

47. सा. का. नि. 587 (अ), तारीख 10.06.1992	61. सा. का. नि. 412 (अ), तारीख 29.05.2012
48. सा. का. नि. 730 (अ), तारीख 19.08.1992	62. सा. का. नि. 368 (अ), तारीख 07.06.2013
49. सा. का. नि. 830 (अ), तारीख 28.10.1992	63. सा. का. नि. 506 (अ), तारीख 24.07.2013
50. सा. का. नि. 62 (अ), तारीख 11.02.1993	64. सा. का. नि. 18, तारीख 28.01.2014
51. सा. का. नि. 80, तारीख 06.02.1993	65. सा. का. नि. 912 (अ), तारीख 23.12.2014
52. सा. का. नि. 384 (अ), तारीख 27.04.1993	66. सा. का. नि. 653 (अ), तारीख 25.08.2015
53. सा. का. नि. 387 (अ), तारीख 28.04.1993	67. सा. का. नि. 241, तारीख 10.12.2015
54. सा. का. नि. 220 (अ), तारीख 26.03.2004	68. सा. का. नि. 297(अ), तारीख 28.03.2017
55. सा. का. नि. 713 (अ), तारीख 17.11.2006	69. सा. का. नि. 314 (अ), तारीख 31.03.2017
56. सा. का. नि. 193 (अ), तारीख 01.03.2007	70. सा. का. नि. 406 (अ), तारीख 20.04.2017
57. सा. का. नि. 547 (अ), तारीख 18.07.2008	71. सा. का. नि. 439 (अ), तारीख 02.05.2017
58. सा. का. नि. 49 (अ), तारीख 27.01.2010	72. सा. का. नि. 482 (अ), तारीख 17.05.2017
59. सा. का. नि. 279 (अ), तारीख 31.03.2010	73. सा. का. नि. 507(अ), तारीख 22.05.2017
60. सा. का. नि. 256 (अ), तारीख 27.03.2012	74. सा. का. नि. 540(अ), तारीख 31.05.2017

## MINISTRY OF COMMUNICATIONS

### (Department of Telecommunications)

#### NOTIFICATION

New Delhi, the 5th September, 2017

**G.S.R. 1131(E).**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Rules, 1951, namely:—

1. (1) These rules may be called the Indian Telegraph (Amendment) Rules, 2017.
- (2) They shall come into force on 1<sup>st</sup> October, 2018.
2. In the Indian Telegraph Rules, 1951, after PART X and the entities relating there to, the following shall be inserted, namely :—

#### PART XI

#### TESTING AND CERTIFICATION OF TELEGRAPH

##### 528. Definitions :—

**Testing and certification of telegraph - in this part, unless the context otherwise requires,—**

“Original Equipment Manufacturer” means a manufacturer of telegraph under whose brand the telegraph is sold or proposed to be sold.

**529. Mandatory Testing-** Any telegraph which is used or capable of being used with any telegraph established, maintained or worked under the licence granted by the Central Government in accordance with the provisions of section 4 of the Indian Telegraph Act, 1885 (hereinafter referred to as the said Act), shall have to undergo prior mandatory testing and certification in respect of parameters as determined by the telegraph authority from time to time:

Provided that the telegraph imported for the purpose of research and development or demonstration in India or as sample for mandatory testing or personally accompanied on inward foreign travel to India which is for personal use in India and not prohibited to be imported or used under the said Act or any other law for the

time being in force, may be exempted by an order issued in this regard by the telegraph authority from time to time, from the requirement of mandatory testing:

Provided further that the telegraph authority may by notification in the Official Gazette exempt certain category or categories of telegraph except those specified in the proviso from such mandatory testing.

**530.** Authority for testing- (1) The testing shall be carried out by the telegraph authority or any other agency designated by the telegraph authority.

(2) The fee charged for testing carried out by the telegraph authority from the person who offers the telegraph for testing shall not exceed rupees fifty lakhs as specified by notification and the telegraph authority after compliance of the parameters set forth both for testing and certification shall issue a test certificate for the telegraph, as per the procedures prescribed by the telegraph authority.

(3) The validity of the test certificate shall be as specified in the certificate and the certificate may be renewed on payment of prescribed fee, after following the prescribed procedures.

**531.** Responsibility for mandatory testing :- It shall be the responsibility of the Original Equipment Manufacturer in India for getting the mandatory testing and certification done before sale of equipment in India and to print the details of telegraph as prescribed by the telegraph authority such as specification, warning and certificate number and its validity on the outside body of the telegraph.

**532.** Responsibility of importer for testing :- It shall be the responsibility of the person importing telegraph for sale in India or the foreign Original Equipment Manufacturer to offer the telegraph for testing and certification by the telegraph authority or its designated body before sale.

