Customs (Publication of names) Rules, 1975

[M.F. (D.R. & I.) Notification No. 3-Cus., dated 19th January, 1976 as amended by section (50) of Finance Act, 1995 (22 of 1995)]

In exercise of the powers conferred by clause (g) of sub-section (2) of section 156 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement. -

(1) These rules may be called the Customs (Publication of Names) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. -

In these rules, unless the context otherwise requires, -

(a) "Act" means the Customs Act, 1962 (52 of 1962);

(b) "[Commissioner of Customs]" includes an [Additional Commissioner of Customs];

(c) "Proper Officer", in relation to any functions to be performed under the Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963), or the [Commissioner of Customs];

(d) "Section" means a section of the Act.

3. Publication of names and other particulars of persons. -

(1) Subject to the provisions of these rules, the [Commissioner of Customs] shall, once in every three months, cause to be published in the Official Gazette the names and addresses and other particulars specified in sub-rule (2) of the following categories of persons, namely :-

(a) persons who have been convicted by a court for contravention of any of the provisions of the Act or the rules made thereunder;

(b) persons who have been adjudged by a proper officer to have contravened any of the provisions of the Act, or the rules made thereunder, where -

(i) the persons had, on a previous occasion, been similarly adjudged by the proper officer or convicted by a court; or

(ii) the penalty imposed by the proper officer is ten thousand rupees or above.

(2) The other particulars referred to in sub-rule (1) are -

(a) the provisions of the Act or the rules made thereunder contravened;

(b) the particulars regarding the penalty imposed; and

(c) where the officer adjudging has directed confiscation under section 111, or section 113, the particulars regarding such confiscation.

Explanation. - In the case of a firm, company or other association of persons, the names of partners of the firm, directors, managing agents, secretaries and treasurers, or the names of the manager of the company or the names of the members of the association, as the case may be, may also be published if, in the opinion of the [Commissioner of Customs], the circumstances of the case justify such publication.

(3) Notwithstanding anything contained in sub-rule (1), the Central Government may, if it is satisfied that it is necessary or expedient in the public interest so to do, direct the [Commissioner of Customs] to publish the names, addresses and other particulars, specified in sub-rule (2), of any other person who has been held guilty of any contravention of the provisions of the Act or of any rule made thereunder.

(4) Notwithstanding anything contained in this rule, the Central Government may, if it is satisfied that it is necessary or expedient in the interest of investigation under the Act, security of the State, friendly relations with foreign States or otherwise in the interest of the general public, so to do, direct the [Commissioner of Customs] that names of any person or category of persons may not be published.

4. Publications under rule 3 to be made after the specified period. -

No publication under rule 3 shall be made in respect of a person, until the period for preferring an appeal under section 128 has expired without any appeal having been preferred, or such an appeal having been preferred has been disposed of.

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