



POST OFFICE BILL - GOVERNANCE & GS II MAINS

Q. The introduction of the Post Office Bill 2023 is an important step toward modernizing the functioning of the Indian Post Office. Critically analyse the provisions of the Bill with the need of present context. (15 marks, 250 words)

News: *Post Office Bill 2023 | State surveillance and privacy concerns explained*

What's in the news?

- The Rajya Sabha passed the Post Office Bill, 2023, that seeks to replace the colonial-era Indian Post Office Act, 1898.
- According to the government, the legislation is an attempt to ensure the effective functioning of the Postal Department as a messenger service and as a provider of banking facilities.

Key Provisions of the Bill:

1. Exclusive privileges of the central government:

- The Act provides that wherever the central government establishes posts, it will have the exclusive privilege of conveying letters by post, as well as incidental services such as receiving, collecting, sending, and delivering letters. The Bill does not provide for such privileges.
- The Act provides for the issuance of postage stamps as per the prescribed Rules. The Bill also states that India Post will have the exclusive privilege over issuing postage stamps.

2. Services to be prescribed:

- The Act specifies the services provided by India Post to include
 - Delivery of postal articles including letters, postcards, and parcels.
 - Money orders.
- The Bill provides that India Post will provide services, as may be prescribed by the central government.

3. Director General to make regulations regarding services:

- The Act, as well as the Bill, provides for the appointment of the Director General of Postal Services. Under the Act, the Director General has powers to decide the time and manner of delivery of postal services.



- The Bill provides that the Director General may make regulations regarding any activity necessary to provide postal services. He may also make regulations regarding charges for services and supply and sale of postage stamps and postal stationery.

4. Powers to intercept postal articles:

- The Act allows interception of an article being transmitted through post on certain grounds.
- An interception may be carried out on the occurrence of any public emergency, or in the interest of public safety or tranquillity. Such interceptions may be carried out by the central government, state governments, or any officer specially authorised by them.
- An intercepted shipment can be detained or disposed of by the officer in charge. The officer also has powers to open, detain, or destroy shipments carrying items prohibited under the Act or any other law.
- The Bill instead provides that interception of an article being transmitted through post may be carried out on the following grounds such as
 - The security of the state
 - Friendly relations with foreign states
 - Public order
 - Emergency
 - Public safety
 - Contravention of the provisions of the Bill or any other laws.
- An officer empowered by the central government through a notification may carry out interception.

5. Examination of postal articles prohibited under law or liable for duty:

- Under the Act, an officer in charge may examine a postal article if he suspects that it contains goods which are prohibited, or are liable to be paid duty upon. The Bill removes the powers of examination.
- It instead provides that in such cases, the central government may empower an officer of India Post to deliver the postal article to the customs authority or any other specified authority. The authority will then deal with the item in question.

6. Exemptions from liability:

- The Act exempts the government from any liability related to the loss, mis-delivery, delay, or damage to a postal article. This does not apply where the liability is undertaken by the central government in express terms.
- Officers are also exempt from such liability unless they have acted fraudulently or wilfully. The Bill retains these exemptions. It also provides that the central government may prescribe liability with regard to services by India Post under the Rules.

7. Removal of offences and penalties:



- The Act specified various offences and penalties, all of which were removed by the Jan Vishwas (Amendment of Provisions) Act, 2023. For instance, theft, misappropriation, or destruction of postal articles by an officer of the Post Office was punishable with imprisonment up to seven years and a fine.
- Sending certain prohibited items through post was punishable with imprisonment up to one year, a fine, or both. The Bill does not provide for any offences or consequences, except one. Amounts not paid by a user will be recoverable as arrears of land revenue.

Concerns of the Bill:

1. Privacy Violation:

- Critics argue the Bill infringes on the fundamental right to privacy, as it permits the interception of postal articles without robust safeguards.
- This will increase the risk of unauthorized state surveillance and abuse.

2. Vague Terms:

- The term 'emergency' is not clearly defined, leading to potential misuse of interception powers.

3. Broad Powers:

- The Bill allows officials to detain and open mail, raising concerns about unchecked government authority and potential for misuse.

The introduction of the Post Office Bill 2023 is an important step toward modernizing the functioning of the Indian Post Office. By addressing contemporary postal services and empowering the Director General and the Central Government to regulate and manage various aspects, the bill aims to enhance the efficiency, security, and relevance of the Post Office in the digital era.