

(Miscellaneous.)

Post Office.

[1912 : Act III.]

Prohibition
of the use
of the word
"co-opera-
tive."

47. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word "co-operative" is part without the sanction of the Local Government :

Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees, and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

Indian Com-
panies Act,
1882, not to
apply.

48. The provisions of the Indian Companies Act, 1882, shall not apply to registered societies.

Saving of
existing
societies.

49. Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

50. [Repeal.] Repealed by s. 3 and Sch. II of the Second Repealing and Amending Act, 1914 (17 of 1914).

ACT No. III OF 1912.²

[1st March, 1912.]

An Act further to amend the Indian Post Office Act, 1898.

WHEREAS it is expedient further to amend the Indian Post Office Act, 1898 ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Post Office (Amendment) Act, 1912.

¹ See now the Indian Companies Act, 1913 (7 of 1913).

² For Statement of Objects and Reasons, see Gazette of India, 1911, Pt. V, p. 151; for Report of Select Committee, see *ibid*, 1912, Pt. V, p. 19; and for Proceedings in Council, see *ibid*, 1911, Pt. VI, p. 656, and *ibid*, 1912, Pt. VI, pp. 4, 31 and 259.

2. For sub-sections (1) and (2) of section 21 of the said Act, the following sub-sections shall be substituted, namely:—

“21. (1) The Governor General in Council may make rules as to the transmission of articles by post.

Substitution
of new sub-
sections (1)
and (2) in
section 21 of
Act VI of
1898.

(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 letters, for making communications.”

3. (1) In section 23, sub-section (2), of the said Act, after the words “in contravention of” the words and figures “section 20, clause (a), or of” shall be inserted.

Amendment
of section 23
of same Act.

(2) In sub-section (3) of the same section of the said Act, for clause (b) the following shall be substituted, namely:—

“(b) any postal article sent by post in contravention of the provisions of section 20 may be disposed of in such manner as the Governor General in Council may by rule direct.”

4. In section 24 of the said Act, for the words “Where a postal article suspected to contain any contraband goods” the words “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” shall be substituted.

Amendment
of section 24.
of same Act.

Amendment
of and addi-
tion to
section 25
of same Act.

5. In section 25 of the said Act, for the words "all such goods found" the words "all postal articles reasonably believed or found to contain such goods" shall be substituted; and to the same section the following shall be added, namely :—

"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."

Amendment
of section 26
(1) of same
Act.

6. In section 26, sub-section (1), of the said Act, for the words "shall be delivered to the Government or to an officer thereof mentioned in the order, to be disposed of in such manner as the Governor General in Council may direct" the following shall be substituted, namely :—

"shall be disposed of in such manner as the authority issuing the order may direct."

Amendment
of section 35
of same
Act.

7. (i) In section 35, sub-section (2), of the said Act, at the end of clause (c) the word "and" shall be omitted, and after clause (d) the following shall be added, namely :—

"(e) provide for the retention and repayment to the addressee in cases of fraud of money recovered on the delivery of any value-payable postal article; and

(j) prescribe the fees to be charged for inquiries into complaints regarding the delivery of or payment for value-payable postal articles."

(2) After sub-section (3) of the same section, the following shall be added, namely :—

"(4) No suit or other legal proceeding shall be instituted against the Secretary of State for India in Council or any officer of the Post Office in respect of anything done, or in good faith purporting to be done, under any rule made under clause (e) of sub-section (2)."

Addition to
section 48 of
same Act.

8. To section 48 of the said Act, the following shall be added, namely :—

"or

(e) any wrong payment or delay in payment of a money order beyond the limits of British India, by an officer of any post office, not being one established by the Governor General in Council."