

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, জুলাই ১৩, ২০১৫

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
Ministry of Posts, Telecommunications and Information Technology
Post and Telecommunication Division.

NOTIFICATION

Dated 09 July, 2015/25 Ashar, 1422.

S.R.O. No.230- Law/2015.—In exercise of the powers conferred by rule 26 of the Mailing Operator and Courier Service Rules, 2013, the Government is pleased to publish the following Authentic English Text of these rules:

Mailing Operator and Courier Service Rules, 2013

CHAPTER I

PRELIMINARY

1. Short Title.—These rules may be called the Mailing Operator and Courier Service Rules, 2013.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

- (1) “Economic Code” means the Economic Code or the Economic Code of the Bangladesh Postal Department allotted in favour of Licensing Authority by the Government;
- (2) “permit” means an agency permit issued under rule 14;
- (3) “Act” means the Post Office Act, 1898 (Act No. VI of 1898);
- (4) “Courier Service” means any service mentioned in the explanation (b) of section 4B of the Act;

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- (5) “customer” means any person or institution that receives service in exchange of money, directly or indirectly, from any institutions mentioned in rule 18;
- (6) “Chairman” means the Chairman of the Licensing Authority;
- (7) “Schedule” means any schedule of these rules;
- (8) “prohibited goods” means any goods mentioned in schedule 6;
- (9) “Ministry” means the Ministry of Post and Telecommunication;
- (10) “Mailing Operator” means an Operator mentioned in the explanation (a) of section 4B of the Act;
- (11) “Licence” means licence issued under rule 11;
- (12) “Licensing Authority” means the Licensing Authority mentioned in rule 4.

3. Non-applicability of these rules.—Nothing of these rules shall apply to any special institution or agency engaged in transportation and distribution of postal bags of the President and the Prime Minister, diplomatic postal bags, the postal bags of the armed forces and law enforcing agency.

CHAPTER II

Constitution and functions of the Licensing Authority

4. Licensing Authority.—(1) For carrying out the purposes of section 4C(1) of the Act, the Licensing Authority shall consist of the following members, namely:—

- (a) an officer not below the rank of Joint Secretary of the Ministry, who shall also be its Chairman ;
- (b) an officer not below the rank of Deputy Secretary of the Ministry;
- (c) an Additional Director General of Postal Department, who shall also be its member-secretary .

(2) The Chairman and members shall be nominated by the Ministry and hold their respective offices for such a term as may be determined by the Ministry and be eligible for reappointment.

(3) If the Chairman becomes unable to discharge the functions of his office on account of absence on leave, illness or any other reasons, any person, nominated by the Ministry shall discharge the functions of the Chairman until he resumes the functions of his office.

(4) Licensing Authority shall be an authority under the administrative control of the Ministry.

(5) Office of the Licensing Authority shall be at Dhaka.

5. Functions and duties of Licensing Authority, etc.—(1) The Licensing Authority may discharge any duty and perform any function to carry out the purposes of these rules.

(2) Without prejudice to the generality of sub-rule (1), in particular, the Licensing Authority shall discharge, *inter alia*, the following duties and perform following functions, namely :—

- (a) to grant licence and agency permit to the Mailing Operator and Courier Service Provider;
- (b) to collect the licence fees, compensation fees and other fees as may be determined by the Government and to specify the procedure of collection thereof;
- (c) to determine the fields of conducting business of the Mailing Operator and Courier Service Providers and their other rights;
- (d) to determine the standard of services provided by the Mailing Operator and Courier Service Providers and to monitor whether these institutions are maintaining those standard in doing their business and to formulate necessary policies for the improvement of the service of the Mailing Operator and Courier Service Provider;
- (e) to act as an arbitrator or mediator to resolve disputes between customer, and Mailing Operator and Courier Service Provider or disputes between such service providing institutions of the Government and Mailing Operator and Courier Service Provider or disputes between any other inter-organizations or institutions;
- (f) to mitigate administrative fine for violating or breaching the conditions of licence by Mailing Operator and Courier Service Providers and to take necessary steps to collect it;
- (g) to dispose of the allegation of customer and protecting the rights of the customer;
- (h) to take steps for the inspection the office of the Mailing Operating and Courier Service Provider and to formulate policies thereof;
- (i) to confer honour to the customer, organization or person who sends the highest numbers of mails, and to the Mailing Operating and Courier Service Provider which provides the best quantity service;

- (j) to take the necessary steps to ensure accountability that the Mailing Operators and Courier Service Providers are performing its all activities in a transparent and ethical manner;
- (k) to take steps for proper supervision of the Mailing Operators and Courier Service Providers and to follow the guidelines prepared by the Universal Postal Union, International Civil Aviation Organization, International Association of Travel Agencies and World Customs Organization, Warsaw convention, customs authority and Bangladesh Bank for carriage of goods internationally;
- (l) to provide advice in respect of Universal Postal Union guidelines, modern concept relating to international postal and courier service, use of digital technology training and research for the development of service, etc. ;
- (m) to arrange necessary training for the officers and staff working in the service of the Mailing Operator and Courier Service Provider for developing their capacity building; and
- (n) to perform such other duties as the Ministry may impose from time to time.

6. Realization of compensation fees, etc.—The Licensing Authority shall realize the compensation fees imposed by the Government, on the services provided by the Mailing Operator and Courier Service Provider, for providing the postal service of the Government and its expansion, and the Authority may determine the necessary procedures in this behalf.

7. Financial matters.—(1) The Licensing Authority shall take the allotment of an appropriate Economic Code from the Government for the purpose of giving entry in the accounts of all realized licence fees, agency permit fees, administrative fine, compensation fees and other fees including its office expenses, and the accounts of all income and expenditure of the authority shall be included under that Code:

Provided that the Authority may utilize the Economic Code of the Postal Department until an Economic Code is allotted to the Licensing Authority.

(2) The Chairman shall be the drawing and disbursement officer of the Licensing Authority.

