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“RECONCILING DRONE JOURNALISM WITH THE RIGHT TO PRIVACY: A LEGAL EXAMINATION UNDER INDIAN JURISDICTION”

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INTRODUCTION AND STATEMENT OF PROBLEM

Drone journalism uses drones, commonly known as unmanned aerial vehicles, to capture videos and information for news stories. It has changed how media works, allowing journalists to get real-time footage from above, reach places that were hard to get to before, and cover events like disasters, protests, and environmental issues more fully¹. Drones are becoming popular in journalism because they are affordable, easy to use, and can do a lot. This helps media outlets tell stories in new ways and keep people interested. In India, the government has rules about using drones for journalism². These rules set guidelines for how drones can be flown, where they can go, and what is allowed. While drones have helped journalism, they also raise concerns about privacy. Drones can be used to watch people without them knowing, record people secretly, and invade private spaces. This has led to legal discussions, especially since the Supreme Court of India said that privacy is a fundamental right³.

RESEARCH QUESTIONS

1. How does using drones for journalism conflict with the right to privacy under Article 21 of the Indian Constitution?
2. What are the legal implications of drone surveillance in public and private spaces under Indian law?
3. How do the Drone Rules 2021 in India regulate the use of drones in journalism, and are these regulations sufficient to protect individual privacy rights?
4. What role does the Supreme Court's decision in *K.S. Puttaswamy v. Union of India* play in defining the limits of drone usage for journalistic purposes?

¹ Benjamin Mullin, *The Future of Drone Journalism*, COLUM. JOURNALISM REV. (Mar. 1, 2017), https://www.cjr.org/the_future_of_drones_journalism.php.

² Directorate Gen. of Civil Aviation, *Civil Aviation Requirements for Unmanned Aircraft Systems*, 2021, <https://dgca.gov.in/drones>.

³ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

5. How does the Indian regulatory framework for drone journalism compare to international standards, particularly in the context of privacy protection in jurisdictions like the U.S. and the EU?
6. What ethical and legal frameworks can be developed to balance the freedom of the press and the right to privacy in the age of drone journalism in India?
7. How can data protection principles, especially those outlined in the Digital Personal Data Protection Act, be incorporated into drone journalism to ensure compliance with privacy laws?

RESEARCH OBJECTIVES

The primary aim of this research is to delve into the intersection of the right to privacy, which is a guaranteed fundamental right under the Indian Constitution, and its conflict with drone journalism. There have been recent allegations of drones being used for many purposes, one of which is journalism. The paper aims at putting forward an exhaustive study of the concept of drone journalism, along with tracing the evolution of privacy in general and then drawing parallels between drone journalism and its conflict with privacy, also taking into consideration the rules and regulations in other jurisdictions.

METHODOLOGY

This research adopts a **non-doctrinal approach**, focusing on the analysis of secondary sources such as articles, journals, books, and legal commentaries to examine the legal and ethical implications of drone journalism in India, particularly in relation to privacy rights. The methodology employed is primarily qualitative, involving a systematic review of existing literature to understand the interplay between technological advancements in journalism and the evolving legal frameworks governing privacy.

ABSTRACT

This research paper explores the legal challenges drone journalism poses in India, particularly concerning privacy rights. Drone journalism offers innovative ways for media to cover stories, but its invasive potential raises critical privacy concerns, given the evolving nature of privacy laws in India. By analyzing the right to privacy, as enshrined in the Indian Constitution and further elaborated in landmark cases such as *Puttaswamy v. Union of India*, this paper examines the tension between media freedom and individual privacy. Furthermore, the regulatory

framework governing drone usage, particularly the Drone Rules 2021, is scrutinized to assess whether the legal protections against privacy intrusions are adequate. Comparative insights from jurisdictions like the United States and the European Union are also presented to highlight best practices for reconciling privacy with journalistic innovation. The paper concludes that while drones enhance journalistic capabilities, the ethical and legal frameworks surrounding privacy must be robustly developed to prevent misuse and protect individual dignity.

