

THE INDIAN POST OFFICE ACT, 1866.

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ACT No. XIV OF 1866.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 23rd March 1866).

An Act to amend the law for the management of the Post Office, for the regulation of the Duties of Postage, and for the punishment of offences against the Post Office.

Preamble. WHEREAS it is expedient to amend the law for the management of the Post Office, for the regulation of the Duties of Postage, and for the punishment of offences against the Post Office; It is enacted as follows:—

PART I.

Preliminary.

Commencement of Act. Short title. 1. This Act shall come into operation on the first day of May 1866, and may be cited as "The Indian Post Office Act, 1866."

Interpretation Clause. "Criminal Court." 2. In this Act—unless there be something repugnant in the subject or context—"Criminal Court" includes every Judge, Magistrate, Justice of the Peace or Police Magistrate lawfully exercising jurisdiction in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Newspaper" shall include any periodical publication, published at regular intervals not exceeding thirty-one days: "Mails" shall include any letter, parcel or other article conveyed under the provisions of this Act, as well as any box, bag or other article, or any carriage, horse, messenger or other person employed or used by

"Fine."

"Clubbed Packet."

"Newspaper."

"Mail."

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by the Post Office for the conveyance or safe custody of the Mails; and
"British India." "British India" includes the territories which are now or shall be vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (An Act for the better Government of India).

3. Act No. XVII of 1854 is hereby repealed, except so far as it repeals the whole or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation.

References to Act No. XVII of 1854 to be read as made to this Act. 4. References to any Section of Act No. XVII of 1854 made in any Act passed subsequent thereto, shall be read as if made to the corresponding Section of this Act.

Exclusive privilege of carrying letters vested in the Government of India. 5. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the said 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, despatching and delivering all letters, except in the following cases, that is to say—

(1.) Letters sent by a private friend in his way, journey or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward or other profit or advantage for receiving, carrying or delivering the same :

(2.) Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose :

(3.) Letters solely concerning goods or other property sent either by sea or land to be delivered with the goods or property which such letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering such letters. But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

6. Wheresoever

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6. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say—

(1.) Common carriers of passengers or goods, and their drivers, servants or agents, except letters solely concerning goods in their carriages :

(2.) Owners and Commanders of ships, steam-boats or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents, except letters solely concerning goods on board.

7. For carrying on the service of the Post Office, it shall be lawful for the Governor-General of India in Council to appoint or to authorize the appointment of such Officers, with such official styles or designations, and to invest them with and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor-General of India in Council may, from time to time, deem expedient.

PART II.

Postage Rates.

8. Wheresoever posts or postal communications are or shall be established by the Government of India, postage, if pre-paid by a stamp or stamps as hereinafter provided, shall be charged by weight on letters transmitted by the Letter-Post by land, according to the following scale :—

On every letter not exceeding a quarter of a tolah in weight,—six pie :

On every letter exceeding a quarter of a tolah and not exceeding half a tolah in weight,—one anna :

On every letter exceeding half a tolah and not exceeding one tolah in weight,—two annas :

And for every half tolah in weight above one tolah, one additional anna ; and every fraction of half a tolah above one tolah shall be charged as one additional half tolah.

Every

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Every article transmitted by the Letter-Post shall be deemed a letter within the meaning of this Section, unless it be an article on which a different rate of postage shall be chargeable under this Act.

9. Wheresoever posts or postal communications are or shall be established by the Government of India, postage on newspapers, transmitted by the Letter-Post by land, shall be charged by weight according to the following scale:—

On every newspaper not exceeding ten tolahs in weight,—one anna:

On every newspaper exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas:

And for every ten tolahs in weight above twenty tolahs, one additional anna; and every fraction of ten tolahs shall be charged as ten additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

10. A newspaper shall not be sent by the Letter-Post at the rates prescribed in the last preceding Section, unless the following conditions be observed, that is to say—

Newspapers how to be sent by Letter-Post.

(1.) It shall be without a cover, or in a short cover open at both ends.

