
April 2023

## India Space Policy, 2023

Until June 2020, participation in the space sector was restricted to the Government of India. Since then, through a slew of reforms, the space sector has been opened to non-government entities ("**NGE**")[1] in carrying out end-to-end activities in the space domain.

With an aim to provide regulatory certainty to space activities[2], the government has now introduced the India Space Policy, 2023 (the "**Space Policy**"), formulated as an overarching, composite, and dynamic framework to implement the reform vision in the space sector. The Space Policy is valid throughout the territory of India.

With a view towards India's socio-economic development and security; protection of environment and lives; pursing peaceful exploration of outer space and stimulation of public awareness and scientific quest, the Space Policy, encompasses:

1. Augmentation of space capabilities;
2. Enabling, encouraging and developing a flourishing commercial presence in space;
3. Using space as a driver of technology development and derived benefits in allied areas;
4. Pursuing international relations;
5. Creating an ecosystem for effective implementation of space applications among all stakeholders.

To give impetus and a backbone to this vision, the Space Policy sets out the various roles that would be played by the different stakeholders.

The Department of Space ("**DOS**") is the nodal agency for overseeing the Space Policy, including its implementation, interpretations, and creation of a dispute resolution mechanism in relation to space activities.

In addition, DOS will (a) participate in international efforts by providing critical remote sensing satellite data for disaster management efforts and meeting the requirements of the sustainable development goals formulated by the United Nations in coordination with the Ministry of External Affairs; (b) ensure sustenance of existing and future satellite constellations, Satellite Control Centres ("**SCCs**") and ground segments for continuous and guaranteed availability of free-to-air and secured navigation signals as well as space-based augmentation signals in the defined coverage area; (c) ensure the compatibility and interoperability of Indian satellite navigation and augmentation signals with the other navigation and augmentation signals and ensure their representation in relevant international

[1] As per the Space Policy, "NGE" means (a) a company incorporated under the Companies Act, 2013 or (b) a partnership firm established under the Limited Liability Partnership Act, 2008, (c) Trusts under the Indian Trusts Act 1882 (d) Association of persons or body of individuals incorporated under relevant statutes in India.

[2] "Space Activity" means an activity pertaining to the space sector, which *inter-alia* includes, launch, operation, guidance and/or re-entry of any Space Object from outer space.

organizations and standards bodies for the purpose of their recognition, certification and adoption; and (d) establish a framework to ensure safe and sustainable space operations, in compliance with relevant international space debris mitigation guidelines.

## Roles of the different stakeholders

### Government of India

The government will focus on:

1. Encouraging research and development in the space sector with a view to augmentation of the space program of India;
2. Providing public goods and services using space technologies;
3. Creating a stable and predictable regulatory framework with a view to a level playing field, for NGEs through the Indian National Space Promotion and Authorization Centre ("**IN-SPACe**");
4. Promotion of space-related education and innovation, including support to start-ups in this sector; and
5. Using space to stimulate public awareness and scientific interest.

### IN-SPACe

IN-SPACe, which was set up to facilitate private sector participation in the space sector, is a single-window, independent, nodal agency which functions as an autonomous agency in DOS.

In-SPACe will serve as an autonomous government organization, mandated to promote, hand-hold, guide and authorize space activities in India and towards this end has been authorized to issue guidelines and procedures enabling ease of doing business in this sector in India.

Keeping in mind the national security, safety, international obligations and foreign policy considerations, IN-SPACe will, amongst others:

1. Authorize the following space activities:
    a) Establishment/operations of space objects;
    b) Launch and operation of launch vehicles;
    c) Establishment and operation of launch pads which could be leased, or self-owned;
    d) Planned re-entry (with or without recovery) of space objects[3];
    e) Establishment and operation of Telemetry, Tracking & Command ("**TT&C**") Earth Stations[4];
    f) Establishment and operation of SCCs[5] / satellite data reception stations;
    g) Dissemination of high-resolution space-based earth observation data;
    h) In-orbit sale/purchase / transfer of space objects;
    i) Any other kinds of authorizations as may be required.
2. Promote industry clusters / zones / incubation centers/ accelerators / amongst others for the space sector;

[3] Space Object means (a) any object launched or intended to be launched into an orbital or sub-orbital trajectory around the earth or to a destination beyond earth-orbit; (b) any constituent element of an object referred to in (a); or any other object as may be notified from time to time.
[4] TT&C Earth Station is an earth station for the tracking, including receiving telemetry from, and command of a space object. TT&C refers to Telemetry, Tracking and Command.
[5] SCC refers to the satellite control facility for monitoring and control of satellites and also includes TT&C Earth Stations.

