



Post Office Act 2023

For Prelims: [Post Office Act, 1898](#), [Public Order](#), [Emergency](#), [Public Safety](#), [Land Revenue](#), [Freedom of Speech and Expression](#), [Right to Privacy](#)

For Mains: Significance of the Post Office Act, 2023 and its shortcomings.

[Source: PIB](#)

Why in News?

Recently, the Post Office Act of 2023 came into force repealing the [Indian Post Office Act, 1898](#).

What are the Key Highlights of the Post Office Act 2023?

- **Interception and Detention of Items:**
 - **Section 9:** This provision allows the centre to **authorise any officer to intercept** or detain any postal item for reasons related to state security, foreign relations, etc.
 - Items suspected of containing prohibited goods or items liable for customs duty can be handed over to **customs authorities**.
- **Exemption from Liability:**
 - **Section 10:** The Post Office and its **officers are exempt from liability for loss, misdelivery**, delay, or damage during the course of providing services, except as prescribed.
- **Removal of Penalties and Offences:** The new Act **eliminates all penalties** and offences outlined in the 1898 Act, including those related to misconduct, fraud, and theft by postal officials.
 - It includes provisions to **recover unpaid service** charges as arrears of land revenue.
- **Penalty under Section 7:** Every person who avails of a service provided by the Post Office **shall be liable to pay the charges** in respect of such service.
- **Removal of Centre's Exclusivity:** The new Act **removes the exclusive privilege** of the Centre to convey letters, a privilege which was effectively obsolete by the rise of private courier services in the 1980s.
 - The Act now **explicitly brings private courier services** under its regulatory ambit, **recognizing the government's loss of exclusivity** while expanding the scope to intercept and detain any postal article, not just letters.
- **Director General of Postal Services:** The new Act authorises the Director General of Postal Services **to make regulations** pertaining to activities essential for offering various additional services as may be prescribed by the central government, as well as for fixing charges for these services.
 - It **eliminates the need for parliamentary approval** while revising the set charges for any services provided by post offices.
- **Identifiers and Post Codes: Section 5(1)** of the Act states that "The Central Government may prescribe **standards for addressing on the items, address identifiers and usage of postcodes**".
 - This provision **is a forward-looking concept** and will **replace physical addresses** with

digital codes based on geographical coordinates for precise identification of a premise.

Indian Post Office Act, 1898

- It came into force on **1st July 1898** with the objective to **consolidate and amend** the law relating to the Post Offices in India.
- It provides for the **regulation of the postal services** offered by the central government.
- It grants the Central government **exclusive privilege over conveying letters** and establishes a monopoly of the Central government over conveying letters.

What are the Issues in the Post Office Act 2023?

- **Regulation of Postal Services Different from Courier Services:** The [Consumer Protection Act, 2019](#) does not apply to services by India Post, but it applies to private courier services. The Post Office Act, 2023, seeking to **replace the 1898 Act, retains these provisions.**
- **Lack of Procedural Safeguards Violates Fundamental Rights:** The Bill does not specify any procedural safeguards against the interception of postal articles. This may violate the [right to privacy](#), and the [freedom of speech and expression](#).
 - In the case of interception of telecommunications, the [Supreme Court](#) in [People's Union for Civil Liberties \(PUCL\) vs Union of India, 1996](#) held that a just and fair procedure to regulate the power of interception must exist.
 - Otherwise, it is not possible to safeguard the rights of citizens under [Article 19\(1\)\(a\)](#) and [Article 21](#).
- **The Ground of 'Emergency' is Beyond the Reasonable Restrictions:** Like 1898 Act, an emergency is not explicitly defined in the present act.
- **Exemption from Liability for Lapses in Services:** The Act's framework differs from railway laws, which **address service complaints** like loss, damage, non-delivery of goods, and fare refunds through the **Railway Claims Tribunal Act of 1987**.
- **Removal of all Offences and Penalties:** Under the 1898 Act, postal officers and others could be jailed or fined for illegally opening mail, but the 2023 Act removes these penalties, potentially harming privacy rights.

Way Forward

- **Incorporate Robust Procedural Safeguards:** For the interception of articles transmitted through India Post.
 - This should **include oversight mechanisms, judicial warrants**, and adherence to constitutional principles to protect the freedom of speech, expression, and the right to privacy of individuals.
- **Define the Grounds for Interception:** Refine and clearly define the grounds for interception, especially the term 'emergency,' to ensure it aligns with reasonable restrictions under the Constitution.
 - The Supreme Court in *Distt. Registrar & Collector, Hyderabad & Anr vs Canara Bank, 2005* ruled that the [right to privacy](#) remains intact when **confidential documents are given to a bank or personal items to a post office**, and that privacy requires written reasons for any search and seizure.
- **Balanced Liability Framework:** Ensure the **Post Office's accountability** by setting clear rules for liability without jeopardising its independence and efficiency.
 - The competent authority needs to be held accountable for any wilful misuse of interception powers, **without the 'good faith' clause** coming to their rescue.
- **Addressing Unauthorised Opening:** Create laws to penalise postal officers for unauthorised opening of mail and to hold individuals accountable for misconduct, fraud, and theft to protect consumer privacy.

Drishti Mains Question:

Q. Discuss the challenges to privacy in the context of the implementation of the Post Office Act, 2023.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims:

Q. Under which of the following Articles of the Constitution of India, has the Supreme Court of India placed the Right to Privacy? (2024)

- (a)** Article 15
- (b)** Article 16
- (c)** Article 19
- (d)** Article 21

Ans: (d)

PDF Reference URL: <https://www.drishtiias.com/printpdf/post-office-act-2023-1>

