THE INDIAN TELEGRAPH ACT, 1885

No. 13 of 1885

An Act to amend the law relating to Telegraphs in India

WHEREAS it is expedient to amend the law relating to telegraphs in India; It is hereby enacted as follows:-

PART I

PRELIMINARY

1. Short title, local extent and commencement. (1) This Act may be called the Indian telegraph Act, 1885.

[(2) It extends to the whole of India.]

(3) It shall come into force on the first day of October, 1885.

2. Repeal and savings. [Rep. By the Repealing Act, 1938 (1 of 1938,) sec.2 and Sch.]

3. Definitions. in this Act, unless there is something repugnant in the subject or context, -

[(1) "telegraph" means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means.

Explanation. "Radio waves" or "Hertzian waves" means electro-magnetic waves of frequencies lower than 3,000 giga-cycles per second propagated in space without artificial guide;]

(2) "telegraph officer" means any person employed either permanently or temporarily in connection with a telegraph established, maintained or worked by [the Central Government] or by a person licensed under this Act;

(3) "message" means any communication sent by telegraph, or given to telegraph officer to be sent by telegraph or to be delivered;

(4) "telegraph line" means a wire or wires used for the purpose of a telegraph, with any casing, coating, tube or pipe enclosing the same, and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same;

(5) "post" means a post, pole, standard, stay, strut or other above ground contrivance for carrying, suspending or supporting a telegraph line;

(6) "telegraph authority" means the Director General of [Posts and Telegraphs], and includes any officer empowered by him to perform all or any of the functions of the telegraph authority under this Act;

(7) "local authority" means any municipal committee, district board, body of port commissioner or other authority legally entitled to, or entrusted by" the Central or any State Government] with, the control, management of any municipal or local fund.

PART II

PRIVILEGES AND POWERS OF THE GOVERNMENT

4. Exclusive privilege in respect of telegraphs, and power to grant licenses.

(1) Within [India], the Central Government shall have exclusive privilege of establishing, maintaining and working telegraphs:

Provided that the Central Government may grant a license, on such conditions and in consideration of such payments as it thinks fit, to any person to establish, maintain or work a telegraph within any part of [India]:

[Provided further that the Central Government may, by rules made under this Act and published in the Official Gazette, permit, subject to such restrictions and conditions as it thinks fit, the establishment, maintenance and working-

(a) of wireless telegraphs on ships within Indian territorial waters [and on aircraft within or above [India], or Indian territorial waters], and

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

(2) The Central Government may, by notification in the Official Gazette, delegate to the telegraph authority all or any of it its 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 Central Government may, by the notification, think fit to impose.]

[**5. Power for Government to take possession of licensed telegraphs and to order interception of messages.** • (1) On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorized in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do, take temporary possession (for so long as the public emergency exists or the interest of the public safety requires the taking of such action) of any telegraph established, maintained or worked by any person licensed under this Act.

(2) On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorized in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement

persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order:

Provided that press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section.

6. **Power to establish telegraph on land of Railway Company**:- Any Railway company, on being required so to do by the Central Government, shall permit the Government to establish and maintain a telegraph upon any part of the lank of the Company, and shall give every reasonable facility for working the same.

[6A. **Power to notify rates for transmission of messages to countries outside India** ◆ (1) The Central Government may, from time to time, by order, notify the rates at which, and the other conditions and restrictions subject to which messages shall be transmitted to any country outside India.

(2) In notifying the rates under sub-section (1), the Central Government shall have due regard to all or any of the following factors, namely:-

(a) the rates for the time being in force, for transmission of messages, in countries outside India;

(b) the foreign exchange rates for the time being in force;

(c) the rates for the time being in force for transmission of messages within India;

(d) such other relevant factors as the Central Government may think fit in the circumstances of the case.]

7. **Power to make rules for the conduct of telegraphs** ◆ (1) The Central Government may, from time to time, by notification in the Official Gazette, make rules consistent with this Act for the conduct of all or any telegraphs established, maintained or worked by the Government or by persons licensed under this Act.

