

Agreement on Exchange of Postal Parcels

December 16, 1972

AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE ROYAL GOVERNMENT OF BHUTAN RELATING TO THE EXCHANGE OF POSTAL PARCELS

New Delhi

The Government of INDIA and The Royal Government of BHUTAN,

DESIROUS of establishing an exchange of postal parcels between the postal administration of India and Bhutan,

HAVE AGREED as follows

Article 1

EXCHANGE OF PARCELS

There shall be a regular exchange of parcels between the postal administration of India and the Postal Administration of Bhutan. The exchange of parcels between the two countries shall be performed exclusively through the offices of exchange constituted for the purpose. The term "Parcels" shall also include "Air Parcels".

Article 2

GENERAL CONDITIONS FOR EXCHANGE OF PARCELS

1. A parcel shall not exceed 10 kilograms in weight. The length should not exceed one meter. The sum of the length and the greatest circumference measured in a direction other than that of the length should not exceed 2 meters. A parcel should have a surface measuring not less than 90 mm x 140 mm.
2. As regard the exact calculations of the weight and dimensions of a parcel, the views of the despatching administration shall be accepted except in case of an obvious error.
3. Each postal administration shall communicate to the other the regulations relating to the charges for booking of parcels in its administration for delivery of the other and the amendments made thereto from time to time.
4. The prepayment of postage and other charges on a parcel shall be compulsory except in the case of redirected or a returned parcel.

Article 3

CUSTOMS CHARGES

1. "The parcels are subject to all customs and other import and exchange controls regulations in force from time to time in the country of destination. The country of destination is entitled to charge a sum not exceeding one gold franc as customs clearance fee for each parcel subject to customs examination."

Article 4

1. Postal parcels must not contain any letter, note or document having the character of current and personal correspondence as well as correspondence of any kind bearing an address other than that of the addressee of the parcel or of persons living with him. It is, however, permissible to enclose in a parcel an open invoice confined to the particulars which constitute an invoice.

2. It is also prohibited to enclose in a postal parcel :

I. Article which from their nature or packing may be a source of danger to the officials of the post office or may soil or damage other parcel;

II. A parcel may be redirected in consequence of the addressee's change of address in the country of destination. The postal administration of the country of destination may collect the redirection charge prescribed by its internal regulations. Similarly, a parcel may be redirected from one of the two countries to another country provided that the parcel complies with the conditions required for its further conveyance and provided as a rule that the extra postage is prepaid at the time of redirection or documentary evidence is produced that the addressee will pay it.

III. Additional charges levied in respect of redirection and not paid by the addressee or his representative shall not be cancelled in case of further redirection or return to originating administration but shall be collected from the addressee or from the sender as the case may be, without prejudice to the payment of any special charges incurred which the country of destination does not agree to cancel.

Article 7

MISSENT PARCELS

Parcels received out of course, or wrongly allowed to be despatched, shall be retransmitted or returned in accordance with the provisions of article 14 paras 1 and 2 of the detailed regulations.

Article 8

NON DELIVERY

1. The sender may request at the time of posting that, if the parcel cannot be delivered as addressed, it may be either (a) treated as abandoned, or (b) tendered for delivery at a second address in the country of destination. No other alternative is admissible. If the sender avails himself of this facility, his request must appear on the cover of the parcel and on the despatch note, if one is used and must be in conformity with, or analogous to, one of the following terms :

"If not deliverable as addressed, abandon"

"If not deliverable as addressed, deliver to....."

2. In the absence of such a request by the sender a parcel which cannot be delivered shall be returned to the sender without previous notification and at his expense after retention for the period prescribed by the regulations of the postal administration of the country of destination. Nevertheless, a parcel which is definitely refused by the addressee shall be returned immediately.

3. The charges due on returned undelivered parcels shall be recovered in accordance with the provisions of Article 25.

Article 9

CANCELLATION OF CUSTOMS CHARGES

Customs charges on parcels which are returned to the country of origin, abandoned by the senders, destroyed or, redirected to a third country shall be cancelled.

