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POSTAL LAW

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CHAPTER ONE: GENERAL PROVISIONS

- ARTICLE 1: This law shall be enacted in order to regulate affairs relating to postal services.
- ARTICLE 2: Activities relating to postal services shall be the sole function of the government and shall be carried out by the Ministry of Communications.
- Other real or legal persons cannot engage in such activities.
- ARTICLE 3: The Ministry of Communications shall organize a special body for the achievement of the said purpose.
- ARTICLE 4: Printing and utilizing postage stamps, post cards, aerogrammes and other special sheets and forms used by post offices, determining the date of publication and the validity term of stamps, post cards, aerogrammes and announcing termination of their validity, establishing new postal services according to internal administrative demands and the requirements of Postal Convention and the related agreements signed by Afghanistan are among the duties of the Ministry of Communications.
- ARTICLE 5: The freedom and secrecy of communications are inviolable. This inviolability includes offices, bags, mailboxes, post boxes as well as other postal means and equipment.
- ARTICLE 6: No one has the right to search and delay postal services except by the order of a competent court. In exceptional and urgent cases in which the lapse of time creates the danger of losing the result and the truth, the Saranwal (Public Prosecutor) and other judicial officers can search communications on their own responsibility without the prior permission of the court, but they are bound to obtain, after the search, the decision of the court of competent jurisdiction within three days.
- ARTICLE 7: Under the following circumstances postal services can be searched without the prior permission of the court subject to Article 6 of this law:
- a. On the existence of dangers to internal (national) or international security of the State.
 - b. On the existence of dangers to the economic situation and State affairs.
 - c. On the existence of threats to physical integrity and lives of persons.

CHAPTER TWO: TYPES OF MAIL

- ARTICLE 8: Types of mails that shall be received, exchange and distributed by post offices are follows:
- a) Private letters, which are mail containing messenger or personal affairs.
 - b) Official letters meaning mail of official contents.

- c. Service letters or the letters exchanged between post offices.
- d. Post cards in the form of a thick paper or card with personal contents and mailed unsealed.
- e. Printed or published material which on the face of the paper or on some material resembling paper obtained by various machines on which the number of editions appear as a distinctive mark.
- f. Merchandise samples or mails containing commodities without XXXX objective or value shall not be subject to the payment of customs XXXX charges.
- g. Parcels or packages containing articles and commodities of value. Such XXXX shall be subject to the payment XXXX customs clearance charges in accordance with domestic laws and regulations in tariffs and the provisions of international conventions and agreements that have been signed by Afghanistan.

ARTICLE 9: Mils set forth in paragraph (e), (f) and (g) of Article 8 shall be packed in a manner enabling the post XXXX to easily inspect their contents.

CHAPTER THREE: POSTAL SERVICE CHARGES

ARTICLE 10: Changes for internal postal services shall be determined by regulations subject to the XXXX of services, expenditures, weights and dimensions, mode of mailing (registered or ordinary) and means of transportation (overhead or through the air).

ARTICLE 11: Charges of international postage services shall be collected in accordance with XXXX of international agreements signed by Afghanistan.

ARTICLE 12: Changes of postal services shall be collected prior to the receipt and exchange thereof in one of the following forms:

- a. By XXXX stamps.
- b. By printing stamps – picture on the envelope.
- c. By the use of special seals or stamps.
- d. By XXXX special sheets of the charging machines.

CHAPTER FOUR: DUTIES OF THE POSTAL ADMINISTRATION

ARTICLE 13: The Postal Administration; in order to accommodate the facilities relating to postal services, shall establish post office in different parts of the country.

ARTICLE 14: Post offices by no means can be accountable vis-à-vis the sender of the receiver for the loss, damage, and delay of transportation of ordinary (regular) mail.

ARTICLE 15: Post offices for losses or registered mails XXXX pay a XXXX according to the tariffs schedule as indemnity to the sender. Contents of such mails in no way affect determination of the sum to be reimbursed.

Delay and damage of the aforesaid mail does not create any responsibility to the post office.

The sender shall be bound to refer to the original post office within six months to follow his mail up, otherwise overdue referrals cannot be considered.

ARTICLE 16: Responsibility of post offices with respect to registered mails ends with the mail has been delivered to addressee and a receipt has been obtained to that effect.

Responsibility of post offices shall also and under force majeure.

ARTICLE 17: Should the mail not be delivered because of the ambiguity of the address, it shall be returned to the sender by the post office.

If the delivery has been postponed as a result of the addressee's absence, the mail shall be served to the addressee after 15 days once again; and in the event of the addressee's absence, the mail shall be returned to the sender.