(2) Rules under this section may provide for all or any of the following among other matters, that is to say:-

a. the rates at which, and the other conditions and restrictions subject to which, messages shall be transmitted [within India];
b. the precautions to be taken for preventing the improper interception or disclosure of messages;
c. the period for which, and the conditions subject to which, telegrams and other documents belonging to, or being in the custody of, telegraph officers shall be preserved;
d. the fees to be charged for searching for telegrams or other documents in the custody of any telegraph officer;
e. the conditions and restrictions subject to which any telegraph line, appliance of apparatus for telegraphic communication shall be established, maintained, worked, repaired, transferred, shifted, withdrawn or disconnected;

[(ee) the charges in respect of any application for providing any telegraph line, appliance or apparatus;]

f. the charges in respect of ◆

ii) the services of operators operating such line, appliance or apparatus;

g. the matters in connection with the transition from a system where under rights and obligations relating to the establishment, maintenance, working repair, transfer of shifting of any telegraph line, appliance or apparatus for telegraphic communication attach by virtue of any agreement to a system where under such rights and obligations attach by virtue of rules made under this section;

h. the time at which, the manner in which, the conditions under which and the persons by whom the rates, charges and fees mentioned in this sub-section shall be paid and the furnishing of security for the payment of such rates, charges and fees;

i. the payment of compensation to the Central Government for any loss incurred in connection with the provision of any telegraph line, appliance or apparatus for the benefit of any person ◆

a. where the line, appliance or apparatus is, after it has been connected for use, given up by that person before the expiration of the period fixed by these rules, or
b. where the work done for the purpose of providing the line, appliance or apparatus is, before it is connected for use, rendered abortive by some act or omission on the part of that person;

j. the principles according to which and the authority by whom the compensation referred to clause (i) shall be assessed;

[(jj) the qualifications to be possessed and the examinations, if any, to be passed by the persons employed for the establishment, maintenance or working of any telegraph and the fees to be charges for admission to such examinations;] and

k. any other matter for which provision is necessary for the proper and efficient conduct of all or any telegraphs under this act.

(3) When making rules for the conduct of any telegraph established, maintained or worked by any person licensed under this Act, the Central Government may by the rules prescribe fines for any breach of the same:

Provided that the fines so prescribed shall not exceed the following limits, namely:-

i. When the person licensed under this Act is punishable for the breach, one thousand rupees, and in the case of a continuing breach a further fine of two hundred rupees for every day after the first during the whole or any part of which the breach continues.
ii. When a servant of the person so licensed, or any other person, is punishable for the breach, one-fourth of the amounts specified in clause (i).

[(4) Nothing in this section or in any rules made hereunder shall be construed as ◆

a. precluding the Central Government from entering into an agreement with a person for the establishment, maintenance and working by that Government on terms and conditions specified in the agreement of any telegraph line, appliance or apparatus for the purpose of affording means of telegraphic communication, where having regard to the number of the lines, appliance or apparatus required by that person for telegraphic communication

b. subjecting the Central Government to any obligation to provide any telegraph line appliance or apparatus for the purpose of affording means of telegraphic communication.

[(5) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days [which may be comprised in one session or in two or more successive sessions, and it, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]]

[**7A. Saving of existing agreements** – Nothing in section 7 shall authorize the making of any rules determining any agreement entered into by the Central Government with any person before the commencement of the Indian Telegraph (Amendment) Act, 1957 (47 of 1957), relating to the establishment, maintenance or working of any telegraph line, appliance or apparatus for telegraphic communication; and all rights and obligations there under relating to such establishment, maintenance or working hall be determined in accordance with the terms and conditions of such agreement.

7B. Arbitration of disputes – (1) Except as otherwise expressly provided in this Act, if any dispute concerning any telegraph line, appliance or apparatus arises between the telegraph authority and the person for whose benefit the line, appliance or apparatus is, or has been provided, the dispute shall be determined by arbitration and shall, for the purposes of such determination, be referred to an arbitrator appointed by the Central Government either specially for the determination of that dispute or generally for the determination of disputes under this section.

(2) The award of the arbitrator appointed under sub-section (1) shall be conclusive between the parties to the dispute and shall not be questioned in any court.]

8. Revocation of licenses – The Central Government may, at any time, revoke any license granted under section 4, on the breach of any of the conditions therein contained, or in default of payment of any consideration payable there under.

9. Government not responsible for loss or damage – The Government shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing in his duty with respect to the receipt, transmission or delivery of any message; and no such officer shall be responsible for any such loss or damage, unless he causes the same negligently, maliciously or fraudulently.

PART III

POWER TO PLACE TELEGRAPH LINES AND POSTS

10. Power for telegraph authority to place and maintain telegraph lines and posts – The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:

Provided that –

a. the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained;
b. the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and
c. except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and
d. in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

11. Power to enter on property in order to repair or remove telegraph lines or posts ◆ The telegraph authority may, at any time, for the purpose of examining, repairing, altering or removing any telegraph line or post, enter on the property under, over, along, across, in or upon which the line or post has been placed.

