

F. No. 394/08/2017-Commr (Inv.-Cus.)

Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes & Customs
(Investigation – Customs)

New Delhi, dated: 20/09/2019

To,

All Principal Chief Commissioners/ Chief Commissioners of Customs/ Customs (Preventive)/ Customs & CGST,
The Principal Commissioner, Directorate of Logistics,
The Directors General, DRI/ DGCI,
Webmaster, CBIC.

Madam/ Sir,

Subject: Disposal of Unmanned Aircraft System(UAS)/Unmanned Aerial Vehicle (UAVs)/remotely piloted Aircrafts (RPAS)/Drones-reg.

Unmanned Aircraft Systems (UAS)/ Unmanned Aerial Vehicles (UAVS)/ Remotely Piloted Aircrafts (RPAS)/ Drones, (herein-after referred to as 'Drones') of various frequencies brought by the passengers at different Airports or imported at various ports, FPOs, etc., in contravention of the statutory requirements, have been absolutely confiscated as per legal process. Accordingly, the Customs field formations have sought the Board's guidelines for the disposal of such confiscated Drones.

2. The matter of disposal of the confiscated Drones has been examined in consultation with the regulatory agencies such as the Director General of Civil Aviation (DGCA), the Wireless Planning and Coordination (WPC) Wing of the Ministry of Communications and Information Technology and the Ministry of Home Affairs (MHA). During such consultation, the following points emanated, namely-

- (i) DGCA's Drone guidelines on 'Requirements for Operation of Civil Remotely Piloted Aircraft System (RPAS)', which are available at <http://dgca.nic.in/cars/D3X-XI.pdf> prescribe the regulatory requirements, restrictions and procedure relating to licensing and operation of Drones.
- (ii) The Drones owned/ operated by National Technical Research Organisation (NTRO), Aviation Research Centre (ARC) and Central Intelligence Agencies are exempted from obtaining UIN.
- (iii) The Drones are required to get Equipment Type Approval (ETA) from WPC Wing. There is no exemption to any agency/organisation in this regard.

- (iv) The MHA has categorically directed that the Drones should not be auctioned/ sold as such or even in dismantled condition in the open market; and that due to security reasons, these should be handed-over to the Defence/ Security Forces only.

3. On its part, the Integrated Financial Unit (IFU) of the Ministry of Finance has concurred with the proposal for transfer of such Drones to the eligible agencies within the Government free-of-charge on *gratis basis*.

4. In the circumstance, the following guidelines are prescribed for disposal of confiscated Drones which are 'ripe for disposal':

- a) All the formations shall prepare an inventory of Drones, available as-on-date, according to their type, make, model, etc. The drones will be classified in accordance with the DGCA guidelines. Para 3.1 of these guidelines provides the categorization of the Drones, as follows:

"3.1 Civil RPA is categorized in accordance with Maximum All-Up-Weight (including payload) as indicated below:

- (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."*

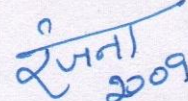
- b) All the Drones of all the categories shall be transferred to the warehouses of the following Customs formations, namely, Chennai (Airport), Delhi (IGIA), Kolkata (Airport) and Mumbai (Airport), which shall be the focal Commissionerates for stocking, segregation, joint inspection by all agencies and distribution. For this purpose, all the Customs Zones have been mapped to these focal Commissionerates as indicated at **Annexure-A**.
- c) The Customs formations shall transfer the stock of Drones only after they are 'ripe for disposal'. Adequate precaution shall be taken, so that no pilferage/ loss takes place during such transfer. The Superintendent in-charge of Warehouse shall prepare the list of Drones and get the approval of the Principal Commissioner/ Commissioner concerned before such transfer. The list of Drones shall contain category, type, make, quantity and any other information which may be available on the package; due acknowledgement of receipt of the Drones at the destination Focal Customs Commissionerates should be given and a corresponding receipt entry shall be made in the Warehouse/ Disposal Register. The Pro-forma for maintaining a record of the transfer and acknowledgement are given at **Annexure-B**. Copies shall be kept by the Warehouse/ Disposal Sections of the transferring Customs Zones and the Focal Customs Commissionerates.
- d) At the Focal Customs Commissionerates, the general principle of identification, segregation and distribution of the stock of the seized/ confiscated Drones shall be as follows:

- (i) In regard to the stock of the Drones that is presently available, the following action will be taken:
 - a) The requirements of DRI and Customs field formations shall be met first from the available stock of Drones. For this purpose, any Customs field formation requiring the Drones for their operational purpose, shall make a request to the DGRI, which shall make a recommendation for approval to the Board. After such approval, the DRI may include the requirement of the field formation(s) to its own requirement for determining their total requirement; and convey the same to all the Focal Customs Commissionerates.
 - b) The Focal Customs Commissionerates shall intimate DRI and the concerned Customs field formation about the availability/ receipt of the Drones, and the DRI/ Customs field formation will then identify and take possession of the Drones as per their requirement.
 - c) The remaining stock of Drones will be distributed equally between the MoD & the MHA (and their constituent organizations/ agencies) after a joint inspection that will be conducted by the nodal officers of the MoD and the MHA (or their authorised representatives).
- (ii) As regard the future stock of the Drones that are received by the Focal Customs Commissionerates from time to time, the requirements of DRI and Customs field formations shall be met first. Thereafter, the MoD & the MHA (and their constituent organizations/ agencies) shall be invited for a joint inspection to be conducted by the nodal officers of the MoD and the MHA (or their representatives) bi-annually in the second/ third week of January and July. In case either Ministry does not turn up for such joint inspection or forgoes its quota, the same would be made available to the other.
- (iii) In the event, the DRI (or Customs field formation) does not require any Drones, the same shall be intimated by the DRI to the Focal Customs Commissionerate; and the available stock will then be distributed equally between the MoD & the MHA (and their constituent organizations/ agencies). In case either Ministry forgoes its quota, the same would be made available to the other.
- e) For the joint inspection and segregation of the Drones by different agencies:
 - (i) The Additional/ Joint Commissioner of Customs in-charge of 'Warehouse and Disposal' of the Focal Commissionerate, shall be the contact point for coordination with the DRI, the MoD and the MHA;
 - (ii) The Additional Director/ Joint Director (Policy), DRI-Headquarters or the Additional/ Joint Director of the Zonal Unit, as nominated by DG (DRI), shall be the nodal officer for the DRI; and
 - (iii) The Nodal officers of the MoD and the MHA are given in **Annexure-C**.
- f) The MoD and the MHA will communicate the change of the Nodal Officers (or their authorized representatives) as-and-when such change happens, to the Commissioner

(Investigation – Customs) at mgt.valavan@nic.in, CBIC. The Nodal officers shall, preferably, be at the level of Director/ Deputy Secretary.

- g) The Additional/ Joint Commissioner of Customs in-charge of Warehouse and Disposal of the Focal Customs Commissionerate will intimate the date and time of inspection of drones well in advance to the agencies concerned, and such date shall be mutually convenient for all the agencies;
- h) The transfer of the Drones, within the CBIC as well as to the MoD and the MHA, is subject to the following conditions:
- (i) The Drones shall be supplied on gratis basis (free-of-cost), on 'as-is where-is' condition;
 - (ii) It will be the responsibility of the recipient to comply with all the regulatory requirements as mentioned at Para 2 above and the DGCA conditions/ restrictions regarding possession and utilization of the Drones. The recipient shall produce all the necessary documents to this effect to the Additional/ Joint Commissioner of Customs concerned at the Focal Customs Commissionerate at the time of taking over of the Drones;
 - (iii) No Drone would be resold after the end of their life or when they become obsolete or irreparable. Such Drones shall be destroyed by all the recipient;
 - (iv) Proper acknowledgement shall be obtained and kept by the respective Focal Customs Commissionerate upon transfer of Drones to the recipients mentioned above. Such acknowledgment shall contain the details of the Drones, including their category, type, make, quantity and any other information which may be available on the package. A pro-forma, in this regard is given at **Annexure – D**.
 - (v) Upon transfer of the Drones, a suitable entry, to this effect, shall be made in the Warehouse/ Disposal Register at the Focal Customs Commissionerate.
5. The Principal Chief Commissioners/ Chief Commissioners/ Principal Directors General/ Directors General are, hereby, directed to circulate these guidelines to all the formations under their charge.
6. Difficulties, if any, in implementation of these guidelines may be brought to the notice of the Board.
7. This issues with the approval of the Competent Authority.