Keywords: Drone, Journalism, Privacy Rights, Media, Freedom, Surveillance

CONCEPTUAL FRAMEWORK OF PRIVACY IN INDIA

The understanding of privacy in India has changed a lot, especially due to technology and concerns about government surveillance. Privacy is a fundamental part of human dignity and personal autonomy, closely linked to other constitutional rights. In India, the right to privacy is important for individual freedom and protects against arbitrary government power⁴. As society becomes more digital, protecting privacy rights is becoming more challenging, requiring a comprehensive legal framework to address current privacy issues.

The landmark judgment in Justice K.S. Puttaswamy (Retd.) v. Union of India⁵ (hereinafter referred as **“Puttaswamy judgment”**)⁴ established privacy as a constitutional right under Article 21 of the Indian Constitution. The Supreme Court's unanimous decision emphasized that the right to privacy is intrinsic to dignity, stating, "The right to privacy is protected as an essential facet of the right to life and personal liberty." This landmark ruling invalidated prior assumptions and interpretations that denied the existence of a constitutional right to privacy in India.

The Court's ruling was based on the understanding that privacy is essential for exercising other rights, including freedom of expression, freedom of association, and the right to a fair trial. The Puttaswamy judgment also highlighted that privacy encompasses various dimensions, such as informational privacy, bodily privacy, and territorial privacy. Informational privacy, in particular, has gained prominence in the digital age, where personal data collection, storage, and processing raise significant concerns regarding individual autonomy and control over personal information. Moreover, the judgment underscored the need for legislative safeguards

⁴ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

⁵ *Id*

against invasions of privacy by both state and non-state actors.

Evolution of privacy in India: The evolution of privacy law in India reflects a gradual shift from a focus on property rights and trespass during the colonial era to a more nuanced understanding of personal privacy rights in the digital age. Historically, privacy was not explicitly recognized in Indian law; instead, it was inferred from various legal provisions concerning property, reputation, and personal liberties. The Puttaswamy judgment was a significant milestone, prompting lawmakers to take serious steps toward establishing a comprehensive legal framework for data protection.

In response to the Court's mandate, the Personal Data Protection Bill, 2019⁶, was introduced in the Indian Parliament. This Bill aimed to create a robust legal framework for personal data protection and to establish a rights-based approach to data privacy. Under this proposed legislation, individuals are granted several rights concerning their personal data, including the right to access, correct, and erase their data and data portability. The bill is now transformed into the Digital Personal Data Protection Act, 2023⁷.

In conclusion, the conceptual framework of privacy in India is undergoing significant transformation, influenced by judicial pronouncements and evolving societal norms. As privacy increasingly intersects with technology, the need for comprehensive legal protection has never been more critical, marking a pivotal moment in India's legal landscape.

DRONE TECHNOLOGY AND ITS APPLICATION IN JOURNALISM

Drones were initially conceived as unmanned aerial vehicles for military purposes, but their applications have since expanded to include fields like journalism (Patricia et al., n.d.; Hamilton, 2020; Uskali et al., 2020) and television (Ferguson, 2019). The rise of drones in journalism represents a significant example of the diffusion of innovation, though it is not without challenges. Lauk et al. (2016) assert that drone journalism presents a new challenge for press freedom globally, particularly concerning media ethics. This test revolves around ethical principles and standards in media (both traditional and new) such as truth, fairness, and objectivity, balanced against public interest⁸.

⁶ Personal Data Protection Bill, 2019, No. 373 of 2019 (India).

⁷ Digital Personal Data Protection Act, 2023, No. 20 of 2023 (India).

⁸ Thompson, R. M. (2016). Domestic drones and privacy: A primer. In *Drones in the U.S.: Privacy Issues and Regulatory Considerations*. www.crs.gov

The growing popularity of drone journalism has raised complex debates surrounding privacy, intrusion, and professional ethics (Ferguson, 2019). Similarly, Ntalaks et al. (2017) highlight a range of operational, technological, and economic concerns, in addition to various ethical and legal implications, that must be addressed before drone journalism can be widely adopted. They emphasize the need for both technical competence and a deep understanding of the ethical and regulatory frameworks governing drone. Any media or documentation involving a person constitutes personal data, which requires legal protection, as the right to personal data privacy is a fundamental human right (Pelteret & Ophoff, 2016; Manolescu, 2010; Herscher, 2014)⁹.

