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News: Post Office Bill, 2023

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- The Post Office Bill, 2023 aims to repeal the Indian Post Office Act, 1898, which has been in existence for 125 years.
- The Act regulates India Post, a departmental undertaking of the central government. The Bill contains provisions that allow the Centre to intercept, open, or detain any item, and deliver it to customs authorities.

Highlights of the Bill

Post officers can “intercept” any item

- The Bill allows the Centre to empower any officer to “intercept, open or detain any item” in the interest of state security, friendly relations with foreign states, public order, emergency, public safety, or contravention of other laws.
- This provision also allows post officers to hand over postal items to customs authorities if they are suspected to contain any prohibited item, or if such items are liable to duty.

The Post Office exempt from liability

- The bill exempts the Post Office and its officer from “any liability by reason of any loss, mis-delivery, delay, or damage in course of any service provided by the Post Office except such liability as may be prescribed.

Removal of Offenses and Penalties

- The Bill removes all penalties and offenses under the 1898 Act.
- For example, offenses committed by post office officials such as misconduct, fraud, and theft, among others, have been deleted entirely.
- At the same time, if anyone refuses or neglects to pay the charges for availing a service provided by the Post Office, such amount shall be recoverable as if it were an arrear of land revenue.

Removes Centre’s exclusivity

- The present Bill has removed Section 4 of the 1898 Act, which allowed the Centre the exclusive privilege of conveying all letters by post.
- However, courier services have been bypassing the 1898 law by simply calling their couriers “documents” and “parcels”, rather than “letters.”

Regulates Private Courier Services

- The 2023 Bill, for the first time, regulates private courier services by bringing it under its ambit.

Criticism of the Bill

- The Bill does not specify procedural safeguards for interception of articles transmitted through India Post.
- Lack of safeguards may violate freedom of speech and expression, and the right to privacy of individuals.
- The grounds for interception include ‘emergency’, which may be beyond reasonable restrictions under the Constitution.
- The Bill exempts India Post from liability for lapses in postal services.
- Liability may be prescribed through Rules by the central government, which also administers India Post. This may lead to conflict of interest.
- The Bill does not specify any offenses and penalties.
- There are no consequences for unauthorized opening of postal articles by a postal officer. This may have adverse implications for the Right to Privacy of consumers.