Provisions applicable to property vested in or under the control or management of local authorities

12. Power for local authority to give permission under section 10, clause (c), subject to conditions ◆ Any permission given by a local authority under section 10, clause (c), may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work, or as to any other think connected with or relative to any work undertaken by the telegraph authority under those powers.

13. Power for local authority to require removal or alteration of telegraph line or post ◆ When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the local authority may require the telegraph authority t remove it or alter its position, as the case may be.

14. Power to alter position of gas or water pipes or drains ◆ The telegraph authority may, for the purpose of exercising the powers conferred upon it by this Act in respect of any property vested in or under the control or management of a local authority, alter the position there under of any pipe (not being a main) for the supply of gas or water, or of any drain (not being a main drain):

Provided that ◆

a. when the telegraph authority desires to alter the position of any such pipe or drain it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe or drain is not under the

b. a local authority or person receiving notice under clause (a) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

15. Disputes between telegraph authority and local authority – (1) If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in section 10, clause (c), or prescribing any condition under section 12, or in consequence of the telegraph authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determine by such officer as the [Central Government] may appoint either generally or specially in this behalf.

(2) An appeal from the determination of the officer so appointed shall lie to the [Central Government]; and the order of the [Central Government] shall be final.

Provisions applicable to other property

16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority – (1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

(2) If, after the making of an order under sub section (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for this being exercised, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code (45 of 1860).

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.

(4) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(5) Every determination of a dispute by a District Judge under sub-section (3) or sub-section (4) shall be final:

Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority, from the person who has received the same.

17. Removal or alteration of telegraph line or post on property other than that of a local authority – (1) When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority

to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telegraph authority to remove or alter the line or post accordingly:

Provided that, if compensation has been paid under section 10, clause (d) he shall, when making the requisition, tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever may be the smaller sum.

(2) If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate within whose jurisdiction the property is situated to order the removal or alteration.

(3) A District Magistrate receiving an application under sub-section (2) may, in his discretion reject the same or make an order, absolutely or subject to conditions, for the removal of the telegraph line post to any other part of the property or to higher or lower level or for the alteration of its form; and the order so made shall be final.,

Provisions applicable to all property

18.Removal of trees interrupting telegraphic communication – (1) If any tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.

(2) When disposing of an application under sub-section (1), the Magistrate shall, in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable, and the shall be final.

19. Telegraph lines and posts placed before passing of this Act.-Every telegraph line or post placed before the passing of this Act under, over, along, across, in or upon any property, for the purposes of a telegraph established or maintained by the [Central Government], shall be deemed to have been placed in exercise of the powers conferred by, and after observance of all the requirement of, this Act.

[19 A. Person exercising legal right likely to damage telegraph or interfere with telegraphic communication to give notice – (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 the behalf.

(2) If any such person without having complied with he 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 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

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 forth with gives notice of the actual exercise of such right to the authority of officer specified in the said sub-section.

19B. Power to confer upon licensee powers of telegraph authority under this Part – The Central Government may, by notification in the Official Gazette, confer upon any licensee under section 4, in respect of the extent of his license and subject to any conditions and restrictions which the Central Government 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:

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

PART IV

PENALTIES

[**20. Establishing, maintaining or working unauthorized telegraph** – (1) If any person establishes, maintains or works a telegraph within [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 three years, or with fine, or with both, and in any other case, with a fine which may extend to one thousand rupees.

(2) Not withstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), offences under this section in respect of a wireless telegraph shall, for the purposes of the said Code, be bailable and non-cognizable.

(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 Government.]

[**20A. Breach of condition of license** – If the holder of a license granted under section 4 contravenes any condition contained in his license, he shall be punished with fine which may extend o 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.]

21. Using unauthorized telegraphs – If any person, knowing or having reason to believe that a telegraph has been established or is maintained or worked in contravention of this Act, transmits or receives any message by such telegraph, or performs any service incidental thereto, or delivers any message for transmission by such telegraph or accepts delivery of any message sent thereby, he shall be punished with fine which may extend to fifty rupees.

22. Opposing establishment of telegraphs on railway land – If a Railway Company, or an officer of a Railway Company, neglects or refuses to comply with the provisions of section 6, it or he shall be punished with fine which may extend to one thousand rupees for every day during which the neglect or refusal continues.

