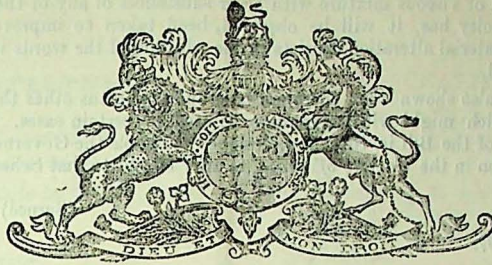


THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 18TH NOVEMBER 1897.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th November 1897 :

No. 19 of 1897.

A Bill to further amend the Petroleum Act, 1886.

WHEREAS it is expedient to further amend the Petroleum Act, 1886 ; It is hereby enacted as follows :

Short title and commencement.

1. (1) This Act may be called the Petroleum Act, 1897 ; and

(2) It shall come into force at once.

2. In section 3 of the Petroleum Act, 1886,

Substitution of new definition of "petroleum" in section 3, Act XII, 1886.

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

"(1) 'petroleum' includes also—

(a) the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kero-

sine, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline and benzine ;

(b) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any product of petroleum ; and

(c) any liquid or viscous mixture with other substances of any of the liquids aforesaid :

but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer."

Addition of new sub-section to section 4, Act XII, 1886.

3. To section 4 of the said Act the following sub-section shall be added, namely :

"(3) The Governor General in Council may, by notification in the official Gazette, alter or add to the schedule to this Act by prescribing new or varied tests, and directions for preparing and using them ; and all references in this Act to the schedule, when altered or added to, shall be construed as referring to the schedule as so altered or added to for the time being."

STATEMENT OF OBJECTS AND REASONS.

THE necessity for taking precautions to meet the case of the importation, possession or transport of paints, varnishes and other similar substances containing inflammable material has been brought to the notice of the Government of India and formed the subject of correspondence with Her Majesty's Secretary of State. It is in consequence now proposed, by clause 2 of this Bill, to make the provisions of the

Petroleum Act, 1886 (XII of 1886), apply to such substances by extending the definition of "petroleum" so as to include any liquid or viscous mixture with other substances of any of the liquids already referred to therein. The opportunity has, it will be observed, been taken to improve the form of the whole definition, but the only material alteration consists in the addition of the words which have, for the sake of convenience, been italicised.

2. Experience has also shown that there are tests and apparatus other than those prescribed by the Schedule to the Act, which might with advantage be used in certain cases. The addition to section 4 contemplated by clause 3 of the Bill is, therefore, designed to enable the Governor General in Council from time to time, by notification in the *Gazette of India*, to alter or add to that Schedule.

(Signed) C. M. RIVAZ,

The 27th October 1897.

J. M. MACPHERSON,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th November 1897 :

No. 20 of 1897.

THE INDIAN POST OFFICE BILL.

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[The marginal references to the "Eng. Bill" are references to the English Post Office Consolidation Bill.]

A Bill to consolidate and amend the Law relating to the Post Office in India.

WHEREAS it is expedient to consolidate and amend the law relating to the Post Office in India; It is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

Short title, extent, application and commencement. 1. (1) This Act may be called the Indian Post Office Act, 1898.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti; and it applies also to—

- (a) all Native Indian subjects of Her Majesty in any place without and beyond British India;
 - (b) all other British subjects within the territories of any Native Prince or Chief in India; and
 - (c) all servants of the Queen, whether British subjects or not, within the territories of any Native Prince or Chief in India.
- (3) It shall come into force on the day of 1898.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) the expression "Director General" means the Director General of the Post Office of India;

The Indian Post Office Bill.

(Chapter I—Preliminary—Section 3. Chapter II—Privilege and Protection of the Government—Sections 4-5.)

- [New.] (b) the expression "inland," used in relation to a postal article, means—
 - (i) posted in British India and addressed to any place in British India or to any place for which a post office is established by the Governor General in Council beyond the limits of British India; or
 - (ii) posted at any post office established by the Governor General in Council beyond the limits of British India and addressed to any place for which any such post office is established or to any place in British India:
- [New. Cf. Eng. Bill, cl. 88.] (c) the expression "mail bag" includes a bag, box, parcel or any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article:
- [New.] (d) the expression "mail ship" means a ship regularly employed for carrying mails, whether under contract or not, by the Government of India or Her Majesty's Government or the Government of any British possession or foreign country:
- [New. Cf. Eng. Bill, cl. 88.] (e) the expression "officer of the Post Office" includes any person employed in any business of the Post Office or on behalf of the Post Office:
- [New. Cf. *ibid.*] (f) the expression "postage" means the duty chargeable for the transmission by post of postal articles:
- [New.] (g) the expression "postage stamp" means any stamp provided by the Governor General in Council for denoting postage or other fees or sums payable in respect of postal articles under this Act, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article:
- [New. Cf. Eng. Bill, cl. 88.] (h) the expression "post office" includes every house, building, room, carriage or place used for the purposes of the Post Office, and every letter-box provided by the Post Office for the reception of postal articles:
- [New. Cf. definition of "postal packet" in *ibid.*] (i) the expression "postal article" means a letter, postcard, reply postcard, newspaper, book, pattern or sample packet, parcel, and every article or thing transmissible by post:
- [New.] (j) the expression "Post Master General" includes a Deputy Post Master General or other officer exercising the powers of a Post Master General: and
- [New.] (k) the expression "the Post Office" means the department presided over by the Director General of the Post Office.

Meanings of "in course of transmission by post" and "delivery."

3. For the purposes of this Act,—

- [New. Cf. 47 & 48 Viet.,] (a) a postal article shall be deemed to be in course of transmission by post from the

- time of its being delivered to a post office to the time of its being delivered to the addressee: c. 76, s. 19; and Eng. Bill, cl. 89.]
- (b) the delivery of a postal article of any description to a letter-carrier or other person authorized to receive postal articles of that description for the post shall be deemed to be a delivery to a post office: and
- (c) the delivery of a postal article at the house or office of the addressee, or to the addressee or his servant or agent or other person considered to be authorized to receive the article according to the usual manner of delivering postal articles to the addressee, shall be deemed to be delivery to the addressee.

CHAPTER II.

PRIVILEGE AND PROTECTION OF THE GOVERNMENT.

4. Wherever within British India posts or postal communications are established by the Governor General in Council, the Council shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say:

- (a) letters sent by a private friend in his way, journey or travel, to be delivered by him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them:
- (b) letters solely concerning the private affairs of the sender or receiver thereof, sent by a messenger on purpose; and
- (c) letters solely concerning goods or property, sent either by sea or by land to be delivered with the goods or property which the letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them:

Provided that nothing in this section shall authorize any person to make a collection of letters excepted as aforesaid for the purpose of sending them in the manner hereby authorized.

5. Wherever within British India posts or postal communications are established by the Governor General in Council, the following persons are expressly forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them, although they obtain no hire, reward or other profit or advantage for so doing, that is to say:

The Indian Post Office Bill.

(Chapter II—Privilege and Protection of the Government—Section 6.
Chapter III—Postage—Sections 7-11).

- (a) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages; and
- (b) owners and masters of vessels sailing or passing on any river or canal in British India, or between any ports or places in British India, and their servants or agents, except as regards letters solely concerning goods on board, and except as regards postal articles received for conveyance under Chapter VIII.
- (c) prescribe the postage to be charged on inland postal articles when the postage is not prepaid or is insufficiently prepaid;
- (d) provide for the redirection of postal articles, and the transmission by post of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules; and
- (e) prescribe the fees to be charged for the "express delivery" of postal articles, in addition to, or instead of, any other postage chargeable thereon under this Act.

[Cf. XIV of 1866, s. 65.]

