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Drone Rules, 2021: Key Highlights



Background

- In December 2018, the Office of The Directorate General of Civil Aviation published a detailed document titled, Civil Aviation Requirements (2018), to ascertain the requirements for operation of remotely piloted aircraft systems.
- The Civil Aviation Requirements were replaced by the Unmanned Aircraft System Rules, 2021, which came into force in March 2021.
- In July 2021, the Ministry of Civil Aviation issued the draft Drone Rules, 2021, and invited objections and recommendations from stakeholders.
- On August 25, 2021, the government notified the Drone Rules, 2021 (the “Rules”), which replaced the Unmanned Aircraft System Rules, 2021.



Key Provisions

- Drones have been classified into five (5) types based on the maximum all-up weight – Nano; Micro; Small; Medium; and Large.
- Certification standards seek to subserve the Make-In-India initiative.
- Drone operators are required to register on the digital sky platform and obtain a Unique Identification Number (UIN). Only holders of a valid remote pilot licence can operate a drone.
- Drone operators will have to strictly operate within the appropriate zones (i.e., green, yellow and red zones) notified on the Airspace Map, published on the digital sky platform, which can be updated by the government.
- Drone operators will be strictly prohibited from operating a drone in the red zone and yellow zone without prior permission.



Key Provisions (Contd.)

- Drone imports will be regulated by the Directorate General of Foreign Trade or any other authority authorised by the government.
- Nano drones and micro drones used for non-commercial use and authorised R&D entities will not require a remote pilot license.
- Provisions under the Motor Vehicles Act, 1988 for the third party insurance shall apply to drone insurance. Nano drones are exempted from third party insurance.



Impact

- The Rules significantly liberalize the regulatory framework for operating drones in India in contrast to the earlier rules.
- The need for approvals and authorizations by authorities, compliance burdens, form requirements, and fee structures have been moderated. This comes as a breather for unmanned aircraft operators.
- The Rules will allow for a safe and seamless transfer of goods by drones once the policy for the Unmanned Aircraft Traffic Management System is published on the digital sky platform.
- The Rules further seek to promote a business-friendly regulatory regime by constituting an Unmanned Aircraft Systems Promotion Council.



Concerns and Key Issues

- The Rules do not mandate prior approval to operate drones over private property. Privacy and security concerns remain.
- While Part IX of the Rules creates a policy framework for the Unmanned Aircraft Traffic Management System on the digital sky platform, the rules do not address drone traffic monitoring.
- As such, the Rules do not satisfactorily address issues relating to traffic control and monitoring.



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Raheja Chambers, 2nd floor, Free Press Journal Road
Nariman Point, Mumbai 400 021, INDIA

Tel: +91 22 6123-7272, Fax: +91 22 6123-7252

Other Offices: Bangalore, New York

Integrated Network Offices: Chennai, Hyderabad and New Delhi

E-mail: mailbox@majmudarindia.com

www.majmudarindia.com

