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<td><strong>Author(s)</strong></td>
<td>Pairash Thajchayapong</td>
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Paper No. 11
(DRAFT)

Information Highways : Policy and Regulation

In Thailand

By

Prof.Dr. Pairash Thajchayapong
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3. Communications Authority of Thailand Act of 1976
(Draft) Information Highways: Policy and Regulation in Thailand

PREFACE

This study provides the information related to communications infrastructure in Thailand and an analysis of laws and regulations related to communications in Thailand. It is divided into five chapters. Chapter 1 offers demographic, social and economic data of Thailand. Chapter 2 describes the basic data on infrastructure, telecommunication, broadcasting and mass media in Thailand. Chapter 3 provides literature review of books and articles related to telecommunications and communication laws in Thailand. Chapter 4 analysis the law and regulation related to communication in Thailand. And chapter 5 is conclusion.

This study would not have been completed without the enthusiastic assistance of my colleagues as follows: Ms. Orada Teppayayon, Ms. Sukanya Devahastin, Mr. Paisan Limstit, Mr. Chokdee Noppawarn and Mr. Khemmachat Teerapong.

Finally, I would like to thank the Asia Media Information and Communication Centre (AMIC) and its director, Vijay Menon to support and initiate the idea of this study.

To all of this fine people, thank you.

Prof. Dr. Pairash Thajchayapong
1. Introduction about Thailand

Thailand (Prathet Thai), as an area of 513,115 sq km. Within Thailand, the country is divided into five regions: the Central Plains, home to Bangkok; the North, with Chiang Mai being the unofficial capital; the South, which is home to Phuket; the East, which runs along the coast to Cambodia and includes Pattaya; and the northeast known as 'Isan' which is predominantly agriculture. It has a common boundary with Malaysia to the south, Myanmar to the west and Laos and Cambodia to the northeast and east.

1.1 Demographic data

Thailand has a population of over 60 million, made up of 75 per cent ethnic Thais, some 15 per cent Chinese, and a mixture of ethnic minorities. It has the population growth about 13 per cent and 19 per cent is urban population. Of these the Chinese are perhaps the most numerous, particularly in urban areas, though they have become so thoroughly assimilated it would be difficult to isolate them as a distinct group. Similarly, while there are Laos and Cambodia group in the northeast and west, nearly all regard themselves as Thai, culturally as well as by nationality. More clearly defined are the Muslim, who are mainly concentrated in the southern provinces, and assorted hill-tribes who live in the far north; there are also sizeable communities of Hindus and Sikhs in large cities like Bangkok.

1.2 Social data

Thailand is a warm and rather humid tropical country. The climate is monsoonal, marked by a pronounced rainy season lasting from about May to September and a relatively dry season for the remainder of the year. Temperatures are highest in March and April and lowest in December and January. The average temperature is 23.7 °C to 32.5 °C.

Thailand is governed by a constitutional monarchy with a parliamentary form of government. The Bangkok Metropolitan Administration is administered by an elected governor and is divided into 38 districts. The country is divided into 76 provinces, each administered by an appointed governor, which are sub-divided into districts, sub-districts, tambons (groups of villages), and villages. The official national language, spoken by almost 100 percent of the population, is Thai. It is a tonal language, uninflected, and predominantly monosyllabic. Most polysyllabic words in the vocabulary have been borrowed, mainly from Pali or Sanskrit. Dialects are spoken in rural areas. Other languages are Chinese and Malay. English, a mandatory subject in public school, is widely spoken and understood, particularly in Bangkok and other major cities.
1.3 Economic data

Traditionally an agrarian nation, today Thailand boasts a complex, multi-faceted economy embracing industries employing the latest and most sophisticated technology. Several important factors have contributed to the country's enviable growth. Its principal comparative advantage has been the abundance and diversity of its natural resource. Blessed with large expanses of fertile land and ideal growing conditions, Thailand not only enjoys agriculture self-sufficiency but is also the only net food exporter in Asia and one of the largest food exporters in the world.

Growth and diversification into new industrial areas have to a large extent been initiated by the dynamic private sector. Innovative private enterprise broadened the nation's agrarian base by exploiting the value-added potential of basic staple crops, and at the same time expanded into new product areas in response to world demand. With the government providing infrastructural support and exerting relatively limited control over private industry, a free enterprise system has emerged which has allowed development to take place at a rapid rate consistent with the needs and resources available.
Chapter 2
Communication Infrastructure

2.1 Basic data on Infrastructure
   a) Satellite
   b) Submarine cable
   c) Telephone Network
   d) Cellular Network

2.2 Basic data on Telecommunications
   a) Computers
   b) Fax machines
   c) Telephones sets
   d) Internet

2.3 Basic data on Broadcasting
   a) TV sets
   b) Radio sets

2.4 Basic data on Mass media
   a) Newspaper
   b) Magazine

2. Communication Infrastructure

2.1 Basic data on Infrastructure

In 1996 fiscal tear, the Thai government had approved a Bt 4.2 bn (USD$120-
168 million) budget for the national IT infrastructure and human resource development.
This is a part of the Telecommunications Master plan and the 8th National Economic and
Social Development Plan Called IT-2000, the plan aims at developing a national IT
infrastructure, human resource, and enhancing government service using the computer
networks.

The first project, to build a national information infrastructure (NII), is to use the
existing telecommunications resources, including the nationwide fiber optic network and
satellites, to expand the Internet service into rural areas. This plan is coupled with the
current "Information Superhighway Testbed," also managed by NECTEC, which uses
ATM technology to improve the data transmission capability of the country from the
current 2Mpbs to 155-620Mpbs. NII would facilitate remote schools connecting to the
Internet by reducing the long distance telephone costs. Currently, schools that wish to get
on the Internet can either cooperate with local universities or dial-in to Thaisarn's hub in
Bangkok. However, not every province in Thailand has a university.

The second project, to invest in people, intends to concentrate on transferring IT
knowledge to Thai children. One free universal access service began late last year to
celebrate His Majesty the King’s golden jubilee. Called Kanchanapisek Network Project, the network provides limited access to the World Wide Web to student and everyone with Internet access in their area by using a special toll-free number. Also, SchoolNet and IT Campus projects were initiated to make Thai students more comfortable with the Internet. Currently, more than 74 schools in Thailand have joined SchoolNet. Local computer vendors such as Microsoft, Intel, Compaq, and Powell support this project by donating some hardware and software to schools. IT Campus is now composed of 15 universities in 11 provinces. It is expected that it will cover at least 30 provinces by the end of 1999. Meanwhile, long-term training is being prepared. Two projects, the National Multimedia Institute (NAMMI) and Electronic Industry Institute, will be established to provide solid technology training in multimedia as a mean to make Thailand an information provider on the Internet. Localization of software is also being promoted by the government in setting up the Software Park project - a plan to boost Thai engineers to produce more software by giving them some attractive rewards such as tax exemption from the Board of Investment for large-scale software production.

The third project, called the government Information Network (GINET), plans to link all government agencies in 76 provinces together on the national fiber optic backbone as well as encourage government officers to become more computer literate. In the future, every government officer will be required to pass a computer test before being promoted.

The basic data on Infrastructure can divide into 4 parts;

a) Satellite

Domestic satellite communications were first provided in 1984. During the first stage, transponders on the Indonesian Palapa satellite system were used by the military and major government departments. The military network was operated via a master earth station at Supreme Command Headquarters and the civilian network by the master earth station of PTD. Besides being used as a reserved network, satellite systems have also been used for providing telecommunications services nationwide. Acumen Co., Ltd. was awarded the concession for the construction of ten earth stations at Chiang Rai, Chiang Mai, Phitsanulok, Khon Kean, Nakhon Ratchasima, Bangkok, Rayong, Surat Thani, Phuket and Song Khla.

At the beginning of 1994, Shinawatra Satellite was awarded eight years of exclusive rights with a 30-year concession to operate a domsat. In 1991, The Post and Telegraph Department (PTD) reserved four Thai satellite orbit positions: Thaicom-A1, at 78.5 degrees East; Thaicom-A2 at 78.5 degrees East; Thaicom-A3 at 120 degrees East; and Thaicom-A4 at 142 degrees East. The first satellite, Thaicom-1, was launched in December 1993 and Thaicom-2 in October 1994. Thaicom-2 has a larger footprint, extending to all of the Philippines and Malaysia, and part of Europe.

Thaicom-3 was launched in April 1997, aboard an Ariane rocket and has six C-band global beams with footprint coverage spanning four continents, and can serve users in Asia, Europe, Australia and Africa. The high power Ku-band transponders are both spot and steerable beam. After Thaicom-3 was launched at 78.5 degrees East, Thaicom-1 was moved to the 120 degrees East orbital location. While Thaicom-1 and Thaicom-2 serve mostly domestic clients, Thaicom-3 aims to rent 50 percent of its transponder capacity to
foreign clients, generating double the revenue of its predecessor. Thaicom-4 will be launched in 1998 as a reserve.

In 1999, Shinawatra will loses its protected monopoly because it faces competition from the Asian Broadcasting Communication Network, which is launch a $200 million satellite in late 1997, but its regional focus gives Shinawatra the edge. Thailand has already filed for twelve more orbital locations with the Radiocommunication Bureau of the International Telecommunication Union.

PTD organised a control system for the national satellite communications system in 1984 and has established the domestic satellite communication centre in the town of Nonthaburi. The centre inspects and controls the network station, surveys the strength of domestic satellite signal, and monitors radio interference in satellite communication for the Government and state enterprises, as well as the private sector.

Thailand is a member of the Inmarsat organisation which helps in the development of projects on maritime radio navigation and mobile communications services for land, sea and air. Thailand is establishing its first land earth station in Nonthaburi Province. The Inmarsat-C service became operational in 1996, and is expected to be able to provide Inmarsat-B and Inmarsat-M, are to follow, together with Inmarsat aeronautical services.

The Jasmine International Group was given a license to operate ten satellite stations for the integrated satellite business network (ISBN) system. These are currently working with a transponder leased from the Palapa satellite, but this is being shifted to Thaicom-1.

At present, CAT has only one international earth station located at Sri-Racha (100km east of Bangkok). There are three standard A satellite dishes for accessing Intelsat satellites at 174 degrees East, 60 degrees East, and 63 degrees East. CAT has a plan to employ standard F earth stations, including F1 and F2, for some customers in remote areas that both CAT’s and TOT’s local links cannot reach. In order to increase network availability and expand capacity, CAT has decided to establish a second international earth station at Nonthaburi.

The Ministry of Transport and Communication (MOTC) has taken a decision that all new satellite networks to be set up by any government agency will exclusively use the TDMA/DAMA system. Many official agencies will have to change their SCPC pre-assigned system to TDMA/DAMA by 1997. The PTD set up the base station for the TDMA/DAMA system in 1994. There are two network stations: one each for fixed and mobile services.

Thailand has also decided to invest in the Iridium low earth orbit (LEO) project to improve mobile phone and paging services. The service will be available in 1998 by a joint venture between TOT, CAT and UCOM Group.

A large TDMA VSAT satellite rural telephone network is to be established in Thailand. VSATPlus II is a digital, satellite-based, switched telephony product that offers multimedia services with interactive voice, facsimile, data and video-conferencing services. Installation began in the first quarter of 1997 and to date, around 500 nodes have been installed. When complete, it will enable thousands of rural inhabitants access to a public
Telephone service that stretches country-wide and into Laos and Malaysia. Thai Satellite Telecommunications (TSC) have completed 80 percent of a project to build a small satellite with Mahanakorn University of Technology. The first Thai-built satellite is due to be launched September 1997.

b) Submarine cable

The existing submarine cable network is the M-S-T (Malaysia-Singapore-Thailand), an analogue coaxial system connecting traffic originating in Thailand with other cable systems (SEA-ME-WE,P-S etc). However, increasing demand for high-quality circuits has resulted in plans to construct several fiber-optic submarine links. One such domestic project has been designed primarily as an emergency network for telecommunications in the southern region of Thailand which has often been damaged by nature disaster. The network links Chonburi, Hua Hin, Prachuab Khiri Kahn, Chum Phon, Ko Samui, Pak Phanang, Song Khla, Pattani, Nara Thivat and Tak Bai, with a total length of 1,400 km.

