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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

EMPOWERING STATE POLICE TO ENFORCE DRONE REGULATIONS: A LEGISLATIVE NEED IN INDIA'S EVOLVING AIRSPACE

AUTHORED BY - KUSHAGRA TRIPATHI

I. Introduction

In the current age of multifarious technological evolution and some significant ongoing warfare, the unmanned aerial vehicles commonly known as drones have emerged as one of the biggest challenges for state. Recognizing the growing use and potential risks associated with drones, the Government of India enacted the Drone Rules, 2021 under the authority of The Aircraft Act, 1934. However, recent incidents across India involving unregistered, unauthorized, and even hostile drones have highlighted a critical gap in enforcement mechanism in the Aircraft Act with respect to Drones in particular.

Alarming recent events have shown the usage of categorized drones by non-state and criminal actors for disruption of public safety causing damage to mankind and critical infrastructure. While the Central Government and the Directorate General of Civil Aviation (DGCA) have the primary regulatory role, State Police and state law enforcement agencies currently lack the statutory authority to act effectively and independently against drone-related violations. This legal void and statutory silence have implications for national security, civil safety, and privacy rights.

This article examines the need to empower State Police to act against unregistered drones, presents case studies, compares international best practices, and suggests concrete legislative amendments to bridge the existing enforcement gap.

II. Need for statutory empowerment of state police

There have been multiple incidences in recent past loudly exposing the enforcement void. Under the present statute these frameworks do not empower State Police explicitly, nor do they prescribe procedures for local enforcement leaving authorities on the ground with little recourse when encountering unauthorized drones.

Some of such incidences are mentioned below -

A. Misuse of Drones by non-state actors

1. Jammu Airport Drone Attack (2021)

In a first of its kind incident, drones dropped explosives at the Air Force Station, Jammu, injuring personnel and damaging property. The attack exposed a glaring vulnerability with no defined role for local police to neutralize or investigate rogue drones, especially near high-value assets.

2. Drone Flight near Oil Refinery – Mumbai (2022)

A drone was spotted hovering near the Bharat Petroleum Corporation Ltd (BPCL) refinery in Mumbai. Refineries are classified as “critical infrastructure,” and drone activity could potentially aid planning of sabotage or attacks. Mumbai Police could not arrest the concerned due to absence of direct enforcement powers under present statute.

3. Oil Depot Survey Attempt – Chennai (2023)

A drone was seized while it was filming the periphery of a petroleum depot in North Chennai. It was alleged to be used for illicit surveillance for potential vandalism or intelligence gathering. Operator fled; police were unable to prosecute under Aircraft Act and Drone Rules due to lack of clear seizure protocol and state powers.

B. Urban Drone Misuse: Multiple City Incidents

1. Mumbai (2022) – Unauthorized drones were spotted over Mantralaya and Bombay High Court, raising alarms of potential surveillance on government premises. Mumbai Police had to depend on the DGCA for post-facto verification, delaying enforcement.

2. Bengaluru (2023) – Drones flown near the Kempegowda International Airport triggered disruptions and led to flight diversions. CISF and airport authorities were unable to take immediate action due to the lack of real-time tracking and police authority under current laws.

3. Hyderabad (2023) – Commercial drone operators were found filming over private gated communities and industrial estates without consent or permits. Local police cited lack of clarity under the Aircraft Act to prosecute for aerial trespass.

C. Drones in Naxal Territories: Emerging Internal Security Risk

1. Chhattisgarh (2022) – Security forces discovered a drone crash site used by Naxalites for surveillance of CRPF camps. The drone was unregistered, but local police lacked the jurisdiction to prosecute under Aircraft Act.

2. Odisha (2022) – Drones were reported scouting forested areas near Malkangiri and

Kandhamal, suspected to be used for arms drops. The local police confiscated equipment but faced no clear legal procedure for seizure, examination, or prosecution.

III. Global Approaches to Local Enforcement

Across the world, democratic nations are facing rise in drone usage and thus associated risks. Many of them have decentralized enforcement powers, recognizing that ground-level response is essential for public safety, national security, and privacy protection. The following international models offer useful precedents for India:

1. United States of America

Under the Federal Aviation Administration (FAA) Reauthorization Act of 2018, the Local and state law enforcement agencies are empowered to detain drones, question operators, and initiate enforcement actions.

2. United Kingdom

Following the 2018 Gatwick Airport drone disruption, the UK amended the Air Navigation Order 2016 and the Police Act to empower law enforcement with the authority to land, seize, and inspect drones. It provides the police with powers to issue on-the-spot fines up to £1,000 for registration and permission breaches.

3. France

France enforces strict drone regulations under the *Code de l'Aviation Civile* (Civil Aviation Code) 1958. Under the code, Municipal police are empowered to inspect drones and question operators. In Paris, drone surveillance and enforcement are handled jointly by Police and Directorate General of Civil Aviation.

4. Germany

Germany's *Luftverkehrs-Ordnung* (Air Traffic Regulation) 1964 empowers State Police to detain unlicensed drones and initiate proceedings under aviation safety and privacy laws.

