Circular No. 72/95
dated 22/6/95

F. No. 450/61/62- Cus. IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs, New Delhi

Subject : Multi- modal Transportation of Goods Act, 1993 - Grant of Custom House Agents licence etc. to Multi-modal Transport Operators - regarding.

A number of references have been received from the field formations enquiring whether Multi-modal Transport Operators (MTOs) or their Agents appointed by the Ministry of Surface Transport have to be granted Custom House Agents licence or appointed as Steamer Agents for the purposes of Customs Act, 1962. In this context I am directed to say that the Mult-modal Transportation of Goods Act, 1993 governs carriage of goods from India to any place abroad by more than one mode of transport i.e. basically it is concerned with the operations concerning export of goods from India. Any person appointed by the Ministry of Surface Transport or any other agency under it as a Multi-modal Transport Operator is only for the purposes of the said Act and any such appointment does not confer any rights for his appointment as a Custom House Agent or Steamer agent for the purpose of Customs Act, 1962.

2. Notwithstanding the aforesaid legal position, if a particular container agent who is acting under the guise of a Multi-Modal Transport Operator for dealing with the export cargo, the permission for his operations either for de-stuffing or for stuffing is to be granted only by the custodians of the imported cargo i.e. the Port Trust or the IAAI or others appointed so. In so far as the customs are concerned, if it is the normal practice of the Port Trust, IAAI or other custodians to take security clearance from customs with reference to the person or persons to whom they issue passes, the custom House need to verify from records about the credibility or whether the person has come to adverse notice of the Custom House which is detrimental to allowing handling of cargo, for example, involving them selves in some smuggling activities. Otherwise, the customs authorities have no status to deal with such kind of operators. Merely because he would handle the cargo either export or import, would not entitle him to any of the privileges to become a Customs House agent or a Steamer Agent unless he is otherwise qualified in terms of the Customs House Agents Regulations or other provisions of the Customs Act, 1962. The role of a Custom House Agent is to be distinguished from the role of a container handling agent or a Multi-modal Transport Operator. These instructions would*mutatis mutandis* apply to such cargo agents operating to deal with Import cargo.

Sd/-
(T.R. Kapur)
Under secretary to the Govt. of India