

Telegraph and Telephone Act, B.E. 2476 (1993)⁽¹⁾

Translation

IN THE NAME OF HIS MAJESTY KING ANANDA MAHIDOL
THE COUNCIL OF REGENCY

Given on the 16th day of October B.E. 2477 (1934)

Being the 10th year of the Present Reign

His Majesty King Prajadhipok is graciously pleased to proclaim that:

Whereas, by the resolution of the Assembly of the People's

Representatives, it is expedient, on account of the progress in commerce of the country, to modernize the existing law concerning telegraphic and telephonic services in order to give more facilities to the public.

Be it, therefore, enacted by the King, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

Preliminary**Section 1**

This Act is called the "Telegraph and Telephone Act, B.E. 2476 (1993)".

Section 2

This Act shall come into force as from the date of its publication in the Government Gazette⁽²⁾

Section 3

The Telegraph Law, Ch.E. 1246 (1884) and all the other laws, rules and regulations, insofar as they are contrary hereto or inconsistent herewith, shall be repealed.

Section 3 bis⁽³⁾

This Act insofar as it deals with the matters concerning the establishment, work and maintenance of telephonic services shall not apply to the telephone activity of the Ministry of Defense which is exclusively used for military service. In the case where the Ministry of Defense wishes to connect its telephone activity under paragraph one with the telephone network of the Telephone Organization of Thailand, it shall make an agreement with the Telephone Organization of Thailand prior to such connection.

CHAPTER 1**Definitions****Section 4**

In this Act, unless the context otherwise requires:

- (1) "telegraph or telephone" means an electric telegraph or telephone including appliances and apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity;
- (2) "telegraph officer" means any person employed either permanently or temporarily in connection with a telegraph established, maintained or worked by the Government;

- (3) "telephone officer" means any person employed either permanently or temporarily in connection with a telephone established, maintained or worked by the Government;
- (4) "message" means any message transmitted by telegraph or telephone or given to a telegraph or telephone officer to be transmitted by telegraph or telephone or to be delivered;
- (5) "telegram" means any message transmitted or intended for transmission by telegraph;
- (6) "telegraph line" or "telephone line" means a wire used for the purpose of telegraphic or telephonic services and includes any wrapping, coating, tube or pipe enclosing the same as well as any appliance and apparatus connected therewith for the purpose of fixing or insulating the same;
- (7) "post" includes a post, pole, stay, strut or other aboveground contrivance for carrying, suspending, stretching, or supporting a telegraph or telephone line;
- (8) "telegraph authority" means the authority for the time being in charge of the telegraph and includes any officer empowered by him to perform all or any of the functions of the telegraph authority under the provisions of this Act;
- (9) "telephone authority" means the authority for the time being in charge of the telephone and includes any officer empowered by him to perform all or any of the functions of the telephone authority under the provisions of this Act;
- (10) "Minister" means the Minister in charge of the Post and Telegraph Department;
- (11) "Director-General" means the Director General of the Post and Telegraph Department, his representative or other officer exercising the powers of the Director-General;
- (12) "Department" means the Post and Telegraph Department;
- (13) "Telegraph office" or "Telephone office" includes every building, structure, room, carriage or place used as a telegraph or telephone office;
- (14) "Telegraphic Guide" means a book of rules, regulations, orders or notifications concerning general telegraphic services to be observed under the provisions of this Act or under the universal telegraphic conventions.

CHAPTER 2

Monopoly

Section 5

The Government shall have the monopoly to establish, maintain and work telegraphic and telephonic services within the Kingdom of Thailand.

Such monopoly shall be reserved to the Post and Telegraph Department.

Section 6

The Post and Telegraph Department shall, within the Kingdom of Thailand, have the exclusive rights and duties:

- (1) to establish, work and maintain telegraph offices and telephone offices whatsoever the Minister thinks fit;
- (2) to erect posts and place wires, or to lay underground or submarine wires or cables, or to engage in other activities for telegraphic or telephonic communication;
- (3) to receive, collect, transmit, and deliver messages, and to perform all other works incidental to the telegraphic or telephonic services in accordance with the rules, regulations, orders and by-laws issued by the Minister.

Section 7

The Director-General may grant an exclusive license, on such conditions and in consideration of such payments as he thinks fit, to any person to establish, work or maintain the telegraphic or telephonic services within any part of the Kingdom for his own use.

Section 8

The Director-General may at any time revoke any license granted under Section 7 on the violation of any of the conditions therein contained or in default of payment of any considerations payable thereunder.

Section 9

At the time when the Martial Law is proclaimed or in time of war, the Minister or any officer specially authorized by him to act on his behalf may

- (a) take temporary possession of any telegraph or telephone established, worked or maintained by the licensee under this Act; and
- (b) order that any message, or messages of any kind transmitted to or from any person or class of persons, or related to any particular subject submitted for transmission or transmitted or received by any telegraph, shall not be transmitted, or shall be withheld or detained, or shall be disclosed to the Government or the officer specified in such order.

