

Licensing Of Wireless Receiving Apparatus Rules, 1965

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G.S.R. 1319, dated the 28th August, 1965. - In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885) the Central Government hereby makes the following rules for the licensing of wireless receiving apparatus, namely:-

1. Short title and commencement. - (1) These rules may be called the Licensing of Wireless Receiving Apparatus, 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 Telegraph Act, 1885 (Act 13 of 1885);

(b) "crystal wireless set" means a wireless set the operation of which depends entirely on the energy derived from electro-magnetic waves and does not utilise any other source of power.

(c) "licence" means a licence issued under these rules;

(d) "Licensing Authority" means the telegraph authority as defined in the Act, namely, the Director-General of Posts and Telegraphs.

[(e) "wireless receiving apparatus" means any apparatus appliance instrument or material used or capable of use for the reception of wireless communication. [and includes radio and television sets]].

(f) "wireless telegraphy apparatus" has the same meaning as in the Indian Wireless Telegraphy Act, 1933 (17 of 1933).

[3. Licensing requirements. - Save as provided in these rules, no person shall establish maintain or work a wireless receiving apparatus except under and in accordance with

a licence.]
[Provided that no licence shall be required for working of crystal wireless set and one or two band radio set.

Explanation. - In this rule, "band" means segment (corresponding to the number of operating positions of the band selector switch) in which the spectrum of radio frequencies is designed to be received by the sets.]

4. Application for licence. - An application for a licence shall be made in accordance with the instructions laid down by the Licensing Authority.

5. Form of licence. - Licences shall be issued to persons in such form as may be prescribed by the Licensing Authority in accordance with the purposes for which they are required.

6. Period of validity of licence. - A licence shall be valid up to the date mentioned in this behalf in the licence.

7. Licence fee. - The fee payable for each type of licence shall be as notified from time to time by the Licensing Authority.

8. Refund of fees. - No refund of any fees paid under these rules shall be granted [* * * *].

Provided that in cases where a licence has been taken for more than one year at a time and the wireless receiving apparatus become permanently incapable of being used for receiving wireless communication or is lost, in a particular year, refund of the licence fee paid in respect of the remaining years may be granted.

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

10. Transfer of licences. - Licencees shall be transferable, subject to the conditions laid down in the licence in this behalf.

11. Conditions inscribed on the licence. - A licence shall, in addition to these rules, be subject to the conditions contained in the licence.

12. Location of Apparatus. - The Licensing Authority may, during the currency of a licence, on receipt of a written application from the licensee accompanied by the licence for amendment, alter the specification of the premises mentioned therein.

13. Office of registration of licence. - A licence shall be renewed only at the post office where it stands registered :

Provided that where the change of location of the wireless receiving 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. Inspection. - (i) The Licensing Authority may, by order in writing, appoint Inspectors under these rules;

(ii) On demand from such Inspectors every person licensed under these rules shall produce his licence for inspection.

(iii) 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 address of any person to whom he may have transferred, or from whom he may have received, any [wireless (apparatus)].

[15. Offence and penalty. - Any breach of these rules shall be punishable with fine which may extend to one hundred rupees.]

16. Surcharge. - (a) Any person who works any wireless receiving apparatus without a licence shall be liable to pay on demand, in addition to the fee payable for the 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 :

Provided that in the case of additional unlicensed sets full rate of surcharge, as applicable on the first set, will be levied.

(ii) If he had a licence, which has expired on the 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 afore-mentioned :

Provided that, in the case of a licence issued for a wireless receiving apparatus for use on board a ship registered in India, renewal of the licence may be granted without surcharge within one calendar month of the ship touching Indian territorial waters on presentation of the licence together with a certificate from the owner of the ship to the effect that the ship had been on the high seas during the normal period for renewal of the licence.

(iii) if he had a licence issued for a limited period for a specific purpose, but has not taken a fresh licence on or before the date of expiry specified in the licence, surcharge equal to the full annual fee for that particular type of licence.

(b) Institutions for the blind in India, which have been exempted from payment of any licence fee for the wireless receiving apparatus, installed by them for the one benefit of the blind inmates, shall be liable to pay surcharge at the rate of one rupee per calendar month or part thereof. [if the licence is not taken or renewed in time.]

[17. Cancellation. - The Licensing Authority may cancel a licence at any time after giving notice in writing sent by registered post to the licensee at the address shown in the licence and after providing him with a reasonable opportunity to show cause why the licence should not be cancelled. In the event of such cancellation, no part of the

fee shall be refunded].

18. Unserviceable Apparatus. - (i) When the wireless receiving apparatus in the possession of a licensee becomes permanently incapable of being used for receiving wireless communication, 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 shall be necessary in respect of a wireless receiving apparatus which the Licensing Authority or an officer authorised by him for this purpose has certified to have become permanently incapable of being used for receiving wireless communication.

19. Repeal. - (1) As from the commencement of these rules, the Rules for the Licensing of Wireless Receiving Apparatus, 1940, shall cease to have effect. (2) Notwithstanding such cesser of operation, anything done or any action taken under the said Rules for the Licensing of Wireless Receiving Apparatus, 1940, shall be deemed-to have been done or taken under the corresponding provisions of these rules.