

(2) Where the Government has directed that prepayment of postage or other sums chargeable under this Act in respect of postal articles may be made by prepaying the value denoted by the impressions of stamping machines issued under its authority, the impression of any such machine shall likewise be deemed to be a stamp issued by Government for the purpose of revenue, within the meaning of the Penal Code.

CHAPTER V

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES

Redelivery to sender or delivery to another addressee at the request of the sender of postal article in course of transmission by post

18.(1) The Government may, by rule, provide for the redelivery to the sender, or delivery to another addressee at the request of the sender without reference to the consent of the addressee and subject to such conditions (if any) as may be deemed fit, of any postal article in course of transmission by post.

(2) Save as provided by any rules that may be made under sub-section (1), the sender shall not be entitled to recall a postal article in course of transmission by post or to ask for its delivery to another addressee.

Transmission by post of anything injurious prohibited

19.(1) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by post any explosive, dangerous, filthy noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the Post Office.

(2) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the Post Office.

Transmission by post of anything indecent, etc. prohibited

20. No person shall send by post,—

- (a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card or any other indecent or obscene article, or

- (b) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character.

21.(1) The Government may make rules as to the transmission of articles by post.

Power to make rules as to transmission by post of postal articles

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

- (a) specify articles which may not be transmitted by post;
- (b) prescribe conditions on which articles may be transmitted by post;
- (c) provide for the detention and disposal of articles in course of transmission by post in contravention of rules made under clause (a) or clause (b);
- (d) provide for the granting of receipts for, and the granting and obtaining of certificates of, posting and delivery of postal articles and the sums to be paid, in addition to any other postage, for such receipts and certificates; and
- (e) regulate covers, forms, dimensions, maximum weights, and enclosures, and the use of postal articles, other than letters, for making communications.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Director General may, by order, from time to time appoint.

22.(1) Where the dispatch or delivery from a post office of letters would be delayed by the dispatch or delivery therefrom at the same time of book, pattern or sample packets and parcels or any of them, such packets or parcels, or any of them, may subject to such rules as the Government may make in this behalf, be detained in the Post Office so long as may be necessary.

Power to postpone dispatch or delivery of certain postal articles

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Post Office for that purpose.

Power to deal with postal articles posted in contravention of Act

23.(1) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the Government may, by rule, direct.

(2) Any officer in charge of a post office or authorized by the Post Master General in this behalf may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by post, which he suspects to have been sent by post in contravention of section 20, clause (a) or of section 21 or of any of the provisions of this Act relating to postage.

(3) Notwithstanding anything in sub-section (1),—

- (a) any postal article sent by post in contravention of the provisions of section 19 may, under the authority of the Post Master General, if necessary, be opened and destroyed: and
- (b) any postal article sent by post in contravention of the provisions of section 20 may be disposed of in such manner as the Government may by rule direct.

Power to deal with postal articles containing goods contraband or liable to duty

24. Except as otherwise provided in this Act, where a postal article suspected to contain any goods of which the import by post or the transmission by post is prohibited by or under any enactment for the time being in force, or anything liable to duty, is received for delivery at a post office, the officer in charge of the post office shall send a notice in writing to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee or his agent, or if the addressee or his agent fails to attend as aforesaid then in his absence, open and examine the postal article:

Provided, first, that, if the Director General so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent:

Provided, secondly, that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected herewith shall be immediately reported to the Post Master General.

¹[24A. The Government may, by general or special order, empower any officer of the Post Office, specified in such order, to deliver any postal article, received from beyond the limits of Bangladesh and suspected to contain anything liable to duty, to such Customs authority as may be specified in the said order, and such Customs authority shall deal with such article in accordance with the provisions of the ²[Customs Act, 1969], or of any other law for the time being in force.]

Power to
delivery such
articles to
Customs
authority

25. Where a notification has been published under ³[section 16 of the Customs Act, 1969] in respect of any goods of any specified description, or where the import or export into or from Bangladesh of goods of any specified description has been prohibited or restricted by or under any other enactment for the time being in force, any officer of the Post Office empowered in this behalf by the Government may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all postal articles reasonably believed or found to contain such goods to such officer as the Government may appoint in this behalf, and such goods may be disposed of in such manner as the Government may direct. In carrying out any such search, such officer of the Post Office may open or unfasten, or cause to be opened or unfastened, any newspaper or any book, pattern or sample packet in course of transmission by post.

Power to
intercept
notified goods
during
transmission
by post

¹ Section 24A was inserted by the Indian Post Office (Amendment) Act, 1921 (Act No. XV of 1921).

² The words, comma and figure "Customs Act, 1969" were substituted, for the words, comma and figure "Sea Customs Act, 1878" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words, figures and comma "section 16 of the Customs Act, 1969" were substituted for the words, figures and comma "section 19 of the Sea Customs Act, 1878" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Power to intercept postal articles for public goods

26.(1) On the occurrence of any public emergency, or in the interest of the public safety or tranquillity, the Government ¹[* * *] or any officer specially authorized in this behalf by ²[it], may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be disposed of in such manner as the authority issuing the order may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interest of the public safety or tranquillity, a certificate of the Government ³[* * *] shall be conclusive proof on the point.

