

POST OFFICE ACT, 1837

ACT No. XVII. OF 1837

(Rep., by Act 17 of 1854)

[24th July, 1837.]

Passed by the Right Hon'ble the Governor General of India in Council, on the 24th July 1837.

I. It is hereby enacted, that Regulation XI. of 1830 of the Bombay Code, shall be repealed.

II. And it is hereby enacted, that the exclusive right of conveying letters by post for hire from place to place within the Territories of the East India Company shall be in the Governor General of India in Council.

III. Provided always, that it shall be competent to the said Governor General of India in Council, and to any authority thereunto empowered by the said Governor General in Council, to grant to any person or persons a license, permitting such person or persons to convey letters by post for hire from place to place within the said Territories, and that it shall be lawful for any person or person having such a license, to convey letters in conformity with the terms of such license.

IV. And it is hereby enacted, that it shall be lawful for the said Governor General in Council, and for any authority which may have granted any such license as is described in the preceding Section, to revoke such license at pleasure.

V. And it is hereby enacted, that whoever otherwise than under the authority of the said Governor General in Council, or in conformity with the terms of such a license as is aforesaid, knowingly conveys any letter by post for hire from place to place within the said Territories, or receives any letter or packet of letters, in order to such conveyance, or delivers any letter according to its direction, knowing the same to have been so conveyed, or is accessory to such conveyance, receipt or delivery, shall be punished with fine not exceeding Fifty Rupees for every letter so conveyed, received or delivered.

VI. And it is hereby enacted, that inland postage duties shall be levied on the conveyance of letters and packets by the Government Post at the rates set forth in the Schedule marked A which is annexed to this Act, and that the full postage shall be paid either on receipt, or on delivery, at the option of the sender, and that if the thing conveyed be transferred from a Post Office in one Presidency to a Post Office in another Presidency, no additional charge shall be made on account of such transfer.

VII. And it is hereby enacted, that when there is a banghy established on a line of road, no person shall be entitled to demand that any letter or packet exceeding 12 tolas in weigh shall be conveyed by the letter post on that line of road.

VIII. And it is hereby enacted, that when there is no banghy established on a line of road, letters and packets exceeding 12 tolas in weight, and not exceeding 40 tolas in weight, shall be conveyed on that line of road by the letter post, and every such letter or packet shall be charged with the postage of a letter or packet of the same description of 12 tolas weight sent by letter post.

IX. And it is hereby enacted, that no packet of the description mentioned in Table 2 of Schedule A shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain, by attestation on the cover of such packet, and that whoever shall send any such packet by the Government Post, knowing that it contains any writing not necessarily part of the documents which packet is stated to contain by attestation on the cover, shall be punished with a fine of Fifty Rupees.

X. And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule A shall contain any writing whatever, except the direction on the cover, and that whoever shall send any such packet by the Government Post, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of Fifty Rupees.

XI. And it is hereby enacted, that proof sheets marked as such may be sent by letter post at the rates set forth in Table 3 of Schedule A provided they be brought to the Dispatching Office open, and be sealed in presence of the person in charge of such Office.

XII. And it is hereby enacted, that the said Governor General in Council shall frame a scale of distances as nearly as practicable, according to the distance by the nearest road between Post Office Stations, and that the rates of inland postage shall be calculated according to this scale.

XIII. And it is hereby enacted, that Steam Postage, according to such rates as may from time to time be fixed by the Governor General in Council, shall be levied on all letters and packets sent or received by any Government Steamer, and that such Steam Postage shall be in excess of any inland postage to which such letters or packets may be liable.

XIV. And it is hereby enacted, that Ship Postage according to the rates fixed in Schedule B annexed to this Act, shall be levied on all letters or packets sent or received by sea through any Government Post Office, and not liable to Steam Postage.

XV. And it is hereby enacted, that when any Vessel arrives by Sea at any place within the said Territories, at which there is a Government Post Office, the Commander of such Vessel shall, as speedily as possible, cause every letter and packet on board of such Vessel which is directed to that place, and which was not specially entrusted for separate delivery, to be delivered either at the Post Office, or to some Officer of the Post Office, authorised to receive the same; and that if there be on board any letter or packet directed to any other place, and not specially entrusted for separate delivery, the said Commander shall, as speedily as possible, report the same to the Post Master General, or Post Master of the place at which he has arrived, and shall act according to such directions as he may receive from such Post Master General, or Post Master; and that the receipt of such Post Master General, or Post Master shall discharge such Commander of all responsibility in respect of such letter or packet.

