Outer Space Law
V Semester (LL.B.) - Elective Course

Introduction:

The entry into the outer space is undoubtedly the greatest achievement of the twentieth century. The pleasant event of space exploration has resulted in the rapid developments in the scientific and technological field. But at the same time it carried number of problems requiring legal solutions. Consequently, the space law started to emerge as a separate branch of international law. Now with the enormous development in the field of space technology, the legal regime of the outer space is overlapping with the municipal laws, such as law of financing, intellectual property law, tort law, criminal law, information technology law and so on. Therefore the space law, which has started as an offspring of international law, has now percolated into the municipal sphere and has gained tremendous importance in the present century.

Objective of the Course:

The major objective of the course is to look into the legal regime governing outer space, the moon and other celestial bodies, and its implications on the recent scientific and technological developments. In furtherance of the objective, course would start with the analysis of development of space law and fundamental principles applicable to outer space, and then goes on to look into the legality of some of the recent developments like the claim of sovereignty and property rights over the outer space and celestial bodies, sale or leasing of orbits and spectrums, human habitation in outer space, militarization of outer space, plans to conduct inventions in outer space and increasing private space activities. Apart from the legal developments in the international level, the course would also cover the developments of space law at national level by analyzing the laws passed by some of the space-faring nations. The course is offered independently of air law with an objective of having an in depth study of the outer space regime. More importantly, space law and air law are two separate fields of law, essentially with very little interconnection.
Course Outline:

The course is divided into following six modules.

Module - 1: Space Law: Historical Background

1.1 Definition and demarcation of outer space
1.2 Space technology - Benefits
1.3 Shift from air law to space law
1.4 Development of the space law - UN contributions
   1.4.1 UN General Assembly Resolutions
   1.4.2 Space treaties
   1.4.3 Principles - A midway approach

Time allotted: 6 Hours

Reading List:


Module - 2:  Fundamental Principles

2.1 Province of all Mankind
2.2 National non-appropriation
2.3 Freedom of exploration, use and scientific investigation
2.4 Common Heritage of Mankind
2.5 Jurisdiction and control
2.6 Co-operation between the states
2.7 Astronauts - Envoys of Mankind

Time allotted: 8 Hours

Reading List:


B. The Province of Mankind. (Refer Module)


Module - 3:  Liability and Registration

3.1 Launching state and Registering state
3.2 Liability and responsibility regime under the Outer Space Treaty
3.3 Absolute liability and fault liability

3.4 COSMOS 954 - A case study

3.5 State liability / responsibility for private space activities

3.6 Registration and identification

Time allotted: 6 Hours

Reading List:


D. Kay-Uwe Horl and Julian Hermida, ‘Change of Ownership, Change of Registry? Which Objects to Register, What Data to be Furnished, When, and Until When?’, *Proceedings of the Colloquium on Space Law*.

Module - 4: Some Problems of Current Concern

4.1 Question of state sovereignty and claim of property rights

4.2 Human habitation on the moon and other celestial bodies

4.3 Protection of the space environment

4.4 Demilitarization of the outer space

4.5 International Space Station - Inventions in outer space

Time allotted: 10 Hours

Reading List:


Module - 5: System of Financing Outer Space Activities

5.1 Increasing private space activities

5.2 Asset-Based Financing

5.3 UNIDROIT Convention and draft Space Protocol
5.4 Creation and registration of international interests in space assets

5.5 Default and remedies

5.6 Loopholes in the UNIDROIT system

**Time allotted: 6 Hours**

**Reading List:**


**Module - 6: National Space Legislation**

6.1 Need for national space legislation

6.2 Commerce oriented approach - US & Australian models

6.3 Other approaches - Russian & UK models

6.4 Indian position

**Time allotted: 6 Hours**

**Reading List:**


**Books for Reference (For all Modules)**

**Compulsory Readings:**


**Recommended Readings:**


# Modes of Evaluation

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<thead>
<tr>
<th>Sl. No.</th>
<th>Evaluation Method</th>
<th>Marks</th>
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<tbody>
<tr>
<td>1.</td>
<td>Presentation of the Project</td>
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<tr>
<td>2.</td>
<td>Written Project</td>
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<tr>
<td>3.</td>
<td>Class Participation</td>
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<td>4.</td>
<td>End Semester Examination</td>
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*Dr. Sandeep Bhat B.*  
(Course Teacher)