Circular No. 43/95-Cus.
dated 26/4/95

F.No. 448/1/94- Cus - IV

Government of India
Ministry of Finance
Department of Revenue, New Delhi

Subject : Detection of explosives and other war materials in imported consignments of heavy melting scrap

- Procedure for disposal regarding

Several instances have been brought to the notice of the Board wherein the Customs authorities have detected war materials (such as live shells, bombs, smoke bombs etc.) in consignment of heavy melting scrap imported a different ports and Inland container Depots at various locations in the country. The question of safe disposal of such dangerous explosive materials (after. appropriate action under the Customs Act, 1962 has been taken) has been examined by the Department in consultation with various other agencies concerned, viz., Ministries of Defence, Home Affairs, Steel, Commerce, Surface Transport, etc.

2. It has been accordingly decided that in so far as the Customs department is concerned, its responsibility inform the local Police authorities regarding the detection of the explosives/ dangerous materials in the imported consignments. The local Police in turn would contact the Defence authorities or the alternative available expect agency for disposal of all the detected materials and explosives. If the local Police has any difficulty in sourcing the expertise, they would be contacting the Ministry of Home Affairs. For this purpose, the Ministry of Home Affairs shall be separately issuing instructions to the state authorities laying down the responsibility to the local Police when contacted by the Customs.

3. With a view to prevent entry of such materials in the country, the Director General of Foreign Trade Trade has placed Certain restrictions on the import of metal scraps originating from the countries affected by rebellion or war. By issue of Public Notice No. 283(PN)/ 92-97 dated 31.3.1995 Ministry of Commerce have notified that in the case of such import of metal scrap the foreign suppliers shall also furnish the following documents to the Customs at the time of clearance of goods :-

(i) A pre-shipment inspection certification to the effect that the imported consignment does not contain any type of arms, ammunition, mines, shells, cartridges or any other explosive material in any form either used or otherwise.

(ii) A certificate from supplier to the effect that the imported consignment does not contain any type of arms, etc.

(iii) A copy of the contract between importer and exporter stipulating the above and undertaking for liability of consequences, etc.

The agencies for issue of such pre - shipment inspection shall be as specified in public Notice No. 282(PN)/ 92-97 dated 31.3.1995.

4. It is desired that suitable instructions may be issued to all concerned so that the import of metal scrap is regulated in the manner prescribed and further that in case of detection of any explosives/ war materials the same are disposed of as per the procedure prescribed. In case of any difficulties the Board may be immediately informed.