XVI. And it is hereby enacted, that every Commander of a Vessel who shall willfully disobey any of the directions contained in the preceding Section shall be punished with fine not exceeding 1,000 Rupees.

XVII. And it is hereby enacted, that for every letter or packet delivered by a Commander of a Ship, in conformity with the directions of Section XV. of this Act, the Officer in charge of the Post Office, shall pay to the said Commander the sum of One Anna.

XVIII. And it is hereby enacted, that whenever any letter or packet is transhipped for transmission to any other place within the said Territories, the Commander of the Vessel, which originally brought such letter or packet, shall be entitled to receive One Anna for every such letter or packet, and that the Commander of the Vessel into which the letter or packet is transhipped, shall be entitled to receive Half an Anna from the person in charge of the Post Office at the place of delivery, provided that the said last mentioned Commander delivers the same in conformity with the directions contained in Section XV. of this Act.

XIX. Provided always, that no payment shall be made to the Commander of any Vessel on account of the delivery of any letter or packet unless the claim of such Commander shall be preferred before the Vessel leaves the place at which the letter or packet was delivered, or before the expiration of three months from the date of the arrival of the packet at the place of ultimate delivery.

XX. And it is hereby enacted, that the Commander of every Vessel leaving any place in the said Territories by Sea, shall receive on board of such his Vessel, every letter and packet which he shall be required to receive by any Officer of the Post Office, and shall sign a receipt for such letters and packets; and that every Commander of a Vessel who shall willfully disobey any direction of this Clause, shall be punished with a fine not exceeding 1,000 Rupees.

XXI. And it is hereby enacted, that whenever any letter or packet, the postage of which has not been paid, shall be delivered by any person employed by the Post Office, the person to whom it is delivered, shall not be bound to pay the postage if he returns the letter or packet unopened, but if he opens the same, he shall be bound to pay the postage due thereon; provided always, that if the letter or packet shall appear to have been maliciously sent for the purpose of annoying the person to whom it is directed, the Post Master General, or Post Master of the Office, from which the delivery took place, shall remit the said postage.

XXII. And it is hereby enacted, that every letter or packet which is rejected unopened by the person to whom it is directed, shall be returned by post to the sender, and that the said sender shall be bound to pay the return postage thereon unless direct postage has already been paid thereon.

XXIII. And it is hereby enacted, that whenever any letter or packet, the sender of which is unknown, shall be rejected unopened by the person to whom it is directed, such letter or packet shall be opened by the Officer in charge of the Post Office from which such letter or packet was delivered to that person.

XXIV. And it is hereby enacted, that if any person shall refuse to pay any postage which he is legally bound to pay for any letter or packet, it shall be lawful for the Officer in charge of the Post Office, from which such letter or packet was delivered, to withhold from the person so refusing, till such postage be paid, any letter directed to that person upon which postage has not been paid by the sender.

XXV. And it is hereby enacted, that all letters and packets which have remained three months unclaimed at any Post Office, shall be transmitted to the General Post Office of the Presidency.

XXVI. And it is hereby enacted, that at intervals not exceeding three months, lists of all unclaimed letters and packets which are in the General Post Office of any Presidency, shall be published in the Official Gazette of that Presidency.

XXVII. And it is hereby enacted, that every letter and packet which may have remained eighteen months unclaimed in the General Post Office of any Presidency, shall be opened by the Post Master General of that Presidency, and that all valuable property which such letter or packet may contain, shall be paid into the Government Treasury for the benefit of any party who may have a right thereto, and that when twelve months shall have elapsed after the opening of such unclaimed letter or packet, it shall be lawful for the said Post Master General, if such letter or packet still continues to be unclaimed, to destroy the same.

XXVIII. And it is hereby enacted, that the privilege of sending and receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage, shall be allowed to the persons hereinafter mentioned, viz.

His Majesty's Principal Secretaries of State.

President and Secretaries of the Board of Control.