**533.** Responsibility of foreign original equipment manufacturer :- The foreign Original Equipment Manufacturer shall not dispatch any quantity of the telegraph for sale in India after expiry of the validity of the test certificate.

**534.** Recertification :- When a telegraph has been certified, the dealer or distributor or agency of the Indian or foreign Original Equipment Manufacturer shall not be required to get the telegraph certified again provided that the model or brand of such telegraph is not different in any manner from the one which has been certified and shall carry details of certification on the body of the telegraph as prescribed by the telegraph authority.

**535.** Bar on sale of uncertified telegraph:- No person shall sell any telegraph in respect of which mandatory certification is required by the telegraph authority or any designated agency, referred to in rule 530, unless it is certified by such authority or agency.

**536.** Removal of uncertified telegraph:- (1) Any person licensed or permitted to establish, maintain or work a telegraph under the said Act shall, on detection of use of uncertified telegraph by a user, ensure its removal by the user or, in case of his failure in such removal, withdrawal of service or connectivity to network within seven days of its detection and all such cases shall be brought to the notice of the telegraph authority in each week.

(2) No telegraph in respect of which mandatory certification is required, shall be used by the licensee in its network unless it is certified.

**537.(1)** Contravention and notices:- If any person contravenes the provisions of this Part, in respect of any telegraph, the telegraph authority may,

(i) issue notice to the person who contravenes the provisions of law pertaining to conditions of license or permission granted under section 4 of the Act,

(ii) take action in accordance with the terms and conditions of the licence or permission, if uncertified telegraph is used by the person so licensed or permitted, or if such person fails to get uncertified telegraph removed from the users of his network or service;

(iii) take custody of such telegraph and order to destroy the telegraph whether imported or of Indian origin, if the person i.e. the importer or the Original Equipment Manufacturer in case of indigenous item is unable to get the mandatory certification done within one hundred and eighty days from the date of issue of notice of violation;

(2) The person referred to in sub-rule(1) may be permitted to apply for Certification to the telegraph authority for such telegraph on payment of ten times of prescribed fee and the telegraph authority after observing the procedures as specified may issue the Certificate.

[F. No. 3-1/2011-PHP(Pt.)]

AMIT YADAV, Jt. Secy. (Admin)

**Note:** The principal rules were published in the Post and Telegraph Manual Volume I. Legislative Enactments, Part II, Edition and subsequently amended *vide* notification numbers—

