

Indian Wireless Telegraphy (Commercial Radio Operators Certificate of Proficiency and Licence to operate Global Maritime Distress and Safety System) Rules, 1997

UNION OF INDIA

India

Indian Wireless Telegraphy (Commercial Radio Operators Certificate of Proficiency and Licence to operate Global Maritime Distress and Safety System) Rules, 1997

Rule

INDIAN-WIRELESS-TELEGRAPHY-COMMERCIAL-RADIO-OPERATORS of 1997

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Indian Wireless Telegraphy (Commercial Radio Operators Certificate of Proficiency and Licence to operate Global Maritime Distress and Safety System) Rules, 1997Published vide Notification No. G.S.R. 133, dated 6.7.1998Last Updated 8th November, 2018G.S.R. 133. - In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (13 of 1885) and in supersession of the Indian Wireless Telegraphy (Commercial Radio Operator's Certificate of Proficiency and licence to operate Global Maritime Distress and Safety System) Rules, 1994, except as respects things done or omitted to be done before such supersession, 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 Operators certificate of proficiency and licence to operate Global Maritime Distress and Safety System) Rules, 1997.(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)"Convention" means the convention of the International Telecommunication Union as amended from time to time.

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 Certificates of proficiency or Licence to operate Global Maritime Distress and Safety System namely:-(i)First Class Radio Electronic Certificate of Proficiency and Licence(ii)Second Class Radio Electronic Certificate of Proficiency and Licence(iii)General Operator's Certificate of Proficiency and Licence.(iv)Restricted Operator's Certificate of Proficiency and Licence.

4. Eligibility for admission to the examination for licence.

- No person shall be eligible for admission to an examination held under these rules for grant of a certificate specified under rule 3 unless such person is -(i)a Citizen of India(ii)is above the age of eighteen years on the date of examination(iii)[(a) (I) passed All India Senior Secondary School Certificate examination or an equivalent examination conducted by a recognised Board or University with Mathematics and Physics as optional subjects for category of certificate under sub-rules (i), (ii) and (iii) of rule 3; [Substituted by Notification No. G.S.R. 1088(E), dated 5.11.2018 (w.e.f. 6.7.1998).](II)passed 10th standard (Secondary School Certificate Examination) or an equivalent examination conducted by a recognised Board or University in India or holds a valid certificate issued by statutory bodies of maritime or fisheries of State or Central Government shall be eligible for admission for category of certificate under sub-rule (iv) of rule 3.or(b)holds a valid certificate of competency or its equivalent issued or recognised by the Directorate General of Shipping under the provisions of the Merchant Shipping Act, 1958 (44 of 1958);or(c)holds a valid certificate of proficiency or an equivalent issued by the Ministry of Communications (Wireless Planning and Co-ordination Wing) under the provisions of the Indian Wireless Telegraphy (Commercial Radio Operator's Certificate of Proficiency and licence to operate Wireless Telegraphy) Rules, 1954;(iv)has undergone a practical training on Global Maritime Distress and Safety System equipments, in any of the institutes approved by the central Government for a period.(a)not less than six months in case of category of certificate under sub-rules (i) and (ii) of rule 3;(b)not less than two weeks in case of category of certificate under sub-rule (iii) of rule 3;(c)not less than one week in case of category of certificate under sub-rule (iv) of rule 3.]

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 complete in all respect through an Institute approved by the Central Government in which the candidate had undergone practical training prescribed by the Central Government.

6. Fee for the examination.

- A candidate for admission to an examination for the grant of certificates specified the Rule 3 shall pay fees in the following scale namely:(i)For First Class Radio Electronic Certificate of proficiency and Licence or Second Class Radio Electronic Certificate of proficiency and Licence: -

(a) for Part-I Rupees 1000/-

(b) for Part-II and/or Part-III Rupees 1000/-

For General Operator's Certificate of Proficiency and Licence or Restricted Operator's Certificate of Proficiency and Licence:

For Part-I and/or Part-II Rupees 500/-

(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 Global Maritime Distress and Safety System certificates specified under rule 3 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 in correct or false or suppressing material information or otherwise resorting to any other irregular or improper means for obtaining 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 Global Maritime Distress and Safety System certificate specified 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 proposed to be taken.