Section 10

In the case where any message is reasonably believed to be connected with any inducement to commit, or any commission of, a criminal offence, the telegraph authority may

- (a) withhold the transmission of such message, and immediately report to the Minister for issuing a final injunction; or
- (b) transmit the message, but deliver a copy thereof to the local administrative authority.

Section 11

The Director-General shall prepare Telegraphic Guide which will be used as supplementary to this Act, and shall have the power, from time to time, to modify, amend, abridge, add, or cancel the same. Such Telegraphic Guide shall come into force upon its publication with the approval of the Minister.

Section 12

The Government shall not be responsible for any loss or damage which may occur in consequence of the telegraph failing to work satisfactorily or any telegraph officer failing in his duty with respect to the receipt, transmission or delivery of any message, and such officer shall not be responsible for any such loss or damage unless he causes the same intentionally, fraudulently or negligently.

Section 13

The Government shall not be responsible for any loss or damage which may occur in consequence of the telephone failing to work satisfactorily or any telephone officer failing in his duty with respect to the answering, the call, etc., and such officer shall not be responsible for any such loss or damage unless he causes the same intentionally, fraudulently or negligently.

CHAPTER 3

Powers to Establish Posts and to Place Telegraph or Telephone Lines

Section 14

The Department has the power to place and maintain from time to time telegraph or telephone lines under, over, along or across and to establish posts in or upon any immovable property; provided that,

- (a) the Department must not exercise the power conferred by this Section, except for the purposes of telegraphic or telephonic services established or maintained by the Department;
- (b) in the exercise of the power conferred by this Section, the Department must make endeavor to cause as little damage as possible, and when it has exercised such power in respect of any property, it must pay full compensation to all persons for any damage sustained by them by reason of the exercise of such power.

Section 15

The competent official may, at any time, for the purpose of inspecting, repairing, altering, removing any telegraph or telephone lines or posts, enter the property under, over, along, across, in or upon which the lines or posts have been placed or established by giving prior notice to the owner or possessor of such property.

Section 16

- (1) If the exercise of the power in respect of the property mentioned in Section 14 is resisted or obstructed, the District (Khet or Amphur) may, in its discretion, order that the Department shall be permitted to exercise its power.
- (2) If any dispute arises concerning the sufficiency of the compensation to be paid under Section 14, each of the disputing parties shall appoint an arbitrator; provided that, if, within three months from the day when a party has notified to the other the appointment of his arbitrator, the other party has not yet appointed an arbitrator, the former party may apply to the Court to have an arbitrator appointed on behalf of the neglecting party.

The arbitrators shall determine the proper amount of compensation to be paid in the case. If the opinion of the arbitrators is equally divided, they may appoint an umpire for the purpose of deciding the points in dispute by a majority, and the opinion of the majority shall be considered final. If the arbitrators cannot agree on the appointment of an umpire, they shall apply to the Court for appointing the umpire.

Section 17

Any dispute which may arise concerning the rights of the Department and of the owner under paragraphs three and four of Section 1352 of the Civil and Commercial Code shall be settled by arbitration in the similar manner as provided in Section 16.

Section 18

If a tree standing or lying near a telegraph or telephone line interrupts or is likely to interrupt a telegraphic or telephonic communication, the Department may cause the tree to be removed or dealt with in other manner as it thinks fit.

If the tree is in existence before the telegraph or telephone line is placed, the Department must pay compensation to the persons interested in the tree in such amount as it thinks fit. If the person entitled to the compensation is not satisfied with the amount paid by the Department, he may appeal to the Minister whose decision shall be final.

Section 19

Every telegraph or telephone line or post placed or established, before this Act comes into force, under, over, along, across, in or upon any property for the purpose of telegraphic or telephonic services established or maintained by the Department shall be deemed to have been placed or established in the exercise of the power conferred by this Act and in accordance with the requirements of this Act.

Section 20

No person may place a wire for the purpose of using electric energy across any telegraph or telephone line under, over, along, across, in or upon any property, unless a written permission has been obtained from the Department.

CHAPTER 4

Penalties

Section 21

Any person who, after the making of an order of District (Khet or Amphur) under Section 16 (1), obstructs the exercise of the power by the official shall be deemed to have committed an offence under Section 119 or Section 120 of the Penal Law.⁽⁴⁾

Section 22

Any person who establishes, works, maintains a telegraph or telephone without obtaining a license under the provisions of Section 7, or places a wire for the purpose of using electric energy without a license under the provisions of Section 20, or violates any condition contained in a license or written permission shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred Baht or both, and with a further fine not exceeding two hundred and fifty Baht for every week or part of week during which the line or wire is maintained or worked or the violation of the condition continues.

Section 23

Any person who knows or has reason to believe that a telegraph or telephone is established, worked or maintained in violation of this Act transmits or receives any message by such telegraph or telephone or performs any act incidental thereto or delivers any message for transmission by such telegraph or telephone or accepts delivery of any message transmitted thereby shall be liable to a fine not exceeding five hundred Baht.