6. The Secretary of State for India in Council shall not incur any liability by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post, except in so far as such liability may in express terms be undertaken by the Governor General in Council as hereinafter provided; and no officer of the Post Office shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently or by his wilful act or default.

CHAPTER III.

POSTAGE.

[New Eng. Bill, cl. 2.]

7. (1) The Governor General in Council may, by notification in the *Gazette of India*, fix the rates of postage and other sums to be charged in respect of postal articles sent by the inland post under this Act, and may make rules as to the scale of weights, terms and conditions subject to which the rates so fixed shall be charged:

Provided that the highest rate of postage, when prepaid, shall not exceed the rates set forth for each class of postal articles in the first schedule.

(2) Unless and until such notification as aforesaid is issued, the rates set forth in the said schedule shall be the rates chargeable under this Act.

[Cf. XIV of 1866, ss. 9, 19 and 24; 3. & 4. Viet., c to 96, s. 43; and Eng. Bill, cl. cases. 2 (2) (4).]

8. (1) The Governor General in Council may make rules as to book, pattern and sample packets, the prepayment of postage, and the payment of postage or fees on the redirection and "express delivery" of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what packets may be sent by the inland post as packets within the meaning of this Act;
- (b) require the prepayment of postage on inland postal articles or any class of inland postal articles, and the manner in which prepayment shall be made;

Explanation.—"Express delivery" means delivery by a special messenger or conveyance.

9. (1) The Governor General in Council may make rules providing for the registration of newspapers for transmission by inland post as registered newspapers.

(2) For the purpose of such registration, every publication, consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, shall be deemed a newspaper, subject to the following conditions, namely:

- (a) that it is published in numbers at intervals of not more than thirty-one days; and
- (b) that it has a *bonâ fide* list of subscribers.

(3) An extra or supplement to a newspaper bearing the same date as the newspaper and transmitted therewith, shall be deemed to be part of the newspaper:

Provided that no such extra or supplement shall be so deemed unless it consists wholly or in great part of matter like that of the newspaper and has the title and date of publication of the newspaper printed at the top of each page.

Explanation.—Nothing in this section or in the rules thereunder shall be construed to render it compulsory to send newspapers by the inland post.

10. Where arrangements are in force with the United Kingdom, or with any British possession or foreign country, for the transmission by post of postal articles between British India and the United Kingdom or such possession or country, the Governor General in Council may, in conformity with the provisions of such arrangements, declare what postage rates and other sums shall be charged in respect of such postal articles, and may make rules as to the scale of weight, terms and conditions subject to which the rates so declared shall be charged.

Power to declare postage rates for foreign postal articles.

11. (1) The addressee of a postal article on which postage or any other sum chargeable under this Act is due, shall be bound to pay the postage or sum so chargeable on his accepting delivery of the postal article, unless he forthwith returns it unopened.

Liability for payment of postage.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) declare what packets may be sent by the inland post as packets within the meaning of this Act;

(b) require the prepayment of postage on inland postal articles or any class of inland postal articles, and the manner in which prepayment shall be made;

[New Eng. Bill, cl. 20.]

[New.]

[Cf. XIV of 1866, s. 28.]

The Indian Post Office Bill.

Chapter III—Postage—Sections 12-15. Chapter IV—Postage Stamps—Sections 16-17.
Chapter V—Conditions of Transmission of Postal Articles—Sections 18-19.

(2) If the postal article is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or sum due thereon under this Act.

[Cf. XIV of 1866, s. 28.]

12. If any person refuses to pay any postage or other sum due from him under this Act in respect of any postal article, the sum so due may, on application made by an officer of the Post Office authorized in this behalf by the written order of the Post Master General, be recovered for the use of the Post Office from the person so refusing, as if it were a fine imposed under this Act, by any Magistrate having jurisdiction where that person may for the time being be resident; and the Post Master General may further direct that any other postal article, not being on Her Majesty's service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

13. Where a postal article on which any duty of customs is payable, has been received by post from any place beyond the limits of British India and the duty has been paid by the postal authorities at any customs-port or elsewhere, the amount of the duty shall be recoverable as if it were postage due under this Act.

[Cf. XIV of 1866, s. 67.]

14. In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of a postal article,—

- (a) the production of the postal article, having thereon the official mark of the Post Office denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *prima facie* evidence of the fact so denoted; and
- (b) the person from whom the postal article purports to have come, shall, until the contrary is proved, be deemed to be the sender thereof.

[New. Cf. 10 & 11 Vict., c. 85, ss. 13 and 14; 38 & 39 Vict., c. 22, s. 8; and Eng. Bill, cl. 9.]

15. The official mark on a postal article denoting that any postage or other sum is due in respect thereof to the Post Office of British India or to the Post Office of the United Kingdom or of any British possession or foreign country shall be *prima facie* evidence that the sum denoted as aforesaid is so due.

[New. Cf. 38 & 39 Vict., c. 22, s. 8; and Eng. Bill cl. 9.]

CHAPTER IV.
POSTAGE STAMPS.

16. (1) The Governor General in Council shall cause postage stamps to be provided of such kinds and denoting such values as he may think necessary for the purposes of this Act.

[Cf. XIV of 1866, ss. 36, 38.]

Provision of postage stamps and power to make rules as to them.

(2) The Governor General in Council may make rules as to the supply, sale and use of postage stamps.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) fix the price at which postage stamps shall be sold;
- (b) declare the classes of postal articles in respect of which postage stamps shall be used for the payment of postage or other sums chargeable under this Act;
- (c) prescribe the conditions with regard to perforation, defacement and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other sums;
- (d) regulate the custody, supply and sale of postage stamps;
- (e) declare the persons by whom and the terms and conditions subject to which postage stamps may be sold; and (f) prescribe the duties and remuneration of persons selling postage stamps.

17. Postage stamps provided under section 16 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Indian Penal Code, and, subject to the other provisions of this Act, shall be used for the prepayment of postage or other sums chargeable under this Act, in respect of postal articles, except where the Governor General in Council directs that prepayment shall be made in some other way.

Postage stamps to be deemed to be stamps for the purpose of revenue.

[Cf. XIV of 1866, ss. 35 and 37.]

XLV of 1860

CHAPTER V.

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES.

18. (1) The Governor General in Council may, by rule, provide for the redelivery to the sender, without reference to the consent of the addressee and subject to such conditions (if any) as may be deemed fit, of any postal article in course of transmission by post.

(2) Save as provided by any rules that may be made under sub-section (1), the sender shall not be entitled to recall a postal article in course of transmission by post.

19. (1) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by post any explosive, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the Post Office.

(2) No person shall send by post any article or thing which is likely to injure postal articles in

[Cf. XIV of 1866, s. 42 and 47 & 48, and 49, c. 76, 4.]

Transmission by post of anything injurious prohibited.

The Indian Post Office Bill.

(Chapter V—Conditions of Transmission of Postal Articles—Sections 20-26)

course of transmission by post or any officer of the Post Office.

[New. Cf. 47 & 48 Vict., c. 76, s. 4; and Eng. Bill, cl. 16.] **20.** No person shall send by post any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article, or any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, defamatory or grossly offensive character.

[New. Cf. 57 & 59 Vict., c. 22, ss. 3, 4; and Eng. Bill, cl. 12.] **21.** (1) The Governor General in Council may make rules as to the transmission by post of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) provide for the granting receipts for, and the granting and obtaining certificates of posting and delivery of, postal articles, and the sums to be paid, in addition to any other postage, for such receipts and certificates; and

(b) regulate covers, form, dimensions, maximum weight and enclosures, and the use of postal articles, other than letters, for making communications.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Director General may, by order, from time to time appoint.

