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Area of law: Space Law

Need for Space Law in India

Introduction to the national legal, regulatory and policy framework:**i. Brief history:**

India's space programme was born in 1962, not long after gaining independence from the British in the year 1947. The programme got its first provocation in 1969 when Indian Space Research Organisation (ISRO) was founded. The Space Commission of India (the Space Commission) as well as the Department of Space (DOS) were formed by the Indian government in 1972, and ISRO was brought under the administration of the DOS in September 1972. India's space division has come a long way since India launched its first satellite in the year 1975.

India signed the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies also called the Outer Space Treaty in 1967, even though it was not sanctioned until 1982. India also signed the Convention on International Liability for Damages Caused by Space Objects in 1979 and ratified the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space in the same year. Further, in 1982, India acceded the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies and agreed to the Convention on Registration of Objects Launched into Outer Space.

ii Legal, regulatory and policy framework:

India's outer space initiative has a tiered structure, which is headed by the Prime Minister, who governs all processes and exercises control through the Space Commission and the DOS on India's Space programme.

The Space Commission has the responsibility of making India's space policy, whereas the accountability for the implementation of this policy lies with the DOS. Research and development in the Indian space sector is primarily done through ISRO.

The main objective of India's space programme is to "harness space technology for national development while pursuing space science research and planetary exploration". This is apparent from the different initiatives taken by ISRO, which ensure that progress from actions in the space sector is used and can be made accessible to the Indian population. For example, the Indian National Coastal Information System (INCOS) which is used by fishermen in coastal parts of the country to determine areas rich for fishing with the help satellites. Likewise, in 2001, the ISRO began the Telemedicine Programme to ensure that medical access can be provided in remote regions of the country.

iii. National law:

Framing provisions for international responsibility with respect to private activities is principal for any state which is a part of the international space law treaties which intend to enable private activities in the space sector. This encouragement helps as an evidence for passing national space legislation, as legal certainty is a prerequisite for the expansion of commercial activities.

In the past few years, various companies have been incorporated in India that focus on space activities. Since there does not exist any regulations or laws governing commercial space activities, there is regulatory doubt for commercial companies in the Indian space industry. Although the Indian government framed diverse policies to bring regulatory supervision on various commercial space activities, these rules are

not sufficient to provide a robust legal framework. To overcome this, and with the intent of improving the contribution of the private sector in the space economy of India, the DOS, in 2017 had published a draft Space Activities Bill for consultation.

Why does India require a robust space law?

In India, only government institutions have a grip over the space sector which is the Indian Space Research Organisation (ISRO). Outsourcing for space requirements involves only a certain grade of supply and manufacture of certain parts by a few foreign commercial industries. Lately, it was a pleasant surprise when ISRO, for the first time, while endorsing the 'Make in India' campaign, outsourced satellite manufacturing to a private sector enterprise. ISRO also recently signed a contract with an Indian start-up to launch a spacecraft, which will attempt to land on the Moon. These are symptomatic steps to the formation of a private space industry system that will lead to greater provisional, two-sided and multifaceted industry. Outsourcing products can eventually help to reduce ISRO's time spent on satellite and launch vehicle building and let the organisation emphasize on research in order to enhance India's manoeuvres in the outer space industry.

India's move from dependence to self-sufficiency in terms of its launching proficiency has the potential to make it the world's launch pad. The cost-effective space programmes have attracted other nations and multinational units to enter into formal agreements with India to support them in their respective space projects and carry out satellite launches for them. The arrival of commercialisation, calls for reviewing of domestic laws, such as, the laws of contract, transfer of property, stamp duty, registration, insurance and most importantly, intellectual property rights, to consider space related issues.

The increasing worldwide apprehension over space debris has reached India as well. India finds itself at the centre of an international clash over the fall of debris from an Indian satellite on a Japanese village, which was retracing back to Earth. As signatory to the Convention on International Liability for Damage Caused by Space Objects, 1972, India has an absolute liability to pay compensation for damage caused by its space object on the surface of the Earth or to aircraft in flight. Though, with no national space law and policy, it is difficult for India to determine the damages payable. Moreover, legislation would also help to measure and decide accountability in the

event of space debris accidents with objects present in the outer space and the damage being inevitable.

