

**AGREEMENT<sup>1</sup> RELATING TO THE EXCHANGE  
OF INSURED LETTERS BETWEEN THE  
GOVERNMENT OF INDIA AND HIS  
MAJESTY'S GOVERNMENT  
OF NEPAL**

**New Delhi, 8 September 1964**

---

The Government of India and His Majesty's Government of Nepal,  
DESIROUS of establishing an exchange of Insured Letters between  
the Postal Administrations of India and Nepal,  
HAVE agreed as follows :

*Article 1*  
**Exchange of Insured Letters**

There shall be a regular exchange of insured letters between the Postal Administration of India and the Postal Administration of Nepal. The exchange of insured letters between the two countries shall be performed through offices of exchange constituted for the exchange of letter mails.

*Article 2*  
**Authorised Enclosures**

Insured letters may contain paper values or documents of value with insurance of the contents for the value declared by the sender as prescribed in the following Article.

*Article 3*  
**Insured Value**

1. A letter may be insured upto a limit of 1,000 gold francs as defined in Universal Postal Convention or such other limit as may be mutually agreed upon.

---

1. Came into force on 13 April 1965.

2. The insurance fee that shall 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 per cent of the Insured value.
3. The insured value shall not exceed the actual value of the contents of the letter, but it shall be permissible to insure only part of that value; the amount of insurance for papers representing a value, because of the cost of their preparation shall not exceed the cost of replacing the document in case of loss.
4. Fraudulent insurance for a value greater than the actual value of the contents of the letter shall be liable to the legal proceedings prescribed by the legislation of the country of origin.

#### *Article 4*

### **General Conditions for Issue of Insured Letters**

1. Insured letters shall be subject to the conditions of weight and size applicable to ordinary letters.
2. The prepayment of the postage charge, the fixed registration fee and the insurance fee on an insured letter shall be compulsory.

#### *Article 5*

### **Prohibitions**

1. The forwarding of insured letters containing the following articles shall be prohibited :
  - (a) articles which, by their nature or their packing, may expose officials to danger, or soil or damage correspondence;
  - (b) opium, morphine, cocaine and other narcotics;
  - (c) articles the admission of which is prohibited by law or by the customs or other regulations;
  - (d) explosive, inflammable or dangerous substances;
  - (e) obscene or immoral articles;
  - (f) living animals.
2. Insured letters shall not contain coin, platinum, gold or silver, manufactured or not, precious stones or jewels and other valuable articles.

*Article 6*  
**Treatment of Letters Wrongly Admitted**

1. Any insured letter which does not satisfy the provisions of Article 4 and which has been wrongly admitted shall be returned to the Administration of origin.

Nevertheless, the Administration of destination is authorised to deliver it to the addressee, applying to it the charges and surcharges, if any, according to the inland rules of the country of destination.

2. Any insured letter containing the articles mentioned in Article 5 and which has been wrongly admitted shall be dealt with according to the internal legislation of the country of the Administration which established the presence of those articles.
3. When an insured letter which has been wrongly admitted, is neither returned to origin nor sent on to the addressee, the Administration of origin shall be informed exactly how the letter has been dealt with.

*Article 7*  
**Free Postage**

Insured letters on postal service exchanged between the two Postal Administrations are exempted from all postal charges.

*Article 8*  
**Responsibility for Loss or Damage**

Except as provided for in Article 9, the two Postal Administrations shall be responsible for the loss of, abstraction from or damage to insured letters.

*Article 9*  
**Exceptions to the Principle of Responsibility**

The two Postal Administrations shall be relieved of all responsibility :

- (a) in circumstances beyond control (*force majeure*);
- (b) when their responsibility not having been proved otherwise, they are unable to account for insured letters in consequence of the destruction of official documents through a cause beyond control (*force majeure*);
- (c) when the damage has been caused by fault or negligence of the sender, or when it arises from the nature of the article;

- (d) when it falls within the prohibitions specified in Article 5;
- (e) when a letter has been fraudulently insured for a sum exceeding the actual value of the contents;
- (f) when the sender has made no enquiry within one year from the day after that on which the letter was posted;
- (g) when it is a question of letters confiscated under the internal legislation of the country of destination.