(3) Office expenses of the Licensing Authority shall be borne by the Ministry.

(4) The existing accounts and audit procedure of Bangladesh Postal Department shall be followed in the case of accounts and audit of the Licensing Authority.

8. Advisory Committee.—(1) The Licensing Authority may, by general or special order, constitute one or more Advisory Committees consisting of experienced persons, having professional knowledge of postal service or concerned with the Mailing and Courier Service business and members of the business organizations to take advice for efficient performance of its functions and duties.

(2) For carrying out the purposes of these rules, the Advisory Committee may advise the Licensing Authority for anything which is not inconsistent with the Act or these rules.

(3) The Advisory Committee may advise for expanding the business of mailing and courier service, business development, policy-making, training, etc. to the Mailing Operator and Courier Service Provider.

(4) The Advisory Committee may give necessary advice to the Licensing Authority for creating a business friendly environment, application and implementation of the policy and in all applicable cases for the development of inter-organizational relationship.

9. Taking assistance from the Mailing Operator and Courier Service Provider.—(1) The Licensing Authority may, for the efficient discharge of its functions and duties under the Act and these rules, take any assistance, if necessary, from the licensed Mailing Operator and Courier Service Provider.

(2) If any Mailing Operator or Courier Service Provider is requested by the Licensing Authority for any assistance, then the concerned Mailing Operator or Courier Service Provider shall be bound to provide such assistance.

10. Appointment of Liquidator, etc.—The Licensing Authority may—

- (a) appoint, in accordance with the direction of the court, a liquidator in the case of winding up of business of a Mailing Operator or Courier Service Provider;
- (b) appoint, in accordance with the direction of the court, an administrator in the case of declared bankruptcy of any Mailing Operator or Courier Service provider.

CHAPTER III**Licence, Condition of Licence, etc.**

11. Application for Licence.—(1) No Mailing Operator and Courier Service Provider shall, without a licence, conduct Mailing and Courier Service business.

(2) An application for licence shall be submitted to the Licensing Authority by every interested Mailing and Courier Service business provider in such form as mentioned in Schedule 1 along with an undertaking in such manner as mentioned in Schedule 2 including the papers mentioned in Schedule 3.

(3) The Licensing Authority, if satisfied after scrutinizing the application submitted under sub-rule (2), shall direct the concerned Mailing Operator and Courier Service Provider to submit the payment receipt of fees as mentioned in Schedule 7 and the bank guarantee of an amount mentioned in Schedule 7 from any schedule bank as security money.

(4) Where the money receipt of licence fees and the copy of the bank guarantee as security money mentioned in sub-rule (3) are submitted, the Licensing Authority shall issue licence in the form mentioned in Schedule 4.

(5) For the purpose of obtaining a licence under this rule every applicant of Mailing Operator and Courier Service Provider shall have—

- (a) a head office for conducting the business;
- (b) minimum 1(one) booking and distribution office;
- (c) transportation arrangement, owned, hired or alternative, for delivering the goods received from the customer to the recipient;
- (d) necessary arrangement including godown, bonded ware house and other facilities, if necessary for safe preservation of goods received from customer, until such goods are delivered to the recipient ;
- (e) proper arrangement for managing customer complaint;
- (f) a price-list of offered services by the Mailing Operator and Courier Service Provider and which list shall be supplied free of cost to the customer;
- (g) adequate security arrangement till the delivery of goods sent by the customer to the recipient;
- (h) guideline of its own, for the purpose of ensuring the highest quality of customer service;

- (i) a written agreement or counter-part agreement with the principal company, if the Mailing Operator and Courier Service Provider mentioned in rule 18 are engaged in international courier service business through agencyship, joint investor or on the basis of franchisee and, for the hundred percent foreign investor company, the approval of the Board of Investment and other competent authorities; and
- (j) adequate arrangement of fire-safety.

12. Special provisions relating to licence for the existing Mailing Operators and Courier Service Providers—(1) Every institution conducting the business of the Mailing and Courier Service shall apply for licence, within three months from the date of effectiveness of these rules, to the Licensing Authority in the form mentioned in Schedule 1 and if any such application is made, the licence may be given, subject to the provision of sub-rule (2), according to the provision of rule 11.

(2) In case of failing to apply for licence under sub-rule (1), the concerned Mailing Operator and courier service Provider shall, by depositing a late fee of taka 5,000 (five thousand), explaining the cogent reasons for delay, in the Economic Code as directed by the Licensing Authority, in any General Post Office (GPO) or Principal Post Office situated in District Headquarters in favor of the Chairman of the Licensing Authority, apply for the licence within the next forty-five working days from the date of paying late fees, and after expire of such period, per day taka one thousand shall be deposited as late fees.

13. Conditions of Licence.—(1) The Licensing Authority may include any condition in the licence which is consistent with the Act and these rules and, if necessary, may add additional conditions.

(2) Within the limits of general power of sub-rule (1), all or any of the following conditions may be included in the licence and the licensed Mailing Operator and Courier Service Provider or its agent shall be bound to satisfy the same:—

- (a) the copy of the licence shall be exhibited in an open space of the head office and branch offices;
- (b) no Mailing Operator or Courier Service Provider shall close the conduction of its business until disposal of customer's pending claim;

- (c) customer friendly behavior shall be conducted with the customer;
- (d) there shall be a process for quick disposal of allegation and where applicable, adequate compensation shall be arranged;
- (e) proper compliance with the provisions of these rules shall be ensured;
- (f) the licence shall not be used as a supporting security deed for any loan;
- (g) the licence shall not be transferred to any person or institution and any such transfer shall be void;
- (h) fundamental Postal Service and Universal Postal Service shall not be conducted;
- (i) for the purposes of transferring the cash or any foreign currency, in any packet or parcel and, as packet or parcel, shall be received or transported;
- (j) no prohibited goods shall be received, transported or distributed; and
- (k) directions given, from time to time, by the Government and Licensing Authority shall be complied with.

