

The background of the cover is a vibrant night sky. It features a dense field of stars, some with prominent four-pointed diffraction patterns. There are also soft, glowing nebulae in shades of blue and purple. In the foreground, the dark silhouette of a castle with multiple towers and spires is visible against the starry background. The overall mood is mysterious and celestial.

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## SPACE LEGISLATION IN INDIA

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### ABSTRACT

The laws that deal with and regulate space-related conditioning are known as space laws. Like transnational law, space law consists of a number of transnational agreements, covenants, and conventions, judgments of the United Nations General Assembly, and the rules and regulations of several transnational associations. Space law deals with the rules, regulations, principles and norms of transnational law contained in five transnational covenants. The external Space Treaty, the Salvage Convention, the Liability Convention, the Registration Agreement, the Moon Agreement, and the Five Principles for external Space developed under the aegis and under the aegis of the United Nations. In addition to these transnational agreements and covenants, numerous countries have their own public laws governing space-related conditioning. Space law deals with a variety of issues, including space, the use of space-related technologies, and transnational cooperation. The belief that space is mortal home, the freedom to explore space, then on-discriminatory use of space by all nations, and the principle of on-exclusive space proscribing nations from determining sovereignty over space agencies. India started investing in space wisdom and technology in her 1960s. Establish an operation system analogous to nuclear power. Still, this is in discrepancy to the Nuclear Division, which was classified as the Nuclear Division in 1948. By law (as amended in 1962), the country's space conditioning aren't yet regulated by specific regulations. Indian space agency ISRO has always been active in space technology. Operations primarily for social

development, strategy or security pretensions. In recent times, space conditioning has expanded into defense. Operations in Department of Defense authorities. This paper attempts to explain the conception of space law in India and indicates whether being laws need to be changed.

### INTRODUCTION:

The Government of India has full control over India's space program. In numerous countries, the only major reason space conditioning are controlled by government agencies is to direct and control the development of the space sector. Beforehand in the independence of the coming state in 1947, India honored the development of space capabilities as one of its pretensions to achieve its socio-profitable development pretensions. A many times latterly, ISRO began inviting the private sector to share in certain contracts. We're also beginning to manipulate certain technologies. Still, there are restrictions in India. Commercialization of space technology is just beginning. Private sector engagement has yet to reach critical situations. The requirements of the space assiduity and commerce make it imperative for governments to legislate public space legislation. India's space program is principally a government exertion. In the broader environment, it may be inarguable that the government's former strategy of maintaining space conditioning as a controlled sector worked, but accelerating the commercialization of marketable space technologies will inescapably bear Private sector involvement in this capital and technology ferocious assiduity will be needed. Applicable legal regulation is thus a crucial



instrument for India to promote balanced development and realize cheap domestic space trade and artificial eventuality. "Space law helps governments settle legal issues arising from objects launched into space and what happens to them or for them." In India, space is it has traditionally been a government monopoly. It's open only to the private sector as it helps launch objects into route and allows the private sector to give marketable services. Governments will cover and cover what goes into space, but insure the assiduity isn't over-regulated. It's time for India to gain a base in the transnational space community. With the launch of Sputnik by the also- Soviet Union in 1957, all nations began to dig deeper. Since independence, India has concentrated on developing, launching and operating satellites with personal technology. In 1962 she innovated the Indian Space Research National Board, now known as the Indian Space Research Organization (ISRO). In 2007, India was awarded when it transferred the world's first unmanned spacecraft, Chandrayan- 1, to the moon. A memorandum of understanding between India and the National Aeronautics and Space Administration( NASA), the European Space Agency( ESA), Bulgaria and several other agreements calls for India to define and reform its public space strategy. As a result, ISRO has launched further than 300 satellites in 33 countries over the once partial century. That is a great achievement.

#### **SPACE LAWS IN INDIA:**

India does not yet have a space law regulating activities in space. The government has a monopoly on India's pace, which is controlled by the Indian Space Research Organization (ISRO). The private sector has repeatedly called on the government to open up India's space program so that companies can invest in building India's space capabilities. However, no major changes have been made and the space program remains a national monopoly.