5. Australia

Under the Civil Aviation Safety Regulations (CASR) 1998, Australia empowers State and Territory Police to enforce no-fly zones, register violations, and confiscate rogue drones.

IV. Existing Legal Framework: Aircraft Act 1934 & Drone Rules 2021

Drones are Unmanned Aerial Vehicles which is a type of Unmanned Aircraft System that falls under the ambit of Aircraft as per section 2(1) of the Aircraft Act 1934. Drones are thus governed by The Aircraft Act, 1934 and The Drones Rules, 2021.

Under the Aircraft Act, 1934, the Central Government is empowered to regulate the manufacture, possession, operation, and safety of aircraft. The Drone Rules, 2021, notified under this Act, introduced a streamlined framework for drone classification, registration, pilot certification, and operation permissions.

In case of any violations of Drone Rules, Rule no. 50 of Drone Rules 2021 states levying penalty up to 1 lakh INR by DGCA or any other authority authorized by central government in accordance with provisions of section 10A of Aircraft Act which mentions about adjudication of penalties.

As far as cognizance of offence is concerned, as per section 12B of the Aircraft Act, no courts can take cognizance without a complaint made by Director General of Civil Aviation (DGCA) or Director General of Bureau of Civil Aviation Security (DGBCAS) or Director General of Aircraft Accident Investigation Bureau (DGAIB). This clearly shows that state police have no statutory authority to register a FIR in case of violation of the Drone Rules under The Aircraft Act.

V. Suggested Legislative Amendments

The need to empower State Police and law enforcement agencies to act against unauthorized drone activity cannot be realized without clear statutory backing. While current law i.e. The Aircraft Act 1934 centralize enforcement under DGCA and the Ministry of Civil Aviation, they lack a federalist structure for operational enforcement.

The following suggested amendments aim to create an enabling legislative framework:

1. Insertion of a new sub section under section 12 of The Aircraft Act 1934 Since Section 12 (B) of the Act clearly mandates prior sanction by DGCA or DGBCAS or DGAIB only for any cognizance to be taken against unauthorized Drones, it therefore gives no autonomous authority to state police/state enforcement agencies for acting against offences committed by unmanned aerial vehicles endangering public safety.

Therefore Section 12 can be enhanced with a new sub section – ‘c’ providing for autonomous powers and rights to the local police to address unauthorized arial activities.

The new sub section may include the following to ensure strict implementation of Drone Rules.-

(a) Any police officer not below the rank of Sub-Inspector shall have the authority to:

- Intercept, search, and seize any unmanned aircraft system (UAS) and associated devices, including drones, found operating in contravention of this Act or any rules made thereunder.
- Require any drone operator to produce a valid Unique Identification Number (UIN), flight authorization, remote pilot license, and other necessary permits.

(b) State Police shall have the jurisdiction to register FIR against anyone responsible for violating drone rules, conduct investigations, and initiate legal proceedings as per the procedure established by law for offences punishable under the Aircraft Act 1934 and Drone Rules 2021 without mandatory requirement of complaint made by DGCA, DGBCAS or DGAAIB.

Justification:

This provision will create statutory recognition of police powers and ensures lawful drone seizure, investigation, and prosecution without requiring prior approval from central authorities—essential for time-sensitive security interventions.

2. Insertion of a new clause under sub section 5(2) of The Aircraft Act 1934 An amendment can be made under section 5(2) of The Aircraft Act by adding a new clause ‘r’ making central government duty bound to provide for rules regarding localized scheme of enforcement prescribing the powers, functions, responsibilities, and standard operating procedures for enforcement of drone-related laws by State Governments and their police.

Justification:

Currently, no delegated legislation exists to support drone law enforcement by States. This amendment provides the statutory hook for the Centre to issue rules that support decentralized implementation. A written standard operating procedure for States will also rule out all sorts of ambiguity amongst police of different states with respect to addressing drone rules violations.

3. Purpose of arial activity should be intimated

To curb Drone missuses, the Drone Rules 2021 should be amended requiring operators to pre-register the purpose of their arial activity on the Digital Sky platform, with full access granted to police. This will help address security and individual’s privacy concerns.

For operationalizing the proposed legislative framework, a structured, multi-phase roadmap must be adopted. The implementation plan must account for legal preparedness, inter-agency

coordination, infrastructure, and technical capacity-building at the State level.

VI. Conclusion

As India's airspace becomes increasingly populated with drones, it is imperative that enforcement should be decentralized. While the DGCA and Ministry of Civil Aviation remain the principal regulatory bodies, law enforcement agencies particularly police being the first responder to any adversary must be empowered to register a criminal case autonomously against unauthorized or dangerous drone operations protecting mankind and infrastructure.

Empowering State Police through clear legislative amendments will bridge the existing enforcement vacuum, enhance national security and urban safety, create accountability at both operational and regulatory levels.

Therefore it's need of the hour that India must adopt a dual-layer enforcement model comprising of central regulation with decentralized enforcement mirroring global best practices to ensure persistent security.



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