

Indian Wireless Telegraphs (Amateur Service) Rules, 1978

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Indian Wireless Telegraphs (Amateur Service) Rules, 1978

In exercise of the powers conferred by section 4 and section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules for the conduct of wireless telegraphs in the amateur service, established, maintained, and worked by persons licensed under the said Act.

1. Short title and commencement :-

(1) These rules may be called the Indian Wireless Telegraphs (Amateur Service) Rules, 1978.

(2) They shall come into force on the 17th October, 1984.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a) 'Act' means the Indian Telegraph Act, 1885 (13 of 1885)

(b) 'Amateur service' means a service of self training, inter-communication and technical investigations carried on by amateurs that is, by persons duly authorised under these rules interested in radio technique solely with a personal aim and without pecuniary interest; 'amateur station', and 'station' shall have the meaning respectively assigned to them in the Convention;

(c) 'Amateur Radio Beacon' means a station in the Amateur Service having transmitter (s) emitting carrier wave along with identification signals at regular interval. Such beacons can be directional or non-directional;

(d) 'Amateur Station', and "Amateur Satellite Service" 'Station' shall have the meaning respectively assigned to them in the Convention;

(e) 'Convention' means the International Telecommunication Convention, Malaga=Torremolinos, 1973, for the time being in force and the Radio Regulations and the Additional Radio Regulations annexed thereto but does not include any portion of the said Convention or Regulations regarding which the Central Government makes any reservation;

(f) 'Licence' means a licence granted under section 4 of the Act for an amateur wireless telegraph station.

3. Necessity for licence :-

No person shall establish, maintain and work an amateur wireless telegraph station except under and in accordance with the terms and conditions of an appropriate licence under these rules.

4. Categories of licence :-

There shall be two categories of licences, namely;-

- i. Amateur Wireless Telegraph Station Licence (General)
- ii. Amateur Wireless Telegraph Station Licence (Restricted)

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In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), rule 4, shall be substituted, in place of :- 4.Categories of licence.:- There shall be five categories of licences, namely :- (i) Advanced Amateur Wireless Telegraph Station Licence; (ii) Amateur Wireless Telegraph Station Licence, Grade-I; (iii) Amateur Wireless Telegraph Station Licence, Grade-II; (iv) Restricted Amateur Wireless Telegraph Station Licence; (v) Short Wave Listeners' Amateur Wireless Telegraph Station Licence." by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

5. Eligibility for licence :-

(1) A licence may be granted subject to such conditions contained in Annexure I to these rules -

(i) to a person,-

(a) who is a citizen of India;

(b) who is not less than 18 years of age;

(c) who qualifies the Amateur Station Operators' Examination for the award of licence or holds either of the following certificate of proficiency, namely:

i. Radio-communication Operators' General Certificates;

ii. First or Second Class Radio-telegraph Operators' Certificate;

Provided that the holder of a Special Radio Telegraph Operator's Certificate may also be considered eligible for the award of Amateur Wireless Telegraph ²"Station Licence (Restricted)"

(ii) to a bonafide amateur radio society, club or a school, college, or an institution or a university in India, which has the aim of investigations in the field of radio or the training of persons in radio communication techniques.

Provided that the licence shall be issued in the name of an authorized official of the society, club, school, college, institute or a University in India holding a category of licence appropriate to the

transmissions to be conducted by the station including amateur radio beacon transmission.

(2) ³ " Notwithstanding anything contained in clause (b) of sub-rule (1), the Central Government may grant to bonafide experimenters between the age of 12 and 18 years, Amateur Wireless Telegraph Station Licence (General) or Amateur Wireless Telegraph Station Licence(Restricted):"