(2.) There shall be no word printed on such newspaper after its publication, or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

(3.) There shall be no paper or thing enclosed in or with any such newspaper.

11. Any

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11. Any newspaper sent by the Letter-Post in respect of which the above conditions shall not be observed shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Newspapers when charged with letter-postage.

12. Proof-sheets marked as such may be sent by the Letter-Post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender; otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof-sheets.

13. Subject to such Rules and conditions as the Governor-General of India in Council may from time to time direct, books, packets of newspapers and other articles, provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall be charged with the following rates of postage, without reference to the distance to which they may be carried:—

Postage rates on books, packets of newspapers, &c.

If not exceeding ten tolahs in weight,—one anna :

If exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas :

And for every ten tolahs in weight above twenty tolahs, one additional anna; and every fraction of ten tolahs shall be charged as ten additional tolahs.

If the postage chargeable on any such book or other article be not prepaid as aforesaid, it shall be subject to the rate of postage prescribed for banghy-parcels in Section 14 of this Act.

14. Inland postage shall be charged by weight and distance, on parcels sent by the Banghy-Post, according to the following scale:—

Inland banghy-postage.

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FOR DISTANCES.		IF NOT EXCEEDING IN WEIGHT							
		20 Tolabs.	50 Tolabs.	100 Tolabs.	200 Tolabs.	300 Tolabs.	400 Tolabs.	500 Tolabs.	600 Tolabs.
Miles.		Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	
Not exceeding ...	300	0 4	0 8	0 12	1 8	2 4	3 0	3 12	4 8
Not exceeding ...	600	0 8	1 0	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding ...	900	0 12	1 8	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding ...	1,200	1 0	2 0	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding ...	1,200	1 4	2 8	3 12	7 8	11 4	15 0	18 12	22 8

Provided

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Provided that not more than one letter shall be enclosed in a banghy-parcel, under a penalty not exceeding fifty rupees.

15. Banghy-postage, when chargeable by distance under Section 14 of this Act, shall be calculated and charged according to such Table of distances as shall be authorized from time to time for that purpose by the Governor-General of India in Council. Table of distances for calculation of banghy-postage. And it shall be lawful for the Governor-General of India in Council to declare that the distances from or to Post Offices not entered in such Table shall, for the purposes of this Act, be regarded as represented by the distances shown in the Table from or to the Post Offices nearest to them respectively. Each Post Master General shall prepare from the aforesaid Table, in the English and vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices in India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made, and such list shall be affixed in some conspicuous place in such Post Office.

16. Where there is no Banghy-Post established on any line of road, parcels, books and other articles shall be received and transmitted by the Letter-Post, and shall be charged with postage according to the scale in Section 13 or 14 of this Act, as the case may be, if it be certified in writing, on such parcel, book-packet or other article under the full signature and address of the sender, that it does not contain any letter or other written communication on which a higher rate of postage is chargeable under any Section of this Act. Where there is no Banghy-Post, parcels, books, &c., may be carried by Letter-Post.

If any such certificate be false, any such letter or other written communication contained in such certified parcel, book-packet or other article shall be charged with letter-postage as if sent separately, and the sender shall be subject to the penalty hereinafter provided. Effect of false certificate.

17. All book-packets and parcels not exceeding ten tolahs in weight, sent through the Post Office, shall be conveyed by Letter-Post, and be charged with letter-postage, unless specially directed to be sent by Banghy or Book-packet Post. Book-packets and parcels not exceeding ten tolahs in weight to go by Letter-Post unless directed to be sent by Banghy or Book-packet Post.