[New. Cf. 53 & 54 Vict., c. 79, s. 17; and Eng. Bill, cl. 15.] **22.** (1) Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book, pattern or sample packets and parcels, or any of them, such packets or parcels, or any of them, may, subject to such rules as the Governor General in Council may make in this behalf, be detained in the Post Office so long as may be necessary.

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Post Office for that purpose.

[New. Cf. Eng. Bill, cl. 17.] **23.** (1) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the Governor General in Council may, by rule, direct.

(2) Any officer in charge of a Post Office or authorised by the Post Master General in this behalf may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by post which he suspects to have been sent by post in contravention of any of the provisions of this Act.

(3) Any postal article known or suspected to be sent by post in contravention of the provisions of section 19 or section 20 may, if necessary, be opened and the article itself or its contents destroyed under the authority of the Post Master General.

24. Where a postal article, suspected to contain any contraband goods or anything liable to duty, is received for delivery at any post office, the officer in charge of the post office shall send a notice in writing to the addressee inviting him to attend either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee or his agent, or if the addressee or his agent fails to attend as aforesaid, then in his absence, open and examine the postal article:

Provided first, that, if the Director General so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent:

Provided, secondly, that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected therewith shall be immediately reported to the Post Master General:

Provided, thirdly, that nothing in this section shall prevent the detention of parcels, received by post from any place beyond the limits of British India, at the customs-port or other place at which they are received, and the opening of parcels so received by the Customs authorities for the purpose of levying any duty of customs.

[Cf. XIV of 1866, s. 60A.] **25.** Where a notification has been published under section 19 of the Sea Customs Act, 1878, in respect of any goods of any specified description, any officer of the Post Office empowered in this behalf by the Governor General in Council may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all such goods found to such officer as the Governor General in Council may appoint in this behalf, and such goods may be disposed of in such manner as the Governor General in Council may direct.

[New. Cf. XIII of 1855, s. 5.] **26.** (1) On the occurrence of any public emergency, or in the interest of the public safety or tranquility the Governor General in Council, or a Local Government, or any officer specially authorized in this behalf by the Governor General in Council, may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be inter-

*The Indian Post Office Bill.**(Chapter V—Conditions of Transmission of Postal Articles—Section 27.**Chapter VI—Registration, Insurance and Value-payable Post—Sections 28-32).*

cepted or detained, or shall be delivered to the Government or to an officer thereof mentioned in the order, to be disposed of in such manner as the Governor-General in Council may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interest of the public safety or tranquility, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

[Cf. XIV of 1866, s. 66.] Power to deal with postal articles from abroad bearing fictitious or previously used stamps.

27. (1) Where a postal article is received by post from any place beyond the limits of British India—

- (a) bearing a fictitious postage stamp, that is to say, any facsimile or imitation or representation of a postage stamp; or
- (b) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article;

the officer in charge of the post office at which the postal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office to receive delivery of the postal article.

(2) If the addressee or his agent attends at the post office within the time specified in the notice and consents to make known to the officer in charge of the post office the name and address of the sender of the postal article and to redeliver to the officer aforesaid the portion of the postal article which bears the address and the fictitious or previously used postage stamp, or, if the postal article is inseparable from the stamp, the entire postal article, the postal article shall be delivered to the addressee or his agent.

(3) If the addressee or his agent fails to attend at the post office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the postal article or portion thereof as required by sub-section (2), the postal article shall not be delivered to him, but shall be disposed of in such manner as the Governor-General in Council may direct.

Explanation.—For the purposes of this section, the expression “postage stamp” includes any postage stamp for denoting any rate or duty of postage of any part of Her Majesty’s dominions or of any Native State or foreign country.

CHAPTER VI.

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST.

[Cf. XIV of 1866, s. 25; 3 & 4 Vict., c. 96, s. 39, and 33 Vict., c. 22, s. 3.] 28. The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted, and require a receipt therefor; and the Governor-General in Council may,

by notification in the *Gazette of India*, direct that, in addition to any postage chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the registration of postal articles.

29. (1) The Governor-General in Council may [Cf. XIV of 1866, s. 26.] Power to make rules as to registration. make rules as to the registration of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare in what cases registration shall be required;
- (b) prescribe the manner in which the fees for registration shall be paid; and
- (c) direct that twice the fee for registration shall be levied on the delivery of a postal article required to be registered on which the fee for registration has not been prepaid.

(3) Postal articles shall be made over to the Post Office for the purpose of being registered, and shall be delivered, when registered, at such times and in such manner as the Director-General may, by order, from time to time appoint.

30. The Governor-General in Council may, by [New.] notification in the *Gazette of India*, direct—

- (a) that any postal article may, subject to the other provisions of this Act, be insured at the post office at which it is posted, against the risk of loss or damage in course of transmission by post, and that a receipt therefor shall be granted to the person posting it; and
- (b) that, in addition to any postage and fees for registration chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the insurance of postal articles.

31. The Governor-General in Council may, by [New.] notification in the *Gazette of India*, declare in what cases insurance shall be required, and direct that any postal article containing anything required to be insured, which has been posted without being insured, shall be returned to the sender or shall be delivered to the addressee, subject to the payment of such special fee as may be fixed by the notification:

Provided that the levy of such special fee as aforesaid shall not impose any liability upon the Secretary of State for India in Council in respect of the postal article.

32. (1) The Governor-General in Council may [New.] Power to make rules as to insurance. make rules as to the insurance of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what classes of postal articles may be insured under section 30;

The Indian Post Office Bill.

(Chapter V—Conditions of Transmission of Postal Articles—Sections 20-26)

course of transmission by post or any officer of the Post Office.

[New. Cf. 47 & 48 Vict., c. 78, s. 4; and Eng. Bill, cl. 16.] **20.** No person shall send by post any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article, or any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, defamatory or grossly offensive character.

[New. Cf. 58 & 59 Vict., c. 22, ss. 3 & 4; and Eng. Bill, cl. 13.] **21.** (1) The Governor General in Council may make rules as to the transmission by post of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) provide for the granting receipts for, and the granting and obtaining certificates of posting and delivery of, postal articles, and the sums to be paid, in addition to any other postage, for such receipts and certificates; and

(b) regulate covers, form, dimensions, maximum weight and enclosures, and the use of postal articles, other than letters, for making communications.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Director General may, by order, from time to time appoint.

[New. Cf. 83 & 84 Vict., c. 79, s. 17; and Eng. Bill, cl. 15.] **22.** (1) Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book, pattern or sample packets and parcels, or any of them, such packets or parcels, or any of them, may, subject to such rules as the Governor General in Council may make in this behalf, be detained in the Post Office so long as may be necessary.

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Post Office for that purpose.

[New. Cf. Eng. Bill, cl. 17.] **23.** (1) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the Governor General in Council may, by rule, direct.

(2) Any officer in charge of a Post Office or authorised by the Post Master General in this behalf may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by post which he suspects to have been sent by post in contravention of any of the provisions of this Act.

(3) Any postal article known or suspected to be sent by post in contravention of the provisions of section 19 or section 20 may, if necessary, be opened and the article itself or its contents destroyed under the authority of the Post Master General.

24. Where a postal article, suspected to contain any contraband goods or anything liable to duty, is received for delivery at any post office, the officer in charge of the post office shall send a notice in writing to the addressee inviting him to attend either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee or his agent, or if the addressee or his agent fails to attend as aforesaid, then in his absence, open and examine the postal article:

Provided first, that, if the Director General so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent:

Provided, secondly, that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected therewith shall be immediately reported to the Post Master General:

Provided, thirdly, that nothing in this section shall prevent the detention of parcels, received by post from any place beyond the limits of British India, at the customs-port or other place at which they are received, and the opening of parcels so received by the Customs authorities for the purpose of levying any duty of customs.

