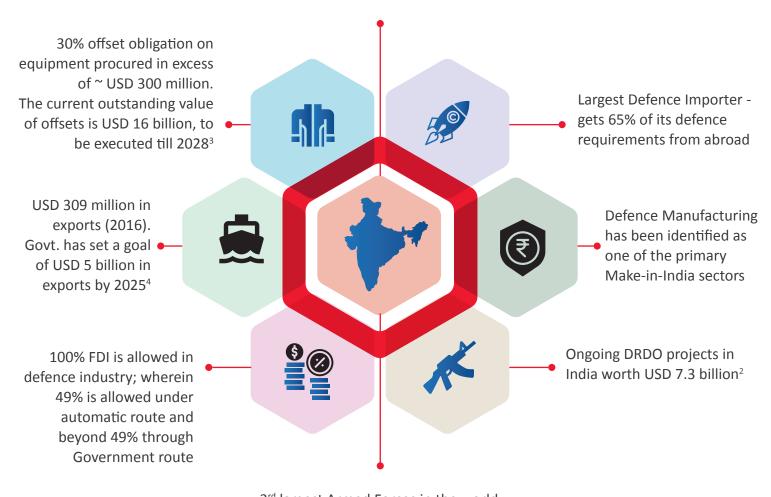


The Opportunity

5th Largest military spending nation in the world with a defence expenditure of ~ USD 50 billion¹



3rd largest Armed Forces in the world

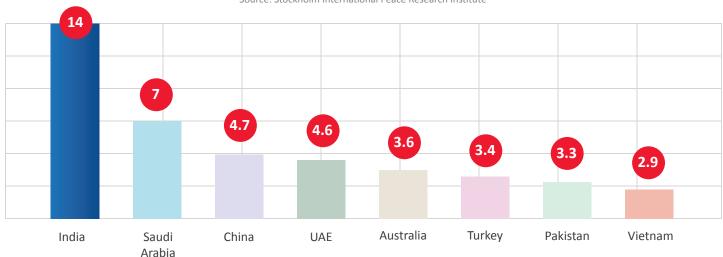
¹ SIPRI data

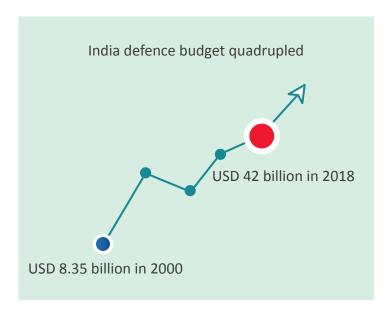
³ Statement by Minister of State for Defence Mr. Subhash R Bhamre to College of Defence Management

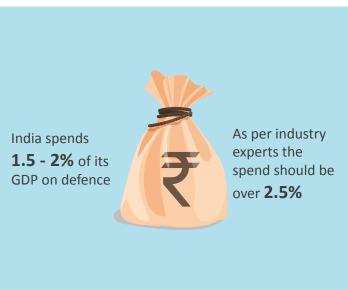
² investindia.gov.in

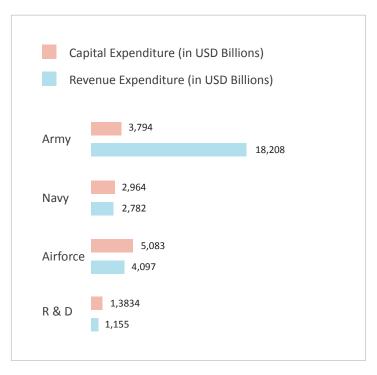
Share of Defence Imports % from 2011-2015

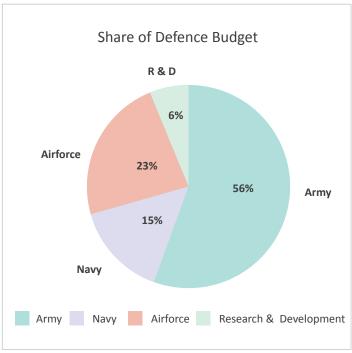
Source: Stockholm International Peace Research Institute











PROCUREMENT OF CAPITAL DEFENCE ITEMS IN INDIA

In India, all defence goods are procured in accordance with the Defence Procurement Policy (DPP) that is laid down by the MoD. As per this policy, preference is given to those goods which promote the Make-in-India initiative and contain a minimum amount of indigenous content. In decreasing order, the priority for procurement of defence equipment in India is categorised into six categories is:

