



May 2024

Norms, guidelines and procedures for implementation of Indian Space Policy-2023 in respect of authorization of space activities

The Indian National Space Promotion and Authorization Centre (“**IN-SPACE**”) on May 3, 2024, notified the “Norms, Guidelines and Procedures for Implementation of Indian Space Policy-2023 in respect of Authorization of Space Activities” (“**NGP**”).

In April 2023, the Indian Space Policy (“**ISP 2023**”) was notified, which identified the space activities that require the authorisation of IN-SPACE. The NGP has further extended the list of space activities which need authorization from IN-SPACE, criteria for granting the authorisation, and necessary conditions/guidelines to be adhered by an applicant for obtaining the authorisation. Application templates seeking authorization for the space activities have also been provided in the NGP.

Salient features of the NGP

The following broad conditions are given in the NGP:

1. The NGP outlines a comprehensive classification of activities which require authorisation from IN-SPACE for any entity conducting space activities within the Indian territory or within the jurisdiction of India or within the limit of its exclusive economic zone.
2. Typically, only Indian entities are permitted to apply for an authorisation from IN-SPACE. However, foreign entities can apply for authorisation, by entering into a joint venture or any collaborative arrangement that is recognised by the government. Furthermore, in certain specific categories laid down in the NGP, authorised representatives of foreign entities are permitted to seek authorisation from IN-SPACE directly.
3. The NGP has laid down the application process for seeking authorisation for the space activities from IN-SPACE (“**IN-SPACE Application**”) with the entire application process expected to be completed within 75 (seventy-five) to 120 (one hundred and twenty) days. For this purpose, the IN-SPACE Application templates have also been provided in the NGP.
4. The applicant for authorisation is required to have the adequate managerial, operational, infrastructural, technical and financial capabilities to conduct space activities. Post authorisation, if there is any change of management and control or shareholding pattern or any other equivalent change, it must be reported to IN-SPACE within 48 (forty-eight) hours, following which IN-SPACE may determine whether to cancel its authorisation or amend it, as required.
5. Space activities are not permitted to be carried out in such a manner that it poses a threat to national defence, intelligence, safety of the people and the like.

6. The authorization issued to the applicant is non-transferrable to any third party without the prior written approval of IN-SPACe and can only be granted at IN-SPACe sole discretion. It is given for a specific validity period, on the expiry of which, the applicant is required to seek separate authorisation for conducting space activities.
7. Any satellite/ constellation owned by an Indian entity or foreign entity requires an authorisation for its establishment and operations in order to provide communication services in India or outside Indian territory. These satellites/ constellations may either use Indian Orbital Resources (“**IOR**”) or non-IOR.
8. The framework lays down that Indian entities are required to seek authorisation for establishment and/or operation of a satellite/constellation for communication services in Indian Geo Stationary Orbits (“**GSO**”) and/or Non Geo-Stationary Orbits (“**NGSO**”) using either already available IOR or using new orbital resources with new International Telecommunication Union (“**ITU**”) filing through the Wireless Planning and Coordination wing of the Department of Telecommunications (“**WPC**”). Applicants are also permitted to procure and acquire already operational in-orbit satellite/ constellation from Indian or foreign entities or transfer the ownership to Indian or foreign entities upon obtaining authorisation from IN-SPACe.
9. Only IN-SPACe authorised foreign GSO satellites and/or NGSO satellites constellation are permitted for provisioning their capacity to provide space-based communication services in India.
10. Any satellite owned by an Indian entity requires authorization for its establishment and/or operations in order to provide earth observation/ remote sensing or amateur services.
11. The applicant is required to provide details regarding the ITU filing status for Telemetry, Tracking and Command (“**TT&C**”), sensor and communication payloads frequencies, if it intends to use the existing ITU Filing. The applicant may also make a new ITU filing to ITU, or may make use of the available unutilized, under-process Indian ITU filings or coordinated/allotted orbit resource through a pre-defined framework.
12. Any Indian entity can establish and/or operate space objects in GSO and NGSO in order to service Indian territory or areas beyond Indian territory or both. Specific guidelines for the utilisation of the existing unutilised coordinated/ allotted orbital resources or unutilised ITU filing by the Indian entities have been permitted, through a consultative process.
13. Guidelines for applying for a fresh ITU filing under Indian administration through the WPC are laid down in the NGP whereby the applicant, who intends to make new ITU filing under Indian administration for the establishment and/or operation of space object for communication services, is required to apply to IN-SPACe on the IN-SPACe digital platform in the stipulated format.
14. Any space-based earth observation/ remote sensing primary data which is less than or equal to 30 (thirty) centimetres Ground Sampling Distance (“**GSD**”) at nadir will be treated as high resolution data. Dissemination of high-resolution primary data pertaining to the Indian territory will need authorization from IN-SPACe. Any dissemination of primary data pertaining to Indian Territory and of GSD greater than 30 (thirty) centimetres at nadir without IN-SPACe authorization will be deemed as non-compliance to the ISP 2023. The dissemination of primary data which is being commercially transacted and less than 30 (thirty) centimetres GSD at nadir pertaining to Indian Territory is only to be done through data disseminators registered with IN-SPACe.
15. The operation of space transport systems is under the purview of IN-SPACe and any launch (orbital or sub-orbital) of a space transportation system by an Indian entity from Indian territory and/or outside the territory of India needs authorization from IN-SPACe. Any non-Indian launch operator, aiming to undertake the launch (orbital or sub-orbital) of their space transportation system from Indian territory, is required to seek IN-SPACe authorization through an Indian entity, which could be their subsidiary, joint venture, partnership, or using any other collaboration arrangements recognised by the government of India.
16. NGP lays down the framework for the establishment and/ or the operations of ground systems where the authorisation from IN-SPACe is required for the establishment of Satellite Control Centres, TT&C, Mission Control Centre, Remote Sensing Data reception station, ground stations for supporting operations of the space based services such as space situational awareness and any other category as decided by IN-SPACe.

17. IN-SPACE authorization is not required for setting up of gateways or hubs supporting satellite communication services such as Direct-to-Home, television uplink, Digital Satellite News Gathering Service, Very Small Aperture Terminal, broadband, Inflight and Maritime connectivity, etc. Establishment and operations of such gateways/hubs including those required for supporting the operations of the high throughput GSO or NGSO satellites/constellations will be governed by the prevailing licensing/approvals process by the respective government departments/ministries.
18. The NGP also outlines the process for registering space objects in India's national registry and makes it mandatory for operators to provide detailed information about their space objects, ensuring compliance with the space debris mitigation guidelines and operational safety protocols.

Conclusion

The NGP lays down the range of space activities which require authorisation from IN-SPACE, as envisioned in the ISP 2023 that was formulated with the intent of liberalising the space sector for enhanced participation of private parties/ Non-Government Entities (“NGE”). The NGP is expected to complement the Government’s endeavour in providing predictable regulatory regime, transparency and ease of doing business in Indian space sector by providing the criteria for granting authorizations and the necessary guidelines/pre-requisites to be fulfilled by an applicant for making the application for authorization to IN-SPACE.

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