

केंद्रीय सरकार, अधिनियम की धारा 53 को आगे बढ़ाते हुए, इन नियमों के डिजिटल कार्यान्वयन के लिए एक पोर्टल को अधिसूचित कर सकती है, जिसमें मानकों के विनिर्देश और अनुरूपता मूल्यांकन, अनुपालन के लिए प्रक्रियाएं, शुल्क और प्रभार, गैर-अनुरूपता के नोटिस, और समुचित प्राधिकारी द्वारा इन नियमों के तहत कोई आदेश या निर्देश शामिल होंगे।

[फा. सं. 24-13/2024-यूबीवी]

देवेन्द्र कुमार राय, संयुक्त सचिव

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)
NOTIFICATION

New Delhi, the 29th January, 2025

G.S.R. 82(E).—The following draft rules, which the Central Government proposes to make in exercise of the powers conferred by section 19 read with clause (zj) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), are hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of thirty days from the date on which copies of this notification as published in the Official Gazette, are made available to the public;

Objections or suggestions, if any, may be addressed to the Joint Secretary (Telecom), Department of Telecommunications, Ministry of Communications, Government of India, Sanchar Bhawan, 20, Ashoka Road New Delhi- 110001;

The objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the aforesaid period shall be taken into consideration by the Central Government.

1. Short title, commencement and savings

- (1) These rules may be called the Telecommunications (Standards, Conformity Assessment and Certification) Rules, 2025.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) These rules shall be in supersession of the Indian Telegraph (Amendment) Rules, 2017, but shall not override the terms and conditions of existing standards, essential requirements, interface requirements, security assurance requirements, specifications, testing requirements, or conformity assessment issued by the Central Government, which shall continue to apply till such time as the same are superseded by a notification of the Central Government under section 19 of the Act.

2. Definitions

- (1) In these rules, unless the context otherwise requires:
 - (a) “Act” means the Telecommunications Act, 2023 (44 of 2023);
 - (b) “Appropriate Authority” means the authority designated by the Central Government under rule 4;
 - (c) “Authorised Indian Representative” or “AIR” means a legal person who has been duly authorised by a foreign original equipment manufacturer to carry out all obligations required under these rules;
 - (d) “conformity assessment” means any procedure used to demonstrate and determine that compliance with notified standards;
 - (e) “CAB” or “Conformity Assessment Body” means the person recognised by the Appropriate Authority for the purpose of conformity assessment under these rules;
 - (f) “Essential Requirements” or “ER” means a set of parameters, standards, specifications, security requirements as the case may be, as notified by the TEC from time to time;
 - (g) “License” means a license, registration, or permission, by whatever name called, granted under the Indian Telegraph Act, 1885 for provision of telecommunication services or telecommunication network, and the word licensee shall be construed accordingly;

- (h) “Original Equipment Manufacturer” or “OEM” means a company or firm responsible for manufacturing on its own or through contract manufacturing and under whose brand the telecommunication equipment is sold or proposed to be sold;
 - (i) “portal” means the portal which may be notified by the Central Government under rule 12 of these rules; and
 - (j) “standard” means a document issued by the Appropriate Authority which lays down any or all of the following: characteristics, related processes, codes, specifications, recommended practices, classification, test methods, procedures and guides, in respect of telecommunication equipment, telecommunication identifiers, telecommunication networks and telecommunication services, and includes Essential Requirements and Indian Telecom Security Assurance Requirements.
- (2) Words and expressions used in these rules and not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Applicability of these rules

These rules, and the standards and conformity assessment measures notified under section 19 of the Act, shall apply to OEM, AIR, importers, distributors, sellers, authorised entities, licensees and users.

4. Appropriate Authority

- (1) The Telecommunication Engineering Centre and the National Centre for Communication Security, which are offices of the Department of Telecommunications, Ministry of Communications, Government of India, shall each be an Appropriate Authority for the purpose of these rules.
- (2) The Central Government may notify any other office or authority as the Appropriate Authority for the purpose of notification of standards and conformity assessment measures.

5. Notification and review of standards and conformity assessment

- (1) The Appropriate Authority shall notify standards and conformity assessment measures in respect of any or all of the aspects specified under section 19 of the Act.
- (2) The Appropriate Authority shall ensure prior publication of draft standards and draft conformity assessment measures, including detailed procedures for the mandatory testing and certification of telecommunication equipment, to allow for a consultation process of at least thirty days to enable stakeholders to provide their comments, which shall be taken into consideration in the finalization of the standards or conformity assessment measures, as the case may be.
- (3) The Appropriate Authority may, notwithstanding sub-rule (2), notify a standard or conformity assessment measure on a provisional basis without any consultation process, where it determines, for reasons to be recorded in writing: (a) that such notification is necessary to expeditiously achieve a policy objective, and (b) the risks of non-fulfilment of such objective if such notification on a provisional basis is not undertaken:

Provided that the Appropriate Authority shall within a period of sixty days of such notification, undertake a consultation process as mandated under sub-rule (2), and take into consideration the stakeholder comments for either finalizing the standards or conformity assessment measures, or withdrawing such standards or conformity assessment measures.

- (4) The Appropriate Authority may, notwithstanding sub-rule (2), rectify any mistake or error apparent in any notified standard or conformity assessment measure, without prior stakeholder consultations.
- (5) The Appropriate Authority shall review, at least once in three years, all notified standards and conformity assessment measures, to determine the need for revision, amendment, reaffirmation or withdrawal of such standards, in accordance with these rules.

