

# Indian Wireless Telegraphy (Possession) Rules, 1965

UNION OF INDIA

India

## Indian Wireless Telegraphy (Possession) Rules, 1965

### Rule

### INDIAN-WIRELESS-TELEGRAPHY-POSSESSION-RULES-1965 of 1965

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Indian Wireless Telegraphy (Possession) Rules, 1965Published vide Notification Gazette of India, 1965, Part 2, Section 3(i) p. 1968.27-4 Law/66.

**1716.**

G.S.R. 1318, dated the 28th August, 1965. - In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), the Central Government hereby makes the following rules regarding the possession of wireless telegraphy apparatus. namely :

#### 1. Short title and commencement.

(1)These rules may be called the Indian Wireless Telegraphy (Possession) Rules, 1965.(2)They shall come into force on the 1st day of November, 1965.

#### 2. Definitions.

- In these rules, unless the context otherwise requires:-(a)"Act" means the Indian Wireless Telegraphy Act, 1933 (17 of 1933),(b)"complete wireless set" means any apparatus which is capable of being used for transmitting or receiving wireless communication, either by itself or with the addition of electric power, aerials, valves, telephones, loudspeakers and similar devices and includes any apparatus which is temporarily incapable of being so used by reason of a defect in its component parts or in the electric wiring;(c)"crystal wireless set" means a wireless set the operation of which depends entirely on the energy derived from electro-magnetic waves does not utilise any other source of power;(d)"dealer" means any person who deals in or manufactures for grain wireless telegraphy apparatus as defined in the Act;(e)"Licensing Authority" means the telegraph authority

as defined in the Indian Telegraph Act, 1885 (13 of 1885), namely, the Director General of Posts and Telegraphs.

### **3. Licensing Requirements.**

(1) Save as provided in rule 5, no person shall possess a wireless telegraphy apparatus except under and in accordance with a licence issued under these rules. (2) No dealer shall sell or hire a complete wireless set to any person, unless such person produces before the dealer a valid licence in such person's own name either under these rules to possess a wireless telegraphy apparatus or under the Indian Telegraph Act, 1885 (13 of 1885), to establish, maintain and work a wireless telegraph, or the dealer himself obtains from the post office on behalf of the purchaser or hirer the requisite licence for the set, within a period of seven days of the sale or hiring of the set, or where the said period of seven days expires on any Sunday or postal holiday, on the first postal working day after such expiry: Provided that this sub-rule shall not apply when the person purchasing or hiring the set is not resident in India and is purchasing the set for use outside India.

### **4. Imported Apparatus.**

- When a complete wireless apparatus is imported into India, time up to thirty days from the date following the date of clearance of the apparatus by the Customs Authorities shall be allowed to the importer for taking out a valid licence.

### **5. Exemption from licence.**

- Subject to the provisions of these rules, every person other than a dealer is exempted from the requirement of holding a licence to possess a wireless telegraphy apparatus in respect of: (a) such apparatus as is reasonably required for the purpose specified in a current licence issued to him under section 4 of the Indian Telegraph Act, 1885, to establish, maintain and work a wireless telegraph; (b) wireless telegraph apparatus other than complete wireless set; (c) wireless receiving apparatus established in any motor vehicle which is exempted from registration in India, provided the said wireless apparatus is not used for the reception of wireless signals while in India; (d) crystal wireless sets.

### **6. Application for licence.**

- Application for a licence under these rules shall be made in Form I and in accordance with the instructions contained therein.

### **7. Form of licence.**

- Licence for the possession of wireless telegraphy apparatus shall be issued in Form II.

## **8. Period of validity of the licence.**

- A licence shall be valid up to the 31st December of the year mentioned in this behalf in the licence.

## **9. Licence fee.**

- A fee at the rate of fifteen rupees per year shall be payable for every licence issued under these rules: Provided that, where a licence is issued after the first quarter of a calendar year, fee on a quarterly basis shall be payable at the rates specified below:

For a licence issued during the quarter	Fee
January-March	Rs. 15
April-June	Rs. 11
July-September	Rs. 7.50
October-December	Rs. 4

## **10. Refund of fee.**

- No refund shall be granted of any fees paid under these rules.

## **11. Duplicate licence.**

- Where the Licensing Authority is satisfied that a licence granted under these rules has been lost or accidentally destroyed, he may grant a duplicate or substitute licence on payment of a fee of two rupees.

## **12. Licence not transferable.**

- Licences issued under these rules shall not be transferable.

