

THE INDIAN TELEGRAPH ACT, 1876.

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ACT NO. I OF 1876.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th January 1876).

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:— Preamble.

I.—Preliminary.

1. This Act may be called "The Indian Telegraph Act, 1876": Short title.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty; Local extent.

And it shall come into force at once.

2. Act No. XXXIV of 1854 (*for regulating the establishment and management of Electric Telegraphs in India*) and Act No. VIII of 1860 (*for regulating the establishment and management of Electric Telegraphs in India*) are hereby repealed: Commencement.
Repeal of Acts.

But all licenses granted, declarations made and rules framed under either of the said Acts and now in force, shall be deemed to have been respectively granted, made and framed under this Act. Saving of existing licenses and rules.

3. In this Act—

"Telegraph" means an electric or magnetic Telegraph: Interpretation-clause.
"Telegraph."

"Telegraph officer" means any person employed either permanently or temporarily in connection with "Telegraph officer."

a telegraph established or maintained and worked by the Government, or by a company or person licensed under this Act; and

“Message.”

“Message” means any communication sent by telegraph, or given to a telegraph officer to be sent by telegraph or to be delivered.

II.—Privileges and Powers of Government.

Exclusive privilege of establishing telegraphs.

4. Within British India, the Governor General in Council shall have the exclusive privilege of establishing lines of telegraph :

Proviso as to licenses.

Provided that the Governor General in Council may grant a license to any person or Company to establish or to maintain a line of telegraph within any part of British India, which license shall be revocable on the breach of any of the conditions therein contained.

Power to take possession of telegraphs established by license.

5. On the occurrence of any public emergency, or in the interest of the public safety, the Governor General in Council or the Local Government may take temporary possession of any line of telegraph established or maintained by any Company or person licensed under this Act, or may order that any message to or from any person or relating to any specified subject shall be intercepted or communicated to the Government or any officer thereof mentioned in such order.

If any doubt arises as to the existence of a public emergency or whether any act done under this section was in the interest of the public safety, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive evidence on the point.

Power to establish telegraphs on land of Railway Company.

6. Any Railway Company, on being required so to do by the Governor General in Council, shall permit the Government to establish upon the land of such company, whether within or without the railway fence as the Governor General in Council may in each case determine, a line of telegraph, and shall give every reasonable facility for establishing, maintaining and using the same.

7. The

7. The Governor General in Council may, from time to time, frame rules consistent with this Act for the conduct of telegraphs heretofore or hereafter established by Government, and may therein prescribe the regulations, conditions and restrictions according to which all messages and signals shall be transmitted by such telegraphs.

Power to frame rules for the conduct of Government telegraphs.

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*,

Power to frame rules for telegraphs established by license,

(a) prescribe rules for the conduct of any telegraph established or maintained by any Company or person licensed under this Act;

(b) declare what portions of this Act shall be applicable to such telegraph and to persons using the same or employed in connexion therewith;

and to declare Act applicable to such telegraphs,

(c) declare that this Act, or such portions thereof as may be specified in the notification, shall be applicable to any telegraph established or to be established within British India by any Foreign Prince or State with the consent of the Government of India, and to persons using such telegraph or employed in connexion therewith.

and to telegraphs established within British India by Foreign Powers.

All rules prescribed under this section shall have the force of law.

9. The Government of India shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing to transmit with accuracy or to deliver any message given to him for transmission or delivery; and no such officer shall be responsible for any such loss or damage, unless he causes the same negligently, maliciously or fraudulently.

Government not responsible for loss or damage.

III.—Penalties.

10. Whoever, otherwise than under a license duly granted as aforesaid, establishes, or after revocation of such license maintains, a line of telegraph within British India, shall be liable to a fine not exceeding one thousand rupees, and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred rupees.

Penalty for establishing or maintaining unlicensed telegraphs.

11. Whoever

For using or working such telegraphs.

