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## COMMERCIALISATION OF SPACE - THE CURIOUS CASE OF INDIA

**Abstract**

After the launch of the record-breaking launch of 104 satellites by the Indian Space Research Organisation, India has become a front-runner in the global space market. However, despite its scientific and technological successes, the Indian space law regime is virtually non-existent to combat the multifarious challenges associated with the fast commercialising era of space. These developments have gained further relevance with the establishment of “Virgin Galactic” offices in New Delhi. Concurrently, Article VI of the Outer Space Treaty granting national authorisation of space activities, is best complied with through an enactment of a national legislation, which lists inter alia a licensing regime as well as certification for private activities in outer space. Yet, despite these consequential strides, there exists a void of any such primary space legislation for regulating such activities effectively in India, an attribute found in other space faring nations such as Australia, Germany, Russia and the United States.

Currently, the matters related to space activities in India are governed by the Space Commission that is majorly toothless in the issuance of guideline for the “promotion of space technologies”. The present regime is plagued further by a monetary challenge to ensure allotment of funds for activities ranging from research and development to adequate governmental structures to ensure safety. In light of the same, there exists an immediate need to enact a National Space Legislation, which in the first instance would create a sensitivity for both organisations and individuals undertaking the activity as well as focus attention on the dangers of creating environmental catastrophes, insurance as well as indemnities for the Government in case of any damage caused by undertaking such private activities.

For this purpose, inspiration may be drawn from both domestic as well as international legislations. While there exists a need for the regulation of the space industry in a manner akin to the Commercial Space Launch Act, 1984 of the United States, as a nation on the brink of becoming a superpower, there also exists a greater need for the protection of national interest in light of the sector opening up to international organisations. For this purpose, a two-fold regime incorporating domestic indemnities based on the nuclear liability and personal grievance adjudication similar to the potent consumer law system is essential. Thus, while a number of shortcomings need resolution, India can yet become a hub for commercial spaceflight organically.