

**41.(1)** The master of a ship arriving at any port in Bangladesh shall, without delay, cause every postal article or mail bag on board which is directed to that port and is within the exclusive privilege conferred on the Government by section 4, to be delivered either at the post office at that port or to some officer of the Post Office authorized in this behalf by the Post Master General.

Duty of master of ship arriving at any port in Bangladesh in respect of postal articles and mail bags on board

(2) If there is on board any postal article or mail bag which is directed to any other place within Bangladesh and is within the exclusive privilege aforesaid, the master shall, without delay, report the fact to the officer in charge of the post office at the port of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all further responsibility in respect of the postal article or mail bag.

**42.** The Government may, by notification in the official Gazette, declare what gratuities shall be allowed to masters of ships, not being mail ships, in respect of postal articles received by them for conveyance on behalf of the Post Office ; and the master of a ship, not being a mail ship, about to leave any port in Bangladesh as aforesaid shall, if he receives on board a mail bag for conveyance, be entitled to demand and obtain immediately the amount of the gratuity payable under this section in respect of the mail bag and its contents.

Allowance of gratuities for conveyance of postal articles by ships other than mail ships

## CHAPTER IX

### MONEY ORDERS

**43.(1)** The Government may provide for the remitting of small sums of money through the Post Office by means of money orders, and may make rules as to such money orders.

Power to maintain money order system and to make rules as to remittances thereby

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe,—

- (a) the limit of amount for which money orders may be issued;
- (b) the period during which money orders shall remain current; and
- (c) the rates of commission or the fees to be charged on money orders or in respect thereof.

Power for remitter to recall money order or alter name of payee

**44.**(1) Subject to such conditions as the Government may, by rules made under section 43, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Post Office by means of a money order may require that the amount of the order if not paid to the payee be repaid to him or be paid to such person other than the original payee as he may direct.

(2) If neither the payee nor the remitter of a money order can be found and if within the period of one year from the date of the issue of the order no claim is made by such payee or remitter, the amount of such order shall not be claimable from the Government.

Power to provide for the issue of postal orders

**45.** The Government may authorize the issue in such form as may be suitable of money orders to be called postal orders or by such other designation as may be deemed appropriate for certain fixed amounts and may make rules as to the rates of commission to be charged thereon and the manner in which and conditions subject to which they may issued paid and cancelled:

Provided that no such order shall be issued for an amount in excess of <sup>1</sup>[Fifty Taka].

Power to give effect to arrangements with other countries

**46.**(1) Where arrangements are in force with <sup>2</sup>[any foreign country] for the issue and payment through the Post Office of money orders between Bangladesh and <sup>3</sup>[such country], the Government may make rules to give effect to such arrangements.

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<sup>1</sup> The words "Fifty Taka" were substituted, for the words "Ten Taka" by section 2 of the Post Office (Amendment) Act, 1990 (Act No. XXXVII of 1990).

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

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe,—

- (a) the manner in which, and the conditions subject to which, such orders may be issued and paid in Bangladesh; and
- (b) the rates of commission to be charged thereon.

**47.** If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund—

- (a) any amount paid to him in respect of a money order by an officer of the Post Office in excess of what ought to have been paid to him in respect thereof, or
- (b) the amount of a money order paid by an officer of the Post Office to him instead of to some other person to whom it ought to have been paid,

Recovery of money order paid to the wrong person

such amount shall be recoverable by an officer of the Post Office authorized by the Post Master General in this behalf from the person so neglecting or refusing as if it were an arrear of land-revenue due from him.

**48.** No suit or other legal proceeding shall be instituted against the Government or any officer of the Post Office in respect of—

- (a) anything done under any rules made by the Government under this Chapter; or
- (b) the wrong payment of a money order caused by incorrect or incomplete information given by the remitter as to the name and address of the payee, provided that, as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee; or
- (c) the payment of any money order being refused or delayed by, or on account of, any accidental neglect, omission or mistake, by, or on the part of, an officer of the Post Office, or for any other cause whatsoever, other than the fraud or wilful act or default of such officer; or

Exemption from liability in respect of money orders

- (d) any wrong payment of a money order after the expiration of one year from the date of the issue of the order; or
- (e) any wrong payment or delay in payment of a money order beyond the limits of Bangladesh by an officer of any post office, not being one established by the Government.

### CHAPTER X

#### PENALTIES AND PROCEDURE

##### *Offences by Officers of the Post Office*

Penalty for misconduct of person employed to carry or deliver mail bags or postal articles

**49.** Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post,—

- (a) is in a state of intoxication while so employed, or
- (b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered, or
- (c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid, or
- (d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall be punishable with fine which may extend to <sup>1</sup>[five hundred taka].

Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles

**50.** Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to <sup>2</sup>[five hundred taka] or with both.

<sup>1</sup> The words "five hundred taka" were substituted, for the words "fifty taka" by section 4 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

<sup>2</sup> The words "five hundred taka" were substituted, for the words "fifty taka" by section 4 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).