THE POST OFFICE ACT, 1898

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THE POST OFFICE ACT, 1898

[1]ACT No. VI OF 1898

[*22nd March*, 1898]

An Act to consolidate and amend the Law relating to the Post Office [2]* *

WHEREAS it is expedient to consolidate and amend the law relating to the Post Office [2]* * ; It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent, application and commencement.—(1) This Act may be called the [3]*Post Office Act, 1898.

[4][(2) It extends to the whole of Pakistan and applies to all citizens of Pakistan and persons in the service of Government wherever they may be.]

(3) It shall come into force on the first day of July, 1898.

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

(a) the expression "Director General" means the [5][Director General, Pakistan Post Office] ;

(b) the expression "inland," used in relation to a postal article, means—

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[1] For Statement of Objects and Reasons, *see* Gazette of India, 1897, Pt. V, p. 385; for Report of the Select Committee, *see ibid.*, 1898, Pt. V,p.211; for Proceedings in Council, *see ibid.*, 1897, Pt. VI, p. 249; *ibid.*, 1898, Pt. VI, pp. 23, 99 and 285 to 289.

It has been extended to the State of Bahawalpur, by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G.G.O. 11 of 1953), as amended.

It has been applied to excluded area of Upper Tanawal in N.W.F.P., with modifications, *see* N.W.F.P. Regulation I of 1942.

As to rules made under the Post Office Act, which are now in force or are in force from time to time, *see* the Postal Guide, which is published by the Post Office periodically; *see* also Gazette of India, 1926, Pt. I, p. 1224.

[2] The words "in India" omitted by A.O., 1949, Sch.

[3] The word "Indian" omitted, *ibid*., .

[4]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955), for subsection (2) as amended by A.O., 1949, Sch., the Burma Laws Act, 1898 (13 of 1898), s. 18 and Sch. V, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), ss. 4 and 8 and 3rd Sch.

[5] Subs. by the Posts and Telegraphs (Amdt.) Act, 1962 (5 of 1962), s.3 (*with effect from the 1st July*, 1962), for "Director General of [Posts and Telegraphs]". The words in crotchets were subs. by the Indian Post Office and Telegraph (Amdt.) Act, 1914(14 of 1914), s. 3(i), for "the Post Office of India".

(*i*) posted in [1][Pakistan] and addressed to any place in [1][Pakistan] or to any place for which a post office is established by [2][the [3][Federal Government] [4]* * *] beyond the limits of [1][Pakistan]; or

(*ii*) posted at any post office established by [2][the [3][Federal Government] [4]* * *] beyond the limits of [1][Pakistan] and addressed to any place for which any such post office is established or to any place in [1][Pakistan]:

[5][Provided that the expression "inland" shall not apply to any class of postal articles which may be specified in this behalf by the [6][Federal Government] by notification in the [7][official Gazette], when posted in or at or addressed to any places or post offices which may be described in such notification:]

(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:

[8][(d) the expression "mail ship" means a ship employed for carrying mails, pursuant to contract or continuing arrangement, by the Federal Government or the Government of any foreign country;]

(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;

(f) the expression "postage" means the duty chargeable for the transmission by post of postal articles;

(g) the expression "postage stamp" means any stamp provided by the [6][Federal Government] 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;

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[1]Subs. by Ordinance 21 of 1960, s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".

[2]Subs. by A.O., 1937, for "the G.G. in C.".

[3] Subs. by F.A. O. 1975, Art. 2 and Table, for "Central Government".

[4] The words "or the Crown Representative" omitted by A.O.,1949, Sch.

[5]Proviso ins. by the Indian Post Office (Amdt.) Act, 1903 (2 of 1903), s.2.

[6]Subs. by F.A.O., 1975. Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for "G.G. in. C.".

[7] Subs. by A.O., 1937 for "Gazette of India".

[8]Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981, s. 3 and Second Sch., for the existing clause (d). This clause was amended previously by A.O,1937, to read as above.

(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;

(i) the expression "postal article" includes a letter, postcard, newspaper, [1][printed paper or small packet], parcel and every article or thing transmissible by post;

(j) the expression "Post Master General" includes a Deputy Post Master General or other officer exercising the powers of a Post Master General; and

(k) the expression "Post Office" means the department [2][established for the purpose of carrying the provisions of this Act into effect and] presided over by the Director General.

3. Meanings of "in course of transmission by post" and "delivery". For the purposes of this Act,–

(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 or of its being returned to the sender or otherwise disposed of under Chapter VII :

(b) the delivery of a postal article of any description to a postman or other person authorised 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 authorised 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.