The Government of India introduced the Space Act in 2017 to reform India's space policy. The bill

has gone through public and judicial debate and is now being sent for further approval. Since its inception in 1972, India's space activities have been entirely under the control of the Ministry of Space and prior to that the Ministry of Atomic Energy was responsible for all administrative functions of India's space program. Until recently, India did not recognize the need for a national space law or guidelines, as space is seen as an international rather than a domestic issue.

There are two reasons why India has never considered space law. First, India has never had a private sector to invest in India's space program. After the private sector saw the potential to invest in India's space program, they were willing to invest in it. Second, India's space program never intended to explore space or send manned or unmanned missions into space, but now that India has sent missions to Mars and the Moon, things have changed. India believes that India is already a party to several international space laws and does not need a separate national space law. Things have changed a lot lately. In May 2020, the government proposed privatizing India's space program, but the chairman of the Indian space program has repeatedly denied this claim. In June 2020, the government introduced a new organization called IN-SPACE (National Center for Space Promotion and Empowerment of India). IN-SPACE is a so-called node agency set up to facilitate the commercialization of India's space activities<sup>5</sup>. The organization was motivated by debates over the privatization of India's space program.

The Indian government also presented a draft of Spacecom. Draft Standards, Rules, Regulations and Policies and Procedures to Implement India Policy 2020 and Space Communications Policy 2020. This policy aims to do two things:

<sup>5</sup> Martand Jha, <https://www.firstpost.com/india/from-making-provisions-for-private-players-to-regulating-satellite-use-why-india-needs-a-new-space-law-10020521.html>.

First, the policy aims to regulate the commercial use and range of satellites. And ground stations for communication purposes. Second, the Directive also addresses how private operators will be allowed to build new communications satellites and earth stations.

#### **NATIONAL SPACE LAW:**

With the National Space Act enacted, India's private space sector is expected to become increasingly dynamic in the coming years. The space sector has been government-dominated since his early 1960s, with private companies acting as suppliers, primarily through contractual partnerships with DOS through ISRO. This is changing rapidly with the consolidation of the commercial private sector. One of the problems facing commercial players in the Indian space sector is that contracts with DOS and ISRO do not follow a standard framework, making it difficult to predict the outcome of consultations with relevant government agencies. There is. Regulatory ambiguity is one of the main reasons why the Indian space industry insists on a national space law. Due to the increasing importance of space activities in general and the increasing involvement of the private sector in these activities, national legislation on space activities has come to be governed by these activities. Government agencies and private companies play an important role for a space nation like India.

The Space Operations Bill 2017<sup>6</sup> commits the Government of India to provide a framework to support all aspects of space-related activities. The bill identifies her two fundamental reasons for space exploration.

The first is for peaceful reasons and the second is for national security reasons. Another feature of the law is that it forces governments to set broader policies without being directly responsible for spending on space infrastructure. ISRO has limited cooperation with about 500 private companies and Indian

industry has been involved in space activities for almost 50 years<sup>7</sup>. However, in recent years, the Indian government has actively encouraged the private sector to participate in India's space program. ISRO has done a lot of applied work in the space sector, making it impossible for the organization to focus on space exploration<sup>8</sup>. Therefore, by allowing the commercial space sector to participate in the Indian space programme, ISRO will focus solely on research and development activities, including the development of the aerospace programme. Manned space. The government has announced the establishment of two new organizations in the last two years to facilitate private sector involvement in the Indian space industry. New Space India Limited (NSIL) is a public sector company established as a commercial arm of ISRO under the control of the Ministry of Space and was incorporated in 2019. NSIL was formed to commercialize the research and development benefits of ISRO<sup>9</sup>. India's National Space Propulsion and Licensing Center will be established in June 2020, according to the government (IN-SPACE). This agency acts as the regulator and facilitator of the private space industry in India with the aim of regulating, promoting and guiding the industry. A system of licensing, authorization and oversight was established to enable IN-SPACE to act as a regulatory authority under Article 6 of the Outer Space Treaty. It also acts as a focal point for the private sector, working with ISRO to identify its needs. IN-SPACE ensures that private companies have equal rights in the Indian space sector<sup>10</sup>.