Yours sincerely,

 20/09/2019.

(Ranjana Chaudhary)
Asst. Commissioner (Inv. – Cus)
CBIC, New Delhi

Annexure - A

[to Board' Circular No.-32/2019 vide F. No. 394/08/2017-Commr (Inv.-Cus)]

Mapping of Customs Zones to the Focal Customs Commissionerates for transfer of confiscated Drones

S. No.	Customs / CGST Zone	Focal Customs Commissionerates
1.	Chennai, Tiruchirappalli (P), Thiruvananthapuram (Kochi), Bengaluru, Visakhapatnam, Hyderabad	Chennai (Airport)
2.	Kolkata, Bhubaneshwar, Guwahati, Patna (P)	Kolkata (Airport)
3.	Mumbai-I, Mumbai-II, Mumbai-III, Pune, Ahmedabad, Nagpur	Mumbai (Airport)
4.	Delhi, Delhi (P), Bhopal	Delhi (IGIA)

Annexure - B

[Circular No.- 32/2019 vide F. No. 394/08/2017-Commr (Inv.-Cus)]

Document for Transit Acknowledgment for Confiscated Drones

S. No.	Category	Make/Type	Any other Relevant Information Available on the Package	Quantity (in number)
(1)	(2)	(3)	(4)	(5)

Signature:

Date:

Name:

Designation: Superintendent of Customs,
Disposal/Warehouse Section,
.....Commissionerate

Acknowledgement

Received total..... Drones, as listed above, after checking and tallying with the entries mentioned in the above table.

Signature:

Date:

Name:

Designation: Superintendent of Customs,
Disposal/Warehouse Section,
.....Commissionerate

Annexure - C

[Circular No.- 32/2019 vide F. No. 394/08/2017-Commr (Inv.-Cus)]

List of Nodal Officers

S. No	Organization	Nodal Officer	Contact No./Mobile No.
1.	SPG	Sh. Sunil Kumar, SSO/Tech	011-23015964/ 9968534765
2.	CRPF	Sh. Vaibhav Kumar Srivastava, Assistant Commandant	9899359226
3.	NSG	Major Surender Singh AC-II Thorat BM	9001733778/ 7976966601 9340730105
4.	NTRO	Maj DS Sidhu (Retd), Senior Aviator	8019500111
5.	CISF	Sh. Shrikant Kishore, DIG	011-25673068/011-49654286
6.	BSF	Sh. D.S. Bisht, Commandant (Ops)	9856182908
		DC (Mod), Prov Dte, BSF	
		DC (R&D), Comn & IT Dte, FHQ. BSF	
7.	ITBP	Sh. R.P.S. Raghuvanshi, Commandant (Nodal Officer)	011-24360486
		Sh. Hem Chandra Kapil, Dy. Commandant	9410738312
		Nikhil Yadav, Sub-Inspector	8882298991
8.	DGI, GS Branch	Col Prashant Pande, YSM	011-23018398

Annexure - D

[Circular No.- 32/2019 vide F. No. 394/08/2017-Commr (Inv.-Cus)]

Transfer of Confiscated Drones to Recipient

S. No.	Category	Make/Type	Any other Relevant Information Available on the Package	Quantity (in number)
(1)	(2)	(3)	(4)	(5)

Acknowledgement

Handed over and received stock of drones after checking and tallying with the entries mentioned in the above Table.

Officer Handing over

Signature:

Date:

Name:

Designation: Additional/Joint Commissioner
of Customs, Disposal/Warehouse Section,
.....Commissionerate

Officer Receiving

Signature:

Date:

Name:

Designation: *(Not below the rank of
Director/Deputy Secretary)*

Agency:

Ministry:
