

Telecommunications (Administration of Digital Bharat Nidhi) Rules, 2024¹

Whereas a draft of the Telecommunications (Digital Bharat Nidhi) Rules, 2024, which the Central Government proposes to make in exercise of the powers conferred by section 26 read with clause (x) of sub-section (2) of section 56 of the Telecommunications Act, 2024 (44 of 2023), was published as required by sub-section (1) of the section 56 of the said Act vide notification of the Government of India in the Ministry of Communication, Department of Telecommunication number G.S.R. 365(E), dated the 4th July, 2024, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 4th 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 4th 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 26 read with clause (x) of sub-section (2) of section 56 of the Telecommunications Act, 2024 (44 of 2023), and in supersession of rules 523 and 527 of the Indian Telegraph Rules, 1951, 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 (Administration of Digital Bharat Nidhi) 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) “Administrator” means the Administrator of the Digital Bharat Nidhi appointed by the Central Government, by notification in Official Gazette, for the administration of the Digital Bharat Nidhi;

¹ Vide G.S.R. 530(E), dated 30.08.2024, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 31.08.2024.

(c) “agreement” means a contractual agreement made between the Administrator and one or more Implementers, to implement schemes and projects for the purpose of achieving the objectives of the Digital *Bharat Nidhi*;

(d) “bidding” means the process of selecting an Implementer for procurement of goods or services or execution of works, by calling for bids;

(e) " Digital *Bharat Nidhi*" means the Digital *Bharat Nidhi* established under sub-section (1) of section 24 of the Act;

(f) “Implementer” means any person with whom the Administrator has entered into an agreement; and

(g) “objective” means any or all of the objectives mentioned in the clauses (a) to (d) of section 25 of the Act.

(2) Words and expressions used in these rules and not defined herein but defined in the Act shall have the meanings assigned to them in the Act.

3. Powers and functions of Administrator.— (1) The Administrator shall select Implementers through the process of bidding or inviting applications from eligible persons as specified in sub-rule (1) of rule 7, or through the process of nomination as specified in sub-rule (2) of the said rule, for the purpose of achieving the objectives of Digital *Bharat Nidhi*.

(2) The Administrator shall have the following powers and functions, namely:—

(a) to formulate the procedure for bidding including its terms and conditions, format of application, eligibility criteria and evaluation criteria for selection of Implementers pursuant to such bidding;

(b) to formulate the procedure for inviting and evaluating applications for selection of Implementers;

(c) to enter into agreement with Implementers;

(d) to settle claims and disburse funds from the Digital *Bharat Nidhi* to Implementers;

(e) to settle disputes with Implementers through mediation, arbitration, conciliation or judicial proceeding, as may be provided for in the agreement;

(f) to monitor, evaluate or verify the work done by Implementers through any competent body including any third-party agencies;

(g) to specify procedures and records, along with formats, to be maintained and furnished by Implementers;

(h) to engage persons including consultants, advisors or an entity for the purpose of planning, formulation, contract management, midterm review, verification, monitoring, financing, evaluation, impact assessment and management of schemes and projects;

(i) to specify the terms and conditions relating to the assets created from the funds disbursed from the Digital *Bharat Nidhi*;

(j) to undertake pilot study, pursuant to achieving the objectives of the Digital *Bharat Nidhi*;

(k) to create a digital portal to enable Implementers and other stakeholders to provide services, facilitate interaction, reporting and monitoring of schemes and projects; and

(l) to perform such other functions as may be assigned by the Central Government for the purposes of achieving the objectives of the Digital *Bharat Nidhi*.

(3) The Administrator may, by order in writing, designate any officer of the Central Government not below the rank of Joint Secretary to the Government of India, for the efficient administration of these rules.

4. Funding from Digital *Bharat Nidhi*. – (1) Funding from the Digital *Bharat Nidhi* shall be provided to Implementers to implement schemes and projects for the purpose of achieving the objectives of the Digital *Bharat Nidhi* as specified under section 25 of the Act.