11. Whoever, knowing or having reason to believe that a telegraph has been established or is maintained in contravention of this Act, uses such telegraph for the purpose of sending or receiving messages, or performs any service incidental thereto, shall for every such offence be liable to a fine not exceeding fifty rupees.

For opposing establishment, &c., of telegraphs on railway land.

12. Every Railway Company and every officer of a Railway Company, neglecting or refusing to comply with the provisions of section six, shall be liable to a fine not exceeding one thousand rupees for every day during which such neglect or refusal continues.

For intruding into signal-room, &c.

13. Whoever, without permission of some competent authority, enters the signal-room of a telegraph office of the Government or of a company or person licensed under this Act,

and whoever enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so,

and whoever refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein,

and whoever wilfully obstructs or impedes any such officer or servant in the performance of his duty,

shall be liable to a fine not exceeding five hundred rupees.

For unlawfully learning the contents of messages.

14. Whoever does any of the acts mentioned in section thirteen with the intention of unlawfully learning the contents of any message, or for any other unlawful purpose, shall (in addition to the fine to which he is liable under section thirteen) be liable to imprisonment for a term which may extend to a year.

For damaging, &c., telegraphs with intent to prevent transmission,

15. Whoever, intending—

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

to tap, or

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

to commit mischief.

(c) to commit mischief,

damages,

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

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

All offences under this section shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure.

Such offences to be cognizable and non-bailable.

16. Whenever it appears to the Director General of Telegraphs that any act causing or likely to cause wrongful damage to any telegraph is repeatedly or maliciously committed in any place, and that the employment of an additional police force in such place is thereby rendered necessary, the Local Government may, on the application of the said Director General, send such additional force to such place, and employ the same therein so long as such necessity continues ;

Power to employ additional police in places where mischief to telegraphs is repeatedly committed.

and the inhabitants of such place shall be charged with the cost of such additional police force ;

and the Local Government may by order in each case define the limits of any place for the purposes of this section ;

and the Magistrate of the District, after enquiry if necessary, shall, subject to the orders of the Local Government, assess the proportion in which such cost is to be paid by the said inhabitants according to his judgment of their respective means.

All monies payable under this section shall be recoverable either under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the local limits of such Magistrate's jurisdiction, or by suit in any competent Court, and shall be applied to the maintenance of the police force, or otherwise as the Governor General in Council may from time to time direct.

17. Any telegraph officer who—

wilfully

Penalty for omitting to transmit or deliver messages.

wilfully secretes, makes away with, alters or omits to transmit, any message which he may have received for transmission or delivery, or

For intercepting or divulging messages.

wilfully, or otherwise than by the official order of a Secretary to the Government of India or to the Local Government, or of such other officer as the Governor General in Council authorizes to give such order, intercepts any message or any part thereof, or divulges any message, or the purport of any message or of any part thereof, to any person not entitled to receive the same, or

For divulging purport of signals.

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

shall be liable to imprisonment for a term not exceeding three years, or to fine, or to both.

For offering bribes to telegraph officers.

18. Every telegraph officer shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code. 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 include a person or company licensed under this Act.

For misconduct.

19. Any telegraph officer guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message is endangered, or who loiters or makes delay in the transmission or delivery of any message, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred rupees, or to both.

For sending messages without payment to Government.

20. Any telegraph officer who transmits by telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

For sending fabricated message.

21. Whoever transmits or causes to be transmitted by a telegraph a message which he knows to be false

or fabricated, shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

• 22. Whoever fraudulently retains, or wilfully secretes, or makes away with, or keeps, or detains, a message which ought to have been delivered to some other person,

For retaining messages, &c., delivered by mistake.

or being required by a telegraph officer to deliver up any such message, neglects or refuses to do so,

shall be liable to imprisonment for a term which may extend to two years, or to fine, or to both.

23. Whoever abets within the meaning of the Indian Penal Code, any offence under this Act, and whoever attempts to commit any such offence, shall be punishable with the punishment herein provided for such offence.

For abetment of, and attempts to commit, offences.