

Gazette Notification regarding GMDSS Maritime Examination

Government of India
MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

NOTIFICATION

New Delhi dated the 6th July, 1998

G.S.R. 133 - In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (13 of 1885) and in supersession of the Indian Wireless Telegraphy (Commercial Radio Operator's Certificate of Proficiency and licence to operate Global Maritime Distress and Safety System) Rules, 1994, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules namely:-

1. Short title and commencement: -- (1) These rules may be called, the Indian Wireless Telegraphy (Commercial Radio Operators certificate of proficiency and licence to operate Global Maritime Distress and Safety System) Rules, 1997.

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

2. **Definitions:-** Unless the context otherwise requires, in these rules:-

“Convention” means the convention of the International Telecommunication Union as amended from time to time.

3. **Categories of Certificates and Licences** – On the result of an examination which may, from time to time be held by it or by an officer empowered by it in this behalf, the Central Government may grant (in accordance with the terms of the Convention) the following categories of the Certificates of proficiency or Licence to operate Global Maritime Distress and Safety System namely:-

- (i) First Class Radio Electronic Certificate of Proficiency and Licence
- (ii) Second Class Radio Electronic Certificate of Proficiency and Licence
- (iii) General Operator's Certificate of Proficiency and Licence
- (iv) Restricted Operator's Certificate of Proficiency and Licence.

4. **Eligibility for admission to the examination for licence** – No person shall be eligible for admission to an examination held under these rules for grant of a certificate specified under rule 3 unless such person is –

(i) a Citizen of India

(ii) is above the age of eighteen years on the date of examination

(a) has passed all India Senior Secondary School Certificate examination or an equivalent examination conducted by a recognised board/university with Mathematic and Physics as optional subjects.

or

holds a valid certificate of competency or its equivalent issued or recognized by the Directorate General of Shipping under the provisions of the Merchant Shipping Act, 1958 (44 of 1958);

or

holds a valid certificate of proficiency or its equivalent issued by the Ministry of Communications (Wireless Planning & Coordination Wing) under the provisions of the Indian Wireless Telegraphy (Commercial Radio Operator's Certificate of Proficiency and licence to operate Wireless Telegraphy) Rules, 1954;

iv) has undergone a practical training on Global Maritime Distress and Safety System equipments for a period not less than six months in any of the institutes approved by the Central Government except in case of category of certificates under sub-rule (iii) and sub-rule (iv) of rule 3 where the practical training may be for a period not less than two weeks.

5. **Application:** -- An application for admission to an Examination specified in Rule 3 above, shall be made to the Central Government or to an officer empowered by it, In this behalf, in the form prescribed by the Government from time to time, together with all the subsidiary forms and documents duly filled in and complete in all respect through an Institute approved by the Central Government in which the candidate had undergone practical training prescribed by the Central Government.

6. **Fee for the examination:** -- A candidate for admission to an examination for the grant of certificates specified the Rule 3 shall pay fees in the following scale namely:

(i) For First Class Radio Electronic Certificate of proficiency and Licence or Second Class Radio Electronic Certificate of proficiency and Licence:-

a) for Part-I Rupees 1000/-

b) for Part-II and/or Part-III Rupees 1000/-

For General Operator's Certificate of Proficiency and Licence or Restricted Operator's Certificate of Proficiency and Licence:

For Part-I and/or Part-II Rupees 500/-

(Fee for an examination specified above is subject to revision by Central Government from time to time).

7. EXAMINATION:

(1) The examination for the award of Global Maritime Distress and Safety System certificates specified under rule 3 shall be held in accordance with the terms of the convention and in the manner determined, from time to time, by the Central Government who shall notify the place at which and the date on which such an examination shall be held.

(2) Any person admitted to the examination and found guilty of impersonation of submitting fabricated documents which have been tempered with or making statements which are in correct or false or suppressing material information or otherwise resorting to any other irregular or improper means for obtaining admissions to the examination may, in addition to rendering him/herself liable to criminal prosecution, be debarred either permanently or for a specified period from appearing in any of the examination held for the award of Global Maritime Distress and Safety System certificate specified under Rule (3). Provided that order under this rule shall not be made unless the person has been given a reasonable opportunity of making a representation against the action proposed to be taken.