23. Intrusion into signal-room, trespass in telegraph office or obstruction ◆ If any person ◆

a. without permission of competent authority, enters the signal-room of a telegraph office of the Government, or of a person licensed under this Act, or
b. enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so, or
c. refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein, or
d. willfully obstructs or impedes any such officer or servant in the performance of his duty,

he shall be punished with fine which may extend to five hundred rupees.

24. Unlawfully attempting to learning the contents of messages ◆ If any person does any of the acts mentioned in section 23 with the intention of unlawfully learning the contents of any message, or of committing any offence punishable under this Act, he may (in addition to the fine with which he is punishable under section 23) be punished with imprisonment for a term which may extend to one year.

25. Intentionally damaging or tampering with telegraphs ◆ If any person, intending ◆

a) to prevent or obstruct the transmission or delivery of any message, or

b) to intercept or to acquaint himself with the contents of any message, or

c) to commit mischief,

damages, removes, tampers with or touches any battery, machinery, telegraph line, post or other thing whatever, being part of or used in or about any telegraph or in the working thereof,

he shall be punished with imprisonment for a term which may extend to three years, or with fine or with both.

[25A. Injury to or interference with a telegraph line or post ◆ If, in any case not provided for by section 25, any person deals with any property and thereby willfully 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 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).]

26. Telegraph officer or other official making away with or altering, or unlawfully intercepting or disclosing, messages, or divulging purport of signals ◆ If any telegraph officer, or any person, not being a telegraph officer but having official duties connected with any office which is used as a telegraph office.

a. willfully secrets, makes away with or alters any

b. willfully, and otherwise than in obedience to an order of the Central Government or of a State Government, or of an officer specially authorized [by the Central or a State Government] to make the order, omits to transmit, or intercepts or detains, any message or any part thereof, or otherwise than in pursuance of his official duty or in obedience to the direction of a competent Court, discloses the contents or any part the contents of any message, to any person not entitled to receive the same, or

c. divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

27. Telegraph officer fraudulently sending messages without payment ◆ If any telegraph officer transmits by telegraph any message on which the charge prescribed by the [Central Government], or by a person licensed under this Act, as the case may be, has not been paid, intending thereby to defraud the [Central Government], or that person, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

28. Misconduct ◆ If any telegraph officer, or any person not being a telegraph officer but having official duties connected with any office which is used as a telegraph office is guilty of any at of drunkenness, carelessness of other misconduct whereby the correct transmission or the delivery of any message is impeded or delayed or if telegraph officer loiters or delays in the transmission or delivery of any message, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

29. [Sending fabricated messages] Rep. By the Indian Telegraph (Amendment) Act, 1971 (33 of 1971), sec 4.

[29A. Penalty ◆ 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 [Posts and 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 [Posts and Telegraph], or a mark of a nature reasonably calculated to cause it to be believed that the documents so marked has been issued by, or under authority of, the Director-General of [Posts and Telegraphs],

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

30. Retaining a message delivered by mistake ◆ If any person fraudulently retains, or willfully secretes, makes away with or detains a message which ought to have been delivered to some other person, or, being required by a telegraph officer to deliver up any such message, neglects of refuses to do so, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

31. Bribery ◆ A telegraph officer shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code (45 of 1860); and in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this Act, be deemed to

32. Attempts to commit offences – Whoever attempts to commit any offence punishable under this Act shall be punished with the punishment herein provided for the offence.

PART V

SUPPLEMENTAL PROVISION

33. Power to employ additional police in places where mischief to telegraphs is repeatedly committed – (1) Whenever it appears to the State Government that any act causing or likely to cause wrongful damage to any telegraph is repeatedly and maliciously committed in any place, and that the employment of an additional police force in that place is thereby rendered necessary, the State Government may send such additional police force as it thinks fit to the place, and employ the same therein so long as, in the opinion of that Government, the necessity of doing so continues.

(2). The inhabitants of the place shall be charged with the cost of the additional police force, and the District Magistrate shall, subject to the orders of the State Government, assess the proportion in which the cost shall be paid by the inhabitants according to his judgment of their respective means.

(3). All moneys payable under sub-section (2) shall be recoverable either under the warrant of a Magistrate by distress and sale of the movable property of the defaulter within the local limits of his jurisdiction, or by suit in any competent Court.

(4). The State government may, by order in writing, define the limits of any place for the purposes of this section.