Despite the advantages of drone technology, such as facilitating news gathering, data collection, and decision-making (Kenk et al., 2013), scholars have noted that discussions around the ethical issues of privacy infringement remain limited (Button, 2011)¹⁰. There is also a scarcity of literature addressing individuals' privacy or anonymity rights in public spaces and the justification for these rights. Existing knowledge is largely context-specific, and there is a noticeable gap in literature on the implications of drone journalism in Africa, particularly in a country like Nigeria, with a population exceeding 200 million people.

LEGAL FRAMEWORK GOVERNING DRONES IN INDIA

The use of drones in India has witnessed exponential growth in recent years, particularly in sectors such as media, agriculture, logistics, and surveillance. To regulate the burgeoning drone industry and ensure safety and privacy, the Indian government has established a legal framework that outlines specific regulations, licensing requirements, and operational restrictions. The framework is primarily governed by the Drone Rules, 2021¹¹, which serves as a comprehensive guideline for drone operations across various sectors, including journalism.

DRONE REGULATIONS (DRONE RULES, 2021)

The Drone Rules, 2021 were introduced by the Ministry of Civil Aviation to provide a structured regulatory environment for the operation of unmanned aerial vehicles (UAVs) in India. These rules aim to facilitate safe and efficient drone operations while promoting innovation and development in the drone industry.

⁹ Jansen, P., & Brey, P. A. E. (2015). The Ethics of Domestic Drones. An Ethical Evaluation of the Use of Surveillance-Capable Unmanned Aerial Systems in Civil Contexts. *Philosophy of Science, Technology and Society*, M.Sc. <https://essay.utwente.nl/69031/>

¹⁰ Button, M. (2011). Setting the Watch Privacy and Ethics of CCTV Surveillance. *International Journal of Law, Crime and Justice*, 39(4), 215–217. <https://doi.org/10.1016/j.ijlcrj.2011.08.003>

¹¹ Ministry of Civil Aviation, *Drone Rules, 2021*, Gazette Notification, No. 1830, (India) (2021).

A. KEY PROVISIONS OF THE DRONE RULES, 2021 INCLUDE:

- 1. Classification of Drones:** Drones are categorized based on their weight, with specific rules applicable to different categories. The classifications include micro drones (less than 2 kg), small drones (2 kg to 25 kg), and large drones (above 25 kg).
- 2. Registration and Identification:** All drones must be registered with the Digital Sky Platform, a web-based application that allows operators to manage their drone activities. Each drone is assigned a unique identification number, facilitating tracking and compliance monitoring.
- 3. Pilot Licensing:** The rules require drone operators to obtain a Unmanned Aircraft Operator Permit (UAOP) from the Directorate General of Civil Aviation (DGCA). Additionally, drone pilots must undergo training and obtain a remote pilot license, ensuring that operators possess the necessary skills and knowledge for safe drone operation.
- 4. Operational Guidelines:** The Drone Rules provide guidelines on operational limits, such as altitude restrictions, distance from airports, and mandatory equipment for drones, including geo-fencing and anti-collision systems. These measures are intended to mitigate risks associated with drone flights and enhance safety.
- 5. Data Privacy and Security:** The rules emphasize the need for data protection and privacy when drones are used for surveillance or data collection, particularly in sensitive areas. Operators must adhere to privacy laws and obtain necessary consents when recording personal data.

B. PERMISSIONS AND LICENSING REQUIREMENTS FOR MEDIA HOUSES

Media houses seeking to utilize drones for journalism or news reporting must comply with specific permissions and licensing requirements outlined in the Drone Rules, 2021¹². These include:

- 1. Unmanned Aircraft Operator Permit (UAOP):** Media organizations must apply for a UAOP, which involves submitting relevant documentation regarding the intended use of drones, safety measures, and operational capabilities. The UAOP is essential for legal compliance and the operation of drones in public spaces.
- 2. Training and Certification:** Personnel operating drones must be trained and certified remote pilots. This ensures that operators are equipped with the necessary skills to

¹² *Id*

operate drones safely, particularly in urban areas where the risk of accidents is higher.

3. **Specific Use Cases:** Media houses must specify the use cases for drone operations in their UAOP application, including the type of content to be captured and the areas of operation. This requirement helps authorities assess potential risks and ensure compliance with legal standards.
4. **Adherence to Guidelines:** Media organizations must strictly adhere to the operational guidelines set forth in the Drone Rules, including maintaining the prescribed distances from populated areas and critical infrastructure, to ensure safety and minimize disruptions.

