

ACT NO. VII OF 1914.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th February, 1914.)

An Act further to amend the Indian Telegraph Act, 1885.

XIII, 1885. WHEREAS it is expedient further to amend the Indian Telegraph Act, 1885; It is hereby enacted as follows:—

1. This Act may be called the Indian Telegraph Short title.
(Amendment) Act, 1914.

XIII, 1885. 2. For sub-section (2) of section 1 of the Indian Substitution of new sub-section for section 1 (2), Act XIII, 1885.
Telegraph Act, 1885 (hereinafter called the said Act), the following shall be substituted, namely:—

“(2) It extends to the whole of British India, including the Sonthal Parganas and the Pargana of Spiti, and it applies also to—

(a) all native Indian subjects of His Majesty in any place without and beyond British India,

(b) all other British subjects within the territories of any Native State in India, and

(c) all servants of the King, whether British subjects or not, within the territories of any Native State in India.”

3. In clause (1) of section 3 of the said Act for Amendment of section 3 of the said Act.
the words “transmitting or making,” the words “making, transmitting or receiving” shall be substituted.

4. Section 4 of the said Act shall be renumbered Addition of further proviso and sub-section (2) to section 4 of the said Act.
section 4 (1) and after the said sub-section the following proviso and sub-section shall be added, namely:—

“Provided further that the Governor General in Council may, by rules made under this Act and published

published in the *Gazette of India*, permit, subject to such restrictions and conditions as he thinks fit, the establishment, maintenance and working—

(a) of wireless telegraphs on ships within Indian territorial waters, and

(b) of telegraphs other than wireless telegraphs within any part of British India.

“(2) The Governor General in Council may, by notification in the *Gazette of India*, delegate to the telegraph authority all or any of his powers under the first proviso to sub-section (1).

“The exercise by the telegraph authority of any power so delegated shall be subject to such restrictions and conditions as the Governor General in Council may, by the notification, think fit to impose.”

Insertion of new sections 19A and 19B after section 19 of the said Act.

Person exercising legal right likely to damage telegraph or interfere with telegraphic communication to give notice.

5. After section 19 of the said Act the following sections shall be inserted, namely:—

“19A. (1) Any person desiring to deal in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph line or post which has been duly placed in accordance with the provisions of this Act, or to interrupt or interfere with telegraphic communication, shall give not less than one month's notice in writing of the intended exercise of such right to the telegraph authority, or to any telegraph officer whom the telegraph authority may empower in this behalf.

“(2) If any such person without having complied with the provisions of sub-section (1) deals with any property in such a manner as is likely to cause damage to any telegraph line or post, or to interrupt or interfere with telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, order such person to abstain from dealing with such property in such manner for a period not exceeding one month

month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the Magistrate necessary to remedy or prevent such damage, interruption or interference during such period.

“(3) A person dealing with any property in the manner referred to in sub-section (1) with the *bond fide* intention of averting imminent danger of personal injury to himself or any other human being shall be deemed to have complied with the provisions of the said sub-section if he gives such notice of the intended exercise of the right as is in the circumstances possible, or where no such previous notice can be given without incurring the imminent danger referred to above, if he forthwith gives notice of the actual exercise of such right to the authority or officer specified in the said sub-section.

“19B. The Governor General in Council may, by notification in the *Gazette of India*, confer upon any licensee under section 4, in respect of the extent of his licence and subject to any conditions and restrictions which the Governor General in Council may think fit to impose and to the provisions of this Part, all or any of the powers which the telegraph authority possesses under this Part with regard to a telegraph established or maintained by the Government or to be so established or maintained :

Power to confer upon licensee powers of telegraph authority under this Part.

“Provided that the notice prescribed in section 19A shall always be given to the telegraph authority or officer empowered to receive notice under section 19A (1).”

6. For section 20 of the said Act the following section shall be substituted, namely : —

Substitution of new section for section 20 of the said Act. Establishing, maintaining or working unauthorized telegraph.

“20. (1) If any person establishes, maintains or works a telegraph within British India in contravention of the provisions of section 4 or otherwise than as permitted by rules made under that section, he shall be punished, if the telegraph is a wireless telegraph, with imprisonment which may extend to

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three years, or with fine, or with both, and, in any other case, with a fine which may extend to one thousand rupees.

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, offences under this section in respect of a wireless telegraph shall, for the purposes of the said Code, be bailable and non-cognizable. V, 1898.

“(3) When any person is convicted of an offence punishable under this section, the Court before which he is convicted may direct that the telegraph in respect of which the offence has been committed, or any part of such telegraph, be forfeited to His Majesty.”

Insertion of new section 20A after section 20 of the said Act.

Breach of condition of licence.

7. After section 20 of the said Act the following section shall be inserted, namely :—

“20A. If the holder of a licence granted under section 4 contravenes any condition contained in his licence, he shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to five hundred rupees for every week during which the breach of the condition continues.”

Insertion of new section 25A after section 25 of the said Act.

Injury to or interference with a telegraph line or post.

8. After section 25 of the said Act the following section shall be inserted, namely :—

“25A. If, in any case not provided for by section 25, any person deals with any property and thereby wilfully or negligently damages any telegraph line or post duly placed on such property in accordance with the provisions of this Act, he shall be liable to pay the telegraph authority such expenses (if any) as may be incurred in making good such damage, and shall also, if the telegraphic communication is by reason of the damage so caused interrupted, be punishable with a fine which may extend to one thousand rupees :

“ Provided that the provisions of this section shall not apply where such damage or interruption is caused

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by a person dealing with any property in the legal exercise of a right if he has complied with the provisions of section 19A (1)."

9. After section 29 of the said Act the following section shall be inserted, namely :—

Insertion of new section 29A after section 29 of the said Act.

Penalty.

"29A. If any person, without due authority,—

(a) makes or issues any document of a nature reasonably calculated to cause it to be believed that the document has been issued by, or under the authority of, the Director-General of Telegraphs, or

(b) makes on any document any mark in imitation of, or similar to, or purporting to be, any stamp or mark of any Telegraph Office under the Director-General of Telegraphs, or a mark of a nature reasonably calculated to cause it to be believed that the document so marked has been issued by, or under the authority of, the Director-General of Telegraphs,

he shall be punished with fine which may extend to fifty rupees."

10. In section 34 (1) of the said Act after the figures and word "18, sub-section (1)," the words, figures and letter "and section 19A, sub-section (2)," shall be inserted.

Amendment of section 34 of the said Act.