

54TH IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Recent Developments in Space Law (5)

Author: Dr. Ranjana Kaul
Dua Associates, India, ranjanakaul@duaassociates.com

LEGAL REGIME FOR GNSS FOR ATM/CNS FOR INDIA: IMPLEMENTATION OF ARTICLES VI &
VII OUTER SPACE TREATY

Abstract

Indian aviation sector has grown exponentially. India is expected to be the 3rd largest global aviation market by 2020. The Government of India, recognizing the aviation sector as a key driver of rapid economic development in the country, has embarked on an ongoing process of taking new calibrated regulatory steps by implementing the recommendations of the 2003 Report of Committee on Road Map for Civil Aviation to help realize its full growth potential. Several pieces of legislation (including some amendments to existing aviation related laws) have recently been promulgated in order to modernize India's Aviation Regulatory Regime. The implementation of Economic Regulatory Authority Act, 2008 (AERA Act) which seeks to regulate tariff and other charges for aeronautical services (including ANS for ATM/CNS) rendered at airports and to monitor performance standards at airports, now well under way, is an important step. However, the critical recommendation to create independent regulators for the civil aviation and air navigation services remains pending. It has been suggested (i) to corporatize Directorate General of Civil Aviation; and (ii) to hive off the ANS for ATM/CNS function, presently discharged by the Airports Authority of India, into an independent entity. With respect to ATC/ANS, the Ministry recognizes the importance of the proposed transition to GNSS for ATM/CNS. As such the Government has constituted a High Powered Committee to suggest appropriate legal and institutional mechanisms, preparatory to the operationalization of GAGAN, the GPS interoperable Indian geo-augmentation satellite, and consequent transition to IRNSS. In order to contribute to that debate, this paper will analyze the legal regime that presently governs the air navigation service provider in India. It will specifically examine, in a manner never done before, the questions whether and to what extent Articles VI and VII of the Outer Space Treaty, 1967 will be applicable with respect to international responsibility and liability and possible impact of the AERA Act for achieving efficiency in the ANS services in India.