

THE BURMA WIRELESS TELEGRAPHY ACT.

[INDIA ACT XVII, 1933.] (1st January, 1934.)

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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 licence issued under this Act.

Prohibition of possession of wireless telegraphy apparatus without licence.

4. The President of the Union 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 President to exempt persons from provisions of the Act.

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

Licences.

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.

Offence and penalty.

(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.

Power of search.

7. (1) A Magistrate of the first class, or a Magistrate of the second class specially empowered by the President of the Union 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.

Apparatus confiscated or having no owner to be property of State.

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 [State].¹

Power to Court to direct payment of fines to prescribed authority.

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 a Broadcasting Service approved in this behalf by the President of the Union.

Power of President to make rules.

10. (1) The President of the Union may, by notification in the Gazette, make rules² 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 licences, the form of licences and the payments to be made for the issue and renewal of licences ;

¹ Substituted for the word "Crown" by the Union of Burma (Adaptation of Laws) Order 1948.

² For the Burma Wireless Telegraphy (Possession) Rules, see *Burma Gazette*, 1937, Part I, page 1344 ; for amendments, see *Burma Gazette*, 1940, Part I, page 494.

For the Burma Wireless Receiving Licence Rules, see *Burma Gazette*, 1940, Part I, page 494.

- (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 President of the Union 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 authorize the doing of anything prohibited under the Burma Telegraph Act, and no licence issued under this Act shall authorize any person to do anything for the doing of which a licence or permission under the Burma Telegraph Act is necessary.

Saving of
Burma
Telegraph
Act.