

THE DRONE REGULATION ACT, 2017

(No. ____ of 2017)

[____, _____, 2017]

An Act to provide for control, regulation and governance of manufacture, purchase, sale, import, possession, use, operations and flying of unmanned aerial vehicles (UAVs), also referred to as Drones, and matters connected therewith and incidental thereto.

WHEREAS, there has been a significant increase in use of drones for various purposes in India;

WHEREAS, unregulated use of drones has the potential to cause grave danger to the life and limbs of the citizens of India and to the internal security of the country, as drones can be used for various terrorist activities;

WHEREAS, it is considered necessary to enact a law to control, govern and regulate the manufacture, purchase, sale, import, possession, use, operations and flying of Drones in India to avoid and mitigate any potential internal security threat arising out of use of drones;

BE it enacted by Parliament in the **Sixty-seventh Year** of the Republic of India as follows:-

CHAPTER I

Preliminary

1. Short title, extent and commencement

- (1) This Act may be called the Drone Act, 2017.
- (2) It shall extend to the whole of India and, save as otherwise provided in this Act, it applies also to any offence or contravention hereunder committed outside India by any person.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

2. Definitions and Interpretation

(1) Definitions – In this Act, unless the context otherwise requires:

- a) “Appropriate Authority” means the Ministry of Home Affairs, Government of India;
- b) “Autonomous Aircraft” means an unmanned aircraft that does not involve or require pilot intervention on board of the aircraft in the management of the flight;
- c) “Director General” means the ‘Director General of Drone Operations’ appointed under section _____
- d) “Drone” includes Autonomous Aircraft, Remotely Piloted Aircraft, Model Aircraft, Unmanned Aircraft / Unmanned Aerial Vehicle or any similar flying object by whatever name called;
- e) “manufactured drug” will have the same meaning as assigned to it under clause (xi) under section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ;

- f) "Law" includes any Act of Parliament or of a State Legislature, Ordinances promulgated by the President or a Governor, as the case may be. Regulations made by the President under article 240, Bills enacted as President's Act under sub-clause (a) of clause (1) of article 357 of the Constitution and includes rules, regulations, bye-laws and orders issued or made there under;
 - g) "Model Aircraft" means Unmanned Aircraft without payload used for recreational purposes only;
 - h) "Narcotic drugs" shall have the meaning as ascribed to such term under clause (xiv) under section 2 of the 'The Narcotic Drugs And Psychotropic Substances Act, 1985';
 - i) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;
 - j) "operator" means a person who is in control of an unmanned aircraft, and if the unmanned aircraft is operated by computer then such person exercising control over such computer, and includes the owner of the unmanned aircraft; "person" includes a natural person and a company or an association or a body of persons, whether incorporated or not;
 - k) (f) "preparation" will have the same meaning as assigned to it under clause (xx) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ; "prescribed" means prescribed by rules made under this Act;
 - l) "psychotropic substance" shall have the meaning as ascribed to such term under clause (xxiii) of section 2 of the 'The Narcotic Drugs And Psychotropic Substances Act, 1985';
 - m) "Remotely Piloted Aircraft" means an unmanned aircraft which is piloted from a remote pilot station.
 - n) "recordings" includes images, audio, radar images, measurements, and any other measurement or reproduction made by an unmanned aircraft and includes copies thereof;
 - o) "rules" means rules prescribed under this Act;
 - p) "special event" means an event notified as special event by the central government;
 - q) "terrorist act" shall have the same meaning as assigned to it under clause (g) under subsection (1) of the Prevention of Terrorism Act, 2002.
 - r) "Unmanned Aircraft" or "Unmanned Aerial Vehicle" means an aircraft or aerial vehicle which is intended to operate with no pilot on board or which is not operated by an individual from within such aircraft;
 - s) "unregistered unmanned aircraft" means an unmanned aircraft which has not been registered under Rule 30 of the Aircraft Rules, 1937.
- (2) Any reference, in this Act, to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provisions of the corresponding law, if any, in force in that area.