25. Where a notification has been published under section 19 of the Sea Customs Act, 1878, in respect of any goods of any specified description, any officer of the Post Office empowered in this behalf by the Governor General in Council may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all such goods found to such officer as the Governor General in Council may appoint in this behalf, and such goods may be disposed of in such manner as the Governor General in Council may direct.

26. (1) On the occurrence of any public emergency, or in the interest of the public safety or tranquility the Governor General in Council, or a Local Government, or any officer specially authorized in this behalf by the Governor General in Council, may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be inter-

cepted for the purpose of dealing with postal articles containing goods contraband or liable to duty.

[Cf. X IV of 1866, s. 60, 3 & 4 Vict., c. 96, s. 65; and Eng. Bill, cl. 15.]

[Cf. XIV of 1866, s. 60A.]

[New. Cf. XIII of 1885, s. 5.]

The Indian Post Office Bill.

(Chapter V—Conditions of Transmission of Postal Articles—Section 27.
Chapter VI—Registration, Insurance and Value-payable Post—Sections 28-32).

cepted or detained, or shall be delivered to the Government or to an officer thereof mentioned in the order, to be disposed of in such manner as the Governor-General in Council may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interest of the public safety or tranquility, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

[Cf. XIV of 1866, s. 66.]

Power to deal with postal articles from abroad bearing fictitious or previously used stamps.

27. (1) Where a postal article is received by post from any place beyond the limits of British India—

- (a) bearing a fictitious postage stamp, that is to say, any facsimile or imitation or representation of a postage stamp; or
- (b) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article;

the officer in charge of the post office at which the postal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office to receive delivery of the postal article.

(2) If the addressee or his agent attends at the post office within the time specified in the notice and consents to make known to the officer in charge of the post office the name and address of the sender of the postal article and to redeliver to the officer aforesaid the portion of the postal article which bears the address and the fictitious or previously used postage stamp, or, if the postal article is inseparable from the stamp, the entire postal article, the postal article shall be delivered to the addressee or his agent.

(3) If the addressee or his agent fails to attend at the post office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the postal article or portion thereof as required by sub-section (2), the postal article shall not be delivered to him, but shall be disposed of in such manner as the Governor-General in Council may direct.

Explanation.—For the purposes of this section, the expression "postage stamp" includes any postage stamp for denoting any rate or duty of postage of any part of Her Majesty's dominions or of any Native State or foreign country.

CHAPTER VI.

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST.

[Cf. XIV of 1866, s. 25; 3 & 4 Vict., c. 96, s. 39, and 38 Vict., c. 22, s. 3.]

28. The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted, and require a receipt therefor; and the Governor-General in Council may,

by notification in the *Gazette of India*, direct that, in addition to any postage chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the registration of postal articles.

29. (1) The Governor-General in Council may [Cf. XIV of 1866, s. 26.]
Power to make rules as to registration. make rules as to the registration of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare in what cases registration shall be required;
- (b) prescribe the manner in which the fees for registration shall be paid; and
- (c) direct that twice the fee for registration shall be levied on the delivery of a postal article required to be registered on which the fee for registration has not been prepaid.

(3) Postal articles shall be made over to the Post Office for the purpose of being registered, and shall be delivered, when registered, at such times and in such manner as the Director-General may, by order, from time to time appoint.

30. The Governor-General in Council may, by [New.]
Insurance of postal articles. notification in the *Gazette of India*, direct—

- (a) that any postal article may, subject to the other provisions of this Act, be insured at the post office at which it is posted, against the risk of loss or damage in course of transmission by post, and that a receipt therefor shall be granted to the person posting it; and
- (b) that, in addition to any postage and fees for registration chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the insurance of postal articles.

31. The Governor-General in Council may, by [New.]
Power to require insurance of postal articles. notification in the *Gazette of India*, declare in what cases insurance shall be required, and direct that any postal article containing anything required to be insured, which has been posted without being insured, shall be returned to the sender or shall be delivered to the addressee, subject to the payment of such special fee as may be fixed by the notification:

Provided that the levy of such special fee as aforesaid shall not impose any liability upon the Secretary of State for India in Council in respect of the postal article.

32. (1) The Governor-General in Council may [New.]
Power to make rules as to insurance. make rules as to the insurance of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what classes of postal articles may be insured under section 30;

The Indian Post Office Bill.

(Chapter VI—Registration, Insurance and Value-payable Post—Sections 33-36.
Chapter VII—Undelivered Postal Articles—Sections 37-38).

- (b) fix the limit of the amount for which postal articles may be insured; and
- (c) prescribe the manner in which the fees for insurance shall be paid.

[New.]

(2) Postal articles shall be made over to the Post Office for the purpose of being insured, and shall be delivered, when insured, at such places and times and in such manner as the Director-General may, by order, from time to time appoint.

[New.]

33. Subject to such conditions and restrictions as the Governor-General in Council may, by rule, prescribe, the Secretary of State for India in Council shall be liable to pay compensation, not exceeding the amount for which a postal article has been insured, to the sender thereof for the loss of the postal article or its contents, or for any damage caused to it in course of transmission by post:

Provided that the compensation so payable shall in no case exceed the value of the articles lost or the amount of the damage caused.

[New.]

34. The Governor-General in Council may, by notification in the *Gazette of India*, direct that, subject to the other provisions of this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of a postal article shall be recoverable on the delivery thereof from the addressee, and that the sum, so recovered, shall be paid to the sender:

Provided that the Secretary of State for India in Council shall not incur any liability in respect of the sum specified for recovery, unless and until that sum has been received from the addressee.

Explanation.—Postal articles sent in accordance with the provisions of this section may be described as "value-payable" postal articles.

[New.]

35. (1) The Governor-General in Council may make rules as to the transmission by post of value-payable postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what classes of postal articles may be sent as value-payable postal articles;
- (b) direct that no postal article shall be so sent unless the sender declares that it is sent in execution of a *bond file* order received by him;
- (c) limit the value to be recovered on the delivery of any value-payable postal article; and
- (d) prescribe the form of declaration to be made by the senders of value-payable postal articles, and the time and manner of the payment of fees.

(3) Postal articles shall be made over to the Post Office for the purpose of being sent as "Value-payable," and shall be delivered, when so sent, at such times and in such manner as the Director-General may, by order, from time to time appoint.

[New.]

36. (1) Where arrangements are in force with the United Kingdom, or with any British possession, Native State or foreign country, for the transmission by post of registered, insured or value-payable postal articles between British India and the United Kingdom or such possession, State or country, the Governor-General in Council may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the form of declaration to be made by the senders of such postal articles as aforesaid; and
- (b) the fees to be charged in respect thereof.

CHAPTER VII.

UNDELIVERED POSTAL ARTICLES.

37. (1) The Governor-General in Council may make rules as to the disposal of undelivered postal articles which for any reason cannot be delivered (hereinafter referred to as "undelivered" postal articles).

[Cf. XIV of 1866, ss. 29 (1) and 30.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the period during which undelivered postal articles at any post office shall remain in that office; and
- (b) provide for the publication at post offices of lists of undelivered postal articles, or of any class of undelivered, postal articles.
- (3) Every undelivered postal article, after being detained at a post office for the period prescribed by rule under the foregoing provisions of this section, shall,—

- (a) if the name and address of the sender is known, be forwarded, free of further charge, to the post office at which it was posted, for return to the sender; or,
- (b) if the name and address of the sender is not known, be forwarded to the office of the Post Master General.

38. (1) Every postal article received at the office of the Post Master General under sub-section (2) of section 37 shall be dealt with as follows:

- (a) if practicable, it shall be redirected and forwarded by post to the addressee; or,

*The Indian Post Office Bill.**(Chapter VII—Undelivered Postal Articles—Section 39. Chapter VIII—Ship Letters—Sections 40-42. Chapter IX—Money Orders—Sections 43-45).*

(b) if it cannot be redirected and forwarded as aforesaid, it shall be opened by some officer appointed by the Post Master General in this behalf and bound to secrecy, in order to ascertain the name and address of the sender.

