



# भारत का राजपत्र

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संचार और सूचना प्रौद्योगिकी मंत्रालय

(सूचना प्रौद्योगिकी विभाग)

अधिसूचना

नई दिल्ली, 10 फरवरी, 2012

**विषय : सुरक्षा कारणों और सरकारी प्रापण में प्रापण हेतु घरेलू स्तर पर विनिर्मित इलेक्ट्रॉनिक वस्तुओं को प्राथमिकता ।**

सं. 8(78)/2010-आईपीएचडब्ल्यू—विभिन्न क्षेत्रों में इलेक्ट्रॉनिक युक्तियों और सूचना प्रौद्योगिकी (आईटी) के बढ़ते उपयोगों के साथ महत्वपूर्ण अनुप्रयोग तथा संबद्ध मूलसंरचना साइबर हमलों के लिए लगातार सुभेद्य बनते जा रहे हैं । चूंकि इलेक्ट्रॉनिकी और आईटी का उपयोग अपरिहार्य बनता जा रहा है, अतः शत्रुवत रूचि के साथ इन युक्तियों या अनुप्रयोगों के उपयोग की क्षमता से सामान्य मानवीय जीवन में रुकावट और जीवन तथा संपत्ति को जोखिम लगातार एक आम बात बनती जा रही है। रिपोर्टें दर्शाती हैं कि भारत में इनका विरोध करने वाली एजेंसियों से इसकी महत्वपूर्ण मूलसंरचना पर भी ऐसे हमले किए गए हैं । दुर्भावनापूर्ण रूप से एक हार्डवेयर में ट्रिगर किया जा सकता है। इस स्थिति में और भी समस्या बढ़ सकती है, क्योंकि अभी ऐसी प्रौद्योगिकी का विकास शेष है जो ऐसे दुर्भावनापूर्ण हार्डवेयर का पता लगा सके ।

2.1 तदनुसार सरकार ने उन इलेक्ट्रॉनिक उत्पादों जिनमें देश के लिए सुरक्षा संबंधी विवक्षाएं निहित हैं, की खरीद और सरकारी उपयोग के लिए सरकारी स्तर पर उनकी खरीद में घरेलू स्तर पर विनिर्मित इलेक्ट्रॉनिक उत्पादों को प्राथमिकता देने के लिए निम्नलिखित नीति

**प्रकरण 3:** वाणिज्यिक निविदाओं को खोलने के बाद स्थिति इस प्रकार है एल 1: एनडीएम 1, एल 2: एनडीएम 2, एल 3: एनडीएम 3, एल 4: एनडीएम 4 और एल 5: एनडीएम 5। इस मामले में कोई घरेलू स्तर पर इलेक्ट्रॉनिक उत्पाद का निर्माता उपलब्ध नहीं है अतः यह पूरा क्रयादेश एनडीएम 1 को दिया जाएगा।

#### उदाहरण 2

##### सुपर कम्प्यूटर का प्रापण

प्रापण एजेंसी 5 करोड़ रु. की निर्धारित विशिष्टि के साथ सुपर कम्प्यूटर का प्रापण करने की इच्छुक है। इस मद को बांटा नहीं जा सकता है। प्रापण एजेंसी 70:30 मानक लागू करने में सक्षम नहीं है। अतः कथित एजेंसी द्वारा घरेलू स्तर पर विनिर्मित इलेक्ट्रॉनिक उत्पाद के लिए 1.5 करोड़ रु. (30%) का अतिरिक्त मूल्य प्रदान किया जाना चाहिए।

#### उदाहरण 3

**एक प्रबंधित सेवा प्रदाता (एमएसपी) 'क' के माध्यम से दूर संचार लाइसेंसधारक 'X' द्वारा स्विचों का प्रापण**

दूर संचार सेवा प्रदाता एमएसपी 'क' से हार्डवेयर सेवाएं प्राप्त करने वाला एक मात्र प्रदाता हो सकता है। जबकि प्रस्तावित नीति के खण्ड 2.1 द्वारा 70:30 मानक लागू है। दूर संचार लाइसेंसधारक 'X' को घरेलू इलेक्ट्रॉनिक हार्डवेयर उत्पादों के माध्यम से एमएसपी 'क' द्वारा दिए गए प्रापण मूल्य का 30% सुनिश्चित करने की आवश्यकता होगी।

## MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Information Technology)

### NOTIFICATION

New Delhi, the 10th February, 2012

**Subject: Preference to domestically manufactured electronic goods in procurement due to security considerations and in Government procurement.**

**No. 8(78)/2010-IPHW.**—With increasing deployment of electronic devices and Information Technology (IT) applications in various sectors, the critical applications are vulnerable to cyber attacks. As use of electronics and IT becomes pervasive, the ability to use these devices or applications to disrupt normal human life and threaten life and property by an inimical interest has become increasingly common. Reports show that India has also suffered attacks on its critical infrastructure from agencies opposed to India. A malicious hardware can be triggered to launch an attack. The situation is further compounded because the technology has yet to develop which can definitively detect such malicious hardware.