[34A. Application of Act to Presidency-towns – (1) This Act, in its application to the Presidency-towns, shall be read as if for the words "District Magistrate" in section 16, sub-section (1), and section 17, sub-sections (2) and (3), for the words "Magistrate of the first or second class" in section 18, sub-section (1), [and section 19A, sub-section (2),] and for the word "Magistrate" in section 18 sub-section (2), there had been enacted the words "Commissioner of Police", and for the "District Judge" in section 16, sub-sections (3), (4) and (5), the words "Chief Judge of the Court of Small Causes".

(2) Omitted.

(3) The fee in respect of an application to the Chief Judge of a Presidency Court of Small Causes under sub-section (3) of section 16 shall be the same as would be payable under the Court-fees Act, 1870 (7 of 1870), in respect of such an application to a District Judge beyond the limits of a Presidency-town, and fees for summonses and other processes in proceedings before the Chief Judge under sub-section (3) or sub-section (4) of that section shall be payable according scale set forth in the Fourth Schedule to the Presidency Small Cause Courts Act, 1882.

35. Reference to certain laws of Part B States. [Rep. by Part B States (Laws) Act 1951 (Act 3 of 1951), sec.3 and Sch.]

THE INDIAN TELEGRAPH (AMENDMENT) ACT, 2003

No. 8 OF 2004

[*9th January*, 2004.]

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

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Telegraph (Amendment) Act, 2003.

(*2*) It shall be deemed to have come into force on the 1st day of April, 2002.

Amendment of section 3.

13 of 1885.

2. In section 3 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act), clause (*1*) shall be renumbered as clause (*1AA*) and before clause (*1AA*) as so renumbered, the following clauses shall be inserted, namely:—

'(*1*) "Fund" means the Universal Service Obligation Fund established under sub-section (*1*) of section 9A;

(*1A*) "Universal Service Obligation" means the obligation to provide access to basic telegraph services to people in the rural and remote areas at affordable and reasonable prices;'.

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Amendment of section 4.

3. In section 4 of the principal Act, in sub-section (*1*), the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—The payments made for the grant of a licence under this sub-section shall include such sum attributable to the Universal Service Obligation as may be determined by the Central Government after considering the recommendation made in this behalf by the Telecom Regulatory Authority of India established under sub-section (*1*) of section 3 of the Telecom Regulatory Authority of India Act, 1997.". 24 of 1997.

Amendment of section 7.

4. In section 7 of the principal Act, in sub-section (*2*), after clause (*ee*), the following clauses shall be inserted, namely:—

"(*eea*) the manner in which the Fund may be administered;

(*eeb*) the criteria based on which sums may be released.".

Insertion of new Part IIA.

5. After Part II of the principal Act, the following Part shall be inserted, namely:—

"PART IIA

UNIVERSAL SERVICE OBLIGATION FUND

Establishment of Universal Service Obligation Fund.

9A. (*1*) On and from the commencement of the Indian Telegraph (Amendment) Act, 2003, there shall be deemed to have been established, for the purposes of this Act, a Fund to be called the Universal Service Obligation Fund.

(*2*) The Fund shall be under the control of the Central Government and there shall be credited thereto—

(*a*) any sums of money paid under section 9B;

(*b*) any grants and loans made by the Central Government under section 9C.

(*3*) The balance to the credit of the Fund shall not lapse at the end of the financial year.

Crediting of sums to Consolidated Fund of India.

9B. The sums of money received towards the Universal Service Obligation under section 4 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time for being utilised exclusively for meeting the Universal Service Obligation.

Grants and loans by Central Government.

9C. The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants and loans such sums of money as that Government may consider necessary in the Fund.

Administration and utilisation of Fund.

9D. (*1*) The Central Government shall have the power to administer the Fund in such manner as may be prescribed by rules made under this Act.

(*2*) The Fund shall be utilised exclusively for meeting the Universal Service Obligation.

(*3*) The Central Government shall be responsible for the co-ordination and ensuring timely utilisation and release of sums in accordance with the criteria as may be prescribed by rules made under this Act.".

Repeal and saving.

6. (*1*) The Indian Telegraph (Amendment) Ordinance, 2003, is hereby repealed. Ord. 7 of 2003

(*2*) Notwithstanding the repeal of the Indian Telegraph (Amendment) Ordinance, 2003, anything done or action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act. Ord. 7 of 2003

T.K. VISWANATHAN,
Secy. to the Govt. of India.