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INDIA'S CURRENT POLICIES AND FUTURE NEED FOR SPACE REGULATION

ABSTRACT

The article proposes a comprehensive analysis of the current patterns in the advancement of space law. This article also highlights and summarizes India's space policies, some of the important UN treaties signed by India, need for a robust space legislation, and India's position around the world and its efficiency in space sector.
The analysis in this article makes it clear that the main element for the continuation of the peaceful space exploration is the international co-operation, but the Space Law is biramous, a advancement which risen primarily from the commercial uses of space. In order to handle this issue, the sanctioning and harmonization of domestic space legislations are fundamental for a secure environment for space activities with respect to the legislative system appropriate to them.

India's journey with space started in 1962 as the Indian Space Research Organization (ISRO) came into existence. Back then it the organization was known as the Indian National Committee for Space Research. First rocket of India was launched in 1963 and then 1975, India launched "Aryabhatta" which became famous for being domestically designed and manufactured satellite. This paper discusses about the legal framework and policies regarding space law in India, current developments in the field, India's position, Need for robust space legislation and future prospects.

The following treaties constitute the majority of the space laws and it should be noted that India is member of all the mention treaties and conventions.

Outer space treaty of 1967

[i]This treaty basically defined Nations right to the moon and other celestial bodies.
The general assembly adopted the treaty in its 222nd resolution during its 21st session on 27th Jan 1967 and entered into force on 10th October 1967. The moon treaty was the first treaty to be ratified pertaining to space.

this treaty charges liability if any state which has ratified the moon treaty caused any damage to another state, its own natural or judicial person on earth ,air and outer space whilst any launching or of its space object or any component cause any damage

Rescue agreement 1968

This agreement was pertaining to the rescue of the astronauts, the return of the astronauts or the returning of any object which was launched into space to give detailed resolution on the duty imposed on the states parties in article 5 of outer space treaty

Liability convention

Article 7 of the outer space treaty talks about the liability of the launching country .the country will be liable to pay compensation or remuneration for any damages caused by its space objects on the surface or to the aircraft or damage due to its faults

Under this convention any private individual is not held liable but the country is. Also the non-existence of domestic laws or acts does not discharged liability under liability convention.

Registration convention 1975

this convention ensures the proper and right use of space environment and would require the registration of the space object which is to be launched by the state every state registry compulsorily need to give information about the state name, territory ,date, function, registration number of space object .etc. to the secretary general of the UN.

The moon agreement 1979

This convention mainly focuses on the provisions of the outer space treaty is shall apply to the moon and other celestial bodies. it also states that no harm should be caused to the environment or the moon while the exploration of the sameinternational bodies are not to be allowed to claim the so sovereignty of the moon or other celestial bodies.

India's policies and domestic law

India space industry is by the constitution of India there is no enactment as of now. There has been various policies which govern the space industry.

SATCOM

[ii]India formulated SATCOM policy in 1997. Rules with regard to the regulation of this policy was published in year 2000 some of the main objective of this policy was

development of satellite communication services industry, producing communication satellites and improvement in satellite building industry, designing and launching. It would also help in bringing foreign direct investment and investment in space sector of the country one of the objective was also to make the infrastructure built through Indian national satellite system (INSAT) available to more people. The norms and guidelines which were introduced in 2000 helped in infra sizing and enhancing the scope use of INSAI network.

REMOTE SENSING DATA POLICY

The objective of this policy to encourage user access to high resolution data required for progress of the sector realizing the core of this policy and accessibility of high quality images from commercial and foreign remote sensing satellite for development and progress of the country, the government introduced the policy and also introduced a department of space this agency is responsible for all the actions related to permission for acquisition, management of data within the domain of policy.

TECHNOLOGY TRANSFER POLICY

This Policy main aim is nurture Indian industries and innovation by attracting foreign investments and commercial it encourages the supply products in various services in space sector such is broadcasting geospatial information, communication, manufacturing of satellites and technology transfer to gain participation in the industry.

THE DRAFT SPACE ACTIVITES BILL (2017)

This mail promotes every aspect of space industry and activities this bill talks about two fundamental principles regarding space exploration for peaceful purposes and interest of national security according to section 1 of the bill it applies to all aircraft, airborne vehicles, vessels that are registered in India and which originated in India.
[iii]According to section 2 and 3 of the bill the commercial industry will be developing the sector only the regulation will be done by the government reliability provision that is defined in section 12 of the bill the bill also talks about the penalties and imprisonment section 25 of the bill that about the intellectual property right this bill was considered controversial for various reasons and still pending in the parliament.

