

Telecommunications (Commercial Radio Operator Certificate of Proficiency to Operate Global Maritime Distress and Safety System) Rules, 2024¹

Whereas a draft of the Telecommunications (Commercial Radio Operator Certificate of Proficiency to Operate Global Maritime Distress and Safety System) Rules, 2024, which the Central Government proposes to make in exercise of the powers conferred under section 46, read with clause (zh) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), was published as required by sub-section (1) of section 56 of the said Act vide notification of the Government of India in the Ministry of Communications, Department of Telecommunications number G.S.R. 446 (E), dated the 24th July 2024 in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 24th July 2024, inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas copies of the said Official Gazette were made available to the public on the 24th July 2024;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 46 read with clause (zh) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), and in supersession of the Indian Wireless Telegraphy (Commercial Radio Operators Certificate of proficiency and licence to operate Global Maritime Distress and Safety System) Rules, 1997 except as respects things done or omitted to be done before such supersession and without overriding the terms and conditions of existing arrangements under those rules till the date of expiry of such arrangements, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement. – (1) These rules may be called the Telecommunications (Commercial Radio Operator Certificate of Proficiency to Operate Global Maritime Distress and Safety System) Rules, 2024.

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

2. Definitions. – (1) In these rules, unless the context otherwise requires,–

(a) “Act” means the Telecommunications Act, 2023 (44 of 2023);

¹ Vide G.S.R. 674(E), dated 29.10.2024, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 01.11.2024.

- (b) “Global Maritime Distress and Safety System” means an internationally agreed set of safety procedures, frequencies, types of equipment, and communication protocols for maritime safety, which operates using terrestrial and satellite radio technologies, both onboard ships and onshore;
 - (c) “Global Maritime Distress and Safety System (GMDSS) Certificate” means the, GMDSS General Operator Certificate or the GMDSS Restricted Operator Certificate, as specified under sub-rule (1) of rule 4, and a “GMDSS Certificate holder” means the person who has been granted such certificate under rule 8;
 - (d) “International Telecommunication Convention” means the Convention of the International Telecommunication Union signed at Geneva in 1992 or any subsequent revision or modification thereof, which the Government of India has ratified or accepted;
 - (e) “portal” means the portal to be notified by the Central Government under rule 15 of these rules;
 - (f) “Radio Regulations” means the regulations adopted by the World Radiocommunication Conference (Geneva 1995) and includes every revision or modification thereof which the Government of India has ratified or accepted; and
 - (g) “WPC Wing” means the Wireless Planning and Co-ordination Wing of the Department of Telecommunications, Ministry of Communications, Government of India.
- (2) Words and expressions used and not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.
- 3. Scope.** – No person shall operate Global Maritime Distress and Safety System except under and in accordance with the terms and conditions of a GMDSS Certificate granted under these rules.
- 4. Categories of GMDSS certificates and eligibility.** – (1) There shall be the following two categories of GMDSS certificates, which may be granted by the Central Government under rule 8, namely:
- (a) GMDSS General Operator Certificate; and
 - (b) GMDSS Restricted Operator Certificate
- (2) Any person, being a citizen of India, who satisfies the eligibility criteria as set forth below and qualifies the examination specified under rule 7, shall be eligible for grant of a GMDSS

General Operator Certificate or, as the case may be, GMDSS Restricted Operator Certificate,-

S.No.	GMDSS General Operator Certificate	GMDSS Restricted Operator Certificate
(1)	(2)	(3)
1.	Above the age of eighteen years, as on the date of examination.	Above the age of eighteen years, as on the date of examination.
2.	(a) Passed the All India Senior Secondary School Certificate Examination (12th standard) or equivalent examination conducted by a recognised Board or University in India with Mathematics and Physics as subjects; or (b) Holds a valid Certificate of Competency or its equivalent issued or recognised by the Directorate General of Shipping, Government of India, under the provisions of the Merchant Shipping Act, 1958 (44 of 1958); or (c) Holds a valid certificate of proficiency or its equivalent issued by the WPC Wing.	(a) Passed the Secondary School Certificate Examination or an equivalent examination (10th standard) conducted by a recognised Board in India or holds a valid certificate issued by statutory bodies of maritime or fisheries departments of the Central Government or State Government; or (b) Holds a valid Certificate of Competency or its equivalent issued or recognised by the Directorate General of Shipping, Government of India, under the provisions of the Merchant Shipping Act, 1958 (44 of 1958); or (c) Holds a valid certificate of proficiency or its equivalent issued by the WPC Wing.
3.	Has undergone practical training on Global Maritime Distress and Safety System equipment, in any of the institutes approved by the Central Government from time to time, for a period not less than two continuous weeks (minimum ninety-six hours):	Has undergone practical training on Global Maritime Distress and Safety System equipment, in any of the institutes approved by the Central Government from time to time, for a period not less than one week (minimum forty hours):

