

ERGO

Analysing developments impacting business

INDIAN SPACE POLICY 2023 – A GRAVITATIONAL SHIFT IN THE SPACE SECTOR

1 May 2023 [Introduction](#)

On 20 April 2023, the Indian Space Research Organization (ISRO) released the Indian Space Policy 2023 (Space Policy), which was reported to have received the nod of the Union Cabinet on 6 April 2023. The Space Policy has been issued subsequent to the reforms announced by the Government in space domain by opening doors for participation of non-governmental entities (NGEs) and enable a level-playing field. Accordingly, the Space Policy aims to set out a composite framework to implement these reforms and create a thriving space ecosystem.

[Key features of the Space Policy](#)

- *Applicability and implementation:* The Space Policy will apply to all 'space activities' to or from Indian territory or within its jurisdiction. Exemptions may be granted by the Government of India in certain specific cases.
- *Vision and strategy:* The vision of the Space Policy is to *inter alia* enhance space capabilities, encourage a flourishing commercial presence in space, and create an ecosystem for effective implementation of space applications for socio-economic development and security, environmental protection, peaceful exploration of outer space, and public awareness and scientific quest. The Government seeks to encourage the private sector participation in the space value chain while encouraging research and development (R&D), provision of public goods, and creation of regulatory framework to provide level playing field to NGEs through Indian National Space Promotion and Authorisation Centre (IN-SPACe). It also aims to promote space education and innovation, use space as a technology driver, nurture scientific interest, and raise awareness of space activities.
- *Non-governmental entities:* NGEs are allowed to participate in the space sector by establishing and operating space objects, ground-based assets, and related services such as communication, remote sensing, navigation, etc., in line with the guidelines and regulations prescribed by IN-SPACe. NGEs are *inter alia* encouraged to procure, lease, or establish their own communication satellites, operate ground facilities for space operations, use Indian or non-Indian orbital resources to establish space objects for communication services, making International Telecommunication Union (ITU) filings through Wireless Planning Commission (WPC) / Department of Telecommunications (DoT) / non-Indian administrations to acquire orbital resources, etc.
- *Indian National Space Promotion and Authorisation Centre:* IN-SPACe shall work as an autonomous Government organization mandated to promote, guide and authorize space activities in India. It will act as a single-window agency for authorizing space activities by

government entities and NGEs subject to relevant government directives, including safety, national security, international obligations and foreign policy considerations. It will authorize activities such as the establishment and operations of space objects, launch and operation of launch vehicles, establishment and operation of launch pads, planned re-entry of space objects, and more. IN-SPACE will also ensure registration and necessary clearances for any space object intended to be launched and encourage the broadest possible dissemination of remote-sensing data and applications. IN-SPACE is also responsible for authorising the use of space objects for communication/broadcast services to or from Indian territory in coordination with other concerned departments of Government of India.

- *ISRO*: Pursuant to the Space Policy, ISRO will focus on R&D of new space technologies and expand human understanding of outer space. It will carry out applied R&D in space infrastructure, transportation, human spaceflight etc. It will also share technologies, enable open data access from remote sensing satellites, and foster collaborations with industry and academia for space science and applications. Further, ISRO is also expected to demonstrate human spaceflight capability, develop a long-term roadmap for sustained human presence in space, and make available archived satellite data for research.
- *NewSpace India Limited*: NewSpace India Limited (NSIL), a public sector undertaking under the Department of Space (DOS) will be responsible for commercializing space technologies and platforms, manufacturing, leasing or procuring space assets from private or public sectors, and provide space-based services to government entities or NGEs on commercial principles.
- *Department of Space (DOS)*: DOS will be responsible for overseeing the implementation of the Space Policy and ensure the distribution of responsibilities outlined in the policy. It will interpret and clarify any ambiguities and ensure continuous earth observation capability and data for national requirements. Additionally, the DOS will ensure sustenance of satellite constellations and ground segments for navigation signals, ensure compatibility and interoperability with other signals, etc. It will also create a mechanism to resolve disputes arising from space activities in compliance with existing laws.

Comment

The space sector has immense untapped potential and the Space Policy comes in at a timely juncture. It promises avenues for many private players to devise innovative service offerings, which have so far been in the Government's domain. These encouraging and futuristic policy measures are expected to pave the way for prospective entrepreneurs in the space infrastructure market. The delineated roles and responsibilities of ISRO, IN-SPACE, NSIL, DOS etc., provides much needed regulatory clarity for the way forward. Pertinently, the Space Policy is also indicative of a new space law around the corner. It will be exciting to see what legal and regulatory changes may ensue and how the industry welcomes the new reforms.

- Harsh Walia (Partner), Shobhit Chandra (Counsel) and Sanjuktha A Yermal (Associate)

For any queries please contact: editors@khaitanco.com

We have updated our [Privacy Policy](#), which provides details of how we process your personal data and apply security measures. We will continue to communicate with you based on the information available with us. You may choose to unsubscribe from our communications at any time by clicking [here](#).