8. VALIDITY OF LICENCES:

Every Licence specified under rule 3 shall be valid for a period of ten years from the date of issue of the certificate for such licence.

On the expiry of the initial period of the validity of licence under sub-rule (1) it may be renewed for a further period of five years at a time, if the person to whom such licence is issued.

- i) Pays a fee of Rs. 500/-
- ii) Has a total experience of not less than 6 months within 5 years immediately preceding the date of expiry of a licence and

or

- iii) Satisfies the Central Government by re-examination or otherwise that he still possesses all the eligibilities required for issue of the certificate.

If the holder of a licence, in the opinion of the Central Government has willfully or negligently provided incorrect or false information for the purpose of re-validation of the licence, the Central Government may endorse, suspend or cancel the licence.

Provided that no order to suspend or cancel the licence under this rule shall be made unless the person concerned has been given a reasonable opportunity of making a representation against the action proposed to be taken.

Explanation:- For the purposes of this rule, the expression "experience" means the experience gained at a mobile station in the Maritime or Aeronautical Mobile Service using GMDSS.

9. ISSUE OF DUPLICATE OR REPLACEMENT OF CERTIFICATES AND LICENCES:

A holder whose certificate or licence under these rules has been lost, mutilated or destroyed shall immediately notify the loss to the Central Government. A properly executed application for duplicate certificate shall be made to the Central Government embodying a statement of the circumstances involved in the loss, mutilation or destruction of the certificate or licence for which a duplicate is required. If the certificate or licence has been lost, the applicant must state that reasonable search has been made for it and further, that in the event it be found, either the original or the duplicate shall be returned for cancellation.

The Central Government may issue duplicate copy of any certificate or licence on the payment of Rs. 500/-.

10. DISCIPLINE OF OPERATORS:

- (1) If in the opinion of the Central Government the holders of the Certificate or licence has wilfully or negligently failed to comply with the provisions of the convention, or of these rules or of any regulations lawfully applicable to him/her in respect of operation of Radio Apparatus the Central Government may endorse, suspend or cancel the certificate.
- (2) The Central Government may under these rules at any time require the holder of a certificate of proficiency to produce the same and the holder shall comply with such requisition.
- (3) The Central Government may at any time require the holder of a certificate of proficiency or licence to be re-examined in order to test his knowledge and ability and may as a result of such examination, endorse, suspend or cancel the proficiency or the licence. No fee shall be chargeable for such examination.
- (4) Every holder of the certificate under these rules shall observe secrecy of the correspondence. A declaration to this effect shall be made by such holder in the application for admission to the examination for such certificate:

Provided that the Central Government may modify, vary, cancel or revoke any of the conditions governing the issue of GMDSS certificate under these rules either by sending notice in writing to the holder or by a general notice published in the Official Gazette or News Paper in New Delhi.

11. Admission and award of proficiency and 'licence to operate' to foreigners:

Notwithstanding anything contained in these Rules, the Central Government may, subject to such conditions as it may impose from time to time:

- (I) admit a person, who is not a citizen of India to an examination held under these rules, and
- (II) award him/her a certificate of proficiency in wireless telegraphy or certificate of licence to operate wireless telegraphy or
- (III) award him only a certificate of proficiency in wireless telegraphy.

12. RECOGNITION OF CERTIFICATES ISSUED BY OTHER COUNTRIES:

The Central Government may recognize, subject to any conditions as it may prescribe from time to time, certificate specified under rule 3 issued by a competent authority in any other country as a certificate of proficiency or licence of the same class issued by it.

13. PROVISIONAL CERTIFICATE:

The Central Government may issue a provisional certificate to the successful candidates immediately on declaration of the results before issue of regular certificate under these rules.

14. LANGUAGE:

The Language of the examinations conducted under these rules shall be English.

Sd/-

(T.K. Varada Krishnan)

Assistant Wireless Adviser

to the Government of India