Provided that the Central Government may, subject to such terms and conditions as it may specify from time to time, permit a person, not being a citizen of India, to undertake the examination held under rule 7 and administrative clearance in this behalf from the Ministry of Home Affairs and Ministry of External Affairs, for consideration of grant of the GMDSS Certificate under the relevant category.

5. Application for examination for grant of GMDSS General Operator Certificate. – (1)

Any person satisfying the eligibility criteria set forth under sub-rule (2) of rule 4 may make an application for the examination for obtaining the GMDSS General Operator Certificate to the Central Government, in the form as may be specified for this purpose in the portal along with fees of one thousand rupees.

(2) Examination for grant of GMDSS General Operator Certificate shall consist of the following two parts, namely, -

- (a) Part-I - comprising a written examination for 60 marks, for which the passing marks shall be 36 marks; and
- (b) Part-II - comprising a practical and oral examination, for 100 marks, for which the passing marks shall be 70 marks.

(3) The successful completion of Part-I of the examination shall be a mandatory requisite for undertaking Part-II only for applicants who have previously not held GMDSS General Operator Certificate, and those applying for a GMDSS General Operator Certificate more than a period of five years after the expiry of such certificate.

(4) The persons applying for renewal under sub-rule (1), sub-rule (2) and sub-rule (3) of rule 9 may apply directly for the Part-II examination.

6. Application for examination for grant of GMDSS Restricted Operator Certificate. – (1)

Any person satisfying the eligibility criteria set forth under sub-rule (2) of rule 4 may make an application for the examination for obtaining GMDSS Restricted Operator Certificate to the Central Government, in the form as may be specified for this purpose in the portal along with fees of one thousand rupees.

(2) Examination for grant of GMDSS Restricted Operator Certificate shall consist of Part-I comprising a written examination and Part-II comprising practical and oral examination, each part having 50 marks, and a successful applicant shall be required to obtain a total combined score of 50 marks in Part I and Part II together.

7. Conduct of examination for grant of GMDSS Certificate. – (1) The Central Government shall publish the syllabus, place, manner, date and time for the examination for obtaining the GMDSS General Operator Certificate and GMDSS Restricted Operator Certificate respectively, and the date of announcement of the results of such examination.

(2) The language of such examination shall be English.

8. Grant and validity of GMDSS Certificate. – (1) The Central Government shall, upon successful completion of the examination under rule 7, issue a provisional certificate with a validity of six months, the terms and conditions of which shall be as specified therein, in accordance with the International Telecommunication Convention and the Radio Regulations.

(2) A provisional certificate holder shall apply for GMDSS Certificate of the relevant category, within a period of six months from the date of issue of the provisional certificate.

(3) Any provisional certificate holder who applies for the GMDSS Certificate beyond a period of six months and up to two years from date of issue of provisional certificate, shall be required to make a payment of late fees of one thousand rupees in addition to the fees payable under sub-rule (5).

(4) The GMDSS Certificate shall not be granted upon lapse of two years from the date of issue of provisional certificate under sub-rule (1).

(5) GMDSS Certificate under any of the following categories shall be issued subject to payment of fees as specified below,-

Category of Certificate	Fee
(i) GMDSS General Operator Certificate	Ten thousand rupees for validity period of twenty years; and Fifteen thousand rupees for lifetime validity.
(ii) GMDSS Restricted Operator Certificate	Five thousand rupees for lifetime validity.

Explanation.- For the purposes of this sub-rule, the expression “lifetime” means till the GMDSS Certificate holder attains the age of eighty years.

- (6) The validity period of the GMDSS Certificate shall commence from the date of issue of provisional certificate under sub-rule (1), and each category of GMDSS Certificate shall be subject to terms and conditions as specified therein, in accordance with the International Telecommunication Convention and the Radio Regulations.

