

ACT NO. XLI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the
16th September, 1920.)

An Act to provide for the installation of
Wireless Telegraphy on ships registered
in British India and for other purposes.

WHEREAS it is expedient to provide for the in-
stallation of wireless telegraphy on ships
registered in British India, and for other purposes;
It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Wire-
less Telegraphy (Shipping) Act, 1920.

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the
Governor General in Council may, by notification
in the Gazette of India, direct.

Definitions.

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

(a) “passenger steamer” means a steamer which
carries more than twelve passengers;

(b) “prescribed” means prescribed by rules
made under this Act; and

(c) “registered in British India” means regis-
tered in British India under the
Merchant Shipping Acts, 1894 to 1916
or under any Act of the Governor Gene-
ral in Council for the time being in force
providing for the registration of ships.

57 and 58
Vic. c. 60.

(2) All words and expressions used in this Act
and defined in the Merchant Shipping Acts, 1894 to
1916, and not hereinbefore defined, shall be deemed
to have the same meanings respectively attributed
to them by those Acts.

57 and 58
Vic. c. 60.

Wireless
telegraphy
requirements.

3. (1) Every sea-going British ship registered in
British India, being a passenger steamer or a ship
of sixteen hundred tons gross tonnage or upwards
shall

shall be provided with a wireless telegraph installation of the prescribed description and shall maintain a wireless telegraph service of the prescribed nature and shall be provided with such certificated operators and watchers as may be prescribed :

Provided that the Governor General in Council may, by notification in the Gazette of India, exempt from the obligations imposed by this Act any ships or classes of ships if he is of opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless telegraph installation is unnecessary or unreasonable.

(2) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be punishable in respect of each offence with a fine which may extend to one thousand rupees.

4. (1) The Governor General in Council may appoint officers (hereinafter referred to as wireless telegraphy inspectors) for the purpose of seeing that the requirements of this Act are complied with on board any ship.

Appointment
and powers
of wireless
telegraphy
inspectors.

(2) A wireless telegraphy inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certificated operators and watchers in conformity with this Act, and for this purpose may go on board any ship at all reasonable times and do all things necessary for the proper inspection of the ship for the purpose of this Act, and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Act in respect of the installation, and of the certificates of the operators and watchers on the ship.

(3) If a wireless telegraphy inspector finds that a ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(4) Every notice given under sub-section (3) shall be communicated, in the prescribed manner, to the Chief Officer of Customs of any port at which the ship

ship may seek to obtain port-clearance, who shall order that the ship shall be detained until a certificate under the hand of a wireless telegraphy inspector is produced to the effect that the ship is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Act.

Application
to ships
other than
British ships
registered
in India.

5. The provisions of this Act shall, as from a date three months after the commencement of this Act, apply to ships other than British ships registered in British India while they are within any port in British India in like manner as they apply to British ships registered in British India.

Power to
make rules.

6. (1) The Governor General in Council may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe—

(a) the nature of the wireless telegraph installation to be provided and of the service to be maintained, and the number, grades and qualifications of certified operators and watchers to be carried:

Provided that no ship shall be required to carry more than one operator, unless more than one operator would have been required under the provisions of the Merchant Shipping (Convention) Act, ^{4 and 5 Geo.} _{V c. 50.} 1914;

(b) the manner in which a notice given under sub-section (3) of section 4 shall be communicated to the Chief Officer of Customs.

(3) Rules made under this section shall be published in the Gazette of India and shall thereupon have effect as if enacted in this Act.

Wireless
telegraphy
inspector
a public
servant.

7. A wireless telegraphy inspector appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal ^{XLV of 1860.} Code.

Protection
to persons
acting under
Act.

8. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.