

**THE WIRELESS TELEGRAPHY ACT, 1933
(ACT NO.XVII OF 1933)**

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THE WIRELESS TELEGRAPHY ACT, 1933

ACT NO.XVII OF 1993

[11th September, 1933]

An Act to regulate the possession of wireless telegraphy apparatus

Whereas it is expedient to regulate the possession of wireless telegraphy apparatus in Bangladesh; it is hereby enacted as follows:-

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

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may, by notification in the official gazette, appoint.

[This Act came into effect on 1st January 1934 vide Gazette of India, 1933 Pt.I page 1131]

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

(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. Prohibition of possession of wireless telegraphy apparatus without licence.— 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.

4. Power of Government to exempt persons from provision of the Act.— The Government 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.

5. Licences.— (1) The Director-General, Bangladesh Post office, or an officer authorized by him in this behalf 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.

**[Proviso to section 5 has been omitted by Act. No.VIII of 1973]*

(2) Notwithstanding anything contained in section 4 of the Telegraph Act, 1885 (XIII of 1885), no licence under that Act shall be necessary for the possession of a television receiving apparatus for possessing which a licence issued under this Act is for the time being in force.

[Sub section (2) has been added by Ordinance No.X of 1970]

6. Offence and penalty.— (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 taka and in the case of a second or subsequent offence, with fine which may extend to two hundred and fifty taka.

(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 shall be confiscated, and, if it so decides, may order confiscation accordingly.

7. Power of search.— (1) A Magistrate of the first class or a Magistrate of the second class specially empowered by the 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 had reason to believe an offence under section 6 has been committed.

8. Apparatus confiscated or having no owner to be property of Government.— All wireless telegraphy apparatus confiscated under the provision of sub-section (3) of section 6, and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Government.

[9. Power of Court to direct payment of fines to prescribed authority. Rep. by A.O. 1937.]

10. Power of Government to make rules.— (1) The Government may, by notification in official Gazette, 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 or article shall be or shall not be wireless telegraphy apparatus for the purpose 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;

* [Clause (vi) was omitted by Act. No.XXXII of 1940]

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

11. Saving of Telegraph Act, 1885.— Nothing in this Act contained shall authorise the doing of anything prohibited under the Telegraph Act, 1885, and except as provided in sub-section (2) of section 5 no license issued under this Act shall authorise any person to do anything for the doing of which a license or permission under the Telegraph Act, 1885, is necessary.
