



REQUIREMENTS FOR OPERATION OF CIVIL REMOTELY PILOTED AIRCRAFT SYSTEM (RPAS)

August 29, 2018

The Director General of Civil Aviation (“DGCA”) has finally announced its policy for remotely piloted aircraft or drones on 27th August, 2018. Set to come into effect from December 1, 2018, the new policy defines what will be classified as remotely piloted aircraft, how they can be flown and the restrictions they will have to operate under.

DEFINITIONS

- Remotely Piloted Aircraft (“RPA”) - ‘An unmanned aircraft, which is piloted from a remote pilot station’
- Remotely Piloted Aircraft System (“RPAS”) - ‘A remotely piloted aircraft, its associated remote pilot station(s), the required command and control links and any other components, as specified in the type design.’

CATEGORIES

As per the Policy, RPAs have been categorized as per their weight, as

- i) Nano: Less than or equal to 250 grams.
- ii) Micro: Greater than 250 grams and less than or equal to 2 kg.
- iii) Small: Greater than 2 kg and less than or equal to 25 kg.
- iv) Medium: Greater than 25 kg and less than or equal to 150 kg.
- v) Large: Greater than 150 kg.

LICENSES

- Any entity intending to import RPAS in India shall obtain Equipment Type Approval (ETA) from WPC Wing, Department of Telecommunication. Such approval shall be valid only for a particular make and model.
- All drones, other than in the Nano category, shall apply to DGCA for import clearance and based on that, the Directorate General of Foreign Trade shall issue license for import of RPAS.
- Upon receipt of import license, the applicant shall apply to DGCA for Unique Identification Number/Unmanned Aircraft Operator Permit, as applicable.

UNIQUE IDENTIFICATION NUMBER (“UIN”)

All Civil RPAs shall require a UIN from the DGCA. The UIN will be granted on the submission of numerous documents, if the RPAS is wholly owned by:

- i) A citizen of India; or
- ii) By the Central Government or any State Government or any company or corporation owned or controlled by either of the said Governments; or
- iii) By a company or a body corporate provided that:
 - a) it is registered and has its principal place of business within India;
 - b) its chairman and at least two-thirds of its directors are citizens of India; and,
 - c) its substantial ownership and effective control is vested in Indian nationals; or
- iv) By a company or corporation registered elsewhere than in India, provided that such company or corporation has leased the RPAS to any organization mentioned in Para I (ii) or (iii) above.

To be Noted: RPA in Nano category intended to fly upto 50 feet (15 m) above ground level in uncontrolled airspace/enclosed premises for commercial/recreational/R&D purposes AND RPAs owned/operated by National Technical Research Organisation (“NTRO”), Aviation Research Center (“ARC”) and Central Intelligence Agencies are exempted from obtaining UIN.

UNMANNED AIRCRAFT OPERATOR PERMIT (“UAOP”)

Operators of civil drones will need to get a permit from the DGCA. The DGCA has to issue the UAOP within seven working days

provided all the documents submitted are complete. This UAOP shall be valid for five years and not transferrable.

The use of the following RPAs shall not require a permit:

- i) Nano RPA operating below 50 feet (15 m) in uncontrolled airspace / enclosed premises.
- ii) Micro RPA operating below 200 feet (60 m) in uncontrolled airspace / enclosed premises – but will need to inform local police 24 hours prior.
- iii) RPA owned and operated by NTRO, ARC and Central Intelligence Agencies but after intimating local police.

RESTRICTIONS & REQUIREMENTS

- i) RPAs shall be flown only by someone over 18 years of age, having passed 10th exam in English, and undergone ground/practical training as approved by DGCA.
- ii) The basic operating procedure will restrict drone flights to the daytime only and that too within “Visual Line of Sight (VLOS)”. This applies to all categories.
- iii) The DGCA has clarified that no remote pilot can operate more than one RPA at any time.
- iv) It cannot in any manner cause danger to people or property. An insurance will be mandatory to cover third-party damage.
- v) RPAs cannot be flown within 5km of the perimeters of the airports in Mumbai, Delhi, Chennai, Kolkata, Bengaluru and Hyderabad and within 3km from the perimeter of any other airport.
- vi) It cannot fly within “permanent or temporary Prohibited, Restricted and Danger Areas” and within 25km from international border which includes the Line of Control (LoC), Line of Actual Control (LAC) and Actual Ground Position Line (AGPL).
- vii) It cannot fly beyond 500 m into sea from the coast line and within 3 km from perimeter of military installations.
- viii) It also cannot fly within a 5 km radius of the Vijay Chowk in Delhi, within 2 km from perimeter of strategic locations/vital installations notified by Ministry of Home Affairs and within 3 km from radius of State Secretariat Complexes.
- ix) It also cannot be operated from a mobile platform such as a moving vehicle, ship or aircraft.
- x) Eco-sensitive zones around National Parks and Wildlife Sanctuaries are off-limits without prior permission.
- xi) Violations will be acted on under relevant sections of the IPC and the Aircraft Act 1934.

Disclaimer: The information provided in this update is intended for informational purposes only and does not constitute legal opinion or advice. Readers are requested to seek formal legal advice prior to acting upon any of the information provided herein. This update is not intended to address the circumstances of any particular individual or corporate body. There can be no assurance that the judicial/ quasi judicial authorities may not take a position contrary to the views mentioned herein.



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