

Post Office: You will have to pay compensation if you lose a package due to negligence! | रसरंग में आपके अधिकार: डाकघर: लापरवाही से पैकेज खोने पर देना पड़ेगा मुआवजा!

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Your rights in Rasrang: Post Office: Will have to pay compensation if the package is lost due to negligence!

Gaurav Pathak5 days ago



Last week we learnt what would be the liability of courier companies if a parcel gets lost or damaged or is not delivered on time. Today we will see what is the accountability or liability of the Indian Post Office (India Post) and what rights do its consumers have. It is worth noting that India Post is the world's most extensive postal network.

What does the Post Office Act say?

India Post was governed by the Indian Post Office Act, 1898. Section 6 of this Act limits the liability of the government and officers of the post office for any "loss, wrong delivery, delay or damage", provided the officers did not do so "fraudulently" or "intentionally". Liability was limited to an amount fixed by the government. The Indian Post Office Act, 1898 has been replaced by the Post Office Act, 2023. Section 10 of the Post Office Act, 2023 uses slightly different language from the preceding one, but the essence is the same.

Compensation for lost package In 2015, Monu Jhalani sent a mobile phone from Bandikui in Rajasthan to Delhi through speed post. But it was never delivered and Jhalani approached the consumer forum. On this, the district forum directed India Post to pay the price of the mobile and compensation. But then India Post took the matter to the National Consumer Disputes Redressal Commission (NCDRC). Before the commission, India Post claimed that since Monu Jhalani did not tell about the contents inside the package and hence India Post is not responsible.

It also said that the post office's liability is limited as per the provisions of the Post Office Act, 1898 and the rules. According to the rule, "In case of loss or damage to the contents of a domestic speed post item, the compensation shall be double the amount of the speed post charges or Rs 1,000, whichever is less." The post office claimed that the double amount of the speed charge has been paid to the consumer and there is no liability left to pay anything. However, the NCDRC disagreed and said that the loss of the package containing the mobile was the post office's fault and it was liable to compensate. The NCDRC also reprimanded the post office for bringing such a minor case to the national commission and upheld the district forum's decision.

Postmaster will have to investigate Monu Jhalani case is an exception. In most other cases, the post office appears to have limited liability. However, in Gajanand Sharma case, it was held that post office cannot hide cases of wilful default under the guise of statutory protection. According to NCDRC, it is necessary to investigate whether wrong delivery or delay in delivery or damage was caused by "fraud" or "intentional" on the part of the concerned officials. In such cases, it is necessary to investigate and fix accountability so that improvements can be made for future and to be alert about the loss and damage caused to its customers. If such investigation is not completed, then the post office cannot get the benefit of limited liability. If there is fraud or wilful default, then the post office and its officials are liable. If the post office claims that there is no fraud or wilful default, then it will have to investigate to show this. (The author is also the Secretary of CASC.)

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