8. [Validity of Licences. [Substituted by Notification No. G.S.R. 1088(E), dated 5.11.2018 (w.e.f. 6.7.1998).]

- Every Licence specified under rule 3 shall be issued initially, for validity and fee mentioned as under, as per the option exercised by the licensee, namely:(i)twenty years validity on payment of Rs. 5000/-; or(ii)for life time validity on payment of Rs. 10000/-,from the date of issue of the certificate for such licence.Explanation. - For the purposes of this rule, the expression "life time" means till the licence holder attains the age of eighty years:Provided that after attaining the age of sixty-five years, the licence holder shall intimate the licensor about the use of the licence for every five years.(2)On the expiry of the validity of licence issued for twenty years under clause (i) of sub-rule (1), the licence may be renewed for another twenty years or life time on payment of fee as provided under sub-rule

(1) and to consider the renewal, if the holder of the licence applies for renewal of the licence within a period of one year before the date of expiry of the licence, except as provided in rule 8A, upon a specific request by the applicant for the purpose: Provided that, if a holder of a licence, in the opinion of the central Government has willfully or negligently furnished incorrect or false information for the purpose of renewal of the licence, the Central Government may endorse, suspend or cancel the licence; Provided further that no order to suspend or cancel the licence under this rule shall be made unless the holder of the licence has given a reasonable opportunity of making a representation against the action proposed to be taken.]

8A. [Additional fees for late renewal. [Substituted by Notification No. G.S.R. 1088(E), dated 5.11.2018 (w.e.f. 6.7.1998).]

(1) In case the holder of the licence does not apply for its renewal prior to the date of expiry of the licence as specified under sub-rule (2) of rule 8, the holder may apply for the renewal of licence within a period of two years from the date of expiry of the licence on payment of an additional fee at the rate of two per cent, per month of the renewal fee payable, as provided under sub-rule (1) of rule 8, subject to a minimum of two hundred and fifty rupees and if the delay in renewal is for more than twelve months, then, the additional fee under this rule shall be compounded annually and in such cases, the licence shall be renewed only for a period of Twenty years or life time from the date of expiry of the licence. (2) In case the holder of the licence applies for renewal of the licence after two years of the date of expiry of the licence, the holder shall be required to pass Part-II of the respective examination conducted by the Ministry of Communication (Wireless Planning and Coordination Wing) at various centres and in such cases, the validity of the licence shall be only for a period of Twenty years or life time from the date of declaration of result of the said examination, on payment of the fee as provided under sub-rule (1) of rule 8.]

9. Issue of Duplicate or Replacement of Certificates and Licences.

- A holder whose certificate or licence under these rules 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. The Central Government may issue duplicate copy of any certificate or licence on the payment of Rs. 500/-.

10. Discipline of Operators.

(1) If in the opinion of the Central Government the holders 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 under

these rules 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 proficiency or the licence. No fee shall be chargeable for such examination.(4)Every holder of the certificate under these rules shall observe secrecy of the correspondence. A declaration to this effect shall be made by such holder in the application for admission to the examination for such certificate:Provided that the Central Government may modify, vary, cancel or revoke any of the conditions governing the issue of GMDSS certificate under these rules either by sending notice in writing to the holder or by a general notice published in the Official Gazette or New's Paper in New Delhi.

11. Admission and award of proficiency and 'licence to operate' to foreigners.

- 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 an examination held under these rules, and(II)award him/her a certificate of proficiency in wireless telegraphy or certificate of licence to operate wireless telegraphy or(III)award him only a certificate of proficiency in wireless telegraphy.

12. Recognition of Certificates Issued by Other Countries.

- The Central Government may recognize, subject to any conditions as it may prescribe from time to time, certificate specified under rule 3 issued by a competent authority in any other country as a certificate of proficiency or licence of the same class issued by it.

13. Provisional Certificate.

- The Central Government may issue a provisional certificate to the successful candidates immediately on declaration of the results before issue of regular certificate under these rules.

14. Language.

- The Language of the examinations conducted under these rules shall be English.