(3) The name of any Mailing Operator or Courier Service Provider shall not be similar to Bangladesh Postal Department, Post Office and Universal Postal Union.

(4) Every Mailing Operator or Courier Service Provider shall be the member of any Mailing Operator or Courier Service Association recognized by the Government.

14. Agency, etc.—(1) The Licensed Mailing Operator and Courier Service Provider may conduct business through appointing agent subject to complying the following conditions, namely:—

- (a) agencyship shall be provided to a genuine business man or institution;
- (b) there shall be a written agreement between the agent and principal Mailing Operator and Courier Service Provider;
- (c) the agent shall comply with the conditions of the licence;
- (d) the agent shall not appoint sub-agent.

(2) The Mailing Operator and Courier Service Provider shall obtain agency permission by submitting the list of appointed agents to the Licensing Authority and if any existing Mailing Operator and Courier Service Provider operate the business of the Mailing and Courier Service through agents then agency permit shall be taken by such institution at the time of obtaining license under rule 12.

(3) The Licensing Authority shall, being satisfied by scrutinizing the lists submitted under sub-rule (2), direct the Mailing operator and Courier Service Provider to submit the receipt of the fees of their appointed agents, deposited as mentioned in Schedule 7 and the Licensing Authority shall, subject to receiving of the deposit receipt, grant the licence in the format mentioned in schedule 4(1).

(4) If the conditions of the Licence are contravened by any agent, the Principal Mailing Operator and the Courier Service Provider shall cancel the agreement with such agent and immediately after cancellation of the agreement, the permit shall be deemed to stand cancelled.

(5) If the Principal Mailing Operator and Courier Service Provider cancel any of its agency for any reason, it shall inform it to the Licensing Authority within 15 (fifteen) days of such cancellation.

15. Business Scope.—(1) Every licensed Mailing Operator and Courier Service Provider may conduct the following business, namely:—

- (a) document service;
- (b) parcel service;
- (c) logistic service;
- (d) delivery service;
- (e) express service;
- (f) specialized and premium postal service;
- (g) any other business approved by the Government.

(2) For carrying out the purpose of sub-rule (1),-

- (a) “document service” means the delivery service of any goods, which is contained in any packet, bundle or envelop, whether hand written or printed, containing weight up to two kilogram, transporting, subject to receiving prescribed fees, from sender, to the recipients address as determined by the sender after taking acknowledgement thereof;

- (b) “parcel service” means the delivery service of any goods except documents containing weight up to thirty kilogram, in each carton or packet, transporting the said goods by receiving prescribed fees by the Mailing Operator and Courier Service Provider from the sender, subject to payment of duty, tax, charge, etc. along with a written declaration, in this behalf from the sender, to the recipient’s address as determined by the sender after taking acknowledgement of the recipient;
- (c) “logistic service” means service of delivery or supply of all legal goods, irrespective of weights, declared by or as per list of customs authority and any other concerned authority excepting parcel, transporting from sending place to the receiving end, subject to receiving prescribed fees, payment of duty and other payable taxes by maintaining its safety measures through warehousing, loading, unloading, packing or inventory;
- (d) “delivery service” means delivery service provided either through persons or transports to a convenient place, specified by the sender or to the recipient’s place;
- (e) “express service” means delivery service of document, parcel, packet or any other goods, irrespective of weight, receiving from the sender to transport it with the most speedy way to the recipient by ensuring the inland and international standard and proper safety of the booked goods subject to the payment of duty and other taxes fixed by the customs authority or any other authorities. ;
- (f) “specialized and premium postal service” means delivery service of such insured goods of the sender having written declaration thereof, document, parcel or packet or declared value document, packet or parcel containing the condition of delivery of that document, packet or parcel after paying the duty and other taxes fixed by the custom authority or any other authorities by fulfilling the condition provided by the sender.

16. Directives to be followed by the Mailing Operator and Courier Service Provider.—In the case of conducting the Mailing Operator and Courier Service under the Act and these rules, every Mailing Operator and Courier Service Provider shall follow the directives as follows:—

- (a) information, relating to service and rate chart shall be published in the manner of booklet or leaflet ;

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- (b) Mailing Operator and Courier Service Providers shall follow the instructions given by the Association in respect of fixing the rate chart;
 - (c) if any Mailing Operator and Courier Service Providers change business address of its head office, branch and agency offices, it shall be informed to the Licensing Authority;
 - (d) service and delivery time shall be displayed in the form of a list in the booking office of that institution at a conspicuous place;
 - (e) in case of changing the rate chart, Licensing Authority shall be informed in writing;
 - (f) before offloading the shares in the share market of Bangladesh, the Licensing Authority shall be informed;
 - (g) an annual statement of income, expenditure, profit and loss of its business at the end of every financial year shall be submitted to the Licensing Authority;
 - (h) for the purpose of professional and ethical development of their employees, training shall be arranged by those institutions;
 - (i) the directives of foreign currency control, customs and import-export related orders shall be followed in case of conducting international and on-board mailing and courier service business;
 - (j) representative of Mailing Operator and Courier Service Provider shall take immediate steps to handover the lawful commercial and non-commercial goods irrespective of weight limit coming from abroad after receiving by the handling agent of Land Port, Sea Port and Air Port and store at the bonded warehouse or customs warehouse allocated by the Customs Authority and shall deliver to the receiver speedily after being paid the duty and performing other formalities.
 - (k) salaries and allowances, welfare arrangements (such as group-insurance, welfare fund, provident fund, determination of salary-structure, health security including welfare and safety net) for the employees engaged in the institution shall be ensured.

17. Provisions relating to booking of goods, distribution, lost, damaged, stolen, etc.—(1) At the time of booking any goods, Mailing Operator and Courier Service Provider shall receive three copies of declaration to the effect of detail statement containing weight, value, etc. in the form specified by the Licensing Authority from the sender and one copy of declaration shall be with the sender, one copy shall be affixed on the top of the booked good and one copy shall be preserved in the office.