Section 24

Any person who, by any unlawful means, obtains knowledge or communication of the contents of any telegraphic or telephonic message shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred Baht or both.

Section 25

Any person who divulges the purports of any telegraphic or telephonic signal or divulges a telegraphic or telephonic message in whole or in part to any person not entitled to know shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand Baht or both.

Section 26

Any person, being a telegraph or telephone officer, transmits by telegraph or telephone any message on which the charge prescribed by the Government has not been paid intending thereby to defraud the Government shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding two thousand Baht or both.

Section 27

Any person who, being a telegraph or telephone officer or having official duties connected with any office used as a telegraph or telephone office, willfully loiters or delays the correct transmission or delivery of any message shall be liable to imprisonment for a term not exceeding fifteen days or to a fine not exceeding fifty Baht or both.

Section 28

Any person who transmits or causes to be transmitted by telegraph or telephone a message which he knows to be false or which he fabricates and which is likely to cause

injury to the public or to any person shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding two thousand Baht or both.

Section 29

Any person who fraudulently or willfully retains, conceal, makes away with, or detains a message which ought to have been delivered to other persons, or upon receiving a request of a telegraph or telephone authority to deliver up such message, neglects or refuses to do so shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand Baht or both.

Section 30

Any person who writes, draws, paints, carves or affixes any placard, advertisement, notice, list, document board or any other thing in or on any post or any other telegraph or telephone material without lawful permission or in any way disfigures them shall be liable to a fine not exceeding fifty Baht.

Section 31

Any person who climbs up any post, signal pole or gets upon any buoy, being part of a telegraph or telephone or being used for telegraphic or telephonic services without lawful permission shall be liable to a fine not exceeding fifty Baht.

Section 32

Any person who unlawfully removes or defaces any notice or signal put up for telegraphic or telephonic services, or any post, line or other materials for use in the telegraphic or telephonic services shall be liable to a fine not exceeding one hundred Baht.

Section 33

Any person who flies any kite in the neighborhood of any telegraph or telephone line, or negligently allows its appendage or string to entangle any telegraph or telephone line or other materials for use in the telegraphic or telephonic services shall be liable to a fine not exceeding one hundred Baht.

Section 34

Any person who fastens any buffalo, bull, bullock, cow, calf, elephant, horse, pony, mule or other animals or fastens any boat, raft, net or other things to a post or to any other material for use in the telegraphic or telephonic services shall be liable to a fine not exceeding one hundred Baht.

Section 35

Any person who throws any stone or other hard substances or any filth or other missile, or discharges any gun or any firearm at any post, telegraph or telephone line, insulator, signal pole, buoy or any other materials for use in the telegraphic or telephonic services shall be liable to a fine not exceeding one hundred Baht.

Section 36

Any person who violates the provisions of the Ministerial Regulation issued by the Minister by virtue of Section 39 of this Act shall be liable to a fine not exceeding five hundred Baht, and, in case of a continuing violation of such provisions, to an additional fine not exceeding one hundred Baht per day as from the first day of the violation as long as the violation is continuing.

Section 37

Whenever an offender is to be fined for any offence punishable under the provisions of this Act, the Court may, upon special petition of the plaintiff, pass judgment ordering that a portion of the fine of not more than one half shall be given to the person who did detect or investigate the offence.

Section 38

The prosecution of the offender under this Act shall be instituted only upon complaint of the telegraph or telephone authority.

The competent official of the Post and Telegraph Department has the power, at any time before the final judgment, to settle the offences for the purpose of recovering any fine or forfeiture of properties violating this Act on such terms and conditions as he thinks fit.

CHAPTER 5

Charge and Control of the Execution of this Act

Section 39

The Minister shall have charge and control of the execution of this Act. For this purpose, he shall have the power to issue Ministerial Regulations prescribing the rates for transmission of messages, conditions for the transmission thereof, rules on the prevention of undue interception or disclosure of messages and on the preservation of the telegrams or other documents belonging to or being in the custody of the telegraph officers, fees for inspections of telegrams or other documents in the custody of the telegraph officers, and other activities for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Countersigned by

Colonel Phya Bahol Balabayahasena

Prime Minister

Note

- (1) As amended by the Telegraph and Telephone Act (No.2), B.E. 2517 (1974) (Published in the Government Gazette Vol.91, part 155, Special Issue, dated 18th September B.E. 2517 (1974))
- (2) Published in the Government Gazette Vol.91, dated 28th October B.E. 2477 (1934)
- (3) As added by Section 3 of the Telegraph and Telephone Act (No.2), B.E. 2517 (1974)
- (4) The Penal Law B.E. 2451 (1908) was repealed and replaced by the Penal Code on 1st January B.E. 2500 (1957).

By virtue of the Royal Decree dated 11th January B.E. 2476 (1933)

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