- (6) Any standard notified under these rules shall be effective from the date specified therein:

Provided that the Appropriate Authority may permit the concurrent operation of two versions of a standard, and the duration of such concurrent operation.

6. Recognition of Conformity Assessment Bodies

- (1) The Appropriate Authority may recognize a laboratory in India or a laboratory in any country, other than those with which India shares a land border, accredited under the International Laboratory Accreditation Cooperation, as a CAB for carrying out conformity assessment of standards notified under section 19 of the Act.
- (2) The Appropriate Authority may specify, from time to time, guidelines for the recognition, suspension, withdrawal or renewal of recognition of CABs:
Provided that recognition or designation of a CAB shall not be suspended or withdrawn without due opportunity to be heard being granted to the relevant CAB.
- (3) The Appropriate Authority shall maintain a record of CABs established, recognised or designated by it.

7. Compliance with Conformity Assessment

- (1) Every OEM, AIR, importer, distributor, seller, authorised entity or licensee, as the case may be, shall, at its own cost, ensure compliance with conformity assessment measures in respect of the applicable standard, and submit the test reports to the Appropriate Authority to obtain a certificate of conformity assessment.
- (2) The validity of the certificate of conformity assessment shall be as specified in such certificate, and such certificate may be renewed subject to compliance with the procedures as notified by the Appropriate Authority.
- (3) The Appropriate Authority may, from time to time, specify the fees on the portal for issuance of the certificate of conformity assessment and its renewal.
- (4) Where a notified standard applies, the OEM or AIR, as the case may be, shall ensure that the details of the standard, and certificate number of the certification provided by the Appropriate Authority and its validity, is displayed in a visible manner on the telecommunication equipment.
- (5) No telecommunication equipment to which a standard applies, shall be sold or deployed in any telecommunication network, or otherwise used in the territory of India, unless it has a valid certificate of conformity issued by the Appropriate Authority.

8. Exemptions from conformity assessments

- (1) The following shall be exempted from the requirement of conformity assessment under these rules:
- telecommunication equipment imported into India for the purpose of carrying out research and development or demonstration or testing of samples in India, subject to compliance with relevant rules and procedures for such research, demonstration or testing; and
 - telecommunication equipment brought into India by a person for personal use in India and that is not otherwise prohibited to be imported or used under the Act or any other law for the time being in force.
- (2) An OEM, AIR, importer, distributor, seller, authorised entity or licensee, shall not be required to undergo any recertification of telecommunication equipment in the following cases:
- where the model or brand of such telecommunication equipment is not different in any manner from that certified by the Appropriate Authority; and
 - where such telecommunication equipment complies with changes to any labelling requirements as notified by the Appropriate Authority from time to time.
- (3) The Central Government may, from time to time, notify exemptions from the requirement for conformity assessment, in addition to those specified under sub-rule (1) and sub-rule (2).

9. Procedure by an authorised entity or a licensee in respect of telecommunication equipment without valid certificate of conformity assessment

- (1) An authorised entity or a licensee shall, upon becoming aware of use of telecommunication equipment that does not have a valid certificate of conformity assessment, issue a notice in writing to the user seeking discontinuance by the user of such telecommunication equipment within a period of seven days from the date of issuance of the notice.
- (2) Where a user, upon receipt of a notice under sub-rule (1) does not discontinue the use of the non-compliant telecommunication equipment within seven days from the date of issuance of such notice, the authorised entity or licensee, shall suspend the telecommunication service or connectivity to the telecommunication network to such user and inform the Central Government in writing of such discontinuance.

10. Inspection and Monitoring

- (1) The Appropriate Authority, or any officer authorised by the Central Government for this purpose, may from time to time inspect and monitor compliance with the requirements of these rules.
- (2) Any person in possession of telecommunication equipment sought to be inspected under sub-rule (1), shall ensure access to the Appropriate Authority, or any officer authorised by the Central Government for this purpose, to its premises for the purposes of such inspection and monitoring and provide information as may be sought by the Appropriate Authority.

11. Procedure in relation to contravention

- (1) If the Appropriate Authority, or any officer authorised by the Central Government for inspection and monitoring under these rules, obtains information during the course of inspection or otherwise, that the telecommunication equipment is not accompanied by a valid certificate of conformity assessment, it shall issue a notice in writing to the person in possession of such equipment to cease from offering for sale or distribution, or using such equipment in any manner, and the recipient of such notice shall comply with such notice within seven days of receipt of such notice:
Provided that the recipient of the notice under sub-rule (1), may apply for certification as required under these rules for the relevant telecommunication equipment, and if such certification is obtained within one hundred and eighty days from such notice, it shall be entitled to sell or distribute or otherwise use such equipment;
Provided further that the fees applicable for such certification shall be ten times the fees as specified pursuant to sub-rule (3) of rule 7.
- (2) The Appropriate Authority may initiate legal proceedings for the seizure or destruction of equipment that are used in contravention of sub-rule (1).

12. Digital implementation of these rules

The Central Government, in furtherance of section 53 of the Act, may notify a portal for the digital implementation of these rules, including for specification of the standards and conformity assessment, procedures for compliance, fees and charges, notices of non-conformity, and any orders or directions under these rules by the Appropriate Authority.

[F. No. 24-13/2024-UBB]

DEVENDRA KUMAR RAI, Jt. Secy.