

Government of India
Ministry of Communications
Department of Telecommunications
Wireless Planning and Coordination (WPC) Wing
6th Floor, Sanchar Bhawan, 20, Ashoka Road
New Delhi-110001

File No. R-11017/01/2020-PP

Date: 06.04.2022

Notice inviting comments from the stakeholders w.r.t. draft revision of the Indian Wireless Telegraphy (Possession) Rules, 1965: -

Sub: Notice inviting comments from the stakeholders w.r.t. draft revision of the Indian Wireless Telegraphy (Possession) Rules, 1965: -

The Department of Telecommunications (DoT) is considering the revision of the Indian Wireless Telegraphy (Possession) Rules, 1965, framed under the Indian Wireless Telegraphy Act, 1933.

2. Accordingly, revised draft Indian Wireless Telegraphy (Possession) Rules, 2022 has been prepared and is annexed below (**Annexure-II**).

3. All stakeholders are requested to kindly provide the inputs/ comments on the draft rules in the prescribed proforma as per **Annexure-I** by 21.04.2022. The input/ comments may be sent (both MS WORD & PDF format) to ashim.dutta@gov.in.

Encl: As above.

To,

1. All concerned (through DoT website)


(Ashim Dutta)
Dy. Wireless Adviser
Tel: 23372374
06/04/2022

ANNEXURE-I

| SOURCE DETAILS | | |
|-----------------------|--|--|
| 01. | Name of the Entity | |
| 02. | Correspondence address | |
| 03. | Name & Designation of the signatory | |
| 04. | E-mail address of signatory | |
| 05. | Phone/ Mobile No. of signatory | |
| 06. | Nature of business/ Category of organisation (Manufacturer/ Service provider/ DPL holder/ any other (please specify) | |

| PROPOSAL DETAILS | | | |
|-------------------------|-----------------------------|----------|--------------------------|
| Sl No. | Rule no. of the draft rules | Comments | Justification/ Rationale |
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[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]

**Government of India
Ministry of Communications
(Wireless Planning and Coordination Wing)**

NOTIFICATION

New Delhi, the _____, 2022

G.S.R. XXX - In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), and in supersession of the Indian Wireless Telegraphy (Possession) Rules, 1965, except as respects things done or omitted to be done before such supersession, 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, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. – (1) 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, 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) “dealer” means any person/ entity who deals in, imports for sale, lets for hire, sells or offers or possess for sale of any complete wireless sets;

(d) “Licensing Authority” means the telegraph authority as defined in the Indian Telegraph Act, 1885 (13 of 1885), or such power delegated to any other authority, namely, Secretary (Telecom) to the Government of India and such other officers of Wireless Planning and Coordination (WPC) Wing/ Wireless Monitoring Organisation (WMO) as may be authorised by him to perform all or any of the functions of the telegraph authority under these rules; (f) ‘Decision-to-Grant License (D-L)’ or ‘Frequency Authorisation’ means a document from the Department of Telecom (DoT) indicating its intention to assign radio frequency with details of such frequencies, transmitter power & other technical parameters or any other permission to purchase complete wireless sets;

(2) The words and expressions used in these rules and not defined herein but defined in the Act, shall have the same meanings as assigned to them in the Acts.

3. Licensing Requirements. - (1) Save as provided in rule 6, no person shall possess a wireless telegraphy apparatus except under and in accordance with a license issued under these rules.

(2) No dealer shall sell or hire a complete wireless set to any person/ entity, unless such person/ entity produces before the dealer a valid license in such person/ entity's own name either under these rules to possess a wireless telegraphy apparatus or, Decision-to-Grant License (D-L) or 'Frequency Authorisation' issued prior to granting a license under the Indian Telegraph Act, 1885 (13 of 1885), to establish, maintain and work a wireless telegraph. The requisite license can be applied and obtained through online or through any other means as specified by the Licensing Authority from time to time.

Provided that this sub-rule shall not apply when the person purchasing or hiring the wireless set is not resident in India and is purchasing the wireless set for use outside India.

4. Import and export of complete wireless set. — (1) When a complete wireless set is imported into India, valid import license/clearance from DoT is required before release by the Custom authorities.

(2) When a complete wireless set is exported from India by a Dealer, Sub rule (2) of 3 would not be applicable in such cases and only supply order details would be required to be furnished before the licensing authority in Form III as defined in rule 17.