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CHAPTER II

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PRIVILEGE AND PROTECTION OF THE GOVERNMENT

4. Exclusive privilege of conveying letters reserved to the Government.—(1) Wherever within [3][Pakistan] posts or postal communications are established by the [4][Federal Government], the [4][Federal Government] 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, dispatching and delivering all letters, except in the following cases, that is to say :—

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[1] Subs. by the Finance Ordinance, 1979 (30 of 1979) s. 7, for "book pattern or sample packet".

[2] Ins. by the Indian Post Office and Telegraph (Amdt.) Act, 1914 (14 of 1914), s. 3.

[3] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (2l of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".

[4] Subs. by F.A.O., 1975. Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937, for "G.G. in. C".

(*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 affairs of the sender or receiver thereof, sent by a messenger on purpose; and

(*c*) letters solely concerning goods or property, sent [1][by sea or by land or by air] 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 the section shall authorise any person to make a collection of letters excepted as aforesaid for the purpose of sending them otherwise than by post.

(2) For the purposes of this section and section 5, the expression "letters" includes postcards.

5. Certain persons expressly forbidden to convey letters. Wherever within [2][Pakistan] posts or postal communications are established by the [3][Federal Government], 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 :—

(a) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages; [4]*

(b) owners and masters of vessels sailing or passing on any river or canal in [2][Pakistan], or between any ports or places in [2][Pakistan], 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 [5][; and]

[6][(c) owners, pilots and other members of the crew of aircraft flying from or to any airports in Pakistan.]

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[1]Subs. by the Post Office (Amdt.) Act, 1952 (49 of 1952), s. 2, for "either by sea or by land".

[2] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October,* 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, Arts. 3(2) and 4, for "British India".

[3] Subs. by F. A.O., 1975. Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for "G. G. in C".

[4] The word" and" omitted by the Post Office (Amdt.) Act, 1952 (49 of 1952), s. 3 (1).

[5]Subs. *ibid.,* s. 3(2), for the full-stop.

[6] Added., *ibid.,* s. 3(3).

6. Exemption from liability for loss, misdelivery, delay or damage. [1][The [2][Federal Government]] 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 [3][Federal Government] 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

7. Power to fix rates of inland postage.—(1) The [3][Federal Government] may, by notification in the [4][official Gazette], 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:

[5]* * * * * * *

(3) The [3][Federal Government] may, by notification in the [4][official Gazette], declare what packets may be sent by the inland post as [6][printed papers and small packets] within the meaning of this Act.

8. Power to make rules as to payment of postage and fees in certain cases. The [3][Federal Government] may, by rule,—

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

(b) prescribe the postage to be charged on inland postal articles when the postage is not prepaid or is insufficiently prepaid;

(c) provide for the redirection of postal articles and the transmission by post of articles so redirected, either free of charge subject to such further charge as may be specified in the rules; and

(d) 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.

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

9. Power to make rules as to registered newspapers.—(1) The [3][Federal Government] may make rules providing for the registration of newspapers for transmission by inland post as registered newspapers.

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[1]The original words "The Secretary of State for India in Council have successively been amended by A.O., 1937, and A.O., 1961, Art. 2 and Sch. (*with effect from the 23rd March*, 1956), to read as above.

[2]Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

[3] Subs. by F. A.O., 1975. Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for "G. G. in C".

[4]Subs. by A.O., 1937, for "Gazette of India".

[5]Omitted by Act VII. of 1992. s.2.

[6]Subs. by the Finance Ordinance, 1979 (30 of 1979), for "book, pattern and sample packets."

(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 *bona 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. Power to declare rates of foreign postage. —(1) Where arrangements are in force with [1][any foreign country for the transmission by post of postal articles between Pakistan and such] country, the [2][Federal Government] 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.

(2) Unless and until such declaration as aforesaid is made, the existing rates and regulations shall continue in force.

11. Liability for payment of postage.—(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:

Provided that, if any such postal article appears to the satisfaction of the Post Master General to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage.

(2) If any postal article on which postage or any other sum chargeable under this Act is due, 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.

12. Recovery of postage and other sums due in respect of postal articles. 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 authorised 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 [3][Pakistan State] service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

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[1] Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch., for, certain words.

[2] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937. for, "G. G. in. C".

[3] Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty's" (*with effect from the 23rd March*, 1956).

13. Customs duty paid by the Post Office to be recoverable as postage. When a postal article, on which any duty of customs is payable, has been received by post from any place beyond the limits of [1][Pakistan], 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.

14. Post Office marks *prima facie* evidence of certain facts denoted. 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.

15. Official mark to be evidence of amount of postage. The official mark on a postal article denoting that any postage or other sum is due in respect thereof to the Post Office of [1][Pakistan] or to the Post Office of [2][any] foreign country, shall be *prima facie* evidence that the sum denoted as aforesaid is so due.

