

The Indian Wireless Telegraphy (Commercial Radio Operator's Certificate Proficiency And Licence To Operate Global Maritime Distress And Safety System) Rules, 1994

UNION OF INDIA

India

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Rule

THE-INDIAN-WIRELESS-TELEGRAPHY-COMMERCIAL-RADIO-OPERATOR'S-CERTIFICATE-PROFICIENCY-AND-LICENCE-TO-OPERATE-GLOBAL-MARITIME-DISTRESS-AND-SAFETY-SYSTEM) RULES, 1994

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The Indian Wireless Telegraphy (Commercial Radio Operator's Certificate Proficiency And Licence To Operate Global Maritime Distress And Safety System) Rules, 1994 Published in the Gazette of India, Part II, Section 3(i), dated 28th January, 1995 (w.e.f. 28th January, 1995)

2036.

G.S.R. 42, dated 20th December, 1994. - In exercise of the powers conferred by Sec. 7 of the Indian Telegraph Act, 1885. The Central Government hereby makes the following rules, namely :

1. Short title and commencement.

(1) These rules may be called the Indian Wireless Telegraphy (Commercial Radio Operator's Certificate Proficiency and Licence to Operate Global Maritime Distress and Safety System) Rules, 1994. (2) They shall, come into force from the date of their publication in the Official Gazette.

2. Definitions.

- Unless the context otherwise requires, in these rules (a) "Conviction" means the convention of the International Telecommunication Union. (b) "Radio telegraphy" includes Radio telephony.

3. Categories of certificates and licences.

- On the result of an examination which may, from time to time be held by it or by an officer empowered by it in this behalf, the Central Government may grant (in accordance with the terms of the Convention) the following categories of the Certificate and Licence to operate Global Maritime Distress and Safety System, namely. (i) First-Class Radio Electronic Certificate and Licence; (ii) Second-Class Radio Electronic Certificate and Licence; (iii) General Operator's Certificate and Licence; (iv) Restricted Operator's Certificate and Licence.

4. Eligibility for admission to the examination and licence.

- No person shall be eligible for admission to an examination held under these rules for grant of a certificate unless such person is - (i) a Citizen of India; (ii) above the age of eighteen years on the date specified from time to time by this Ministry; and (iii) has passed All India Senior Secondary School Certificate Examination or an equivalent examination conducted by a recognised board/University with Mathematic and Physics as optional subjects.

5. Application.

- An application for admission to an Examination specified in rule 3 above, shall be made to the Central Government or to an officer empowered by it, in this behalf, in the form prescribed by the Government from time to time, together with all the subsidiary forms and documents duly filled in and completed in all respects.

6. Fee for an examination.

- A candidate for admission to an examination for the grant of certificates specified the rule 3 shall pay fees in the following scale.

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| (i) First-Class REC and Second-Class REC | |
| (a) Part I | 250.00 |
| (b) Part II and or Part III | 250.00 |
| (ii) General and Restricted operator certificates Part II and or Part III | 250.00 |
| (iii) Conversion examination from ROGC and SND Class COP | 250.00 |
| (vi) Re-examination for the renewal of certificate to operate endorsed in the certificate | 250.00 |
| (Fee for an Examination specified above is subject to revision by Central Government from time to time) | |

7. Examination.

(1)The examination for the award of GMDSS certificate in Radio telephony shall be held in accordance with the terms of the convention and in the manner determined, from time to time, by the Central Government who shall notify the place at which and the date on which such an examination shall be held.(2)Any person admitted to the examination and found guilty of impersonation of submitting fabricated documents which have been tempered with or making statements which are incorrect or false or suppressing material information or otherwise resorting to any other irregular or improper means for claiming admissions to the examination may, in addition to rendering him/herself liable to criminal prosecution, be debarred either permanently or for a specified period from appearing in any of the examination, held for the award of (GDSS) certificates of Radio telephony awarded under rule (3) :Provided that order under this rule shall not be made unless the person has been given a reasonable opportunity of making a representation against the action imposed to be taken.