#### *Article 10*

### **Cessation of Responsibility**

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

#### *Article 11*

### **Payment of Compensation**

1. The sender shall be entitled to a compensation corresponding to the actual amount of the loss, abstraction or damage, except that it shall in no case exceed the amount of the insured value.
2. Indirect loss or loss of profits shall not be taken into consideration.
3. The compensation shall be calculated in accordance with the current price of article of the same nature at the place and time at which the articles were accepted for transmission.
4. When the compensation is due for the loss, total destruction or total abstraction of an insured letter, the sender shall also be entitled to repayment of charges and fees paid, with the exception of insurance fee which shall be retained in every case by the Administration of origin.
5. The payment of compensation shall be undertaken by the Postal Administration of the country of origin or, if the sender has waived his rights in favour of the addressee, by the Postal Administration of the country of destination. The paying Administration retains the right to make a claim against the Administration responsible.
6. Compensation shall be paid as soon as possible, and at the latest, within one year from the day following the date of enquiry.
7. The Postal Administration of the country of origin or of destination, as the case may be, shall be authorised to pay compensation to the person entitled to receive it, on behalf of the

concerned Administration which after being duly informed of the application, has let nine months pass without giving decision in the matter. The Postal Administrations responsible for making payment may, in exceptional cases, postpone it beyond the period of one year when the decision has not yet been reached on the question whether the loss, damage or abstraction is due to a cause beyond control.

*Article 12*

**Apportionment of Responsibility**

1. Until the contrary is proved, responsibility shall rest with the Postal Administration which having received the insured letter without making any reservation and being provided with all the prescribed means of enquiry, cannot prove either delivery to the addressee or his agent or regular transfer to the other Administration.
2. If the loss, abstraction or damage 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. If however the loss, abstraction or damage has been established in the country of destination or in the case of return to the sender in the country of origin it rests with the Administration of that country to prove that neither the packet, envelope or bag and its sealing nor the packing and sealing of the item showed any apparent defect and that the weight did not differ from that recorded at the time of posting; when such proof has been furnished by the Administration of destination or of origin, as the case may be, the other Administration concerned may not repudiate its share of the responsibility on the ground that it handed over the letter without the receiving Administration having formulated any objection.
3. The same principle shall, as far as possible, be applied when other Administrations are concerned in the conveyance of insured letters.
4. The customs duty and other charges of which it has not been possible to secure cancellation shall be borne by the Administrations responsible for the loss, abstraction or damage.
5. The Administration which has paid the compensation takes over the rights, up to the amount of the compensation, of the person who has received it in any action which may be taken against the addressee, the sender or a third party.

6. If any insured letter which has been regarded as lost is subsequently found in whole or in part the sender or the addressee to whom the compensation has been paid shall be informed that he may take delivery of it within a period of three months on repayment of the amount of compensation received.
7. If the person to whom compensation has been paid takes delivery of the insured letter after the repayment of the amount of the 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 insured letter, it becomes the property of the Administration which bore the loss.
8. The responsibility of one Administration towards the other shall be in no case binding beyond the adopted limit of insured value per letter.

#### *Article 13*

### **Responsibility in Transit**

1. Each Postal Administration agrees to accept in transit through its service, to and from any country with which it has insured letter service, insured letters originating in or addressed for delivery in the service of the other Administration.
2. The insured articles emanating from Nepal destined to a third country transiting through India shall be sent "*a' de'couvert*".

#### *Article 14*

### **Application of the Convention**

As regards everything not expressly provided for in the Agreement, the provisions of the Universal Postal Convention regarding letters, shall also be applicable to insured letters.

#### *Article 15*

### **Miscellaneous Provisions**

1. 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 Postal Administrations of the two countries from time to time by mutual consent.

2. The internal legislation of Nepal and India shall remain applicable as regards everything not provided for in the present Agreement and the Detailed Regulations.

*Article 16*

**Entry Into Force**

This Agreement shall be subject to ratification. The instruments of ratification shall be exchanged at New Delhi. The Agreement shall enter into force with effect from the 13th April, 1965. 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 the purpose, have signed this Agreement in two originals.

DONE at New Delhi, this the Eighth day of September, 1964.

For the Government of India

For His Majesty's  
Government of Nepal

*Sd/-*

*Sd/-*

M. DAYAL  
Member (Posts), Posts and  
Telegraphs Board and Ex-Officio  
Joint Secretary.

YADU NATH KHANAL  
Royal Nepalese  
Ambassador in India.

---

**DETAILED REGULATIONS FOR THE EXECUTION OF THE  
INSURED LETTERS AGREEMENT**

*Article 1*

**Method of Transmission**

1. Each Administration shall forward insured letters delivered to it by the other Administrations for conveyance in transit, through its territory by the routes and means which it uses for its own insured letters.
2. The exchange of insured letters between the two countries shall be effected by the offices designated by mutual consent of the two Postal Administrations.