CHAPTER IV

POSTAGE STAMPS

16. Provision of postage stamp and power to make rules as to them.—(1) The [3][Federal Government] shall cause postage stamps to be provided of such kinds and denoting such values as [4][it] may think necessary for the purposes of this Act.

(2) The [3][Federal Government] may make rules as to the supply, sale and use of postage stamps.

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(3) In particular and without prejudice to the generality of 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 charegable 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;

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[1] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955, *for* "the Provinces and the Capital of the Federation" which had been subs. by A.O. 1949. Arts. 3(2) and 4, for "British India".

[2] Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch., for, "the United Kingdom or of any British possession or".

[3] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937, for "G. G. in C".

[4] Subs. *ibid.*, for "he".

(*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.

[1][17]. Postage stamps to be deemed to be stamps for the purpose of revenue.—[1][(1)] 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 Pakistan Penal Code (XLV of 1860), 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, accept where the [2][Federal Government] directs that prepayment shall be made in some other way.

[3][(2) Where the [2][Federal Government] has directed that prepayment of postage or other sums chargeable under this Act in respect of postal articles may be made by prepaying the value denoted by the impressions of stamping machines issued under [4][its] authority, the impression of any such machine shall likewise be deemed to be a stamp issued by Government for the purpose of revenue, within the meaning of the Pakistan Penal Code (XLV of 1860).]

CHAPTER V

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES

18. Redelivery to sender [5][or delivery to another addressee at the request of the sender] of postal article in course of transmission by post.—(1) The [2][Federal Government] may, by rule, provide for the redelivery to the sender, [5][or delivery to another addressee at the request of 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 [6][or to ask for its delivery to another addressee].

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19. Transmission by post of anything injurious prohibited.—(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 course of transmission by post or any officer of the Post office.

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[1] The original s. 17 was re-numbered as s. 17 (1) by the Indian Post Office (Amdt.) Act, 1924 (16 of 1924), s. 2.

[2] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937, for "G. G. in C".

[3] Sub-section (2) ins. by the Indian Post Office (Amdt.) Act, 1924 (16 of 1924), s. 2..

[4] Subs. by A. O. 1937, for "his".

[5] Ins. by the Post Office (Amdt.) Act, 1957 (24 of 1957), s. 2.

[6] Added by Act 24 of 1957, s. 2.

20. Transmission by post of anything indecent, etc. prohibited. No person shall send by post—

(a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article, or

(b) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character.

21. Power to make rules as to transmission by post of postal articles.—[1][(1) The [2][Federal Government] may make rules as to the transmission of articles by post.

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

(*a*) specify articles which may not be transmitted by post;

(b) prescribe conditions on which articles may be transmitted by post;

(c) provide for the detention and disposal of articles in course of transmission by post in contravention of rules made under clause (*a*) or clause (*b*) ;

(d) provide for the granting of receipts for, and the granting and obtaining of 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

(e) regulate covers, forms, dimensions, maximum weights, 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.

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22. Power to postpone despatch or delivery of certain postal articles.—(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 [2][Federal Government] 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.

23. Power to deal with postal articles posted in contravention of Act.—(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 [2][Federal Government] may, by rule, direct.

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[1]Subs. by the Indian Post Office (Amdt.) Act, 1912 (3 of 1912), s. 2, for the original sub-section (1) and (2).

[2] Subs. by F.A.O , 1975, Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for" G. G. in C.".

(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 [1][section 20, clause (a) or of] section 21 or of any of the provisions of this Act relating to postage.

(3) Notwithstanding anything in sub-section (1)—

(*a*) any postal article sent by post in contravention of the provisions of section 19 may, under the authority of the Post Master General, if necessary, be opened and destroyed ; and

[2][(*b*) any postal article sent by post in contravention of the provisions of section 20 may be disposed of in as manner as the [3][Federal Government] may by rule, direct.]

24. Power to deal with postal articles containing goods contraband or liable to duty. [4][Except as otherwise provided in this Act, where a postal article suspected to contain any goods of which the import by post the transmission by post is prohibited by or under any enactment for the time being in force,] or anything liable to duty, is received for delivery at a post office, the Officer in charge of the post office shall send a notice in writing to that 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 office, 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 the therewith shall be immediately reported the Post Master General.

[5]* * * * * * *

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[6][24A. Power to deliver such articles to Customs authority.- The [3][Federal Government] may, by general or special order, empower any officer of the Post Office, specified in such order, to deliver any postal article, received from beyond the limits of [7][Pakistan] and suspected to contain anything liable to duty, to such Customs authority as may be specified in the said order, and such Customs authority shall deal with such article in accordance with the provisions of the [8][Custom Act, 1969 (IV of 1969)] or of any other law or the time being in force.]

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[1]Ins. by the Indian Post Office (Amdt.) Act, 1912 (3 of 1912), s. 3.