18. On

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18. On all parcels chargeable under Section 14 of this Act with banghy-
Ship postage on par- postage according to distance when conveyed by land, ship
cels. postage shall be charged when they are conveyed by means o
Her Majesty's Indian Post by sea, according to the following scale, that is to say—

On every parcel not exceeding twenty tolahs in weight,—two annas :

On every parcel exceeding twenty tolahs but not exceeding forty tolahs in
weight,—four annas :

On every parcel exceeding forty tolahs but not exceeding one hundred tolahs
in weight,—eight annas :

And for every hundred tolahs in weight above one hundred tolahs,—eight
additional annas. Every fraction of one hundred tolahs above one hundred tolahs
shall be charged as one hundred additional tolahs ; and if such parcel be con-
veyed by Her Majesty's Indian Post, partly by land and partly by sea, ship
postage shall be charged in addition to inland banghy-postage.

19. It shall be lawful for the Governor-General of India in Council at any
Governor-General in time to direct that all or any letters or other articles shall not
Council may direct pre- be forwarded by Post, unless the postage thereof shall be fully
payment of postage in be pre-paid by means of a proper stamp or stamps ; or that on all
all cases. or any letters or other articles on which the postage shall not be fully prepaid
by a stamp or stamps, or otherwise, as the said Governor-General in Council
shall direct, there shall be charged such higher rates of postage as from time to
time may be deemed expedient, not exceeding double the rates of postage here-
inbefore specified.

20. It shall be lawful for the Governor-General of India in Council from
Governor-General in time to time to authorize the levy of postage at rates different
Council may alter the from those prescribed in this Act, provided that no increase
rates of postage. be made in any particular of the rates prescribed in Sections
8 and 9 of this Act.

21. It shall be lawful for the Governor-General of India in Council from
Governor-General in time to time to direct that postage duties, different from the
Council may fix rates rates authorized by this Act, shall be chargeable on letters or
of steam postage. other articles to be specified in such order, sent through the
Post from or to any part of Great Britain, or any British colony, or any Foreign
country

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country to or from any places in British India. The postage charged on any letter or other article specified in any order of Council made under this Section, whether under the name of steam postage or any other denomination, shall, after the rates of such postage have been published in the Official Gazette of any Presidency, be recovered in the same manner as postage under this Act.

22. It shall be lawful for the Governor-General of India in Council to fix, from time to time, rates of postage to be levied on all letters or other articles transmitted by Post, by sea, or partly by sea and partly by land, from one part or place in India to another. It shall not be necessary that such rates be uniform; but they may vary according to the conveyance or route by which such letters or other articles shall be sent.

Governor-General in Council may fix rates of postage for articles sent wholly or partly by sea.

23. It shall be lawful for the Governor-General of India in Council from time to time to fix and order any rate of postage to be charged for the conveyance of letters or other articles by Express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

Governor-General in Council may fix Express postage rates.

24. On every letter or other article which shall be re-directed at any Post Office or forwarded by Post from any place to which it shall have been conveyed by Post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, or from which it shall be forwarded, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable if posted and pre-paid by stamp at the place where it shall be re-directed or from which it shall be forwarded.

Re-directed letters.

PART III.

Registered Letters.

25. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article; and it shall be lawful for the Governor-General of India in Council to direct that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid by means of a stamp or stamps affixed to the letter or other article.

Letters may be registered.

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26. It shall be lawful for the Governor-General of India in Council from time to time by order to declare in what cases registration shall be compulsory, and to direct that a double registration fee shall be levied on the delivery of any letter or other article which ought, under the order of the Governor-General in Council, to have been registered at the time of posting, on which the registration fee shall not have been pre-paid as directed in Section 25.

Governor-General in Council may declare in what cases registration shall be compulsory.

PART IV.

Re-delivered, Unpaid, Unclaimed and Refused Letters.

27. No person having delivered into any Post Office any letter or other article shall be entitled to recall the same; but nothing in this Section shall prevent the re-delivery of any letter or other article to the sender thereof, subject to such rules and regulations, if any, as the Governor-General of India in Council may from time to time prescribe in that behalf.

Re-delivery of letters and other articles once put into Post Office.

28. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or other article shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Secretary of State for India by any Post Master General, or by any Officer in charge of a Post Office by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or other article addressed to that person, not being on Her Majesty's Service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery Office may remit the postage.

Postage on unpaid letters, &c.