(2) Every Mailing Operator and Courier Service Provider shall ensure the timely delivery of the goods received for distribution to the recipient.

(3) If booking goods are lost or damaged, Mailing Operator and Courier Service Provider shall pay such compensation as per their own compensation policy.

(4) The sender shall be held responsible for using any unusual or false address, bringing or transporting goods on the basis of false declaration and in such case there shall be no obligation on the Mailing Operator and Courier Service Provider, and in that case, the sender shall not get any compensation.

CHAPTER IV

Classification, Security and Licence fees

18. Classification of Mailing Operator and Courier Service.—(1) Under these rules, the classification of the Mailing Operator and Courier Service Providers shall be as follows :—

- (a) inland Mailing Operator and Courier Service Provider;
- (b) on-board Mailing Operator and Courier Service Provider;
- (c) international Mailing Operator and Courier Service Provider.

Explanation.—For the purpose of sub-rule (1),—

- (a) “inland Mailing Operator and Courier Service Provider” means such Mailing Operator and Courier Service Provider which conduct its business within Bangladesh as a sole proprietorship, joint-ownership, partnership, franchisee or run by hundred percent foreign investment;
- (b) “on-board Mailing Operator and Courier Service Provider” means such Mailing Operator and Courier Service Provider which is conducted with the approval of customs authority and other authorities through the land border of Bangladesh on the basis of counterpart agreement;

- (c) “international Mailing Operator and Courier Service Provider” means such Mailing Operator and Courier Service Provider which is operated by following the guidelines of International Association of Travel Agencies, Warsaw convention and rules declared by other authorities and for the international Mailing Operator and Courier Service Provider.

(2) Inland Mailing Operator and Courier Service Provider shall be classified in the following category, namely:—

- (a) “ACU-1” licence is for conducting inland Mailing and Courier Service business in the capital city of Dhaka and other city corporation areas;
- (b) “ACU-2” licence is for conducting inland Mailing and Courier Service business in the capital city of Dhaka, other City Corporations and district head quarters areas;
- (c) “ACU-3” licence is for conducting inland Mailing and Courier Service business in the capital city of Dhaka, other City Corporations, district and upazila headquarter areas;
- (d) “ACU-4” licence is for conducting inland Mailing and Courier Service business around country;
- (e) “ACU-5” licence is for the Mailing and Courier Service Provider conducting its business on the basis of joint investment and joint-partnership of a foreign company and a company incorporated in Bangladesh;
- (f) “ACU-6” licence is for conducting inland Mailing and Courier Service business in Bangladesh as franchisee of a foreign Mailing Operator and Courier Service Company;
- (g) “ACU-7” licence is for a hundred percent foreign investor company having the registration of the Board of Investment and approval of appropriate authority for conducting inland Mailing and Courier Service business in Bangladesh.

(3) On-Board Mailing Operator and Courier Service Provider shall be classified in the following category, namely:—

- (a) “ABUCU-1” licence is for those conducting on-board Mailing and Courier Service business having hundred percent local investments;

- (b) “ABUCU-2” licence is for those conducting on - board Mailing and Courier Service business on the basis of joint investment and joint-partnership of a foreign company and a company incorporated in Bangladesh;
- (c) “ABUCU-3” licence is for those involved with on-board Mailing and Courier Service business in Bangladesh as franchisee of a foreign Mailing Operator and Courier Service Company;
- (d) “ABUCU-4” licence is for a hundred percent foreign investor company having the registration of the Board of Investment and approval of appropriate authority for conducting on-board Mailing and Courier Service business in Bangladesh.

(4) International Mailing Operator and Courier Service Provider shall be classified in the following category, namely :—

- (a) “AACU-1” class licence is for those involved with international Mailing and Courier Service business having business with at least one hub or principal company;
- (b) “AACU-2” licence is for those conducting international Mailing and Courier Service business on the basis of joint investment and joint-partnership with a foreign company and a company incorporated in Bangladesh;
- (c) “AACU-3” licence is for those involved with international Mailing and Courier Service business in Bangladesh as franchisee of a foreign Mailing Operator and Courier Service Company;
- (d) “AACU-4” licence is for a hundred percent foreign investor company having the registration of the Board of Investment and approval of appropriate authority for conducting international Mailing and Courier Service business in Bangladesh.

(5) If any Mailing Operator and Courier Service Provider intend to conduct such category of Mailing and Courier Service business, which is other than the category of such licence that shall be obtained, it shall have to obtain the other category of licence according to terms of these rules.

19. Licence fees, renewal fees, security, etc.—(1) For the purpose of conducting the business of the Mailing Operator and Courier Service under licence or agency permit shall pay licence or agency permit fees as mentioned in Schedule 7 in favour of the Chairman, the Licensing Authority, in any General Post Office (GPO) or Principal Post Office situated in district headquarters under the Economic Code.

(2) The licence and agency permit granted under these rules shall have a validity period of three years from the date of its issuance and it may be renewed by the Licensing Authority by paying the prescribed fees mentioned in Schedule 7.

(3) For the purpose of obtaining licence, Mailing Operator and Courier Service Provider shall submit a bank guarantee of an amount mentioned in Schedule 7 from any scheduled bank in favour of the Licensing Authority as security.

(4) When the business of the Mailing Operator and Courier Service Provider are wound up or liquidated or if no administrative fine is imposed by the Licensing Authority for any offence then the bank guarantee given as security may be refunded on the basis of an application addressed to the Licensing Authority.

(5) The amount of administrative fine shall be paid in favour of the Licensing Authority either to the General Post Office (GPO) or Principal Post Office situated in the district headquarters under the Economic Code.

(6) Every Mailing Operator and Courier Service Provider shall pay the compensation fees applicable to it in the Economic Code as determined by the Licensing Authority as per the rate and procedure mentioned in schedule 7.

CHAPTER V

Investigation, administrative fine, penalty, etc.