When the project complete, there will be 15,000 long-distant circuits in service. Jasmine Submarine Telecommunications has been awarded the 20-year concession for a sum of $16 million, on a build-transfer-operate (BTO) basis. A 1,340 kms Malaysia-Thailand (M-T) fiber-optic network project was awarded to Mitsui of Japan. The 560Mbit/s network, with landing points at Huantan in Malaysia and Phetchaburi in Thailand, includes a link across the northern part of the Gulf of Thailand. The 7,560 circuit M-T cable is part of the ASEAN fiber-optic submarine network, which will eventually connect to four other submarine cable system (KN-KK, B-S, B-M-P and I-S).

Phase Two of CAT’s plan for a submarine fiber-optic link between Thailand, Vietnam and Hong Kong involves a capacity cable of 560 Mbit/s. The T-V-H system is designed as a backup for M-T and to directly access Vietnam and Hong Kong and pass traffic through Taiwan, Korea, Japan and the US. The third phase will result in the installation of a 5 Gbit/s (60,480 circuits equivalent) fiber-optic Asia-Pacific Cable Network (APCN) linking Thailand, Malaysia, Singapore, Indonesia, Philippines, Hong Kong, Taiwan, The Republic of Korea and Japan. It has been in service since February 1997.

c) Telephone Network

The number of subscribers climbed to one million in 1988, two million in 1993, and to approximately six million by the end of 1996. By the end of 1997, the country’s telephone line penetration was expected to be no less than ten percent. As of January 1997, TelecomAsia had connected 1.1 million of the 2.6 million lines that have been installed and TT&T has connected 990,000 lines to subscribers out of the 1.5 million lines installed.

In October 1996, SR Telecom Inc announced that it had signed a contract for a second expansion order worth around $86 million. The contract was with Rural Telephone Services Company (RTS) for the supply of its SR500-s products to TOT, at a cost of $81 million.

At the beginning of 1997, TOT invited companies to bid for a rural public long-distance telephone project, funded by the Asian Development Bank. Bids were submitted
on 6 June 1997 and the successful company, TT&T Plc (TT&T) was chosen. TT&T is required to design and install switching and transmission equipment which will extend telephone services to around 21,110 locations throughout Thailand. The project will provide long-distance telephone facilities for about 43,000 districts and other rural locations.

An ISDN system to accommodate basic telephone services and other value-added services was announced in November 1993. The services, including both basic rate interface (BRI, 2B+D) and the primary rate interface (PRI, 30B+D), now cover 16 main business areas in Bangkok, and 12 main cities in the provinces. TOT's plans to expanded current ISDN services to Bangkok and all major provinces by the end of 1997 are under way.

Three international telephone switching centres (ITSC) are maintained by CAT at Bangkok, Nonthaburi and Sri-Racha. ITSC I, the first SPC international telephone exchange, is located at the CAT office in Bangkok. It is capable of connecting 3,000 telephone lines to destinations throughout the world. ITSC III, a 3,000-circuit SPC exchange with ISDN, commenced service in February 1994 to serve high demand for telecommunications from the Teleport project and eastern provinces. ITSC II, another 3,000-circuit SPC exchange, has been in service since 1997, ensuring efficiency and adequacy until 2001.

d) Cellular network

A Council of State ruling in July 1996 which stated that government agencies TOT and CAT had no right to grant exclusive digital cellular concessions to the two dominant players in the Thai markets, has thrown doubt on all privately operated telecommunication services. One of the two dominant cellular operators, TAC, has been prompted to take evasive action to maintain control of the PCN band by upgrading two of its service providers to the status of network operators in their own right. TAC has formed a new operating arm with IEC, to provide PCN 1800 digital cellular radio services. Wireless Communications Services Co., Ltd. (WCS) operates the system at 25.5 MHz frequency. In addition to its two existing network, TAC also has planed to launch a CDMA service in mid-1998, using the 800 MHz frequency. The launch is a move to absorb the rising number of potential subscribers.

Amid the enthusiasm, critics have expressed fears that new ventures may be forsaking quality in the scramble to set up new cellular services; this has, in turn, led to high fees, poor reception, interference, dropped call and problems connecting. It has also been suggested that new carriers will take longer than expects to penetrate the market, requiring higher levels of investment; a problem that will be exacerbated by the strain of maintaining the latest technology.

CDMA Cellular systems using the CDMA (IS-95) Standard, will be put into service during the first quarter of 1998. These systems use the same frequency band as AMPS. However, CAT utilises the A-band for CDMA, awarding the contract of network installation to UCOM, while Total Access Communication (TAC) is providing services using its own system in the B-band.
PDC TOT has been awarded the spectrum license to provide the personal digital cellular (1500 MHz) Japanese Standard system nation-wide, and has a plan to implement this system within three years.

NMT 470 Ericsson supplied the infrastructure for this NMT 470MHz system, using a frequency shifted band. The network, operated by the Telephone Organization of Thailand (TOT), was launched in 1986. While other countries use the 450MHz mobile phone service, the 470MHz mobile phone service is used only in Thailand and Indonesia. Consequently, the price of 470 MHz handsets is high.

NMT 900 In 1989 TOT granted a concession to Shinawatra Computer and Communications to operate a national 900MHz cellular system. The subsidiary company, Advanced Info Services Limited (AIS), operates the Cellular 900 network under a revenue-sharing arrangement with TOT. The service was launched in 1990, covering Bangkok only. Since then the network has expanded to the provinces where over 35 percent of the network infrastructure is deployed. A contract for expansion of the network was awarded to Ericsson in April 1997.

AMPS (1) The Communications Authority of Thailand (CAT) launched its Motorola-supplied AMTS network using the A-band in February 1987. CAT has since expanded the system to several provincial areas, but has not expanded in Bangkok where the capacity of 45,000 remains unchanged since 1990. CAT decided to convert the network to digital in 1998 and called tenders for a CDMA digital system in late 1995.

AMPS (2) The expansion into the AMPS-B band was offered by CAT to a private concessionaire, Total Access Communications (TAC), a UCOM subsidiary. TAC launched its Worldphone network under a 15-year concession in 1990. In order to allow TAC to apply for public listing, CAT extended the period of the concession to 22 years in 1993. In March 1994 TOT extended nine-digit numbering to the company, putting the network's 160,000 subscribers on the same basis as its NMT competitor. TAC is now expanding the network with N-AMPS.

GSM Making use of its exclusive access to the 900MHz band, AIS launched a GSM network in October 1994. Contracts for equipment supply were awarded to Ericsson who supplied the switching and radio equipment for Bangkok, Nokia who supplied equipment for three provincial areas, and Motorola who supplied some radio equipment. Due to the company's sluggish investment in the digital network, growth of the subscriber base was comparatively slow.

PCN TAC launched its DCS 1800 system, the first in Asia, during the third quarter of 1994. The network had an initial capacity of 130,000 subscribers. Nokia supplied the switching and much of the phase 1 network infrastructure. TAC wanted more suppliers for future equipment orders. Consequently, Motorola began supplying radio base stations for areas outside Bangkok during 1995.

PHS/Cordless On 6 October 1996, PTD issued regulations concerning digital cordless telephones, both the DECT and PHS standards, allowing people to use these systems for private purposes (in the home, office etc). After five years' operation, during which the subscriber base never exceeded 16,000, Fonepoint CT2 telepoint services were
finally wound up in early 1996 and subscribers were offered the use of AMPS terminals with a connection to TAC’s AMPS network. The Motorola supplied CAI system was operated by UCOM as part of a consortium also including Shinawatra and Chareon Pokphand. UCOM plans to convert the CT2 license to another mobile system. The decline of CT2 is thought to have been a result of lower cellular prices, coupled with increased mobility of this system against Fonepoint.

2.2 Basic data on Telecommunications

Telecommunications in Thailand have developed dramatically in the past ten years. In 1986, TOT allowed Thais to buy phone equipment directly from market sources instead of from TOT agencies for the first time. By the end of 1990, due to an inadequate budget, TOT allowed private companies to build the nationwide fiber optic network, submarine fiber optic network in the Gulf of Thailand, and commercial satellites. The fiber optic network enabled TOT to increase the national long-distance telephone service between Bangkok and Thailand’s northern, northeastern, and southern region.

a) telephones sets

Meanwhile, the land lines were not improved until the end of 1992. The demand grew dramatically from 305,148 in 1986 to 992,496 in 1990; the future demand is expected to be 800,000 lines annually. By the end of 2001, telephone density is expected to be 5 to 1 - five people per telephone. However, that does not mean telephones will be equally distributed in Thailand. In fact, they will concentrate in big cities where only a third of total population resides.


<table>
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<th>Phones per 100 people</th>
<th>Provinces # of Phones</th>
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<td>Year</td>
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**b) computers**

The use of computers has increased rapidly in the recent years, not only for private business but also in government and education. Due to the price of equipment has lower than in the past, so computers are popular among people.

<table>
<thead>
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<td>1994</td>
<td>1%</td>
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<td>1995</td>
<td>1%</td>
</tr>
<tr>
<td>1996</td>
<td>2%</td>
</tr>
<tr>
<td>1997</td>
<td>3%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% Living in household with computer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nationwide</td>
</tr>
<tr>
<td>Greater BKK</td>
</tr>
<tr>
<td>UP-C Urban</td>
</tr>
<tr>
<td>UP-C Rural</td>
</tr>
</tbody>
</table>

Source: AC Nielsen Thailand Limited Media Index 1997

**c) fax machines**

Fax machines are one of communication equipment that can be seen generally. Most of the fax machines usage are in domestic especially Bangkok and the big cities.
Table


<table>
<thead>
<tr>
<th>Year</th>
<th>Domestic bureaufax</th>
<th>International bureaufax</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Received</td>
<td>Sent</td>
</tr>
<tr>
<td>1991</td>
<td>30,258</td>
<td>31,658</td>
</tr>
<tr>
<td>1992</td>
<td>51,882</td>
<td>53,295</td>
</tr>
<tr>
<td>1993</td>
<td>63,709</td>
<td>65,027</td>
</tr>
<tr>
<td>1994</td>
<td>74,732</td>
<td>76,215</td>
</tr>
</tbody>
</table>

Unit: Page

Source: The Communication Authority of Thailand

**d) Internet**

Both commercial and non-commercial Internet providers have been established in Thailand. Commercial Internet service is provided by three companies: KSC ComNet, Loxinfo and Internet Thailand. Internet Thailand is a joint-venture company of CAT, the National Electronics and Computer Technology Centre and TOT. In February 1997, Internet charges were reduced by around 30 percent and CAT adopted a price ceiling, allowing Internet service providers to further lower their prices by a maximum of 40 percent. Individual subscribers are allowed to choose to pay for the service according to time, instead of the flat-rate charged in the past. Corporate users will be charged a more varied rate, depending upon factors such as access speed.

The reduction in charges is probably a move to encourage more people to subscribe to the service, as the number of Internet users in Thailand was still only 10,000 as of March 1997. The lack of growth in this area can also be attributed to the lack of basic infrastructure in the provinces. An Internet service with local call rates is available in only 20 provinces.

Acumen Co, a subsidiary of Jasmine International Plc, is joining KSC Commercial Internet Co in the provision of Internet service to remote areas, via satellite. Large organisations in remote areas, where telephone lines cannot be connected, will be targeted. Shinawatra has also begun work on a satellite-based Internet service.
(Draft) Information Highways: Policy and Regulation in Thailand

Table  Pricing models of ISPs in Thailand

<table>
<thead>
<tr>
<th>Names</th>
<th>Individual account (20hrs/month)</th>
<th>Leased line (64 Kpbs) for Corporate users</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Start-up</td>
<td>Monthly</td>
</tr>
<tr>
<td>A net</td>
<td>$29.96*</td>
<td>$3,600</td>
</tr>
<tr>
<td>Asia Access</td>
<td>31.96</td>
<td>NA</td>
</tr>
<tr>
<td>Asia Infonet</td>
<td>24($12 for students)</td>
<td>2,160</td>
</tr>
<tr>
<td>Idea Net</td>
<td>32</td>
<td>3,200</td>
</tr>
<tr>
<td>Line Thai</td>
<td>36</td>
<td>3,600</td>
</tr>
<tr>
<td>Info News</td>
<td>24(10hr)</td>
<td>3,600</td>
</tr>
<tr>
<td>Internet Thailand</td>
<td>36</td>
<td>3,600</td>
</tr>
<tr>
<td>Loxinfo</td>
<td>36</td>
<td>2,800</td>
</tr>
<tr>
<td>KSC Comnet</td>
<td>32</td>
<td>3,600</td>
</tr>
<tr>
<td>Siam Global Access</td>
<td>32</td>
<td>3,060</td>
</tr>
<tr>
<td>Samart Cybernet</td>
<td>32</td>
<td>NA</td>
</tr>
</tbody>
</table>

*n = Exchange rate = 1 USD = Bt 25


2.3 Basic data on Broadcasting

Radio and television broadcasting was initiated by the Thai Government in the 1920s and 1950s respectively. Ownership of radio and television stations rest generally in the hand of the state, principally under the supervision of the Public Relations Department (Prime Minister's office) and the Ministry of Defence. Some other Ministries such as the Ministry of Education also have radio channels.

