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Post Office Bill, 2023

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Why is in news? Post Office Bill, 2023: Why it was brought in, provisions, criticism

After being passed in the Rajya Sabha on December 4, the Post Office Bill, 2023, was brought to the Lok Sabha for consideration on December 13. Seeking to **repeal the 125-year-old Indian Post Office Act of 1898**, the Bill contains provisions that allow the Centre to intercept, open, or detain any item, and deliver it to customs authorities.

About:

Postal services come under the **Union List** of the Constitution

The **Indian Post Office Act, 1898** regulates the postal services offered by the central government.

It grants the **central government exclusive privilege over conveying of letters**. Postal services are offered through India Post, a **departmental undertaking**.

On certain previous occasions, **significant amendments to the 1898 Act** were proposed, however, they did not come into force.

A Bill passed by Parliament in 1986 sought to **align the grounds for interception of an article being transmitted through post** with the reasonable restrictions on the fundamental rights under the Constitution

The Bill did not receive the assent of the President and was later withdrawn. A Bill was introduced and referred to a Standing Committee in 2002, which included amendments to regulate private courier services under the Act. The **Bill eventually lapsed**

In 2006 and 2011, draft Bills were released, which also proposed amendments to regulate private courier services under the Act.^{3,4} However, the corresponding Bills were not introduced in Parliament

In 2017, the Act was amended to delegate the power to decide tariffs to the central government. Earlier, this power rested with Parliament

Recently, the **Jan Vishwas (Amendment of Provisions) Act, 2023** removed all offences and penalties under the Act.

In August 2023, the Post Office Bill, 2023 was introduced in Rajya Sabha. It replaces the 1898 Act and aims to simplify legislative framework to facilitate evolution of India Post into a citizen-centric service network.

Highlights of the Bill:

The Bill **replaces the Indian Post Office Act, 1898**. The Act regulates India Post, a departmental undertaking of the central government. The Post Office network today has **become a vehicle for delivery of different citizen-centric services**, which necessitated the repeal enactment of a new law.

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The government will **not have exclusive privilege over conveying letters** Services to be provided by India Post will be prescribed under Rules.

The **Director General of Postal Services** will be **appointed to head India Post** He will have powers to make regulations on various matters including tariffs for services and supply of postage stamps.

The **government may intercept an article transmitted through India Post on specified grounds**, including security of the state and public order, 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.

India Post will **not incur any liability with regard to its services**, except any liability prescribed through Rules.

The 2023 Bill, for the **first time, regulates private courier services** by bringing it under its ambit. While the government acknowledges its lack of exclusivity, it has also widened the ambit of the law in order to intercept and detain any postal article, as opposed to just letters.

The Act **specifies the services provided by India Post** to include: (i) delivery of postal articles including letters, postcards, and parcels, and (ii) money orders The Bill provides that India Post will provide services, as may be prescribed by the central government.

Key Issues and Analysis:

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 right to privacy of individuals.

The expanded interception powers necessitate the establishment of **robust data privacy and security measures** to safeguard the personal information of postal service users.

The grounds for interception **include ‘emergency’**, which may be beyond reasonable restrictions under the Constitution. The **Law Commission in 1968**, while examining the 1898 Act, observed that the term emergency is not explicitly defined, thereby allowing significant discretion while intercepting goods.

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 offences and penalties** For instance, there are no consequences for unauthorised opening of postal articles by a postal officer This may have adverse implications for the right to privacy of consumers.

Opposition highly critical of the Bill:

Several members of the Opposition have vociferously criticised the Bill, saying that **despite promising to update the Colonial law, it keeps the most draconian provisions that it contained**.

“Even as it seeks to revise a colonial Bill, this Bill retains its draconian and colonial provisions that too while eliminating the burden of accountability which a governmental enterprise like India Post ought constitutionally to shoulder. Sadly, it offers no new ideas to bring our post offices into the 21st Century,” oppositions argued.

Conclusion:

The new Post Office Bill (2023) marks a significant step in clarifying vague definitions, particularly regarding what constitutes a 'letter.'

The bill emphasis on digital addressing not only streamlines sorting processes but also opens avenues for efficient mail and parcel delivery, including the possibility of drone deliveries.

Overall, the changes reflect an adaptation to evolving needs, prioritizing legality, and enhancing security in the postal service landscape.

Indian Post:

India Post was formed **1854**, operates under the Department of Post within the Ministry of Communications

Headquarter: New Delhi

Initially, the post was **established in 1766** under the East India Company as "Company Mail," it was later transformed into a Crown service in **1854 by Lord Dalhousie**.

Under Dalhousie's reforms, uniform postage rates and the **India Post Office Act of 1854** were introduced, marking significant advancements in the postal system, including the creation of the Director General of Post for the entire country.

With 1, 55,531 Post Offices, the DoP has the most widely distributed postal network in the world.