20. Investigation of complaint.—(1) If there is any non-compliance of any provisions of these rules or any written complaint is submitted to the Licensing Authority or any such complaint comes to the knowledge of the Licensing Authority for breaching the conditions of licence, it shall be recorded in the concerned register maintained in the office of the Licensing Authority in the form of a complaint.

(2) The Chairman shall, within 3(three) working days after the receipt of such complaint under sub-rule (1), constitute an investigation committee consisting of one or more than one officer and if the committee is constituted by more than one officer, the Chairman shall determine who shall act as head of the committee for investigating the matter of such complaint.

(3) The Investigation Committee shall, within 7(seven) working days after the constitution of such Committee, proceed on to investigate and inform the time and place of investigation along with the matter of such investigation to the accused Mailing Operator and Courier Service Provider in writing.

(4) The Investigation Committee shall conduct the investigation by following the existing rules and regulations relating to investigation and may, where necessary with the assistance of the law enforcing agency, make on the spot inspection to the office of the accused Mailing Operator and Courier Service Provider and also other places or institutions related thereto.

(5) The Investigation Committee may, after examining the depositions, written statements and relevant papers of both the accused and complainant and, if necessary, allowing both the parties to submit documentary evidence, hear any third party if related thereto.

(6) The Investigation Committee shall, concluding the investigation within 15 (fifteen) working days after the constitution of that Committee, submit its investigation report to the Licensing Authority within 10 (ten) working days from the date of its completion; and shall, in the report recommend with its observations specifically on all of the allegations made.

(7) The Licensing Authority shall take steps to provide necessary secretarial assistance to the Investigation Committee.

(8) If the investigating matter under these rules is pending to any authority under the jurisdiction of any court or under any other law, the Investigating Committee shall inform the Licensing Authority of that matter in details.

21. Imposition of administrative fine, suspension of licence, etc.—(1) On the basis of the recommendation of the investigation report under rule 20, the Licensing Authority shall, by issuing a show cause notice to the accused Mailing Operator and Courier Service Provider within 07 (seven) working days on the receipt of the investigation report, direct the chief of such institution to furnish a written statement and necessary documents , by appearing before the Licensing Authority in person or through representative within 30 (thirty) working days from the service of such notice.

(2) The Licensing Authority may, subject to a reasonable ground, extend the time of hearing under this rule for a further period of 15 (fifteen) working days.

(3) The Licensing Authority may, after hearing and examining the concerned documents, the investigation report submitted by the Investigation Committee and reviewing the depositions of the accused Mailing Operator and Courier Service Provider, impose the following administrative fine, or pass appropriate orders, namely :—

- (a) an administrative fine not exceeding Taka 20,000 (twenty thousand) or forfeiture of twenty percent security money, or with both, if the conditions mentioned in (a), (b), (c), (d),(e) or (k) of rule 13(2) are breached;
- (b) an administrative fine not exceeding Taka 40,000 (forty thousand) if the conditions mentioned in(f) or (g) of rule13(2) are breached ;
- (c) an administrative fine not exceeding Taka 50,000 (fifty) thousand if the conditions mentioned in (h) , (i) or (j) of rule 13(2) are breached;
- (d) suspension or cancellation of the licence, if there is any repetition of breach of any condition mentioned in (h), (i) or (j) of rule 13(2).

(4) The amount of administrative fine imposed under sub-rule (3) shall be deposited within 30 (thirty) days from issuing order in such manner as laid down in sub-rule (5) of rule 19.

(5) In the case of suspension order of licence made by the Licensing Authority under clause (d) of sub-rule (3), the period of suspension shall specifically be mentioned in the order of administrative fine and the Mailing Operator and Courier Service Provider or any branch or agent thereof shall not conduct business during the suspension period.

(6) The matter of cancellation of licence shall be published at least in two national dailies, and hanging up in front of the Head office and branch offices, and in the website of the Authority for public information.

(7) The Licensing Authority may communicate the matter mentioned in sub-rule (6) to the law enforcing agency and other relevant authorities for information.

(8) The concerned Mailing Operator and Courier Service Provider may submit a petition to the Secretary of the Ministry under rule 23 for reviewing the order of administrative fine imposed under sub-rule (3) within 30(thirty) working days from the date of such order.

(9) The Licensing Authority shall, if the allegation is not proved, discharge the accused Mailing Operator and Courier service Provider from the allegation and filing up the investigation report.

(10) The process of investigation and imposition of administrative fine under these rules shall be completed within 90 (ninety) working days after the entry of allegation under sub-rule 20(1).

(11) The Licensing Authority may, with the prior approval of the Government, determine the procedure of conducting investigation of allegation, holding hearing and the manner of imposing administrative fine and, if required, may make amendment to, modification of, and insertion to, it.

22. Penalty, etc.—If any accused Mailing Operator and Courier Service Provider does not deposit the administrative fine imposed under these rules for breaching the conditions of licence within the time specified by the imposition order or does not appear in response to the notice given under rule 21 or 23 then that violation shall be deemed to be an offence under section 58 of the Act and the violator shall be punished accordingly.

23. Review.—(1) Where the Mailing Operator and Courier Service Provider is aggrieved by an order of administrative fine made under rule 21 may apply, with a copy of the order, for redress against that order, within 30 (thirty) days from the date of receipt of the order, to the Secretary, Ministry of Post and Telecommunication for reviewing the order and a copy of the petition shall be forwarded to the Licensing Authority if applied for that.

(2) Within 15(fifteen) working days from the date of filing of the review petition, a notice shall be issued to the chief of the aggrieved Mailing Operator and Courier Service Provider for being present in person or through representative and the date, time and place of hearing shall be mentioned in such notice.

(3) No review petition shall be disposed of unless the Licensing Authority is given the opportunity of being heard as to support of the imposition of administrative fine by it.

(4) The Secretary, Ministry of Post and Telecommunication may, disposing the review petition submitted under sub-rule (1) according to the procedure determined by him, give his decision and communicate it to the petitioner and the Licensing Authority within 7 (seven) working days of giving such decision.

