

G.S.R.528:- In exercise of the powers conferred by sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (13 of 1885) and in super session of the Indian Wireless Telegraphs (Foreign Ships) Rules 1948 the Central Government hereby makes the following rules, namely:-

1. Short title and Commencement:

- (1) These rules may be called the Indian Wireless Telegraphs (Foreign Ships) Rules 1973.
- (2) They shall come into force on the 1st Sept.1973.

2. Definitions:

In these rules, unless the context otherwise requires:-

- (a) 'convention' means the International Telecommunication Convention Montreux, 1965, 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 ship' means any ship 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.
- (e) 'aeronautical station', 'coast station', 'distress call', 'distress message', 'fixed station', 'land station', 'mobile station', 'port station', 'radio navigation service', 'safety call', 'safety message', 'ship station', 'urgency call' and 'urgency message' shall have the meanings respectively assigned to them in the Convention.

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

Subject to these rules, a wireless telegraph may be established maintained or worked on any foreign ship within Indian territorial waters without a licence under the Indian telegraph Act, 1885.

4. Requirement of licence:

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

5. Operator's Certificate

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

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

6. Restrictions on sending messages

Whilst any foreign ship (other than a ship of war) is within 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 ship when and where such messages can be passed through the coast station of the central Government open for public correspondence:

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

7. Restrictions and conditions for working or using the transmitting apparatus

(1) Except as provided in 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 a foreign ship (other than a ship-of-war), whilst the ship is in any harbour in India:

Provided that the said foreign ship while within the limits of any harbour in India may work and use

- (i) its VHF radiotelephone apparatus for the sole purpose of exchanging messages with the nearest Indian Coast Station or Indian port station; and
 - (ii) its radar apparatus for the purpose of radio navigation.
- (2) except with the general or special permission in writing of the Central Government, no person shall work or use the transmitting apparatus including radar apparatus of a foreign ship-of-war whilst the ship is within Indian territorial waters or within any harbour in India. The work or use of such apparatus when permitted, shall be regulated by the Indian Naval authorities:

Provided that the foreign ship-of-war when working or using a wireless telegraph while within the limits of any harbour in India shall continue transmission on request from:-

- (a) the Central Government;
 - (b) the Telegraph Authority;
 - (c) any Indian Naval 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 or urgency messages or bona fide safety calls or safety messages.

8. Conduct of wireless telegraph in the River Hoogly:-

A wireless telegraph may be worked or used on a foreign ship which is under way in the River Hoogly below Garden Reach for the purpose of exchanging messages with the Calcutta Radio

9. Conduct of wireless telegraph for emergency purposes.

- (1) A foreign ship within Indian territorial waters may communicate with an aircraft, within, above or outside Indian territories in cases of urgency, when the aircraft is not in reliable communication with an aeronautical station and the commander of the aircraft considers that direct communication with the ship is essential for the safety of the aircraft.

- (2) A foreign ship within Indian territorial waters may communicate, during emergency involving danger to life or to navigation with any station with which master of the ship considers that direct communication with that station is essential for the safety of his ship.

10. Observance of Convention

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

11. Observance of secrecy of correspondence

The receiving apparatus of any wireless telegraph on a foreign ship shall not be used for any unauthorized reception or interruption 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 of any use whatever, of information obtained by the interception is prohibited except by prior special permission in writing of the central Government.

12. Prevention of harmful interference

Any wireless telegraph on a foreign ship shall not be worked or used in such a manner which endangers the functioning of radio navigation service of other safety services or seriously degrades, obstructs or repeatedly interrupts by its emission, 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 stations and any station abroad.

13. 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 thorough fit.