(2) If the name and address of the sender is so ascertained, it shall be returned by post to the sender, free of further charge or subject to such further charge as the Governor General in Council may, by rule, direct.

39. Undelivered postal articles which cannot be disposed of under the foregoing provisions, shall be detained in the office of the Post Master General for such further period (if any), and shall be dealt with in such manner, as the Governor General in Council may, by rule, direct :

Provided that—

- (a) letters and post-cards shall be destroyed ;
 (b) money or saleable property, not being of a perishable nature, found in any undelivered postal article, shall be detained for a period of one year in the office of the Post Master General, and, if on the expiration of that period no person has established his right thereto, shall, if money, be credited to the Post Office, and, if saleable property, be sold, the sale-proceeds being credited to the Post Office.

CHAPTER VIII.

SHIP LETTERS.

40. The master of a ship, not being a mail ship, about to depart from any port in British India to any port within, or any port or place beyond, British India, shall receive on board any mail bag tendered to him by any officer of the Post Office for conveyance, granting a receipt therefor in such form as the Governor General in Council may, by rule, prescribe, and shall, without delay, deliver the same at the port or place of destination.

41. (1) The master of a ship arriving at any port in British India shall, without delay, cause every postal article or mail bag on board, which is directed to that port and is within the exclusive privilege conferred on the Governor General in Council by section 4, to be delivered either at the post office at that port or to some officer of the Post Office authorized in this behalf by the Post Master General.

(2) If there is on board any postal article or mail bag which is directed to any other place within British India and is within the exclusive privilege aforesaid, the master shall, without delay, report the fact to the officer in charge of the post office at the port of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all

further responsibility in respect of the postal article or mail bag.

42. The Governor General in Council may, by notification in the Gazette of India, declare what gratuities shall be allowed to masters of ships, not being mail ships, in respect of postal articles conveyed or to be conveyed by them on behalf of the Post Office ; and the master of a ship, not being a mail ship, about to leave any port in British India as aforesaid shall, if he receives on board a mail bag for conveyance, be entitled to demand and obtain immediately the amount of the gratuity payable under this section in respect of the mail bag and its contents.

CHAPTER IX.

MONEY ORDERS.

43. (1) The Governor General in Council may provide for the remitting of small sums of money through the Post Office by means of money orders, and may make rules as to such remittances.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the limit of amount for which money orders may be issued ; and
 (b) the rates of commission or the fees to be charged thereon or in respect thereof.

44. (1) Subject to such conditions as the Governor General in Council may, by rules made under section 43, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Post Office by means of a money order may require that the amount of the order, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct.

(2) If neither the payee nor the remitter of a money order can be found, and if within the period of one year from the date of the issue of the order no claim is made by such payee or remitter, the amount of such order shall become forfeited to the Government.

45. The Governor General in Council may authorize the issue, in such form as may be suitable, of money orders, to be called postal orders or by such other designation as may be deemed appropriate, for certain fixed amounts, and may make rules as to the rates of commission to be charged thereon and the manner in which, and conditions subject to which, they may be issued, paid and cancelled :

Provided that no such order shall be issued for an amount in excess of ten rupees.

[Cf. XIV of 1866, s. 29 (3).]

Final disposal of undelivered postal articles.

[Cf. XIV of 1866, s. 34 ; and Eng. Bill, cl. 26.]

Duty of master of ship, departing from any port in British India and not being a mail ship, to convey mail bags.

[Cf. XIV of 1866, s. 31 ; and Eng. Bill, cl. 27.]

Duty of master of ship arriving at any port in British India in respect of postal articles and mail bags on board.

Power to maintain money order system and to make rules as to remittances thereby.

[New. Cf. 11 & 12 Vict., c. 88, s. 2 ; and Eng. Bill, cl. 23.]

Power of remitter to recall money order or alter name of payee.

[New.]

[New. Cf. Eng. Bill, cl. 24.]

Power to provide for the issue of postal orders.

[Cf. XIV of 1866, s. 33 and Eng. Bill, cl. 31.]

*The Indian Post Office Bill.**(Chapter IX—Money Orders—Sections 46-48. Chapter X—Penalties and Procedure—Sections 49-54).*

- [New.] 46. (1) Where arrangements are in force with the United Kingdom, or with any British possession, Native State or foreign country, for the issue and payment through the Post Office of money orders between British India and the United Kingdom or such possession, State or country, the Governor General in Council may make rules to give effect to such arrangements.
- Power to give effect to arrangements with other countries.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—
- (a) the manner in which, and the conditions subject to which, such orders may be issued and paid in British India; and
- (b) the rates of commission to be charged thereon.
- [New.] 47. If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund the amount of a money order paid by an officer of the Post Office to him instead of to some other person to whom it ought to have been paid, the amount shall be recoverable by any officer of the Post Office authorized by the Post Master General in this behalf from the person so neglecting or refusing as if it were an arrear of land-revenue due from him.
- Recovery of money order paid to the wrong person.
- [Sec I of 1895, s. 5.]
- [New. Cf. 11 & 12 Vict., c. 88, s. 2; and Eng. Bill, cl. 23 (4).] 48. No suit or other legal proceeding shall be instituted against the Secretary of State for India in Council or any officer of the Post Office in respect of—
- Exemption from liability in respect of money orders.
- (a) any thing done under any rules made by the Governor General in Council under this Chapter; or
- (b) the wrong payment of a money order caused by incorrect or incomplete information given by the remitter as to the name and address of the payee: provided that, as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee; or
- (c) the payment of any money order being refused or delayed by, or on account of, any accidental neglect, omission or mistake, by, or on the part of, any officer of the Post Office, or for any other cause whatsoever, other than the fraud or wilful act or default of such officer.
- Penalty for withdrawal from duty of letter carrier without permission or notice.
- [New.] 50. Whoever, being employed to carry any mail bag or any postal article in course of transmission by post, withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with fine which may extend to fifty rupees.
- Penalty for making false entry in postman's register.
51. Whoever, being employed to deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.
- Penalty for stealing, misappropriating, secreting, destroying or throwing away postal articles.
52. Whoever, being an officer of the Post Office, steals or, for any purpose whatsoever, misappropriates, secretes, destroys or throws away any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.
- Penalty for opening, detaining or delaying postal articles.
- [New. Cf. 7 Will. IV and 1 Vict., c. 36, s. 25; and Eng. Bill, cl. 55.] 53. Whoever, being an officer of the Post Office, contrary to his duty opens, or causes or suffers to be opened any postal article in course of transmission by post or wilfully detains or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:
- Provided that nothing in this section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act, or in obedience to the order in writing of the Governor General in Council.
- [New. Cf. X111, 1885, s. 26; and Eng. Bill, cl. 55, Proviso.] 54. Whoever, being an officer of the Post Office,—
- Penalty for fraudulently marking postal articles.
- [Cf. XIV of 1866, s. 47; and Eng. Bill, c. 56.] 49. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post—
- (a) is in a state of intoxication while so employed; or
- (b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered; or
- (c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid; or
- (d) does not use proper care and diligence safety to convey or deliver any such mail bag or postal article as aforesaid,
- shall be punishable with fine which may extend to fifty rupees.
- [Cf. XIV of 1866, s. 48; and Eng. Bill, cl. 54.]
- [New. Cf. 7 Will. IV and 1 Vict., c. 36, s. 25; and Eng. Bill, cl. 55.]
- [Cf. XIV of 1866, s. 49]

CHAPTER X.

PENALTIES AND PROCEDURE.

Offences by Officers of the Post Office.

The Indian Post Office Bill.