C. NO-FLY ZONES AND RESTRICTIONS

The Drone Rules, 2021 establish designated no-fly zones where drone operations are prohibited to ensure public safety and security¹³.

These zones include:

1. **Prohibited Areas:** Areas such as military installations, airports, and sensitive government buildings are classified as no-fly zones. Drone operations in these areas are strictly prohibited, and violators may face severe penalties, including legal action.
2. **Restricted Zones:** Certain areas, such as urban centers, schools, hospitals, and large gatherings, may be designated as restricted zones where drone operations are limited or subject to specific conditions. Operators must obtain prior approval from local authorities before flying in these areas.
3. **Dynamic Airspace Management:** The regulations mandate real-time monitoring of drone flights to ensure compliance with no-fly zone restrictions. The Digital Sky Platform is used to facilitate dynamic airspace management, allowing authorities to identify and address potential violations promptly.

PRIVACY CONCERNS IN DRONE JOURNALISM

The boundary between privacy intrusion and the pursuit of newsworthiness is increasingly blurred, especially in public spaces where journalists and media organizations use drones for investigative purposes (Patricia et al., n.d.). The question arises: can privacy be maintained if drones are allowed to invade the public's right to privacy in covering extreme events? While the COVID-19 pandemic has introduced more social distancing, it hasn't changed the

¹³ Directorate Gen. of Civil Aviation, *Guidelines for No-Fly Zones*, (2021).

fundamentals of newsgathering or halted the rapid evolution of technology. At the heart of this, however, remains the individual, whose privacy and dignity must be protected despite technological advancements.

As a result, the ethical standards governing journalism are poised for redefinition in response to the unique challenges posed by drone journalism. This paper examines traditional journalism ethics and questions whether the use of drones aligns with both global and local ethical standards in journalism¹⁴. It argues that journalism ethics must adapt to meet the demands of this cutting-edge reporting method, as the intrusive nature of drone-based investigative journalism introduces new ethical challenges for journalists, governments, and citizens alike.

The concept of privacy is continually evolving, and people's attitudes toward privacy and data protection can vary significantly based on their specific situations (Jansen & Brey, 2015). Engaging in debates over privacy can provide societal benefits (Joh, 2013), but difficult decisions must be made regarding competing claims for access to, use of, and modifications to data. These discussions revolve around selecting between different privacy models and determining how rights and entitlements should be prioritized.

The use of drones raises several privacy concerns (Thompson, 2016), as well as legal issues regarding the data collected during drone operations and the related evidentiary requirements (Simon et al., 2017). Unmanned Aerial Vehicles (UAVs) have been utilized across various domains—air, land, space, and underwater—for decades. In many countries, national authorization is required to operate these devices, as outlined in Article 8, Annex 2 of the Chicago Convention¹⁵. However, regulations differ between countries, ranging from permissive (regulatory gaps) to restrictive (complete bans) (Bernauw, 2016). Regardless of these regulations, technologies are advancing toward mainstream commercial use. This progress presents distinct challenges related to privacy, free speech, discrimination, and safety, which must be addressed both generally and on a case-by-case basis¹⁶.

¹⁴ Roesner, F., Denning, T., Newell, B. C., Kohno, T., & Calo, R. (2014). Augmented reality: Hard problems of law and policy. *UbiComp 2014 - Adjunct Proceedings of the 2014 ACM International Joint Conference on Pervasive and Ubiquitous Computing*, 1283–1288. <https://doi.org/10.1145/2638728.2641709>

¹⁵ Holton, A., Lawson, S., & Love, C. (2015). Unmanned Aerial Vehicles: Opportunities, barriers, and the future of "drone journalism." *Journalism Practice*, 9(5), 634–650. <https://doi.org/10.1080/17512786.2014.980596>

¹⁶ id

Privacy can be categorized into eight dimensions: bodily, intellectual, geographic, decisional, communicational, associational, proprietary, and behavioral, with a ninth dimension that overlaps the others. Some studies have employed efficiency and cost-benefit analyses to justify a certain degree of privacy loss, inadvertently framing privacy as a commodity rather than a fundamental right. Furthermore, the extraction and analysis of secondary data, such as personal location and behavioral information from photos and videos, raise additional privacy concerns when linked to other personal data¹⁷. As these privacy issues remain critical to the public, governments and regulators must play an essential role in balancing technological advancement and protecting citizens' privacy.