29. *Clause 1.*—A list of all letters and other articles posted and addressed to persons who cannot be found shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters and other articles which

Unclaimed letters how to be dealt with.

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which shall have remained three weeks unclaimed in any Office shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge. All letters and other articles of which the sender's name and address cannot be ascertained unless they be opened, shall, after remaining unclaimed for three weeks as aforesaid, be forwarded to the Office of the Post Master General of the Presidency.

Clause 2.—The Post Master General or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters or other articles, and if the addresses of the senders can be discovered, shall enclose them in Dead Letter covers, and return them to the senders. All letters and other articles of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Clause 3.—All money found in any unclaimed letter or other article shall be paid into the Public Treasury; and all other valuable property found as above shall be sold by the Post Master General of the Presidency or by some one duly authorized by him for that purpose; and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

30. Every letter or other article rejected unopened by the person to whom it is addressed, shall, if any postage is due thereon and if the sender's name and address are written on the cover, be returned to the Posting Office, in order that the postage due may be recovered from the sender; in all other cases, or when the sender's name and address are not on the cover, such letter or other article shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter or other article and take measures to recover the postage from the sender, or shall at his discretion destroy the letter or other article; and all money or other valuable property which such letter or other article may contain, shall be disposed of in the manner prescribed in the preceding Section with respect to such money or property contained in unclaimed letters.

PART V.

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PART V.

Mails on board Inward and Outward bound Vessels.

31. When any vessel arrives by sea at any place within British India at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box and packet on board of such vessel, which is directed to that place and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter, mail bag, box or packet, directed to any other place and not excepted from the exclusive privilege aforesaid, the said Commander shall as speedily as possible report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Commanders of inward-bound vessels carrying Mails how to proceed on arrival.

Penalty.

32. Every person being either the Commander of a vessel inward-bound or any one on board such vessel, who shall, within British India, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred rupees.

Detention of letters on board inward-bound vessel.

33. For every letter delivered by the Commander of any ship in conformity with the directions of Section 31 of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander

Bounty-money.

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mander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Section 31 and the former part of this Section of this Act, shall extend to any letter or mail bag, or box or packet conveyed by any mail ship or mail steamer recognized as such by the Governor-General of India in Council.

34. The Commander of every vessel leaving any place in British India by sea, shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Commanders of outward-bound vessels to receive Mails on board.

PART VI.

Postage Stamps.

35. All letters and other articles having a stamp or stamps affixed thereto (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act), shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

Stamped letters to be considered as pre-paid.

36. The Governor-General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor-General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

Postage stamps to be provided by Government.

37. Postage stamps, provided as aforesaid, shall be under the care and management of such Officer or Officers as the Governor-General of India in Council shall from time to time direct: postage stamps shall be considered as stamps issued by Government for the purpose of Revenue, within the meaning of the Indian Penal Code; and all sums of money realized by the sale of such stamps shall be carried in the public accounts to the credit of the Post Office.

Postage stamps to be under management of Officer appointed by Government.

38. The

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38. The Governor-General of India in Council may from time to time make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors; and whether any and what remuneration or discount shall be allowed to them; and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

Rules for guidance of vendors of postage stamps.

39. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be punished with a fine not exceeding two hundred rupees in addition to any other proceedings to which they may be liable.

Penalty for breach of such rules.

40. Any Government vendor of postage stamps who shall be convicted of refusing, or unnecessarily delaying without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be punished with a fine not exceeding one hundred rupees.

Penalty for refusing to supply stamps.

41. Any Government vendor of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be punished on conviction with imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding six months, or shall be liable to a fine not exceeding one hundred rupees; and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Criminal Court, in the same manner as any penalty under this Act.

Penalty for selling stamps for higher price than the value denoted thereby.

PART VII.

Offences against the Post Office.

42. No person shall knowingly post, or send, or tender, or deliver, in order to be sent by the Post, any letter, parcel or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall be punished for every such offence with a fine not exceeding two hundred rupees.