(5) The operation of the order made by the Licensing Authority shall be suspended until the decision is taken after the submission of the review petition.

(6) The decision taken under sub-rule (4) in respect of the review shall be deemed to be final.

(7) The Secretary, Ministry of Post and Telecommunication, may delegate his power of review under this rule to any of his immediate subordinate.

**CHAPTER VI
MISCELLANEOUS****24. Application and use of information and communication technology.—(1)**

All notices, orders, and instructions along with other matters to be published under the Act and these rules may be published through electronic system and the Licensing Authority may, with the prior approval of the Government, take necessary steps in this behalf.

(2) The electronic system and policy related thereto shall be determined by the Government.

Explanation.—For the purposes of this rule “electronic system” means the processing of information directly in the website.

(3) The provisions of the Information and Communication Technology Act, 2006 (Act No. 39 of 2006) and the rules or regulations made thereunder shall be, so far as possible, followed in the application and use of information and communication technology.

25. Government’s power to remove difficulties.—If any difficulty arises from the ambiguity in any provision of these rules or the provisions relating to the powers and functions of the Licensing Authority for implementation thereof, the Government may, by notification in the *Official Gazette*, give necessary directions with classification and explanation of such provisions in consistence with the provisions of the Act and other provisions of these rules.

26. Original text and English text.—The original text of these rules shall be in Bangla and there shall be an authentic text translated in English thereof:

Provided that in the event of conflict between the Bangla and English text, the Bangla text shall prevail.

27. Repeal and Savings.—(1) The Mailing Operator and Courier Service Rules, 2011 issued vide SRO NO. 288-Law/2011; date: 13 September, 2011 BC, of the Ministry of Post and Telecommunication, is hereby repealed.

(2) Notwithstanding such repeal, any order made, direction given or anything done or any suit instituted under the repealed rules shall be deemed to have been made, given, done or instituted from the commencement of these rules.

Schedule-1
[See rule 2(7)]

[Specimen application Form for Licence of Mailing and Courier Service Business]

Government of the People's Republic of Bangladesh
Ministry of Post and Telecommunication
Licensing Authority for Mailing Operator and Courier Service Provider
Dhaka-1000

Three (3) copies attested photographs
of the chairman/managing
director/proprietor/authorized
representative.

Application Form for the Licence of Mailing and Courier Service Business

1. Name of the institution:

2. Type of institution (put ✓ mark) :

	Private Limited Company		Public Limited Company		Partnership business		Sole proprietorship	Others

3. Name of the Managing Director/CEO/Managing Agent/ Proprietor/ Agent/
Managing Partner/Authorized Representative:

4. Address of the Head Office/Business office:

Phone		Fax	
E-mail(if any)			
Website(if any)			

5. Residential Address of the Managing Director/CEO/Agent/Proprietor/Agent/ Managing Partner/Authorized Representative:

Home:	Road :	Sector :
Post Code:	Upazila :	District :
Phone :	Fax:	Mobile :
E-mail:		

6. Statement relating to passport and National Identity of the Managing Director/CEO/Managing Agent/Proprietor/Agent/Managing Partner/Authorized Representative:

Passport No.	
Place and date of issue	
Date of expiry	
National identity No.	

7. Statement of bank account of the institution (Additional sheet may be used where necessary):

Account No			
Name of the bank			
Name of the branch		Address	
E-mail			

8. Certificate of Incorporation No. (Where applicable):Date:
Place:.....
9. Certificate of Commencement of Business No. (Where applicable):.....
Date Place.....
10. Trade licence No. Date of issueDate of expiry.....
11. T I N number.:

			-			-				
--	--	--	---	--	--	---	--	--	--	--

12. Tax Zone/circle:
13. VAT registration No: Date of issue:
Date of expiry:
14. Import and Export licence No. (Where applicable):.....
Date:.....
15. Name of clearing and forwarding agent (where applicable):
Address:
16. Permission letter for transaction of foreign exchange under Foreign Exchange Regulation Act, 1947 and Copy of allotment letter of Air route(where applicable):

17. Class of license applied for (put ✓ mark at the appropriate box):

ACU-1	ACU-2	ACU -3	ACU -4	ACU -5	ACU -6	ACU-7	AGENCY
ABUCU-1	ABUCU-2	ABUCU-3	ABUCU-4	Agency			
AACU-1	AACU-2	AACU-3	AACU-4	Agency			

18. Field of services provided by the applicant institution [As per rule 15 sub-rule (1)] (additional sheet may be used, if necessary.):

Sl.NO	Statement of Business Area

19. List of transports (where applicable) (additional sheet may be used, if necessary):

Name of the manufacturer	Registration No. and date	Chassis No.	Type	Load capacity (where applicable)	Comments

20. Membership of the Courier Service Association recognized by the Government.
No.....Date:

21. Membership of the Trade Association (where applicable) No.....
Date :.....

22. Description of officers and employees as per classification and Organogram
(additional sheet may be used, if necessary):

23. Name of the branch offices/delivery offices (where applicable):

24. List of the Agents (Where applicable):

25. The place/area of business for which application is submitted for agency
Permit (where applicable):

Official Seal:

Signature of the applicant

Date:

Name.....

stamp

Schedule-2

[See rule 2(7)]

[Specimen of Undertaking Form]

Undertaking made before Judicial Magistrate or Notary Public through Advocate

I/We.....(name and address of the Managing Director/Proprietor/Managing Agent/Authorized representative and institution) do hereby undertake that I / we shall be obliged to conduct fair business by maintaining allegiance to the “ Mailing Operator and Courier Service rules, 2013” and applicable rules and regulations of Bangladesh. Firmly resolved to comply with the rules and regulations (applicable to the Mailing Operator and Courier Service Provider) made by the Government from time to time and shall refrain from doing any act contrary to the morality or threat to the people and environment and refrain other people or institutions relating to my/our own Institution.

I further undertake that the information provided in the application form of the Licence is true to the best of my knowledge and belief.