In recent years, the State-owned stations have moved towards granting concessions to the private sector to produce and run programs. However, the scenario remains a State monopoly under various government agencies or state enterprise.

a) TV sets

The first television channel in Thailand was started in 1955. TV is the most popular advertising medium, and accounts for more than 50% of expenditure. There are six terrestrial stations broadcasting nationwide and all, with the exception of Channel 11 are commercial stations. Six terrestrial stations are Bangkok-Based National Stations; Thai TV Colour Channel 3, Army TV Colour Channel 5, Army TV Colour Channel 7, Thai TV Colour Channel 9, Television of Thailand Channel 11 (Corporate Ad&Social Contribution), and Independent Television (ITV) Channel 26. Channel 7 and Channel 3 are the most popular.

Besides six terrestrial stations, there are also Up-Country PRD (Government public Relations Department) Stations; Khonkaen TV Channel 4, Ubon TV Channel 4, Lampang
TV Channel 8, Pitsanuloke TV Channel 7, Surat TV Channel 7, and Haddyai TV Channel 10.

All Television channels in Thailand are government-owned, but Channel 3, 7, and 26 (ITV) are leased to private companies.

<table>
<thead>
<tr>
<th>Stations</th>
<th>Ownership</th>
<th>Leased to Stations</th>
<th>Broadcast hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Channel 3</td>
<td>The mass Communications Organisation of Thailand (MOT)</td>
<td>Bangkok Entertainment Co., Ltd.</td>
<td>05.30-02.00</td>
</tr>
<tr>
<td>Channel 5</td>
<td>Royal Thai Army</td>
<td></td>
<td>24 hours</td>
</tr>
<tr>
<td>Channel 7</td>
<td>Royal Thai Army</td>
<td>Bangkok Broadcasting &amp; TV Co., Ltd.</td>
<td>05.30-01.15</td>
</tr>
<tr>
<td>Channel 9</td>
<td>MOT</td>
<td></td>
<td>24 hours</td>
</tr>
<tr>
<td>Channel 11</td>
<td>The Government Public Relations Department</td>
<td></td>
<td>05.00-24.00</td>
</tr>
<tr>
<td>Channel 26</td>
<td>Siam Infotainment</td>
<td>Siam Infotainment</td>
<td>05.30-01.00</td>
</tr>
</tbody>
</table>

Source: Media pocket Guide 1998; Starcom Media Research.

Pay/Cable TV Pay/Cable TV is growing in popularity, particularly in Bangkok, where penetration is now 3% of TV household. IBC is the most of the three pay channels available. Of the 3 stations, IBC and Thai Sky are broadcasting via MMDs. UTV, the first fiber optic channel was established in 1995 with 8 channels. However, coverage is still limited to some specific areas in Bangkok. Advertising on Pay/Cable TV is accepted in program sponsorship, where the sponsor gets an announcement with the title at the beginning and end of the program and 10 seconds of logo on-screen. Rates vary according to channel and daypart.

Satellite TV Penetration of satellite TV is still low in Thailand due to the language restrictions and high cost of satellite dishes. Most satellite program available in Thailand are broadcast in English, Chinese, and Hindi. Star TV is the most popular satellite station. Advertising rates on Star TV start from Baht 5,000 up to Baht 7,000 depending upon channel and daypart.

b) radio sets

The first government radio station was set up in 1929. There are almost 500 radio stations in Thailand, of which 466 (both AM and FM) accept commercials. Among 466 stations, 282 are FM radio and 184 are AM radio. Radio is a popular medium amongst all audience groups, especially teenagers, of whom 50% listen to radio everyday. In Bangkok, there are 41 FM radio and 35 AM radio, the most popular station is FM 88.0 MHz. The quality of radio programming is improving and airtime must be booked 45 days before airing date.
2.4 Basic data on Mass media

The first printing press was introduced in Thailand during the first half of the nineteenth century by Western missionaries. For the very beginning, the print media were largely in private hands, and this has remained the case until today.

a) Newspaper

The spread of newspaper was evident in the second half of the nineteenth century; numerous newspaper, including dailies, appeared in Thai, English or Chinese during King Chulalongkorn's reign but most of them were short lived. A partial listing includes the Bangkok Daily Advertiser, the Siam Daily Advertiser, the daily Siam Observer, etc.

At present, much of the newspaper is in private hands. Although many of the laws could be used to restrict the freedom of expression. There are many newspaper in Thailand that can available in Thai, English, Chinese and Japanese. The daily papers booking deadline is 15 days before advertising date. The most popular of Thai Newspaper is Thai Rath and the most popular of English Newspaper is Bangkok Post.

b) Magazine

Many magazine titles are gone from the market due to the economic slowdown but women's and general magazines are still the most popular types of magazines in the market. The most popular of women's magazine is ELLE and teenage's magazine is ANGEL.

In Thailand, There many categories of magazines ie. women's, teenage, news and business, home & office decoration, sports, travel, automobile/motorcycle, entertainment, children, health care, electronic/computer, and general interest.
Chapter 3

Literature Review

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3.1 Telecommunications
   3.1.1 Books
   3.1.2 Articles & Documents

3.2 Communication Laws
   3.2.1 Books
   3.2.2 Article & Documents

3.1 Telecommunications

3.1.1 Books


KONGSUMRAN Rukboon, Thailand’s Liability under International Law Concerning Satellites, Thesis for Master Degree, (Bangkok: Faculty of Law, Chulalongkorn University, 1995)

PICHAYAKORN Bunditha, *Legal Framework on Direct Broadcasting Radio and Television through Satellite*, Thesis for Master Degree, (Bangkok: Faculty of Law, Chulalongkorn University, 1995)

PIVAWATTANAPANICH Prasit, *The Problem of Structures of State’s Liability Subject to International Law*, Thesis for Master Degree, (Bangkok: Faculty of Law, Thammasat University, 1995)

VONGWATTANAPIKUL Chalor, *Air Law 4th ed.* (Bangkok: Faculty of Law, Ramkumhang University, September, 1990)


3.1.2 Articles & Documents


Dr. Suwith VIBOONSATHE, *The Exploration of Natural Resources by Satellite*, Exploration of Natural Resources by Satellite Division, September 1995

Chinawatra Satellite Co., *Thai-Com HS – 376*, papers in seminar titled ‘Broadcasting in Thailand’ at National Queen Sirikit Convention Centre (copy) on 14 February 1994

Department of Fisheries, *Potential of Communications System for Better Standard of Living*, in ‘4 August National Communication 1994’


PINAINITISATH Nongluk, *Orbit and Launching of Satellites*, in ‘4 August National Communication 1994’


SAVATETAWAN Thanu, *Coordination of Satellite’s Frequency*, in ‘4 August National Communication 1994’

SUWANKITTI Chaliav, *Some Techniques in Telecommunication's Administration for Business*, in '4 August National Communication 1994


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Sompong SUCHARITKUL, *The benefits of space activities for Asian countries*, in *The Highways of Air and Outer Space over Asia*, 1992, pp. 259 - 282


THIRAWAT Jaturon, *Star War and International Law* (Report) (Bangkok: Faculty of Law, Thammasat University, 1987)


3.2 Communication Laws

3.2.1 Books

(Draft) Information Highways: Policy and Regulation in Thailand


SIRIYUVASAK Ubonrat, WISARUTPIT Worapot, WARANYO Wisanu and KLANURAK Mukmethin, *The Role of the State in Relation to the Mass Media* (Bangkok: Nititham Thammatiraj University, 1994) (2 Volumes)


SUPHDILOK Boonlert, *The Right to Communicate in Thailand*, (Bangkok: Thai Khadi Institute, Thammasat University, 1984)

TIENTAWORN Arnop, *A Compilation of Mass Media Laws* (Bangkok: Faculty of Communication Arts, Chulalongkorn University, 1979)

MINETRAKINETRA Bencha, SIRISAMPANDH Kasem and D. MITCHELL John, *Mass Communication Resources in Thailand* (Bangkok: Faculty of Social Administration, Thammasat University, 1965)


3.2.2 Articles & Document


Chapter 4
Law and Regulation related to Communication in Thailand

Content

4.1 Constitutional Provisions
   4.1.1 Section 40
   4.1.2 Section 78

4.2 Law and Regulation related to Telecommunication
   4.2.1 Telegraph and Telephone Acts of 1934
   4.2.2 Telephone Organization of Thailand Act of 1934
   4.2.3 The Communications Authority of Thailand Act 1976
   4.2.4 Radio Communications Act of 1955

4.3 Law and Regulation related to Broadcast
   4.3.1 Broadcast Act of 1955
   4.3.2 The Mass-communication Organization of Thailand Act of

4.4 Structural Organization of Telecommunication
   4.4.1 Policy Maker
   4.4.2 Planning Body
   4.4.3 Regulatory Body

4.5 Structural Organization of Broadcast
   4.5.1 Policy Maker
   4.5.2 Planning Body
   4.5.3 Regulatory Body

4.6 Legal Issues
   4.6.1 Legal issues arising out of the Internet
   4.6.2 Issues relating to Intellectual Property Rights
   4.6.3 Issues relating to the Unsolicited Broadcast of Television Programs by Multinational Satellite Broadcaster to the air Space of Thailand
4.1 Constitutional Provisions

The first Constitution of the Kingdom of Thailand was adopted in 1932. The fifteenth Constitution was promulgated in 1991 and prevailed until 1997. From 1991, the fifteenth Constitution was amended five times.

In 1997 a new Constitution was promulgated: sixteenth. Key provisions of the sixteenth Constitution relating to the national information infrastructure are Section 40 and 78 which will be clarified as follows:

4.1.1 Under Chapter III: Rights and Freedoms of the Thai People, Section 40 provides as follows:

"The frequency bands of radio, television and telecommunication are public resources and shall be used for public interest.

There will be an independent public establishment to allocate bands and to regulate the operation of radio, television and telecommunication as provided by law.

The operation under Paragraph 1 and 2 shall be regarded to the ultimate of public interest both in national and local level including to education, culture, national security and other public interests and fair competition as well".

This Section can be summarized as follows:

1. All frequency bands are public resources.
2. There will be the regulatory body to regulate communications activities.
3. All communications activities under this section shall be regarded to public interest and fair competition as well.

4.1.2 Under Chapter 5: Basic Policy of State, Section 78 provides as follows:

"The State shall ... provide the National Information Infrastructure which all Thai people as a whole can access equally and universally ..."

This Section can be summarized as follows:

1. The State shall provide the National Information Infrastructure.
2. The State shall have the national body and policy to guarantee the universal access of all Thai people as a whole to the National Information Infrastructure.

4.2 Law and Regulation related to Telecommunication

In Thailand all telecommunications activities are under the jurisdiction of the Ministry Transport and Communications. There are laws and regulations related to telecommunications as follows:
4.2.1 Telegraph and Telephone Acts of 1934

The objective and substance

This law is to provide the monopoly power in telecommunications services to the State (the Post and Telegraph Department).

Responsible organization

Ministry of Transport and Communications, Post and Telegraph Department, the Telephone Organization of Thailand, the Communications Authority of Thailand.

4.2.2 Telephone Organization of Thailand Act of 1934

The objective and substance

This law is to establish the Telephone Organization of Thailand and transfers the monopoly power in provision of services in domestic telephone from the Post and Telegraph Department to the Telephone Organization of Thailand.

Responsible organization

The Telephone Organisation of Thailand

4.2.3 The Communications Authority of Thailand Act 1976

The objective and substance

This law is to establish the Communications Authority of Thailand and transfers the monopoly power in provision of services in telecommunications, except domestic telephone, from the Post and Telegraph Department to the Communications Authority of Thailand.

