



भारत सरकार
दूरसंचारअभियांत्रिकीकेंद्र
गेटन. 5, खुशीद लाल भवन
जनपथ, नई दिल्ली-01

Government of India
Department of Telecommunications
Telecommunications Engineering Centre
K.L .Bhawan, Janpath,
New Delhi -110001

Inviting comments on the draft Telecom Rules pertaining to Section 23 (Power to prescribe standards) of draft Indian Telecommunication Bill, 2022 of DoT

This has reference to exercise taken by Department of Telecom to develop a modern and future-ready legal framework in telecommunication. In this context, the draft Indian Telecommunication Bill, 2022 was shared by DoT for public consultation in September 2022.

In furtherance to the same TEC is in process of preparing the relevant draft Telecommunication Rules pertaining to section 23 (Power to prescribe standards) of the Indian Telecommunication Bill, 2022. The draft of the same is attached as Annexure. Comments of the stakeholders are invited on the same.

Comments with suitable justification for any proposed change/modification may be sent on email ID: dir-tc3.tec@gov.in or vp.ajansondkar@gov.in

Last date of sending the comments will be 17.01.2023

Draft Rules related to Telecom Standards and Conformity Assessment under draft India Telecom Bill, 2022

1. Telecom Standards

1. Definitions:

(i) **National Standard** — The Standard issued by the Telecommunication Engineering Centre and National Centre for Communication Security shall be known as National Standard.

2. Competent Authority for Standards:

(a) Head of Telecommunication Engineering Centre shall be the appropriate authority for all standards except Security.

(b) Head of National Centre for Communication Security shall be the appropriate authority for standards related to Security.

3. Procedure for issue of National Standard:

(1) The National Standard shall be prepared in consultation with stakeholders.

(2) The Appropriate Authority may, by an order, prescribe the procedure:

(a) to frame, review, adopt, promote and amend National Standard in respect of telecommunication Equipment, telecommunication infrastructure, telecommunication networks and telecommunication services, processes, systems and skills.

(b) to recognize or accredit any institution in India or outside which is engaged in standardization to assist, for any activity related to Standard preparation as may be prescribed, by an order;

4. Validity of National Standard:

The National Standard, shall remain valid till withdrawn by the appropriate authority.

2. Conformity Assessment Scheme:

(1) Definitions:

(i) *"conformity assessment scheme" means a scheme relating to telecommunication equipment, telecommunication infrastructure, telecommunication networks and telecommunication services, processes, systems and skills as may be notified by the Telecommunication Engineering Centre or National Centre for Communication Security;*

(ii) “conformity assessment body” or CAB means a body to perform testing for conformity assessment.

(2) The appropriate authority may, by an order, prescribe:

(a) Conformity Assessment Scheme(s) in respect of telecommunication equipment, telecommunication infrastructure, telecommunication networks and telecommunication services, processes, systems and skills.

(b) Procedure for implementation of Conformity Assessment Scheme prescribed under Sub Section 1(a).

(c) Procedure to recognize or accredit any testing entity or testing laboratory in India as designated Conformity Assessment Body to perform tests required in respect of Conformity Assessment Scheme prescribed under Sub Section 1(a).

(3) Appropriate Authority in respect of activities referred in Sub-Section (2) shall be Head of Telecommunication Engineering Centre for all aspects and parameters except Security. For Security the appropriate authority shall be Head of National Centre for Communication Security.

3. Mandatory Testing and Certification of Telecom Equipment (MTCTE)

1. Definitions :—

Mandatory testing and certification of telecom equipment - in this part, unless the context otherwise requires,—

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

2. Mandatory Testing- Any telecom equipment which is used or capable of being used with any telecom equipment established, maintained or worked under the licence granted by the Central Government in accordance with the provisions of section 3 of the Indian Telecom Act, 2022 (hereinafter referred to as the said Act), shall have to undergo prior mandatory testing and certification in respect of parameters as determined by the appropriate authority from time to time:

Provided that the telecom equipment 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 appropriate authority from time to time, from the requirement of mandatory testing:

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

3. Authority for testing-

(1) The testing shall be carried out by the appropriate authority as per Rule 11 or any other agency designated by the appropriate authority.

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

4. 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 telecom equipment as prescribed by the appropriate authority such as specification, warning and certificate number and its validity on the outside body of the telecom equipment.

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

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

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

8. Bar on sale of uncertified telecom equipment:- No person shall sell any telecom equipment in respect of which mandatory certification is required by the appropriate authority or any designated agency, referred to in rule 3, unless it is certified by such authority or agency.

9. Removal of uncertified telecom equipment:- (1) Any person licensed or permitted to establish, maintain or work a telecom equipment under the said Act shall, on detection of use of uncertified telecom equipment 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 appropriate authority in each week.

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

10.(1) Contravention and notices:- If any person contravenes the provisions of this Part, in respect of any telecom equipment, the appropriate authority may,

(i) issue notice to the person who contravenes the provisions of law pertaining to conditions of license or permission granted under section 3 of the Act,

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

(iii) take custody of such telecom equipment and order to destroy the telecom equipment 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 appropriate authority for such telecom equipment on payment of ten times of prescribed fee and the appropriate authority after observing the procedures as specified may issue the Certificate.

11. Appropriate Authority:

(1) For the purpose of administration of procedure for testing and certification of telecom equipment except security, formulation, change and revision of Essential Requirements for testing and certification of telecom equipment except security requirements, Head of Telecom Engineering Centre shall be the appropriate authority.

(2) For the purpose of administration of procedure for testing and certification of telecom equipment related to security requirements, formulation, change and revision of Indian Telecom Security Assurance Requirement, Head of National Centre for Communication Security shall be the appropriate authority.

(3) For the purpose of administration of Surveillance procedure, Head of Telecom Engineering Centre shall be the appropriate authority.

(4) For the purpose of implementation of Surveillance and subsequent followup, Head of respective Licensed Service Area of Department of Telecom shall be the appropriate authority.