## **13. Office of Registration of Licence.**

- A licence issued under these rules shall be renewed only at the post office where it stands registered: Provided that where the change of location of the wireless apparatus necessitates renewal of the licence in a post office other than the post office of registration, the licence may be got transferred to the post office at which it is proposed to be renewed.

## **14. Location of Apparatus.**

- (1) Every person licensed under these rules shall keep the wireless telegraphy apparatus possessed by him at the premises specified in that behalf in the licence: Explanation I. - The provisions of this rule shall not be deemed to be contravened if the wireless telegraphy apparatus is kept; (a) in the premises of a licensed dealer, for the purpose of repairs; (b) in the premises of a any other person who holds

valid licence for the possession of such apparatus. Explanation II. - (a) where a licence is issued to the Government of a State, the Licensing Authority may authorise that Government to keep the wireless telegraphy apparatus in any part of the State; (b) where a licence is issued to a Department of the Central Government, the Licensing Authority may authorise that Department to keep the wireless telegraphy apparatus in any part of India. (2) The Licensing authority may, during the currency of a licence, on receipt of a written application from the licensee together with the licence for amendment, alter the specification of the premises mentioned therein.

## **15. Dealer's Register.**

(1) Every dealer shall maintain a register : (a) in Form III in respect of complete wireless sets coming into his possession; (b) in Form IV in respect of complete wireless sets received for repairs; (c) in Form V in respect of complete wireless sets given for demonstration at the residences of prospective customers in accordance with the provisions of Demonstration Licence issued to him under the Indian Telegraph Act, 1885 and shall cause to be entered therein the relevant particulars whenever any complete set comes into his possession or is sold otherwise transferred or delivered by him. (2) The Register in Form III and the documents mentioned in columns 7 and 12 thereof shall be preserved for a period of five years after the date of sale of the last set entered therein. (3) The Registers in Forms IV and V shall be preserved for a period of one year after the date of last entry in the relevant register.

## **16. Inspection.**

- (i) The Licensing Authority may, by order in writing, appoint Inspectors under these rules. (ii) Such Inspector may inspect any wireless telegraphy apparatus in the possession of any person and such person shall to the best of his knowledge, and if so required by the Inspector, give particulars of the name and addresses of any person to whom he may have transferred or from whom he may have received any wireless telegraphy apparatus. (iii) On demand from such Inspector every person licensed under these rules shall produce his licence for inspection and every person who is exempted under clause (a) of rule 5 shall produce his licence under the Indian Telegraph Act, 1885. (iv) On demand from such Inspector, every dealer, or in the absence of the dealer, his representative, or his employee present at the time of such demand, shall produce the register required under rule 15 and all the documents pertaining thereto including the invoices and cash memos, relating to the sale of wireless telegraphy apparatus and shall permit the Inspector to make extracts therefrom.

## **17. Offence and penalty.**

- Any breach of these rules other than a breach punishable under section 6 of the Act, shall be punishable with fine, which may extend up to one hundred rupees.

## 18. Cancellation.

- The Licensing Authority may cancel any licence issued under these rules to any person who has been convicted under section 6 of the Act or of a breach of these rules.

## 19. Surcharge.

- Any person who possesses any wireless receiving apparatus without a licence shall be liable to pay, on demand, in addition to the fee payable for a licence, surcharge at the following rates, namely: (i) if he has not obtained a licence before, surcharge equal to the full annual fee for the licence; (ii) if he had a licence, which has expired on 31st December, but has not been renewed on or before the last post office working day in the month of January following, surcharge at the rate of one rupee per, calendar month or part thereof, after the month of January aforementioned.

## 20. Unserviceable Apparatus.

- (i) When a wireless set in the possession of a licensee becomes permanently incapable of being used for transmitting or receiving wireless communications, the licensee shall inform the Licensing Authority accordingly and that authority or any officer authorised by him shall, if necessary, inquire and certify whether or not the set is permanently incapable of being so used. (ii) No licence under these rules shall be necessary in respect of a wireless set, which the Licensing Authority or the officer authorised by him for this purpose has certified to have become permanently incapable of being used for transmitting or receiving wireless communication.

## 21. Repeal.

(1) As from the commencement of these rules, the Indian Wireless Telegraphy (Possession) Rules, 1933, shall cease to have effect. (2) Notwithstanding such cesser of operation, anything done or any action taken under the said Indian Wireless Telegraphy (Possession) Rules, 1933, shall be deemed to have been done or taken under the corresponding provisions these rules.