Responsible organization

The Communications Authority of Thailand

4.2.4 Radio Communications Act of 1955

The objective and substance

This law is to provide the power of frequency management and radio communications licensing.

Responsible organization

The Post and Telegraph Department
4.3 Law and Regulation related to Broadcast

4.3.1 Broadcast Act of 1955

The objective and substance

This law is to provide the power of broadcasting radio and broadcasting television licensing.

Responsible organization

Public Relations Department

4.3.2 The Mass-communication Organization of Thailand Act of

The objective and substance

This law is to provide the service of broadcasting radio and broadcasting television in Thailand.

Responsible organization

The Mass-communication Organization of Thailand

4.4 Structural Organization of Telecommunication

Structural organization of telecommunications in Thailand can be categorised as follows:

4.4.1 Policy Maker

- The Cabinet: Responsible to the important national telecommunication policy.
- The National Economic and Social Development Board: Responsible to the telecommunications policy related to economic and social development.
- The Ministry of Transport and Communications: Responsible to the telecommunication policy related to both wireline and wireless.
- National Frequency Management Board: Responsible to the policy of frequency management.
- Post and Telegraph Department: Responsible to the radio communication policy.

4.4.2 Planning Body

- The National Economic and Social Development Board: the National Economic and Social Development Plan.
- The Ministry of Transport and Communications: the Communications Plan and Telecommunication Master Plan.
4.4.3 Regulatory Body

- The Ministry of Transport and Communications: Regulate under all related laws
- Post and Telegraph Department: Regulate under the Radio Communications Act of 1955, as amended
- The Telephone Organization of Thailand Board: Regulate the licensing under Telephone Organization of Thailand Act of 1934, as amended
- The Communication Authority of Thailand Board: Regulate the licensing under The Communications Authority of Thailand Act 1976

4.4.4 Operational Body

- The Telephone Organization of Thailand: Provide domestic telephone services
- The Communication Authority of Thailand: Provide telecommunication services

4.5 Structural Organisation of Broadcast

4.5.1 Policy Maker

- The Cabinet: Responsible for national policy
- The National Economic and Social Development Board: Responsible for National Economic and Social Development Policy
- The Office of Prime Minister: Responsible for related policy
- The Broadcasting Radio and Broadcasting Television Committee: Approval of television and radio station
- The Public Relations Department: Broadcasting Radio and Broadcasting Television Policy

4.5.2 Planning Body

- The National Economic and Social Development Board: National Economic and Social Development Plan
- The Public Relations Department: Development Plan
- The Mass Communication Organization of Thailand: State Enterprise Plan

4.5.3 Regulatory Body

- The Office of Prime Minister
- The Broadcasting Radio and Broadcasting Television Committee
- The Public Relations Department
- The Mass Communication Organization of Thailand
• Military Frequency Management Broad

4.5.4 Operational Body

• The Public Relations Department: Broadcasting radio and television services
• The Mass Communication Organization of Thailand: Broadcasting radio and television services
• Official organ and state enterprise: Broadcasting radio and television services

4.6 Legal Issues

4.6.1 Legal issues arising out of the Internet

- **Problems**: In Thailand, there always the problem related to the content of the Internet, e.g. defamation, obscenity, hate speech, money laundering and etc.

- **Laws**: There are traditional laws to use against the offences on the Internet as follows:
  1. **Civil and Commercial Code**: Title V Wrongful Acts, Section 420-437
  2. **Penal Code**: Title IX Offences relating Sexuality, Section 276-287
  3. **Title XI Offences against Liberty and Reputation, Chapter 3 Offences of Defamation, Section 326-333
  4. **CopyRight Act B.E. 2537, Section 6** provides that "The copyright work by virtue of this Act means a work of authorship in the form of literary, drama, artistic, musical, audiovisual, cinematographic, sound recording, sound and video broadcasting work or any other work in the literary, scientific or artistic domain whatever may be the mode or from of its expression".

  1. There are no specific internet laws in Thailand.

  2. The National Information Technology Committee chaired by the Prime Minister has initiated the "Information Technology Law Development Project" in which the six laws have to be studied and drafted e.g. Data Protection Law, Computer Crime Law, Electronic Data Interchange Law, Digital Signature Law, Electronic Funds Transfer Law and Bye Law of the Constitution Section 78 (To guarantee the universal access to the National Information Infrastructure).
Policy:

There is no policy in regulating the Internet in Thailand.

4.6.2 Issues relating to Intellectual Property Rights

Patent:

Because space activities have to use the very high technology which few countries have such capacities, the protection of patent in the space activities is not a major problem in Thailand.

Copyright:

1. Spill-over of Satellite Transmission

2. In case that the satellite transmit the signal out of the agreed area, the problem is whether the receiver of such signal who is not located in the agreed area is the copyright infringement.

3. In Thailand, there is no law to prohibit such infringement, because it will be difficult or impossible to enforcement. However there are proposal that a person who are direct receivers of such transmission shall not be deem an infringement of copyright. If such person receive such a transmission and provide to the public, such a person shall be deem to be an infringement of copyright E.g. The hotel A receive the satellite television signal that spill over from country B and provide such signal to the hotel guess in each room. The hotel owner shall be deem an infringement of copyright.

4. Linkage of Signal

5. In case of linkage of television signal between two satellites for the purpose to increase the program service, in Thailand, there are proposal that such a linkage should be infringe the copyright of the owner.

4.6.3 Issues relating to Unsolicited Broadcast of Television Programs by Multinational Satellite Broadcaster to the air Space of Thailand

(1) Sovereignty Principle

The broadcasting television and radio is under the authority of Thai Government. The unsolicited Broadcast of Television Programs by Multinational Satellite Broadcaster to the air Space of Thailand is contradicted to such principle.
(Draft) Information Highways: Policy and Regulation in Thailand

(2) Problem on the Interest of Advertisement
Under sovereignty principle, each state can supervise or control on the program of satellite radio or television originating in each state. In case that there are the penetration of Unsolicited Broadcast of Television Programs by Multinational Satellite Broadcaster to the air Space of Thailand, the question is who will pay the royalties and tax related to the interest of the advertisement to the responsible governmental body. There is no law to regulate such activities in Thailand. But there are always criticize in Thai society to such penetration and exploitation of unsolicited programs.

(3) Affect on Cinema Industry and Television Program Production
The unsolicited broadcast of television programs by multinational satellite broadcaster to the air space of Thailand directly and vehemently affect to Thai cinema industry and Thai television program production which every sector of Thai society is seeking the appropriate solution both in domestic and international levels.
Chapter 5
National Policy Related to Information Infrastructure in Thailand

There are two crucial policies related to National Information Infrastructure in Thailand which is the Master Plan for Telecommunication Development and IT 2000: Thailand National Information Technology Policy which will be summarize as follows:

5.1 Master Plan for Thailand Telecommunication Development

Executive Summary:

MASTER PLAN FOR THAILAND TELECOMMUNICATION DEVELOPMENT

According to the fast changes and continuity of telecommunication technology advance, telecommunication activities have been playing an important role on developing on both economic and social sector in Thailand. The applied information technology and computer are being used in telecommunications, came with the flow of cross-border liberalization of trade in services in the first half of 1990’s, it is indispensable for Thailand to aware of new forms of telecommunication businesses and other close-related businesses acknowledge.

The competitiveness of telecommunication activities in the regional or inter-continental markets is a challenge issue and should be significantly considered whether Thai businesses have a potential competitiveness so as to cope with such ways. At present, telecommunication activities have been still be monopolized by some state enterprises governing and responsible for them. In preparing Thailand for the new challenging, not only the development of intra-organizational level but the new era of widely - opened telecommunication businesses is the key factor to achieve the leading position in these field.

Gen. Chavalit Yongchaiyuth, the former Prime Minister, had declared the government’s policy to the Parliament at 11 December 1996, this message had been cited the most communication and transportation’s policy as follows: ‘...in urgent for having Thailand Telecommunication Development Master Plan and amending related laws accordingly.’ Then the Ministry of Transport and Communications had set up this Thailand Telecommunication Development Master Plan having the main objectives concerning telecommunication businesses as follows:

- Transform telecommunications business that monopolized by public sector and coordination between government and private sectors to competitive telecommunication business in both national and international level.
- Role of organization related to this master plan.
- Procedure to liberalisation and privatisation.
- Sufficient services and consumer protection.
- Development of Human resource, law related to telecommunications, R&D and promotion of telecommunication technology in addition to information and computer technology.
- Sustainable development of Thai telecommunication industries
- Enhancement of Thailand to be regional telecommunication centre.
This Master plan is the significant key to organize the new order for harmonizing Thailand’s communication business to international standards rule and improving for Thailand’s surrounding in the present and future time.

5.2 IT 2000: Thailand National Information Technology Policy

Executive Summary:

INFORMATION TECHNOLOGY AND NATIONAL DEVELOPMENT

Increasingly, information is more and more recognized as a major factor of production and wealth creation in the coming 21st century.

The far-reaching use of information technology (IT), as in computer, telephone, television, electronic mail, multimedia, on-line database, and a wide range of other related technologies, will alter significantly the way Thais live, work, learn, and entertain.

Not only will IT be instrumental in enhancing our competitiveness in business, industry, and international trades, but also in the hitherto much overlooked role as cost-effective means for social development. In other words, IT holds very promising potential to spread economic activity, democratic principle, wealth distribution, and social benefit provision such as education and healthcare across every region of the country.

Using wisely, IT can become an invaluable tool for:

- more equitable spread of wealth and opportunity to rural inhabitants
- promotion of national culture, social harmony, and democracy
- reversing labor migration, reducing traffic and pollution in major urban centers
- more even opportunity to personal development, healthcare and other public services
- conservation of natural resources and environment

in addition to supporting the development of the country into a regional hub for finance, manufacturing and trades, transportation, and tourism.

Equally importantly, it must be well recognized that IT is just a tool for achieving broader national objectives as mentioned. It is certainly not an end in itself. And if improperly developed and applied, IT can lead to ill consequences.

As an example, instead of bridging the gap between the rich and the poor, the rural and city residents, there could well be classes of “information haves” and “have-nots” which is likely to leave the rural population and the city-poor even further behind.
FROM VISIONS TO REALITY: THE KEYS TO SUCCESS

For turning the many opportunities into reality through wise application of IT, three fundamental prerequisites must necessarily be in place and function together:

- A National Information Infrastructure (NII)
- A Well-educated Populace and Adequate IT Manpower
- Good Governance with A Dare to Dream and A Resolve to Act

AGENDA #1: INVEST IN AN EQUITABLE INFORMATION INFRASTRUCTURE TO EMPOWER HUMAN ABILITY & ENHANCE LIFE QUALITY.

At the most basic level, we must have the physical infrastructure - the so-called superhighways and access roads - to transport information in the coming Information Age.

The most basic building block for a NII is the telephone service and the high-speed telecommunication backbone linking the entire nation.

Our current position with respect to the telecommunication backbone is in many ways better than many other countries.

Nonetheless, several key weaknesses remain to be tackled. Thailand now lags considerably behind when it comes to service quality, unmet demand, network utilization, and especially, the telecommunication regulatory regime. Moreover, the total number of computers and, in particular, data terminals is extremely low by any standard.

What is particularly worrisome is the question of universal service. A widely available and affordable basic telephone service is one important condition to effective rural development. Failing that, we will not derive the utmost benefits from all the mammoth NII investment already carried out, underway, or planned for. Worse still, it creates even larger barriers to the under-privileged and remote rural residents alike, while undermines the current drive to promote investments to outlying provinces of the country.

AGENDA #2: INVEST IN PEOPLE - BUILD A LITERATE POPULACE AND AN ADEQUATE INFORMATION TECHNOLOGY MANPOWER BASE

It is also very important that the NII be given valuable contents that are useful and attractive to most segments of society. Only that could attract a critical mass of active users, and derive the maximum benefits. Services and applications must necessarily be very simple or user-friendly, and information contents must meet local needs which to a large part have to be developed locally by a host of qualified professionals and specialists.

It also means the need for an adequate well-trained IT manpower stock to design, install, operate and maintain, in addition to helping other specialists in the development of useful and friendly application to ride on the NII.
Moreover, for the benefits to filter down to all segments of society, there must be a literate and well-educated population. Without that, the society as a whole could not be expected to be active generator and consumer of new knowledge and information.