GEOSPATIAL INFORMATION REGULATION BILL, 2016

[iv]This bill is regarding the granting of license to the individuals who wants to obtain geospatial information. This bill will guarantee that no information of
Satellites, maps, the territorial photos etc., is obtained illegal or without government permission.

INDIAN NATIONAL SPACE PROGRAM AND AUTHORISATION CENTRE (IN-SPACE)

This introduced in June 4, 2020 IN SPACE aims to provide a boost to private sector participation through guiding the private companies in space related activities. IN SPACE was created so that it can give equal opportunity to provide industries to take the benefits of space sector and infrastructure.
Two new organizations are also introduced New space India limited (NSIL) and Antrix corporation limited (ACL) both the industries aim to promote growth and development in the space activities. DOS controls the NSIL. It will use the research and development of ISRO commercially.

All Focuses on marketing perform similar tasks as the NSIL. It also works on transfer of technologies and concerns with clients all over the globe the space sector and related matters are regulated by the constitution of India along with SATCOM 2000, the Remote Sensing Policy 2011.

Article 51 article 73 help in governing the space related matters.

Article 51

[v]Promotion of international peace and security The State shall endeavor to
(a) Promote international peace and security;

(b) Maintain just and honorable relations between nations;

(c) Foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and encourage settlement of international disputes by arbitration Part IVA Fundamental Duties.

Article 73

[vi]Extent of executive power of the Union
(1) Subject to the provisions of this Constitution, the executive power of the Union shall extend.
(a) To the matters with respect to which Parliament has power to make laws; and
(b) to the exercise of such rights, authority and jurisdiction as are exercisable by the government of India by virtue of any treaty on agreement: Provided that the executive power referred to in sub clause (a) shall not, save as expressly provided in this constitution or in any law made by Parliament, extend in any State to matters with respect in which the Legislature of the State has also power to make laws.
(2) Until otherwise provided by Parliament, a State and any officer or authority of a State may, notwithstanding anything in this article, continue to exercise in matters with respect to which Parliament has power to make laws for that State such executive power or functions as the State or officer or authority thereof could exercise immediately before the commencement of this Constitution Council of Ministers.

EFFICIENCY OF INDIA'S POLICIES

There are certain issues relating to contract, registration, patent, transfer of property, copyright are some of the many concerns which need the attention of the government. There are policies and provisions which allow the participation of private companies, but there is a lack of rules and laws to ensure protection to these private entities and also the government in case if any damage occurs in the process. Many domestic laws like the intellectual property rights are not updated or need an amendment to address to space related matters.

When the remote sensing data policy, 2011 came into force it revokes the restrictions relating to the supply of data of satellites to the limit of 1m resolution and it got accepted by the concerned committees. The Government of India can exercise control when there are issues concerning national security or obligation towards international and foreign policies. This policy has raised many questions relating to its ability to authorize the balance of the community's need and development of technology.

The main aim of the SATCOM policy was to develop communication satellites and servicing industries in India. But there is a mention of use of foreign satellites in the norms, guidelines of the policy.

Therefore, as the technology is developing, there is a need as well as demand for high resolution data and devices which will be possible with a strong comprehensive space policy.

WHY INDIA NEEDS A PROPER SPACE LEGISLATION

India is one of the leading countries in the world, whatever happens here it gives an impact around the world. India has a mighty standing in space exploration, and it is one of the few countries which have invested in space explorations and space projects and have completed space projects which includes Mars. Therefore it needs a law in order to protect its sovereign, public and commercial interest. India isn't a rookie in this field of scientific and research, it was 1963 when India launched its first scientific satellite "Aryabhatta" under the guidance of Dr Vikram Sarabhai. Since then India has accomplished several missions with applications in the areas of communication, broadcasting, meteorology and oceanography, survey of natural resources, monitoring environment, and predicting disasters, kudos to the Indian Remote Sensing Satellite (IRS) and Geosynchronous Satellite (GSAT). Out of total 195 Countries in the world India stands seventh nation in the world with indigenous satellite launch capabilities. India is contesting with global super powers like Russia and USA. It raises a question if India has sufficient legislation to govern the same. As of now India lacks with such legislation. Out of the five United Nations treaties relating to activities in outer space, India has ratified four and signed one. Ratification means an international act in which a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. Further the only legal dominion India has for the purpose of governing space Industry are the Satellite Communication policy ,2000 and the revised data sensing policy, 2011. Other than this Article 51 of the Indian Constitution of India 1949 tells about, promotion of International peace and security.