CHAPTER II

Use and operations of Drones

3. **Permission of Appropriate Authority –**

- a) No person shall use, operate or fly a Drone without obtaining prior registration, and/or permission and/or license, as the case may be as prescribed under the rules, from the Director General.
- b) No person shall import, manufacture, buy or sell a Drone without obtaining prior registration and/or permission and/or license, as the case may be as prescribed under the rules, from the Director General.
- c) No person shall use, or allow use of, Drone to carry any bomb, dynamite or other explosive substance or ammunition or inflammable substances or fire arms or other lethal weapons or poisonous or noxious or other chemical or any biological, radiological, nuclear material or device.
- d) No person shall use, or allow use of, Drone to carry any narcotic drugs or psychotropic substances.
- e) No person shall import, manufacture, buy, sell, possess, use, operate or fly a Drone in contravention of any registration, permission or licensing terms issued pursuant to this Act.

3A. Operation of unregistered unmanned aircraft

- a) No person shall operate any unregistered unmanned aircraft, in any public space, or in any private space above such altitude as may be notified by the central government.
- b) Any person who violates subsection (1) shall be liable for a fine as specified in Schedule I.
- c) In this section the term “public space” includes parks, roads, forests, and other areas to which the public has access.

3B. Operation of unmanned aircraft in unscheduled area

- (1) Any operator, who intends to operate any unmanned aircraft in any public space, shall apply to the police station with jurisdiction over such public space, in such form and manner as may be prescribed, at least ten days before the intended day of operation.
- (2) If the area falls under the jurisdiction of multiple police stations, then an application may be made to any one police station with jurisdiction over any part of such area.
- (3) An application under subsection (1) may also be submitted in electronic form in such manner as the central government may prescribe, and an application made in compliance with this subsection shall have the same effect and validity of an application made under subsection (1).
- (4) If the application is submitted in electronic form under subsection (3), the application shall be granted or denied by such officer of the central government as notified by the central government.
- (5) Such police officer of such police station, not below the rank of inspector, if the application is made under subsection (1), or such officer of the central government as maybe notified, if the application is made under subsection (3), after making such enquiry as may be necessary, may permit the applicant operator, by a written order, to operate such aircraft on such terms as may be specified in the written order.
- (6) If such police officer of such police station, if the application is made under subsection (1), or such officer of the central government as maybe notified, if the application is made under subsection (3), does not respond to such application within seven days of the application, the application will be deemed to have been granted.

- (7) If such police officer of such police station, if the application is made under subsection (1), or such officer of the central government as maybe notified, if the application is made under subsection (3), proposes to refuse to grant an application under this section, such police officer or such officer of the central government shall make a written order recording the reasons for such refusal and provide a copy of such order to the applicant operator.
- (8) An appeal shall lie to such officer of the central government, as the central government may notify, against any written order made under this section refusing permission to operate an unmanned aircraft or any condition imposed on the operation of an unmanned aircraft.
- (9) Without prejudice to the generality of subsection (5), a written order under this section may include terms which require the operator to:
- (a) operate the unmanned aircraft:
 - (i) within designated time; or
 - (ii) in such manner as to avoid flying over specific areas;
 - (b) keep and submit to the police station, such records as required, including but not limited to:
 - (i) path of flight;
 - (ii) any photographs;
 - (iii) any other information about the operation of unmanned aircraft as may be prescribed;
 - (c) operate unmanned aircraft under the supervision of such police officer or personnel as may be specified in the order;
 - (d) destroy or remove any recordings made during the operation of the unmanned aircraft; or
 - (e) take such other measures necessary to protect the security of India.
- (10) Without prejudice to the generality of the foregoing provisions, the central government may prescribe requirements to:
- (a) enable easy identification of unmanned aircraft by use of visual, radio-frequency, or other methods;
 - (b) require an operator to maintain such systems that a police officer may be able to contact the operator; and
 - (c) such other measures which may necessary to protect the security of India.
- (11) Any operator who violates any terms or conditions of a written order made under this section shall be liable to a fine as specified in Schedule I.

3C. Operation of unmanned aircraft in scheduled areas

- (1) Notwithstanding anything contained in section 4, any operator who intends to operate any unmanned aircraft in any area under Schedule II, shall apply to such officer of the central government as the central government may notify, not less than twenty days before the intended date of operation.