Penalty for sending dangerous substance by Post.

43. Every

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43. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify by writing on any official or other letter or packet delivered at any Post Office for conveyance by Post, that which is not true in respect of such letter or packet or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver, for conveyance by Post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send or permit to be sent by Post, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature, shall, for every such offence, be punished with a fine not exceeding five hundred rupees.

Penalty for making false certificate in order to defraud the Post Office.

44. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the Mails, or to detain any carriage or horse upon which the Mails are being carried, or on any pretence to open a packet or mail bag or box in transit from one Post Office to another, and every person who shall be guilty of any of the offences mentioned in this Section, shall be punished with a fine not exceeding five hundred rupees.

Penalty for detaining Mails or opening mail bags.

45. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or detain, or, being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a Post letter or other article which ought to have been delivered to any other person, or a mail bag, box or packet containing a letter or other article which shall have been sent by the Post, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalty for retaining letters, &c., delivered by mistake.

46. *Clause 1.*—Every person who shall convey, otherwise than by the Post, a letter not excepted from the said exclusive privilege conferred on the Government of India by Section 5 of this Act shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees.

Penalty for conveying letter in breach of privilege.

Clause 2.—Every person who shall perform, otherwise than by the Post, any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for performing, otherwise than by the Post, any services incidental to conveying letters.

Clause 3.

ACT No. XIV of 1866.

Clause 3.—Every person who shall make a collection of letters for the purpose of transmitting them through the Post in a clubbed packet, and every person who shall knowingly tender or deliver a letter to be sent in a clubbed packet, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for making clubbed packet or tendering or delivering letter to be sent therein.

Clause 4.—Every person who shall send a letter not excepted from the said exclusive privilege, otherwise than by the Post, or shall either tender or deliver a letter not so excepted, in order to be sent otherwise than by the Post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for sending letter in breach of privilege, or delivering letter to be so sent.

Clause 5.—Every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the Post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for collecting excepted letters to send them otherwise than by Post.

Clause 6.—Every person who shall carry, receive, tender or deliver a letter, or collect letters contrary to the provisions of Section 6 of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees.

Penalty for breach of provisions of Section 6.

Clause 7.—Every person who shall be in the practice of committing any of the acts mentioned in this Section, shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

Penalty for practice of acts mentioned in this Section.

47. Every person employed to convey or deliver any mail bag or box, or any letter or other article sent by Post, who shall be guilty, while so employed, of drunkenness, carelessness or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, box, letter or other article; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter or other article, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter or other article sent by the Post, who shall not duly deliver the same, shall, within a reasonable time not exceeding twenty-four hours, report the fact at the Post Office where he received such letter or other article, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

Penalty for neglect on the part of persons employed to carry Mails.

48. Whoever

ACT No. XIV OF 1866.

48. Whoever being in the employ of the Government in the Post Office Department, shall steal, fraudulently appropriate, or wilfully secrete, destroy or throw away any letter or other article sent by Post, or anything contained in any such letter or other article, or shall mutilate or break open any such letter or other article, or any mail bag or box, with the intention of fraudulently appropriating anything therein contained, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding seven years, and shall also be liable to fine.

Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.

49. Whoever being in such employ as last aforesaid, shall fraudulently put any wrong mark on any letter or other article, or shall fraudulently alter, remove or cause to disappear any mark or stamp which is on any letter or other article ; or shall fraudulently use or place with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article ; or, being entrusted with the delivery of any letter or other article, shall knowingly demand or receive any sum of money for the postage thereof other than the sum duly chargeable for such postage, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

50. Whoever being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare the document incorrectly, or alter that document, or secrete or destroy that document, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for preparing incorrectly or altering or secreting documents by persons employed in the Post Office.

51. Whoever being in such employ as last aforesaid, shall send by the Post, or put into any mail bag or box, any unstamped letter or other article upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter or other article, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters on which postage has not been paid or charged by persons employed in the Post Office.

52. Whoever

ACT No. XIV OF 1866.