Buy (Indian – Indigenously Designed, Developed & Manufactured) Procurement of products from an Indian vendor which have been indigenously designed, developed and manufactured with a minimum 40% Indigenous Content⁵, while a minimum 60% Indigenous Content is required when the design is foreign

Buy (Indian)

Procurement of products from an Indian vendor having a minimum of 40% Indigenous Content

Buy and Make(Indian)

• Initial procurement of equipment in Fully Formed (FF) state in quantities as considered necessary, from an Indian vendor engaged in a tie-up with a foreign OEM. Requires minimum 50% Indigenous Content

Buy and Make

• Initial procurement of equipment in FF state from a foreign vendor, in quantities as considered necessary, followed by indigenous production through an Indian Production Agency.

• Offset obligation of 30% would be applicable

Buy (Global)

- Outright purchase of equipment from foreign or Indian vendors
- Offset obligation of 30% would be applicable

Make

- Acquisitions covered under the 'Make' category refer to equipment, systems or components thereof, designed, developed and manufactured by an Indian vendor.
- Make projects are of two categories: Make I projects which involve Government funding of 90%, and
 Make II projects which involve prototype development for which no Government funding is provided

MAKE IN INDIA POLICY BEYOND THE DPP



- The Government of India has issued a Public Procurement Order in June 2017 which mandates the procurement of Government equipment that has been manufactured in India and requires a stipulated percentage of local content.
- This policy applies to all Ministries of the Government for procurement of any equipment that has been specified in the policy.

OFFSET OBLIGATIONS – AVENUES FOR DISCHARGE

Existing

i. Direct purchase of or execution of export orders for the eligible products and services by Indian enterprises

- ii. Foreign Direct Investment (FDI) in joint ventures with Indian enterprises
- **iii.** Investment in 'kind' in terms of transfer of technology for eligible goods and services
- iv. Investment in 'kind' in Indian enterprises in terms of provision of equipment and eligible services through the non-equity route
- v. Provision of equipment and/or transfer of technology to Government institutions and establishments engaged
- vi. Technology Acquisition by the Defence Research and Development Organization in areas of high technology – (a multiplier of up to three will be permitted)

Proposed

The three proposed new avenues for discharge of offsets:

- i. Investment in specified projects for development of internationally competitive defence, aerospace and internal security related enterprises in the country (a multiplier of up to five will be permitted)
- ii. Investment in defence manufacturing through equity investment
- (a multiplier of up to four will be permitted)
- **iii.** Investment in specified SEBI regulated funds for defence, aerospace and internal security (a multiplier of up to three will be permitted)

⁵ Indigenous Content"(IC) for an equipment or an item has been defined in the DPP and Public Procurement Order.



MUMBAI

109 A, **Dalamal Towers** Free Press Journal Road Nariman Point Mumbai 400 021

T: +91 22 6636 7000

F: +91 22 6636 7172

PUNE

202, 2nd Floor Vascon Eco Tower Baner Pashan Road Pune 411 045

T: +91 20 4912 7400

NEW DELHI

801 A, 8th Floor **Konnectus Tower** Bhavbhuti Marg Opp. Ajmeri Gate Railway Station, Nr. Minto Bridge New Delhi 110 001

T: +91 11 4354 8400

F: +91 11 4354 8436

BENGALURU

6th Floor, Rockline Centre 54, Richmond Road Bangalore 560 025

T: +91 80 4168 5530/1

AHMEDABAD

801, 8th Floor Abhijeet III Mithakali Six Road, Ellisbridge Ahmedabad 380 006

T: +91 79 6605 4480/8

F: +91 79 6605 4482

CHENNAI

No. 6, 4th Lane Nungambakkam High Road Chennai 600 034

T: +91 44 4210 4863

Disclaimer:

The information contained in this document is intended for informational purposes only and does not constitute legal opinion or advice. This document is not intended to address the circumstances of any particular individual or corporate body. Readers should not act on the information provided herein without appropriate professional advice after a thorough examination of the facts and circumstances of a particular situation. There can be no assurance that the judicial/quasi-judicial authorities may not take a position contrary to the views mentioned herein.











(in) /company/economic-law-practice