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INDIA'S DRAFT 'SPACE ACTIVITIES BILL': IMPLICATIONS FOR THE COMMERCIAL SPACE
INDUSTRY

Abstract

With over five decades of government-led capacity building towards self-sufficiency in space capabilities, the Indian space programme is increasingly looking to its local private industry ecosystem to take up end-to-end activities of manufacturing of satellites and rockets. The Indian Space Research Organisation (ISRO) has already transferred ownership of some of its navigational satellites to a private industry consortium and has planned to outsource development of its space launch workhorse the Polar Satellite Launch Vehicle (PSLV) to local industry by 2020. We are also witnessing the rise of NewSpace in India with start-ups planning to provide internet connectivity, building next-generation rockets, landing a rover on the Moon and utilising space data targeting commercial customers.

This increasing interest of the local private industry and the growth of NewSpace has led to the Department of Space (DoS), Government of India to introduce a legislation to govern the 'Commercial Space Activities' performed by the private sector. The draft 'Space Activities 2017' Bill released by the government is India's first attempt to have a legislative framework to the conduct of space activities in the country. It is important to note that the draft does not encompass expanding the already set policies such as the 'SatCom Policy', 'Remote Sensing Data Policy' and expanding the already set policies to support specific activities in upstream and downstream of the value chain, rather focusses on alignment with the requirements placed on nation states by international law of supervision, licensing, liability.

The draft Space Activities Bill introduced by India has large implications for the conduct of business by the private sector. The present work shall provide a critique to the draft Space Activities Bill in an attempt to provide a bottom-up perspective to the functioning of the ecosystem against the top-down legislative approach in drafting the Bill. A comparative analysis of the legislative frameworks chosen by other nation states to that against India is reviewed in an effort to provide a foundation to the arguments in favour of possible modifications. A vision for a holistic governance and ease of doing business is presented to suggest modifications to the Bill in an attempt to appraise policymakers to further catalyse the growth of the space economy in India.