*Article 2***Information to be Furnished**

1. Each Administration shall communicate to the other all necessary information on points of detail in connection with the exchange of insured letters between the two Postal Administrations and also the names of the countries to which it can forward insured letters handed over to it.
2. Each Administration shall make known to the other the names of the countries to which it intends to send insured letters in transit through the other.

*Article 3***Make up of Insured Letters**

Insured letters shall fulfill the following conditions to be admitted to the post :

- (a) The envelopes must be closed by means of identical seals in fine wax, with spaces between, reproducing a private mark of the sender and affixed in sufficient number to secure all the folds of the envelope;
- (b) The envelopes must be strong, made one piece and shall permit the seals to adhere completely; the use of envelopes which are wholly transparent or which have a transparent panel and of envelopes with coloured borders is prohibited;
- (c) The make-up must be such that the contents cannot be tampered with without obvious damage to the envelope or the seals;
- (d) The postage stamps representing the prepaid postage and the service labels must be spaced out so that they cannot serve to hide damage to the envelope; they shall not be folded over the two sides of the envelope. It is prohibited to affix to insured letters labels other than those relating to the postal service;
- (e) The prepaid postage shall be represented by the indication (in figures) of the sum collected, expressed in the currency of the country of origin; this indication shall be marked at the upper right hand corner of the address side and authenticated by an impression of the date stamp of the office of origin; and



- (f) Insured letters addressed to initials or the address of which is shown in pencil and those which have erasures or corrections in their address are not admitted; such insured letters which have been wrongly admitted must be returned to the office of origin.

*Article 4*  
**Insured Value**

1. The insured value shall be expressed in the currency of the country of origin and written by the sender or his representative on the address side of the insured letter in Roman letters and in Arabic figures, without erasures or alterations, even if certified; the indication of the amount of insured value must not be made in pencil.
2. The amount of insured value must be converted into gold francs by the sender or by the office of origin; result of conversion must be shown by new figures placed on the side or below those representing the amount of insurance in the currency of the country of origin.
3. When circumstances of any kind or statement made by interested parties disclose a fraudulent insurance for a value greater than the actual value enclosed in a letter, the Administration of origin shall be informed as soon as possible with any document in support of the investigation.

*Article 5*  
**Functions of the Office of Origin**

After accepting an insured letter as eligible, the office of origin shall proceed as follows :

- (a) it shall mark the exact weight in grams/ounces on the letter at the upper left hand corner at the address side;
- (b) it shall add to the address side a stamp showing the office and date of posting;
- (c) it shall affix a label bearing the name of the office of posting and the serial number of the insured letter in Roman letters; and
- (d) it shall affix a red label bearing in bold letters the indication "*Valeur déclarée*" (Insured).

*Article 6***Operations at the Despatching Office of Exchange**

1. The despatching office of exchange shall enter the insured letters on the special despatch list in the Form of the annexed Specimen 'A'.
2. Insured letters tied up together shall be made up with the special despatch list/lists into one or more insured bundles. The insured letter or the bundle of letters may be placed in a strong paper envelope sealed with fine wax on every fold by means of the seal of the despatching office of exchange. The letters shall be endorsed "Insured letters" (lettres avec Valeur déclarée).
3. The envelope of insured letters shall be enclosed in the bag containing registered items of correspondence. When the mail includes more than one registered bag, the packet or the bag of insured articles should be placed in the registered bag to the neck of which is tied the special envelope containing the registered despatch list.

*Article 7***Check by the Receiving Office of Exchange**

1. On receipt of the envelope or a bag containing insured letters, the office of exchange shall see that there is no irregularity in the external condition of the envelope or the bag and that it has been made up in accordance with the provisions of Article 6. It shall check the number of insured letters and inspect them individually verifying with the concerned documents which accompany them.
2. Notification of a missing item or any other irregularity which is of such a kind as to involve the responsibility of the Administrations, is carried out by means of a telegram to be followed by a formal report in the Specimen Form given in Annexure 'B'. This report shall be accompanied with the packing materials of the insured items forwarded under registered post to the Postal Administration of the country of origin, a duplicate of the report being sent to the despatching office of exchange.
3. The office of exchange which receives from a corresponding office damaged or insufficiently packed insured item shall send it after observing the following rules :
  - (a) If it is a case of slight damage or partial destruction of seal, it is sufficient to re-seal the insured item to safeguard the contents; provided the contents are not damaged nor,

according to a check of the weight, short. The existing seals shall be preserved and if necessary, then it shall be reclosed retaining the original packing as far as possible.