Article 10

SALE OR DISTRUCTION

Articles of which the early deterioration or decay is to be expected, and these only, may be sold immediately even when in transit on the outward or return journey, without previous notice or legal formality. If for any reason a sale is impossible the spoilt or decayed articles shall be destroyed.

Article 11

ABANDONED PARCELS

Parcels which cannot be delivered ot the addressees and which the senders have abandoned shall not be returned by the postal administration of the country of destination but shall be treated in accordance with its legislation.

Article 12

ENQUIRIES

1. A fee not exceeding internal rate may be charged for every enquiry concerning a parcel. No fee shall be charged if the sender has already paid the special fee for an advice of delivery.
2. Enquiries shall be admitted only within the period of one year from the day following the date of posting.
3. When an enquiry is the outcome of an irregularity in the postal service, the enquiry fee shall be refunded.

Article 13

INSURED PARCELS - RATES AND CONDITIONS

1. Parcels may be insured upto a limit of 1000 gold francs (i.e. equivalent to Rs. 2450/-) or such other limit as may be agreed.
2. An insurance fee, to be fixed by the postal administration of the country of origin, shall be charged for each 200 gold francs or part thereof subject to a maximum of one fourth percent of the insured value.
3. The postal administration of origin shall have the right to collect from the sender of an insured parcel a despatch fee (posting fee) in addition to other charges.
4. A receipt shall be given free of charge to the sender at the time of posting of an insured parcel.

Article 14

FRAUDULENT INSURANCE

1. The insured value may not exceed the actual value of the contents of the parcel and the packing, but it is permitted to insure only part of this value.

2. The fraudulent insurance of a parcel for a sum exceeding the actual value shall be liable to legal proceedings prescribed by the legislation of the country of origin.

Article 15

RESPONSIBILITY FOR LOSS OR DAMAGE

1. Except in the cases mentioned in Article 16 the two postal administrations shall be responsible for the loss of parcels and for the loss, damage or abstraction of their contents or of a part thereof. The sender is entitled under this head to compensation corresponding to the actual amount of loss, damage or abstraction, for uninsured parcels, the compensation shall not exceed the amount fixed by legislation of the administration of origin subject to a maximum of 60 gold francs for a parcel not exceeding 10 Kgs in weight. This limit may be varied by mutual consent of the two postal administrations. For an insured parcel the amount of compensation shall not exceed the amount for which it was insured.

2. Compensation shall be paid to the addressee when he claim its, either after making reservations when accepting delivery of a pilfered or damaged parcel, or if he proves that the sender has waived his rights in his favour. In calculating the amount of compensation indirect loss or loss of profits shall not be taken into consideration.

3. Compensation shall be calculated in accordance with the current price of goods of the same nature at the place and time at which the goods were accepted for transmission.

4. Where compensation is due for the loss, destruction or complete damage of a parcel or for the abstraction of the whole of the contents, the sender is entitled to the return of the postage also.

5. In all cases the insurance fee and the despatch (posting) fee if any shall be retained by the postal administration concerned.

Article 16

EXCEPTION TO THE PRINCIPLE OF RESPONSIBILITY

The two postal administrations shall be relieved of all responsibility :

1. For the loss or theft from or damage to parcels :

I. In circumstances beyond control (force majeure);

II. When their responsibility not having been proved otherwise, they are unable to account for parcels in consequence of the destruction of official documents through a cause beyond control (force majeure);

III. When the damage has been caused by fault or negligence of the sender, or when it arises from the nature of the contents of the parcel;

IV. When the contents fall within prohibitions specified in Article 4, in so far as these parcels have been confiscated or destroyed by the postal administration on account of their contents;

V. When parcels have been fraudulently insured for a sum exceeding the actual value of the contents;

VI. In respect of parcels regarding which the sender has not made enquiry within the period prescribed by article 12(2);

VII. In respect of any parcels containing precious stones, jewellery or any articles of gold, silver or platinum or any other precious object not packed in the manner laid down in Articles 4 and 5 of the detailed regulations.