(Signature)

(Name of the authorized person and name, address and telephone No. of Courier Service Provider is to be mentioned)

Witness:

1.....

2.....

Signature of the Advocate

Signature and seal of the Notary Public or Judicial Magistrate

NB: The Undertaking shall be printed in a non-judicial stamp of Tk -150/- (one hundred and fifty).

Schedule-3**[See rule2 (7)]**

[Papers to be enclosed with the Application Form for licence of Mailing and Courier Service business]

Papers to be enclosed with the Application Form for licence of Mailing and Courier Service business (3of each copies)

1. Properly filled up Application Form.
2. Undertaking- (original copy 1 and attested copy - 2).
3. Attested copy of Memorandum and Articles of Association (where applicable).
4. Attested copy of the Board of Directors' approved resolution for obtaining licence (where applicable).
5. Annual statement of last Annual General Meeting or Extraordinary General Meeting (where applicable).
6. Attested copy of Certificate of Incorporation (where applicable).
7. Attested copy of the Certificate of Commencement of Business (where applicable).
8. Attested copy of the Certificate of Membership of a Mailing Operator and Courier Service Association recognized by government.
9. Attested copy of the Certificate of Membership of a Chamber of Commerce (if any).
10. Attested copy of Trade license.
11. Attested copy of VAT Registration Certificate.
12. Attested copy of Income Tax Certificate.
13. Attested copy of Import and Export Registration Certificate (where applicable).
14. List of vehicles (where applicable) (car no. chassis no. and including attested copy of registration certificate).
15. Bio-data of Managing Director / Proprietor / Managing Agent / Authorized Representative (including 3 Copy photograph of passport size).

16. Attested copy of National ID card of Managing Director/Proprietor/Managing Agent/Authorized Representative.
17. Head Office/ business office including all branch offices (with their address, telephone no. mobile no., e-mail id and fax nos.).
18. Audited statement of Chartered Accountant or CA Firm and asset and liability statement of concerned Mailing Operator and Courier Service Provider (where applicable).
19. Attested copy of permit or licence which was granted by any authority of the Government for operating Mailing Operator and Courier Service business (where applicable).
20. Attested copy of Trade Licence of Branches of the concerned Mailing Operator and Courier Service Provider (where applicable).
21. List of manpower of Mailing Operator and Courier Service Provider including organogram and ladder of posts.
22. In the case of international Courier Service business, where applicable, attested copy of Memorandum of Understanding/Agreement, Joint Investment Agreement, and Franchise Agreement/Permit concluded between Principal Company and Agency Company of Bangladesh and in case of foreign investment company, attested copy of permission from Board of Investment, Air route allotment letter, permission of transaction for foreign exchange.
23. In the case of institution engaged in inland Mailing and Courier service business, where applicable, attested copy of Joint Investment Agreement, Franchise Agreement/Permit and in case of foreign investment company, permission from Board of Investment.
24. In the case of on-board Mailing and Courier Service business, where applicable, attested copy of Joint Investment Agreement, Franchise Agreement/Permit and in case of foreign investment company, permission from Board of Investment, Counterpart Agreement.
25. Attested Copy of title deed of the Head office established in its own land including the schedule of land and Agreement for rent where the Head office established in a rental land or building.

Schedule-4
[See rule 2(7)]
(Specimen of Licence)

Three (3) copies attested photographs
of the chairman/managing
director/proprietor/authorized
representative.

Government of the People's Republic of Bangladesh
Ministry of Post and Telecommunication

Licensing Authority for Mailing Operator and Courier Service Provider
Dhaka-1000

Licence No.

Date :

**Licence for conducting Mailing and Courier Service business under Mailing
Operator and Courier Service Rules, 2013**

1. Name of the institution:
2. Address of the Central office of the Business:
3. Name of the Managing Director/CEO/Managing Agent/Proprietor/Agent/
Managing Partner/Authorized Representative :
4. Residential address of the Managing Director/ CEO/Managing Agent/
Proprietor/ Agent/ Managing Partner/Authorized Representative:
.....
5. Class of the Mailing Operator and Courier Service:
6. Licence fees:
7. Receipt No. and date of paying Licence fees:
8. Period of Licence:

Seal with name and post of the Licensing Authority

Signature of the Chairman of the
Licensing Authority or the person
Authorized by him

Schedule- 4(1)
[See rule 2 (7)]
(Specimen of Agency Permits)

Three (3) copies attested photographs
of the chairman/managing
director/proprietor/authorized
representative.

Government of the People's Republic of Bangladesh
Ministry of Post and Telecommunication
Licensing Authority for Mailing Operator and Courier Service provider
Dhaka-1000

Agency Permit No.....

Dated:

**Agency Permit for conducting Mailing and Courier Service business under
the Mailing Operator and Courier Service Rules, 2013**

1. Name of the Agency:
2. Business address of the Central office of the Agency:
3. Name of the Managing Director/ CEO/Managing Agent/ Proprietor/
Agent/ Managing Partner/Authorized Representative of the Agency:
.....
4. Name of the Principal Mailing Operator and Courier Service institution:
.....
5. Business address of the Central office of the Principal Mailing Operator
and Courier Service Provider:
6. Category of Agency ship of the Mailing Operator and Courier Service
Provider:
7. Agency Permit fees:
.....
8. Receipt No. and date of paying Agency Permit fees:
.....
9. Period of Agency Permit:
.....

Seal with name and post of the Licensing Authority

Signature of the Chairman of the
Licensing Authority or the person
Authorized by him

Schedule-5

[See rule 2 (7)]

(Specimen of Certificate of Renewal of Licence)**Government of the People's Republic of Bangladesh****Ministry of Post and Telecommunication****Licensing Authority for Mailing Operator and Courier Service provider.****Dhaka-1000**

Renewed Licence Certificate No : Date :

Certificate of Renewal of Licence for conducting Mailing and Courier Service business under Mailing Operator and Courier Service Rules, 2013

1. Name of the institution:
2. Business address of Central office of the institution:
.....
3. Name of the Managing Director/ CEO/Managing Agent/Proprietor/ Agent/
Managing Partner/Authorized Representative of the institution :
.....
4. Category of the Mailing Operator and Courier Service Provider :
.....
5. Licence renewal fees:
6. Deposit Receipt No. of the Licence renewal fees:
7. Licence No. and date of which is issued earlier:
.....
8. Period of renewed Licence:.....