Form I (See rule 6) Application For Licence To Possess Wireless Receiving And/or Transmitting Apparatus In India (Under The Indian Wireless Telegraphy Act 1933) Instruction :- The applicant should not acquire or start dealing in Wireless Receiving and/or Transmitting Apparatus before the possession licence is issued to him. I/ We..... of..... (name in Block Capitals) apply for a licence to possess Wireless Receiving and/or Transmitting Apparatus in India, at..... (Premises at which apparatus is to be kept) I hereby declare that :- \* (i) I am not a dealer in or manufacturer of Wireless Telegraphy Apparatus; or \* (ii) I am a dealer in and/or manufacturer of Wireless Transmitting as well as receiving apparatus; or \* (iii) I am a dealer in or manufacturer of Broadcast Receiver only and will neither stock nor deal in any other Wireless Telegraph Apparatus. Date ..... 19..... Signature\*

Strike out clauses not applicable. Form II (See rule 7) Issued Under the Indian Wireless Telegraphy Act, 1933 Possession Licence For Wireless Receiving/telegraphy Apparatus Dealer/non-Dealer Registration No.

- 1. Name and address of the licensee .....**
- 2. Location of the apparatus .....**
- 3. Type of the apparatus i.e. Wireless Receiving/Telegraph Apparatus.**
- 4. Office of Registration ..... Issued/Renewed for the period ending .....**

Postmaster(on behalf of Director General of Posts and Telegraphs)Date of issue.Instructions:-

- 1. The licensed apparatus must be kept in the location specified. Location may be got changed after intimating the post office of Registration of the licence and getting the entries corrected.**
- 2. This licence does not permit the establishment, maintenance and working of the apparatus for which purpose a separate licence is necessary under the Indian Telegraph Act, 1885.**
- 3. This licence should be produced on demand at all reasonable times of for Inspection by any officer duly authorised by the Director General of Posts and Telegraphs in this behalf and if the licensee is a dealer, the registers prescribed to be maintained by him must also be produced.**
- 4. This licence must be renewed by the last Post Office working day of the month of January at the Post Office at which it stands registered at the time of renewal.**
- 5. This licence is not transferable.**

Form III[See Rule 15]Stock Register For Wireless Sets

Sl. No.	Make	Model and Type	Chassis No.	Name and address of the person from whom received(in case manufacturer or assembled	Date of receipt or manufacture	Invoice/Bill/Challan Value No. (In case of purchase ofsecond hand sets, indicate the licence held by the seller)
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by the dealer  
himself  
write 'self  
made')

Whole sale cash price	Retail price							
1	2	3	4	5	6	7	8	9

Name and address of the person to whom sold or otherwise transferred.	Date of sale or transfer	Voucher/Cash receipt No.	Particulars of the licence issued in the name of the purchaser	Remarks				
Licence No.	Date of Issue	Post Office of issue						
	10	11	12	13	14	15	16	

Note:-

### 1. At the end of each month following abstracts should be given:-

(a) Total No. of sets received from other sources. (b) Total No. of sets self-manufactured. (c) Total No. of sets sold/disposed, out of self-manufactured sets. (d) Total No. of sets sold out of the stock received from other sources. (e) Balance in stock of (a), (b), (c) and (d) to be shown separately.

### 2. At the end of each financial year, balance should be brought forward by entries in appropriate columns.

### 3. [ Particulars of one or two band radio sets need not entered in this form] [Inserted by G.S.R. 483(E), dated 21.8.1980].

Form IV(See Rule 15) Register in Respect of Wireless Sets Received for Repairs

Serial No.	Make	Model and type	Chassis No.	Name and address of the person from whom received	Date of receipt	Particulars of the licence held by the owner of the set*	Date of return after repairs	Remarks
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Licence No.	Date of issue	Post Office of issue								
1	2	3	4	5	6	7	8	9	10	11

\* In cases where the owners are not able to produce the licences held by them, a monthly statement of such cases should be sent to the respective Heads of Postal Circles, with particulars of sets repaired and names and addresses of such persons. Form V (See Rule 15) Register for Complete Wireless Sets given to the Prospective Purchasers of Demonstration

Serial No.	Make	Model and type	Chassis No.	Name and address of the person from whom received	Date of receipt	Particulars of the licence held by the owner of the set*	Date on which received back	Remarks		
Licence No.	Date of issue	Post Office of issue								
1	2	3	4	5	6	7	8	9	10	11

[Department of Communications No. 1-10/65-BRL.][Note. [Inserted by G.S.R. 483(E), dated 21.8.1980] - Particulars of one or two band Radio sets need not be entered in this Form.]