9. Renewal of GMDSS General Operator Certificate. – (1) A GMDSS General Operator Certificate which is valid for an initial period of twenty years, may be renewed for another twenty years or for lifetime, based on an application made within a period of one year prior to the expiry of such GMDSS General Operator Certificate, in the form as may be specified by the Central Government for this purpose in the portal along with payment of fees as provided under sub-rule (5) of rule 8 thereof, and fulfilment of either of the following criteria namely,-

- (a) submission of proof of total experience of not less than six months, within a period of five years immediately preceding the date of expiry of the GMDSS General Operator Certificate; or
 - (b) successful completion of Part-II of the examination as specified under clause (b) of sub-rule (2) of rule 5.
- (2) An application for renewal made within a period of two years after the date of expiry of the GMDSS General Operator Certificate, shall be granted subject to the fulfilment of the criteria specified under sub-rule (1) along with payment of late fee of one thousand rupees.
 - (3) An application for renewal after a period of two years from the date of expiry of the GMDSS General Operator Certificate, shall be considered only upon successful completion by the applicant of Part-II of the examination as specified under rule 5, in addition to payment of fee as provided under sub-rule (5) of rule 8, as well as payment of late fee of one thousand rupees.
 - (4) No GMDSS General Operator Certificate shall be renewed after a lapse of five years from the date of expiry of the GMDSS General Operator Certificate.

10. Issue of duplicate GMDSS Certificate. – (1) An application for duplicate GMDSS Certificate may be made to the Central Government in the form as specified for this purpose in the portal, along with payment of fee of one thousand rupees:

Provided that in case the GMDSS Certificate is lost, such application shall be accompanied with the report filed with the local police regarding such loss.

- (2) The Central Government may issue a duplicate GMDSS Certificate based on such application.

11. General obligations applicable to GMDSS Certificate holders. – (1) The Central Government may at any time require the GMDSS Certificate holder to produce the GMDSS Certificate and the GMDSS Certificate holder shall comply with such requirement.

- (2) The GMDSS Certificate holder shall be bound by modification, variation, cancellation or revocation of any of the terms and conditions governing the grant of such GMDSS Certificate and such changes shall be made available through publication on the official website, as well as on the portal as and when notified under rule 15, and an email shall also be sent to the email address provided by the applicant in his application for grant of GMDSS Certificate.

- (3) If any message which a GMDSS Certificate holder is not entitled to receive, is received, such GMDSS Certificate holder shall not make known or allow to be made known, its contents, its origin or destination, its existence or the fact of its receipt, to any person, other than to an officer duly authorised for this purpose by the Central Government or a court of law, and shall not reproduce in writing, copy or make any use of such message or allow the same to be reproduced in writing, copied or made use of.

12. Recognition of certificates issued by other countries. – The Central Government may, subject to the terms and conditions as it may specify from time to time, recognise the certificates similar to those granted under rule 8, issued by a competent authority in any other country, for the purpose of operating a Global Maritime Distress and Safety System.

13. Suspension or cancellation of GMDSS Certificate. – The Central Government may suspend or cancel the GMDSS Certificate, if in its opinion, the GMDSS Certificate holder has,-

- (a) failed to comply with the provisions of the International Telecommunication Convention or the Radio Regulations, as applicable for such GMDSS Certificate, or the terms and conditions subject to which the GMDSS Certificate was issued in respect of operation of radio equipment; or

(b) wilfully furnished incorrect or false information to the Central Government:

Provided that no order of suspension or cancellation under this sub-rule shall be made unless the GMDSS Certificate holder has been given a reasonable opportunity of making a representation and being heard against such suspension or cancellation.

14. No refund of fees. – No compensation or refund of fees shall be applicable as a result of any suspension or cancellation of the GMDSS Certificate, for any reason whatsoever, or for any modification, variation, cancellation or revocation of the terms and conditions of the GMDSS Certificate.

15. Digital Implementation of these rules. – The Central Government shall, in furtherance of section 53 of the Act, notify a portal for the digital implementation of these rules, including for submission of applications, publication of syllabus, place, manner, date and time of examination, declaration of results of examinations, grant of GMDSS Certificate, modification of terms and conditions, any other permission, instruction or direction, as may be required for the operation of the GMDSS Certificates.

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