(Chapter X—Penalties and Procedure—Sections 55-62.)

- (a) fraudulently puts any wrong mark on a postal article; or
- (b) fraudulently alters, removes or causes to disappear any mark or stamp which is on any postal article; or
- (c) fraudulently uses or places with or upon any postal article any stamp which has been removed from any other postal article; or,
- (d) being entrusted with the delivery of any postal article, demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act:

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

[Cf. XIV of 1866, s. 50.]

55. Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

[Cf. XIV of 1866, s. 51.]

56. Whoever, being an officer of the Post Office sends by post or puts into any mail bag any unstamped postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the Government of the postage on such postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

[Cf. XIV of 1866, s. 59.]

57. Whoever, being an officer of the Post Office employed in any place in India beyond the limits of British India in which posts are established by the Governor General in Council, or being appointed to sell postage stamps in such place, commits therein an offence punishable under this Act, shall be punishable either in the place where the offence was committed by any Court or officer duly empowered by the Governor General in Council to take cognizance of offences committed in that place, or in any part of British India by any Court of competent jurisdiction, as if the offence had been committed in that part.

Other Offences.

[Cf. XIV of 1866, s. 46.]

Penalty for breach of provisions of section 4. **58.** (1) Whoever—

- (a) conveys, otherwise than by post, a letter within the exclusive privilege conferred on the Governor General in Council by section 4; or
- (b) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid; or
- (c) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid; or

(d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post; shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

59. (1) Whoever carries, receives, tenders or delivers letters, or collects letters in contravention of the provisions of section 5, shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for breach of rules under section 16. **60.** Whoever, being appointed to sell postage stamps,—

(a) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-section (3), clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(b) commits a breach of any other rule made under section 16, shall be punishable with fine which may extend to two hundred rupees.

61. (1) Whoever sends, or tenders or delivers in order to be sent, by post any living creature or anything in contravention of the provisions of section 19 or section 20, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

62. Whoever places in or against any post office letter-box any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or against any post office letter-box, or does anything likely to injure any post office letter-box or its appurtenances or contents, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for defiling or injuring letter-boxes. [New. Cf. 47 & 48 Vict., c. 76, s. 3; and Eng. Bill, cl. 60 (2).]

The Indian Post Office Bill.

(Chapter X.—Penalties and Procedure.—Sections 63-72).

- 63.** Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office or post office letter-box, shall be punishable with fine which may extend to fifty rupees.
- 64.** Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.
- 65.** Whoever, being the master of a ship,—
- (a) fails to comply with the provisions of section 40, or,
- (b) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer in charge of the post office at a port of arrival, as required by section 41,
- shall be punishable with fine which may extend to one thousand rupees.
- 66.** (1) Whoever, being either the master of a ship arriving at any port in British India or any one on board, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Governor General in Council by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid.
- (2) Whoever, being such master or other person as aforesaid, detains any such postal article as aforesaid after demand made for it by an officer of the Post Office, shall be punishable with fine which may extend to one hundred rupees for every such postal article.
- 67.** Whoever, except on the authority of an order in writing of the Governor General in Council or of a Local Government, detains the mails or any postal article in course of transmission by post, or on any pretence opens a mail bag in course of transmission by post, shall be punishable with fine which may extend to two hundred rupees:
- Provided that nothing in this section shall prevent the detention of an officer of the Post Office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, 1882, or by any other law for the time being in force.
- 68.** Whoever fraudulently retains, or wilfully secretes or makes away with, or keeps or detains, or, when required by an officer of the Post Office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.
- 69.** Whoever, not being an officer of the Post Office, willfully and maliciously, with intent to injure any other person, either opens or causes to be opened any letter which ought to have been delivered to such other person, or does any act whereby the due delivery of a letter to such other person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.
- Provided that nothing in this section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee and the addressee is a minor or a ward.
- General.*
- 70.** Whoever abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.
- 71.** In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to lay the property of the mail bag or postal article in the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.
- 72.** No Court shall take cognizance of any offence punishable under this Act except with the previous sanction, or on the complaint, of the Director General or of a Post Master General.

New. Cf. 47
48 Vict., c.
6, s. 5; and
Eng. Bill, cl.
1.]

[New.]

Cf. XIV of
1866, ss. 31
& 34.]

[Cf. XIV of
1866, s. 32.]

[Cf. XIV of
1866, s. 44.]

[Cf. XIV of
1866, s. 45.]

[New. Cf. 54
& 55 Vict., c.
46, s. 10; and
Eng. Bill, cl.
53.]

[Cf. XIV of
1866, s. 52.]

[Cf. Act XIV
of 1866, s.
61.]

[New.]

The Indian Post Office Bill.

(Chapter XI—Supplemental—Sections 73-77. The First Schedule—Inland Postage Rates. The Second Schedule—Enactments repealed.)

CHAPTER XI.

SUPPLEMENTAL.

[Cf. XIV of 1866, s. 61.]

73. (1) The Governor General in Council may make rules for the management of any zamindari or other district posts.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may declare what portions of this Act shall be applicable to zamindari and other district posts and to the persons employed in connection therewith.

[Cf. XIV of 1866, s. 63.]

74. (1) In addition to the powers hereinbefore conferred, the Governor General in Council may make rules to carry out any of the purposes and objects of this Act.

(2) In making any rule under this Act, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(3) All rules made by the Governor General in Council under this Act shall be published in the Gazette of India and, on such publication, shall have effect as if enacted by this Act.

[Cf. XIV of 1866, s. 7.]

75. The Governor General in Council may, by notification in the Gazette of India, authorize, either absolutely or subject to conditions, the Director General to exercise any of the powers conferred upon the Governor General in Council by this Act, other than a power to make rules.

76. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

[New.]

77. Nothing in this Act shall derogate from or affect the provisions of the East India Company Act, 1780, or any enactment amending or extending the same.

21 Geo. III, c. 70.

THE FIRST SCHEDULE.
INLAND POSTAGE RATES.

(See section 7.)

LETTERS.

For a weight not exceeding half a tola	...	...	Half an anna.
For a weight not exceeding one tola	...	...	One anna.

For every tola or fraction thereof exceeding one tola ... One anna.

POST CARDS.

Single	...	...	Quarter of an anna.
Reply	...	...	Half an anna.

BOOK, PATTERN AND SAMPLE PACKETS.

For every ten tolas or fraction thereof ... Half an anna.

REGISTERED NEWSPAPERS.

For a weight not exceeding three tolas	...	...	Quarter of an anna.
For a weight not exceeding twenty tolas	...	...	Half an anna.
For every twenty tolas or fraction thereof exceeding twenty tolas	...	...	Half an anna.

PARCELS.

For a weight not exceeding twenty tolas	...	...	Two annas.
For a weight not exceeding forty tolas	...	...	Four annas.
For every additional forty tolas or fraction thereof exceeding forty tolas	...	...	Four annas.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 76.)

Year.	No.	Short title.	Extent of repeal.
1866	XIV	The Indian Post Office Act, 1866.	The whole.
1882	III	The Seditious Publications Act, 1882.	So much as is unrepealed.
1895	III	The Indian Criminal Law Amendment Act, 1895.	Section 7.
1896	XVI	The Indian Post Office Act (1866) Amendment Act, 1896.	The whole.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Acts III of 1895 and XVI of 1896.

STATEMENT OF OBJECTS AND REASONS.

The present Post Office Act was enacted in 1866, and has been amended since that date by the addition of three sections only. In 1882, section 60-A was added by Act III of 1882 authorising any officer of the Post Office, empowered in this behalf by the Governor General in Council, to search for newspapers regarding which a notification has been published under the Sea Customs Act. In 1895, section 66 was added by Act III of that year, providing powers, in accordance with the general policy of the Postal Union, for dealing with fictitious or previously-used postage stamps of other countries found on letters or other articles received from abroad; and last year a further section was added by Act XVI of 1896 authorizing the recovery of customs duty, when paid in advance by the Post Office, in the same manner as postage under the Act.

