

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1933**

**The Indian Wireless Telegraphy
Bill**

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1933.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Hedjaz Pilgrims (<u>Muallims</u>) Bill.	6.2.33.	
2.	The Workmen's Compensation (Amendment) Bill.	14.2.33.	
3.	The Land Acquisition (Amendment) Bill.	14.2.33.	
4.	The Auxiliary Force (Amendment) Bill.	14.2.33.	
5.	The Indian Wireless Telegraphy Bill.	23.2.33.	
6.	The Indian Railways (Amendment) Bill (Sec. 51).	24.3.33.	
7.	The Indian Income-tax (Amendment) Bill.	1.4.33.	
8.	The Indian Income-tax (Second Amendment) Bill.	10.4.33.	
9.	The Indian Medical Council Bill.	1.9.33.	
10.	The Indian Merchant Shipping (Second Amendment) Bill.	4.9.33.	
11.	The Murshidabad Estate Administration Bill.	7.9.33.	
12.	The Reserve Bank of India Bill.	20.11.33.	Report of the Joint Committee
13.	The Imperial Bank of India Bill.	20.11.33.	-do-
14.	The Indian Khaddar (Name Protection) Bill by Mr. Gaya Prasad Singh.	29.11.33.	
15.	The Indian Tariff (Second Amendment) Bill.	1.12.33.	

LEGISLATIVE ASSEMBLY.

We, the undersigned, Members of the Select Committee to which the Bill to regulate the possession of wireless telegraphy apparatus was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Clause 6.—In deference to the opinion expressed in the debate on the motion to refer the Bill to Select Committee that in view of the provision for confiscation contained in this clause the penalties here laid down are unduly severe, we have reduced the amount of the fine which may be imposed, and have abolished the penalty of imprisonment.

Similarly, in sub-clause (3) we have made an amendment to secure that confiscation shall only be ordered in the case of a conviction.

We think that the power to direct payment of money levied as fines to the Broadcasting Service

should extend to fines imposed for breaches of the rules. We have accordingly amended sub-clause (4) of this clause as introduced and have placed it in a more appropriate position as a separate clause numbered clause 9.

Clause 7.—We have amended the clause so as to restrict the power of search to the making of searches by day only.

Clause 9.—We have inserted a new entry in sub-clause (2) to give power to make a rule requiring a dealer or manufacturer to insist on the production of a licence by an intending purchaser in proper cases.

2. The Bill was published in the Gazette of India, dated the 4th February, 1933.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

B. L. MITTER.

F. NOYCE.

R. M. CHINYOY.

ISMAIEL ALI KHAN.

M. C. RAJAH.

L. S. HUDSON.

T. RYAN.

The 21st February, 1933.

[Words printed in italics indicate the amendments suggested by the Committee.]

A

BILL

TO

Regulate the possession of wireless telegraphy apparatus.

WHEREAS it is expedient to regulate the possession of wireless telegraphy apparatus in British India ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Wireless Telegraphy Act, 1933.
Short title, extent and commencement.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) " wireless communication " means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus ;

(2) " wireless telegraphy apparatus " means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article determined by rule made under section 10 to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section 10 not to be wireless telegraphy apparatus ; and

(3) " prescribed " means prescribed by rules made under section 10.

3. Save as provided by section 4, no person shall possess wireless telegraphy apparatus except under and in accordance with a license issued under this Act.
Prohibition of possession of wireless telegraphy apparatus without license.

4. The Governor General in Council may by rules made under this Act exempt any person or any class of persons from the provisions of this Act either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.
Power of Governor General in Council to exempt persons from provisions of the Act.

XIII of 1885. Licenses. 5. The telegraph authority constituted under the Indian Telegraph Act, 1885, shall be the authority competent to issue licenses to possess wireless telegraphy apparatus under this Act, and may issue licenses in such manner, on such conditions and subject to such payments as may be prescribed.

6. (1) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to one hundred rupees, and, in the case of a second or subsequent offence, with * * * * * fine which may extend to two hundred and fifty rupees * * * .

(2) For the purposes of this section a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge, or is located in any premises or place over which he has effective control.

(3) If in the trial of an offence under this section * the accused is convicted * * , the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

* * * * *

7. (1) A Presidency Magistrate, or a Magistrate of the first class or a Magistrate of the second class specially empowered by the Local Government in this behalf, may issue a warrant for the search, at any time between sunrise and sunset, of any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under section 6 has been committed, is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed may enter into any building, vessel or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under section 6 has been committed.

8. All wireless telegraphy apparatus confiscated under the provisions of sub-section (3) of section 6, and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Governor General in Council.

9. A Court inflicting a fine as punishment for any offence under section 6 or under the rules made under section 10 may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of the Indian State Broadcasting Service.

10. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

- (i) determining that any article or class of article shall be or shall not be wireless telegraphy apparatus for the purposes of this Act;
- (ii) the exemption of persons or classes of persons under section 4 from the provisions of this Act;
- (iii) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses, the form of licenses, and the payments to be made for the issue and renewal of licenses;
- (iv) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus; *
- (v) *the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus; and*
- (vi) determining the authority referred to in
* * * section 9.

(3) In making a rule under this section the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

11. Nothing in this Act contained shall authorise the doing of anything prohibited under the Indian Telegraph Act, 1885, and no license issued under this Act shall authorise any person to do anything for the doing of which a license or permission under the Indian Telegraph Act, 1885, is necessary.

XIII of
1885.
XIII of
1885.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill to regulate the possession of
wireless telegraphy apparatus, with
the Bill as amended.