5. Eligibility: (1) For license issued under these rules- to a person/ entity other than a Dealer:

- any person who is a citizen of India;
- who is in possession of a license issued under the Indian Telegraph Act, 1885;

(2) For license issued under these rules- to a Dealer:

- No person/ entity shall be granted a license under these rules unless that person/ entity is a company registered with Ministry of Corporate Affairs; **OR**

an LLP registered with Ministry of Corporate Affairs; **OR**

a sole proprietorship or partnership having valid Trade License issued by Municipality/ Corporation/ Local Bodies or any other appropriate authority;

PROVIDED THAT any person/ entity shall not be eligible for a license if it already possesses a license under these rules;

PROVIDED FURTHER THAT any person/ entity to whom a license under these rules granted earlier, has been cancelled in the last 5 years (with effect from the date of application) shall not be eligible for any license under these rules. Under such a case, the promoter (s)/ partner(s) of such entity shall also not be eligible for getting a license under these rules;

6. Exemption from license. - Subject to the provisions of these rules, every person/entity is exempted from the requirement of holding a license to possess a

wireless telegraphy apparatus in respect of:

(a) such apparatus as is reasonably required for the purpose specified in a current license 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) Such wireless telegraphy apparatus which have been exempted from license under the Indian Telegraph Act 1885 and Indian Wireless Telegraph Act 1933 by rules notified in this regard, provided such apparatus is type approved, as may be applicable under such rules;

7. Application for license. - Application for a license under these rules shall be made in through online or any other means as specified by the Licensing Authority from time to time.

8. Form of license. - License for the possession of wireless telegraphy apparatus shall be issued through online or by any other means as specified by the Licensing Authority from time to time.

9. Period of validity of the license. –

(1) License to a Dealer:

a.) License shall be issued through online for a minimum period of 1 year to a maximum period of 5 years (in multiple of 1 year), as per the request of the applicant;

b) Thereafter, the license can be renewed automatically through online for a minimum 1 to a maximum 5 years (in multiple of 1 year) as per the request of the applicant through online, subject to payment of advance license fee. Application for renewal shall be submitted before the expiry of the validity of the license. If applied after the expiry of the license, late fee will be applicable as mentioned in rule 11, provided such application is filed within six months of expiry of license. A license for which auto-renewal application has not been made within six months of expiry, shall automatically stand suspended and subsequently, shall be governed by sub-rule (2) & succeeding sub-rules of rule 20;

(2) Other than a dealer:

A license shall be issued for a maximum period of one year only, as per the request of the applicant and such license shall normally not be renewed. After expiry, the equipments covered under such license shall be disposed of as per specified procedure in this regard.

10. Security Clearance: -The license shall be issued/ amended subject to security clearance of the 'location of apparatus' (see rule 16) by District police authorities.

11. License fee. - A fee at the rate of Rs 10000 (Rupees Ten Thousand) per year shall be payable for every license issued under these rules. Also, late fee of Rs 1000 per month shall be charged after the expiry of license validity upto a period of six months.

If not renewed beyond six months after the expiry of the license, the license will stand suspended and subsequently, shall be governed by sub-rule (2) & following sub-rules of the rule 20 of these rules.

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

13. Duplicate/ Amendment of license. - If intended by the licensee, duplicate or substitute or certified copy/ amendment of license can be obtained on payment of a fee of Rs 1000/- (Rupees One Thousand only).

14. License not transferable. - Licenses issued under these rules shall not be transferable.

15. Office of issue of License. - A license under these rules shall be issued and renewed by the field offices of WMO as specified by the Licensing Authority from time to time.

16. Location of Apparatus. - (1) Every person/ entity licensed under these rules shall keep the complete wireless sets possessed by him/ it at the premises specified in that behalf in the license:

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 any other person who holds valid license for the possession of such apparatus.

Explanation II. - (a) where a license 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 license is issued to a Department of the Central Government the, 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 license, on receipt of a request from the licensee through online or any other means, alter/ add/ delete the specification of the premises mentioned therein, through amendment of license.

17. Dealer's Responsibilities. - (1) Every dealer shall maintain a stock register:

(a) in prescribed format, namely, 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 License 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 or hire 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.