(2) Funds, in terms of a percentage of annual collection under the Digital *Bharat Nidhi*, as the Administrator may, by notification in the Official Gazette, specify, shall be utilised for achieving the objectives specified under clause (b) of the section 25 of the Act.

(3) The modalities for funding provided from the Digital *Bharat Nidhi* for schemes and projects, may be determined by the Administrator on a case-to-case basis, including but not limited to full funding, partial funding, co-funding, market risk mitigation or risk capital.

(4) The Digital *Bharat Nidhi* shall fund schemes and projects for providing targeted access to telecommunication services for underserved groups of the society, such as, women, persons with disabilities and economically and socially weaker sections.

(5) The funds shall be released to the Implementers in such manner, at such intervals and subject to such conditions, as may be specified in the agreement.

5. Criteria for undertaking schemes and projects under Digital *Bharat Nidhi*.— The schemes and projects for the purposes of achieving the objectives of the Digital *Bharat Nidhi*, shall meet one or more of the following criteria, namely:—

(a) to provision telecommunication services, including mobile and broadband services and telecommunication equipment required for delivery of telecommunication services, and enhancing telecom security in underserved rural, remote and urban areas;

(b) to create telecommunication network for provisioning of telecommunications services, including mobile and broadband services, in underserved rural, remote and urban areas;

(c) to introduce next generation telecommunication technologies in underserved rural, remote and urban areas;

(d) to provide or improve access to advanced telecommunication services in underserved rural, remote and urban areas;

(e) to improve affordability of telecommunication services in underserved rural, remote and urban areas;

(f) to promote innovation, research and development, promotion and commercialisation of indigenous technology development and associated intellectual property including creation of regulatory sandboxes, where necessary;

(g) to develop and establish relevant standards to meet national requirements and their standardisation in international standardisation bodies;

(h) to encourage start-ups in telecommunications sector;

(i) to create bridge between the academia, research institutes, start-ups and industry for capacity building and development of telecom ecosystem;

(j) to create new technological solutions and deploy new technologies for improving access to telecommunications services;

(k) to promote sustainable and green technologies in telecommunications sector;

(l) to establish or fund any person to promote telecommunications growth, telecommunications research and development, standards, start-ups and telecom manufacturing facilities towards *Atmanirbhar Bharat*;

(m) such other criteria as may be determined by the Administrator as deemed necessary to meet the objectives of the Act.

6. Sharing of telecommunication networks established under Digital *Bharat Nidhi*.—

Any Implementer, receiving funding from the Digital *Bharat Nidhi* for establishing, operating, maintaining or expanding a telecommunication network, shall share and make available such telecommunication network and telecommunication services, being delivered using the telecommunication networks on an open and non-discriminatory basis, and in accordance with the instructions issued by the Administrator from time to time in this behalf.

7. Selection process of Implementer. – (1) The process for selection of Implementers for the purposes of achieving the objectives of the Digital *Bharat Nidhi*, shall be in accordance with **Table-A:**

Table-A

S. No.	Area of funding	Process of selection
1.	Promote and support Telecommunication services for promoting access to and delivery of established telecommunication services in underserved rural, remote and urban areas, including consultancy assistance and advisory support	Selection by bidding
2.	Promote and support Research and development of new or emerging telecommunication technologies or products or services through, but not limited to, research projects and pilots, co-funding, viability gap funding, and risk capital upto to commercialisation.	Selection by application

Explanation.— For the purposes of this regulation, “selection by application” means the process of selecting an Implementer through a call for proposal or expression of interest, on the basis of technical parameters.

(2) Notwithstanding anything contained in sub-rule (1), the Administrator may, for reasons to be recorded in writing, to address any special circumstances and with the approval of the Central Government, select an Implementer by nomination for the execution of projects and schemes in furtherance of the objectives of Digital *Bharat Nidhi* .

[No. DoT/UBB/2024-1/TelecomAct2023-Rules]

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