

## **Dr. Haman Yadav v. Indian Airways and Others ©\***

In the Parliamentary elections of 2014 the then ruling party Congress Nationalist Party (CNP) lost badly and Indian Peoples Party (IPP) formed the government with a clear majority in Lok Sabha. However CNP and its allies are still in majority in Rajya Sabha. Several policy decisions taken by IPP had created controversies at national level. IPP has a trouble in getting approval of their policies as they do not have majority members' support in Rajya Sabha. In 2017 State of Gujarat went for election. This election was termed as mini Parliamentary elections and both IPP and CNP fought the election with much fervor.

Dr. Haman Yadav is a bright and young politician in the State of Gujarat with a great youth following, who joined CNP before the state election. His entry to CNP had given a life line to CNP which is otherwise in dormant stage. When the election result was declared, to every one's surprise CNP had done really well though IPP secured majority of the seats and was able to form the government. IPP lost one third of seats that it previously held in the state. Most attributed the increase in the CNP votes to the ground work done by Dr. Haman. As recognition to his contribution, CNP nominated him as their candidate to Rajya Sabha who eventually won the election. In Rajya Sabha he became immensely popular with his sharp criticism against the ruling party.

On 30<sup>th</sup> November 2017 breaking news was flashed in all the national and local channels that Dr. Haman was involved in an altercation with the ground staff of Indian Airways (IA) and the altercation led to physical fight wherein Dr. Haman was alleged to have beaten the Assistant Manager of IA at Ahmadabad airport. Dr. Haman, in an interview, categorically denied the allegation and said that he had in fact booked an open ticket to Delhi in business class. However the staff refused to give him boarding pass saying that the flight was fully booked and that they did not receive any booking from him. When he tried to convince the staff they behaved very rudely and said that he was misusing public money and should have traveled in economy class. Dr. Haman alleged that all this controversy is just an effort from the side of the ruling party to malign his reputation and dissuade from enquiring into the bad deeds of the ruling party.

This incident was debated in the public and also in the Parliament. Many of the ruling party members openly demanded the Aviation Minister to take immediate action. The Minister for Aviation assured that suitable action would be taken against Dr. Haman. The next day the

---

\*Moot problem created for the ICFAI University Sikkim 1<sup>st</sup> National Moot Court Competition-2018

Director of Indian Airways (a Public undertaking by Union of India) issued a public notice blacklisting Dr. Haman. When he was asked why such a step was taken by the IA he said that this is a common practice among many international airlines for safety and security reasons, this is the first time that the national carrier has introduced such a 'blacklist' of rowdy passengers. On the next day Federation of Indian Airlines (FIA) issued a statement that “we believe that an assault on any one of our employees is an assault on all of us; hence we also black list him and he would not be allowed to travel in any one of the airlines that are part of the Federation”. As a result Dr. Haman could not travel in any airlines as all the private airlines were part of the FIA.

The issue of blacklisting was raised in the Parliament by CNP and demanded to lift the ban and also sought an explanation from the Aviation Minister. Meanwhile, IA did not allow Dr. Haman to travel on a ticket which he had booked before the incident and as a result he could not attend the meeting of Committee on Public Undertakings. Dr. Haman who was a member of this Committee alleged that blacklisting him was aimed at harassing him as he was a member of Committee on Public Undertakings and was actually inquiring into certain irregularities in Indian Airways Ltd. As the ban prevailed, Dr. Haman could not attend Parliament sessions and the meetings of the Committee. In spite of his request to the Chairman of Rajya Sabha to intervene in the matter, no relief was given to him.

As a final resort Dr. Haman approached the Supreme Court by way of writ petition under Article 32 against IA, FIA and Chairman of Rjya Sabha. He challenged that the act of IA and FIA in blacklisting him, as it violate his fundamental rights under Article 14, 19 (1)(a) & (d) and 21. He further contended that

1. Blacklisting of passengers is not authorized by any law.
2. He was not given any fair hearing before blacklisting
3. The action of IA and FIA would amount to cartel by the airlines
4. Blacklisting amounts to denying him the right to attend Parliamentary sessions which is one of the highest constitutional duties of the elected members of the Parliament amount to breach of privileges of the member.
5. Failure of the Chairman of Rajya Sabha in ensuring the presence of one of its members also amount to breach of constitutional duty.

Participants are free to frame more issues.