The critical shortage of almost all types of technical and managerial manpower must be urgently eliminated. The greatest shortfall of all is in software and telecommunications engineers and technicians, in addition to the general literacy and mathematical proficiency of the population at large.

The current weakness in the provision of education and training could in part be corrected by the use of IT and NII, helping to provide opportunities otherwise denied to a large portion of society to learn at a time, place, and pace that suit each one's learning need. A School Informatization Program which equips all state schools and higher education institutions is seen as imperative. It will not only directly benefit students and teachers alike, but would also be instrumental for all sorts of adult continued education and training for skills upgrading and a more competent future work force.

AGENDA #3: INVEST FOR GOOD GOVERNANCE

The undertaking to develop IT must involve everyone in society, not least is the critical role of the government. The state must provide the prime moving force. It must conjure up visions of how to harness the fullest potentials of IT, as well as to prevent or reduce ill consequences arising naturally from changes brought about by the use of IT, or such risks as information disparity, personal privacy or cultural invasion, and so on.

The state must play the important role to encourage, promote, support, and coordinate the development, institutional, infrastructure, industry, or human resources. The state must function to remove critical obstacles. It must, itself, believe in and make full use of IT, to provide a role model to society.

But merely to invest in IT facilities and personnel is only a pre-condition. To achieve the likely full benefits, more rational work routines and new ways of working must be designed and introduced.

In the process, it will set good example as an IT user to the public. A society whose citizens can clearly perceive the benefits of IT will turn them into active users themselves.
THE WAY FORWARD: OUR RECOMMENDATIONS

1. Build an Equitable National Information Infrastructure

To open up new opportunity and equality for education and personal development, and to create a more open and equal access to basic public services, the following recommendations for an equitable NII proposed are:

1.1 Embark on a five-year rural communications expansion and modernization program.
1.2 Ensure a reasonable share of the benefits be given to the rural region in all future major communications projects.
1.3 Establish an independent telecommunications regulatory body.
1.4 Review and reform the existing telecommunications and other related acts.

2. Invest in People

To eliminate the current critical shortage of IT manpower at all levels as well as to meet the expected huge demand growth in future, and to fulfill the aspirations of all citizens for continue education and skills upgrading without regards to age, profession, distance, geography, or physical disability, the following recommendations are called for:

2.1 Implement a National School - Informatization Action Program.
2.2 Establish a National Interactive Multimedia Institute to oversee the development of educational courseware and application software.
2.3 Intensify IT manpower production at all levels.

3. Enhance Government Services and Forge a Strong Information Industry

To seize and make fuller use of new opportunities offered by IT by all public agencies through government reengineering so as to provide efficient and effective social services to all citizens at reduced economic and social costs, and to provide full supports in particular to SMEs everywhere for a strong and thriving local information industry, appropriate policy recommendations are:

3.1 Launch a Nationwide Government Informatization Program.
3.2 Make IT planning an integral part of the annual government budgeting exercise and IT policy research an on-going effort.
3.3 Support the development of a strong local information industry.
3.4 Promote and support electronic means for citizens and businesses to interact or trade with government, or among themselves, or with the world community.
Conclusion

As a developing country, Thailand has to hasten to develop its own information infrastructure to facilitate the progress of its own economics. Although the laws and regulations in Thailand shall provide the monopoly power to the state authorities in the provision of information infrastructure, there are the continuous endeavors to try to liberalize such activities. The first progress in liberalization of telecommunications and communications operation in Thailand starts from the new Constitution Art. 40 provided the new concept and new organization to regulate such activities. And the new Constitution Section 78 as well provides the state to ensure the nationwide universal access to national information infrastructure for all Thai people. In the near future, we hope that such an endeavor shall be fruitful. However the invasion of western culture come with the high technology media such as satellite is the major concerns in Thailand. To cope with such problems, the close cooperation in the region is the most appropriate method to sustain the identity of Thailand and the region as a whole.
Bibliography


Post and Telegraph Department, *Post and Telegraph Department Annual report*, 1995


The Asia-Pacific Telecommunity, *The APT Yearbook 1998*
Appendixes

1. Telegraph and Telephone Act of 1934 (unofficial translation)
2. Radio Communications Act of 1955 (unofficial translation)
3. Communications Authority of Thailand Act of 1976 (unofficial translation)
7.1 Telegraph and Telephone Act of 1934

[ROYAL GARUDA EMBLEM]

TELEGRAPH AND TELEPHONE ACTS OF 1934

HRH Narisara Nuvadivongsa, the King’s Emissary
(by His Majesty’s Command dated January 11, 1933)

King Rama the VII has declared:

By the proposal of the parliament, due to the improvement in the country’s commercial posture: There should be a revision and modernization in the legislation concerning telegraph and telephone which is still in use for the convenience of the public.

Therefore, by His Royal decree, signed into law by the proposal of the parliament.

FOREWARD

Section 1
This legislation is named “Telegraph and Telephone Acts of 1934.”

Section 2
Effective on the day of declaration in His Majesty’s service.

Section 3
Supersedes the telegraph law dated 1884 and or any other law, legislation or legality that is in conflict with this law.1

Chapter 1
DEFINITIONS

Section 4
In this legislation:

1 “Telegraph and Telephone Devices” means the devices or apparatus for telegraph and telephone which use electricity, including the devices or apparatus or sending or operating telegraph, telephone and or other means of communication using electricity.

1 Section 3 of the legislation for Telegraph and Telephone (Number 2) dated 1974, add the following:

Section 3.1 This legislation is for construction or maintenance of telephone and not for any activities of the Ministry of Defense which are used for military purposes only.

In the occasion that the Ministry of Defense desires to use the communication facilities with the telephone networks of the Telephone Organization of Thailand, the Ministry of Defense must have a prior agreement with the Telephone Organization of Thailand.
2 "Telegrapher and or employee of" means a person who is a permanent or temporary employee who is working for or about telegraph for the government to construct, repair or maintain telegraph equipment.

3 "Telephone employee" means a person who is a permanent or temporary employee who is working for or about telephones for the government to construct, repair or maintain telephone equipment.

4 "Message" means any information that is sent via telegraph or telephone or by giving information to the person who is operating the telephone or telegraph for the purpose of sending messages.

5 "Telegram" means any message intended to send via telegraph.

6 "Telegraph wire" or "Telephone wire" means the wire or cable in use for telegraph or telephone transmission, including the sheathing that houses the electrical conduit by which the communication is propagated, or any physical infrastructure thereunto connected.

7 "Pole" means a post, a pole or other supporting device that is constructed to support, hang, pull or for the purpose of suspending the means of the telegraph and telephone transmission.

8 "Officer in Charge of Telegraph" means an officer who is in charge of the communication at that time, including any person who has authority to execute all or part of duty.

9 "Officer in Charge of Telephone" means an officer who is in charge of the telephone at that time, including any person who has authority to execute all or part of duty as stated by laws.

10 "Minister" means a person who has the authority for the Department of Postal and Telegraph.

11 "Director" means a director of the department of Postal and Telegraph, a representative or an officer in charge of the director of the Department of Postal and Telegraph.

12 "Department" means the Department of Postal and Telegraph.

13 "Telegraph Station" or "Telephone Station" means the buildings, offices, rooms, automobiles or places that are in use operating a telegraph or telephone.

14 "International Telecommunication" means any laws, commands, announcements or proclamations concerning telegraph in general according to Thai law or international law.
Chapter 2
MONOPOLISTIC ENTERPRISE

Section 5

The government has absolute authority for the construction of the stations of telegraph and telephone in the kingdom.

This authority belongs entirely to the Department of Postal and Telegraph.

Section 6

Within Siam Kingdom, the Department of Postal and Telegraph is the only entity that can execute the following:

1. Construction, repair and/or maintenance of offices or stations anywhere that is approved by Minister.

2. To set up a pole and suspend wire or underground cables or underwater cables or any activities for telecommunications or telephone.

3. Accept, receive, send or transmit messages and other activities concerning telegraph and telephone according to rules and regulations.

Section 7

The director may give a license or authorize someone to construct, repair or maintain any telephone and telegraph, anywhere within the kingdom for personal use in which the fee and conditions are approved by the director.

Section 8

The director reserves the right to cancel a license mentioned in Section 7 whenever there is a breach of contract and or missing the payments or fee or premium for the license.

Section 9

In the situation that country in under martial law, or during a war, the person in charge or any officer who is appointed from the minister to represent may:

a. temporarily be in charge of any devices of telegraph or telephone in which the previous administration or authority has authorized.

b. give a command about any message or information from or to any person or people concerning a particular message to send to or from or receive by any telegraph device which is forbidden to send or to stop or to report to the government or to the officer in charge which mentioned in the command.
Section 10

When it is believed that such a message is constructed to deceive or mislead or to perpetrate any illegality, the telegraphist may:

a. stop the message and immediately report to the minister for further action.

b. send the message but send a copy of the message to an officer of law enforcement.

Section 11

This section authorizes the director to compile international telegraph rules and regulations for use with this law. The director reserves the right to change or edit or cancel. When it is approved by the minister, the provisions herein take effect.

Section 12

The government will not take any responsibility in the event of loss or damage that may occur during the use of the telegraph or the failure on the part of operator in sending or receiving and that particular operator shall not be responsible for the loss of or damage to the communication, unless such loss or damage results from fraud, malfeasance or negligence on the part of the operator.

Section 13

The government will not take any responsibility in the case of loss or damage as a result of failure of the devices or apparatus or any error by the operator. The particular operator will not take any responsibility for the loss or damage unless such loss or damage results from personal malfeasance, fraud or negligence.

Chapter 3

AUTHORIZATION TO CONSTRUCT AND SUSPEND TELEGRAPH AND TELEPHONE WIRE

Section 14

The department has authority to construct, suspend and maintain telegraph and telephone wire to any direction, any place but:

a. The department may not use its authority according to this section except the only said telegraph and telephone in which the department had already constructed or maintained

b. In order to use the authority, the department must try to maintain at the least expense. When the department must use the authority to execute for any function, the department must compensate the full value to the person or persons for the loss.
Section 15

A representative of the company may enter into any residence or establishment which contains telephone or telegraph wires anywhere or anytime by permission from the owners or proprietors or tenants for inspection, repair, exchange or cancellation of this telegraph or telephone.

Section 16

(1) If anyone opposes the use of section 14, the sheriff’s department will enforce the execution of this authority.

(2) In the case of a disagreement over the value of compensation due under section 14, the two parties will select representatives and, within three months, the representatives will reach agreement regarding compensation due. If one party is unable to find a representative, the party already represented may ask the court to appoint a representative for the unrepresented party.

If these two representatives are unable to agree as to the value of compensation due, they may agree to an arbitrator who may execute a judgment as to compensation due. However, this arbitrator must make a judgment as to the claim that the most merit. If the arbitrator is unable to bring an agreement, the matter must go to court.

Section 17

Any disagreement that may occur between the authority of the department or the owner of the land from Verse 1-4 in Section 1352 of the commercial law must reach agreement by arbitration as mentioned in Section 16.

Section 18

If there is a tree near the telegraph or telephone pole, and it is inconvenient for the use of such poles, the department shall have the authority to remove or trim such a tree at the department’s convenience.

If the tree is there before the pole is constructed, the department must compensate the owner of the tree. If the tree’s owner is no satisfied with such compensation, he may appeal to the minister for final action.

Section 19

Any direction that the wire already constructed take (North, South, East or West, etc.) before this law take effect is acceptable under this law.

Section 20

It is forbidden for anyone to suspend, hang or otherwise append an electrical wire from any telephone or telegraph pole without prior special permission from the department.
Chapter 4

PENALTIES

Section 21

If the sheriff’s department has the order (according to Section 16 (1)), whoever may oppose the officer executing this authority is committing an offense under law according to Section 119 and Section 120 of Criminal Law.

Section 22

Anyone constructing, repairing or maintaining the devices of the telegraph or telephone without permission or license mentioned in Section 7 or suspend and electrical wire without permission or license according to Section 20 or committing an offense under law shall be liable to a sentence of 6 months in prison or a fine of 500 Baht or both or a fine not to exceed 200 Baht per week until the matter is resolved to the department satisfaction.

Section 23

Anyone who is aware or has knowledge of a person whose activities are in contravention of this law, sending message by telegraph or telephone is committing an offense under law, and shall be liable for a fine of 500 Baht.