During the last thirty years certain defects and omissions in the Act of 1866 have been brought to light, and experience has shown that express provisions of law, as contained in the Act, in respect of various matters are not suited to the present requirements of postal work. It has also been found that further protection is needed by the Post Office and further powers to enable its officers, for instance, to deal with articles posted in contravention of the Act. Various schemes, moreover, which have been introduced of late years such as postal insurance and the value-payable and money order systems have remained outside the provisions of the Act, and now require to be based on a legislative enactment. Finally with the development of the Post Office, and the knowledge of the course of English postal legislation, the necessity for some new penalties has become apparent.

The present Bill proposes to supply the defects and omissions which have been brought to notice in the Act of 1866, and to confer the protection and powers which have been found necessary in the extension and increase of postal business. It includes within its scope postal insurance, the value-payable post, and the Post Office money order system, and declares and limits the liability of Government in respect of these matters. The Bill is to a large extent an enabling Bill reserving to Government the power of dealing by rule with numerous questions of postal practice and procedure affecting the public.

A number of the sections of the Post Office Act, 1866, have been omitted as unnecessary, the drafting of the sections retained has been in a great measure revised, and the subject matter has been re-arranged. The material alterations and additions are referred to in the notes on clauses given below.

For facility of reference a comparative table has been prepared showing how each section of the Post Office Act, 1866, has been dealt with and is appended to this statement.

Notes on clauses.

Clause 2.—All the definitions in this clause are new, but introduce no change in existing practice. It has not been necessary to reproduce any of the definitions in the Post Office Act, 1866.

Clause 6.—In this clause the provisions of the corresponding section in the Post Office Act, 1866, in respect of the liability of officers of the Post Office have been amended.

Clause 9.—This clause embodies the provisions as to the registration of newspapers which were introduced last year.

Clause 12.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, in respect of the recovery of postage have been amended.

Clauses 14 and 15.—These clauses are new and reproduce the provisions of the English law as to Post Office marks being *prima facie* evidence of the facts denoted.

Clause 18.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to make it clear that the redelivery of postal articles, once posted, may be made without reference to the consent of the addressee.

Clause 20.—This is a new clause, supplying an omission in the Post Office Act, 1866, and prohibiting the transmission by post of obscene and indecent articles.

Clause 22.—This is a new clause, founded on the provisions of the English postal law, reserving the power of postponing the despatch or delivery of certain postal articles other than letters, post-cards or newspapers.

Clause 23.—This is a new clause, founded on the provisions of the English postal law, providing powers for officers of the Post Office to deal with postal articles posted in contravention of the Act.

Clause 25.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to empower search to be made for any goods notified under the Sea Customs Act, 1878, which may be contained in postal articles.

Clause 26.—This clause, based on the analogy of the Indian Telegraph Act, 1885, gives power to Government to order in certain cases the interception of postal articles.

Clauses 30 to 33.—These are new clauses providing for the insurance of postal articles, and declaring and limiting the liability of Government to pay compensation in respect of such articles.

Clauses 34 and 35.—These are new clauses providing for the transmission by post of value-payable postal articles.

Clause 39.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to provide that money and the sale proceeds of saleable property, found in postal articles which cannot be delivered, shall be credited to Government after such money or property has been detained for a year in a Dead Letter Office.

Clause 42.—By this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to provide that the gratuities payable to masters of ships for carrying ship letters may be fixed from time to time by Government.

Clauses 43 to 46.—These clauses are new. They provide for the remitting of small sums of money through the Post Office by means of money orders, and clause 44 prescribes the period after which the amount of a money order which cannot be paid to the payee or returned to the remitter becomes forfeited.

Clause 47.—This clause is new, and provides a summary procedure for the recovery of the amount of a money order wrongly paid to any person, if he refuses to refund the amount.

Clause 48.—This is a new clause exempting Government and officers of the Post Office from liability in respect of delay, etc., in the payment of money orders, in accordance with the English law and the present rules on the subject.

Clause 50.—This clause provides a new penalty, introduced with the object of preventing desertion on the part of mail-runners.

Clause 51.—This clause provides a new penalty, introduced with the object of preventing false entries being made in a postman's register with the intention of making it appear that he has visited villages which he has not visited.

Clause 53.—This clause provides a new penalty supplying an omission in the Post Office Act, 1866. The opening of a letter by an officer of the Post Office contrary to his duty, or the wilful delaying of a letter is now made punishable in accordance with the English law.

Clauses 58 and 59.—In sub-clause 2 of each of these clauses the provision of the corresponding sections of the Post Office Act, 1866, has been altered in respect of continuing breaches of the privilege of the Post Office.

Clause 61.—This clause provides a higher penalty for sending dangerous and injurious substances by post than the corresponding section in the Post Office Act, 1866. The provisions of the English law have been followed.

Clause 62.—This clause provides a new penalty, taken from the English Post Office Protection Act of 1884, for the protection of letter-boxes and their contents.

Clause 63.—This clause provides a new penalty, taken from the same English Act, to prevent the disfiguring of post offices and letter-boxes.

Clause 64.—This clause is new, but the penalty is the same as in section 43 of the Post Office Act 1866, which deals with false certificates under that Act.

Clause 69.—This clause provides a new penalty, taken from a recent English Post Office Act, for diverting letters from the person to whom they are addressed.

Clause 70.—This clause extends the provisions of the corresponding section in the Post Office Act, 1866, so as to cover the case of attempts to commit offences.

Clause 72.—This clause introduces a new provision making the authority of the proper postal officia necessary to the institution of prosecutions for offences under the Act.

J. WESTLAND.

The 5th November 1897.

COMPARATIVE TABLE.

Showing how provisions of the Indian Post Office Act, 1866 (XIV of 1866), have been dealt with in the Indian Post Office Bill, 1897.

Indian Post Office Act, 1866 (XIV of 1866).	Indian Post Office Bill, 1897.
<i>Section 1.</i> —Short title	Reproduced with additions by clause I.
<i>Section 2.</i> —Interpretation clause	Replaced by clauses 2 and 3.
<i>Section 3.</i> —[Repealed by Act XIV of 1870.]	
<i>Section 4.</i> —References to Act No. XVII, 1854, read as made to this Act.	Omitted as unnecessary. See General Clauses Act, 1897 (X of 1897), s. 8.
<i>Section 5.</i> —Exclusive privilege of carrying letters vested in Government of India. Bar to collection of excepted letters	} Reproduced and amended by clause 4.
<i>Section 6.</i> —Persons expressly forbidden to collect, carry or deliver letters.	
<i>Section 7.</i> —Appointment of officers for service of Post Office.	Reproduced and amended by clause 5.
<i>Section 8.</i> —Postage rates on letters	} Omitted as unnecessary, but delegation of powers to the Director-General, Post Office, provided for by clause 75.
<i>Section 9.</i> —Postage rates on newspapers	
<i>Section 10.</i> —Newspapers how sent by letter-post	
<i>Section 11.</i> —Newspapers when charged with letter-postage.	} Omitted, but existing rates set forth in first schedule, and saved by clause 7.
<i>Section 12.</i> —Proof-sheets	
<i>Section 13.</i> —Postage-rates on books, packets of newspapers, etc.	} Omitted, but case of registered newspapers provided for by clause 9.
<i>Section 14.</i> —Inland banghy-postage	
<i>Section 15.</i> —Table of distances for circulation of banghy-postage.	Omitted as unnecessary.

