

Telecommunications (Temporary Suspension of Services) Rules, 2024¹

Whereas a draft of the Temporary Suspension of Telecommunication Services Rules, 2024, which the Central Government proposes to make in exercise of the powers conferred by clause (b) of sub-section (2) and sub-section (4) of section 20 read with clauses (t) and (u) 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. 519(E), dated the 28th August, 2024, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 28th August, 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 29th August, 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 clause (b) of sub-section (2) and sub-section (4) of section 20 read with clauses (t) and (u) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023) and in supersession of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, except as respects things done or omitted to be done before such supersession and without overriding the terms and conditions of existing orders relating to suspensions under those rules, which shall continue to apply till the date of expiry of the time period for suspension as specified in such order, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement. – (1) These rules may be called the Telecommunications (Temporary Suspension of Services) 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);

(b) “**competent authority**” means the Union Home Secretary in the Ministry of Home Affairs in the case of the Central Government, or the Secretary to the State Government in-charge of the Home Department in the case of a State Government;

(c) “**nodal officer**” means any officer designated by an authorised entity for the purpose of these rules;

¹ Vide G.S.R. 724(E), dated 22.11.2024, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 22.11.2024.

- (d) “**review committee**” means the committee constituted under rule 5 of these rules;
 - (e) “suspension order” means an order for temporary suspension of telecommunication service or any class of telecommunication services, issued by the competent authority under sub-rule (1) of rule 3 of these rules.
- (2) Words and expressions used in these rules and not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Temporary suspension of telecommunication services. – (1) The directions to suspend any telecommunication service or any class of telecommunication services under clause (b) of sub-section (2) of section 20, shall only be issued by suspension order, and for reasons to be recorded in writing by a competent authority:

Provided that where, due to unavoidable circumstances, it is not feasible for a suspension order to be issued by the competent authority, such suspension order may be issued by an officer not below the rank of a Joint Secretary to the Central Government, who has been duly authorised by the competent authority:

Provided further that a suspension order issued under the first proviso to sub-rule (1) shall be subject to its confirmation by the competent authority, within twenty-four hours of issuance of such order, failing which the suspension order shall cease to exist.

- (2) Any suspension order issued under sub-rule (1) shall be published and,-
- (a) clearly state the reasons for such order; and
 - (b) be limited to- (i) addressing the specific reasons for such order;
 - (ii) clearly defined geographical area and type of telecommunication service required to be suspended; and
 - (iii) a specified duration, not exceeding fifteen days.
- (3) A copy of the suspension order issued under sub-rule (1) shall be forwarded to the concerned review committee within a period of twenty-four hours from the issuance of such order.
- (4) No suspension order under sub-rule (1) shall be made, unless the authority issuing such order has considered that the objectives set forth under sub-section (2) of section 20, cannot be achieved by any other reasonable means.

4. Designation and duties of nodal officers. – (1) Each authorised entity shall designate a nodal officer for every service area, or State or Union territory, to receive and implement the suspension order.

- (2) Any suspension order shall be communicated in writing or through a secure electronic communication, to the nodal officer, by an officer not below the rank of Superintendent of Police.

5. Constitution and working of the review committee. – (1) The Central Government shall constitute a review committee, consisting of the following members, namely:-

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| (a) Cabinet Secretary- | Chairperson; |
| (b) Secretary, Department of Legal Affairs- | Member; and |
| (c) Secretary, Department of Telecommunications- | Member. |

(2) Every State Government shall constitute a review committee, consisting of the following members, namely:-

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

(3) The concerned review committee constituted under sub-rule (1) and (2) shall meet within five days of issuance of any suspension order and record its findings as regards whether the suspension order is in accordance with clause (b) of sub-section (2) and sub-section (4) of section 20 of the Act.

(4) Where the review committee is of the opinion that the suspension order is not in accordance with clause (b) of sub-section (2) and sub-section (4) of section 20 of the Act, it may pass an order setting aside such suspension order.

[No.24-05/2024-UBB]

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