



THE TELEGRAPHS ACT, 1885



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THE TELEGRAPHS ACT, 1885

^{*1}Act NO. XIII OF 1885

[22nd July, 1885]

An Act to amend the law relating to Telegraphs in ²[Pakistan]

WHEREAS it is expedient to amend the law relating to telegraphs in ³[Pakistan]; It is hereby enacted as follows:—

PART I

PRELIMINARY

1. Short title, local extent and commencement.— (1) This Act may be called the ^{4*} Telegraph Act, 1885.

⁵[(2) It extends to the whole of Pakistan, and it applies also to all citizens of Pakistan and persons in the service of Government wherever they may be.]

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

2. [Repeal and savings.] *Rep. by the Repealing Act, 1938 (I of 1938) s. 2 and Sch.*

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

⁶[(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:];

* The Act was repealed by Ord. LI of 1994, but the same has been revived by Ord. No. LXIII of 1995, s.33.

¹For Statement of Objects and Reasons, see Gazette of India, 1884,Pt. V, p. 481; for Report of the Select Committee, see *ibid.*, 1885, Pt. IV,p. 192; and for Proceedings in Council, see *ibid.*, 1884, Supplement, pp. 1169 and 1296, and *ibid.*, 1885, Supplement, p. 1181.

This Act was declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913), s. 3 and Sch.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications; and also extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

²Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and 3rd Sch., for “India”.

³Subs. by A.O., 1949, Sch., for “India”.

⁴The word “Indian” omitted by A. O.,1949, Sch.

⁵The original sub-section (2) was first subs. by the Indian Telegraph (Amdt.) Act, 1914 (7 of 1914), s. 2 and then successively been amended by A. O., 1949, Sch., and A. O., 1961, Art. 2 and Sch., (with effect from the 23rd March, 1956), to read as above.

⁶Subs. by the Telegraph (Amdt.) Act, 1975 (67 of 1975), s. 2, for the existing clause (1).

- (2) “telegraph officer” means any person employed either permanently or temporarily in connection with a telegraph established, maintained or worked by ¹[the ²[Federal Government]] or by a person licensed under this Act:
- ³[(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 :];
- (5) “post” means a post, pole, standard, stay, strut or other ⁴* * contrivance for carrying, suspending or supporting a telegraph line ⁵[and includes masts and towers required for telegraph]:
- (6) “telegraph authority” means the ⁶[Director-General, Pakistan Telegraph and Telephone Department], 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 commissioners or other authority legally entitled to, or entrusted by ⁷[the ⁸[Federal] or any Provincial Government] with, the control or management of any municipal or local fund ⁹[:]
- ¹⁰[(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:].

¹Subs. by A. O., 1937, for “the Govt”.

²Subs. by the Telegraph (Amdt.) Act, 1975, (67 of 1975), s. 2, for “Central Government”.

³Subs. *ibid.*, for the original clauses (3) and (4).

⁴The words “above ground”, omitted *ibid.*

⁵Added *ibid.*

⁶Subs. by the Posts and Telegraphs (Amdt.) Act, 1962 (5 of 1962), s. 2 (1), (with effect from the 1st July, 1962), for “Director General of [Posts and Telegraphs]”. The words in crotchets were subs. by the Indian Post Office and Telegraph (Amdt.) Act, 1914 (14 of 1914), s. 2, for “Telegraphs”.

⁷Subs. by A. O., 1937, for “Govt”.

⁸Subs. by F. A. O., 1975, Art. 2 and Table for “Central”.

⁹Subs. by Act 67 of 1975, s. 3, for full stop.

¹⁰Added *ibid.*

PART II

PRIVILEGES AND POWERS OF THE GOVERNMENT

4. Exclusive privilege in respect of telegraphs, and power to grant licenses.—¹[(1)] Within ²[Pakistan], the ³[Federal Government] shall have the exclusive privilege of establishing, maintaining and working telegraphs:

Provided that the ³[Federal Government] may grant a license, on such conditions and in consideration of such payments as ⁴[it] thinks fit, to any person to establish, maintain or work a telegraph within any part of ²[Pakistan]:

¹[Provided further that the ³[Federal Government] may, by rules made under this Act and published in the ⁵[official Gazette], permit, subject to such restrictions and conditions as ⁴[it] thinks fit, the establishment, maintenance and working-

(a) of wireless telegraphs on ships within ⁶[Pakistan] territorial waters ⁷[and on aircraft within or above ²[Pakistan], or ⁶[Pakistan] territorial waters], and

(b) of telegraphs other than wireless telegraphs within any part of ²[Pakistan].

(2) The ³[Federal Government] may, by notification in the [official Gazette], delegate to the telegraph authority all or any of ⁸[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 ³[Federal 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 ³[Federal Government] or a ⁹[Provincial Government], or any officer specially authorized

¹S. 4 was renumbered s. 4 (1) and the second proviso and sub-section (2) were added to that section by the Indian Telegraph (Amdt.) Act, 1914 (7 of 1914), s. 4.

²Subs. by A. O., 1949, Sch., for "British India".

³Subs. by the Telegraph (Amdt.) Act, 1975 (67 of 1975), s. 2, for "Central Government", which was previously subs. by A. O., 1937, for "G. G. in C".

⁴Subs. by A. O., 1937, for "he".

⁵Subs. *ibid.*, for "Gazette of India".

⁶Subs. by A. O., 1949, Sch., for "Indian".

⁷Ins. by the Indian Telegraph (Amdt.) Act, 1930 (27 of 1930).

⁸Subs. by A. O., 1937, for "his".

⁹Subs. *ibid.*, for "L.G".