(4) Every licensee under these rules, who is a dealer, shall file annual return to the Licensing Authority, through online or any other means as specified by the Licensing Authority, about the details of complete wireless sets maintained in the aforementioned registers i.e., Form-III, IV & V on or before 31st July of the year, for the preceding financial year i.e., year ending 31st March. Non-filing of annual return within the specified time limit shall be treated as breach of license terms and conditions and action, as appropriate under these rules may be initiated thereupon.

(5) Every dealer, to whom a license is granted/ renewed under these rules, shall display the license in a conspicuous place in the premises where the licensee carries on business.

18. Inspection. - (i) The Licensing Authority may, by order in writing, appoint officers of WPC or WMO as Inspection officer(s) under these rules.

(ii) Such Inspection officer 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 Inspection officer, 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 Inspection officer every person licensed under these rules shall produce his license for inspection and every person who is exempted under clause (a) of rule 6 shall produce his license under the Indian Telegraph Act, 1885.

(iv) On demand from such Inspection officer, 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/ hire of complete wireless sets and shall permit the Inspection officer to make extracts therefrom.

19. 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 the maximum amount specified in the Act.

20. Suspension and Cancellation. - **-(1)** The Telegraph Authority or such other officer authorized by him on behalf may, suspend any license issued/ renewed under these rules to any person/ entity who has been convicted under section 6 of the Act or for breach of terms & conditions of the license or breach of these rules or making a false or incorrect statement, pending the completion of any inquiry against the holder of such license.

Provided that, no such license shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action:

Provided further that where the inquiry referred to in this sub-rule is not completed within a period of three months from the date of suspension of a license, such suspension shall, on the expiry of the period aforesaid, stand vacated.

(2) The Telegraph Authority or such other officer authorized by him on behalf may, if he is satisfied, after making such inquiry as he may think fit, that the holder of a license has contravened any conditions of the nature referred to sub-rule, (1) cancel such license:

Provided that, no such license shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action:

(3) Every person/ entity whose license has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business until the order of such suspension has been, or stands, vacated.

(4) Every licensee whose license has been cancelled shall, within a period of thirty days from the date of such cancellation, or within such further period, not exceeding three months from such date, as the Telegraph Authority or such other officer authorized by him on behalf may, on sufficient cause being shown, allow, dispose of the complete wireless sets which were in his possession, custody or control on the date of such cancellation as per specified procedure and in the event of his failure to do so, the Telegraph Authority or any other officer authorized by him, in writing, in this behalf, may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.

21. Surrender: The license can be surrendered by the licensee at any point of time by informing the license issuing office through online or any other means as specified by the Licensing Authority, after disposing of the equipments in stock as per specified procedure.

Provided that no license can be surrendered if the licensee is under suspension or cancellation or under inquiry proceedings as per rule 20.

22. Unserviceable Apparatus. - (i) When a complete 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 license under these rules shall be necessary in respect of a complete 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.

Form I

(See rule 7)

Application through online

Form II

(See rule 8)

(Issued through online)

Form III

[See Rule 17]

Stock Register For Complete Wireless Sets

(Stock in)

(Stock out)

| Make/ Model/ Type | SI No | Name & Ad- dress of the person from whom re- ceived | Date of re- ceipt | In- voice/ Bill/ Chal- lan No. | Name & Ad- dress of the person to whom sold/ rented | Date of sale/ rent/ trans- fer | In- voice/ Bill/ Re- ceipt No | Li- cense/ D-L/ Fre- quenc y au- thori- zation no. & date |
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Note: At the end of each financial year, balance should be brought forward by entries in appropriate columns.

Form IV

(See Rule 17)

Register in Respect of Complete Wireless Sets Received for Repairs

| Make/ Model/ Type | SI No | Name & Address of the person from whom received | Date of re- ceipt | License/ D-L/ Fre- quency au- thorization no. & date | Remarks |
|-------------------------|-------|---|----------------------|--|---------|
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Form V

(See Rule 17)

Register for Complete Wireless Sets given to the Prospective Purchasers of Demonstration

| Make/ Model/ Type | SI No | Name & Address of the person from whom re- ceived | Date of receipt | License/ D-L/ Fre- quency authori- zation no. & date of the pro- spective buyer | Date on which re- ceived back | Remarks |
|-------------------------|-------|--|--------------------|---|--|---------|
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