The Chairman, Deputy Chairman and Directors of the East India Company.

Secretary, Deputy Secretary and Assistant Secretary at the India House.

The Governor General.

The Governors of Bengal, Madras and Bombay.

The Governor of Ceylon.

The Lieutenant Governor of the North Western Provinces.

The Chief Justices of Bengal, Madras and Bombay.

The Bishops of Calcutta, Madras and Bombay.

The Members of the Supreme Council.

The Members of Council of Madras and Bombay.

The Puisne Judges of the Supreme Courts of Bengal, Madras and Bombay.

The Recorder of Prince of Wales' Island, Singapore and Malacca.

The Commander in Chief of His Majesty's Naval Forces.

The Commander in Chief of the Army in India.

The Commanders in Chief of the Army at Madras and Bombay.

And that the letters and packets sent by any of the persons aforesaid shall be franked in such manner as may be directed by the Governor General of India in Council.

XXIX. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council, by an Order in Council, to grant to any person, or body of persons, the privilege of sending or receiving letters or packets either by letter post or banghy free of postage, on such conditions and under such rules as the said Governor General in Council may direct.

XXX. And it is hereby enacted, that if any Post Master General, or Post Master, shall suspect that any letter or packet lying for delivery at his Post Office contains any contraband article, or any article on which duty is owing to Government, or that any letter or packet lying for delivery at that Post Office contains any writing in contravention of the provisions of Sections IX. and X. of this Act, it shall be lawful for such Officer to summon the person to whom the letter or packet is directed, to attend at that Post Office by himself or Agent within forty-eight hours after the arrival of the letter or packet at that Post Office, and to open the letter or packet in the presence of the person to whom the letter or packet is directed, or of that person's agent; and if that person shall not so attend by himself or agent, then to open the letter or packet in the absence of that person.

XXXI. And it is hereby enacted, that the Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance, and that no person employed by the Government in the Post Office Department, shall be responsible for any such loss or damage unless that person had caused such loss or damage maliciously or fraudulently.

XXXII. And it is hereby enacted, that all fines incurred under any of the preceding provisions of this Act, may be levied on conviction before any Magistrate or Justice of the Peace, or before any person exercising the powers of a Magistrate; provided always, that no person not a Post Master General, or Post Master, shall be competent to institute any prosecution for any violation of any of the preceding provisions of this Act.

XXXIII. And it is hereby enacted, that whoever being in the employ of the Government in the Post Office Department, or being in the employ of any person or persons who may contract with the Government, to convey letters or packets by Post for hire, shall fraudulently appropriate any letter or packet which may have been entrusted to him, or any thing contained in any such letter or packet, or shall

open any such letter or packet, or any banghy box, with the intention of fraudulently appropriating any thing therein contained, shall be punished with imprisonment with or without hard labor for a term not exceeding seven years, and shall also be liable to fine.

XXXIV. And it is hereby enacted, that whoever being in such employ as is described in the last Section, and being entrusted to received money for postage duty, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXV. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII, shall fraudulently put any wrong mark on any letter or packet, or shall fraudulently alter, or cause to disappear any mark which is on any letter or packet, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVI. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII, and being entrusted with the preparing or keeping of any document, shall with a fraudulent intention, prepare that document incorrectly, or alter that document, or secrete or destroy that document, shall be punished, on conviction before a Magistrate with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVII. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII. puts any letter or packet into the Wallets of the Post Office, intending thereby to defraud the Government of the postage duty on such letter or packet, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVIII. And it is hereby declared, that the tola weight mentioned in this Act, is the tola of 180 grains troy, being the standard weight of the Company's Rupee.

XXXIX. And it is hereby enacted, that this Act shall have effect from the 1st day of October 1837, and that no postage duty shall be levied under the authority of this Act on any letter which shall be received at any Post Office before the said 1st of October 1837.

Schedule A of Postage Duties on Letters, Parcels, Newspapers, & c. and of Banghy Postage.

1.

