



EMBASSY OF THE REPUBLIC OF THE PHILIPPINES
फिलीपीन्स गणराज्य का दूतावास
NEW DELHI

IMPORTANT REMINDER TO FILIPINO SEAFARERS

Subject: Prohibition on the use of “Thuraya Satellite Phone” in Indian territorial waters

In view of the increasing cases of apprehensions of Filipino seafarers for using Thuraya satellite phone in Indian territorial waters, the Embassy of the Republic of the Philippines in New Delhi reminds Filipino seafarers whose vessels sail in Indian territorial waters of the **prohibition of the use of Thuraya satellite phone in India**. The Embassy strongly recommends Filipino seafarers to be aware and knowledgeable of the following laws in order to avoid incidents of arrests.

The use of the Thuraya Satellite Phone is punishable under Section 6 of Indian Wireless Act and Section 20 of Indian Telegraph Act, which reads, as follows:

Indian Wireless Telegraphy Act, 1933

6- Offence and penalty

“(1) Whoever possesses any 1 [wireless telegraphy apparatus, other than a wireless transmitter,] 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 of offence with fine which may extend to two hundred and fifty rupees. 2 [(1A) Whoever possesses any wireless transmitter in contravention of the provisions of Section 3 shall be punished with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.]

(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.”

The Indian Telegraph Act, 1885

20- Establishing, maintaining or working unauthorized telegraph.—

“(1) If any person establishes, maintains or works a telegraph within 29[India] in contravention of the provisions of Section 4 or otherwise than as permitted by rules made under that section, he shall be punished, if the telegraph is a wireless telegraph, with imprisonment which may extend to three years, or with fine, or with both, and in any other case, with a fine which may extend to one thousand rupees.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), offences under this section in respect of a wireless telegraph shall, for the purposes of the said Code, be bailable and non-cognizable.

(3) When any person is convicted of an offence punishable under this section, the Court before which he is convicted may direct that the telegraph in respect of which the offence has been committed, or any part of such telegraph, be forfeited to Government.”

The full texts of the Indian Wireless Act and Indian Telegraph Act can be viewed through the following links:

The Indian Telegraph Act, 1885

- <http://www.ijlt.in/pdf/files/Indian-Telegraph-Act-1885.pdf>

The Indian Wireless Telegraphy Act, 1933

- <http://www.burdwanbarassociation.in/files/THE%20INDIAN%20WIRELESS%20TELEGRAPHY%20ACT,%201933.pdf>

For information and guidance.


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Ambassador

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