- (2) An application under subsection (1) may also be submitted in electronic form in such manner as the central government may prescribe.
- (3) The central government may prescribe the manner in which the application under subsection (2) may be submitted electronically and an application made in compliance with this subsection shall have the same effect and validity of an application made under subsection (1).
- (4) The officer to whom an application is made under this section, after making such enquiry as may be necessary, may permit, the applicant operator, by a written order, to operate such aircraft on such terms as may be specified in the written order.
- (5) Without prejudice to subsection (4), the written order may include terms which require the operator to:
 - (a) operate the unmanned aircraft:
 - (i) within designated time; or
 - (ii) in such manner as to avoid flying over specific areas;
 - (b) keep and submit to the officer, such records as required, including but not limited to:
 - (i) path of flight;
 - (ii) any photographs;
 - (iii) any other information about the operation of unmanned aircraft as may be specified;
 - (c) operate unmanned aircraft under the supervision of such police officer or personnel as may be specified in the order;
 - (d) destroy or remove any recordings or copies of recordings made during the operation of the unmanned aircraft; or
 - (e) take such other measures necessary to protect security of India.
- (6) If the officer refuses to grant the application the officer shall communicate the refusal to the applicant but may not disclose the reasons for refusal if disclosing such reasons may undermine the security of India.
- (7) An appeal shall lie against an order of refusal or any conditions imposed in an order permitting operation of an unmanned aircraft, to such officer not below the rank of Joint Secretary to the Government of India as may be notified by the central government.

3D. Operation of unmanned aircraft in an emergency

- (1) Notwithstanding anything contained in section 4 and section 5, any operator may make a written application, in such form and manner as maybe prescribed by the central government, to operate an unmanned aircraft,
 - (a) in a public space, in less than 10 days before the intended day of operation; and
 - (b) in any area under Schedule II, in less than 20 days before the intended day of operation, only in circumstances of emergency, subject to the provisions of this section.

- (2) Without prejudice to the generality of the foregoing provision, an application, under subsection (1), shall state the designated time of flight, the path of flight and the reasons to operate an unmanned aircraft without receiving a written order, under subsection (6) of section 4, or a written order, under subsection (4) of section 5.
- (3) An application, under clause (a) under subsection (1), shall be submitted to the police station having jurisdiction over such public space.
- (4) An application, under clause (b) under subsection (1), shall be submitted to such officer of the central government, as maybe notified by the central government.
- (5) An application, under subsection (1), may also be submitted in electronic form in such manner as the central government may prescribe.
- (6) The central government may prescribe the manner in which the application, under subsection (5), may be submitted electronically and an application made in compliance with this subsection shall have the same effect and validity of an application made under subsection (1).
- (7) Such police officer of such police station, if an application is submitted under subsection (3), or such officer of the central government as maybe notified by the central government, if an application is submitted under subsection (4), may not permit the applicant operator to operate an unmanned aircraft, by a written order, even in circumstances of emergency.

Provided that such police officer of such police station, or such officer of the central government, shall have reasonable cause to believe that the intended operation may cause an imminent threat to public safety.

- (8) Such police officer of such police station, if an application is submitted under subsection (3), or such officer of the central government as maybe notified by the central government, if an application is submitted under subsection (4), may grant ex post-facto approval, by a written order, to operate an unmanned aircraft. Provided that such police officer of such police station, or such officer of the central government, shall satisfy himself that circumstances of emergency existed for the operation.
- (9) Notwithstanding anything contained under the Code of Criminal Procedure, 1973, an appeal shall lie against an order of rejection, under subsection (7) and subsection (8), to such court not inferior to the Court of Sessions, having jurisdiction over the intended area of operation.

CHAPTER III

Power of Appropriate Authority

4. Power of Appropriate Authority to make rules –

- (1) The Appropriate Authority may, by notification in the Official Gazette, prescribe rules governing and regulating the import, manufacturing, buying, selling, possession, use, operation or flying of Drones or any class of Drones.
- (2) The Appropriate Authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act including rules for issuance of registration, permission or license for import, manufacturing, buying, selling, use, operation or flying of Drone(s), and for various terms and

conditions, including application formats and fees, for obtaining such registration, permission and license.

