

Technology Law Analysis

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DRONE LAW & POLICY DEVELOPMENTS IN INDIA – WELCOMING DRONES IN 2020

Year 2019 kept a majority of stakeholders in the Indian drone ecosystem busy with the task of achieving new technical standards to become compliant with the regulatory framework for drone operations, put forth by the Indian Government with effect from December 1, 2018. In 2020, the Government seems to be determined to overcome the hurdles to enforcement of the regulatory framework.

The regulatory framework for drones was issued by the Directorate General of Civil Aviation (“DGCA”) on August 27, 2018 by way of Civil Aviation Requirements (CAR), Section 3 – Air Transport Series X, Part I, Issue I (“**Drone Regulations**”) for legalizing and regulating the operation of drones for civil use in India. To liberalize the regime further and tap the potential uses of drones especially for commercial purposes, the Ministry of Civil Aviation constituted a drone task-force under the chairmanship of Hon’ble Minister of State for Civil Aviation. Accordingly, on the basis of the recommendations of the task force, the Drone Ecosystem Policy Roadmap was released by the Ministry of Civil Aviation on January 15, 2019.¹ Subsequently, several new initiatives were launched by the authorities focused towards capacity building of the drone ecosystem in 2019 and this trend continues in 2020. This update brings to you the various drone ecosystem related developments in India, which may be of interest to the organizations doing or looking to do drone-based business in India.

1. INVITATION BY DGCA FOR EXPRESSIONS OF INTEREST TO CONDUCT EXPERIMENTAL BVLOS OPERATIONS

On May 13, 2019 the DGCA had invited an expression of interest from consortia’s willing and able to conduct experimental beyond visual line of sight (“**BVLOS**”) operations of remotely piloted aircrafts or drones in Indian airspace. By allowing companies to provide proof of concept for the use of drone technology, the authorities adopted an evidence-based regulatory approach which can potentially transform the drone industry by paving the way for regulations allowing more enhanced operations by drones. From delivery of consumer products to delivery of medical supplies to surveillance of traffic, construction sites etc., companies from all spheres applied to conduct such experimental operations under the supervision of the DGCA for development of new regulations for this growing industry. As per news reports, we understand that a total of 34 applications were received by the DGCA but only seven companies viz. Zomato, Swiggy, Tata Advanced Systems, Honeywell, Zipline, Dunzo and Redwing, were shortlisted to provide additional technical details regarding their BVLOS application. However, this willingness shown by the DGCA and other concerned authorities to incorporate use of drones in the civil aviation ecosystem of the country was welcomed by all.

2. NATIONAL COUNTER ROGUE DRONE GUIDELINES

In 2019, the Ministry of Civil Aviation (“**MoCA**”) also released the National Counter Rogue Drone Guidelines (“**NCRD Guidelines**”) with an aim to address the perceived law and order and national security issues that are anticipated due to unregulated and unchecked operation of drones. The NCRD Guidelines aims to bring out the various counter rogue drone measures and guidelines that can be deployed to address the relevant threats in an effective manner. The scope of the NDRD Guidelines includes:

- Laying out guidelines for assessing the drone threat
- Creating awareness about the various technologies involved in handling drone threat
- Ready reckoner for anti-drone measures
- Understanding multi-dimensionality of drone threats

Please [click here](#) to access the National Counter Rogue Drone Guidelines and feel free to reach out to us in case you have any queries or you require any clarification.

3. WEBSITE LAUNCHED FOR GRANTING PERMISSION FOR AERIAL PHOTOGRAPHY/ REMOTE SENSING SURVEY

On January 6, 2020, Shri Rajnath Singh, the Minister of Defence of India launched Ministry of Defence (“**MoD**”) No Objection Certificate (“**NOC**”) web portal www.modnoc.ncog.gov.in for undertaking aerial survey with the final permission of DGCA. The portal will be used by various vendors engaged by state governments/public sector undertakings/autonomous bodies in seeking NOC from MoD.

Through this initiative, the MoD will be able to reduce the time usually taken in issuing NOC and will ensure expeditious disposal of applications for carrying out aerial survey and/ or remote sensing surveys.

4. ONE-TIME OPPORTUNITY FOR VOLUNTARY DISCLOSURE OF UNREGULATED DRONES

Several instances of unmanned aircrafts or drones being operated in Indian airspace, without complying with the Drone Regulations, have come to the notice of the Government. To facilitate the identification of such unregulated and non-compliant drones, the MoCA has issued a public notice dated January 13, 2020 providing a one-time opportunity for their voluntary disclosure. This requirement of voluntary disclosure is applicable on all drones, which

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includes models, prototypes, toys, radio-controlled aircraft, autonomous and remotely piloted aircraft systems etc. Additionally, such drones can be enlisted without having to comply with the No-Permission No-Takeoff (NPNT) requirement.

As per the notice, persons in possession of such non-compliant drones can submit the required information/ voluntary disclosure through an online portal as available on <https://digitalsky.dgca.gov.in/>. The drone enlistment form for voluntary disclosure has two parts. After uploading the drone owner's information, the owner will receive an Ownership Acknowledgement Number ("OAN"). Using the OAN, the owner will upload the drone-related information and will receive a Drone Acknowledgement Number ("DAN"). Each drone will require a fresh enlistment. Since a drone owner may have multiple drones, the owner shall use same OAN to enlist all drones owned by him. A separate DAN will be issued for each drone. However, the DAN or OAN will not confer any right to operate drone(s) in India, without fulfilling the requirements under the Drone Regulations. It is pertinent to note that the ownership of drone(s) in India without a valid DAN or OAN shall invite penal actions as per applicable law. The deadline for all owners of drones in India to complete the voluntary disclosure is 5 PM on January 31, 2020.

CONCLUSION

As one can appreciate, exciting times lie ahead, with drones no longer being looked at exclusively for military use but rather as a game changing innovation for civilian use as well. Both consumers, organizations and now the Government see value in utilizing drones. Also, as the drone regulations in India continue to evolve, drone-based businesses in India will have to keep up and continue to evolve.

– Harshil Agarwal, Prashant Prakhar & Huzefa Tavawalla

You can direct your queries or comments to the authors

¹ Nishith Desai Associates was a special invitee on the UAV / drone task force constituted by the Government of India and was also closely associated with the drafting of the Drone Ecosystem Policy Roadmap. Please [click here](#) to access the Drone Ecosystem Policy Road

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