Domestic Postal Goods (Insurance) Act, 2019 (1962)

Date of Authentication and Publication
2019.6.5 (21 Sept. 1962)

Amendments:


Act Number 18 of the year 2019 (1962)

An Act Made To Provide For Insurance of Goods To Be Dispatched by Post within ............. Nepal

Preamble: Whereas, it is expedient to provide for insurance against the loss of or damage to the goods to be dispatched by post within ............. Nepal, and for the provision of compensation if such goods are loss or damaged;

Now, therefore, His Majesty King Mahendra Bir Bikram Shah Dev has made this Act pursuant to Article 93 of the Constitution of Nepal.

1. Short title, extension and commencement: (1) This Act may be called as “Domestic Postal Goods (Insurance) Act, 2019 (1962)”.

(2) It shall extend to the whole of ............. Nepal.

(3) It shall come into force immediately.

1 This Act came into force on 15 Jestha 2065 (28 May 2008).
2 Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

(a) "Postal goods" means any letters, post cards, magazines, books, packets of model goods, parcels and any things or goods which can be dispatched by post.

(b) "Postal office" a postal office established by the Government of Nepal for the dispatch of postal goods by post from one area to another area within ……………?Nepal.

(c) "Postal Director" means the Director of the Department of Posts of the Government of Nepal.

(d) "Insurance" means the insurance made against the loss or damage while making dispatch by post.

(e) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Interpretation:** For the purposes of this Act:

(a) Any postal goods shall be deemed to be in a situation of being dispatched by post from the time of delivery of such postal goods to a postal office to the time of delivery of the goods to the addressee or return back of the goods to the sender or the time of taking action under Section 7.

(b) Postal goods of any type shall be deemed to have been delivered to any postal office after such goods have been delivered to the person of the postal office who has been authorized to that effect.

(c) Postal goods shall be deemed to have been delivered to the addressee after such goods have been delivered to the addressee or the attorney authorized by the addressee to receive such goods.

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7 Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).
4. **Insurance of postal goods:** The Government of Nepal may, from time to time, direct the following matters by publishing a notice in the Nepal Gazette:

(a) Subject to the matters set forth in the other Sections of this Act, the insurance against the loss of or damage to any postal goods while in a situation of being dispatched by post may be procured in the postal office to which such goods are delivered, and a receipt thereof shall be given by the postal office to the person delivering the postal goods, and

(b) The charges as prescribed in the notice shall be charged as the insurance fees of such postal goods, in addition to the postal ticket and fees required for ordinary post and registered post.

5. **Liability in relation to the postal goods insured:** If any insured postal goods or any parts thereof are lost or damaged while in a situation of being dispatched by post, the Government of Nepal shall be liable to provide, or cause to be provided, compensation to the sender of such postal goods in a sum not exceeding the amount that has been ensured, subject to the prescribed terms and conditions.

Provided that, no compensation shall be paid in any case in a manner to exceed the actual value of the lost or damaged goods.

6. **Where insured goods cannot be delivered:** If any insured postal goods dispatched by post cannot be delivered to the addressee for any reason, the goods shall be held in the postal office until the prescribed period, and the goods cannot be delivered to the addressee even during that period, the goods shall be returned back without fee to the addressee through the postal office by which the insurance has been made and the goods have been dispatched by post. Where any such postal goods have been sent to return them to the sender but they cannot be returned back
to the sender for any reason, the goods shall be sent to the Postal Director.

7. **Action to be taken by Postal Director in relation to the insured postal goods:** The Postal Director shall do, or cause to be done, the following action in relation to each of insured postal goods that could not be delivered to the addressee and returned to the sender as mentioned in Section 6:

(a) Attempt shall be made to deliver return by post the postal goods to the addressee or the sender, as it is, without opening the postal goods as far as possible.

(b) If it appears that the postal goods cannot be delivered as it is without opening them pursuant to Clause (a), the Postal Director or the officer authorized by him or her to that effect shall secretly open the postal goods, find out the name and address of the sender and attempt to return them to the sender.

(c) If the postal goods cannot be delivered pursuant to Clause (a) or (b), the description of such postal goods shall be published in the Nepal Gazette and safely retained in the Department of Posts of the Government of Nepal for a period of one year, and if, even during that period, no person claims title to such postal goods, the goods, if in cash, shall be deposited in cash, and the cash proceeds of auction sale of the postal goods, if they are other sellable goods, shall be deposited in the name of the Government of Nepal.

8. **Power to frame Rules:** (1) The Government of Nepal may frame Rules to implement the objectives of this Act.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules may provide for in particular the following matters:
(a) Type of postal goods that can be insured under this Act,
(b) Ceiling, figure of the value of postal goods that can be insured,
(c) Mode of payment of insurance fees/charge, and
(d) Format, type, size, weight of the envelope in which the postal goods to be insured are put, manner of affixing postal tickets thereto, manner of affixing seal thereto, and manner of writing the name, address of sender and name and address of the addressee in such envelope.

(3) The place, time and manner of insuring postal goods in postal offices and of delivering the same after making insurance shall be as prescribed by the Postal Director from time to time by publishing a notice in the Nepal Gazette.

9. .................  

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