52. Whoever abets, within the meaning of the Indian Penal Code, or conceals any offence made punishable by this Act, shall be punished with the punishment provided for such offence.

Penalty for abetting or concealing offences under this Act.

53. Any person, whether a European British subject or not, who shall be guilty of any offence for which according to the provisions of this Act he shall be liable to a fine only, shall be punishable for such offence by any Criminal Court upon summary conviction.

Any person charged with offence punishable with fine only may be summarily convicted.

54. No conviction, order or judgment of any Criminal Court, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds, but the depositions taken or a copy of them shall be returned with the conviction, order or judgment, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment, shall be aided by what so appears in such depositions.

Conviction to be quashed on merits only.

Form of conviction.

55. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Magistrate may refer charge to his Assistant.

56. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Criminal Court or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take security by way of recognizance or otherwise. If upon the

Fines—how levied.

ACT No. XIV OF 1866.

the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case

Imprisonment if no sufficient distress, &c. it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Share of fine to informer.

57. A share not exceeding one moiety of every fine imposed and recovered under this Act, may be awarded to the informer.

58. No proceedings shall be taken for the recovery of any fine imposed under the authority of this Act, for offences punishable by

No proceedings for recovery of fines to be taken without an order.

fine only, without an order of Government, or an order in writing under the hand of the Director General of the Post

Office, or of a Post Master General, or other Officer specially invested with the powers of a Post Master General.

59. If any public servant who shall be employed in the Post Office Department, or shall be appointed a vendor of postage stamps,

Post Office servants committing offences in allied States.

or entrusted by the Government of India or any local Government with the sale of postage stamps within the dominions of

any Foreign Prince or State in India in alliance with Her Majesty, in which a post shall be established by the Government of India, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed, appointed or entrusted as aforesaid within British India, such public servant shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within British India; and every such person may be tried, convicted and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor-

ACT No. XIV of 1866.

Governor-General of India in Council, to take cognizance of offences committed in such dominions by public servants, or by any Court or Magistrate, or other competent Officer in any part of British India, in the same manner as if the offence had been committed in such part.

60. If any Officer in charge of a Post Office shall suspect that any letter or other article lying for delivery at his Office contains any contraband article, or any article on which duty is owing to Government; or that any letter or other article lying for delivery at the Post Office contains any writing or enclosure in contravention of the provisions of Section 14, 16 or 43 of this Act, it shall be lawful for such Officer to summon the person to whom the letter or other article is directed, to attend at the Post Office by himself or agent, within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter or other article in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter or other article shall be subsequently delivered to the persons to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same and the circumstances connected therewith shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel through the Post Office by sea to any foreign port, or to any place not on the Continent of India, unless such parcel be accompanied by a Custom House Pass.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

61. Whenever an offence shall be committed in respect of any mail bag or box, or any letter or other article sent by the Post, it shall be lawful to lay, in the charge to be preferred against the offender, the property of such mail bag, box, letter or other article in the Post Master General of the Presidency; and it shall not be necessary in the charge to allege or to prove upon the trial or otherwise, that such mail bag, box, letter or other article was of any value; and in any charge to be preferred against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state that such offender was employed under the Post Office at the time of committing the offence, without stating further the nature or particulars of his employment.

Property sent by the Post to be laid in the charge of the Post Master General.

ACT No. XIV OF 1866.

PART VIII.

Miscellaneous.

62. Letters on Her Majesty's service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor-General of India in Council, shall be forwarded by the Post, and the postage due thereon shall be charged to or recovered from the several public Departments to or from which such letters or packets are sent, in such manner as the said Governor-General of India in Council shall, from time to time, direct.

63. It shall be lawful for the Governor-General of India in Council from time to time to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed and delivered.

64. It shall be lawful for the Governor-General of India in Council from time to time to frame rules for the management of all or any zamindari, thana or other district daks, and to declare from time to time what portions of this Act shall be applicable to such daks, and to persons employed in connection therewith.

65. 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 no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously or fraudulently.

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