DRONE JOURNALISM AND ETHICAL CHALLENGES

The emergence of drone journalism has created significant ethical dilemmas, particularly around privacy and the definition of ethical journalism practices. The pressure is on to define what is considered ethical in drone deployment for news gathering, as this technology raises concerns about privacy and security, areas already heavily regulated in traditional journalism (Ntalakas et al., 2017). However, drone journalism lacks comprehensive global regulatory frameworks, leaving individual countries to develop their own guidelines (Uskali, 2020)¹⁸.

The ethical standards for drone journalism should arguably be stricter than those for traditional journalism, given the additional risks involved, such as invasion of privacy and the potential for crashes. Drone journalists must ensure that their unmanned aerial vehicles (UAVs) are safely operated and that they are knowledgeable about the technology to avoid accidents¹⁹. The responsibility extends beyond just reporting; it includes considerations of safety, public space sanctity, and privacy.

Drone journalism thus calls for a redefinition of journalism ethics, incorporating these additional responsibilities. Journalists must navigate the balance between newsgathering and ethical practice, ensuring they do not exceed the boundaries of privacy and public safety. This

¹⁷ Kenk, V. S., Križaj, J., Štruc, V., & Dobrišek, S. (2013). Smart Surveillance Technologies in Border Control. *European Journal of Law and Technology*, 4(2), 1–19. <http://ejlt.org/article/view/230/378/>

¹⁸ Lauk, E., Uskali, T., Kuutti, H., Coordinator, R., Hirvonen, H., & Student, G. (2016). Drone Journalism: The Newest Global Test of Press Freedom. In *Freedom of Expression and Media in Transition: Studies and Reflections in the Digital Age* (pp. 117–125). <https://www.researchgate.net/publication/304658289>

¹⁹ Patricia, A.-G. F., Rosseditt, J. P., & Erickson Beco, I. (n.d.). DRONES: The Use of Unmanned Aerial Vehicles (UAVs) in Modern-day Journalism. In *Academia.Edu*. Retrieved June 12, 2020, https://www.academia.edu/download/55974015/DRONES_The_Use_of_Unmanned_Aerial_Vehicles_in_Moern-day_Journalism.pdf.

evolving field demands the adaptation of ethical standards to meet the challenges posed by technological innovation, ultimately reshaping the journalistic landscape. As technological advancements, like drones, continue to alter media practices, the journalism profession faces the challenge of maintaining high ethical standards while embracing innovation. The solution lies in the diffusion of innovation, ensuring that while new tools like drones are adopted, they adhere to the ethical principles that have long governed journalism.

COMPARATIVE ANALYSIS

A comparative analysis of international laws, particularly in the United States and the European Union, reveals distinct approaches to balancing the benefits of drone journalism with privacy concerns. Understanding these frameworks can provide valuable insights for India as it continues to develop its regulatory landscape.

International Laws on Drone Journalism and Privacy (e.g., US, EU)

- **UNITED STATES:** In the United States, drone operations are primarily regulated by the Federal Aviation Administration (FAA). While the FAA establishes guidelines for the safe operation of drones, privacy issues are largely governed by state laws, as there is currently no federal statute specifically addressing drone privacy.
 - FAA Regulations²⁰: The FAA allows commercial drone use, including journalism, under Part 107 of its regulations, which mandates registration and compliance with operational standards. However, these regulations do not explicitly address privacy concerns associated with drone use.
 - State Privacy Laws: Various states have enacted laws that specifically target drone surveillance and privacy. For instance, California's AB 856²¹ prohibits the use of drones to capture images of individuals in private spaces without consent, reflecting a growing recognition of privacy rights in the context of drone journalism.
- **EUROPEAN UNION:** The EU adopts a more unified and stringent approach to privacy protection, particularly through the General Data Protection Regulation (GDPR) and

²⁰ Federal Aviation Administration, *Summary of the FAA's Drone Regulations*, (2020), https://www.faa.gov/uas/media/Part_107_Summary.pdf.