(3) Notwithstanding anything contained in sub-clause (c) of clause (i) of sub-rule (1), the Central Government may recognize, subject to any conditions it may prescribe from time to time, such other radiotelegraph operators' certificates or Amateur Station Operators' Certificates as are issued by a competent authority in any other country as equivalent to qualifications referred to in aforesaid sub-rule for the purpose of grant of licence under these rules.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 5 of the said rules, in sub-rule (1), in the proviso, for the words and figure " Station Licence Grade- II", the words and brackets "StationLicence (Restricted)" shall be substituted, by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 5 of the said rules, in sub-rule (2), for the portion beginning with the words " Notwithstanding any thing contained" and ending with the words, Short Wave Listners' Amateur Wireless Telegraph Station Licence:", given clause shall be substituted, in place of :- " Notwithstanding anything contained in sub-clause (b) of clause (i) of sub-rule (1), the Central Government may grant, to bonafide experimenters between the ages of 14 and 18 years, Amateur Wireless Telegraph Station Licence, Grade I and to those between the ages of 12 and 18 years, Amateur Wireless Telegraph Station Licence, Grade II or Restricted Amateur Wireless Telegraph Station Licence or Short Wave Listeners' Amateur Wireless Telegraph Station Licence :", by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

6. An application for licence :-

An application for the grant of licence from:

(a) an individual, or

(b) an Amateur Radio Society or club or a school, college or an institute or a University in India- shall be made to the Central Government in Annexure II or Annexure III respectively to these rules, shall be made to the Central Government in Annexure II or

Annexure III respectively to these rules, together with all the subsidiary forms and documents duly filled in and completed in all respects.

7. Eligibility for admission to amateur station Operators Examination :-

No person shall be eligible for admission to an examination for the grant of licence unless :-

(a) such a person fulfils the provisions contained in sub-clauses (a), (b) and (c) of clause (i) of sub-rule (1) of rule 5;

(b) such person pays the fees on the following scale, namely :-

(i) **Amateur** Station Operators Examination (General) - Rs. 100/-

(ii) **Amateur** Station Operators Examination (Restricted) - Rs. 100/-

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(c) [***]⁵

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 7 of the said rules, clause (b), shall be substituted, in place of :- "(b) such person pays the fees on the following scale, namely : I. \Advanced Amateur Station Operators' Examination Rs. 25.00 II. \Amateur Station Operators' Grade I Examination Rs. 20.00 III. \Amateur Station Operators' Grade II Examination Rs. 10.00 IV. \Amateur Station Operators restricted examination Rs. 10.00 and " by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 7 of the said rules, clause (c) shall be omitted, as follows :- " a period of at least one month has elapsed since he last appeared in an examination and failed ." by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

8. Examinations :-

(1) The examinations for the grant of a licence shall be held at a place and on a date as may be notified by the Central Government from time to time.

⁶ (2) An application for licence in Annexure-II to the rules shall be submitted not later than one month before the date of desired examination.

(3) Any person admitted to the examination and found guilty of impersonation or of submitting fabricated documents or documents which have been tampered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in the examination hall or otherwise resorting to any other irregular or improper means for obtaining admission to the examination may, in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for a specified period from appearing in any of the examinations held for the award of licence under these rules:

Provided that no order under this sub-rule shall be made unless the person concerned has been given a reasonable opportunity or making a representation against the action proposed to be taken.

(4) If any person is found guilty of any malpractice referred to in sub-rule (3) after the grant of a licence to such person, the Central Government may, in addition to prosecuting him cancel the licence so given :

Provided that the Central Government may, pending the cancellation of the licence, suspend or endorse such licence :

Provided further that no order under this sub-rule shall be made unless the person concerned has been given a reasonable opportunity of making a representation against the action proposed to be taken.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 8 of the said rules, sub-rule (2) shall be substituted, in place of ;- "(2) An application for licence in Annexure II or, as the case may be, in Annexure III to the rules shall be submitted not later than the 15th of the month preceding that in which it is desired to take the examination." by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

9. Grant of licence :-

Every category of licence shall be in the form set out in Annexure IV to these rules.

10. Observance of conditions of licence, Convention and rules under the Act :-

(1) Every licensed amateur wireless telegraph station shall be established, maintained and worked in accordance with -

- (a) \the conditions contained in Annexure I to these rules;
- (b) \the provisions of the Convention;
- (c) the rules made by the Central Government under section 7 of the Act for the conduct of wireless telegraphs in so far as they are applicable.

(2) Notwithstanding sub-rule (1) the Central Government may modify, vary, cancel or revoke any of the conditions of licence contained in the said Annexure I at any time either by specific notice in writing to the licensee, or by means of a general notice published in the Official Gazette or in a newspaper published in New Delhi.

