Circular No.37 / 2010-Customs

F. No.520/22/2010-Cus.VI

Government of India

Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

159A, North Block,
New Delhi-110001.
24th September, 2010.

To

All Chief Commissioners of Customs / Customs (Prev).
All Chief Commissioners of Customs & Central Excise.
All Director Generals of CBEC.
All Commissioners of Customs / Customs (Prev).
All Commissioners of Customs (Appeals).
All Commissioners of Customs & Central Excise.
All Commissioners of Customs & Central Excise (Appeals).

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Subject: Illegal use of Satellite Phones in India - regarding.

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Sir / Madam,

Attention is invited to the existing guidelines of Department of Telecommunications (DOT), Ministry of Communications and Information Technology, Government of India whereby use of any kind of satellite phone in India is permissible only after obtaining a licence from the DOT. Presently, use of specific types of INMARSAT terminal only is permitted by the DOT, while use of 'Thuraya' satellite phone in India without specific permission of DOT is illegal. Thus, unauthorized use of a satellite phone in India attracts penal provisions under section 20 and 21 of the Telegraph Act, 1885 for violation of provisions of section 4 of the said Act.

2. Instances have come to the notice that satellite phones are being brought into India via baggage and being used by anti-national elements which poses a serious security threat. Accordingly, the Board has taken a serious note of unauthorized use of satellite phone in India after import through passenger baggage. It is, therefore, decided that arriving passengers importing satellite telephone as baggage shall be required to declare the same to the Customs on arrival. Furthermore, it is necessary to alert all arriving passengers to their responsibility to make such declaration.

3. Any such satellite phone declared to Customs shall be allowed clearance subject to production of permission for use from DOT, Government of India. Satellite phones imported for use in India without a valid permission of DOT may be detained and appropriate action in accordance with the law may be initiated.

4. It has been decided by the Ministry of Home Affairs that a display Board will be placed at the Arrival side of the Immigration at all the ICPs regarding obligation of the travelers to declare whether they are carrying any satellite phone, to the Customs authorities. In this regard, the Customs part of the Arrival Card and Customs part of the 'Important Instructions' to be filled in by arriving passengers at International airports is also being revised by MHA.

5. It is desired that Deputy / Assistant Commissioner on duty at the Airport should remain vigilant to check against any attempt to import Satellite phones without declaration to Customs.

6. These instructions should be strictly complied with and any lapse will be viewed seriously.

7. Difficulty, if any, in implementation of aforementioned instructions may be immediately brought to the notice of the Board.

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Yours faithfully,

Sd/-

(R. P. Singh)
Director (Customs)

Internal Circulation - As usual.