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PRIVATISATION OF PSLV: WHAT THE LAW OF OUTER SPACE DEMANDS?

Abstract

The Indian Space programme made a humble beginning in the year 1963 with experimental sounding rockets from Thumba, Kerala. For this launch everything including the payloads and rockets came from outside India. But by 1980 India developed its indigenous Satellite Launch Vehicle (SLV). Thereafter India has been continuously striving to develop its launch technology. The Polar Satellite Launch Vehicle (PSLV) first launched in September 1993 that has notched up 33 missions to date is the most active launch vehicle in India. Except for one failure during its maiden flight in 1993, the rest has been successful. To boost launch capacity and consequently increase the frequency of launches, India is working towards privatizing the PSLV operations. Hopefully by 2020 launch of the first privately built rocket is expected. Though the private launch operation shall be opening myriads of opportunities for Industries but it shall open floodgates of liability for the Government because the Outer Space Treaty imposes unlimited liability for damages caused by space objects upon the 'launching state'. States bear international responsibility for national activities, whether such activities are carried by Governmental or non-governmental entity for ensuring that national activities are carried out in conformity with provisions of the Outer Space Treaty. The launching state also bears the responsibility of registering the space object. Though private players will operate future launches, the Government of India shall still bear liability for all such launches. There is no way by which this liability may be evaded but certainly a way for recourse can be devised. The privatization of PSLV demands the domestic law for such launches be accordingly developed in consonance with India's international obligations. This paper has been written in four parts. In the first part a brief overview of Indian Space programme shall be given. The second part shall reflect upon the international obligation for carrying out a space activity and the third part shall uncover the legal landscape for space activity in India. The fourth part shall discuss how the legal system in India must be developed to facilitate privatization of PSLV.