In India the space sector is prolonged by the government only. ISRO (India space research organization) however in the recent time because of the 'Make in India' Campaign by the Indian government many Indian start-ups have joined hands with the

Government sector and accomplished various space satellite manufacturing and launch of space craft projects . In the future it is noted that these start-up may reduce ISRO's time spent on satellite and launch vehicle building So that ISRO can focus on more experimental projects. India has been moved on to be an Independent country and its self-sufficiency in its launching adeptness could make it a world's launching pad. Indian space missions and its launching capabilities is very eminent in terms of cost. This cost-effective space program tend to attract a lot of countries abroad , so they can come to an agreement with Indian Government and also private Companies to carry out space missions for them. This will eventually help space exploration all across the globe. Growth of this kind in this field would thus result in the increase in the number of conflicts and disputes among Indian Private Companies and the Government and also with different companies.

SPACE DEBRIS

[vii]The continuous agitation of space debris is a concern among all the countries in the world. When an debris of an Indian satellite fell on a Japanese village India was in an epicenter of this , India has signed an convention on international liability for damage caused by space Objects , 1972. And so India was absolutely liable to pay damages for the same however there doesn't exist any Indian policy or legislation to state the quantum of damages to be paid. So India basically needs a more accurate space law in order to handle issues related to what happens which are put to space as to what happens when they are in their orbit or, because of them.Space debris also Known as the space junk is nothing but artificial space satellites which are no longer in use, rotating around this planet. These space debris can be as small as a microscopic chip and also as a large as a discarded rocket stage. These debris are rotating the Earth as close to approximately 2000 km's from the Earth's surface. As of last year 2020, Approximately 14000 pieces of space debris has been found larger than 10 cm revolving around the world. These pieces revolving around take decades to reach back to the Earth's surface it may even take centuries if they are revolving above the height of 1000 km above the surface of the Earth. According to the survey done by the NASA space agency in 2013 nearly 5, 00,000 pieces of space debris is tracked in the Earth's orbit. They are orbiting at the speed of 17500 mph which is fast enough to destroy a space craft or space satellite. At this rate the number of space debris is also increasing which is a major rising issue in this growing world. To tackle this NASA has introduced certain new rules and regulations.

SECURITY MEASURES

With the rising threats to national peace and security by space and cyber warfare possibilities, countries got to invest adequately in adopting cyber and military security measures. A producing defect in spacecraft makes it vulnerable to cyber-attacks or surveillance, resulting in infringement of privacy of people and data breach. Regulations on lines with the data protection laws to be produced to make sure that adequate cyber security measures are present.

INTELLECTUAL PROPERTY RIGHTS

Section 25 of the Bill began that the safeguarding of Indian national interests is one among the principal objectives behind the protection of any
intellectual property created or generated during a space activity.
The Bill further elaborates that the Indian government shall own the property, which is developed, created or generated on board a space object in space. In accordance with Section 30, just in case of any emergency arising out of war, external aggression, natural calamity or the other such event, the Bill empowers the Indian government to require operational control of any space object or any installation I.e, buildings, control Centre, launch pads, etc. If it's deemed necessary by the government of India.

CONCLUSION

There are a few issues since of which there's an direness within the nation for a Space legislation. Subsequently, having a legislation which can be broadly cover all these modern issues and things related to space is the necessity. The legislation on Space ought to cover all angles such as usage of space programs, and direction on the security of launch and space flight, the issue of travel of remote space objects through national airspace needs to be addressed. it should moreover cover Space tourism, space mining, security of IPR, Dispute Resolution, Assurance of Environment and Biology and Universal Participation as well.

Today there are very few nations in the world that have a proper domestic space regulation. To progress further in the field of space sector, India needs to have a space legislation of its own. Any delay in framing the legislation is a delay in growth of the nation.

[i] Outer Space Treaty, 1967, Article VI,VII.

[ii] "A Policy Framework for Satellite Communication in India", ISRO, Government of India.

[iii] "Draft Space Activities Bill, 2017", Department of Space, Government of India.

[iv] "National Geospatial Policy [NGP 2016]", Department of Science and Technology, Government of India, 5 May 2016.

[v]Constitution of India 1949, Article 51

[vi]Constitution of India 1949, Article 73

[vii] Indian Space Age: The Need for Space Legislation ,https://www.latestlaws.com/articles/indian-space-age-the-need-for-space-legislation.