

As
[~~TO BE~~ INTRODUCED IN THE SENATE]

A

BILL

to repeal and enact the Law relating to the Postal Services

WHEREAS it is expedient to consolidate the law relating to the Postal Services;

It is hereby enacted as follows:-

**CHAPTER-1
PRELIMINARY**

1. Short title, extent and commencement.-(1) This Act may be called the Post Office Act, 2019.

- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

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

- (a) **"Agency Functions"** means the functions performed by Pakistan Post Office as an Agent on behalf of Federal, Provincial Government and autonomous/ corporate entities;
- (b) **"Chairman"** means Chairman of the Pakistan Postal Services Management Board established under Pakistan Postal Services Management Board Ordinance, 2002 (Ordinance No. CXXVI of 2002).
- (c) **"Controlling Ministry"** means the Ministry under which the Pakistan Post Office functions as an attached Department;
- (d) **"Director General"** means the Director General, Pakistan Post Office;
- (e) **"Franchise Post Office"** means a post office to provide certain postal facilities as may be prescribed which are provided through association of private sector;
- (f) **"in course of transmission by post" and "delivery"**
 - (i) 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;

- (ii) the delivery of a postal article of any description to a postman 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;
- (iii) 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;
- (iv) The Director General may require the provision of a receptacle at or close to the gate or on the ground floor of a building to receive unregistered postal articles addressed to the inmates and a postal article put in that receptacle shall be deemed to have been delivered to the addressee;

Provided that where no such receptacle is available at or close to the gate or ground floor of a building, postal article shall be brought back for delivery at the post office counter.

- (g) **"Inland"** used in relation to a postal article, means-
 - (i) posted in Pakistan and addressed to any place in Pakistan or to any place for which a post office is established by the Federal Government beyond the limits of Pakistan; or
 - (ii) Posted at any post office established by the Federal Government beyond the limits of Pakistan and addressed to any place for which any such post office is established or to any place in Pakistan:

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

- (h) **"letter"** means any written communication or communication produced by mechanical, electronical or other means either print or type including postcard, aerogramme, documents, return business correspondence, bill and statements contained in an open or closed envelope sent by a sender to an addressee and falling within weight category of 500 grams but does not include newspapers, small packets and parcels;

- (i) **"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;
- (j) **"mail ship"** means a ship employed for carrying mails, pursuant to contract or continuing arrangement, by the Controlling Ministry or the Government of any foreign country;
- (k) **"Officer of the Post Office"** includes any person employed in any business of the Post Office or on behalf of the Post Office;
- (l) **"Postage"** means the duty chargeable for the transmission by post of postal articles;
- (m) **"postage stamp"** means any stamp provided by the Controlling Ministry 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;
- (n) **"Post office"** means the department established for the purpose of carrying the provisions of this Act into effect and presided over by the Director General which includes every house, building, room, carriage or place used for the purposes of the Post Office either for the Departmental Post Office or for the Extra Departmental Post Office, and every letter-box provided by the Post Office for the reception of postal articles;
- (o) **"Postal article"** includes a letter, aerogramme, postcard, newspaper, printed paper or small packet, parcel and every article or thing transmissible by post through any means including electronic system and express post articles;
- (p) **"Post Master General"** includes a Deputy Post Master General or other officer exercising the powers of a Post Master General;
- (q) **"Public Private Partnership"** means a commercial transaction between an Implementation Agency and a Private Party in terms of which the Private Party performs an Implementing Agency's functions on behalf of it;
- (r) **"Returned Letter Office"** means the office responsible for the disposal of undelivered postal articles;
- (s) **"Secretary"** means the Secretary General, Principal Secretary, Secretary or Acting Secretary to the Government of Pakistan in charge of a Division or a Ministry, and where there is no Secretary, the Additional Secretary or Joint Secretary in charge of the Division or the Ministry;

- (t) **"Universal Service Obligation"** means the obligation of the Federal Government to provide, through the Pakistan Post Office, basic postal services at reasonable access, affordable price and with specified service parameters throughout country.

CHAPTER II- PRIVILEGE AND PROTECTION OF THE GOVERNMENT

3. Exclusive privilege of conveying letters reserved to the Government.- (1) Wherever within Pakistan posts or postal communications are established by the Federal Government, the Pakistan Post Office 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:-

- (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 by sea or by land or by air to be delivered with 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 authorize any person or group of persons or any firm, private sector postal operator/ courier or agency to make a collection of letters exempted as aforesaid for the purpose of sending them otherwise than by post.

Provided further that the Federal Government may make rules to exempt any government organization to convey correspondence concerning solely the matters of such organization on conditions agreed to between the Post Office and such organization;

Provided further that the Controlling Ministry may make rules whereby private company (ies) may be allowed to convey "letters" on the condition of payment to the Pakistan Post Office a certain portion of their revenue so earned as may be prescribed.

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

4. Certain persons expressly forbidden to convey letters.- Wherever within Pakistan posts or postal communications are established by the 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;
- (b) owners and masters of vessels sailing or passing on any river or canal in Pakistan, or between any ports or places in 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 VII; and
- (c) owners, pilots and other members of the crew of aircraft flying from or to any airports in Pakistan.

5. Exemption from liability for loss, misdelivery, delay or damage.-

Pakistan Post Office 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 Pakistan Post Office 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 willful act or default.

CHAPTER III POSTAGE

6. Power to declare rates of foreign postage.- (1) Where arrangements are in force with any foreign country, for the transmission by post of postal articles between Pakistan and such country, the Controlling Ministry 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.

7. 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.

8. 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 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 Pakistan State service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

9. 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 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.

10. 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.

11. 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 Pakistan or to the Post Office of any foreign country, shall be prima facie evidence that the sum denoted as aforesaid is so due.

CHAPTER IV POSTAGE STAMPS

12. Provision of postage stamps and power to make rules as to them. -(1) The Controlling Ministry shall cause postage stamps to be provided of such kinds and denoting such values as it may think necessary for the purposes of this Act.

(2) The Controlling Ministry 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.

13. Postage stamps to be deemed to be stamps for the purpose of revenue.- (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, 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 Controlling Ministry directs that prepayment shall be made in some other way.

(2) Where the Controlling Ministry 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 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.

CHAPTER V CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES

14. Redelivery to sender or delivery to another addressee at the request of the sender of postal article in course of transmission by post.- (1) The Director General may, by rule, provide for the redelivery to the sender, or delivery to another addressee at the request of the sender without reference to the consent of the addressee and subject to such condition (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 maybe made under sub-section (1), the sender shall not be entitled to recall a postal article in course of transmission by post or to ask for its delivery to another addressee.

15. 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.

16. 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.