8. Secretary.

- Every holder of the certificate shall observe secrecy of the correspondence. A declaration to this effect shall be made by him/her in the application for admission to the examination.

9. Validity of licences.

(1)Licence to operate shall be valid for a period specified by the Central Government, but it shall in no case, be less than three years or more than five years from the date of declaration of result of the examination:Provided that on the expiry of the initial period of her validity of licence, it may be renewed for a period of three years at a time if the holder applies for it before the date of expiry of licence except as provided in rule 10(2) but not earlier than three months prior to that date, and(i)pays a fee Rs. 200.(ii)has a total experience of not less than 3 months within 3 years immediately preceding the date of expiry of a licence, or(iii)satisfies the Central Government by re-examination or otherwise that he still possesses all of the qualifications specified in his certificate.(2)If the holder of a licence, in the opinion of the Central Government has wilfully or negligently provided incorrect or false information for the purpose of re-validation of the licence, the Central Government may endorse, suspend or cancel the licence :Provided that no order to suspend or cancel the licence under this rule shall be made unless the person concerned has been given a reasonable opportunity of making a representation against the action proposed to be taken.Explanation.-For the purposes of this rule, the expression 'experience' means the experience gained at a mobile station in the Maritime or Aeronautical Mobile Service using GMDSS.

10. Issue of duplicate or replacement certificates and licences.

(1)A holder whose certificate or licence has been lost, mutilated or destroyed shall immediately notify the loss to the Central Government. A properly executed application for duplicate certificate shall be made to the Central Government embodying a statement of the circumstances involved in

the loss, mutilation or destruction of the certificate or licence for which a duplicate is required. If the certificate or licence has been lost, the applicant must state that reasonable search has been made for it and further, that in the event it be found, either the original or the duplicate shall be returned for cancellation.(2)The Central Government may issue duplicate copies of any certificate or licence on the payment of the charges as follows.(i)Issue of Duplicate 200.00(ii)Issue of Duplicate Renewal slip 100.00

11. Discipline of operators.

(1)If in the opinion of the Central Government the holder of the certificate or licence has wilfully or negligently failed to comply with the provisions of the convention, or of these rules or of any regulations lawfully applicable to him/her in respect of operation of Radio Apparatus the Central Government may endorse, suspend or cancel the certificate.(2)The Central Government may at any time require the holder of a certificate of proficiency to produce the same and the holder shall comply with such requisition.(3)The Central Government may at any time require the holder of a certificate of proficiency or licence to be re-examined in order to test his knowledge and ability and may as a result of such examination, endorse, suspend or cancel the licence. No fee shall be chargeable for such examination :Provided that the Central Government may modify, vary cancel or revoke any of the conditions governing the issue of GMDSS certificate in Radio Telephony either by specified notice in writing to the holder or by a general notice published in the Official Gazette or Newspaper in New Delhi.

12. Admission and award of certificates in radio telephony (GMDSS).

- Notwithstanding anything contained in these rules the Central Government may, subject to such conditions as it may impose from time to time :(i)admit a person, who is not a citizen of India to examination held under these rules, and(ii)award him/her a certificate in Radio Telephony (GMDSS).

13. Recognition of certificates issued by other countries.

- The Central Government may recognise, subject to any conditions it may prescribe from time to time, certificate of Radio telephony (GMDSS) issued by a competent authority in any other country as a certificate of proficiency of the same class issued by it.

14. Results of the examinations.

(1)The result of each candidate who has qualified in the examination would be forwarded him/her as soon as possible after publication of the result.(2)No request for revaluation or re-scrutiny of any paper would be entertained.

15. Conversion examination for award of radio telephony certificate (GMDSS).

- Any person, who had passed the ROGC or COP (Second-Class examinations or was granted ROGC or COP SND licence or certificate or any such licence /certificate was renewed shall be required to pass examination for conversion to appropriate certificate in Radio Telephony GMDSS).

16. Language.

- The language of the examination shall be English.