Indian Post Office Act, 1866 (XIV of 1866).	Indian Post Office Bill, 1897.
Section 16.—When no banghy-post, parcels, books, etc., carried by letter post.	} Omitted as unnecessary.
Effect of false certificate	
Section 17.—When book-packets and parcels to go by letter-post.	} Omitted as unnecessary.
Section 18.—Ship-postage on parcels	} Omitted as unnecessary.
Section 19.—Governor General may direct prepayment of postage in all cases.	} Omitted, but necessary provisions as to prepayment included in clause 8.
Section 20.—Governor General may alter postage-rates ...	} Omitted as unnecessary according to drafting of present bill.
Section 21.—Governor General may fix rates of steam-postage.	} Omitted, but power to declare rates of foreign postage reserved by clause 10.
Section 22.—Governor General may fix postage-rates for articles sent wholly or partly by sea.	} Omitted as unnecessary.
Section 23.—Governor General may fix express postage-rates.	} Omitted as unnecessary.
Section 24.—Redirected letters	} Omitted, but necessary provisions as to re-direction included in clause 8.
Section 25.—Letters may be registered	} Reproduced and amended by clause 28.
Fee for registering	
Section 26.—Power to declare in what cases registration compulsory and direct levy of double registration-fee.	} Reproduced and amended by clause 29.
Section 27.—Re-delivery of letters and other articles once put into Post Office.	} Reproduced and amended by clause 18.
Section 28.—Liability for postage of receiver of unpaid letter, etc.	} Reproduced and amended by clauses, 11 and 12, with the omission of the power to remit postage due.
Sender when liable	
Recovery of postage payment of which refused ...	
Power to detain other letters to person refusing ...	
Power to remit postage	
Section 29.—List of unclaimed letters	
Return to posting-office for delivery to sender ...	
Letters of which sender not ascertainable without opening.	
Opening letters	} Reproduced and amended by clauses 37, 38 and 39.
Return to sender	
When destroyed	
Disposal of money and valuables	
Section 30.—Refused letters how dealt with	
Disposal of money and valuables	
Section 31.—Commanders of inward-bound vessels carrying mails how to proceed on arrival.	} Reproduced and amended by clause 41; penalty provided by clause 65.
Penalty	
Section 32.—Penalties for detention of letters on board inward-bound vessel.	} Reproduced by clause 66.
Section 33.—Bounty-money	
Limitation of claim thereto	
Saving of letters, etc., conveyed in mail-ships ...	} Reproduced and amended by clause 42.
Section 34.—Commanders of outward-bound vessels to receive mails on board.	} Reproduced and amended by clause 40.
Section 35.—Stamped letters considered prepaid	} Reproduced and amended by clause 17.
Section 36.—Postage-stamps provided by Government ...	} Reproduced and amended by clause 16.
Section 37.—Management of postage-stamps	
Purpose of issue	
Crediting sale-proceeds	} Reproduced and amended by clause 17.
Section 38.—Power to make rules for appointment and government of vendors of postage-stamps.	} Reproduced and amended by clause 16.
Section 39.—Penalty for breach of such rules	} Reproduced by clause 60.
Section 40.—Penalty for refusing to supply stamps ...	} Omitted, but case provided for as breach of rules.
Section 41.—Penalty for selling stamps for price higher than value denoted.	} Reproduced by clause 60.
Section 42.—Penalty for sending dangerous substance by post.	} Reproduced and amended by clause 19; revised penalty provided by clause 61.
Section 43.—Making false certificate to defraud Post office.	
Sending private letters as official	
Penalty	} Omitted, but penalty for making false declaration introduced by clause 64.

Indian Post Office Act, 1866 (XIV of 1866).	Indian Post Office Bill, 1897.
<i>Section 44.</i> —Penalty for detaining mails or opening mail-bags.	Reproduced and amended by clause 67.
<i>Section 45.</i> —Penalty for retaining letters, etc., delivered by mistake.	Reproduced by clause 68.
<i>Section 46.</i> —Penalty for conveying letter in breach of privilege.	} Reproduced and amended by clause 58.
Penalty for performing, otherwise than by post, services incidental to conveying letters.	
Penalty for making clubbed packet or tendering or delivering letter to be sent therein.	
Penalty for sending letter in breach of privilege, or delivering letter to be so sent.	
Penalty for collecting excepted letters to send them otherwise than by post.	
Penalty for breach of provisions of section 6 ...	} Reproduced and amended by clause 59.
Penalty for practice of acts mentioned in section ...	
<i>Section 47.</i> —Penalty for neglect on part of persons employed to carry mails.	Reproduced and amended by clause 49.
<i>Section 48.</i> —Penalty for stealing, etc., or opening letters, etc., by persons employed in Post Office.	Reproduced and amended by clause 52.
<i>Section 49.</i> —Penalty for fraudulently altering marks on letters, etc., by persons employed in Post Office.	Reproduced and amended by clause 54.
<i>Section 50.</i> —Penalty for preparing incorrectly, or altering or secreting documents by persons employed in Post Office.	Reproduced and amended by clause 55.
<i>Section 51.</i> —Penalty for sending letters on which postage not paid or charged by persons employed in Post Office.	Reproduced by clause 56.
<i>Section 52.</i> —Penalty for abetting or concealing offences under Act.	Reproduced and amended by clause 70.
<i>Section 53.</i> —Person charged with offence punishable with fine only may be summarily convicted.	Omitted as unnecessary.
<i>Section 54.</i> —Conviction quashed on merits only ...	} Omitted as unnecessary.
Form of conviction ...	
<i>Section 55.</i> —[Repealed by Act XII of 1876.] ...	} Omitted as unnecessary. See General Clauses Act 1897 (X of 1897), s. 25.
<i>Section 56.</i> —Fines how levied ...	
Detention of offender ...	
Impersonation if no sufficient distress, etc ...	} Omitted as unnecessary.
<i>Section 57.</i> —Share of fine to informer ...	
<i>Section 58.</i> —No proceedings for recovery of fines taken without order.	Omitted as unnecessary, but see clause 72.
<i>Section 59.</i> —Punishment of Post Office servants committing offences in allied states.	} Reproduced and amended by clause 57
Officers authorised to try them ...	
<i>Section 60.</i> —Letters, etc., suspected to contain contraband articles, or writing in contravention of Act how dealt with.	} Reproduced and amended by clause 24.
Witnesses to examination of letter ...	
Delivery of letter to addressee ...	
Power to require customs-pass ...	
<i>Section 60-A.</i> —Search for newspapers, etc., in respect of which a notification has been published under section 19 of the Sea Customs Act.	Reproduced and amended by clause 25.
<i>Section 61.</i> —In charges for offences under Act, property sent by post laid in Post Master General.	} Reproduced and amended by clause 71.
Proof of value unnecessary... ...	
Statement that offender employed in Post Office sufficient.	
<i>Section 62.</i> —Letters on Her Majesty's service, duly certified as such, how charged.	Omitted as unnecessary.
<i>Section 63.</i> —Governor General may frame rules ...	Reproduced and amended by clause 74.
<i>Section 64.</i> —District Daks ...	Reproduced and amended by clause 73.
<i>Section 65.</i> —Government not responsible for loss ...	} Reproduced and amended by clause 6.
Responsibility of its servants ...	
<i>Section 66.</i> —Power of Post Office in case of articles bearing fictitious or previously used stamps.	Reproduced and amended by clause 27.
<i>Section 67.</i> —Recovery of duty of customs paid by postal authorities.	Reproduced by clause 13.

Note.—The following new clauses have been added, namely, clauses 2, 3, 7, 9, 10, 14, 15, 20, 21, 22, 23, 26, 30, 31, 32, 33, 34, 35, 36, 43, 44, 45, 46, 47, 48, 50, 51, 53, 62, 63, 64, 69, 72, 77.

J. M. MACPHERSON,
Secretary to the Government of India.