- (3) Every notification made by the Appropriate Authority under sub-section (1) and (2) of section 4 and every rule made by it shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

4A. Power to make Rules

(1) The central government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:

(a) the rank and position of the government officer to whom application can be made under sub-section (1) of Section 4;

(b) the form and manner of applications made under sub-section (1) of Section 4;

(c) the manner of electronic applications submitted under sub-section (3) of Section 4;

(d) the requirements to enable easy identification of the unmanned aircraft, systems to contact the operator of unmanned aircraft by a police-officer or any such requirements necessary to protect the security of India under sub-section (10) of Section 4;

(e) the rank and position of the government officer to whom application can be made under sub-section (1) of Section 5;

(f) the manner of electronic applications submitted under sub-section (2) of the Section 5;

(g) the rank and position of government officer empowered to intercept or confiscate any unmanned aircraft, or arrest the operator of any unmanned aircraft, under sub-section (1) of Section 6; or

(h) any other matter which is to be or may be prescribed.

5. Appointment of Director General of Drone Operations

(1) The Appropriate Authority may, by notification in Official Gazette, appoint any person to be the Director General of Drone Operations, and such other officers subordinate to the Director General as deemed necessary, for the purposes of this Act.

(2) The Appropriate Authority may, by notification in Official Gazette, direct that any and all powers exercisable by it under this Act may be exercised by the Director General or such other officer subordinate to the Director General, as may be specified in the Order.

(3) The qualifications, experience and terms and conditions of service of the Director General and subordinate officers (if any), shall be such as may be prescribed by the Central Government.

- (4) The subordinates of Director General shall perform the functions assigned to them by the Director General under the general superintendence and control of the Director General.
- (5) There shall be a seal of the Office of the Director General.

6. Power to issue directions -

- (1) The Director General appointed under sub-section (1) of section 5 may, from time to time, by order, issue directions, consistent with the provisions of this Act, the rules and the regulations made thereunder, to any person or persons engaged in the manufacture, import, buying, selling possession, use, operation or flying of Drones or matters related thereto, in any case where Director General is satisfied that in the interests of the security of India or for securing the safety of citizens of India or their property it is necessary so to do.
- (2) Every direction issued under sub-section (1) of section 6 shall be complied with by the person or persons to whom such direction is issued.

7. Power to detain Drone –

- (1) Any Appropriate Authority may, in any way deemed necessary, detain, disable, disarm, destroy, capture, confiscate any Drone, if in the opinion of such Appropriate Authority-
 - a) having regard to the nature of an intended flight, the flight of such Drone would involve danger to any persons or property, or
 - b) such detention disablement, disarmament, destruction, capture, confiscation is necessary to secure compliance with any of the provisions of this Act or the rules applicable to such Drone; or is necessary to prevent a contravention of any rules, regulations, orders, directions made under this Act or to implement any order made by any Court.

7A. Interception of unmanned aircraft

- (1) If, an unmanned aircraft is operated by a operator, in violation of section 3, or without a permit when required under section 4 or section 5 , or without making an application under section 6, any government officer, as maybe prescribed by the central government, may carry out any or all of the following actions:
 - (a) cause such unmanned aircraft to be intercepted in any manner that he thinks appropriate;
 - (b) confiscate such unmanned aircraft including any computer or systems used to operate such unmanned aircraft;
 - (c) arrest such operator.
- (2) No compensation or damages shall be payable to such operator for such interception or confiscation.
- (3) Such operator shall be liable to pay:
 - (a) the costs of such interception as may be determined in such manner as maybe prescribed by the central government;
 - (b) any costs arising out of any damage caused to any property due to such interception.

8. **Power to exempt certain Drone(s) –**

The Appropriate Authority may, by notification in the Official Gazette, exempt from all or any of the provisions of this Act, any Drone or class of Drone and any person or class of persons, or may direct that such provisions shall apply to such Drone or persons subject to such modifications as may be specified in the notification.