[2] Subs. by the Indian Post Office (Amdt.) Act, 1912 (3 of 1912). s. 3, for the original clause.

[3] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A. O., 1937, for "G. G. in. C.".

[4] Subs. by Act 3 of 1912, s. 4, for "Where a postal article suspected to contain any contraband goods".

[5] The third proviso was rep. by the Indian Post Office (Amdt.) Act, 1921 (15 of 1921), s. 2.

[6] S. 24A ins. *ibid.*, s. 3.

[7]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955), for "the Provinces and the Capital of the Federation", which had been subs. by A.O., 1949, Arts. 3(2)4, "British India".

[8] Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3, and 2nd Sch., for "Sea Customs Act, 1878 (VIII of 1878).

25. Power to intercept notified goods during transmission by post. Where a notification has been published under section [1][16 of the Customs Act, 1969 (IV of 1969)] in respect of any goods of any specified description, [2][or where the import or export into or from [3][Pakistan] of goods of any specified description has been prohibited or restricted by or under any other enactment for the time being in force], any officer of the Post Office empowered in this behalf by the [4][Federal Government] may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver [5][all postal articles reasonably believed or found to contain such goods] to such officer as the [4][Federal Government] may appoint in this behalf, and such goods may be disposed of in such manner as the [4][Federa1 Government] may direct. [6][In carrying out any such search, such officer of the Post Office may open or unfasten, or cause to be opened or unfastened, any newspaper or any book, pattern or sample packet in course of transmission by post].

26. Power to intercept postal articles for public good.—(1) On the occurrence of any public emergency, or in the interest of the public safety or tranquility, the [4][Federal Government], or a [7][Provincial Government], or any officer specially authorised in this behalf [8][by the [9][Federal or the Provincial Government], 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 intercepted or detained, or [10][shall be disposed of in such manner as the authority issuing the order 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 tranquillity, a certificate [11][of the [12][Federal Government] or, as the case may be, of the Provincial Government] shall be conclusive proof on the point.

27. Power to deal with postal articles from abroad bearing fictitious or previously used stamps.—(1) Where a postal article is received by post from any place beyond the limits of [3][Pakistan]—

(*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,

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[1] Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3, and 2nd Sch., for "16 of the Sea Customs Act, 1878 (VIII of 1878).

[2] Ins. by the Dangerous Drugs Act, 1930 (2 of 1930), s. 40 and Sch. II.

[3] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October,* 1955), for "the Provinces and the Capital of the Federation", which had been subs. by A.O., 1949, Arts. 3(2)4, "British India".

[4] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for "G.G. in C".

[5] Subs. by the Indian Post Office (Amdt.) Act, 1912 (3 of 1912), s. 5 for "all such goods found".

[6] Ins. *ibid.*,

[7] Subs. by A..O., 1937, for " L. G".

[8] Subs. *ibid.*, for "by the G. G. in C.".

[9] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central".

[10] Subs. by Act 3 of 1912, s. 6, for "shall be delivered to the Govt. or to an officer thereof mentioned in the order, to be disposed of in such manner as the G.G. in C. may direct".

[11] Subs. by A.O., 1937, for "signed by a Secretary to the G. of I, or to the L. G.,"

[12] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government"

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 with in 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 [1][Federal Government] 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[2]* * * foreign country [3][and the impression of any stamping machine provided or authorised for the like purpose by or under the authority of the Government of such [4]* * * country].

[5][27A. Prohibition of transmission by post of certain newspapers. No newspaper printed and published in [6][Pakistan] without conforming to the rules laid down in the [7][West Pakistan Press and Publications Ordinance, 1963 (W.P Ordinance No. XXX of 1963)] shall be transmitted by post.

[8]27B. Power to detain newspapers and other articles being transmitted by post.–(l) Any officer of the Post Office authorised by the Post Master General in this behalf may detain any postal article in course of transmission by post which he suspects to contain—

(a) (i) any newspaper or book as defined in the [7][West Pakistan Press and Publications Ordinance, 1963 (W.P Ordinance No. XXX of 1963)]; or

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[1] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs, by A.O, 1937, for "G, G. in C.",

[2] The words "part of her Majesty's dominions or of any [Acceeding State] or" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.

[3] Ins, by the Indian Post Office (Amendment) Act, 1924 (16 of 1924) section 3.

[4] The words "part, State or" omitted by Ordinance 27 of 1981 (s.) 3 and Second Sch.

[5] Ss. 27 A to 27D were ins. by the Press Law Repeal and Amendment Act 1922 (14 of 1922), s 6 and Sch. IV.

[6] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O.,1949, Arts. 3(2) and 4, for "British India".

[7] Subs. by the Federal Laws (Revision and Declaration), Ordinance, 1981 (27 of 1981), s. 3. and Second Sch., for "Press and Registration of Books Act, 1867".

