



7-9 February, 2012

THEME: Geo-Budget: Enabling Sustainable Growth

Remote Sensing: An Analysis of Policy and Law with Reference to India

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Introduction

India is changing from one phase to another phase as the history reveals. The changing phase is through its politics, culture, outlook towards interaction with other foreign countries etc. This changing dimension is related always with some policy and to follow up the policy, some law is made by the government enjoying power. This system is still continuing. Also this is true for every sector including the remote sensing data industry. The present context of discussion on remote sensing data is related with policy and law, the necessity for a policy as well as law and the interaction between the two.

Policy

Policy is "any course of action followed primarily because it is expedient or advantages in a material sense". When put into a political theme, this definition would read: 'Public Policy is a concept (usually in a written document), whereby the government or a political party will determine decisions, actions and other matters that will prove advantages to society in general'.¹ If the above statement is analysed, the policy is a course of action or concept made by the government to follow up the decisions taken earlier. But a government policy is always made for societal causes which are related with public whether its concern is with science, social science or any other discipline.

When there are policies, there are policy makers. The history showed that the scholars or the ministers of the kings in different era made policies for different purposes as required by the rulers during their time. Similarly there are core groups or persons in each and every ministry who formulate the policies taken by the government. Obviously there is Planning Commission of India, general policy making body, where there are persons from different departments of the government and they are experts in their concerned fields. But here as the focus is specifically on remote sensing, so the ministries or persons in charge of making remote sensing data policy are taken into consideration. The ministry of science and technology, the ministry of earth sciences are the two key departments and their secretaries in making policy related with remote sensing data. There are other departments from the government also.

Law

¹ <http://www.uplink.com.au/lawlibrary/Documents/Docs/Doc95.html> (Accessed on 25-12-11)

There are different jurists who define the law differently based on different theory. But here the focus is mainly on law following policy. In general, law is required to maintain a discipline in our society. Our Indian law is not different from this. So when a policy comes into play, the next step is to make the law related with policy. But the statement is not true always. The example of remote sensing is suitable here and the later part of the discussion will reveal this fact.

Another important issue on policy is its basic difference from law. The law will be enacted by the Parliament based on the strict Constitutional provisions.² So there are some legal steps to make a policy into law.

Remote Sensing Data Policy

The above discussion provides a general conception of what are policy and law and its basic difference. The present context is only focusing on remote sensing. The government established a policy on remote sensing data in 2001, known as Remote Sensing Data Policy (RSDP). This policy was followed by all who shared data from Indian satellites as well as the sole data provider in India, National Remote Sensing Centre. This policy was slightly modified in 2011.

When the government decided to distribute data acquired by Indian satellites, RSDP was made. It guided the government as well as the data provider the purpose of Indian satellite data for its distribution. The national security is the first and foremost issue when the government provides data to anybody through its nodal agency, National Remote Sensing Centre. Besides national security, the government made policy for societal needs and developmental issues.³

The same policy was slightly modified in 2011. But the data from Indian satellites are highly commercialized compared to 2001.⁴ So why the government does not make any law to regulate this commercialization? It relied on policy in 2001 and also in 2011. Perhaps the history of Indian space science and technology may provide a response. The development of India's space science and technology is for societal needs from its very inception. It reflects from the very recent speech of Her Excellency the President of India delivered at the India's space port at Sriharikota.⁵ Also the vision of the founding father of India's space programme, Dr. Vikram Sarabhai, was not on commerce but also it was on self-reliant in national space activities.⁶ This concept is still in the minds of the policy makers as well as the government. The India's space industry including the remote sensing data industry is still monopolized by the government as the priority to do societal development is from the government. And due to this monopoly, the policy which is made by the government for its own predetermined purpose still exists in different forms like Map Policy (2005) besides RSDP (2011).

Limitations of Policy

² <http://knol.google.com/k/process-of-policy-making-in-india-since-independence#> (Accessed on 26-12-11)

³ <http://www.isro.org/news/pdf/RSDP-2011.pdf> (Accessed on 26-12-11)

⁴ <http://www.antrix.gov.in/> (Accessed on 27-12-11)

⁵ http://www.isro.org/pdf/Presidents_Address_at_SDSC_Sriharikota.pdf (Accessed on 4-01-12)

⁶ <http://www.isro.org/scripts/Aboutus.aspx> (Accessed on 05-01-12)

The general limitation of policy is that it is not so much effective during implementation. When any policy will be implemented, there must be some lacuna or violation. But violation of policy is not like violation of law which can be adjudicated in the court of law. All Indian laws are as per Constitution and this is strictly followed. Hence any violation of law means that of Constitution. So though the RSDP still exists, but it will not be so effective like law made by the Parliament. Hence any lacuna or violation of RSDP has no such legal effect in the court of law.

Conclusion

The above discussion on policy and law and its interaction reveal that it is the policy first and the law follows in due course of time. The remote sensing data industry has no exception from this. To develop any industry, it requires very good budget and the policy should include the provision of budget like how to invest, and to create the financial resources and its proper utilization which again creates resources. The present RSDP has no such provision separately though it is the most crucial in the era of commercialization. Also if the policy is lacking behind on this regard, then the future law will be weak to sustain the growth of the remote sensing industry in general. Hence the next step of modifying the RSDP should include the provision of budget to the remote sensing data industry.

1. Paper Reference Number: PN- 86
2. Title of the Paper : Remote Sensing: An Analysis of Policy and Law with Reference to India
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