

'Without penalty, provisions remain ineffective'



PIYUSH GUPTA

A lot of interest is being shown on the use of Unmanned Aerial Vehicles or drones in the country, both for commercial and recreational purposes. Drones have the potential for use in a large number of civil applications. Its use, besides being a safety issue, also poses a security threat, and has the potential for invading privacy.

The airspace over Indian cities already has a high density of aircraft traffic and

unregulated use of drones poses a grave threat for air collisions and accidents.

In the light of such a condition, I am of the considered opinion that issues of security, enforcement and penalty have not been adequately dealt with under the draft guidelines. For instance, the guidelines provide that a drone shall not be sold without Directorate General of Civil Aviation (DGCA) permission. Without adequate enforcement and penalty provisions, such a rule will remain ineffective. Drones continue to be sold unabated and it will be extremely difficult to enforce the provision of seeking the DGCA's permission for "any sale of drones" in India.

Unauthorised use of drones in India is set to attract a monetary penalty, against

the incumbent penalty of merely cancelling or suspending the operating permit issued by the DGCA. Take for instance a case in the US in October: The Federal Aviation Administration imposed a penalty of \$1.9 million on a start-up — SkyPan International — for conducting drone flights without authorisation.

Without adequate monetary fines, the penalty provisions in the guidelines will lack the bite to be taken seriously. The regulator should also consider provisions making it obligatory for an alleged offender to deposit the penalty in an escrow account, pending litigation. This will ensure that drone operators take their responsibilities seriously.

*The writer is partner,
Kochhar & Co*