3. Along with industry players (both in India and abroad), promote certain space activities to work towards India becoming a preferred service provider for global requirements of the space sector;
4. Widen the space ecosystem and collaborate with industry and academia;
5. Define space industry standards in line with global benchmarks;
6. Formulate appropriate procedures for the prioritisation of use of public expenditure towards space activities;
7. Establishment of specialised technical facilities by NGEs within the DOS;
8. Enable sharing of best-practices for a robust space ecosystem;
9. Facilitate NGEs that (a) acquire new orbital resources through Indian ITU filings[6] to operate their space objects, in collaboration with the WPC[7]/Department of Telecommunications ("**DoT**"); (b) bring operations of their space objects that are using Non-Indian Orbital Resources[8], under a co-ordinated and registered Indian ITU Filing, in accordance with extant ITU rules.
10. Authorize the use of space objects for communication/broadcast services to / from Indian territory. Use of space objects for broadcast services will be governed by the Ministry of Information Broadcasting, while for communication services will be governed by the DoT;
11. Identity and facilitate to NGEs, technologies developed by the Indian Space Research Organization ("**ISRO**");
12. Issue guidelines for meeting safety and security requirements of space objects;
13. Prescribe guidelines to address liability aspects arising out of potential damages due to space activities;

## ISRO and NewSpace India Limited ("NSIL")

ISRO which is the National Space Agency focuses primarily on the research and development of new technologies and applications for the space sector, including allowing access to archived satellite data; working towards a long-term presence human beings in outer space.

NSIL, a public sector undertaking under DOS will primarily be responsible for the commercialisation of space technologies and platforms, which includes manufacture, lease, procurement of space components, technologies and platforms from and for the utilization of the private / public sectors.

## NGEs

NGEs are permitted to undertake end-to-end activities in the space sector by:

1. Offering national and international space-based communication services;
2. Establishment and operation of ground facilities including TT&C Earth Stations and SCCs;
3. Usage of Indian and Non-Indian Orbital Resources for space-based communication services;
4. Establish and operate remote sensing satellite systems within or outside India, by using self-procured or leased satellites;
5. Develop and commercialise technologies and applications for enhancing and augmenting satellite navigation, communication, and remote-sensing;

[6] "ITU Filing" means an application submitted to ITU for acquiring the orbital resources;
[7] "WPC means the Wireless Planning & Coordination Wing of Department of Telecommunications, which is the nodal agency that represents India at ITU.
[8] "Non-Indian Orbital Resource" means any Orbital Resource acquired or in the process of being acquired by any country other than India; "Orbital Resource" means any Geo-Stationary Orbit slot and/or Non Geo-Stationary Orbit along with the associated frequency spectrum and coverage acquired or in the process of being acquired through an appropriate ITU Filing;

 

6. Manufacture and operate launch vehicles, shuttles, launch infrastructure, amongst others;
7. Engage in the commercial recovery of any space resource;
8. Provide end-to-end services for safe operations and maintenance of any object in space;
9. Undertake any other commercial activity as permitted to do so by IN-SPACe.

## Telecommunications & Broadcasting Practise

Our Communications practice is handled by a team with specific domain-expertise, and we advise various stakeholders in both Telecom & Broadcasting sectors on a wide range of transactions and assignments that involve constitutional, legal, contractual, commercial, regulatory and policy advice. he practice is led by an expert who has over 35 years of experience, and with the team having expertise in handling diverse aspects of the Telecom sector (financial reform, spectrum management, legal and strategic change). We advise broadcasters, BPOs, internet service providers (ISP), operators and investors in the Global System for Mobile Communications (GSM) and the Code Division Multiple Access (CDMA) technologies, and new investors on diverse licensing issues, entry strategies, structuring, national security challenges, and other regulatory issues. We represent the interests of licensees and other stakeholders in interacting with the licensor and regulators with respect to reforms in the regulatory and policy framework to facilitate business growth drawing upon international best practices. We advise and represent investors, broadcasters, and telecom licensees on commercial transactions in this sector, including mergers, acquisitions, restructuring, divestment, licensing, and project financing. We advise telecom service providers and other corporate houses on all aspects of spectrum licensing and allocation, including fundamental issues relating to the scope of spectrum bands, the regulatory framework governing their allocation in India, and planning, strategising and following up on their application to the Government.

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