Chapter IV

Punishment, penalties and power to investigate

9. **Penalty for contravention of provisions of the Act, rules, regulations, orders –**

- (1) Whoever contravenes any provision of sub-section (a) and (b) of Section 3 of this Act or any rules, regulations, orders or directions pertaining thereto, shall be punishable with imprisonment which may extend up to five years and shall also be liable to fine which may extend up to fifty lakh Rupees.
- (2) Whoever contravenes any provision of sub-section (c) and (d) of Section 3 of this Act or any rules, regulations, orders or directions pertaining thereto, shall be punishable with imprisonment which may extend up to ten years and shall also be liable to fine which may extend up to one crore Rupees.
- (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence referred to in sub-section (2) of section 9 shall be cognizable.

9A. **Offences**

- (1) Any operator who uses an unmanned aircraft to carry out any activity which is punishable under any law for the time being in force shall be punishable in the same manner as if the said activity was carried out without the use of an unmanned aircraft.
- (2) Notwithstanding the generality of the foregoing provision, any operator who uses an unmanned aircraft to carry out:
 - (a) a terrorist act shall, if such act has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to fine;
 - (b) a terrorist act, in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable for fine;
 - (c) transport, import inter-State, export inter-State, import into India, export from India or tranship any narcotic drug or psychotropic substances or any manufactured drug or related preparations, in contravention of any of the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, shall be punishable in the same manner as if the said activity was carried out without the use of an unmanned aircraft.
- (3) Any person who operates an unmanned aircraft to attempt, or to abet, the commission of an offence, which is punishable under subsection (2), shall be punishable with the punishment provided for the offence.

(4) Any person who operates an unmanned aircraft in any area under Schedule II, without a permit under section 5, shall be punishable by imprisonment for a term which may extend to fourteen years, where such area belongs to the defence, arsenal, naval, military or air force establishment or a station, mine, minefield, factory, dockyard, camp, ship or aircraft, and in other cases to three years .

(5) If any person, without due cause, violates an order passed under subsection (2) and subsection (3) of Section 8, he shall be liable to a fine as specified in Schedule I and imprisonment which may extend up to five years.

(6) If any person operating an unmanned aircraft, without prior permission of the central government, intentionally, discharges anything (whether gaseous, liquid or solid), he shall be liable to a fine as specified in Schedule I and imprisonment which may extend up to five years.

(7) If person operating an unmanned aircraft, intentionally disrupts, interferes with, delays or obstructs the conduct of a special event, or any activity associated with the special event or poses a serious risk to the security or safety of persons lawfully attending a special event, he shall be liable to a fine as specified in Schedule I and imprisonment which may extend up to five years.

(8) If any person operating an unmanned aircraft, without permission under this Act, operates the unmanned aircraft at a distance less than 30 meters from a person, vessel, vehicle or structure not under the control of the operator, he shall be liable to a fine as specified in Schedule I and imprisonment which may extend up to five years.

(9) If any person operating an unmanned aircraft, without permission under this Act, operates the unmanned aircraft at a distance less than 120 meters from an assembly of 50 or more person not under the direct control of the operator, he shall be liable to a fine as specified in Schedule I and imprisonment which may extend up to five years.

10. Penalty for flying so as to cause danger –

Whoever willfully flies any Drone in such a manner as to cause danger to any person or to any property on land or water or in the air shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten lakh rupees or with both.

11. Penalty for abetment of offences and attempted offences –

Whoever abets the commission of any offence or contravention of provisions under this Act or the rules, regulations or orders made under this Act or attempts to commit such offence, and in such attempt does any act towards the commission of the offence, shall be liable to the punishment provided for the offence.

12. Punishment for offence for which no punishment is provided –

Whoever contravenes any provision of this Act or any rule or order made, or any condition of any registration, permission or license issued thereunder for which no punishment is separately provided in this Chapter, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend up to ten lakh rupees, or with both.

