

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION)  
AMENDMENT ACT, 1962

No. 15 OF 1962

[30th March, 1962]

An Act further to amend the Telegraph Wires (Unlawful Possession) Act, 1950.

Enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Telegraph Wires (Unlawful Possession) Amendment Act, 1962. Short title.

2. For section 5 of the Telegraph Wires (Unlawful Possession) Act, 1950 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:— Substitution of new section for section 5.

“5. Whoever is found or is proved to have been in possession of any quantity of telegraph wires shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable,— Penalty for unlawful possession of telegraph wires.

(a) for the first offence, with imprisonment for a term which may extend to five years, or with fine, or with both;

(b) for the second or a subsequent offence, with imprisonment for a term which may extend to five years and also with fine and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than two years and such fine shall not be less than two thousand rupees:

Provided that where a person has made a declaration under section 3 in relation to any quantity of telegraph wires, the burden of proving, in respect of the quantity so declared, that it came into his possession lawfully, shall not be on such person.”

Amendment  
of section 3. 3. In section 8 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, 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.”

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