When the sender's address of the non-delivered mail by unclear, the mail shall be kept by the post office among other mails of unknown parties.

ARTICLE 18: Mails not distributed because of unavailability of the addressee or the unclarity of the sender and addressee's address shall be kept by the original office for one year.

If the sender or addressee referred within the year, the mail shall be delivered to him; otherwise, the mail shall be sent to the Ministry of Communications and shall be opened by a committee designated on behalf of the Minister of Communications. If the sender or addressee's address becomes known from the contents, the mail shall be delivered to him; otherwise, it shall be destroyed in the presence of the said committee.

Should the mail relating to unknown parties contain precious things, it shall be submitted to the State treasury.

ARTICLE 19: Mails distributed in the form of Poste Rectante, shall be kept for the addressee for two months. When the addressee does not refer to the post office within two months, the mail shall be returned to the sender. Charges of the distribution of Poste Rectante shall be collected in accordance with regulations.

In the event of unclarity of the sender's address, the mail shall be dealt with as set forth in Article 17 of this law.

ARTICLE 20: On finding a registered mail for which a sum of money has been paid to the sender according to the tariffs schedule, the post office immediately informs the sender.

The sender shall be bound to return the sum of money received as reparation and receive the mail within a month.

If the sender does not refer to the post office, the same measures shall be taken with respect to the addressee. However, if the addressee, too, does not refer, the mail shall be recognized as the property of the post office.

ARTICLE 21: When sending mails abroad, the post offices can ask the sender to let the mail be controlled by the respective customs office and obtain permission for its sending.

Likewise, post offices shall be permitted to send the in-coming mail from abroad for customs regulations applications to the related customs offices.

CHAPTER FIVE: PARCEL POST

ARTICLE 23: Parcel Post shall be accepted within the country subject to provisions of this chapter.

Foreign parcels shall be received, exchanged, and distributed in accordance with the provisions of the Parcels Agreement signed by Afghanistan.

ARTICLE 24: Weights, dimensions and rates of mailing parcels shall be determined by regulations.

ARTICLE 25: Mailing prohibitions provided in Article XXXX of chapter Six of this law shall also apply on mailing parcels.

Should letters or post cards be sent within parcel post, subject to the tariffs of letters and post cards, charges of letters and parcels shall be collected therefore.

However, if in place of the contents of parcel post, letters or post cards be mailed inside the parcels, charges shall be collected as those of letters and cards.

ARTICLE 26: Affairs and provided in this chapter shall be settled according to the provisions of the Regulations on Parcel Post.

CHAPTER SIX: POSTAL PROHIBITIONS

ARTICLE 27: It is not permissible to exchange the following items by postal services:

- a. Explosive, fissionable and inflammable material.
- b. Materials whose distribution and transport is likely to create danger.
- c. Matters which their transport infiltrate, adulterate or damage other mails.
- d. Materials repugnant to public decency and public morals.
- e. Matters whose keeping (or maintenance), supply, sale, use, production and exportation shall be prohibited.
- f. Other things whose mailing be prohibited by the government.
- g. Gold, silver and precious stones.

ARTICLE 28: On mailing prohibited substances, the post offices are not bound to distribute the mail, and sender's right of inquiry and questioning for the mail shall not be honored. Accordingly, in case of inflicting damages to other mails, the inflicted harm shall be recompensed by the sender.

ARTICLE 29: When the materials XXXX XXXX XXXX XXXX XXXX XXXX law be discovered after XXXX to post offices XXXX XXXX XXXX XXXX addition to punishing the sender, the said items shall be regarded as products of crime and confiscated on court orders.

When the materials are from amongst the matters set forth in paragraphs (a), (b) and (c) of the said Article, the sender in addition to punishment, on the occurrence of danger or damage, shall also be liable to compensate for the damage caused.

CHAPTER SEVEN: PENAL PROVISIONS

ARTICLE 30: Post officers in the event of violations of XXXX and neglect of their obligations, in addition to application of the disciplinary provisions set forth in the Civil Servants Law, shall be punished according to provisions made in this chapter.

ARTICLE 31: A post officer who, for his personal information or notifying someone else, discloses XXXX of communications not permitted by law, or opens or studies such communications, shall be subject to imprisonment from three months to one year.

ARTICLE 32: Should the post officer deliberately destroy letters and documents or other mails, he shall be subject to provisions of the Penal Law for Crimes of Civil Servants and Crimes Against Public Welfare and Security.²

ARTICLE 33: If a parcel or a small package distributable through customs offices be delivered to the addressee directly by-passing the customs channel, at first, the responsible official in addition to warning shall be bound to pay the charge of advice of delivery and the customs duty; and if repeated, in addition to the foregoing penalties, shall also be subjected to from one month to six months forfeiture of service term.