(3) The licensee shall at his own expense, give effect to any variations in the conditions of licence,

11. Period of Validity :-

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(1) A licence granted under these rules shall be issued for a period of 20 years or lifelong as the case may be commencing on the date of issue of the licence and expiring on the last day of the month preceding the month of issue.

Explanation:- For the purposes of this rule, the expression "life long" means till the licence holder attains the age of 80 years.

(2) Validity of lifelong licence may be extended on specific request of the licence holder for 10 years at a time without any additional payment.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), rule 11 shall be substituted, in place of ; - "11. Period of validity :- A licence granted under these rules shall be issued for a period of 2 years or 5 years, as the case may be, commencing on the date of issue of the licence and expiring on the last day of the month preceding the month of issue." by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

12. Fee for licence :-

(1) A licence fee on the following scale shall be payable to the Central Government on receipt of instructions from that Government and in the manner directed by it:-

Category of licence	Fees in Rupees	
	20 Years	Life long
(i) Amateur Wireless Telegraph Station Licence (General)	1000	2000
(ii) Amateur Wireless Telegraph Station Licence (Restricted)	1000	2000

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(2) The licence fee shall not be refundable on ground of licensee's inability to establish or make use of the licenced Amateur Wireless Telegraph Station or for adjustment towards higher category of licence

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 12 of the said rules, for sub-rule(1), the following sub-rule shall be substituted, namely : - (1) A licence fee on the following scale shall be payable to the Central Government on receipt of instructions from that Government and in the manner directed by it :- \ \ \Category of licence : \Fees in Rupees 2 Years 5 Years (i) Advanced Amateur Wireless Telegraph Station Licence : \50 \125 (ii) Amateur Wireless Telegraph Station Licence, Grade I \40 \100 \ \ (iii) Amateur Wireless Telegraph Station Licence, Grade II , \ \ Restricted Amateur Wireless Telegraph Station Licence and Short wave Listeners' Amateur Wireless Telegraph Station Licence \25 \60 by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

13. Authorised frequency bands, power and emission :-

A holder of licence shall use, as appropriate to the licence, such frequency bands, power and classes of emission as are set out in Annexure V of these rules : Provided that the Central Government may by special or general order make changes in the usage of frequency bands, power and types of emission where that Government is satisfied, that it is expedient to do so, keeping in view, among others, the provisions of the Convention, need for enforcement of better technical standards in respect of equipment and national and international radio interference pattern.

14. Renewal of licence :-

(1) On the expiry of the validity of a licence, it may be renewed for a period of two years if the licensee,-

(a) makes an application for renewal at least two months before

the date of expiry of the licence.

(b) has actively operated his station during the past two years prior to the date of expiry of his licence and provides a certificate to the effect that he has made contacts with other amateur stations on atleast 40 occasions per year; and in the case of short Wave Listener has intercepted amateur station on at least 40 occasions per year.

(c) pays fees on the following scale, namely :-

Category of licence :	Fees in Rupees	
	2 Years	5 Years
(i) Advanced Amateur Wireless Telegraph Station Licence :	50	125
(ii) Amateur Wireless Telegraph Station Licence, Grade I	40	100
(iii) Amateur Wireless Telegraph Station Licence, Grade II , Restricted Amateur Wireless Telegraph Station Licence & Short wave Listeners' Amateur Wireless Telegraph Station Licence	25	60

(2) The licence fee shall not be refundable on ground of licensee's inability to establish or make use of the licenced Amateur Wireless Telegraph Station or for adjustment towards higher category of licence.

(3) The document showing the renewal of licence issued by the Central Government shall be kept along with the licence to which it refers.

(4) It shall not be obligatory for the Central Government to issue a notice that the licence is due for renewal.

15. Surcharge for late renewal :-

In case the holder of a licence does not apply for its renewal prior to the date of expiry of the licence referred to in sub-rule (1) of rule 14, he may apply for the renewal of licence subsequently also but within a period of ⁹ "five years". The licence in such a case, shall be renewed from the date of expiry of the licence..

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 15 of the said rules, for the words "two years", the words "five years" shall be substituted , by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

16. Register for wireless telegraphy apparatus :-

Every licensee shall maintain a register in respect of all wireless telegraphy apparatus established, maintained and worked by him at the amateur station in the form set out in Annexure VI of these rules.

