

Exploring the Influence of International Sub-Political Sites on Nanotechnology Regulation in India

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The nanotechnology regulatory regime in India, in concomitance with the technology itself, is fast emerging and is marked by new discoveries and their applications across disciplinary fields. Although both are emerging, this dynamism is not a two-way phenomenon; the technological developments are ahead of the regulatory regime, with the latter reacting to the former. The reactive nature of the regime corresponds to a number of political, sub-political and apolitical factors, both national and international; which makes the regulation often disjointed and fragmented in nature. There has been a growing trend towards the acceptability of international forums/institutions as efficient and effective sites of regime creation. These sites are characteristically sub-political in nature in as much as they lack effective legitimacy and formal rule making power. The International Risk Governance Council (IRGC) and the International Standards Organization (ISO) are two such sites, identified in this paper.

This paper explores these two sites of regime creation through the theoretical construct of the Beckian notion of sub-politics. Both IRGC and ISO demonstrate characteristics of emerging international sub-political sites in the context of regulation of nanotechnology. Norms emanating from international sub-political sites have earlier had an influential role in domestic regime creation. Given that the Indian domestic regime for nanotechnology regulation is still at a nascent stage and essentially reactive in nature, the deliberations within these two sites could have considerable influence in its development and functioning. This *per se* is not problematic, however the concern arises in the context of the inherent structural limitations within these institutional sites coupled with technical and financial capacity deficits confronting developing countries like India, which severely limits and considerably delegitimizes the substantive norms originating from these institutions.

The paper has been divided into four parts. The first part provides a broad overview of the various international and national regulatory developments in nanotechnology. This illustrates the growing acceptability of internationalization and harmonization of regulation of technology more generally. The second part is a theoretical assessment of the two identified sites, *i.e.*, ISO and IRGC to ascertain their sub-political nature. Herein the norm creating activities of these sites within the field of nanotechnology would also be discussed. The third part would trace the influence of international sub political sites

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on the Indian regulatory regime in other technology related sectors. Based on this, the concluding part would explore the possibilities of influence of the two sites and its implications for the development of nanotechnology regulatory regime in India.