- (b) If the state of the insured letter is such that the contents could have been withdrawn the office of exchange shall open it of its own accord and check the contents. The result of this check shall be reported by a formal report in the Specimen Form given in Annexure 'B' a copy of which shall be attached to the article and the article shall then be reclosed.
- (c) In all these cases, the weight of the insured article on arrival and the weight after reclosing shall be noted on the cover followed by the indication "Repacked at....." along with an impression of the date stamp and the signature of the official who has reclosed the article.

#### *Article 8* **Redirection**

1. Every insured letter, the addressee of which has left for a country which has no direct insured letter service with either of the two countries, shall be sent back forthwith to the Administration of origin for return to the sender unless the Administration of first destination is able to arrange for its delivery to the addressee.
2. Insured letters which have not been delivered shall be sent back as soon as possible, and at the latest, within the periods laid down in the Universal Postal Convention.
3. The customs duty and other non postal charges of which it has not been possible to secure cancellation on redirection or on return to origin are collected from the Administration of the new destination under the conditions laid down in the Universal Postal Convention.

#### *Article 9* **Application of Detailed Regulations of the Universal Postal Convention**

The provisions of the Detailed Regulations of the Universal Postal Convention regarding letters shall govern matters not expressly regulated by the provisions of the present Detailed Regulations.

#### *Article 10* **Communication and Notification**

Each Postal Administration shall furnish to the other all necessary information on points of detail in connection with the working of the service.

*Article 11*  
**Entry into Force**

1. The present Regulations shall come into force on the day on which the Agreement relating to the exchange of insured letters between His Majesty's Government of Nepal and the Government of India comes into force.
2. They shall have the same duration as the Agreement. The two Postal Administrations concerned shall however have the power by mutual consent to modify the details from time to time.

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

DONE at New Delhi, this the Eighth day of September, 1964.

For the Government of India

For His Majesty's  
Government of Nepal

*Sd/-*

*Sd/-*

M. DAYAL  
Member (Posts) Posts and  
Telegraphs Board and  
Ex-Officio Joint Secretary.

YADU NATH KHANAL  
Royal Nepalese Ambassador  
in India.

---

**EXCHANGE OF LETTERS**

No. 26/1/60-CF

M. DAYAL  
Member (Posts)  
Posts & Telegraphs

Dated, 8th September, 1964

Your Excellency,

In the course of our discussions on the Agreements relating to the exchange of insured letters and of postal parcels between the Government of India and His Majesty's Government of Nepal, signed by us today, reference was made to Article 5 of the Agreement relating to the exchange of insured letters which enumerates the articles, the forwarding of which is prohibited in an insured letter, and to Article 4 of the Agreement relating to the exchange of postal

parcels which enumerates the articles, the enclosure of which is prohibited in a postal parcel.

2. With respect to the provisions of the said Articles, the following understanding was reached between us.

- (1) In view of the fact that free movement of currencies of both the countries exists between India and Nepal each of the contracting party shall prohibit the export and import of currency notes, bank notes, coins and securities of the other country to and from a third country. Accordingly, the Postal Administration of India shall not accept any insured letter or postal parcel which contains the articles mentioned above. Likewise, the Nepalese Postal Administration shall not accept an insured letter or postal parcel which contains the articles mentioned above.
- (2) With regard to insured and uninsured postal parcel destined to a third country, it was agreed that the two Postal Administrations shall not accept such parcels containing goods which freely move between India and Nepal but the export of which is prohibited to a third country either in India or in Nepal. The two Postal Administrations shall exchange the list of goods prohibited for export to a third country through postal parcels.

3. I shall be grateful if you will kindly confirm that the foregoing correctly sets out the understanding reached between us.

Accept, Your Excellency, the assurances of my highest consideration.

Yours sincerely,

*Sd/-*

M. DAYAL

Member (Posts) and Ex-Officio Joint Secretary  
to the Government of India, Leader of the Indian  
Delegation.

His Excellency Shri YADU NATH KHANAL,  
Royal Nepalese Ambassador in India,  
New Delhi and the Leader of the  
Nepalese Delegation.

---

YADU NATH KHANAL  
Royal Nepalese Ambassador  
in India.

Dated 8th September, 1964

Dear Mr. DAYAL,

I write to acknowledge the receipt of your letter No. 26/1/60-CF of today's date, which reads as follows :

"In the course of our discussions on the Agreements relating to the exchange of insured letters and of postal parcels between the Government of India and His Majesty's Government of Nepal, signed by us today, reference was made to Article 5 of the Agreement relating to the exchange of insured letters which enumerates the articles, the forwarding of which is prohibited in an insured letter, and to Article 4 of the Agreement relating to the exchange of postal parcels which enumerates the articles, the enclosure of which is prohibited in a postal parcel.

