



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>

