

The Temporary Suspension of Telecom Services

(Public Emergency or Public Safety) Rules, 2017

THE TEMPORARY SUSPENSION OF TELECOM SERVICES (PUBLIC EMERGENCY OR PUBLIC SAFETY) RULES, 2017¹

In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885) (hereinafter referred to as the said Act), the Central Government hereby makes the following rules to regulate the temporary suspension of telecom services due to public emergency or public safety, namely:—

1. (1) These rules may be called the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. (1) Directions to suspend the telecom services shall not be issued except by an order made by the Secretary to the Government of India in the Ministry of Home Affairs in the case of Government of India or by the Secretary to the State Government in-charge of the Home Department in the case of a State Government (hereinafter referred to as the competent authority), and in unavoidable circumstances, where obtaining of prior direction is not feasible, such order may be issued by an officer, not below the rank of a Joint Secretary to the Government of India, who has been duly authorised by the Union Home Secretary or the State Home Secretary, as the case may be:

Provided that the order for suspension of telecom services, issued by the officer authorised by the Union Home Secretary or the State Home Secretary, shall be subject to the confirmation from the competent authority within 24 hours of issuing such order:

Provided further that the order of suspension of telecom services shall cease to exist in case of failure of receipt of confirmation from the competent authority within the said period of 24 hours.

(2) Any order issued by the competent authority under sub-rule (1) shall contain reasons for such direction and a copy of such order shall be forwarded to the concerned Review Committee latest by next working day.

(3) The directions for suspension issued under sub-rule (1) shall be conveyed to designated officers of the telegraph authority or to the designated officers of the service providers, who have been granted licenses under section 4 of the said Act, in writing or by secure electronic communication by an officer not below the rank of Superintendent of Police or of the equivalent rank and mode of secure electronic communication and its implementation shall be determined by the telegraph authority.

(4) The telegraph authority and service providers shall designate officers in every licensed service area or State or Union territory, as the case may be, as the nodal officers to receive and handle such requisitions for suspension of telecom services.

1. *Vide* G.S.R. 998(E), dated 7th August, 2017, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 679, dated 8th August, 2017.

2. Came into force on 8-8-2017.

(5) The Central Government or the State Government, as the case may be, shall constitute a Review Committee.

(i) The Review Committee to be constituted by the Central Government shall consist of the following, namely:—

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| (a) Cabinet Secretary | -Chairman; |
| (b) Secretary to the Government of India
In-charge, Legal Affairs | -Member; |
| (c) Secretary to the Government, Department of
Telecommunications | -Member. |

(ii) The Review Committee to be constituted by the State Government shall consist of the following, namely:—

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| (a) Chief Secretary | -Chairman; |
| (b) Secretary Law or Legal Remembrancer
In-Charge, Legal Affairs | -Member; |
| (c) Secretary to the State Government
(other than the Home Secretary) | -Member. |

(6) The Review Committee shall meet within five working days of issue of directions for suspension of services due to public emergency or public safety and record its findings whether the directions issued under sub-rule (1) are in accordance with the provisions of sub-section (2) of section 5 of the said Act.

THE PREVENTION OF TAMPERING OF THE MOBILE DEVICE EQUIPMENT IDENTIFICATION NUMBER RULES, 2017¹

In exercise of the powers conferred by clause (k) of sub-section (2) of section 7 read with section 25 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government, hereby, make the following rules to prevent the tampering of Mobile Device Equipment Identification Number, namely:—

1. Short title and Commencement.—(1) These rules may be called the Prevention of Tampering of the Mobile Device Equipment Identification Number Rules, 2017.

(2) They shall come into force on the date² of their publication in the official Gazette.

2. Definition.—In these rules, unless the context otherwise requires,—

(a) 'Manufacturer' means a person who has lawfully obtained the right to assign a Mobile Device Equipment Identification Number to a mobile device before the initial sale of the mobile device;

(b) Mobile Device Equipment Identification Number' means a unique—

(i) international mobile equipment identity number (IMEI); or

(ii) electronic serial number (ESN); or

(iii) any other number or signal—

that identifies a unique mobile wireless communication device; or for the purposes has the same function and purposes as specified above.

3. Tampering of Mobile Device Equipment Identification Number.—It shall be unlawful, if a person, except the manufacturer—

(i) intentionally removes, obliterates, change, or alter unique Mobile Device Equipment Identification Number; or

(ii) intentionally use, produce, traffic in, have control or custody of, or possess hardware or software, knowing it has been configured as specified above.

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1. *Vide* G.S.R. 1068(E), dated 25th August, 2017, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 730, dated 28th August, 2017.

2. Came into force on 28-8-2017.