[8] As to the application of ss. 27B to 27D in respect of book, newspaper or other document containing; matter defamatory of a Ruler of a State or Minister of such Ruler, etc., and tending to prejudice the relation between His Majesty's Government and the Government of such State, *see* s. 3 of the Foreign Relations Act, 1932 (12 of 1932 which further provides that for such application of these sections, the provisions of s. 3 of Act 12 of 1932 shall be construed as if for the words "Provincial Government", wherever they occur in these sections, the words "Central Government" were substituted.

(ii) any document;

containing any [1][treasonable or] seditious matter, that is to say, any matter the publication of which is punishable under [2][section 123A or section 124A, as the case may be, of the Pakistan Penal Code(XLV of 1860)] ; or

(*b*) any newspaper as defined in the [3][West Pakistan Press and Publications Ordinance, 1963 (W.P Ordinance No. XXX of 1963)] (W.P. edited, printed or published otherwise than in conformity with the rules laid down in that Act;

and shall deliver any postal article so detained to such officer as the [4][Provincial Government] may appoint in this behalf.

(2) Any officer detaining any postal article under the provisions of sub-section (1) shall forthwith send by post to the addressee of such artic1e notice of the fact of such detention.

(3) The [4][Provincial Government] shall cause the contents of any postal article detained under sub-section (1) to be examined, and, if it appears to the [4][Provincial Government] that the article contained any newspaper, book or other document, of the nature described in clause (*a*) or clause (*b*) of sub-section (1), may pass such orders as to the disposal of the article and its contents as it may deem proper, and, if it does not so appear, shall release the article and its contents, unless the same be otherwise liable to seizure under any law for the time being in force:

Provided that any person interested in any article detained under the provisions of clause (*a*) of sub-section (l) may, within two months from the date of such detention, apply to the [4][Provincial Government] for release of the same, and the [4][Provincial Government] shall consider such application and pass such orders thereon as it may deem to be proper:

Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any [1][treasonable or] seditious matter.

(4) In this section "document" includes also any painting, drawing or photograph, or other visible representation.

27C. Procedure for disposal by High Court of application for release of newspapers and articles so detained. Every application made under the second proviso to sub-section (3) of section 27B shall be heard and determined in the manner provided by sections 99D to 99F of the Code of Criminal Procedure, 1898 (V of 1898), [5]* * *.

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[1] Ins. by the Post Office (Amdt.) Act, 1951 (20 of 1951), s. 2.

[2] Subs. *ibid.*, for "section 124A of the Indian Penal Code".

[3] Subs. by the Federal Laws (Revision and Declaration), Ordinance, 1981 (27 of 1981), s. 3. and Second Sch., for "Press and Registration of Books Act, 1867".

[4] Subs. by A.O., 1937, for "L. G."

[5] The words "by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.

27D. Jurisdiction barred. No order passed or action taken under section 27B shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (3) of that section.]

CHAPTER VI

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST

28. Registration of postal articles. 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 [1][Federal Government] may, by notification in the [2][official Gazette], 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. Power to make rules as to registration.—(1) The [1][Federal Government] may 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 case 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 made over to the Post Office for the purpose of being registered 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. Insurance of postal articles. The [1][Federal Government] may, by notification in the [2][official Gazette], direct–

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(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. Power to require insurance of postal articles. The [1][Federal Government] may, by notification in the [2][official Gazette], 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 :

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[1]Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for "G. G. in C."

[2]Subs. by A.O., 1937, for "Gazette of India".

Provided that the levy of such special fee as aforesaid shall not impose any liability upon [1][the [2][Federal Government]] [3]* * *.

32. Power to make rules as to insurance. —(1) The [4][Federal Government] may 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 ;

(*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.

(3) Postal articles made over to the Post Office for the purpose of being insured 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.

33. Liability in respect of postal articles insured. Subject to such conditions and restrictions as the [4][Federal Government] may, by rule, prescribe, [1][the [2][Federal Government] [8]* * * 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 article lost or the amount of the damage caused.

34. Transmission by post of value-payable postal articles. The [4][Federal Government] may, by notification in the [5][official Gazette], 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 [6][[7]*the [2][Federal Government] [8]* * *shall] [9][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.

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[1] Subs. by A.O., 1937, for "the Secretary of State for India in Council".

[2]Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

[3]The words "or the Secretary of State" omitted by A.O., 1949, Sch.

[4] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O.,1937, for "G. G. in C.".

[5] Subs. by A.O,. 1937, for "Gazette of India".

[6] Subs. *ibid.,* for "the Secretary of State for India in Council shall not";

[7] The word "neither" omitted by A.O., 1949, Sch.

[8] The words "nor the Secretary of State" omitted *ibid*.

