

- (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 ¹[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 ²[five hundred taka] or with both.

¹ 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).

² 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).

51. Whoever, being employed to carry or deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ¹[one thousand taka] or with both.

Penalty for making false entry in register kept by person employed to carry or deliver postal articles

52. Whoever, being an officer of the Post Office, commits theft in respect of, or dishonestly misappropriates, or, for any purpose whatsoever, secretes, destroys or throws away, any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.

Penalty for theft, dishonest misappropriation, secretion, destruction, or throwing away of postal articles

53. Whoever, being an officer of the Post Office, contrary to his duty, opens, or causes or suffers to be opened, any postal article in course of transmission by post, or wilfully detains or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Penalty for opening, detaining or delaying postal articles

Provided that nothing in this section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act or in obedience to the order in writing of the Government or the direction of a competent Court.

54. Whoever, being an officer of the Post Office,—

- (a) fraudulently puts any wrong official mark on a postal article, or
- (b) fraudulently alters, removes or causes to disappear any official mark which is on a postal article, or,
- (c) being entrusted with the delivery of any postal article knowingly demands or receives any sum of money in

Penalty for fraud in connection with official marks and for receipt of excess postage

¹ The words "one thousand taka" were substituted, for the words "one hundred taka" by section 6 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

respect of the postage thereof which is not chargeable under this Act,

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently preparing, altering, secreting or destroying Post Office documents

55. Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently sending unpaid postal articles

56. Whoever, being an officer of the Post Office, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the Government of the postage on such postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

57. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

Penalty for contravention of section 4

58.(1) Whoever,—

- (a) conveys, otherwise than by post, a letter within the exclusive privilege conferred on the Government by section 4, or
- (b) performs any service incidental to conveying otherwise than by post, any letter within the exclusive privilege aforesaid, or
- (c) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid, or
- (d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post,

shall be punishable with fine which may extend to ¹[five hundred taka] for every such letter.

¹ The words "five hundred taka" were substituted for the words "fifty taka" by section 7 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to ¹[five thousand taka].

59.(1) Whoever, in contravention of the provisions of section 5, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to ²[five hundred taka] for every such letter.

Penalty for
contravention
of section 5

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to ³[five thousand taka].

60. Whoever, being appointed to sell postage stamps,—

- (a) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-section (3), clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ⁴[two thousand Taka], or with both; or
- (b) commits a breach of any other rule made under section 16, shall be punishable with fine which may extend to ⁵[two thousand taka].

Penalty for
breach of
rules under
section 16

61.(1) Whoever, in contravention of the provisions of section 19 or section 20, sends or tenders or makes over in order to be sent by post any postal article or anything, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for
contravention
of section 19
or 20

¹ The words "five thousand taka" were substituted for the words "five hundred taka" by section 7 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

² The words "five hundred taka" were substituted for the words "fifty taka" by section 7 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

³ The words "five thousand taka" were substituted for the words "five hundred taka" by section 7 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

⁴ The words "two thousand taka" were substituted for the words "two hundred taka" by section 9 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

⁵ The words "two thousand taka" were substituted for the words "two hundred taka" by section 9 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

(2) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

Penalty for defiling or injuring post office letter-boxes

62. Whoever places in or against any letter-box provided by the Post Office for the reception of postal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in any such letter-box or its appurtenances or contents, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for affixing without authority thing to, or painting, tarring or disfiguring, post office or post office letterbox

63. Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office or any letter-box provided by the Post Office for the reception of postal articles, shall be punishable with fine which may extend to ¹[five hundred taka].

Penalty for making false declaration

64. Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to ²[two thousand Taka], and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to ³[five thousand taka].

¹ The words "five hundred taka" were substituted for the words "fifty taka" by section 10 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

² The words "two thousand taka" was substituted for the words "two hundred taka" by section 11 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

³ The words "five thousand taka" were substituted for the words "five hundred taka" by section 11 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

65. Whoever, being the master of a ship,—

- (a) fails to comply with the provisions of section 40, or,
- (b) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer in charge of the post office at a port of arrival, as required by section 41,

Penalty for master of ship failing to comply with the provisions of section 40 or 41

shall be punishable with fine which may extend to ¹[ten thousand Taka].

66.(1) Whoever, being the master of a ship or the pilot of an aircraft arriving at any port in Bangladesh or any one on board such ship or aircraft, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Government by section 4, shall be punishable with fine which may extend to ²[five hundred taka] for every such postal article as aforesaid.

Penalty for detention of letters on board vessel arriving in port

(2) Whoever, being such master, pilot or other person as aforesaid, detains any such postal article as aforesaid after demand made for it by an officer of the Post Office, shall be punishable with fine which may extend to ³[one thousand taka] for every such postal article.

67. Whoever, except under the authority of this Act or of any other Act for the time being in force or in obedience to the order in writing of the Government or the direction of a competent Court, detains the mail or any postal article in course of transmission by post, or on any pretence opens a mail bag in course of transmission by post, shall be punishable with fine which may extend to ⁴[two thousand taka]:

Penalty for detaining mails or opening mail bag

¹ The words "ten thousand taka" were substituted, for the words "one thousand taka" by section 12 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

² The words "five hundred taka" substituted, for the words "fifty taka" by section 13 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

³ The words "one thousand taka" were substituted, for the words "one hundred taka" by section 13 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

⁴ The words "two thousand taka" were substituted, for the words "two hundred taka" by section 14 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

Provided that nothing in this section shall prevent the detention of an officer of the Post Office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, 1898, or any other law for the time being in force.

Penalty for retaining postal articles wrongly delivered or mail bags

68. Whoever fraudulently retains, or wilfully secretes or makes away with, or keeps or detains, or, when required by an officer of the Post Office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for unlawfully diverting letters

69. Whoever, not being an officer of the Post Office, wilfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ¹[five thousand Taka], or with both:

Provided that nothing in this section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

General

Penalty for abetting, or attempting to commit, offences under Act

70. Whoever abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

Property in cases of offences to be laid in the Post Office

71. In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

¹ The words "five thousand taka" were substituted, for the words "five hundred taka" by section 15 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).

72. No Court shall take cognizance of an offence punishable under any of the provisions of sections 51, 53, 54, clauses (a) and (b), 55, 56, 58, 59, 61, 64, 65, 66 and 67 of this Act, unless upon complaint made by order of, or under authority from, the Director General or a Post Master General.

Authority for prosecutions under certain sections of Act

CHAPTER XI SUPPLEMENTAL

73. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

74.(1) In addition to the powers hereinbefore conferred, the Government may make rules to carry out any of the purposes and objects of this Act.

General power to make rules and provisions as to rules under Act

(2) In making any rule under this Act, the Government may direct that a breach of it shall be punishable with fine which may extend to ¹[one thousand taka].

(3) All rules made by the Government under this Act shall be published in the official Gazette and, on such publication, shall have effect as if enacted by this Act.

75. The Government may, by notification in the official Gazette authorize, either absolutely or subject to conditions, the Director General to exercise any of the powers conferred upon the Government by this Act, other than a power to make rules.

Delegation of powers, other than rule-making powers, to Director General

76. [Repealed by section 3 and Schedule II of the Repealing and Amending Act, 1914 (Act No. X of 1914).]

77. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

¹ The words "one thousand taka" were substituted, for the words "fifty taka" by section 16 of the Post Office (Amendment) Act, 1994 (Act No. V of 1994).