

Rep. by Act. 38 of 1978, S. 2 + Sch. I

THE INDIAN TELEGRAPH (AMENDMENT) ACT, 1972

No. 38 OF 1972

[21st August, 1972]

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

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Indian Telegraph (Amendment) Act, 1972.

Substitution of new section for section 5. 2. For section 5 of the Indian Telegraph Act, 1885, the following section shall be substituted, namely:—

13 of 1885.

Power for Government to take possession of licensed telegraphs and to order interception of messages.

"5. (1) On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do, take temporary possession (for so long as the public emergency exists or the interest of the public safety requires the taking of such action) of any telegraph established, maintained or worked by any person licensed under this Act.

(2) On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order:

Provided that press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section."