[9]Added *ibid*.,

35. Power to make rules as to value-payable postal articles.—(1) The [1][Federal Government] 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 posta1 articles ;

(*b*) direct that no postal article shall be so sent unless the sender declares that it is sent in execution of a *Bona-fide* order received by him;

(*c*) limit the value to be recovered on the delivery of any value-payable postal article; [2]*

(*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][(*e*) provide for the retention and repayment to the addressee in cases of fraud of money recovered on the delivery of any value-payable postal article; and

(*f*) prescribe the fees to be charged for inquiries into complaints regarding the delivery of or payment for value-payable postal articles.]

(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.

[4][(4) No suit or other legal proceeding shall be instituted against [5][the [6][Federal Government], [7] * * * or any officer of the Post Office in respect of any thing done, or in good faith purporting to be done, under any rule made under clause (*e*) of sub-section (2).]

36. Power to give effect to arrangements with other countries.- (1) Where arrangements are in force with [8]* * * any [9]* * * foreign country, for the transmission by post of registered, insured or value-payable postal articles between [10][Pakistan] and [11][such] country, the [1][Federal Government] may make rules to give effect to such arrangements.

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[1] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937; for "G. G. in C.".

[2] The word "and" rep. by the Indian Post Office (Amendment) Act, 1912 (3 of 1912), s. 7 (1).

[3] Clauses (*e*) and (f) ins. *ibid.*

[4] Sub-section (4) ins. by s. 7 (2), *ibid.*

[5] Subs. by A.O., 1937, for "the Secretary of State for India in Council"

[6] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

[7] The words "the Secretary of State" omitted by A.O., 1949, Sch.

[8] The words "the United Kingdom, or with" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.

[9] The words "British possession, [Acceeding State] or" omitted *ibid.* the words in crotchets were amended by Act 26 of 1951 , s. 4 and III Sch.

[10] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".

[11] Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch., for "the United Kingdom or such possession, State or".

(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.

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CHAPTER VII

UNDELIVERED POSTAL ARTICLES

37. Power to make rules as to disposal of undelivered postal articles.—(1) The [1][Federal Government] may make rules as to the disposal of postal articles which for any reason cannot be delivered (hereinafter referred to as "undelivered postal articles").

(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 a post office shall remain in that office; and.

(*b*) provide for the publication 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 be either forwarded, free of further charge, to the post office at which it was posted, for return to the sender, or sent to the office of the Post Master General.

38. Disposal of undelivered postal articles at office of Post Master General.—(1) Every postal article received at the office of the Post Master General under sub-section (3) of section 37 shall be dealt with as follows :—

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

(*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 are so ascertained, it shall be returned by post to the sender, free of further charge or subject to such further charge as the [1][Federal Government] may, by rule, direct.

39. Final disposal of undelivered postal articles. 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 [1][Federal Government] may, by rule, direct:

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[1] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937, for "G. G. in C.".

Provided that—

(*a*) letters and postcards 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. Duty of master of ship, departing from any port in the Pakistan and not being a mail ship, to convey mail bags. The master of a ship, not being a mail ship, about to depart from any port in [1][Pakistan] to any port within, or any port or place beyond, [1][Pakistan], 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 [2][Federal Government] may, by rule, prescribe, and shall, without delay, deliver the same at the port or place of destination.

41. Duty of master of ship arriving at any port in the Pakistan in respect of postal articles and mail bags on board.—(1) The master of a ship arriving at any port in [1][Pakistan] 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 [2][Federal Government] by section 4, to be delivered either at the post office at that port or to some officer of the Post Office authorised 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 [1][Pakistan] 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. Allowance of gratuities for conveyance of postal articles by ships other than mail ships. The [2][Federal Government] may, by notification in the [3][official Gazette], declare what gratuities shall be allowed to masters of ships, not being mail ships, in respect of postal articles received by them for conveyance on behalf of the Post Office; and the master of a ship, not being mail ship, about to leave any port in [1][Pakistan] 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.

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[1]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October*, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".

[2]Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937, for "G. G. in C.".

[3] Subs. by A.O., 1937, for "Gazette of India".

CHAPTER IX

MONEY ORDERS

43. Power to maintain money order system and to make rules as to remittances thereby.—(1) The [1][Federal Government] 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 money orders.

(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;

(*b*) the period during which money orders shall remain current; and

(c) the rates of commission or the fees to be charged on money orders or in respect thereof.

44. Power for remitter to recall money order or alter name of payee.—(1) Subject to such conditions as the [1][Federal Government] 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 not be claimable from the Government.

45. Power to provide for the issue of postal orders. The [1][Federal Government] may authorise the issue, in such form [2][and of such amount] 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 [2][.]

