

Indian Post Office Act, 1898

Chapter V - Conditions of Transmission of Postal Articles

(1) The Central Government may, by rule, provide for the redelivery to 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.

Section 19 - Transmission by post of anything injurious prohibited

(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.

Section 19A - Transmission by post of tickets, proposals, etc., relating to unauthorised lotteries prohibited

119A. Transmission by post of tickets, proposals, etc., relating to unauthorised lotteries prohibited

No person shall send by post,--

(a) any ticket, proposal or advertisement relating to a lottery; or

(b) any other matter descriptive of, or otherwise relating to, a lottery, which is calculated to act as an inducement to persons to participate in that lottery.

Explanation.--In this section "lottery" does not include a lottery organised or authorized by the Government.]

1. Inserted by Act 7 of 1958, section. 2.

Section 20 - Transmission by post of anything indecent, etc., prohibited

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.

Section 21 - Power to make rules as to transmission by post of postal articles

[1](#)[(1) The Central Government may make rules as to the transmission of articles by post.

(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 Setters, 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.

1. Substituted by Act 3 of 1912, section. 2, for sub-sections (1) and (2).

Section 22 - Power to postpone despatch or delivery of certain postal articles

(1) Where the despatch or delivery from a post office of letters would be delayed by the despatch 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 Central Government may make in this behalf, be detained in the Post Office so long as may be necessary.

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

Section 23 - Power to deal with postal articles posted in contravention of Act

(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 Central 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 [1](#)[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 [2](#)[or section 19A] may, under the authority of the Post Master General, if necessary, be opened and destroyed; and

[3](#)[(b) any postal article sent by post in contravention of the provisions of section 20 may be disposed of in such manner as the Central Government may, by rule, direct.]

-
1. Inserted by Act 3 of 1912, section. 3.
 2. Inserted by Act 7 of 1958, section. 3.
 3. Substituted by Act 3 of 1912, section. 3.
-

Section 24 - Power to deal with postal articles containing goods contraband or liable to duty

[1](#)[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 therewith shall be immediately reported to the Post Master General.

[2](#)[* * *]

1. Substituted by Act 3 of 1912, section. 4, for "Where a postal article, suspected to contain any contraband goods".
 2. Omitted by Act 15 of 1912, section. 2.
-

Section 24A - Power to deliver such articles to Customs authority

[1](#)[24A. Power to deliver such articles to Customs authority

The Central Government may, by general or special order, empower any officer of the Post Office, specified in such order, to deliver postal article, received from beyond the limits of [2](#)[India] 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 Sea Customs Act, 1878 (8 of 1878), or of any other law for the time being in force.]

1. Inserted by Act 15 of 1912, section. 3.
 2. Substituted by Act 25 of 1950, section. 11 and Schedule. IV, for "the States".
-

Section 25 - Power to intercept notified goods during transmission by post

Where a notification has been published under Section 19 of the Sea Customs Act, 1878 (8 of 1878), in respect of any goods of any specified description¹[or where the import or export into or from²[India] 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 Central Government may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver³ [all postal articles reasonably believed or found to contain such goods] to such officer as the Central Government may appoint in this behalf, and such goods may be disposed of in such manner as the Central Government may direct.⁴[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.]

-
1. Inserted by Act 2 of 1930, section. 40 and Schedule. II.
 2. Substituted by Act 25 of 1950, section. 11 and Schedule. IV, for "the States."
 3. Substituted by Act 3 of 1912, section. 5, for "all such goods found".
 4. Inserted by Act 3 of 1912 section. 5.

Section 26 - Power to intercept postal articles for public good

(1) On the occurrence of any public emergency, or in the interest of the public safety or tranquillity, the Central Government, or a State Government, or any officer specially authorized in this behalf¹[by the Central or the State Government], 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, or² [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 certificate³[of the Central Government or, as the case may be, of the State Government] shall be conclusive proof on the point.

-
1. Substituted by the A.O. 1937, for "by the Governor General in council".
 2. Substituted by Act 3 of 1912, sec. 6, for "shall be delivered to the Govt. or to an officer thereof mentioned in the order, to be disposed of in such manner as the Governor General in council may direct".
 3. Substituted by A.O. 1937, for "signed by a Secretary to the G. of I or to the L.G.".

Section 27 - Power to deal with postal articles from abroad bearing fictitious or previously used stamps

(1) Where a postal article is received by post from any place beyond the limits of [1](#)[India]--

(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.

(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 subsection (2), the postal article shall not be delivered to him, but shall be disposed of in such manner as the Central 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 part of [2](#)[India or of His Majesty's dominions] or foreign country [3](#) [and the impression of any stamping machine provided or authorized for the like purpose to be by or under the authority of the Government of such [4](#)[part or country]].

1. Substituted by Act 25 of 1950, section. II and Schedule. IV, for "the States".

2. Substituted by the A.O. 1950, for "her Majesty's dominions or of any Indian State".

3. Inserted by Act 16 of 1924, section. 3.

4. Substituted by the A.O. 1950, for "part, State or country".

Section 27A - Prohibition of transmission by post of certain newspapers

[1](#)[27A. Prohibition of transmission by post of certain newspapers

No newspaper printed and published in [2](#)[India] without conforming to the rules laid down in the Press, and Registration of Books Act, 1867 (25 of 1867), shall be transmitted by post.

1. Section 27A to 27D Inserted by Act 14 of 1922, section. 6 and Schedule. IV.

2. Substituted by Act 25 of 1950, section. 11 and Schedule. IV, for "the States".

Section 27B - Power to detain newspapers and other articles being transmitted by post

(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 Press and Registration of Books Act, 1867 (25 of 1867); or

(ii) any document;

containing any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code (45 of 1860); or

(b) any newspaper as defined in the Press and Registration of Books Act, 1867 (25 of 1867), edited, printed or published otherwise than inconformity with the rules laid down in this Act;

and shall deliver any postal article so detained to such officer as the State 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 State Government shall cause the contents of any postal article detained under sub-section (1) to be examined, and, if it appears to the State 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:

Provided that any person interested in any article detained under the provisions of clause (a) of sub-section (1) may, within two months from the date of such detention, apply to the State Government for release of the same, and the State 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 High Court 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 seditious matter.

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

Section 27C - Procedure for disposal by High Court of applications for release of newspapers and articles so detained

Every application made under the second proviso to subsection (3) of section 27B shall be heard and determined in the manner provided by sections 99D to 99F of the Code of Criminal Procedure, 1898 (5 of 1898), by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code.

Section 27D - Jurisdiction barred

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.]

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com