2. For parcels seized under the internal legislation of the country of destination.

Article 17

TERMINATION OF RESPONSIBILITY

The two postal administrations shall cease to be responsible for parcels which have been delivered in accordance with their internal regulations and of which the addressees or their agents have accepted delivery without reservation.

Article 18

PAYMENT OF COMPENSATION

The payment of compensation shall be undertaken by the postal administration of the country of origin, except in the cases indicated in article 15(2) where payment is made by the postal administration of the country of destination. The paying administration retains the right to make a claim against the administration responsible.

Article 19

PERIOD FOR PAYMENT OF COMPENSATION

1. Compensation shall be paid as soon as possible and, at the latest, within one year from the day following the date of enquiry.

2. The postal administration of the country of origin or of destination as the case may be, is authorised to pay compensation to the person entitled to receive it on behalf of the administration concerned which after being duly informed of the application, has let nine months pass without giving a decision in the matter.

3. The postal administration responsible for making payment may, in exceptional cases, postpone it beyond the period of one year when a decision has not yet been reached on the question whether the loss, damage or abstraction is due to a cause beyond control.

Article 20

INCIDENCE OF COST OF COMPENSATION

1. Until the contrary is proved, responsibility shall rest with the postal administration, which having received the parcel without making any reservation and being provided with all the prescribed means of enquiry cannot prove either delivery of the addressee or his agent, or regular transfer to the other administration.

2. If the loss, damage or theft occurs in course of conveyance without it being possible to establish in which country's territory or service it occurred both the administrations shall bear the loss equally. The same principle shall, as far as possible, be applied when other administrations are concerned in the conveyance of a parcel.

3. Customs duty and other charges of which it has not been possible to secure cancellation shall be borne by the administration responsible for the loss, damage or theft.

4. The administration which has paid the compensation takes over the rights, upto the amount of compensation, of the person, who has received it in any action which may be taken against the addressee, the sender or a third party.

5. If a parcel which has been regarded as lost is subsequently found, in whole or in part, the person to whom compensation has been paid shall be informed that he is at liberty to take possession of the parcel against repayment of the amount paid as compensation within a period of three months.

6. If the person to whom compensation has been paid takes delivery of the parcel after the repayment of the amount of compensation, that sum shall be refunded to the administration which bore the loss. If the person to whom compensation has been paid refuses to take delivery of the parcel, it becomes the property of the administration which bore the loss.

Article 21

REPAYMENT OF THE COMPENSATION TO THE ADMINISTRATION OF THE COUNTRY OF ORIGIN

1. The postal administration responsible or on whose account the payment is made in accordance with Article 18 is bound to repay the amount of the compensation within a period of three months after notification of payment.

2. The amount shall be recovered from the administration responsible through the accounts provided for in Article 21 of the detailed regulations.

3. The postal administration of which the responsibility is duly proved and which has originally declined to pay compensation shall be bound to bear all the additional charges resulting from the unwarranted delay in payment.

Article 22

STORAGE CHARGES

The country of destination shall be authorised to collect storage charges fixed by its internal regulations on parcels addressed (*poste restante*¹ or which are not claimed within the prescribed period of free delivery). The charge may in no case exceed 10 gold francs. In the case of undelivered parcels accrued storage charges, if any, shall be claimed from the administration of origin.

Article 23

TRANSIT PARCELS

"Each Postal administration agrees to accept in transit through its services, to and from any country, with which it has a parcel post communication, parcels originating in or addressed for delivery in the service of the other administration."

Article 24

TERRITORIAL RATES AND TRANSIT CHARGES

1. For parcels exchanged between the two countries, the postal charges and fees shall be the same as are applicable to the Inland Service of the originating country or such higher rates or fees as may be determined by the postal administration of the originating country.

