

National Space Law for India

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National Space Law for India : Need, Challenges, and the Way Forward

Context

Recently, the **Indian Space Research Organisation (ISRO)** in collaboration with the **Indian Navy** successfully carried out the **Well Deck trials of the Gaganyaan mission's crew module** at the Eastern Naval Command using a well-deck ship off the coast of Visakhapatnam. This achievement underlines India's steady progress in human spaceflight missions. However, as India expands its space ambitions, the absence of a **comprehensive national space law** is increasingly felt.

What is Space Law?

- According to the **United Nations Office for Outer Space Affairs (UNOOSA)**, *space law* is a body of law governing activities in outer space.
- It covers the **exploration, use, and liability for space objects** while ensuring responsible and peaceful conduct of space activities.

Components of Space Law

- A collection of **international treaties, agreements, and national laws** that guide the exploration and commercialisation of space.
- The **five core UN treaties on outer space** form the foundation:
 - The **Outer Space Treaty (1967)**
 - The **Rescue Agreement (1968)**
 - The **Liability Convention (1972)**

- The **Registration Convention (1974)**
- The **Moon Agreement (1979)**

The **Outer Space Treaty (1967)** remains the most significant, declaring that:

- Outer space is the *province of all humankind* and cannot be appropriated by any nation.
- States bear **responsibility for all national space activities**, whether by government or private actors.
- Companion agreements establish rights, responsibilities, and liability rules for global space activities.

Why Does India Need a National Space Law?

As A.P.J. Abdul Kalam said, *"A nation with a strong base in science and technology is a nation with a strong backbone."* For India, space law is crucial because:

- **Provides thrust to space activities** - A legal framework acts as the launchpad for **sustainable and equitable space exploration**.
- **Creates enforceable structure** - Policies signal intent, but law provides **binding legal authority**.
- **Ensures compliance and stability** - Offers predictability, legal clarity, and accountability to both public and private actors.
- **Implements international commitments** - Operationalises India's obligations under the **Outer Space Treaty** and other UN frameworks.
- **Promotes accountability** - Ensures responsible development of the space sector.
- **Attracts investment** - Legal clarity builds investor confidence and fosters innovation.
- **Provides regulatory tools** - Helps manage dual-use technologies, debris mitigation, licensing, and liability issues.

Global Practices – Countries like **Japan, Luxembourg, and the USA** already have robust space legislations to regulate licensing, liability coverage, and commercial rights.

Indian Scenario – India has ratified key UN treaties but is yet to enact a **comprehensive national space legislation**.

India's Regulatory Evolution

India's approach to space regulation has been **methodical and incremental**.

Two Key Aspects:

1. **Technical Regulations** – Governing commercial operations in orbit.
 - **Catalogue of Standards for the Space Industry** – Ensures operational safety.
 - **Indian Space Policy (2023)** – Encourages non-governmental participation.
 - **IN-SPACe Norms, Procedures and Guidelines (2024)** – Provides authorisation framework.
 2. **Regulatory Framework (Law)** – A proposed **Space Activities Bill** to embed international obligations into domestic law.
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Challenges in India's Space Regulation

- **Operational hurdles** – Regulatory transition creates uncertainty for private players.
- **Delay in clearances** – Dual-use nature of technologies causes multi-ministry approvals.
- **Lack of formal backing** – IN-SPACe currently functions without clear statutory authority.
- **Absence of political consensus** – Geopolitical rivalries complicate global cooperation.
- **Geopolitical tensions** – Rising military competition among major space powers threatens global governance frameworks.

Priorities for a National Space Law

- **Statutory Authority** – Provide clear legal backing to IN-SPACe as the central regulator.
- **Comprehensive Licensing Rules** – Define application processes, timelines, fees, and grounds for approval/rejection.
- **FDI Clarity** – Allow up to **100% FDI** in satellite component manufacturing to attract capital.
- **Robust Liability Framework** – Mandate third-party insurance and affordable coverage for start-ups.
- **Transparency & Accountability** – Lay down mechanisms for incident reporting, accident investigations, and dispute resolution.
- **Protection of Innovation** – Safeguard intellectual property rights without excessive state control.
- **Encourage Collaboration** – Foster partnerships among **industry, academia, and government**.
- **Safety Standards** – Enforce space debris management, accident investigation procedures, and unified data-sharing frameworks.

What Lies Ahead?

Without a **statutory space law**, India's regulatory framework risks creating uncertainty for private players and investors. As India aspires to become a **leading space power**, comprehensive legislation is essential to:

- Provide **legal certainty**,
- Enable **commercial expansion**, and
- Uphold **international responsibilities**.

With India expected to host future **International Astronautical Congress** meetings, the timing to

enact a **National Space Law** is both urgent and strategic.

Conclusion

India's growing role in the global space sector requires **legal infrastructure as strong as its technological achievements**. A forward-looking **National Space Law** will not only secure India's compliance with international norms but also unlock private innovation, foreign investments, and long-term sustainability. The choice is clear—either remain in a regulatory vacuum and risk lagging behind, or legislate boldly and make India a **front-runner in the global space economy**.

Source : The Hindu



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