Seal with name and post of the Licensing Authority

Signature of the Chairman of the
Licensing Authority or the person
Authorized by him

Schedule-5(1)
[See rule 2 (7)]
(Specimen of Agency Permits)

Government of the People's Republic of Bangladesh
Ministry of Post and Telecommunication
Licensing Authority for Mailing Operator and Courier Service Provider.
Dhaka- 1000

Renewed Agency Permit No : Date :

Certificate of Renewal of Agency Permit for conducting Mailing and Courier Service business under Mailing Operator and Courier Service Rules, 2013

1. Name of the Agency:
2. Business address of Central office of the Agency:
3. Name of the Managing Director/ CEO/Managing Agent/ Proprietor/ Agent/ Managing Partner/Authorized Representative of the Agency:
4. Name of the Principal Mailing Operator and Courier Service Provider:
5. Business Address of the Central office of the Principal Mailing Operator and Courier Service Provider:
6. Category of Agency ship of Mailing Operator and Courier Service Provider:
7. Agency Permit Renewal fees:
8. Receipt No. and date of Agency Permit Renewal fees:
9. Agency permit No. and date issued earlier:
10. Period of Renewed Agency Permit:

Seal with name and post of the Licensing Authority

Signature of the Chairman of the
Licensing Authority or the person
Authorized by him

Schedule-6
[See rule 2(7)]
[List of Prohibited goods]

Following goods shall be included as Prohibited goods under these rules,namely :—

1. Prohibited articles as mentioned in rule 49 of Post Office Rules, 1961;
2. Narcotic goods as mentioned in Narcotic Control Act, 1990.
3. Drugs as mentioned in the Drugs (Control) Ordinance, 1982;
4. Exclusives substance as defined in Explosive Substances Rules, 2004 and Explosive Substances Act, 1908;
5. Arms as mentioned in Arms Act, 1878 and Explosives Act, 1884;
6. Prohibited goods as mentioned in the Acid Control Act, 2002;
7. Prohibited goods as mentioned in the Customs Act, 1969;
8. Prohibited goods as mentioned in the Import and Export Policy or Order;
9. Goods imported by evading tax and smuggled goods;
10. Goods declared under any law or rules as detrimental to public health, public safety or environment and hazardous chemicals, nuclear items or threatening item for life;
11. Goods declared prohibited by the Government from time to time.

Schedule-7
[See rule 2(7)]

[Security, Licence fees, renewal fees, Agency Permits fees, Permit renewal fees, compensation fees]

Security, Licence fees, renewal fees

Sl No.	Sub-category of the Mailing Operator and Courier Service Provider	Bank guarantee as Security (in Taka)	Licence fees (in Taka)	Renewal fees (in Taka)
1	2	3	4	5
01.(a)	ACU-1 class	3,00,000	50,000	30,000
(b)	ACU- 2 class	5,00,000	1,00,000	60,000
(c)	ACU- 3 class	7,00,000	1,50,000	1,00,000
(d)	ACU-4 class	10,00,000	2,00,000	1,00,000
(e)	ACU- 5 class	50,00,000	20,00,000	15,00,000
(f)	ACU- 6 class	1,00,00,000	50,00,000	30,00,000
(g)	ACU- 7 class	5,00,00,000	1,00,00,000	60,00,000

1	2	3	4	5
02.(a)	ABUCU-1	1,00,000	10,000	5,000
(b)	ABUCU-2	20,00,000	5,00,000	3,00,000
(c)	ABUCU-3	50,00,000	20,00,000	15,00,000
(d)	ABUCU-4	2,00,00,000	50,00,000	30,00,000
03 (a)	AACU-1	5,00,000	25,000	15,000
(b)	AACU- 2	20,00,000	5,00,000	3,00,000
(c)	AACU- 3	50,00,000	20,00,000	15,00,000
(d)	AACU- 4	2,50,00,000	50,00,000	30,00,000

Agency Permit fees and Permit Renewal fees

Sl. No	Sub-category of the Mailing Operator and Courier Service Provider	Agency Permit fees (in Taka)	Agency permit Renewal fees (in Taka)
01 (a)	ACU- 1 to ACU- 4	500	200
(b)	ACU- 5	5,000	3,000
(c)	ACU- 6	50,000	25,000
(d)	ACU- 7	1,00,000	4,000
.02 (a)	ABUCU- 1	1,000	500
(b)	ABUCU- 2	5,000	2,500
(c)	ABUCU- 3	25,000	12,500
(d)	ABUCU- 4	50,000	25,000
.03 (a)	AACU- 1	1,000	500
. (b)	AACU- 2	5,000	2,500
(c).	AACU 3	2,00,000	1,00,000
(d).	AACU- 4	5,00,000	2,50,000

Compensation fees

Sl. No	Head	Amount of fees (in Taka)
01.	In the case of inland Mailing Operator and Courier Service Provider, on the basis of Income tax return and VAT statement:	
(a)	Each booked document	0.20

Sl. No	Head	Amount of fees (in Taka)
(b)	Each booked goods/carton	1.00
(c)	Each booked logistic goods/carton	2.00
(d)	Each booked express service goods/carton	3.00
(e)	Each booked value declared goods/carton	5.00
02.	In the case of on - board Mailing Operator and Courier Service Provider, goods, excepting arrival and departure document, per kg (on the basis of bill of entry)	2.00
03.	In the case of international Mailing Operator and Courier Service Provider, goods, excepting arrival and departure document, per kg (on the basis of House Airway Bill)	6.00

By order of the President

MD.FAIZUR RAHMAN CHOWDHURY

Secretary.