²¹ California Assembly Bill No. 856, 2015-2016 Reg. Sess. (Cal. 2015).

specific drone regulations established by the European Union Aviation Safety Agency (EASA)²².

- **GDPR Framework:** The GDPR provides a robust framework for data protection, which includes strict requirements for obtaining consent from individuals before processing their personal data via drones. Under the GDPR, individuals have the right to know when their data is being collected, stored, or processed, and they can demand erasure of their data under certain circumstances.
 - **EASA Drone Regulations:** EASA has established regulations for drone operations that emphasize risk assessment and operational safety while integrating privacy considerations. Drone operators are required to conduct data protection impact assessments (DPIAs) to evaluate the implications of their operations on individual privacy.
- **INFERENCES FOR INDIA FROM GLOBAL PRACTICES:** As India continues to refine its legal framework governing drone journalism and privacy, several lessons can be drawn from the practices observed in the US and EU:
 1. **Establishing a Federal Privacy Framework:** One of the key lessons from the US is the need for a cohesive federal framework to address privacy issues related to drone operations. Currently, privacy rights in India are fragmented, with reliance on various existing laws. A comprehensive national privacy law, similar to the GDPR, could provide clarity and strengthen the protection of individual rights against unauthorized drone surveillance.
 2. **Incorporating Data Protection Principles:** The EU's GDPR emphasizes data protection principles that could be beneficial for India. Incorporating similar principles into Indian drone regulations could enhance privacy safeguards. This includes obtaining explicit consent for data collection, ensuring transparency in data processing activities, and providing individuals with rights to access and erase their data.
 3. **Implementing Robust Compliance Mechanisms:** Ensuring compliance with privacy regulations is crucial for effective enforcement. The establishment of a dedicated regulatory body, similar to the Data Protection Authority in the EU, could help monitor

²² European Union Aviation Safety Agency, *Guidelines on the Regulation of Unmanned Aircraft Systems*, (2019), <https://www.easa.europa.eu/sites/default/files/dfu/EASA%20UAS%20Regulation%20-%20Overview.pdf>.

drone operations and ensure adherence to privacy laws in India. Such a body could also handle grievances and provide guidance to operators on best practices.

JUDICIAL PRECEDENTS AND CASE LAWS

Drone journalism introduces a host of privacy concerns, especially as it challenges the established boundaries of privacy and surveillance laws. Judicial precedents such as *K.S. Puttaswamy v. Union of India (2017)*²³, which recognizes privacy as a fundamental right, are highly relevant in the context of drone journalism. The ruling establishes that any intrusion into private spaces, including through the use of drones, must respect individual privacy rights. This sets clear limits on how journalists can use drones to collect news without violating the privacy of individuals. Similarly, cases like *People's Union for Civil Liberties (PUCL) v. Union of India (1997)*²⁴ highlight the need for judicial oversight when collecting information through surveillance, drawing a parallel to the use of drones for gathering visual data without consent. The *Hindustan Times v. State of U.P. (2003)*²⁵ case also underlines the importance of media restraint, which becomes critical when drones are involved due to their ability to film from a distance, often without people's knowledge.

Globally, similar concerns have arisen. In *Pirker v. FAA (2014)*²⁶, the United States grappled with the need for clear drone regulations after a journalist used a drone for commercial purposes. This case underlines the necessity for legal frameworks that balance the journalistic use of drones with privacy protections. The *Swedish Supreme Administrative Court (2016)* decision, which required permits for drone use due to privacy concerns, highlights how privacy laws can restrict drone journalism. This is particularly important because drones can easily infringe upon privacy by capturing footage in private or sensitive spaces. The *CBC Drone Incident (2015)* in Canada, although not resulting in legal action, raised similar concerns regarding public safety and privacy when drones are used in public areas.