Space debris leads to 'space junk'. Whether 'polluter pays' principle applies or not, warrants consideration. Also, there is wastage of the launch systems that come back to Earth after boosting the payload into the orbit, adding to environmental threats. It is high time that domestic laws are pitched towards regulating the reuse of launch systems and that of 'space junk'. Space has become an essential part of 21st century warfare. An Indian space law would go a long way towards serving the military craft a solid space-war strategy and security plan. Further, China's highly charged-up showcase of military ability in the space sector by launching the anti-satellite tests, makes the need for a domestic law and a military stratagem more vital.

Finally, for India to be at the frontline of a revolution and technology-driven new international order, aside from heading the way on space research and development programmes, there is a crucial necessity to make precise laws surrounding the 'space dimension', just as broadly as the land, air and water dimensions have been covered. It is true that India has taken baby steps towards formulating an Indian Space Act, namely, the draft Geospatial Information Regulation Bill, 2016, which is pending consideration. However, this Bill has a partial scope for police acquisition, distribution and publication of geospatial information of India, while, the necessity of the hour is to frame a space law that defends sovereign, public and commercial interests on all facades.

'Space' should not continue to be restricted to the fears and knowledge of science, technology, defence and security of the nation. It must be understood as imperative for a normal citizen whose life will be augmented by its enormous positive potential. In undertaking of this objective, a national space policy and a legal administration is inevitable.

India's progress qualifies a holistic Space Act is vital and yet remaining. Today, there are 22 nations that have national space laws which include Australia, Japan and South Korea from the Asia-Pacific regions which have implemented international conventions through national laws. India must also endeavour for the same. National

space laws will be like a catalyst to additionally boost India's space activities and control them in order to be in sync with the dynamics of international space events and happenings. Therefore, a robust space administration is unconditionally vital in India. The absence of this can hinder India's growth in the coming future. We as citizens of India must take proactive steps to safeguard its preparation and implementation of Space laws.

After analysing the international agreements and domestic legal and administrative rules which govern the satellite communications, it can be deduced that the policies are a frame work of what the government of India wants to achieve; nevertheless, with no legal commitment attached to it, the dream of a 'Digital India' and India becoming a space superpower cannot be achieved. Further, one of the major roadblocks in the working of ISRO is India's poor electronic manufacturing ecosystem. The absence of a robust home-grown electronics market results in the import of spacecraft mechanisms, which in turn increase the charge of operations.

New space laws:

Indian Space Research Organisation (ISRO) Chairman K Sivan stated that the space policy and the Space Activities Bill are in the final stages, days after the government opened up the space sector for private players. A steadfast policy for space and legislation on space activities has been under works for some time now. But with the government allowing the private sector, these have now got traction. There are two facets to the laws. One is space policy and the other is the Space Activities Bill which are both in the final stages of formulation. The government has also announced a key improvement in India's space sector by allowing the private sector to carry out space activities like building rockets, satellites and providing launch services

The ISRO chairman said very soon an organization will be put in place for approval that will allow these activities to take place without any interference. The space policy and the Space Activities Bill will help address legal issues in this strategic sector. These changes and new laws will be aimed at aligning existing policies to result in an open and inclusive space sector.

Scope of economy:

The current laws and regulations provide an opportunity for carrying about a separation between civilian and military applications of space activities. Storing the defence and military activities relating to space activities from ISRO and bringing it under the Ministry of Defence is a positive development that will enable ISRO to lay emphasis on its core proficiencies and help the organisation concentrate on developing an enabling space ecosystem with more participation of the private sector.

Conclusion:

We can conclude that vigorous legal command would bring about confidence in investors, attract Foreign direct investments as well as novel technologies, decrease administrative and supervisory doubts, provide clarity on stamp duty, registration requirements, insurance, transfer of property, space debris liability and intellectual property rights concerning space-related issues, and flourish space entrepreneurship by providing a level playing field to the private entities. As stated by the ISRO Chairman, Mr. K. Sivan, "A Space Act would help the government deal with legal issues arising from objects put up in space and for what happens to them in orbit, or because of them".

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