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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 1st September, 1975

The following Acts of Parliament received the assent of the President on the 29th August, 1975, and are hereby published for general information:—

ACT No. LXVII OF 1975

An Act further to amend the Telegraph Act, 1885

WHEREAS it is expedient further to amend the Telegraph Act, 1885 (XIII of 1885), for the purposes hereinafter appearing :

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Telegraph (Amendment) Act, 1975.

(2) It shall come into force at once.

2. General amendment, Act XIII of 1885.—In the Telegraph Act, 1885 (XIII of 1885), hereinafter referred to as the said Act, for the words “ Central Government ”, wherever occurring, except in section 5, the words “ Federal Government ” shall be substituted.

3. Amendment of section 3, Act XIII of 1885.—In the said Act, in section 3,—

(a) for clause (1) the following shall be substituted, namely:—

“(1) “telegraph” means any apparatus, equipment or plant used for transmitting, emitting, making or receiving signs, signals, writing, speech, sound or intelligence of any nature by wire, radio or visual or electromagnetic system:”;

(b) for clauses (3) and (4) the following shall be substituted, namely:—

“(3) “message” means any communication, whether in written, printed, pictorial or spoken form, transmitted, emitted, made, received or delivered by telegraph or given to a telegraph officer to be transmitted or emitted, and includes all contents thereof;

(4) “telegraph line” means a wire or cable used for the purpose of telegraph, including any casing, coating, tube, tunnel, duct or pipe enclosing the same, and includes any apparatus connected therewith:”;

(c) in clause (5),—

(i) the word “above-ground” shall be omitted; and

(ii) after the word “line” at the end, the words “and includes masts and towers required for telegraph” shall be added; and

(d) in clause (7), for the full stop at the end a semicolon shall be substituted and, after clause (7) amended as aforesaid, the following new clause shall be added, namely:

“(8) “works” means a manhole, cabinet, housing for cable repeater or radio repeater or any other structure above or under the ground, required for a post or telephone line:”.

4 Amendment of section 5, Act XIII of 1885.—In the said Act, in section 5,—

(a) in sub-section (1),—

(i) for the words “Central Government” the words “Federal Government” shall be substituted; and

(ii) for the word “Central” the words “Federal Government” shall be substituted; and

(b) in sub-section (2), for the word “Central” the words “Federal Government” shall be substituted.

5. Amendment of section 6, Act XIII of 1885.—In the said Act, in section 6,—

(a) for the words “Any Railway Company” the words “The Railway Administration” shall be substituted; and

(b) for the words “of the Company” the words “under the management or control of the Administration” shall be substituted.

6. **Amendment of section 7A, Act XIII of 1885.**—In the said Act, in section 7A, the words, brackets, figures and comma “ or postal article as defined in clause (i) of section 2 of the Post Office Act, 1898 (VI of 1898) ” shall be omitted.

7. **Amendment of section 10, Act XIII of 1885.**—In the said Act, in section 10, for the words and commas “ 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 ” the following shall be substituted, namely :—

“ The telegraph authority may place, set up, repair, alter and maintain or cause to be placed, set up, repaired, altered and maintained a telegraph line, post or works under, over, along, across or through any land, seashore, road, stream, water or any immovable property, may break, excavate and remove soil to the extent and depth required for placing or removing telegraph line, post or works, and, for the purpose of constructing or maintaining a telegraph line or post, may dig earth, stone and gravel and fell trees ”.

8. **Amendment of section 11, Act XIII of 1885.**—In the said Act, in section 11, for the words “ or post ” the comma and words “ , post or works ” shall be substituted.

9. **Amendment of section 12, Act XIII of 1885.**—In the said Act.—

(a) section 12 shall be re-numbered as sub-section (1) of that section and, in sub-section (1) re-numbered as aforesaid, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“ Provided that, notwithstanding anything contained in any other law for the time being in force, the local authority shall not impose any condition which requires the telegraph authority to pay rent or royalty for setting up or placing a telegraph line over, across, along or through the property of that authority. ” ; and

(b) after sub-section (1) re-numbered and amended as aforesaid, the following new sub-section shall be added, namely :—

“(2) Any dispute regarding the amount of the expenses payable by the telegraph authority under sub-section (1) shall be determined in accordance with section 15 :

Provided that permission to the telegraph authority shall not be withheld on account of such dispute.”.

10. **Amendment of section 13, Act XIII of 1885.**—In the said Act, in section 13, for the words “ or post ”, twice occurring, the comma and words “ , post or works ” shall be substituted.

11. **Amendment of section 17, Act XIII of 1885.**—In the said Act, in section 17, for the words “ or post ” the comma and words “ , post or works ” shall be substituted.

12. **Amendment of section 19, Act XIII of 1885.**—In the said Act, in section 19, for the words “ or post ” the comma and words “ , post or works ” shall be substituted.

13. **Amendment of section 19A, Act XIII of 1885.**—In the said Act, in section 19A,—

- (a) in sub-section (1), for the words “or post” the comma and words “, post or works” shall be substituted; and
- (b) in sub-section (2), for the words “or post” the comma and words “, post or works” shall be substituted.

14. **Amendment of section 22, Act XIII of 1885.**—In the said Act, in section 22, for the words “a Railway Company” twice occurring, the words “the Railway Administration” shall be substituted.

15. **Amendment of section 23, Act XIII of 1885.**—In the said Act, in section 23, for clause (a) the following shall be substituted, namely:—

- “(a) without permission of competent authority, enters a building, or a portion thereof, housing equipment belonging to the telegraph authority or to a person licensed under this Act, or”.

16. **Amendment of section 25A, Act XIII of 1885.**—In the said Act, in section 25A, for the words “or post” the comma and words “, post or works” shall be substituted.

17. **Insertion of new sections 25B, 25C, 25D, 25E and 25F, Act XIII of 1885.**—In the said Act, after section 25A, amended as aforesaid, the following new sections shall be inserted, namely:—

- “25B. *Theft of telegraph line.*—If any person commits theft of a telegraph line, copper wire, cable or cable accessory, he shall be punished with rigorous imprisonment for a term which is not less than one year and not more than seven years and also with fine.

Explanation.—In this section, “theft” has the same meaning as in the Pakistan Penal Code (Act XLV of 1860).

- 25C. *Penalty for tampering, etc., of telegraph line.*—Any person, including a telegraph officer, who tampers with or uses a telegraph line or telegraph in order to cause wrongful loss to the Government or to any subscriber or to cause wrongful gain to any subscriber or any other person shall, without prejudice to any action which the telegraph authority is competent to take under this Act, be punishable with rigorous imprisonment for a term which is not less than one year and not more than seven years, with or without fine.

- 25D. *Penalty for causing annoyance, etc.*—Any person, including a telegraph officer, who uses any telephone, public or private, for causing annoyance or intimidation to any person, whether a subscriber or not, or for obnoxious calls shall, without prejudice to any other action which the telegraph authority is competent to take under this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

- 25E. *Application of Chapter XX, Act V of 1898.*—The provisions of Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply to the trial of offences punishable under this Act.

25F. *Burden of proof in certain cases.*—Any person who is found to be in possession of, or having under his control, without lawful authority, telegraph line, copper wire, cable or cable accessory of a kind notified by the telegraph authority to be generally used by the Pakistan Telegraph and Telephone Department shall, unless he proves that he has such authority, be deemed to have committed the offence punishable under section 25B.”
