

6. The 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 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.

Exemption from liability for loss, mis-delivery, delay or damage

CHAPTER III

POSTAGE

7.(1) The Government may, by notification in the 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:

Power to fix rates of inland postage

Provided that the highest rate of postage, when prepaid, shall not exceed the rate set forth for each class of postal articles in the first schedule.

(2) Unless and until such notification as aforesaid is issued, the rates set forth in the said schedule shall be the rates chargeable under this Act.

(3) The Government may, by notification in the official Gazette, declare what packets may be sent by the inland post as book, pattern and sample packets within the meaning of this Act.

8. The 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:

Power to make rules as to payment of postage and fees in certain cases

- (c) provide for the redirection of postal articles and the transmission by post of articles so redirected, either free of charge or 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.

Power to make rules as to registered newspapers

9. (1) The Government may make rules providing for the registration of newspapers for transmission by inland post as registered newspapers.

(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. (1) Where arrangements are in force with ¹[any foreign country], for the transmission by post of postal articles between Bangladesh and ²[such country] the 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.

Power to
declare rates of
foreign postage

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

11.(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:

Liability for
payment of
postage

Provided that, if any such postal article appears to the satisfaction of the Postmaster 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.

¹ The words "any foreign country" were substituted, for the words and comma "the United Kingdom, or with any British possession or foreign country" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "such country" were substituted, for the words "the United Kingdom or such possession or country" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Recovery of postage and other sums due in respect of postal articles

12. 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 Postmaster 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 Postmaster General may further direct that any other postal article, not being on Bangladesh State service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

Customs duty paid by the post office to be recoverable as postage

13. When a postal article, on which any duty of customs is payable, has been received by post from any place beyond the limits of Bangladesh 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.

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

14. 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.

Official mark to be evidence of amount of postage

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

¹ The words "any foreign country" were substituted for the words and comma "the United Kingdom or of any British possession or foreign country" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).