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प्राधिकार से प्रकाशित

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संचार मंत्रालय
(दूरसंचार विभाग)
अधिसूचना

नई दिल्ली, 7 अगस्त, 2017

सांसद, नं. 998(३)।— केन्द्रीय सरकार, भारतीय नार अधिनियम, 1885 (1885 का 13) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोक आपात या लोक सुरक्षा के कारण दूरसंचार सेवाओं के अस्थायी निलंबन का विनियमन करने के लिए निर्देशित नियम बनाती है, अथवा:-

1. (1) इन नियमों का संक्षिप्त नाम दूरसंचार अस्थायी सेवा निलंबन (लोक आपात या लोक सुरक्षा) नियम, 2017 है।
(2) ये राजनय में उनके प्रकाशण की तारीख को प्रवुचित होंगे।

2. (1) दूरसंचार सेवाओं को निलंबित करने के लिए निदेश भारत सरकार के मामले में भारत सरकार के गृह मंत्रालय के सचिव द्वारा या राज्य सरकार के मामले में गृह विभाग के राज्य सरकार के भार साधक सचिव (जिसे इसमें इसके पश्चात् सड़क प्राधिकारी कहा गया है), द्वारा किए गए आदेश द्वारा ही जारी किए जाएंगे अन्यथा नहीं और अपरिहार्य परिस्थितियों में, जहां पूर्व निदेश अधिग्राम करना व्यवहार्य नहीं है, वहां ऐसा आदेश ऐसे किसी अधिकारी द्वारा, जो भारत सरकार के संयुक्त सचिव की पंक्ति से नीचे का हो, जिसे, सन्तोषित, केन्द्रीय गृह सचिव या राज्य गृह सचिव द्वारा सम्बन्ध: प्राधिकृत किया गया हो, द्वारा जारी किया जा सकेगा:

परंतु केन्द्रीय गृह सचिव या राज्य गृह सचिव द्वारा प्राधिकृत अधिकारी द्वारा जारी दूरसंचार सेवाओं के निलंबन के लिए आदेश, ऐसे आदेश के जारी किए जाने के चौबीस घंटे के भीतर सड़क प्राधिकारी से प्राप्त पुष्टि के अध्यधीन होगा:

परंतु यह और कि दूरसंचार सेवाओं के निलंबन का आदेश उक्त चौबीस घंटे की अवधि के भीतर सड़क प्राधिकारी की पुष्टि के प्राप्त न होने की दशा में अनिवार्य हो जाएगा।
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. 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 date of their publication in the Official Gazette.

2. 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.

(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:-

(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:-

(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.

PRAMOD KUMAR MITTAL, Senior Dy. Director General (AS)

RAKESH SUKUL

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