17. Location of Amateur Station :-

The location of the amateur station shall be specified in the licence along with the usual residence of the licensee endorsed therein and it shall be operated only from the place so fixed.

Provided that the Central Government may, permit the change of location if the licensee applies for it in writing giving particulars of the change and submits the license for endorsement, and pays a fee of **10** "Rs.200/-" .

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 17 of the said rules, in the proviso, for the words "rupees five" , "Rs.200/-" shall be substituted , by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

18. Portable and mobile amateur Station :-

Without prejudice to rule 17, the Central Government may in addition to an amateur station licensed for a

(1) Specified location issue a special authorisation to establish, maintain and work an amateur station as a portable station or a mobile station fixed on board a motor vehicle for a specific period in special occasions like exhibitions and jamborees or for specific technical investigations in radio if-

(i) application for such authorisation is made well in advance indicating, among others, the specific period for which the authorisation is required, nature of investigations or details in regard to occasion as the case may be, and area of operation ;

11"(ii) the applicant holds an Amateur Wireless Telegraph Station Licence (General)"

(iii) the applicant pays an additional fee of **12** "Rs. 200/-" .

(2) The special authorisation shall, in addition to the conditions specified in rule 10, be subject to following, namely:-

(i) The special authorisation shall not be issued for a period more than 90 days.

(ii) The licensee's amateur station at the fixed location and the mobile station shall not communicate with each others;

(iii) the suffix 'MO' shall be added to the callsign already authorised to the licensee's amateur station at the fixed location for use by the portable or mobile station. Such callsign shall be followed by the location of the station.

(iv) Such other conditions as the Central Government may determine from time to time.

(3) The special authorization may be withdrawn or the conditions contained therein varied at any time by the Government.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 18 of the said rules, sub-section (1), clause (ii), clause shall be substituted in place of :- " (ii) the applicant holds an Advanced Amateur Wireless Telegraph Station Licence or an Amateur Wireless Telegraph Station Licence Grade I;" by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 18 of the said rules, sub-section (1), in clause (iii), for the letters and figures "Rs. 10/-", the letter and figures "Rs. 200/-" shall be substituted, by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

19. Amateur Station on board ship :-

(1) Without prejudice to rule 17, the Central Government may on receipt of an application authorise establishment, maintenance and working of an amateur station on board a ship registered in India. Applications for such authorisation shall be accompanied by a written approval of the master or owners of the ship concerned.

(2) The establishment, maintenance and working of amateur stations on board ships shall, in addition to the conditions specified under rule 10, be subject to such other conditions as the Central Government may determine from time to time and such conditions, among others, shall include the following, namely:-

(i) The amateur station on board ship shall be operated only while the ship is in International waters or Indian territorial waters. Its operation within the territorial waters of another country shall be in conformity with laws and regulations of the country concerned.

(ii) It shall not be operated whilst the ship is in any harbour in India.

(iii) The callsign allotted to such stations shall have suffix 'MS' followed by the callsign of the ship in case of radiotelegraphy or the official name of the ship in case of radiotelephony.

(iv) The amateur station on board a ship shall discontinue operation at any time on request of an officer of the Central Government, the Master or Radio Officer of the ship or any land station.

20. Loss and Issue of Duplicate of Licence and Document showing the Renewal of Licence :-

(1) A person whose Licence or the document showing the renewal of licence has been lost, mutilated or destroyed shall notify the same to the Central Government. An application in Annexure VII of these rules for the duplicate shall be made to the Central Government embodying a statement of the circumstances involved in the loss, mutilation or destruction of the licence or the document showing the renewal of licence for which a duplicate is required. If the licence or the document showing the renewal of licence has been lost, the applicant must state the circumstance in which it was lost and the reasonable search has been made for it, and further that in the event it be found, either the original or the duplicate shall be returned for cancellation. The mutilated licence or the document showing the renewal of licence for which the duplicate is required should be forwarded alongwith the application for cancellation.