2. With respect to the provisions of the said Articles, the following understanding was reached between us.

- (1) In view of the fact that free movement of currencies of both the countries exists between India and Nepal each of the contracting party shall prohibit the export and import of currency notes, bank notes, coins and securities of the other country to and from a third country. Accordingly, the Postal Administration of India shall not accept any insured letter or postal parcels which contains the articles mentioned above. Likewise, the Nepalese Postal Administration shall not accept an insured letter or postal parcel which contains the articles mentioned above.
- (2) With regard to insured and uninsured postal parcels destined to a third country, it was agreed that the two Postal Administrations shall not accept such parcels containing goods which freely move between India or in Nepal. The two Postal Administrations shall exchange the list of goods prohibited for export to a third country through postal parcels.

3. I confirm that the foregoing correctly sets out the understanding reached between us."

Accept, Sir, the assurances of my highest consideration.

Yours sincerely,

*Sd/-*

YADU NATH KHANAL  
Royal Nepalese Ambassador in India  
Leader of the Nepalese Delegation.

Shri M. DAYAL  
Member (Posts) and Ex-Officio  
Joint Secretary to the Government  
of India, New Delhi.

---

ANNEXURE 'A'

Despatching Administration Administration of Destination

Stamp of the despatching office of exchange Stamp of the office of exchange of destination

Despatch List No. . . . . of insured letters and Boxes

Despatched by the office of exchange of . . . . . to the office of exchange of . . . . .

Mail No. (1) . . . . . of the . . . . . 19 . . . . , at . . . h. . . . m.

Serial Number	Office of origin	Registration number of the item	Place of destination	Amount of insured value	Observations
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					
30.					

Official of the despatching office : Official of the office destination :

(1) To be filled in only for numbered mails Size : 210 × 297 mm. or 210 × 148 mm.



## ANNEXURE 'B'

Postal Administration

of .....

## REPORT (1)

( loss )  
 concerning the (2) ( theft ) in respect of  $\frac{\text{letter}}{\text{box}}$   
 ( damage ) an insured (2)  
 ( other irregularities )

Report drawn up on the ..... 19 ..... , at ..... h ..... m .....  
 by the office of .....  
 Office of posting ..... Date of posting ..... 19 .....  
 Number of item .....  
 Sender .....  
 Address .....  
 Insured value ..... Trade charge .....  
 Weight shown on item ..... Weight observed on arrival .....  
 Packing .....  
 Number of seals ..... Private mark on seals .....

The item (2)  $\frac{\text{is missing damaged}}{\text{arrived undamaged}}$  in the (2)  $\frac{\text{inner}}{\text{outer}}$  bag of which (2)  $\frac{\text{the closing was}}{\text{lead sealing was}}$  not intact.

The mail arrived on the ..... 19 ..... , at ..... h ..... m .....  
 ( by travelling post office .....  
 (2) ( in the railway van No. ....  
 ( by the ship .....  
 ( by the air line .....

The item was entered on the despatch list no ..... from ..... of the ..... 19 .....

The packing of the item is considered (2)  $\frac{\text{to be}}{\text{not to be}}$  in accordance with regulations

( according to the  $\frac{\text{addressee}}{\text{sender}}$  )

(2) ( ..... ) the contents should have

( from the  $\frac{\text{invoice}}{\text{customs declaration}}$  ) comprised .....

(1) To be sent by registered post.

(2) Strike out whichever entry does not apply.

P.T.O.

On examinations (1) in the presence of the (1)  $\frac{\text{addressee}}{\text{sender}}$ , it has been established

(1) (Consequently ) is  
(According to the addressee ) the following — missing .....  
(According to the sender ) are

(1)  $\frac{\text{the addressee}}{\text{the sender}}$  estimates at an amount of . . . . . the loss by (theft. (loss.  
(damage.)

(1) After reweighing and weighing, the new weight is .....; the item has been forwarded to destination.

(1) The contents have been destroyed by the undersigned office.

(1) The addressee refusethetheitem,  
The sender hasacceptedtheitem, but claims an indemnity of .....

(1) The following are annexed to this report : packing, bag, string, seals, lead seals, etc. (2) :

In faith thereof, we have drawn up this report, of which a duplicate has been sent to . . . . .

Date stamp  
of the office

Signature of two  
postal officials

Signature of the  
addressee or sender

(1) Strike out whichever entries do not apply.  
(2) Indicate precisely the packet or bag concerned.