[2][* * * * * * *]

46. Power to give effect to arrangements with other countries.—(1) Where arrangements are in force with [3]* * * any [4]* * * foreign country, for the issue and payment through the Post Office of money orders between [5][Pakistan] and [6][such] country, the [1][Federal Government] may make rules to give effect to such arrangements.

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[1] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937 for "G. G. in C".'

[2] Ins, subs. & omitted by Act XXIX of 2017, s. 2.

[3] The words "the United Kingdom, or with" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.

[4] The words "British possession, [Acceeding State] or" omitted *ibid.*, the words in crotchets were amended by Act 26 of 1951, s. 4 and Sch.III.

[5] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the, 14th October,* 1955), for "the Provinces and the Capital of the Federation which had been subs. by A.O., 1949 Arts. 3(2) and 4, for "British India".

[6] Subs. by Ordinance 27 of 1981, s. 3 and Second Sch., for "the United Kingdom or such possession, State or".

(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 [1][Pakistan] ; and

(*b*) the rates of commission to be charged thereon.

47. Recovery of money order paid to the wrong person. If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund—

(a) any amount paid to him in respect of a money order by an officer of the Post Office in excess of what ought to have been paid to him in respect thereof, or

(b) 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,

such amount shall be recoverable by an officer of the Post Office authorised 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[2].

48. Exemption from liability in respect of money orders. No suit or other legal proceeding shall be instituted against [3][the Government] or any officer of the Post Office in respect of—

(a) anything done under any rules made by the [4][Federal Government] 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, an officer of the Post Office, or for any other cause whatsoever, other than the fraud or wilful act or default of such officer; or

(d) any wrong payment of a money order after the expiration of one year from the date of the issue of the order; [5][or

(e) any wrong payment or delay in payment of a money order beyond the limits of [1][Pakistan] by an officer of any post office, not being one established by the [4][Federal Government].]

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[1] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the, 14th October,* 1955), for "the Provinces and the Capital of the Federation which had been subs. by A.O., 1949 Arts. 3(2) and 4, for "British India".

[2] *See* the Revenue Recovery Act, 1890 (1 of 1890).

[3] The original words "the Secretary of State for India in Council" have successively been amended by A.O., 1937, and A.O., 1961, Art. 2 (*with effect from the 23rd March*, 1956), to read as above.

[4] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937, for "G. G. in C".

[5] The word "or" and cl. (e) ins. by the Indian Post Office (Amendment) Act, 1912 (3 of 1912), s. 8.

CHAPTER X

PENALTIES AND PROCEDURE

Offences by Officers of the Post Office

49. Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.- 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 due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

50. Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without, permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

51. Penalty for making false entry in register kept by person employed to carry or deliver postal articles. Whoever, being employed to carry or 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.

52. Penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of postal articles. Whoever, being an officer of the Post Office, commits theft in respect of, or dishonestly misappropriates, or, for any purpose whatsoever, 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.

53. Penalty for opening, detaining or delaying postal articles. 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 [1][Federal Government] or the direction of a competent Court.

54. Penalty for fraud in connection with official marks and for receipt of excess postage. Whoever, being an officer of the Post Office,—

(a) fraudulently puts any wrong official mark on a postal article, or

(b) fraudulently alters, removes or causes to disappear any official mark which is on a postal article, or,

(c) being entrusted with the delivery of any postal article, knowingly 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.

55. Penalty for fraudulently preparing, altering, secreting or destroying post office documents. 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.

56. Penalty for fraudulently sending unpaid postal articles. Whoever, being an officer of the Post Office, sends by post, or puts into any mail bag, any 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.

57. Punishment of offences committed in an Acceding State or tribal area or non-Acceding State.—(1) Whoever, being an officer of the Post Office employed in any place [2][in any tribal area] in which posts are established by [3][the [4][Federal Government] [5]* * *], or being appointed to sell postage stamps in any 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 [3][the [4][Federal Government] [5]* * *] to take cognizance of offences committed in that place, or in any part of [6][Pakistan] by any Court of competent jurisdiction as if the offence had been committed in that part.

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[1]Subs. by F.A.O., 1975, Art, 2 and Table for "Central Government", which had been subs, by A.O ,., 1937 for "G.G in C"

[2]Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch., for " in an Acceding State or tribal areas or non Acceding State"

[3] Subs. by A.O., 1937, for "the G.G. in C".

[4] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

[5]The words "or the Crown Representative" omitted by A.O., 1949, Sch.

[6] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w*ith effect from the 14th October,* 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".

(2) The provisions of section 188 of the Code of Criminal Procedure, 1898 (V of 1898), shall not apply to any offence referred to in this section.

Other Offences

58. Penalty for contravention of section 4.—(1) Whoever—

(*a*) conveys, otherwise than by post, a letter within the exclusive privilege conferred on the [1][Federal Government] 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 or 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. Penalty for contravention of section 5.—(1) Whoever, in contravention of the provisions of section 5, carries, receives, tenders or delivers letters, or collects letters, 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.