**2.1** The Government has, accordingly, laid down the following policy for providing preference to domestically manufactured electronic products, in procurement of those electronic products which have security implications for the country and in Government procurement for its own use and not with a view to commercial resale or with a view to use in the production of goods for commercial sale.

#### 2.2 Scope

**2.2.1** Electronic product or products having security implications and agencies deploying them will be notified by concerned Ministry/Department. The notified agencies will be required to procure the notified electronic

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product from a domestic manufacturer to the extent prescribed in this notification. When the electronic goods are specified by the concerned Ministries/Departments, rationale for such items being covered as essential security interest may also be clearly detailed. Listing of electronic goods as security sensitive can also be done by a designated authority notified for this purpose by the Ministry/Department concerned which may take a project wise decision on which projects or project components are sensitive from the security angle.

2.2.2 In Government procurement, the policy will be applicable to all Ministries/Departments (except Defence) and their agencies for electronic products purchased for Governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale. Each Ministry/Department would notify the sector specific electronic product or products for which preference would be accorded to domestically manufactured electronic product or products. However, generic products, which are procured across sectors, such as, computers, communication equipment etc., would be notified by the Departments of Information Technology/Telecommunications, as the case may be.

2.2.3 The notification issued by each Ministry/Department for providing preference to domestically manufactured electronic product or products, either for reasons of security or for Government procurement, would specify the percentage of procurement to be made from domestically manufactured electronic product or products but it shall not be less than 30% of the total procurement value of that electronic product or products. Further each Ministry/Department would also specify the domestic value addition requirement which the electronic product should satisfy for the product to qualify as domestically manufactured electronic product. However, such specification should not be below the generic definition of domestically manufactured electronic products provided in para 2.3 below.

2.2.4 The policy is also applicable to procurement of electronic hardware as a service from Managed Service Providers (MSPs).

product from a domestic manufacturer to the extent prescribed in this notification. When the electronic goods are specified by the concerned Ministries/Departments, rationale for such items being covered as essential security interest may also be clearly detailed. Listing of electronic goods as security sensitive can also be done by a designated authority notified for this purpose by the Ministry/Department concerned which may take a project wise decision on which projects or project components are sensitive from the security angle.

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2.2.4 The policy is also applicable to procurement of electronic hardware as a service from Managed Service Providers (MSPs).

**2.3 Domestically Manufactured Electronic Products:** The Domestically Manufactured Electronic Products are manufactured by companies that are registered and established in India and engaged in manufacture in India and would include Contract Manufacturers, but traders are excluded from the definition. These electronic products shall meet the following graded domestic value-addition in terms of Bill of Material (BOM) from domestic manufacturers.

Percentage domestic value addition* in terms of BOM from domestic manufacturers	Year
25%	Year 1
30%	Year 2
35%	Year 3
40%	Year 4
45%	Year 5

\* The formula for Value-Addition:

- Product Price (Ex-Factory) :A
- Cost of Bill of Material (BOM) in 'A' :B
- BOM sourced from domestic manufacturers :C
- Value Addition in terms of BOM : $(C/B)*100$

**3. Eligibility:** All companies registered in India and engaged in manufacture of electronic products in India are eligible for consideration under the policy.

**4. Procurement:** The procuring agencies shall follow their own procurement procedures, subject to meeting the requirement that specified percentage of procurement shall be of domestically manufactured electronic products.

4.1.2 Aggregation of annual requirements and such other procurement practices, which facilitate the implementation of this policy, may be adopted by procuring agencies.

4.2 Procurement by Government Ministry/Department or agencies under their administrative control

4.2.1 Wherever the domestically manufactured electronic products are procured under this policy by a Government Ministry/Department or an agency thereof, such procurement shall be subject to matching of L1 price and on satisfying technical specifications of the tender.

4.2.2 For procurement by Government Ministries/Departments and agencies under their administrative control, the tender for procuring electronic products would normally specify that specified part of the procurement value would be awarded to the lowest technically qualified domestic manufacturer of electronic products, subject to matching with L1, if such bidders are available. The remaining will be awarded to L1, irrespective of whether he is a domestic manufacturer or not.