13. Enhanced punishment for offences after previous conviction –

(1) If any person who has been convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, any of the offences punishable under this Act is subsequently convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, an offence punishable under this Act with the same amount of punishment, shall be

punished for the second and every subsequent offence with rigorous imprisonment for a term which may extend to one-half of the maximum term of imprisonment and also be liable to fine which shall extend to one-half of the maximum amount of fine.

- (2) Where the person referred to in sub-section (1) is liable to be punished with a minimum term of imprisonment and to a minimum amount of fine, the minimum punishment for such person shall be one-half of the minimum term of imprisonment and one-half of the minimum amount of fine:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding the fine for which a person is liable.

- (3) Where any person is convicted by a competent court of criminal jurisdiction outside India under any corresponding law, such person, in respect of such conviction, shall be dealt with for the purposes of sub-sections (1) and (2) as if he had been convicted by a court in India.

14. Recovery of Penalty -

Where any fine or penalty imposed on any person under this Act is not paid within six months from the day of imposition of fine or penalty, the Director General or any other officer authorized by him in this behalf may proceed to recover the amount from the said person in the same manner as prescribed in Schedule II of the Income Tax Act, 1961 for the recovery of arrears and he or any officer authorized by him in this behalf shall have all the powers of the tax recovery officer mentioned in the said Schedule for the said purpose.

15. Penalties or detention not to interfere with other punishment –

No penalty imposed or detention of Drone made under this Act shall prevent the award of compensation or imposition of any other penalty or punishment under any other Law for the time being in force.

16. Power to investigate -

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a police officer not below the rank of Inspector shall investigate any offence under this Act.

17. Power of police officer and other officers to enter, search etc. –

- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer, not below the rank of an Inspector or any other officer of the Central Government or a State Government authorized by the Appropriate Authority in this behalf may enter any public place and search and arrest without warrant any person found therein who is reasonably suspected of having committed or of committing or of being about to commit any offence under this Act.

For the purposes of this sub-section, the expression "Public Place" includes any public conveyance, any hotel, any shop or any other place intended for use by, or accessible to the public.

- (2) Where any person is arrested under sub-section (1) by an officer other than a police officer, such officer shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case or before the officer-in-charge of a police station.
- (3) The provisions of the Code of Criminal Procedure, 1973 shall, subject to the provisions of this section, apply, so far as may be, in relation to any entry, search or arrest, made under this section.

17B. Search and Seizure

- (1) This provision applies to any person who operates an unmanned aircraft in violation of subsection (1) of Section 3; or without a permit under subsection (1) of section 4; or without a permit under

subsection (1) of section 5; or without making an application under subsection (1) of section 6, or in violation of the terms of a permit under the same sections.

(2) If any police officer, not below the rank of an inspector, has reasonable grounds to believe that a person is operating an unmanned aircraft in violation of subsection (1) of Section 3; or without a permit under subsection (1) of section 4; or without a permit under subsection (1) of section 5; or without making an application under subsection (1) of section 6; or in violation of the terms of a permit under the same sections, he may pass a written order for the seizure of designated items from such person.

(3) If any police officer, not below the rank of an inspector, has reasonable grounds to believe that any person is in possession of designated items such officer may make an application to the Judicial Magistrate of the first class having jurisdiction for an order for the seizure of such designated items.

(4) Any person, against whom an order is passed under subsection (2) or subsection

(3), shall be liable to have their designated items confiscated for a period not exceeding six months to determine if such unmanned aircraft was used in violation of any other law.

(5) Any police officer, not below the rank of an inspector, may direct any person, by a written order, to produce the designated items before such police officer.

(6) After considering the application under subsection (3), and hearing such officer, if necessary, the Magistrate may, by order, authorise any police officer—

(a) to enter, with such assistance, as may be required, the place or places where such designated items are kept;

(b) to search that place or those places in the manner specified in the order; and

(c) to seize such designated items.

(7) In this section “designated items” means any unmanned aircraft which has been used in violation of of subsection (1) of Section 3; or without a permit under subsection (1) of section 4; or without a permit under subsection (1) of section 5; or without making an application under subsection (1) of section 6; or in violation of the terms of a permit under the same sections, and includes any system used to operate such unmanned aircraft, any records pertaining to such flights and any recording made by such unmanned aircraft and copies thereof.