60. Penalty for breach of rules under section 16. 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. Penalty for contravention of section 19 or 20.—(1) Whoever, in contravention of the provisions of section 19 or section 20, sends or tenders or makes over in order to be sent by post any postal article or anything, 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.

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[1] Subs. by F.A.O, 1975, Art. 2 and Table for "Central Government", which had been subs. by A.O., 1937, for "G. G. in C.".

62. Penalty for defiling or injuring post office letter-boxes. Whoever places in or against any letter-box provided by the Post Office for the reception of postal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or against any such letter-box, or does any thing likely to injure any such 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.

63. Penalty for affixing without authority thing to, or painting, tarring or disfiguring, post office or post office letter-box. 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 any letter-box provided by the Post Office for the reception of postal articles, shall be punishable with fine which may extend to fifty rupees.

64. Penalty for making false declaration. 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. Penalty for master of ship failing to comply with the provisions of section 40 or 41. 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. Penalty for detention of letters on board vessel arriving in port.—(1) Whoever, being [1][the master of a ship or the pilot of an aircraft] arriving at any port in [2][Pakistan] or any one on board [3][such ship or aircraft], 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 [4][Federal Government] by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid.

(2) Whoever, being [5][such master, pilot] 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. Penalty for detaining mails or opening mail bag. Whoever, except under the authority of this Act [6][or of any other Act for the time being in force] or in obedience to the order in writing of the [4][Federal Government] or the direction of a competent Court, 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:

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[1] Subs. by the Post Office (Amdt.) Act, 1952 (49 of 1952), s. 4(a), for "either the master of a ship".

[2] Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (*with effect from the* 14th *October*, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".

[3] Ins. by Act 49 of 1952, s. 4 (a).

[4] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which had been subs. by A.O., 1937, for "G. G. in C".

[5] Subs. by Act 49 of 1952, s. 4 (b), for "such master".

[6] Ins. by the Indian Post Office (Amendment) Act, 1921 (15 of 1921) s.4.

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, 1898 (V of 1898), or any other law for the time being in force.

68. Penalty for retaining postal articles wrongly delivered or mail bags. 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. Penalty for unlawfully diverting letters. Whoever, not being an officer of the Post Office, wilfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any 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. Penalty for abetting, or attempting to commit, offences under Act. 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. Property in cases of offences to be laid in the Post Office. 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 describe the mail bag or postal article as being the property of the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

72. Authority for prosecutions under certain sections of Act. No Court shall take cognizance of an offence punishable under any of the provisions of sections 51, 53, 54, clauses (*a*) and (*b*), 55, 56, 58, 59, 61,64,65, 66 and 67 of this Act, unless upon complaint made by order of, or under authority from, the Director General or a Post Master General.

CHAPTER XI

SUPPLEMENTAL

73. Zamindari and other district posts.—(1) The [1][Federal Government] may make rules for the management of any zamindari or other district post.

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[1] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for "G. G. in. C".

(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.

74. General power to make rules and provisions as to rules under Act.—(1) In addition to the powers hereinbefore conferred, the [1][Federal Government] may make rules[2] to carry out any of the purposes and objects of this Act.

(2) In making any rule under this Act, the [1][Federal Government] may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(3) All rules made by the [1][Federal Government] under this Act shall be published in the [3][official Gazette] and, on such publication, shall have effect as if enacted by this Act.

75. Delegation of powers, other than rule-making powers, to Director General. The [1][Federal Government] may, by notification in the [3][official Gazette] authorise, either absolutely or subject to conditions, the Director General to exercise any of the powers conferred upon the [1][Federal Government] by this Act, other than a power to make rules.

76. [*Repeal.*] *Rep. by the Repealing and Amending Act,* 1914 (*X of* 1914), s. 3 *and Schedule II.*

77.[*Saving.*] *Omitted by the Federal Laws* (*Revision and Declaration*) *Ordinance,* 1981 (*XXVII of* 1981) s. 3 *and* 2*nd Sch.*

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[1] Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government" which had been subs. by A.O., 1937, for "G. G. in. C".

[2] For the Pakistan Post Office Rules, 1961, *see* Gaz. of Pak., 1961, Pt. I, pp.87-111.

[3] Subs. by A.O., 1937, for "Gazette of India".

THE PAKISTAN CODE

[1][THE FIRST SCHEDULE

INLAND POSTAGE PARTS

[1]* * * * * * *

THE SECOND SCHEDULE.—[*Enactments repealed.*] *Rep. by the Repealing and Amending Act*, 1914 *(X of* 1914), *s.* 3 *and Sch. II.*

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[1]Omitted by Act. VII of 1992. s.2

THE PAKISTAN CODE