2. For the present, there shall be no sharing of postal charges recovered in respect of parcels despatched from one of the two countries for delivery in the other.
3. For parcels despatched from one of the postal administrations in transit through the other the despatching administration shall allow to the other administration, the amount of transit charges according to the charges notified by the intermediary administration.
4. In respect of foreign parcels received in transit by one of the postal administrations for delivery of the other administration the country of destination will be entitled to terminal charges as notified by it in this regard.

Article 25

CLAIMS IN CASE OF REDIRECTION OF RETURN OF PARCEL

In case of redirection or of return of a parcel from one country to the other, the retransmitting administration shall claim from the other the charges due to it and to any other administration taking part in the redirection or return.

Article 26

CHARGES FOR REDIRECTION IN THE COUNTRY OF DESTINATION

In case of redirection to another country or of return to the country of origin, the redirection charge referred to in article 6 para 2 shall accrue to the country which redirected the parcel within its own territory.

Article 27

MISCELLANEOUS FEES

1. The following fees shall be retained in full by the office which has collected them :
 - I. The fee for advice of delivery referred to in article 5;
 - II. The enquiry fee referred to in Article 12 para 1.
 - III. The insurance fee and despatch fee (posting fee) referred to in Article 13 para 2 & 3.
2. The fees collected in connection with delivery and customs clearance referred to in Article 3 shall be retained by the postal administration of the country of destination.

Article 28

AIR PARCELS

The exchange of air parcels shall be governed by the same conditions as parcels exchanged by surface. Each administration is at liberty to fix a separate air surcharge in addition to the surface parcel postage rate or an air surcharge cum parcel postage taking into account the cost of air conveyance. Air parcels which have not been delivered to the addressee for any reason whatsoever are returned to the country of origin only by the surface route. They may not be returned by air unless the senders have guaranteed the payment of the air surcharges.

Article 29

AIR CONVEYANCE CHARGES

1. The basic rate applicable to the settlement of accounts between the two administrations in respect of air conveyance of parcels shall be fixed at one thousandth of a franc as a maximum per kilogramme of gross weight and per kilometre.
2. The conveyance rates between the two countries shall be fixed according to the actual distance between the respective airports.
3. For forwarding an air parcel by air within its own territory each postal administration is entitled to remuneration on the basis of the gross weight of such parcels and according to a single rate. The single rate is calculated in accordance with the basic rates mentioned in paragraph (1) and according to the weighted average distance of the sectors flown by international mail on the internal network.

Article 30

MISCELLANEOUS PROVISIONS

1. Parcels shall not be subjected to any postal charges other than those envisaged in this agreement except by mutual consent of the two administrations.
2. The Contracting Parties have drawn up the detailed regulations for ensuring the execution of the present agreement. Further matters of detail, not inconsistent with the general provisions of this agreement and not provided for in the detailed regulations, may be determined by the postal administrations of the two countries from time to time by mutual consent.
3. The internal legislation of India and Bhutan shall remain applicable as regards every thing not provided for in the present Agreement and the detailed regulations.
4. When owing to exceptional circumstances, one postal administration finds itself obliged to suspend its services temporarily either wholly or in part, it is bound to notify the fact immediately if need be by telegram, to the other administration.

Article 31

ENTRY INTO FORCE

This Agreement shall be subject to ratification. The instruments of ratification shall be exchanged at New Delhi. The Agreement shall come into force with effect from the date of exchange of instruments of ratification. It shall thereafter continue to be in force until it is terminated by one Government giving six months' notice in writing to the other.

IN WITNESS WHEREOF, the undersigned, duly authorised for that purpose have signed this Agreement in two originals.

Done at New Delhi this the Sixteenth day of December 1972.

For the Government of India
Sd/-
H N BAHUGUNA
Minister for Communications

For the Royal Government of Bhutan
Sd/-
D.W. WANGCHUCK
Representative of His Majesty in the Ministry
of Development