



THE WIRELESS TELEGRAPHY ACT, 1933



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THE WIRELESS TELEGRAPHY ACT, 1933

¹ACT No. XVII OF 1933

[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 ²[Pakistan] ; It is hereby enacted as follows:—

1.Short title, extent and commencement.—(1) This Act may be called the ^{3*} Wireless Telegraphy Act, 1933.

⁴[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on such date⁵ as the ⁶[Federal Government] may, by notification in the ⁷[official Gazette], appoint.

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 ⁸[video recording or reproducing apparatus ⁶[television broadcast receiving satellite antenna] and] 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

¹For Statement of Objects and Reasons, see Gazette of India, 1933, Pt.V, page 8.

The Act has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt.I, p.1499.

It has also been extended to the —

(i) Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended;

(ii) Khairpur State by the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O. 5 of 1953), as amended; and

(iii) State of Bahawalpur by G.G.O. 11 of 1953 as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s.2.

The Act, rules, notification and orders under it, have been applied, subject to certain modification, to the Tribal Areas or to the parts of those areas to which they have not been already applied, see the Tribal Areas (Application of Acts) Regulation, 1965, see Gazette of P., 1965, Ext., pp.1016-1018.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. by A.O., 1949, for “British India”.

³The word “Indian” omitted by A.O., 1949.

⁴Subs. by Ordinance 21 of 1960, s.3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A.O., 1949 and Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

⁵The 1st January, 1934: see Gazette of India, 1933, Pt.I, P.1131.

⁶Subs. by F.A.O., 1975, Art.2 and Table, for “Central Government” which was previously amended by A.O., 1937, for “G.G.in C.”.

⁷Subs. by A.O., 1937, for “Gazette of India”.

⁸Ins. by the Finance Ordinance, 1984 (28 of 1984), s.2.

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 license. 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 Federal Government to exempt persons from provisions of the Act. The ¹[Federal 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. Licenses.—²[(1)] ³[The Director-General, Pakistan 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 [:]⁴

⁵[Provided that where, by an agreement with the Pakistan Television Corporation Limited, the ⁶[Federal Government] appoints the Corporation to be his agent in the matter of issuing licenses to possess television receiving apparatus,⁸[television broadcast receiving satellite antenna] ⁷[and video recording or reproducing apparatus] the authority competent to issue licenses to possess such apparatus shall be the Chairman of that Corporation or a person authorized by him in this behalf, who may issue licenses in such manner, on such conditions and subject to such payments as may be prescribed.]

⁹[(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 ³[or television broadcast receiving satellite antenna] for possessing which a licence issued under this Act is for the time being in force.]

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 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.

¹Subs. by F.A.O., 1975, Art.2 and Table, for “Central Government” which was previously amended by A.O.,1937, for “G.G. in C.”.

²Re-numbered by the Wireless Telegraphy (Amdt.) Ordinance, 1970 (10 of 1970), s.2 (w.e.f. 1st January, 1970).

³Subs. by the Posts and Telegraphs (Amdt.) Act, 1962 (5 of 1962),s.4, for “The telegraph authority constituted under the Telegraph Act, 1885,” (with effect from the 1st July, 1962).

⁴Subs. by Ord.10 of 1970, s.2 for full-stop.

⁵Ins. by Act.No.VII of 1990, s.3.

⁶Proviso added by the Wireless Telegraphy (Amdt.) Ordinance, 1970 (10 of 1970),s.2 (w.e.f. 1st Jan,1970).

⁷Subs. by F.A.O., 1975, Art.2 and Table, for “Central Government” which was previously amended by A.O., 1937, for “G.G. in C.”.

⁸Ins. by the Finance Ordinance, 1984 (28 of 1984), s.2.

⁹Ins. by Act No.VII of 1990,s.3.

⁹Sub-section (2) added by Ord. 10 of 1970, s.2, (with effect from 1st January, 1970).