Overall, these cases illustrate the ongoing tension between the journalistic benefits of drones—such as providing unique perspectives and covering hard-to-reach areas and the privacy concerns they raise. Drone journalism's ability to capture data without immediate detection

²³ K.S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors. is (2017) 10 SCC 1, AIR 2017 SC 4161

²⁴ People's Union for Civil Liberties (PUCL) v. Union of India AIR 1997 SC 568

²⁵ Hindustan Times v. State of U.P. AIR 2003 SUPREME COURT 250

²⁶ Pirker v. FAA, CP-217 (FAA March 6, 2014) at 3

intensifies these concerns, making the establishment of robust regulatory frameworks essential. These frameworks must strike a balance between protecting privacy and maintaining the freedom of the press, ensuring that drones are used responsibly in news gathering.

CHALLENGES AND ENFORCEMENT OF PRIVACY LAWS IN THE AGE OF DRONES

The rise of drone technology presents significant challenges to the enforcement of privacy laws. One major issue is that many existing privacy frameworks were not designed with aerial surveillance in mind, creating regulatory gaps. Drones are capable of gathering large amounts of data from the air, often without the knowledge or consent of those being filmed. This raises concerns about how to effectively protect individuals from unwarranted surveillance, especially in public spaces where privacy expectations may be less clear. Furthermore, the mobility and accessibility of drones make it difficult for law enforcement to monitor their use, leading to challenges in enforcing existing privacy laws.

Another challenge is the varying regulatory approaches across jurisdictions. In some countries, drone use is heavily regulated, requiring permits and strict compliance with privacy laws. In others, there is little to no oversight, creating inconsistency in the legal landscape. This lack of uniformity complicates cross-border enforcement and makes it harder to develop cohesive global standards.

The collection and storage of personal data, such as footage or images captured by drones, raise additional concerns about data protection and misuse. Drone operators, including journalists, may inadvertently or intentionally gather sensitive information, leading to potential privacy violations. The absence of strict data protection protocols exacerbates these issues, as drone footage can be shared or stored without proper safeguards. The challenge lies in balancing the benefits of drones for journalism, law enforcement, and commercial purposes with the need to protect personal privacy.

RECOMMENDATIONS FOR POLICY AND LEGAL REFORMS

To address these challenges, several policy and legal reforms should be considered. First, there is a need for comprehensive drone-specific privacy legislation that clearly defines the limits of drone usage, particularly in relation to data collection and surveillance. Laws should specify

where and under what conditions drones can be used, and should impose penalties for violating privacy rights. This would help eliminate ambiguities and ensure that drone operators, including journalists, have clear guidelines to follow.

Second, regulatory bodies should work towards creating harmonized international standards for drone usage, particularly in relation to privacy. This would address the inconsistencies that currently exist between different jurisdictions and facilitate better cross-border enforcement. International cooperation is essential, especially for addressing the misuse of drones by organizations that operate across multiple countries. A unified framework would also help media organizations regulate the use of drones, ensuring that privacy rights are upheld globally.

Third, data protection laws should be updated to include provisions specific to drones. This would ensure that any data collected by drones is subject to strict rules regarding storage, sharing, and deletion. Privacy protections should be integrated into drone technology itself, such as through geofencing or automatic data encryption, to minimize the risk of privacy violations. Fourth, public awareness campaigns should be initiated to educate both drone operators and the general public about the privacy implications of drone technology. By raising awareness, individuals will be better equipped to understand their rights and how to protect their privacy in the face of increasing drone usage.

Lastly, law enforcement agencies should be given the tools and training to effectively monitor and regulate drone activity. This may include the use of counter-drone technologies that can detect and disable drones operating unlawfully. Governments should invest in the development of such technologies and ensure that law enforcement agencies have the capacity to respond to privacy violations involving drones. While drones offer tremendous benefits, their use raises significant privacy concerns. Addressing these challenges requires a combination of legal reforms, international cooperation, technological safeguards, and public education to ensure that privacy rights are respected in the age of drones.

CONCLUSION

The integration of drone technology into journalism in India presents both opportunities and challenges. While drones can revolutionize news coverage, their potential to infringe on privacy is significant. India's legal framework, particularly the recognition of privacy as a fundamental right under Article 21, provides a strong foundation. However, the existing laws

and regulations need further refinement to adequately address the complexities introduced by drones in journalism. Ethical standards must evolve alongside technology, ensuring that journalistic freedom does not come at the expense of individual privacy. Ultimately, the balance between innovation and regulation is crucial to safeguarding privacy in the era of drone journalism.

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