Section 24

Anyone who intentionally intercepts a message illegally is committing an offense under law, shall be liable to a 6 months in prison or a fine not to exceed 500 Baht or both.

Section 25

Anyone giving codes or messages concerning telegraph or telephone to a person or persons which has no right or authority to know in all or part is committing an offense under law, and shall be liable to a sentence of 1 year in prison or a fine not exceed 1,000 Baht or both.

Section 26

Any employee of the department, sending messages for which a fee has not been paid due to the personal fraud of the person sending the messages is committing an offense under law, and shall be liable to a sentence of 3 years in prison or a fine not exceed 2,000 Baht or both.

Section 27

Any employee of the department or anyone who has official duty with any station or office of the telegraph and telephone and has intention to delay a message or to send an incorrect message, that person is committing an offense under law, and shall be liable to a sentence of 15 days or a fine not exceed 50 Baht or both.
Section 28

Anyone sending or authorized to send telegraph or telephone who send a message that is known to be false, which message may cause damage to the public or to someone, that person is committing an offense under law, and shall be liable to a sentence of 3 years in prison or a fine not exceed 2,000 Baht or both.

Section 29

Anyone who is engaged in fraudulent activity in receiving, hiding or withholding a message from its intended recipient(s), that person is committing an offense under law, and shall be liable to a sentence not exceed 2 years or a fine not exceed 1,000 Baht or both.

Section 30

Anyone writing, drawing, carving or posting any signs on the telegraph or telephone poles without permission, shall be liable to a fine not exceed 50 Baht.

Section 31

Anyone who climbs up the pole which is part of the telegraph or telephone or uses the post without permission, shall be liable to a fine not exceed 50 Baht.

Section 32

Anyone removing or erasing without permission, any announcement concerning telegraph or telephone or the pole or any apparatus for the purpose of telegraph or telephone, shall be liable to a fine not exceed 100 Baht.

Section 33

Anyone who playing with a kite which may cause damage to the line, or may be negligent to let part of the kite tangle up the wire, that person is committing an offense under law, shall be liable to a fine not exceed 100 Baht.

Section 34

Anyone who ties a buffalo, an ox, an elephant, a horse, a donkey or any kind of animal or a boat or a houseboat or a fishing net to the telegraph or telephone pole, shall be liable to a fine not exceed 100 Baht.

Section 35

Anyone throwing a rock or a hard object or dirty soil or shot with a gun or any tool to the pole, shall be liable to a fine not exceed 100 Baht.
Section 36

Anyone opposing and or committing an offense under the legislation in Section 39, shall be liable to a fine not exceed 500 Baht and if the person is continually committing offenses the law, he shall be fined daily 100 Baht until the matter is resolved.

Section 37

When the offender is fined for whatever the offense, if the plaintiff has compromised, the court may divide the fine in half among the 2 parties.

Section 38

No judgment against on offender shall be entered until the matter is decided by the court. Before the court renders a final judgment, the two parties can reach agreement for the matter to be resolved.
it is now deemed expedient to review these laws and regroup them into one and to enact separate legislation applicable to radio and television broadcasting.

Rates for Fees

1. License for making, importing or owning radio communications devices 50 Baht
2. License for exporting radio communications devices 20 Baht
3. License for using radio communications devices 100 Baht
4. License for installing a radio communications station 1000 Baht
5. Radio communications device operator license 50 Baht
6. License to receive radio communication news broadcast from abroad for the purpose of dissemination to the public 100 Baht
7. Certification issued in lieu of a license 20 Baht
Section 28

All licenses and certificates issued in accordance with the laws governing radio transmissions prior to the date of promulgation of this present Act, shall remain valid until their respective expiration dates.

Section 29

The Minister of Communications shall enforce this Act and is empowered to appoint licensing officers and issue ministerial regulations.

(1) To establish procedures for application for and issuing licenses.

(2) To determine procedures for the revocation and suspension of licenses.

(3) To determine rates for fees not in excess of those rates appended to this Act.

(4) To establish characteristic requirements applicable to radio communication devices and qualification requirements for radio communications operators.

(5) To regulate any other affairs in view of compliance to this Act.

These ministerial regulations shall become effective following their publication in the Government Gazette.

Countersigned by:

Marshall P. Piboolsongkram

Prime Minister

(72 GG. 208, Section 11, dated February 8, A.D. 1945)

REMARKS: - The reason for the promulgation of this Act is: As a result of the Government’s endeavor to modernize and develop radio communications, laws governing radio communications have been enacted and incorporated into the legislation concerning radio transmissions. These law have been amended and supplemented already six times and
Section 20

The Government shall not be held responsible for any damages suffered due to inconveniences arising from the use of the Government’s radio communications devices and shall not, in any way, bear any responsibility with regards to receiving, sending or delivering news through radio communications.

Section 21

The licensing officer shall have the power to inflict penalties for violations of this Act.

Section 22

Whenever a judgement has been rendered against a violator of this Act, the Court may also order that the equipment used in committing the violation be confiscated and ceded to the Post and Telegraph Department and be used by said Department in the conduct of its affairs.

Section 23

Any person violating Section 6 or Section 16 shall be held be punishable by a fine not to exceed ten thousand Baht or by an imprisonment not to exceed five years, or both.

Section 24

In cases where Section 12 or Section 13 have been violated, the person in control of the radio communications station or the person controlling the radio communications device(s) and those individuals who have taken part in the violation shall be held to be punishable by a fine not to exceed five thousand Baht or by an imprisonment not to exceed two years, or both.

Section 25

Anyone violating Section 7, Section 8, or Section 17 shall be held to be punishable by a fine not to exceed five thousand Baht or by an imprisonment not to exceed two years, or both.

Section 26

Anyone willfully creating an interference or willfully obstructing radio communications shall be held to be punishable by a fine not to exceed ten thousand Baht or by an imprisonment not to exceed five years, or both.

Section 27

Anyone violating orders from by the licensing officer, or from anyone to whom authority has been delegated in accordance with the provisions of Section 15, shall be held to be punishable by a fine not to exceed five thousand Baht or by an imprisonment not to exceed two years, or both.
empowering competent officials to confiscate, use, prohibit the use or prohibit the relocation of radio communication devices, or any parts thereof, within the time and under the conditions specified in said orders.

Section 15

Whenever anyone causes an interference or unintentionally obstructs radio communications, the licensing officer, or any delegated competent official, shall have the power to order that individual to cease his activity or to modify the equipment used in that activity or to relocate said equipment out of the area in which the interference is being caused.

Section 16

It is prohibited for anyone to transmit, or arrange for the transmission of, any subject matter which he/she knows to be untrue or any other subject matter which has not been authorized by a competent official and which may be harmful to the nation and to the population.

Section 17

It is forbidden for anyone to receive clandestinely, to seek profit from or to divulge illegally any news received through radio communications which are not intended for the public well-being or which may be harmful to the nation and to the population.

Section 18

For the purpose of inspecting radio communication devices, component parts of radio communication devices, radio communication stations, causes of interference or of obstructions to radio communications, or of verification of licenses, the licensing officer, or any delegated competent official, shall have the power to enter the premises or any vehicle at the time deemed to be expedient.

Section 19

In the event that the licensee should violate the provisions of the Act, the ministerial regulations issued in accordance with this Act, or the conditions set forth in the license, the licensing officer, or any delegated competent official, shall have the power to revocation or suspension of that person’s license.

The licensee may file an appeal with the Direct-General of the Post and Telegraph Department within thirty days, beginning from the date upon which the license was revoked or suspended. The Decision of the Direct-General of the Post and Telegraph Department shall be final.
Radio communications device operator's licenses shall be valid for a period of three year, effective from the date of issue.

Licenses to receive a radio communications news from abroad for the purpose of dissemination to the public shall be valid for a period of one year, effective from the date of issue.

Section 10

The Minister shall have the power to issue special licenses to individuals for the purpose of installing aeronautical radio communication station beneficial specifically to the safety of civilian aviation. When issuing such special licenses, the Minister may impose certain conditions.

The recipient of such a license, shall be bound to abide by the conditions imposed by the Minister.

Section 11

A radio communications station shall use the correct wave frequency in accordance with the regulations concerning radio communications set forth in the Appendix to the International Telecommunications Convention.

In order to ensure compliance with these regulations, the Director-General of the Post the Telegraph Department, or any person delegated by him. Shall have the authority to determine the wave frequencies used by the various radio communications stations.

Section 12

It is prohibited for radio communication stations to render services in the field of radio communications for any purpose other than those specified in the license or beyond the official duties of the ministry, department or government organization or beyond the affairs of a juristic person as defined in Section 5.

Section 13

It is prohibited for any vehicle to use a radio communication device in any other way other than those specified by ministerial regulations or unless a special temporary permit has been obtained from the Minister of Communications.

Section 14

In order to preserve peace and order among the population of in order to ensure the defense of the Kingdom, the Minister of Communications shall issue provisional orders
The original provisions of Section 5 have been repealed and replaced by the provisions of Section 3 of the Radio Communications Act (Number 2) of A.D.1961, as follows:

"Section 5  This Act, except for Section 11 and Section 12, shall not be enforced against

(1) government ministries, departments or other organizations.

(2) juristic persons, as defined by ministerial regulations.

Section 6

No one shall manufacture, possess, use, import or export radio communications devices, or any parts thereof, unless he/she has been granted permission by a licensing officer.

Section 7

It is prohibited for anyone to perform the duties of a radio communications operators, as defined by ministerial regulations, unless approval has been obtained from the licensing officer.

Section 8

It is prohibited for anyone to receive radio communication news broadcast from abroad for the purpose of dissemination to the public, unless approval has been obtained from the licensing officer.

Section 9

Licenses issued in pursuance to this Act shall be valid for the following periods of time:

(1) Licenses to manufacture or licenses to import shall be valid for a period of one hundred and eighty days, effective from the date of issue.

(2) Licenses to possess or licenses to use shall be valid until December 31 of the year of issue.

(3) Licenses to export shall be valid for a period of thirty days, effective from the date of issue.

(4) Licenses to install a radio communications station shall be valid for a period of one year, effective from the date of issue.
Section 4

In this Act

“hertzian wave” shall refer to an electro-magnetic wave having a frequency between 10 kilocycles per second and 30,000 megacycles per second.

“radio communication” shall refer to the sending or receiving of signals, letters, images and sound or any other the meaning of which can be understood, by means of hertzian waves.

“radio communications device” shall refer to a radio communications transmitting device, a radio communications receiving device or a radio communications transmitting and receiving device, but shall not include radio broadcast receivers and television receivers.

“radio communication operator” shall refer to the user of a radio communications device.

“radio transmission station” shall refer to a location where radio communications are sent, a location where radio communications are received or a location where radio communications are sent and received.

“manufacturing” shall refer altogether to assembling, transforming or restoring.

“importing” shall refer to bringing into the Kingdom.

“exporting” shall refer to removing from the Kingdom.

“licensing officer” shall refer to an official appointed by the Minister in accordance with this Act.

“Minister” shall refer to the minister in charge of executing this Act.

Section 5

This Act, with the exception of Section 11 and Section 12, shall not be enforced against

1. The Post and Telegraph Department
2. The Ministry of Public Relations
3. The Ministry of Defense
4. Government ministries, departments or other organizations and juristic persons, as defined by ministerial regulations.
(Draft) Information Highways: Policy and Regulation in Thailand

7.2 Radio Communications Act of 1955

THE RADIO COMMUNICATIONS ACT OF A.D. 1955

HIS MAJESTY THE KING, BHUMIBOL ADUYYADEJ
Given on the 22nd Day of January B.E. 2498 (A.D. 1955)
In the 10th Year of the Present Reign

His Majesty the King, Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend and supplement the legislation governing radio transmissions;

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the Assembly of Representatives, as follows:

Section 1
This Act shall be called the “Radio Communications Act of A.D. 1955”.

