

THE INDIAN TELEGRAPH (AMENDMENT) ACT, 1957

No. 47 OF 1957

[18th December, 1957]

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

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Telegraph (Amendment) Act, 1957. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

13 of 1885. 2. In section 7 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act),— Amendment of section 7.

(a) in sub-section (2), after clause (d), the following clauses shall be inserted, namely:—

“(e) the conditions and restrictions subject to which any telegraph line, appliance or apparatus for telegraphic communication shall be established, maintained, worked, repaired, transferred, shifted, withdrawn or disconnected;

(f) the charges in respect of—

(i) the establishment, maintenance, working, repair, transfer or shifting of any telegraph line, appliance or apparatus;

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

(g) the matters in connection with the transition from a system whereunder rights and obligations relating to the establishment, maintenance, working, repair, transfer or shifting of any telegraph line, appliance or apparatus for telegraphic communication attach by virtue of any agreement to a system whereunder 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 in clause (i) shall be assessed;

(k) any other matter for which provision is necessary for the proper and efficient conduct of all or any telegraphs under this Act.”; and

(b) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(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, it is necessary or expedient to enter into such agreement with him, or

(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) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

3. After section 7 of the principal Act, the following sections shall be inserted, namely:—

Insertion of  
new sections  
7A and 7B.

"7A. Nothing in section 7 shall authorise 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, relating to the establishment, maintenance or working of any telegraph line, appliance or apparatus for telegraphic communication; and all rights and obligations thereunder relating to such establishment, maintenance or working shall be determined in accordance with the terms and conditions of such agreement.

Saving of  
existing  
agreements.

7B. (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.

Arbitration  
of disputes.

(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."

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