Letters

| MILES. | SINGLE | DOUBLE | |
|--------|-------------------------|---|--------|
| | Not exceeding One Tola. | Exceeding One Tola and not exceeding Two Tolas. | |
| | Annas | Rupees. | Annas. |
| 20 | 1 | 0 | 2 |
| 50 | 2 | 0 | 4 |
| 100 | 3 | 0 | 6 |
| 150 | 4 | 0 | 8 |
| 200 | 5 | 0 | 10 |
| 250 | 6 | 0 | 12 |
| 300 | 7 | 0 | 14 |
| 400 | 8 | 1 | 0 |
| 500 | 9 | 1 | 2 |
| 600 | 10 | 1 | 4 |
| 700 | 11 | 1 | 6 |
| 800 | 12 | 1 | 8 |
| 900 | 13 | 1 | 10 |
| 1, 000 | 14 | 1 | 12 |
| 1, 200 | 15 | 1 | 14 |
| 1, 400 | 1 Rupee | 2 | 0 |

And upwards-Single Postage being added for each additional Tola.

2.

Law Papers, Accounts and Vouchers attested as such with the full signature of the Sender.

| MILES. | SINGLE | DOUBLE | |
|--------|-------------------------------------|---|--------|
| | Not exceeding $3\frac{1}{2}$ Tolas. | Exceeding $3\frac{1}{2}$ Tolas and not exceeding 6 Tolas. | |
| | Annas | Rupees. | Annas. |
| 20 | 1 | 0 | 2 |
| 50 | 2 | 0 | 4 |
| 100 | 3 | 0 | 6 |
| 150 | 4 | 0 | 8 |
| 200 | 5 | 0 | 10 |
| 250 | 6 | 0 | 12 |
| 300 | 7 | 0 | 14 |
| 400 | 8 | 1 | 0 |
| 500 | 9 | 1 | 2 |
| 600 | 10 | 1 | 4 |
| 700 | 11 | 1 | 6 |
| 800 | 12 | 1 | 8 |
| 900 | 13 | 1 | 10 |
| 1,000 | 14 | 1 | 12 |
| 1,200 | 15 | 1 | 14 |
| 1,400 | 1 Rupee | 2 | 0 |

And upwards-Single Postage being added for every 3 Additional Tolas.

3.

7

Newspapers, Pamphlets and other printed or engraved Papers, packed in short covers open at each end.

| DISTANCE. | Newspapers, Pamphlets, & c., printed in India Weight. | | | Imported Newspapers, Pamphlets, & c. Weight. | |
|---|--|---|--|--|--|
| | Not exceeding 3 $\frac{1}{2}$ Tolas. | Exceeding 3 $\frac{1}{2}$ Tolas & not exceeding 6 Tolas | Exceeding 6 Tolas and not exceeding 9 Tolas. | Not exceeding 6 Tolas. | Exceeding 6 Tolas and not exceeding 12 Tolas |
| Not exceeding 20 miles, 400 ditto, above 400 ditto, | Annas. 1 2 3 | Annas. 2 4 6 | Annas. 3 6 9 | Annas. 1 2 3 | Annas. 2 4 6 |
| | Single Postage being added for every additional 3 Tolas. | | | Single Postage being added for every additional 6 Tolas. | |

4.

Parcels sent by the Public Banghy not exceeding 600 Tolas in weight, nor 15 Inches long by 12 deep and 12 broad, or 2160 Cubic Inches in size.

