

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
National Space Legislation – Harmonisation and Enforcement (3)

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INDIA'S NATIONAL SPACE BILL– DOES IT NEED A HOLISTIC TOUCH?

Abstract

In pursuit of bringing out a national space legislation, the Government of India had placed, towards the end of 2017, a draft “Space activities Bill 2017” for seeking comments of stakeholders and public. Though this process was completed soon after that, the bill is still under consideration of the government for submitting it for parliamentary review and legislative process. For India this initiative for a separate legislation on space comes after five decades of experience in space activities and achieving notable progress in making space technology a tool for accelerating national development. Also, in past, India had participated actively in the UN Committee on Peaceful Uses of Outer space (COPUOS) and its sub-committees in the development of international space law. Driven by the very nature of space endeavors, demands for harmonization of several dichotomous elements including diverse national and international considerations, roles of the government and non government actors, and interfaces among civil commercial and security spaces are examined in the light of the implications that proposed space legislation would bring about. Also, in the context of the stated intent of the bill, which is supporting the overall growth of space activities, an analysis is carried out to assess the extent to which the scope and structure of the bill is in consonance with its overarching intent. The chosen objective should not only find a mention in the body of the legislation, but also needs to be elaborated into several sub goals. Even the definition of “space activity” and “use of space object” could be more precise to avoid unintended consequences. Regulation of commercial space activities should take cognizance of international treaty obligations besides meeting India’s core national interests. These aspects are reviewed for adequate reflection in the national space legislation. As the intent of legislation is to serve as a promotive instrument for growth, it should look at the liability questions from the perspective of investors and other stakeholders. The role of the national space agency and the key institutional framework of achieving the objectives should be addressed in the space legislation. The transformative context of India’s needs, the principle of long term commitment as well as the ethical foundations that guide the space legislation should be explicit. Reflecting these holistic considerations, the paper presents the potentials and limitations of the proposed legislation with an intent to aid the law makers.