Power to deal with postal articles from abroad bearing fictitious or previously used stamps

27.(1) Where a postal article is received by post from any place beyond the limits of Bangladesh—

- (a) bearing a fictitious postage stamp, that is to say, any facsimile or imitation or representation of a postage stamp, or
- (b) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article,

the officer in charge of the post office at which the postal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office to receive delivery of the postal article.

¹ The words and letter “or a Provincial Government” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word “it” was substituted, for the words “the Central or the Provincial Government” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words and commas “or, as the case may be, of the Provincial Government” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) If the addressee or his agent attends at the post office within the time specified in the notice and consents to make known to the officer in charge of the post office the name and address of the sender of the postal article and to redeliver to the officer aforesaid the portion of the postal article which bears the address and the fictitious or previously used postage stamp, or, if the postal article is inseparable from the stamp, the entire postal article, the postal article shall be delivered to the addressee or his agent.

(3) If the addressee or his agent fails to attend at the post office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the postal article or portion thereof as required by sub-section (2), the postal article shall not be delivered to him, but shall be disposed of in such manner as the Government may direct.

Explanation— For the purposes of this section, the expression “postage stamp” includes any postage stamp for denoting any rate or duty of postage of any ¹[* * *] foreign country and the impression of any stamping machine provided or authorized for the like purpose by or under the authority of the Government of such ²[* * *] country.

³[27A. No newspaper printed and published in Bangladesh without conforming to the rules laid down in the ⁴[Printing Presses and Publications (Declaration and Registration) Act, 1973], shall be transmitted by post.

Prohibition of transmission by post of certain newspapers

¹ The words “part of Her Majesty’s dominions or of any Acceding State or” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words and comma “part, State or” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Sections 27A to 27D were inserted by the Press Law Repeal and Amendment Act, 1922 (Act No. XIV of 1922).

⁴ The words, brackets, comma and figure "Printing Presses and Publications (Declaration and Registration) Act, 1973" were substituted, for the words comma and figure “Press and Registration of Books Act, 1867” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Power to detain newspapers and other articles being transmitted by post

27B.(1) Any officer of the Post Office authorized by the Post Master General in this behalf may detain any postal article in course of transmission by post which he suspects to contain –

- (a) (i) any newspaper or book as defined in the ¹[Printing Presses and Publications (Declaration and Registration) Act, 1973.]; or
(ii) any document;

containing any treasonable or seditious matter, that is to say, any matter the publications of which is punishable under section 123A or section 124A, as the case may be, of the Penal Code; or

- (b) any newspaper as defined in the ²[Printing Presses and Publications (Declaration and Registration) Act, 1973.] edited, printed or published otherwise than in conformity with the rules laid down in that Act;

and shall deliver any postal article so detained to such officer as the Government may appoint in this behalf.

(2) Any officer detaining any postal article under the provisions of sub-section (1) shall forthwith send by post to the addressee of such article notice of the fact of such detention.

(3) The Government shall cause the contents of any postal article detained under sub-section (1) to be examined, and if it appears to the Government that the article contained any newspaper, book or other document, of the nature described in clause (a) or clause (b) of sub-section (1), may pass such orders as to the disposal of the article and its contents as it may deem proper, and, if it does not so appear, shall release the article and its contents, unless the same be otherwise liable to seizure under any law for the time being in force:

¹ The words, brackets, comma and figure "Printing Presses and Publications (Declaration and Registration) Act, 1973" were substituted, for the words comma and figure "Press and Registration of Books Act, 1867" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, brackets, comma and figure "Printing Presses and Publications (Declaration and Registration) Act, 1973" were substituted, for the words comma and figure "Press and Registration of Books Act, 1867" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Provided that any person interested in any article detained

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under the provisions of clause (a) of sub-section (1) may, within two months from the date of such detention, apply to the Government for release of the same, and the Government shall consider such application and pass such orders thereon as it may deem to be proper:

Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the ¹[High Court Division] for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any treasonable or seditious matter.

(4) In this section "document" includes also any painting, drawing or photograph, or other visible representation.

27C. Every application made under the second proviso to sub-section (3) of section 27B shall be heard and determined in the manner provided by section 99D to 99F of the Code of Criminal Procedure, 1898, by a Special Bench of the ²[High Court Division] constituted in the manner provided by section 99C of that Code.

Procedure for disposal by High Court Division of applications for release of newspapers and articles so detained

27D. No order passed or action taken under section 27B shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (3) of that section.]

Jurisdiction barred

CHAPTER VI

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST

28. The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted, and require a receipt therefore; and the Government may, by notification in the official Gazette, direct that, in addition to any postage chargeable under this Act,

Registration of postal articles

¹ The words "High Court Division" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "High Court Division" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).