**Circular No. 84/95**
**dated 25/7/95**

**F.No. 450/61/93-Cus.. IV**

Government of India
Ministry of Finance, Department of Revenue
Central Board of Excise & Customs, New Delhi

**Subject:** Customs detention of imported cargo at ports - Instruction regarding

I am directed to say that the matter of long detention of cargo including containerised cargo at various ports by the Customs authorities leading to port congestion as well as hold up of containers has been represented at various forums. This issue has also come up for discussion in the last Scope Shipping meeting recently held in Bangalore.

2. The matter has been examined by the Board and it is observed that at times the customs is detaining the imported cargo along with containers in which it has been unloaded for the purpose of investigation. The Directorate of Revenue Intelligence is also insisting upon detention of imported cargo till such time as the enquiry / investigation undertaken by it is completed. It is the view of the Board that for facilitating investigation the detention of the imported cargo may be necessary at times. However, this should not be at the cost of hardship to other importers or the container agents as the imported containers may be required for use by persons other than the importer of the detained cargo. At the same time, long detention of cargo including containerised cargo no doubt blocks valuable space in the already congested ports. This is not also desirable.

3. Having regard to the legal necessity of detention of imported cargo and at the same time taking into account the difficulties created by such detention, as detailed above, it has been decided by the Board that long detentions of imported cargo including containerised cargo at the ports is to be avoided by the Customs authorities including Intelligence and enforcement authorities. Accordingly, the Board desires that whenever it becomes necessary to detain the imported cargo for long time periods pending completion of enquiry/ investigation, such cargo should be removed to a customs warehouse in terms of the provision of section 49 of the Customs Act, 1962 For this purpose the cargo can also be removed from the container and the container can be released for use by the container agents/ other importers.

4. It is desired by the Board that the above procedure for detention of imported cargo may be followed with immediate effect by the concerned officers of customs. For this, a suitable departmental instruction/ standing order may issued. It is further desired by the Board that the Commissioners of customs/ DGRI may monitor all containers detained for investigation so as to ensure that unnecessary detention of import cargo for long time periods and beyond the required time art not resorted. A report of the review undertaken in the regard may be sent by 30.9.95 indicating only cases where such containers are required to be detained beyond 6 months with justification therefor.

Sd/-
(V.K. Singh)
Senior Technical Officer