#### **CURRENT SITUATION IN THE COUNTRY:**

India is emerging as a potential player in the international commercial space market.

<sup>6</sup> Ashwati Pacha, The Hindu, The Hindu Explains: What is the Space Activities Bill, 2017, <https://www.thehindu.com/sci-tech/science/the-hindu-explains-what-is-the-space-activities-bill2017/article20680984.ece>.

<sup>7</sup> New Space India Ltd., <https://www.nsilindia.co.in/Aboutus>.

<sup>8</sup> ISRO, Antrix Corporation Limited, <https://www.isro.gov.in/about-isro/antrix-corporation-limited>.

<sup>9</sup> Private sector will be allowed to use ISRO facilities and other relevant assets to improve their capacities: DrJitendra Singh, <https://sarinlaw.com/wp-content/uploads/2020/10/Footnote-for-private-sector-participation-and-can-use-ISRO.pdf>.

<sup>10</sup> PIB Delhi, Historic reforms initiated in the Space sector, <https://sarinlaw.com/wpcontent/uploads/2020/10/PressRelease-Participation-of-Private-Sector.pdf>

Discussion topics such as authorization, contracts, dispute resolution, licensing, processing and distribution of data related to Earth observation services, insurance, space technology certification, issues Legislation regarding launch services, stamp duty needs to be resolved. The statute and necessary laws should be revised to include space law issues in national law<sup>11</sup>. For example, to clarify the above point, there are regulations on the participation of private satellite systems. However, no law protects the operator or the government from liability for damages. Thus, the law on intellectual property rights has not yet covered issues related to space. As it stands, ISRO creates intellectual property rights such as patents, data rights, trademarks. Hence, India's space law should include provisions regarding the peaceful use of outer space for the holistic benefit of mankind.

India ranks fifth in global space technology, which is a remarkable achievement and cannot be ignored<sup>12</sup>. The emerging regulatory framework for space activities is established by the government of India in accordance with its policies and procedures. Some of these include, the 2011 Remote Sensing Data Policy that went into effect and removed nonconforming provisions that overlapped with the 2001 policy, such as lifting restrictions on data provision. satellite data up to 1 m resolution by obtaining permission from the Land Clearance Commission (NRSC) High Resolution Imaging<sup>13</sup>; policy framework for satellite communications in India (SATCOM policy), followed by the SATCOM standard and ISRO technology transfer policy<sup>14</sup>.

<sup>11</sup> Shashi Sharma, Space Program and Business in India- Legal Perspectives, May 2007, available at <https://core.ac.uk/download/pdf/76623459.pdf>

<sup>12</sup> 4 Madhumathi D.S., ISRO's launch tally hits 5 main satellites this year, Nov. 29, 2019, available at <https://www.thehindu.com/news/national/isros-launch-tally-hits-5-main-satellites>.

<sup>13</sup> NRSC, Remote Sensing Data Policy, available at [https://www.nrsc.gov.in/EOS\\_Future\\_Objective](https://www.nrsc.gov.in/EOS_Future_Objective)

<sup>14</sup> Surendra Kumar Yadav, International Space Law Applicability in Indian Perspective, 2015, available at <https://www.ijsr.net/archive/v5i7/1071602.pdf>

## CONCLUSION:

It's time for India to enact strong space laws. According to articles 51 and Article 253 of the Constitution of India, India shall give necessary and relevant legislation will not only nurture and promote public-private partnerships, but also channel more indigenous knowledge. It should be noted that once the bill is passed and converted in the Act, the government should not over-regulate the private sector. Another result who can leave this partnership, this India will surely be forced to do active position in foreign direct investments related to technology and other spatial issues. The more permissive the regime, the more likely the country is to attract investment in this area, making India the center of the international space industry.

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