| Distance. | WEIGHT. | | | | | | | | | | | |
|---------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | NOT EXCEEDING TOLAS. | | | | | | | | | | | |
| Not exceeding Miles | 50 | 100 | 150 | 200 | 250 | 300 | 350 | 400 | 450 | 500 | 550 | 600 |
| | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. | Rs.As. |
| 50 | 0 6 | 0 12 | 1 2 | 1 8 | 1 14 | 2 4 | 2 10 | 3 0 | 3 6 | 3 12 | 4 2 | 4 8 |
| 100 | 0 9 | 1 2 | 1 11 | 2 4 | 2 13 | 3 6 | 3 15 | 4 8 | 5 1 | 5 10 | 6 3 | 6 12 |
| 150 | 0 12 | 1 8 | 2 4 | 3 0 | 3 12 | 4 8 | 5 4 | 6 0 | 6 12 | 7 8 | 8 4 | 9 0 |
| 200 | 0 15 | 1 14 | 2 13 | 3 12 | 4 11 | 5 10 | 6 9 | 7 8 | 8 7 | 9 6 | 10 5 | 11 4 |
| 250 | 1 2 | 2 4 | 3 6 | 4 8 | 5 10 | 6 12 | 7 14 | 9 0 | 10 2 | 11 4 | 12 6 | 13 8 |
| 300 | 1 5 | 2 10 | 3 15 | 5 4 | 6 9 | 7 14 | 9 3 | 10 8 | 11 13 | 13 2 | 14 7 | 15 12 |
| 400 | 1 8 | 3 0 | 4 8 | 6 0 | 7 8 | 9 0 | 10 8 | 12 0 | 13 8 | 15 0 | 16 8 | 18 0 |
| 500 | 1 11 | 3 6 | 5 1 | 6 12 | 8 7 | 10 2 | 11 13 | 13 8 | 15 3 | 16 14 | 18 9 | 20 4 |
| 600 | 1 14 | 3 12 | 5 10 | 7 8 | 9 6 | 11 4 | 13 2 | 15 0 | 16 14 | 18 12 | 20 10 | 22 8 |
| 700 | 2 1 | 4 2 | 6 3 | 8 4 | 10 5 | 12 6 | 14 7 | 16 8 | 18 9 | 20 10 | 22 11 | 24 12 |
| 800 | 2 4 | 4 8 | 6 12 | 9 0 | 11 4 | 13 8 | 15 12 | 18 0 | 20 4 | 22 8 | 24 12 | 27 0 |
| 900 | 2 7 | 4 14 | 7 5 | 9 12 | 12 3 | 14 10 | 17 1 | 19 8 | 21 15 | 24 6 | 26 13 | 29 4 |
| 1,000 | 2 10 | 5 4 | 7 14 | 10 8 | 13 2 | 15 12 | 18 6 | 21 0 | 23 10 | 26 4 | 28 14 | 31 8 |
| 1,200 | 2 13 | 5 10 | 8 7 | 11 4 | 14 1 | 16 14 | 19 11 | 22 8 | 25 5 | 28 2 | 30 15 | 33 12 |
| 1,400 and upwards. | 3 0 | 6 0 | 9 0 | 12 0 | 15 0 | 18 0 | 21 0 | 24 0 | 27 0 | 30 0 | 33 0 | 36 0 |

5.

Books, Pamphlets, Packets of Newspapers an any written, printed or engraved Papers sent by the Public Banghy, not exceeding 40 Tolas in weight and packed in short covers open at each end.

| Not exceeding Miles | Not exceeding 20 Tolas. | Exceeding 20 Tolas and not exceeding 40 Tolas. | |
|---------------------|-------------------------|--|--------|
| | Annas. | Rupees. | Annas. |
| 100 | 2 | 0 | 4 |
| 200 | 3 | 0 | 6 |
| 300 | 4 | 0 | 8 |
| 400 | 5 | 0 | 10 |
| 500 | 6 | 0 | 12 |
| 600 | 7 | 0 | 14 |
| 700 | 8 | 1 | 0 |
| 800 | 9 | 1 | 2 |
| 900 | 10 | 1 | 4 |
| 1,000 | 11 | 1 | 6 |
| 1, 100 | 12 | 1 | 8 |
| 1, 200 | 13 | 1 | 10 |
| 1, 300 | 14 | 1 | 12 |
| 1, 400 | 15 | 1 | 14 |
| Upwards. | 1 Rupee | 2 | 0 |

B.

Ship Postage to be levied in addition to Land Postage on letters received or sent by Sea.

| LETTERS | | Newspapers, Pam-phlets and other printed Papers packed in short covers open at each end. | Parcels not exceeding 300 Tolas Weight. |
|--|------------------------|--|--|
| Outward. | Inward. | | |
| Not exceeding 3 Tolas | Not exceeding 3 Tolas. | Not exceeding 6 Tolas weight. | Not exceeding 100 Tolas Weight. |
| Annas. 2 | Annas. 3 | Annas. 1 | Annas. 2 |
| An Anna being added for every additional Tola. | | An Anna being added for every additional 6 Tolas Weight. | Two Annas being added for every additional 100 Tolas up to 300 Tolas, beyond which no Parcel will be received. |