

Bill Summary

The Post Office Bill, 2023

- The Post Office Bill, 2023 was introduced in Rajya Sabha on August 10, 2023. It repeals the Indian Post Office Act, 1898. The Bill provides for matters related to the functioning of the Post Office, an undertaking of the central government (also known as India Post).
- **Exclusive privileges of the central government:** The Act provides that wherever the central government establishes posts, it will have the exclusive privilege of conveying letters by post, as well as incidental services such as receiving, collecting, sending, and delivering letters. The Bill does not contain such privileges. The Act provides for the issuance of postage stamps as per the Rules prescribed by the central government. The Bill also states that the Post Office will have the exclusive privilege of issuing postage stamps.
- **Services to be prescribed:** The Act specifies the services provided by the Post Office to include: (i) the delivery of postal articles including letters, postcards, and parcels, and (ii) money orders. The Bill provides that the Post Office will provide services prescribed by the central government.
- **Powers to intercept shipments:** The Act allows for the interception of a shipment being transmitted through the post on certain grounds. An interception may be carried out on the occurrence of any public emergency, or in the interest of public safety or tranquillity. Such interceptions may be carried out by the central government, state governments, or any officer specially authorised by them. An intercepted shipment can be detained or disposed of by the officer in charge. The officer also has powers to open, detain, or destroy shipments carrying items prohibited under the Act or any other law.

The Bill instead provides that the interception of a shipment being transmitted through post may be carried out on the following grounds: (i) security of the state, (ii) friendly relations with foreign states, (iii) public order, emergency, or public safety, and (iv) contravention of the provisions of the Bill or any other law. An officer empowered by the central government through a notification may carry out an interception.

- **Director General to make regulations regarding services:** The Act, as well as the Bill, provides for the appointment of the Director General of Postal Services. Under the Act, the

Director General has powers to decide the time and manner of delivery of postal services. Under the Act, the central government can notify charges for postal services through notifications. The Bill provides that the Director General may make regulations regarding any activity necessary to provide postal services. As per the Bill, the Director General may make regulations to specify charges. The Director General may also make regulations on supply and sale of postage stamps and postal stationery.

- **Examination of shipment prohibited under law or liable for duty:** Under the Act, an officer in charge of the Post Office may examine a shipment if he suspects that it contains goods which are prohibited, or are liable to be paid duty upon. The officer must send a notice to the addressee inviting him to attend the examination in person or by agent. The Director General may direct the presence of two witnesses in the absence of the addressee. The Bill removes the powers of examination. It instead provides that in such cases, the central government may empower an officer of the Post Office to deliver the shipment to the customs authority or any other specified authority. The authority will then deal with the item in question.
- **Removal of offences and penalties:** The Act specifies various offences and penalties. For instance, theft, misappropriation or destruction of postal articles by an officer of the Post Office is punishable with imprisonment up to seven years and a fine. Sending certain prohibited items through post is punishable with imprisonment up to one year, a fine, or both. The Bill does not provide for any offences or consequences, except one. Amounts not paid or neglected by a user will be recoverable as arrears of land revenue.
- **Exemptions from liability:** The Act exempts the government from any liability related to the loss, mis delivery, delay or damage to a postal article. This does not apply where the liability is undertaken by the central government in express terms. Officers are also exempt from such liability unless they have acted fraudulently or wilfully. The Bill retains these provisions. However, it provides that instead of the central government, the Post Office may prescribe the liability regarding its services.

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