Section 2
This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3
Shall be repealed:

(a) The Radio Transmissions Act of B.E. 2478 (A.D. 1935)
(b) The Radio Transmissions Act (Number 2) of B.E. 2481 (A.D. 1938)
(c) The Radio Transmissions Act (Number 3) of B.E. 2483 (A.D. 1940)
(d) The Radio Transmissions Act (Number 4) of B.E. 2485 (A.D. 1942)
(e) The Radio Transmissions Act (Number 5) of B.E. 2491 (A.D. 1948)
(f) The Radio Transmissions Act (Number 6) of B.E. 2497 (A.D. 1954)
(g) All laws, rules and other regulations in the portions already prescribed of this Act or which are contrary to or inconsistent with the provisions of this Act.
THE RADIO COMMUNICATIONS ACT (NUMBER 2) OF A.D. 1961

HIS MAJESTY THE KING, BHUMIBOL ADUYADEJ
Given on the 27th Day of January B.E. 2504 (A.D. 1961)
In the 16th Year of the Present Reign

His Majesty the King, Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend and supplement the legislation governing radio communications;

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the Constituent Assembly with the status of Parliament, as follows:

Section 1

This Act shall be called the “Radio Communications Act (Number 2) OF A.D. 1961.”

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

Section 5 of the Radio Communications Act of A.D. 1955 is repealed and shall be replaced by:

“Section 5 This Act, except for Section 11 and Section 12, shall not be enforced against

(1) government ministries, departments or other organizations.

(2) juristic persons, as defined by ministerial regulations.

Countersigned by:

Marshall T. Kittikachorn

Prime Minister
7.3 Communications Authority of Thailand Act of 1976

[ROYAL GARUDA EMBLEM]

Communications Authority of Thailand Act
B.E. 2519 [1976]

HIS MAJESTY THE KING, BHUMIBOL ADULYADEJ
Given on the 21st Day of September B.E. 2519;
Being the 31st Year of the Present Reign.

His majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to establish the Communications Authority of Thailand;

Be it therefore, enacted by the King, by and with the advice and consent of
National Assembly as follow:

Section 1. This Act is called the "communications Authority of Thailand Act, B.E. 2519".

Section 2. This Act is shall come into force as from the day following the date of its
publication in Government Gazette except the provisions of section 4, section 12 and
section 13 which shall come into force upon the publication of the Notification of the
Minister in Government Gazette, which must not be later than one hundred and fifty days
from the date this Act comes into force.

Section 3. Subject to section 12, the Postal Fund Act,
B.E. 2504 shall be repealed.

Section 4. The Post Office Act, B.E. 2477, the Telegraph and Telephone Act, B.E.
2477 rules and regulations issued pursuant thereto in so far as they are they are concerned
with the postal and telecommunications service shall continue to be in force in so far as
they are not contrary to or inconsistent with the provisions of this Act.

For the purpose of applying the said Acts, rules and regulations as specified in
paragraph one, certain words contained therein shall have the following meanings.

(1) In the Post Office Act, B.E. 2477:
The words "Department" and "Post and Telegraph Department" in section 5,
section 6, section 7, section 8, section29, section 30, section 31, section 32, section 34,
section 35, section36, section 43, section 50, section 52, section 53, section 55, section61,
section 67, section 69, section 74, section 75, section 76, section79, and section 81 shall
mean the "Communications Authority of Thailand".

The word "Department" in section 54 shall mean the "Governor"
The word "Minister" in section 22 shall mean the "Board".

The word "Director-General" in section 9, section 11, section 17, section 21, section 27, section 33, section 35 and section 51 shall mean the "Board".

The word "Director-General" in section 12, section 22, section 25, section 36, section 40, section 42, section 48, section 73 and section 78 shall mean the "Governor".

The words "official", "competent official" and "postal officer" shall mean the "officials".

(2) In the Telegraph and Telephone Act, B.E. 2477:

The words "Department" and "Post and Telegraph Department" in section 5, section 6, section 14, section 17, section 18, section 19, section 20, and section 38, shall mean the "Communications Authority of Thailand".

The word "Government" in section 12 and section 13 shall mean the "Communications Authority of Thailand".

The word "Minister" in section 11 shall mean the "Board".

The word "Director-General" in section 7 and section 8 shall mean the "Governor with the approval of the Board".

The word "Director-General" in section 11 shall mean the "Governor".

The word "official", "Telegraph officer", "telephone official", "telegraph official" and "telephone official" shall mean the "officials".

Section 5. In this Act:

"Communications Authority of Thailand" means the Communications Authority of Thailand established under this Act;

"employee" mean an employee of Communications Authority of Thailand;

"official" means an official of the Communications Authority of Thailand;

"Governor" means the Governor of the Communications Authority of Thailand;

"Board" means the board of Communications Authority of Thailand;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 6. The Minister of Communications shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations for the execution of this Act.
Such Ministerial Regulations shall come into force upon their publication in the
Government Gazette.

CHAPTER I
Establishment, Capital and Reserves

Section 7. There shall be established the "Communications Authority of Thailand"
having the objectives to operate and improve the activities of the post and
telecommunications for the benefits of the State and the public and to carry the business in
connection with the activities of the post and telecommunications and other closely
connected activities or those which are beneficial to the activities of the post and
telecommunications, except those specifically prescribed by laws to be within the powers
and duties of other juristic persons.

Section 8. The Communications Authority of Thailand shall be a juristic person.

Section 9. The Communications Authority of Thailand shall establish its head office
in the Bangkok Metropolis and may establish a branch office or agent at any other place
within or outside the Kingdom shall require prior approval of the Minister.

Section 10. The Communications Authority of Thailand shall have the power to
carry out various activities within the scope of its objectives under section 7 and such
power shall include following:

(1) to have ownership, possess land and other properties, have the real right,
construct, buy hire, let, sell by hires-purchase, borrow, lend, procure, dispose of, exchange,
transfer and accept transfer of land, properties or rights, accept property donated thereto,
and to proceed in connection with the equipment and facilities necessary for the activities
of the post and telecommunications;

(2) to provide various post and telecommunications services;

(3) to prescribe rate of fees, rents and various business and service charges of the
post and telecommunications and lay down rules in connection with payment thereof;

(4) to lay down safety rules for the use of post and telecommunication services and
facilities;

(5) to borrow, overdraw bank accounts, issue bonds or other instruments for
investment, lend money with surety or securities;

(6) to participate in joint venture for benefit of the activities of the Communications
Authority of Thailand, as well as to become partner or shareholder of a partnership or
juristic person.

Section 11. The capital of the Communications Authority of Thailand consists of:

(1) initial capital under section 12;
Section 12. The entire postal fund under the Postal Fund Act, B.E. 2504 including rights, duties and obligations shall be transferred to the Communications Authority of Thailand on the day this section comes into force except the postal fund allocated as expenditure for the fiscal year B.E. 2520 for the office of the Secretary, International Communications Division, Planning Division and the Office of Frequency Management of Post and Telegraph Department.

The Postal Fund Act, B.E.2504 shall continue to be in force for the postal fund not transferred to the Communications Authority of Thailand under paragraph one until the end of the fiscal year B.E.2520.

The postal fund under paragraph two which still remains at the end of the fiscal year B.E. 2520 shall be remitted to the Treasury under the law on budgetary procedures.

Section 13. All activities, properties, liabilities, officials and employee of the Post and Telegraph Department other than those under the Office of the Secretary, International Communications Division, Planning Division and the office of Frequency Management shall be transferred to the Communications Authority of Thailand.

Section 14. The properties of the Communications Authority of Thailand which are used for operation and for the efficiency of the post and telecommunications for the public shall not be subject to the execution of judgment.

Section 15. The Chairman, Vice-Chairman, Directors, Governor and officials shall be competent officials under the Penal Code.

Section 16. The Communications Authority of Thailand shall acquire the rights and duties prescribed by laws as those of the Post and Telegraph Department in so far as the post and telecommunications services and operation are concerned.

Section 17. The Communications Authority of Thailand shall be exempted from the payment of taxes and duties under the Revenue Code.

Section 18. The reserves of the Communications Authority of Thailand shall consist of ordinary reserves for contingencies, reserves for repayment of debts and reserves for other specific purposes as Board may determine appropriate.

Section 19. The ordinary reserves may be expended only by the resolution of the Board with the approval of the Minister.

Section 20. The Communications Authority of Thailand shall, subject to the approval of the Board, open an account with the Bank of Thailand or other banks in accordance with regulations of the Ministry of Finance.
Chapter II
Supervision, Control and Management

Section 21. The Minister shall have the powers and duties to exercise general control over the affairs of the Communications Authority of Thailand and, for this purpose, has the power to summon the Chairman, Vice-Chairman, Directors, Governor, officials, or employees to give explanation and furnish statement of facts and opinions or to submit reports.

Section 22. The matter which are required to be submitted to the Council of Ministers under this Act shall be submitted by the Minister.

Section 23. There shall be a Board of the Communications Authority of Thailand called “Board of the Communications Authority of Thailand” consisting of a Chairman, vice-Chairman and not less than five but not more than seven other Directors including the Governor who is ex officio Director.

The Directors shall be one having knowledge and experience in postal business, one in telecommunications, one in economics, one in law and one in business administration.

Section 24. The Council of Ministers shall appoint the Chairman, Vice-Chairman and Directors of the Communications Authority of Thailand.

Section 25. The Chairman, Vice-Chairman and Directors must possess the qualifications under (1) and (2) and must not be under the prohibitions under (3), (4), (5), (6) and (7) as follows:

1. being of Thai nationality;
2. being over sixty-five years of age;
3. being or having been a bankrupt;
4. having been imprisoned by a final judgment to imprisonment except for an offence committed through negligence or a petty offence;
5. being a political official or holding a political position;
6. being an executive member or official of a political party;
7. having direct or indirect interest in any contract with the Communication Authority of Thailand or in any business done for the Communication Authority of Thailand.
Section 26. The appointed Chairman, Vice-Chairman and Directors shall hold office for a term of three years. In case of new or additional appointment, the appointee shall hold office only for the remaining term of the members already appointed.

Upon the expiration of the term under paragraph one, if new members have not yet been appointed, the Chairman, Vice-Chairman and Directors whose terms of office have expired shall remain in office until the new Board assumes office.

The Chairman, Vice-Chairman and Directors who vacate office at the end of term may be reappointed.

Section 27. The Chairman, Vice-Chairman and Directors shall vacate office before the end of term under section 26 upon:

1. death;
2. resignation;
3. removal by the Council of Ministers;
4. being an incompetent or quasi-incompetent person;
5. being absent from more than Three consecutive Board meeting without justification;
6. lacking any qualification or being under any prohibition under section 26.

Section 28. The Council of Ministers shall determine the remuneration for the Chairman, Vice-Chairman and Directors.

The Chairman, Vice-Chairman and Directors, Governor and officials may receive bonuses in accordance with the regulations prescribed by the Council of Ministers.

Section 29. Subject to section 38 and section 39, the Board shall have the powers and duties to lay down policies and exercise general control of the business of the Communications Authority of Thailand. Such powers shall include the following:

1. to issue rules or regulations ensuring the conduct of works in compliance with the objectives;
2. to issue rules or regulations on business administration;
3. to issue rules or regulations on the meetings;
4. to issue rules or regulations on business prescribed by the postal laws,
7.4 Broadcasting Act of 1955

Broadcasting Act 1955

His Majesty King Bhumipol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on broadcasting.

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

Section 1. This Act shall be called the "Broadcasting Act 1955."

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

"Hertzian waves" means electromagnetic waves having frequency 10 K. cycles per second to 3,000,000 m. cycles per second;
"sound broadcasting" means transmitting or receiving of sound by using Hertzian waves;
"radio television" means transmitting or receiving of still pictures or temporary moving pictures by using Hertzian waves;
"sound broadcasting service" means broadcasting of sound to the public;
"radio television service" means broadcasting of radio television to the public;
"radio set" means a device used to receive sound broadcasting signals;
"television set" means a device used to receive radio television broadcasting signals with or without sound;
"manufacture" includes the assembling, conversion or re-construction;
"import" means bring into the Kingdom;
"export" means send from the Kingdom;
"trade" includes the storage, repair, exchange, the use or exhibition of specimen instruments, or other manufacture for trade;
"Licensing official" means the competent official appointed by the Prime Minister under this Act;
"Registrar" means the competent official appointed by the Prime Minister to act on behalf of the Licensing official under this Act.

Section 4. This Act shall not apply to

1. The Public Relations Department;
2. The Post and Telegraph Department;
3. The Ministry of Defence; and
4. Ministry, Sub-ministry, Department or juristic person notified by the Ministerial Regulation.
Section 5. No person shall provide sound broadcasting or radio television broadcasting without the license from the Licensing official.

Section 6. No person shall manufacture, possess, import, export or trade a radio set or any part of it as specified in the Ministerial Regulation without the license from the Licensing official or the Registrar, as the case may be.

