



**IAFI comments on the DoT Notification No. G.S.R.82 (E), proposed
Telecommunications Standards, Conformity Assessment and Certification Rules 2025**

S. No.	Issue	Page Nos
1	About ITU-APT Foundation of India (IAFI)	1 - 2
2	IAFI views/comments	3 - 8

Brief about the ITU-APT Foundation of India (IAFI)

ITU-APT Foundation of India (IAFI) is a non-profit, non-political, non- partisan registered foundation. IAFI is working for last 20 years with the prime objective of encouraging involvement of professionals, corporate, public/private sector industries, R&D organizations, academic institutions, and such other agencies engaged in development of ICT sector, in the activities of the International Telecommunication Union (ITU) and the Asia Pacific Telecommunity (APT). Further details regarding IAFI are available on our website <https://iafi.in>

The Foundation has been recognized as an International/Regional Telecommunications Organization by the ITU, as IAFI is a sector Member of the ITU Radiocommunication Sector (ITU-R), ITU Development Sector (ITU-D) and ITU Telecommunication Standardization Sector (ITU-T) and affiliate Member of Asia Pacific Telecommunity (APT) which manifests its usefulness to the Indian Telecom industry. The Foundation members are entitled to participate and contribute to the activities of ITU-R, ITU-D, ITU-T and APT. Over the last three years, IAFI has submitted more than 100 contributions for the work of all the three sectors of the union, especially in the Spectrum Area.

IAFI has acquired credibility and reputation as a specialized stakeholder group in “spectrum innovation” in the country and also in the region. It is a key driving force in spectrum discussions in the country especially on spectrum as a key resource for digital transformation through IMT, Wi-Fi, Satellite services.

IAFI also carries out capacity building activities in the region. Our key participants include government and industry. It is critical to note that different government agencies have competing demands in spectrum viz. defence, broadcasting, public, space services. These stakeholders are essential for any fruitful discussions on spectrum enablement. The Government has come out with an innovative policy on spectrum regulatory sandboxes. IAFI could play an important role in building awareness, capacities in SMEs and Start-ups in exploiting the government initiatives and spreading these best practices in the other countries in the region.

IAFI key roles and activities include:

1. **Promotion of ICT Development:** The foundation actively promotes the development and deployment of ICT infrastructure and services across India. By collaborating with various stakeholders, including government bodies, industry leaders, and academic institutions, it strives to create an enabling environment for the growth of the ICT sector.
2. **Standards Development and Implementation:** IAFI actively contributes to the development and implementation of international standards in telecommunications. It plays a key role in representing our interests in global forums, such as ITU, APT, UNO, WTO, etc and ensures that our perspective is effectively incorporated into the standards-setting process.
3. **Research and Development:** The foundation fosters research and development activities in the field of telecommunications. By supporting innovative research projects, it aims to address emerging challenges, explore new technologies, and promote cutting-edge solutions that can benefit both the industry and society at large.
4. **Capacity Building and Training:** Recognizing the importance of human capital in driving the growth of the telecommunications sector, the foundation organizes capacity-building programs and training workshops. These initiatives aim to enhance the skills and knowledge of professionals working in the field, enabling them to stay abreast of the latest advancements and best practices.
5. **Policy Advocacy:** IAFI actively engages in policy advocacy to influence decision-making processes related to ICT. It works closely with regulatory bodies and government agencies to provide inputs on policy formulation, regulatory frameworks, and spectrum management, ensuring that they align with the evolving needs of the industry and society.
6. **Industry Collaboration:** The foundation facilitates collaboration and networking among industry players, academia, and research organizations. It organizes conferences, seminars, and industry forums where stakeholders can exchange ideas, share experiences, and explore opportunities for partnership and cooperation.
7. **Digital Inclusion and Empowerment:** With a focus on promoting digital inclusion, the foundation works towards bridging the digital divide and ensuring that the benefits of ICT reach all sections of society. It supports initiatives that empower marginalized communities, promote digital literacy, and leverage technology for social and economic development.

Through its diverse range of activities, IAFI remains committed to driving the growth and development of the telecommunications sector in India. By fostering collaboration, advocating for sound policies, and promoting innovation, the foundation is playing a pivotal role in shaping India's digital future and contributing to the country's socio-economic progress.

.....

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.

IAFI inputs:

These rules should be exempted for the equipment's which were already imported or became operational prior the notification of applicability of these rules.

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.

Formatted: Font: 10 pt

Formatted: Justified, Indent: Left: 1.27 cm, Space Before: 0 pt

Formatted: Font: 10 pt, Font color: Auto

Formatted: Font: 10 pt

Formatted: Font: 10 pt, Font color: Auto

Formatted: Font: 10 pt

IAFI inputs:

Kindly clarify the process for identifying mistakes and errors be determined. In case of standards, the authority should inform stakeholders about the proposed technical changes due to mistakes/error, with a focused consultation period and set time window for comments. For conformity assessments, where changes might lead to new requirements or interpretation, due process of consultation with stakeholders should be followed for any updates/modifications.

- (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.

IAFI inputs:

The recognition of overseas laboratories is a welcome measure. Authorities should establish clear mechanisms and requirements for applicants and publish a list of recognized laboratories on their portal, including details of existing Mutual Recognition Agreements (MRAs).

- (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.

IAFI inputs:

This requirement is impractical; instead as is the international practice, logo of appropriate certifying authority may be printed on the label of the equipment. OEM/AIR would be responsible to provide the certificate as and when demanded by the appropriate authority. The rules should allow for e-labels and other digital means of communicating the needed.

Formatted: Indent: Left: 0.95 cm

Formatted: Indent: Left: 0.95 cm

- (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.

IAFI inputs:

We recommend that imports of (i) Completely Knocked Down (CKD) and Semi-Knocked Down (SKD) units, and (ii) units imported specifically for service operations, be granted an exemption.

8. Exemptions from conformity assessments

- (1) The following shall be exempted from the requirement of conformity assessment under these rules:
- (a) 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
 - (b) 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:
- (a) where the model or brand of such telecommunication equipment is not different in any manner from that certified by the Appropriate Authority; and
 - (b) 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.

IAFI inputs:

This requirement should be dropped since it is impractical for licensees/authorized entities to implement this since users can purchase subscriber terminal from open market and are exempted from bringing this equipment into India for personal use. This should be ideally enforced by strict implementation prohibiting the sale of uncertified equipment.

- (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.

IAFI inputs:

The stipulated seven-day timeframe for equipment replacement is deemed inadequate and operationally infeasible. We respectfully request that a minimum period of three-months be granted.

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

Formatted: Indent: Left: 0.95 cm

Formatted: Indent: Left: 0.63 cm

Formatted: Normal

Formatted: Font: 9 pt

Formatted: Normal

Formatted: Indent: Left: 0.63 cm

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

