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## LEGAL ASPECTS OF SPACE LAW IN INDIA

~ *Pia Chopra*

“Space”, the very foundation of everything we have ever known, and the very reason for our existence has always been considered a vital source when it comes to warfare, international politics, and legal declarations.

On Earth, the human race has travelled miles ahead in land, air and water warfare with several maritime, land and air treaties and international laws also coming into play seeing the increasingly volatile and conflict-ridden situations that several countries in the world seem to be going through in the contemporary era. This volatility has also reached Space, which is now considered the fourth frontier of war by various experts in the field.

However, militarization of space is not something that is new. Rather, it has been ongoing since the time the very ethos of human fascination and curiosity reached beyond the stars and the sky. From the development of the first satellite to sending the first person on moon, militarization and utilization of space resources had already started. Tracking enemy satellites, GIS and GPS navigation, even for WIFI and Port navigations, resources in space were used.

Just like every unbridled and unchecked use of resources can lead to destruction, several nations feared the same would happen when it came to space. Nine countries in the world are considered nuclear powers and only a handful of them are bound by the Nuclear Treaties. This ensures mutual deterrence and adequate defense of the non-nuclear nations on the basis of the logic that if a nuclear war was to ever start in the world, it would be detrimental for all of the stakeholders equally.

Furthermore, we can see a similar pattern in Space with several nations becoming adept with Space Technology and building Space Stations on the Moon. To govern the actions of countries, therefore, the concept of International Space Laws came into play.

India, too, as an emerging space power, has had to deal with these laws and frameworks. India has been a signatory to four of the five major UN space treaties including the Outer Space Treaty (1967), the Rescue Agreement (1968), the Liability Convention (1972), and the Registration Convention (1976) while notably not signing the Moon Agreement (1979). As global treaties set the groundwork, India's space goals, from launching Aryabhata in 1975 to recent lunar and human spaceflight missions have shown the urgent need for its own legal structure. This leads us to the legal aspects of space law in India. The journey however, has been steady but incomplete.

India, being one of the pioneers when it comes to space exploration has long acknowledged that its ambitions, whether it be the coveted moon missions, satellites or either the future human spaceflight, cannot flourish while being in a legal vacuum. While there are several international space law treaties like the Outer Space Treaty or the Liability Convention that bind India along with other nations for a safe universal deterrence while utilizing space resources, these are bound to provide only simple guardrails at the international level. However, these laws also give way to several "grey zones" like those pertaining to resource mining, private sectors, space debris and military cannot be simply left to assumption. Therefore, in India, specifically, the space policy environment has gradually evolved and become better; however, significant gaps still dominate the arena.

For instance, the proposed Space Activities Bill of 2017 was envisioned to delineate the responsibilities and the liabilities for the Indian public as well as the private actors. The Bill basically sought to address the core issues of licensing, safety, liability, insurance, intellectual property and commercial use of outer space.

Recently, in 2023, with the Indian Space Policy and the establishment of INSPACe- Indian National Space Promotion and Authorization Centre, there has been a visible shift, in the sense that this move now encourages private sector participation in space activities, sets out authorizations and also provides an oversight for non-governmental space activities. Overall, however, India has been without a comprehensive domestic space law despite several of the commitments stated above. Even the National Guidelines for Private Entities (NGP 2024) go further in introducing third-party liability requirements and conditions for authorization of

space resource utilization, however, these are policy-level and they mostly lack the force of statute because more often than not, implementation of these bills faces either the funding issues, logistical issues or are not discussed enough in the parliament.

Another important legal aspect is that of the space debris and its tracking, mitigation and remediation. Just as global warming is proving detrimental for earth, similar is the case with space debris. India, being at the forefront of the environmental movement had also launched Project NETRA (Network for space object TRacking and Analysis) in September 2019 for space situational awareness, which gives it the ability to monitor orbital debris and predict the collision risks. However, once again, legally binding rules for debris mitigation, end-of-life disposal or strict national norms are not yet fully established. Thereby, the gaps in enforceability and liability in case of the damage by debris highlight the urgency for stronger statutory frameworks.

In conclusion, India has surely reached for the stars but it is still drafting the fine print. Rockets may need the fuel to launch, but our space ambitions will ultimately need laws to land safely. After all, it is not just about making history in space, it is also about avoiding the orbital chaos that comes with it.

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