

1. Chairman, AAI:
2. DG, CISF with the request to issue instructions suitably;
3. All Airlines operating in India:
4. All Airport Operators and other stakeholders.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3184/2021

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

DIRECTORATE GENERAL OF CIVIL AVIATION AND ORS.

..... Respondent

Through: Mr. Chetan Sharma, Additional
Solicitor General with Ms. Anjana
Gosain, Ms. Shalini Nair and Ms.
Ritika Khanagwal, Advs. for DGCA
Mr. Somnath Bharti, Adv in C.M. No.
28095-97/2022

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **03.06.2022**

CM APPL. 28097/2022

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 28095/2022, CM APPL. 28096/2022

The order dated 10.05.2022 issued by the Ministry of Civil Aviation, Government of India bearing No.AV-29017/14/2020-DT has been tendered in Court and taken on record. The said order reads as follows:

Signature Not Verified

Digitally Signed
By: BHUPINDER SINGH
ROHELLA
Signing Date: 03.06.2022
17:35:38

“AV-29017/14/2020-DT
Government of India
Ministry of Civil Aviation

*B Block, Rajiv Gandhi Bhawan,
New Delhi, Dated 10.05.2022*

ORDER

Subject: Review of COVID-19 guidelines for Domestic & International flight operations-reg.

Since the lockdown due to COVID-19 pandemic in March 2020 and subsequent reopening of skies, Ministry of Civil Aviation, from time to time issued guidelines / SOPs for operators, passengers and other stakeholders to ensure smooth conduct of air operations, safety and hygiene of the travelling passengers with a view to prevent the spread of COVID-19 infection during air travel. These guidelines have been modified and relaxed periodically as per the severity of pandemic. Other regulatory bodies like Directorate General of Civil Aviation (DGCA), Bureau of Civil Aviation Security (BCAS), etc. have also issued guidelines for the stakeholders within their respective domain.

2. *In view of the overall improvement of the situation and preparedness of the Government to deal with the pandemic, Ministry of Home Affairs by way of its communication issued vide D.O. No. 40-3/2020-DM-I(A) dated 22.03.2022 have, inter-alia, indicated that there may not be any further need to invoke the provisions of the Disaster Management (DM) Act for COVID containment measures. Ministry of Civil Aviation (MoCA) had also on 21.03.2022 reviewed the COVID-19 guidelines for international operations under Order No. AV.29017/14/2020-DT. A need has, therefore, been felt for consolidating the instructions issued from time to time and a set of revised instructions to be followed by passengers, airport operators and airlines, have been formulated and are **Annexed**. This will supersede the instructions issued in the past.*

3. *However, the Guidelines/ SOPs/ Advisories issued by Ministry of*

Signature Not Verified

Digitally Signed
By: BHUPINDER SINGH
ROHELLA
Signing Date: 03.06.2022
17:35:38

Health & Family Welfare (MoHFW) with regards to implementation of measures for containment of pandemic including wearing masks and hand hygiene and the Orders / Guidelines issued by regulatory bodies like DGCA, BCAS etc. would continue to apply and guide overall national response to the pandemic. In addition, the It is also advised that in view of the nature of the COVID-19 Virus, all stakeholders must remain watchful of the situation and take proactive and prompt action, whenever needed. Airports and Airlines should continue to enforce wearing of the mask by passengers at Airports and on board. Further, the extant guidelines of MoHFW on submission of complete and factual information in self-declaration form on the online Air Suvidha portal shall continue to be followed.

4. *The above decision would come into immediate effect until further order. This will be reviewed, if needed, as per the prevailing situation.*
5. *This has the approval of the Competent Authority.*

Sd/-
(Usha Padhee)
Joint Secretary to the Govt. of India”

Ms. Gosain submits that the respondents are seriously implementing the norms with regard to the masking at Airports and in the Aircrafts by all concerned. The issuance of the said order is, in our view, the right step to take since the Pandemic has still not fully abated and keeps springing up its ugly head. In fact, Ms. Gosain, who appears virtually states that she is presently infected with COVID-19 Virus.

The present PIL was registered based on the experience of one of the learned Judges of this Court while undertaking an Inland flight. It is noticed that very often, the norms are not implemented on the ground with the seriousness with which they are framed. It is, therefore, essential for the

respondents to ensure that the implementation on the ground is effective. For this purpose, we are of the view that the DGCA should issue separate binding directions to all staff persons deployed at the airports and in the aircrafts, including flight attendants, air hostesses, captains/ pilots and others, to take strict action against passengers and others who violate the masking and hygiene norms. All such persons who are found to violate the said norms should be appropriately fined and persistent defaulters should be placed on the no fly list. In our view, it is essential to have a sufficient deterrence to enforce compliance of the norms aforesaid.

Let steps in this regard be taken and a further action taken report be placed before the Court. List on 18.07.2022.

VIPIN SANGHI, ACJ

SACHIN DATTA, J

JUNE 3, 2022
N.Khanna