(2) The Central Government may issue duplicate copy of any licence or the document showing the renewal of the licence and the following charges shall be levied for such issue-

(i) For duplicate of licence . . Rs. 100/-

(ii) For duplicate of the document showing the renewal of licence Rs. 100/-

(hereinafter referred to as 'the said rules'), In rule 20 of the said rules, in sub-section (2), in clause (i), for the letters and figures "Rs. 10/-", the letters and figures "Rs. 100/-" shall be substituted, by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

In the Indian Wireless Telegraphs (Amateur Service) Rules, 1978 (hereinafter referred to as 'the said rules'), In rule 20 of the said rules, in sub-section (2), in clause (ii), for the letters and figures "Rs. 5/-", the letters and figures "Rs. 100/-" shall be substituted, by the Indian Wireless Telegraphs (Amateur Service) Amendment Rules, 2005.

21. Revocation of licence :-

(1) The Central Government may, at any time, revoke the licence

(i) On the breach of any of the conditions of licence contained in Annexure I; or

(ii) In default of payment of any fees payable under these rules :

Provided that, before revoking a licence, the licensee shall be given a reasonable opportunity of making a representation against the action proposed to be taken.

(2) The licensee shall not be entitled to any compensation arising out of revocation of his licence nor will any part of the fees paid for the licence shall be refunded for the period a licence stands revoked.

22. Transfer of licence :-

A licence shall not be transferable:

Provided that the Central Government may permit the transfer of a licence granted to an authorised official of an amateur radio society or club or a school, college or an institute or a University in India in favour of his successor if such successor holds a category of licence appropriate to the transmissions to be conducted by the amateur station.

23. Operation of licensed amateur station :-

No person other than the licensee shall be permitted to operate the licensed amateur station :

Provided that - (a) in the presence of the licensee himself, the station may be operated by an other person holding a valid licence of comparable or higher category. The licensee, however, shall be personally responsible for the observance of these rules as if the

station is operated by him.

(b) in case of a licence issued to an authorised official of an amateur radio society or club or a school, college, or an institution or a University in India, the station may also be operated by a person who holds a licence of equivalent or higher category with the prior permission of the Central Government in writing; if the licensee keeps personal surveillance over the operation of the station. The licensee shall be responsible for the observance of these rules.

24. Surrender of licence :-

A licence which is revoked or which has become invalid and licensee does not desire to renew it shall be surrendered to the Central Government for cancellation and record.

25. Dual holding of licence :-

No person shall be granted more than one licence at the same time :

Provided that the Central Government may exempt a person, holding a licence in his name for amateur radio society or a school, college or an institute or a university in India, from the operation of this rule.

26. Admission of foreign national to examination and grant of licence :-

(1) Notwithstanding anything contained in these rules, the Central Government may, subject to such terms and conditions as it may impose from time to time, admit a person, who is not a citizen of India, to an examination for the grant of a licence or grant him a licence if otherwise qualified.

(2) The conditions under sub-section (1) shall, among others, include the following, namely :-

(i) the country of which the applicant is citizen, grants reciprocal facilities to Indian nationals :

Provided that it shall not apply where the Central Government considers that reciprocal facilities are not necessary ;

(ii) the applicant is above the age of 18 years;

(iii) the applicant's stay in India is not likely to be less than one year from the date of application.

(iv) the applicant is a holder of an appropriate category of amateur station operator's certificate or licence issued by a competent authority in any other country and recognised by the Central Government.

(v) the licence under this rule shall be initially granted for a period of one year or for the period of validity of visa, for which the applicant's passport is endorsed, whichever is less.

27. Penalty for breach of these rules :-

Any breach of these rules, other than a breach, which is an offence under section 20 or section 21 of the Act, shall be punishable with fine which may extend -

(i) when the person is licensed under the Act, to one thousand rupees and in the case of continuing breach a further fine of two hundred rupees for every day after the first during the whole of any part of which the breach continues;

(ii) when a servant of the person so licensed or another person is punishable for the breach one fourth of the amounts specified in clause (i).

28. Repeal and saving :-

(1) On the commencement of these rules, the Indian Wireless Telegraphy (Amateur Service) Rules, 1958, shall cease to be in force.

(2) Notwithstanding such cesser,-

(a) Where before such commencement any person has passed the Amateur Station Operators' Certificate Grade I or Grade II Examination, such person shall not be required to pass any such examination under these rules;

(b) Where, before such commencement any person was granted Amateur Wireless Telegraph Station Licence Grade I, or any such Licence was renewed and the period for which such Licence was granted or renewed extends beyond the commencement of these rules, then, such Licence shall continue to be in force for the period specified in the Licence.