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| 1. G.S.R. 190, dated the 18 <sup>th</sup> February, 1984;      | 32. G.S.R. 916(E), dated the 9 <sup>th</sup> September, 1988; |
| 2. G.S.R. 386, dated the 22 <sup>nd</sup> May, 1984;           | 33. G.S.R. 1054, dated the 2 <sup>nd</sup> November, 1988;    |
| 3. G.S.R. 387(E), dated the 22 <sup>nd</sup> May, 1984;        | 34. G.S.R. 179, dated the 18 <sup>th</sup> March, 1989;       |
| 4. G.S.R. 679, dated the 30 <sup>th</sup> June, 1984;          | 35. G.S.R. 358(E), dated the 15 <sup>th</sup> March, 1989;    |
| 5. G.S.R. 428, dated the 27 <sup>th</sup> April, 1985;         | 36. G.S.R. 622(E), dated the 15 <sup>th</sup> June, 1989;     |
| 6. G.S.R. 729, dated the 3 <sup>rd</sup> August, 1985;         | 37. G.S.R. 865, dated the 29 <sup>th</sup> September, 1989;   |
| 7. G.S.R. 982, dated the 19 <sup>th</sup> October, 1986;       | 38. G.S.R. 413(E), dated the 29 <sup>th</sup> March, 1990;    |
| 8. G.S.R. 553(E), dated the 27 <sup>th</sup> March, 1986;      | 39. G.S.R. 574(E), dated the 15 <sup>th</sup> June, 1990;     |
| 9. G.S.R. 314, dated the 26 <sup>th</sup> April, 1986;         | 40. G.S.R. 933(E), dated the 3 <sup>rd</sup> December, 1990;  |
| 10. G.S.R. 566, dated the 26 <sup>th</sup> July, 1986;         | 41. G.S.R. 985(E), dated the 20 <sup>th</sup> December, 1990; |
| 11. G.S.R. 953(E), dated the 23 <sup>rd</sup> July, 1986;      | 42. G.S.R. 74(E), dated the 18 <sup>th</sup> January, 1991;   |
| 12. G.S.R. 1121(E), dated the 1 <sup>st</sup> October, 1986;   | 43. G.S.R. 237(E), dated the 25 <sup>th</sup> April, 1991;    |
| 13. G.S.R. 1167(E), dated the 28 <sup>th</sup> October, 1986;  | 44. G.S.R. 251(E), dated the 2 <sup>nd</sup> May, 1991;       |
| 14. G.S.R. 1237(E), dated the 28 <sup>th</sup> November, 1986; | 45. G.S.R. 543(E), dated the 21 <sup>st</sup> May, 1992;      |
| 15. G.S.R. 49, dated the 17 <sup>th</sup> January, 1987;       | 46. G.S.R. 560(E), dated the 26 <sup>th</sup> May, 1992;      |
| 16. G.S.R. 112(E), dated the 25 <sup>th</sup> February, 1987;  | 47. G.S.R. 587(E), dated the 10 <sup>th</sup> June, 1992;     |
| 17. G.S.R. 377(E), dated the 9 <sup>th</sup> April, 1987;      | 48. G.S.R. 730(E), dated the 19 <sup>th</sup> August, 1992;   |
| 18. G.S.R. 674(E), dated the 27 <sup>th</sup> July, 1987;      | 49. G.S.R. 830(E), dated the 28 <sup>th</sup> October, 1992;  |
| 19. G.S.R. 719(E), dated the 18 <sup>th</sup> August, 1987;    | 50. G.S.R. 62(E), dated the 11 <sup>th</sup> February, 1993;  |
| 20. G.S.R. 837(E), dated the 5 <sup>th</sup> October, 1987;    | 51. G.S.R. 80, dated the 6 <sup>th</sup> February, 1993;      |
| 21. G.S.R. 989(E), dated the 17 <sup>th</sup> December, 1987;  | 52. G.S.R. 384(E), dated the 27 <sup>th</sup> April, 1993;    |
| 22. G.S.R. 337(E), dated the 11 <sup>th</sup> March, 1988;     | 53. G.S.R. 387(E), dated the 28 <sup>th</sup> April, 1993;    |
| 23. G.S.R. 361(E), dated the 21 <sup>st</sup> March, 1988;     | 54. G.S.R. 220(E), dated the 26 <sup>th</sup> March, 2004;    |
| 24. G.S.R. 626(E), dated the 17 <sup>th</sup> May, 1988;       | 55. G.S.R. 713(E), dated the 17 <sup>th</sup> November, 2006; |
| 25. G.S.R. 660(E), dated the 31 <sup>st</sup> May, 1988;       | 56. G.S.R. 193(E), dated the 01 <sup>st</sup> March, 2007;    |
| 26. G.S.R. 693(E), dated the 10 <sup>th</sup> June, 1988;      | 57. G.S.R. 547(E), dated the 18 <sup>th</sup> July, 2008;     |
| 27. G.S.R. 734(E), dated the 24 <sup>th</sup> June, 1988;      | 58. G.S.R. 49(E), dated the 27 January, 2010;                 |
| 28. G.S.R. 606, dated the 14 <sup>th</sup> July, 1988;         | 59. G.S.R. 279(E), dated the 31 <sup>st</sup> March, 2010;    |
| 29. G.S.R. 812(E), dated the 26 <sup>th</sup> July, 1988;      | 60. G.S.R. 256(E), dated the 27 <sup>th</sup> March, 2012;    |
| 30. G.S.R. 888(E), dated the 1 <sup>st</sup> September, 1988;  | 61. G.S.R. 412(E), dated the 29 <sup>th</sup> May, 2012;      |
| 31. G.S.R. 907(E), dated the 7 <sup>th</sup> September, 1988;  | 62. G.S.R. 368(E) dated the 07 <sup>th</sup> June, 2013;      |

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| 63. G.S.R. 506(E) dated the 24 <sup>th</sup> July, 2013;     | 69. G.S.R. 314(E) dated the 31 <sup>st</sup> March, 2017;   |
| 64. G.S.R. 18 dated the 28 <sup>th</sup> January, 2014;      | 70. G.S.R. 406(E) dated the 20 <sup>th</sup> April, 2017;   |
| 65. G.S.R. 912(E) dated the 23 <sup>rd</sup> December, 2014; | 71. G.S.R. 439(E) dated the 2 <sup>nd</sup> May, 2017;      |
| 66. G.S.R. 653(E) dated the 25 <sup>th</sup> August, 2015;   | 72. G.S.R. 482(E) dated the 17 <sup>th</sup> May, 2017;     |
| 67. G.S.R. 241 dated the 10 <sup>th</sup> December, 2015;    | 73. G.S.R. 507(E) dated the 22 <sup>nd</sup> May, 2017; and |
| 68. G.S.R. 297(E) dated the 28 <sup>th</sup> March, 2017;    | 74. G.S.R. 540(E) dated the 31 <sup>st</sup> May, 2017      |