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LEGAL ASPECT OF SPACE EXPLORATION IN INDIA: AN OVERVIEW OF INDIA'S LEGAL ASPECT

~ Niharika Uniyal

INTRODUCTION

India is no longer just a country that watches the stars. It is actively reaching for them. From the historic soft landing of Chandrayaan-3 on the Moon's south pole in August 2023 to the growing ambitions of Gaganyaan, India's first human spaceflight mission, the Indian Space Research Organisation (ISRO) has firmly placed the nation on the global space map. But as India's space footprint expands, a critical question emerges, does its legal framework keep pace with its scientific ambitions? And this is what this blog aims to answer.

THE INTERNATIONAL LEGAL FRAMEWORK BINDING INDIA

Before looking into domestic law, it's important to understand the international framework within which India operates. India is a signatory to several foundational United Nations treaties that govern outer space:

- **The Outer Space Treaty, 1967** — the cornerstone of space law, it establishes that space is the "province of all mankind" and prohibits any nation from claiming sovereignty over celestial bodies.¹
- **The Rescue Agreement, 1968** — obligates countries to assist astronauts in distress.²

¹ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, Jan. 27, 1967. India acceded to this treaty on January 18, 1982. [The Outer Space Treaty](#)

² Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, Apr. 22, 1968. [Rescue Agreement](#)

- **The Liability Convention, 1972** — holds a "launching state" absolutely liable for damage caused by its space objects on Earth.³
- **The Registration Convention, 1976** — requires states to maintain a national registry of objects launched into space.⁴

Under these treaties, India as a state bears *international responsibility* for all space activities conducted from its territory, whether by ISRO or by private Indian companies. This is the essence of the legal challenge India now faces. Its private space sector is growing fast, but the national legal infrastructure to regulate it responsibly is still catching up.

THE DOMESTIC LEGAL GAP

For decades, India's space programme was purely government-driven, meaning ISRO operated under administrative guidelines rather than statute. There was no formal Space Act, no legislation that defined rights, liabilities, licensing procedures or dispute resolution mechanisms for space activities.

This changed in June 2023 when India took a landmark step by enacting the Indian Space Policy, 2023, followed by efforts to draft a formal Space Activities Bill. This policy opens the space sector to private players, startups, corporations and foreign investors through a structured framework. It designates IN-SPACe (Indian National Space Promotion and Authorisation Centre) as the nodal agency responsible for authorising and supervising non-governmental space activities.⁵

Yet, as of 2026, India still lacks a comprehensive *Space Activities Act* with full legislative force. This means the country relies on a patchwork of policy documents, administrative orders and international treaty obligations, a situation that creates uncertainty for investors and private players looking for clear legal guarantees.

KEY LEGAL ISSUES IN INDIA'S SPACE SECTOR

1. LIABILITY AND RESPONSIBILITY

³ Convention on International Liability for Damage Caused by Space Objects, Mar. 29, 1972. [Liability Convention](#)

⁴ Convention on Registration of Objects Launched into Outer Space, Jan. 14, 1975, (entered into force Sept. 15, 1976). [Registration Convention](#)

⁵ Indian Space Policy 2023, Department of Space, Government of India (Apr. 6, 2023), https://www.isro.gov.in/media_isro/pdf/IndianSpacePolicy2023.pdf.

Under the Liability Convention, India is internationally liable for damage caused by its space objects. But domestically, there is no law that clearly defines how this liability is apportioned between ISRO, IN-SPACe and a private operator if, say, an Indian startup's satellite causes a collision in orbit. This needs urgent legislative clarity.

2. INTELLECTUAL PROPERTY IN SPACE

Who owns the data collected by a privately-launched Indian satellite? What about innovations developed in microgravity during Gaganyaan missions? India's existing IP framework, the Patents Act, 1970 and the Copyright Act, 1957 was not designed with outer space in mind. There is no specific provision addressing IP rights generated beyond Earth's atmosphere.⁶

3. RESOURCE UTILISATION AND SPACE MINING

The Outer Space Treaty prohibits national appropriation of celestial bodies, but it is silent on whether private entities can *extract and own* resources from asteroids or the Moon. Countries like the United States and Luxembourg have already enacted domestic laws permitting private space resource ownership.⁷ India has no such law yet, which puts Indian companies at a disadvantage in the emerging space resource economy.

4. SPECTRUM AND ORBITAL SLOT MANAGEMENT

India coordinates its satellite frequency and orbital slot requirements through the International Telecommunication Union (ITU). As more Indian private satellites enter orbit, effective domestic governance of spectrum allocation administered through the Department of Telecommunications becomes increasingly important and legally complex.

THE ROAD AHEAD

India's space ambitions demand a robust legal ecosystem. The priorities are clear:

1. A comprehensive Space Activities Act that defines licensing, liability, insurance obligations and dispute resolution mechanisms.
2. A dedicated space tribunal or arbitration framework for resolving commercial space disputes. Amendments to IP laws to address extraterrestrial innovation.

⁶ Ram S. Jakhu & Joseph N. Pelton eds., *Global Space Governance: An International Study* (Springer Int'l Publishing 2017).

⁷ U.S. Commercial Space Launch Competitiveness Act, Pub. L. No. 114-90, (2015); Loi du 20 juillet 2017 sur l'exploration et l'utilisation des ressources de l'espace.

3. A clear policy on space resource utilisation that aligns with India's international treaty commitments while protecting the interests of Indian private players.

CONCLUSION

India's space programme is moving at an extraordinary pace and the world is watching. The legal system, however, moves at a different pace and the gap between the two can be costly in ways that go beyond lost investment. Liability disputes, unresolved IP ownership and the absence of a space resources framework are not hypothetical concerns, they are risks that could derail India's commercial space ambitions at any moment.

As India positions itself as a global space power and opens its doors to private enterprise, building a clear, predictable and comprehensive legal framework is not optional. It is the foundation on which rockets, revenue and reputation are all built. Other spacefaring nations did not wait for a crisis to force their hand, they legislated early and they reaped the rewards.

The stars may be the destination, but the law is the launchpad. And a shaky launchpad is a risk no nation or mission can afford.