18. Offences by entities –

(1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made there under is an entity (whether registered or not), every person who, at the time the contravention was committed, was in charge of, and was responsible to, the entity for the conduct of business of the entity as well as the entity, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly; provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention

(2) Notwithstanding anything contained in sub-section (1) of section 15, where a contravention of any of the provisions of this Act or of any rule, notification or order made there under has been committed by an entity and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the entity by whatever name called, such director, manager, secretary or other officer by whatever name called, shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

OR

- (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this subsection shall render any such person liable to such punishment provided in this Act. if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (3) In this section,
 - (a) "company" means a body corporate and includes a firm or other association of individual; and
 - (b) "director", in relation to a firm, means a partner in the firm.

19. Act to apply for offence or contraventions committed outside India -

- (1) Subject to the provisions of sub-section (2), the provisions of this Act shall apply also to any offence or contravention committed outside India by any person irrespective of his nationality.
- (2) For the purposes of sub-section (1), this Act shall apply to an offence or contravention committed outside India by any person if the act or conduct constituting the offence or contravention involves a Drone used, operated or flown within the territory of India.

19A. Compounding of certain offences

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishment with imprisonment only, or with imprisonment and also with fine, may either before or after the institution of any proceeding, be compounded by a court before which such proceedings are pending.

Chapter V

Miscellaneous

20. Act to have overriding effect –

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force provided that nothing contained in this Act shall restrict any person from exercising any right or performing of duty conferred under the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, the Unlawful Activities (Prevention) Act, 1967, the Narcotic Drugs and Psychotropic Substances Act, 1985, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 or the Aircraft Act, 1936.

21. Power to Give Direction –

The Central Government may give directions (including standard operating procedures for disablement, disarmament, destruction, capture, confiscation of Drones) to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule, regulation or order made there under.

22. Removal of Difficulties –

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty: Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

23. Saving of application of Act -

Nothing in this Act or in any order or rule made thereunder shall apply to or in respect of any Drone belonging to or exclusively employed in the naval, military or air forces of the Union of India, or to any person in such forces employed in connection with such Drone. Nothing under this Act or any rule made thereunder shall apply to any entity or any unmanned aircraft operated by any entity listed in Schedule ____ of this Act.

24. Saving for acts done in good faith under the Act -

No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

25. Provisions to be in addition to existing laws

Save as otherwise provided herein above the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Schedule I

(See sub-section (2) of Section 3, sub-section (11) of Section 4 and sub-sections (4-9) of Section 8)

| Provision | Fine in financial year 2017 |
|------------------------------|-----------------------------|
| Sub-section (2) of Section 3 | |
| Subsection (11) of Section 4 | |
| Subsection (4) of Section 9 | |
| Subsection (5) of Section 9 | |
| Subsection (6) of Section 9 | |
| Subsection (7) of Section 9 | |
| Subsection (8) of Section 9 | |
| Subsection (9) of Section 9 | |

Schedule II

(See sub-section (1) of Section 5 and sub-section (4) of Section 8)

1. Any area within [250] metres of a prohibited place as defined under the Official Secrets Act, 1923

Schedule III

(See Section 10)

1. Naval, Military force and Air forces under the Constitution of India.
2. Border Security Force under section 4 of the Border Security Force Act, 1968.
3. Coast Guard under section 4 of the Coast Guard Act, 1978.
4. Sashastra Seema Bal under section 4 of the Sashastra Seema Bal Act, 2007.
5. Police force under section 2 of the Police Act, 1861.
6. Central Reserve Police Force under section 3 of the Central Reserve Police Force Act, 1949.
7. Central Industrial Security Force under section 3 of the Central Industrial Security Force Act, 1968.
8. National Investigation Agency under section 3 of the National Investigation Agency Act, 2008.
9. National Security Guard under section 4 of the National Security Guard Act, 1986.
10. Indo-Tibetan Border Police Force under section 4 of the Indo-Tibetan Border Police Force Act, 1992.
11. Assam Rifles under section 4 of the Assam Rifles Act, 2006.