Section 7. No person shall manufacture, possess, import, or export a television set or any part of it as specified in the Ministerial Regulation without the license from the Licensing official or the Registrar, as the case may be.

Section 8. No person shall trade television set or any part of it as specified in the Ministerial Regulation except such person is a government agency or juristic person in the Ministerial Regulation.

Section 9. A license under this Act shall be valid for the period as follows:
1. one year from the date of issue for a license to provide sound broadcasting service or a license to provide radio television broadcasting service;
2. ninety days from the date of issue for license to manufacture;
3. for the period of possession for a license to possess;
4. one hundred and eighty days from the date of issue for a license to import;
5. thirty days from the date of issue for a license to export;
6. one year from the date of issue for a license to trade.

Section 10. No one shall transmit or arrange for transmitting sound broadcasting or radio television broadcasting which they know that it is false or it has not been licensed from the Licensing official and which would be harmful to the public.

Section 11. The Prime Minister shall, for the benefit of public order or the national defence, issue a transitory order empowering the competent official to seize, use, prohibit the using or transferring of radio set or a television set or any part of it belonging to any person within the period and with the condition as specified in the order.

Section 12. If any person unintentionally cause interference or obstruction of sound broadcasting or radio television, the Licensing official, the Registrar or the person entrusted by him or her, shall have the power to order such person to cease such act or to alter the device or to move it away from the interfering range.

Section 13. The Licensing official, the Registrar or the person entrusted by him or her shall, for the purpose of examination of a radio set or a television set or any part of it,
to issue regulations on recruitment, appointment, increase or decrease of salaries, removal from office, disciplinary measures, punishments and appeals against punishment of officials and employees as well as to determine the number of positions, scales of salaries and wages and other remunerations for officials and employees;

(6) to prescribe the rate of fees, rents, charges and other service charges;

(7) to prescribe the rates of provident funds for the Governor and officials and to issue rules on payment thereof.

If the rules or regulations on the business administration under (2) contain any restriction on the exercise of the power of the Governor in executing any juristic act, the Minister shall have it published in the Government Gazette.

Section 30. The Board shall appoint the Governor who must have knowledge and experience in the communications and/or business administration.

The Governor shall receive salaries as determined by the Board.

The appointment and the determination of the rates of salaries of the Governor shall require an approval of the Council of Ministers.

Section 31. The Governor shall possess the qualifications under (1), (2) and (3) and shall not be under the prohibitions under (4), (5), (6), (7) and (8) as follows:

(1) being of Thai nationality;

(2) not being over sixty-years of age;

(3) being able to work full time for the Communications Authority of Thailand;

(4) being or having been a bankrupt;

(5) having been imprisoned by a final judgment to imprisonment except for an offence committed through negligence or a petty offence;

(6) being a government official having permanent position or salaried, or a political official, employee of a Ministry, Department or public body having equivalent status, an official of local administration or Bangkok Metropolitan Administration, or holding a political position including membership of a local council and local administrator;
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(7) being an executive member or official of a political party;

(8) having direct or indirect interest in a contract with the Communications Authority of Thailand or in the business done for the Communications Authority of Thailand.

Section 32. The Governor shall vacate office upon:

1) death;
2) resignation;
3) removal by the Board;
4) being an incompetent or quasi-incompetent person;
5) being absent from more than three consecutive Board meetings without justification;
6) lacking any qualification or being under any prohibition under section 30 or section 31.

The resolution of the Board removing the Governor under (3) shall require votes of not less than three-fourths of the total number of Directors excluding the Governor and the approval of the Council of Ministers.

Section 33. The Governor shall be the person to administer the affairs of the Communications Authority of Thailand in accordance with the laws, regulations and policies laid down by the Board and shall have the power to control all officials and employees.

The Governor shall be responsible to the Board for the administration of the affairs of the Communications Authority of Thailand.

Section 34. The Governor shall have the power;

(1) to recruit, appoint, remove from office, promote, reduce or cut salaries as well as impose disciplinary punishments upon officials and employees, subject to the regulations prescribed by the Board;

(2) to issue rules on the conduct of works of the Communications Authority of Thailand which are not contrary to or inconsistent with rules and regulations prescribed by the Board.

Section 35. In respect of its external relations, the Governor shall represent the Communications Authority of Thailand and act as its agent and, for this purpose, may delegate his authority to an agent of the Communications Authority of Thailand appointed under section 9 or any person to carry out any specific act, subject to the rules or regulations prescribed by the Board.
sound broadcasting service or radio television broadcasting service, a device interfering or obstructing a sound broadcasting service or radio television broadcasting service, have the power to enter any building, premise or vehicle of any person at the appropriate time.

Section 14. In the case where a licensee has violated the provisions of this Act or of the Ministerial Regulation issue under this Act or the condition specified in the license, the Licensing official shall have the power to revoke or suspend the license.

The licensee may appeal the order to the Director-General of the Public Relations Department within thirty days from the date of revocation or suspension of the license. The decision of the Director-General shall be final.

Section 15. The Licensing official or the Registrar, as the case may be, shall have the power to settle all offences punishable under this Act.

Section 16. When a court passes a judgment that any person is guilty under this Act, the court may forfeit all instruments used in the offence to be given to the Public Relations Department for using in its service.

Section 17. Any person who violates section 5 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand Baht or to both.

Section 18. Any person who violates section 6 or 7 with respect to the possession for use of radio or television set or any part of it as specified in the Ministerial Regulation shall be liable for a fine not exceeding two hundred Baht.

Section 19. Subject to the provisions of this Act, any person who violates section 6 with respect to the manufacture, possession, import or export of radio set or any part of it as specified in the Ministerial Regulation, or violates section 7, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand Baht or to both.

Section 20. Any person who violates section 6 with respect to the trade of a radio or any part of it as specified in the Ministerial Regulation, or violates section 8, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand Baht or to both.

Section 21. Any person who violates section 10 shall be liable to imprisonment for a term not exceeding one years or to a fine not exceeding two thousand Baht or to both.

Section 22. Any person who violates the order of the Licensing official, the Registrar or the person entrusted by him or her under section 12, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand Baht or to both.
Section 23. All licenses issue under the law on radio telecommunication with respect to a radio set before the day this Act coming into force, shall be valid until the date of its expiration.

Section 24. Any person who possesses a radio set or a television set or any part of it as specified in the Ministerial Regulation which has not been legally licensed, where submitting an application for a license under this Act to the Licensing official or the Registrar, as the case may be, within one hundred and eighty days from the day this Act coming into force, shall not be liable to the offence under this Act.

Section 25. The Prime Minster shall have charge and control of the execution of this Act and shall have the power to appoint the Licensing official or the Registrar as well as to issue the Ministerial Regulation prescribing

(1) rules relation to the application and the issue of a license;
(2) rules and procedure relating to revocation or suspension of a license;
(3) fees not exceeding the rates annexed to this Act;
(4) other activities for the execution of this Act.

Such Ministerial Regulation shall come into force upon its publication in the Government Gazette.

Countersigned by

Field Marshall P. Phiboonsonggram
Prime Minister
Section 36. The uniforms and insignia of the officials shall be of such descriptions, types and categories as prescribed in the Ministerial Regulations.

Section 37. Whoever, without authority, wears the uniform or uses the insignia of the officials in order to induce others to believe that he is so entitled, or wears the uniform or insignia imitation so as to cause others to believe that he is an official, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand Baht or to both.

CHAPTER III
Relations with the Government

Section 38. In carrying out of the affairs of the Communications Authority of Thailand, the benefits of the State and the public shall be taken into account.

Section 39. The Communications Authority of Thailand shall obtain prior approval of the Council of Ministers for the following undertakings:

1. any undertakings as prescribed in section 10(5) and (6) involving an account of money in excess of five million Baht each time;
2. disposing of immovable property of more than one million Baht in value;
3. prescribing rates of fees, rents, charges and other service charges.

Section 40. The Communications Authority of Thailand shall prepare an annual budget which shall be divided into capital account and working account. The capital account shall be submitted to the Councils of Ministers for consideration and approval while the working account shall be submitted to the Council of Ministers for information.

Section 41. Income received from the operation of the Communication Authority of Thailand shall belong to the Communications Authority of Thailand for various expenditures.

The annual income, after deducting appropriate operation expenses and other charges, i.e. maintenance, depreciation, contribution to the aid fund for workers of the Communication Authority of Thailand, ordinary reserves for contingency, reserves for work expansion and capital investment as approved by the Council of Ministers, shall be remitted as State revenues.

If the income is insufficient to meet the said expenses excluding the reserves specified in paragraph two and the Communications Authority of Thailand is unable to acquire fund from other sources, the State shall provide the Communication Authority of Thailand with the fund in such amount as may be necessary.

Section 42. The Board shall submit to the Minister an annual report which shall contain the result of works completed by the Communication Authority of Thailand in the
preceding year together with statement of policy of the Board, project and plans to be implemented in the future.

The report under paragraph one shall be completed and submitted to the Minister within ninety days from the last day of the calendar year.

CHAPTER IV
Appeals and Aids

Section 43. The officials and employees shall have the right to appeal against punishments in accordance with the rules or regulations prescribed by the Board.

Section 44. The Communication Authority of Thailand shall establish an aid fund for the welfare of workers of the Communication Authority of Thailand in the event of retirement, accidents, illness or other cases deserving aids.

The establishment of the aid fund under paragraph one, classification of the recipients, procedure for giving aids as well as the management of the fund shall be in accordance with the rules or regulations prescribed by the Board.

CHAPTER V
Accounts, Audit and Examination

Section 45. The Communication Authority of Thailand shall set up and maintain an appropriate accounting system in accordance with the categories of the main works, cause regular internal audit and have books of accounts in which the following particulars shall be entered:

(1) receipts and expenditures;
(2) assets and liabilities;

which shall represent the actual and appropriate conditions of works in accordance with their categories together with the particulars which are the sources of such entries.

Section 46. Each year, the Office of Auditor-General shall examine and audit the accounts and finance of the Communication Authority of Thailand.

Section 47. The auditor shall have the power to examine all books of accounts and documents of the Communication Authority of Thailand and shall, for this purpose, have the power to interrogate the Chairman, Vice-Chairman, Directors, Governor, officials and employees of the Communication Authority of Thailand.

Section 48. The auditor shall submit an auditing report to the Council of Ministers within one hundred and twenty days after the end of the accounting year and the Communications Authority of Thailand shall publish the annual report of the preceding year showing the balance sheet, working account and profit and loss account duly certified by the auditor within one hundred and fifty days after the end of the accounting year.
Transitory Provisions

Section 49. Pending the transfer of the business, properties, liabilities, officials and employees pursuant to section 13, the Post and Telegraph Department shall continue to carry on the business until the Minister issues a Notification under section 2.

Section 50. After the Minister has issued the Notification under section 2, the officials and employees of the Post and Telegraph Department shall acquire the status of officials and employees of the Communication Authority of Thailand as from the date of the said Notification and shall receive salaries equal to the amount formerly received until they are duly employed by the Governor under section 34(1).

The retirement of officials of the Post and Telegraph Department under paragraph one shall be regarded as retirement from active service owing to the abolition or dissolution of the positions under the law on gratuities and pensions for Government officials.

The retirement of employees of the Post and Telegraph Department under paragraph one shall be regarded as retirement owing to the abolition or reduction of the positions and the employees shall receiving gratuities in accordance with the rules on gratuities for employees B.E. 2519.

Section 51. Those who have been permitted to do any business in accordance with the Post Office Act, B.E. 2477 and the Telegraph and Telephone Act, B.E. 2477 shall continue to have the right to carry on their business under the permitted conditions and duration.

Countersigned by:
M.R. Seni Promoj
Prime Minister
Rates of Fees

(1) License to provide sound broadcasting service or radio television broadcasting service 5,000 Baht
(2) License to manufacture, possess, import or export a radio set or a television set or any part of it 200 Baht
(3) License to trade a radio set or any part of it 2,000 Baht
(4) Substitute of a license 20 Baht

N.B. The reasons of the enactment of this Act are that The Government wishes to promote the development of sound and radio television broadcasting and to facilitate the people who use a radio set, a television set or any part of it by providing that the first registration shall be valid for the period of possession. Moreover, as the law on sound broadcasting was included in the law on radio communication, it should be gathered in this Act for the convenience of application of law.

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