

New Delhi dated April, 23, 1975.

NOTIFICATION

G.S.R. 577/73 In exercise of the powers conferred by sub-Section (1) of Section 4 of the Indian Telegraph Act, 1885 (13 of 1885) and in supersession of the Indian Wirelss Telegraphs (Foreign Aircraft) Rules, 1948, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.

- (1) These rules may be called the Indian Wirelss Telegraphs (Foreign Aircraft) Rules, 1975.
- (2) They shall come into force on the 1st September 1975.

2. Definition

In these rules, unless the context otherwise requires:-

- (a) 'Convention' means the International Telecommunication Convention (Malaga Torremolinos 1973) 1, 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 from time to time;
- (b) 'foreign aircraft' means an aircraft registered in a country other than India.
- (c) 'harbour' includes a harbour (whether natural or artificial) estuary, navigable river, pier, jetty and any other work in or at which a ship can obtain shelter, or ship or unship goods or passengers;
- (d) 'territorial waters' comprise -
 - (i) the littoral or marginal sea;
 - (ii) inlets exhibiting a well marked configuration such as gulfs and bays and inland seas;
 - (iii) straits not exceeding twelve nautical miles measured from the appropriate base line.

1. Substituted by the Amendment Rules, 1977 for the words 'Montreux, 1935'.

- (o) 'Aeronautical station', 'aircraft station', 'distress call', 'distress message', 'fixed station', 'land station', 'Mobile station', 'radio-navigation service', 'station', 'urgency call' and 'urgency message' shall have the meanings respectively assigned to them in the Convention.

Exemption from the requirement of licence under the Indian Telegraph Act, 1885.

Subject to these rules, a wireless telegraphy may be established, maintained or worked on any foreign aircraft within or above Indian territories or Indian territorial waters without licence under the Indian Telegraph Act, 1885.

Requirement of licence.

The establishment, maintenance or working of the wireless telegraph on a foreign aircraft by a private person or by any enterprise, shall be covered by a licence issued by the Government of the Country in which the aircraft is registered.

Operators Certificate

The service of a foreign aircraft station shall be performed by an operator holding a certificate issued or recognised by the Government of the country of registry of the aircraft;

Provided that where the station is so controlled, other persons besides the holder of the certificate may use the radiotelephone equipment.

Restrictions on sending messages.

Whilst any foreign aircraft (other than military aircraft) is within or above Indian territories or Indian territorial waters, no person shall, except as provided in these rules or with the general or special permission in writing of the Central Government, send any message by a wireless telegraph on that aircraft when and where such messages can be forwarded by a telegraph of the Central Government.

Provided that nothing in this rule shall apply for the purpose of making or answering bona fide urgency calls and urgency messages.

Restrictions and conditions for working or using transmitting apparatus.

(1) Except as provided in the Convention or these rules or with the general or special permission in writing of the Central Government, no person shall work or use the transmitting apparatus of a wireless telegraph on any aircraft (other than a military aircraft) within or above Indian

territories or Indian territorial waters except during actual flights or in case of forced landing, and then only for transmitting messages necessary for the conduct of the flight or air service, -

(a) In communication in accordance with the instructions of the Director General of Civil Aviation in India relating to aeronautical services with stations in India affording such services, or

(b) When entering or leaving Indian territories or Indian territorial waters, in communication with stations in countries adjacent to India affording aeronautical services:

Provided that an aircraft within, above or outside Indian territories may, in cases of urgency, when the aircraft is not in reliable communication with an aeronautical station, communicate with a ship or aircraft any where, if the commander of the former aircraft considers that such communication is essential for the safety of his aircraft.

(2) A military aircraft accompanying a foreign ship-of-war when in communication with the ship, whilst the ship is in any harbour in India shall discontinue transmission on request from

- (a) the Central Government;
- (b) the Director General of Civil Aviation in India.
- (c) any Indian, Naval or Air Force Authority;
- (d) any Port Authority; or
- (e) any land station.

(3) Nothing contained in this rule shall apply for the purpose of making or answering bona fide urgency calls and urgency messages.

8. Observance of Conversation.

Except as provided in these rules, the provisions of the Convention for the conduct of wireless telegraphs shall be observed in so far as they are applicable.

9. Observance of secrecy of correspondence.

The receiving apparatus of any wireless telegraph on a foreign aircraft shall not be used for any unauthorised reception or interception of wireless telegraph communications. If in the course of the operation of wireless telegraph, any message is

involuntarily received, the divulgence of its contents, simple disclosure of its existence publication or any use whatever of information obtained by the interception is prohibited except by general or special permission in writing of the Central Government.

Prevention of harmful interference.

Any wireless telegraph on a foreign aircraft shall not be worked or used in such a manner which endangers the functioning of radio-navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts, by its omission, radiation or induction, any wireless telegraph service functioning within or without India in accordance with the provisions of the Convention or the wireless signalling between any fixed, land or mobile stations of Indian Defence Services or between such station and any station abroad.

1. Exception

Nothing in these rules shall prevent the use of wireless telegraph for the purpose of making or answering bona fide distress calls or distress messages in any manner thought fit.

Sd/-

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