Postal officials who receive a parcel or a small package in defiance of customs procedures shall be subject to the same provisions.

ARTICLE 34: Should the officer in charge of a post window fail to attach post stamps according to the tariffs schedule on mails or enveloped mail letters, or parcels, he shall be, at first, bound to pay twice the deficit sum, and shall be warned therefore. If the violations be repeated, he shall be subject to a salary forfeiture of from three to fifteen days.

ARTICLE 35: a. If post officers attach annulled postage stamps on mails and parcels, such deed shall be recognized as embezzlement and the perpetrators shall be sentenced in accordance with the provisions of the Penal Law for Crimes of Civil Servants and Crimes Against Public Welfare and Security.

b. Should the post officers use discarded postage stamps over mails and parcels, if they had been informed of discarding the stamps, they shall be fined from one hundred to five hundred Afghanis (Afs. 100-500).

¹Law of 19 Hoot 1349.

²Law of 26 Qaus 1341.

ARTICLE 36: When on the complaint of clientele or as a result of supervision it is XXXX covered that the officers in charge of mail windows have collected more than the postage determined but no difference appears between the duplicate, the receipt and the attached stamps, this deed shall be deemed as an administrative negligence and the extra amount shall be collected from the window officer and repaid to the clients, and additionally, the said official shall be warned therefore. On repeat offenses, the officer in charge shall be subject to salary forfeiture from one to fifteen days.

However, if the window officers performances disclose that differences exist between the amount entered in the original document and the duplicate, since the action signifies overpayment and personal benefit to the officer, he shall be sentenced as an embezzler.

ARTICLE 37: When the window officers do not fix (attach) postage stamps on mails in conformity with the tariffs schedule, if it is proven that postage has been collected in accordance with the tariffs schedule, such deed shall be deemed embezzlement and the perpetrator shall be punished as an embezzler.

ARTICLE 38; Personal use of service letters shall be regarded as embezzlement and the perpetrator shall be subject to punishment provided for embezzlement.

ARTICLE 39: Real or legal persons who engage in activities related to postal services shall be fined from five thousand to fifty thousand Afghanis (Afs.5,000-50,000).

ARTICLE 40: If a post official by way of negligence and indifference delays private or official mails, parcels, papers, and the related forms or he fails to deliver them to the addressee on time, or fails to distribute and exchange them at the designated time, he shall be given warning for the first incident, and on repeat occasions shall be subject to salary forfeiture from one day to fifteen days. However, if circumstances of the case prove that the postal official has deliberately delayed the exchange and distribution of the mail to the addressee, he shall be subject to the fine of two hundred to one thousand Afghanis (Afs.200 – 1,000).

ARTICLE 41: If as the result of carelessness and negligence of postal officials mail gets lost, on the first case, reparation for the mail shall be collected according to domestic and foreign tariffs schedule, and they shall be given warning therefore; and on repeat occasions, in addition to the payment of previously stated reparation, the responsible official shall be subject to from three to fifteen days' salary forfeiture.

ARTICLE 42: Should the post officials accept items prohibited by Article 27 of this law from clientele in violation of national or international regulations, in addition to compensation originated from transportation, with due consideration of the importance of the matter, the responsible officer shall be subject to from one to fifteen days' salary forfeiture. Prohibited material shall be confiscated by postal officials. Should the prohibited material be from those provided in paragraph (d) of Article 27, the sender shall be prosecuted in accordance with the provisions of the general criminal laws.

ARTICLE 43: Persons who forge, discarded or current, domestic or foreign, postage stamps, or notwithstanding the knowledge of their falsehood put in use the forged stamps or dispose of them, they shall be punished in accordance with the principles relating to the forgery of official documents provided in the Penal Law for Crimes of Civil Servants and the Crimes Against Public Welfare and Security.

CHAPTER EIGHT: MISCELLANEOUS PROVISIONS

ARTICLE 44: Violations not penalized by this law shall be subject to the provisions of the Penal Law for Crimes of Civil Services and Crimes Against Public Welfare and Security.

ARTICLE 45: In instances wherein International Communications and Postal Services Conventions and agreements signed by Afghanistan validate the application of domestic or national regulation, provisions of this law shall be applicable. When no such provisions have been made by the said Conventions and agreements, and the object be international communications, then the provisions of Conventions and international agreements signed by Afghanistan shall be applied prior to the provisions of this law.

ARTICLE 46: The Ministry of Communications shall adopt necessary regulations for the implementation of this law.

ARTICLE 47: This law shall come into force two months after its publication in the Official Gazette.