4.2.3 It is not necessary that each tender for the procurement of electronic product is split. If a tender cannot be split, either because the unit of procurement is small or because of technical reasons, or because no domestic manufacturer is available for the product, the procuring agency may ensure that the annual requirement of procuring the specified extent of electronic products from domestically manufactured products is achieved through suitable enhancements in other tenders.

4.2.4 The tender conditions would ensure that domestically manufactured electronic products are encouraged and are not subject to restrictive mandatory requirement of prior experience. However, procuring Department/agency may incorporate such stipulations as may be considered necessary to satisfy themselves of the production capability and product quality of the domestic manufacturer.

## **5. Compliance**

5.1 A suitable self-certification system would be devised to declare domestic value addition by the vendor. The system would also provide for checks by Standardization, Testing and Quality Certification (STQC) and other testing laboratories accredited by the Department of Information Technology. In cases of mis-declaration suitable penalties will be imposed. STQC would be strengthened for this purpose.



4.2.1 Wherever the domestically manufactured electronic products are procured under this policy by a Government Ministry/Department or an agency thereof, such procurement shall be subject to matching of L1 price and on satisfying technical specifications of the tender.

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5.2 Each Ministry/Department shall annually obtain a declaration indicating the extent of compliance to the policy and reasons for non-compliance thereof from all procuring agencies under its administrative control.

5.3 Individual Departments/Ministries may provide for suitable incentives/disincentives for compliance under the policy.

**6. Electronic products:** In case of a question whether an item being procured is an electronic product to be covered under the proposed policy, the matter would be referred to the Department of Information Technology for clarification.

**7. Time period:** The policy will be valid for 10 years from the date of its notification in official gazette.

**8. Guidelines:** Detailed guidelines for operationalizing the proposed policy which would, inter alia, provide for modalities of self-certification by the vendor and the procuring agencies would be issued after the policy is notified. The relevant guidelines for procurement, in respect of the Government, Government PSUs and Government controlled institutions, would be issued with the concurrence of the Finance Ministry.

9. Some examples of typical procurement scenarios are illustrated in Appendix.

Dr. AJAY KUMAR, Jt. Secy.

## Appendix

### SOME EXAMPLES OF TYPICAL PROCUREMENT SCENARIOS

#### Example 1

#### Procurement of 1 lakh Laptops.

Under a Government project, it is intended to procure one lakh laptops. In order to fulfill 70:30 norm of the proposed policy, they have to procure 30,000 laptops from domestic electronic products manufacturer. The bid documents should specifically provide preference to domestically manufactured electronic products in terms of 30% of procurement value subject to matching of L1 price and on satisfying technical specifications of the tender. Suppose there are five bids. Consider DM as Domestic Manufacturer and NDM as No Domestic Manufacturer.

**Case 1:** After opening of commercial bids, position is like L1: DM1, L2: NDM1, L3: NDM2, L4: NDM3 and L5: DM2, then work will be awarded to DM1 vendor.

**Case 2A:** After opening of commercial bids, position is like L1: NDM1, L2: NDM2, L3: NDM3, L4: DM1 and L5: DM2. NDM1 qualifies as L1, and DM1 is L4, then NDM1 has to provide 30% of the procurement value to DM1 at L1 prices.

**Case 2B:** If DM1 refuses to undertake the tendered work at L1 prices, DM2 should be considered to supply at L1 prices.

**Case 3:** After opening of commercial bids, position is like L1: NDM1, L2: NDM2, L3: NDM3, L4: NDM4 and L5: NDM5. In this case, no domestic electronic product manufacturer is available; hence the full order will be awarded to NDM1.

#### **Example 2**

##### **Procurement of Super Computer**

Procuring agency desires to procure Super Computer with prescribed specification for Rs. 5 crore. Item cannot be split. The procuring agency is not able to apply 70:30 norm. Therefore, in subsequent procurement of electronic products by the said agency, it should provide an additional value of Rs. 1.5 crore (30%) for domestic manufactured electronic products.

#### **Example 3**

##### **Procurement of switches by Telecom Licensee 'X' through a Managed Service Provider (MSP) 'A'**

Telecom Service Provider may only be procuring hardware services from MSP 'A'. However, 70:30 norm is applicable vide clause 2.1 of the proposed policy. Telecom Licensee 'X' is required to ensure 30% of the procured value that MSP 'A' provides through domestic electronic hardware products.