23rd February, 2004.

Notification No. 21/2004 - Customs (N.T.)

In exercise of the powers conferred by sub-section (2) of section 146 of the Customs Act, 1962 (52 of 1962), and in supersession of the Customs House Agents Licensing Regulations, 1984, except as respect things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby makes the following regulations, namely :-

1.	**Short title and commencement.** -	
	(1)	These regulations may be called the Customs House Agents Licensing Regulations, 2004.
	(2)	They shall come into force on the date of their publication in the Official Gazette.
2.	**Definitions.** - In these regulations, unless the context otherwise requires, -	
	(a)	"Act" means the Customs Act, 1962 (52 of 1962);
	(b)	"company" means a company as defined in the Companies Act, 1956 (1 of 1956);
	(c)	"Customs House Agent" means a person licensed under these regulations to act as agent for the transaction of any business relating to the entry or departure of conveyances or the import or export of goods at any Customs Station;
	(d)	"firm", "firm name", "partner" and "partnership" shall have the same meanings respectively assigned to them in the Indian Partnership Act, 1932 (9 of 1932), but the expression "partner" shall also include any person who, being a minor, has been admitted to the benefits of partnership;
	(e)	"Form" means form appended to these regulations;
	(f)	"section" means a section of the Act;
	(g)	the words and expressions used herein and not defined in these regulations but defined in the Act shall have the same meanings respectively assigned to them in the Act.
3.	**Customs House Agents to be licensed.** - No person shall carry on business as a Customs House Agent relating to the entry or departure of a conveyance or the import or export of goods at any Customs Station unless such person holds a licence granted	

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	under these regulations.	
	Provided that no licence under these regulations shall be required by :-	
	(a)	an importer or exporter transacting any business at a Customs Station solely on his own account;
	(b)	any employee of any person or a firm transacting business generally on behalf of such person or firm, and holding an identity card or a temporary pass issued by the Deputy Commissioner of Customs or Assistant Commissioner of Customs.
	(c)	an agent employed for one or more vessels or aircrafts in order solely to enter or clear such vessels or aircrafts for work incidental to his employment as such agent.
4.	**Invitation of application.** - The Commissioner of Customs may invite applications for the grant of such number of licences as assessed by him, to act as Customs House Agents in the month of January every year by means of a notice affixed on the notice board of each Customs Station as well as through publication in at least two newspapers having circulation in the area of his jurisdiction, specifying therein the last date of receipt of application. Such application shall be for clearance work within the jurisdiction of the said Commissioner of Customs.	
5.	**Application for licence.** -	
	(1)	An application for a licence to act as a Customs House Agent in a Customs Station shall be made in Form A and shall, *inter alia,* contain

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		the name and the address of the person applying; and	
	(2)	If the applicant is a firm -	
		(a)	the name and address of every partner of the firm, the firm"s name, and
		(b)	the name of the partner or the duly authorised employee, who will actually be engaged in the clearance of goods or conveyances through the customs.
	(3)	If the applicant is a company -	
		(a)	the name of each director, managing director, manager, and
		(b)	the names of director, managing director, manager or the duly authorised employee, who will actually be engaged in the clearance of goods or conveyances through the customs.
6.	**Conditions to be fulfilled by the applicant.** - The applicant referred to in clause (b) of sub-regulations (2) and (3) of regulation 5, as the case may be, or a person who has passed the examination referred to in regulation 8, shall prove to the satisfaction of the Commissioner of		

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	Customs, that-	
	(a)	the applicant, or his authorized employee, is a graduate from a recognized University and possesses a professional degree viz. C.A./M.B.A./ L.L.B./
		Diploma in Customs Clearance work from any Institute or University recognized by the Government with a working knowledge of computers and customs procedures, or is a graduate having at least three years experience in transacting Custom House Agent work as a G-Card holder, or a person who has passed the examination referred to in regulation 8, or is a retired Group 'A' officer from the Indian Customs and Central Excise Service (IC&CES) having a minimum of ten years experience in Group 'A'.
	(b)	the applicant has financial viability supported by a certificate issued by a Scheduled Bank or such other proof acceptable to the Commissioner of Customs evidencing possession of assets of value of not less than Rs. 2 lakhs;
	(c)	the applicant is a citizen of India.
7.	**Scrutiny of application for licence. -**On receipt of application under regulation 5, the Commissioners of Customs may make enquiries for verification of the particulars set out in the application and also such other enquiry as he may deem necessary, including enquiries about the reliability and financial status of the applicant.	
8.	**Examination of the applicant.** -	
	(1)	Any applicant whose application is received within the last date specified in the notice or publication, as the case may be, referred to in regulation 4 and who satisfies the requirements of regulations 5 and 6, shall be required to appear for the written as well as oral examination conducted by the Director General of Inspection at specified centers and specified dates, twice every year, for which intimation shall be sent individually in advance before the date of examination.
		Provided that an applicant who has already passed the examination referred to in regulation 8 will not be required to appear for any further examination.
	(2)	The applicants declared successful in written examination shall be called for oral examination.

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	(3)	It shall be necessary for the applicant to clear written as well as oral examinations separately. An applicant who clears the written examination but fails in the oral examination linked to it, shall have to clear the oral examination within two years of the related written examination irrespective of the number of chances, and if he fails do so, he shall be treated as having failed in the examination.	
	(4)	An applicant shall be allowed a maximum period of seven years within which he shall pass both the written and oral examinations. No further extension of time shall be granted.	
	(5)	Notwithstanding anything contained in sub-regulation (4), any person who holds a temporary licence granted under regulation 8 of the Customs House Agents Licencing Regulations, 1984, shall be allowed to pass the examination within a period of two years from the date of commencement of these regulations.	
	(6)	The examination may include questions on the following :-	
		(a)	preparation of various kinds of bills of entry and shipping bills;
		(b)	arrival entry and clearance of vessels;
		(c)	tariff classification and rates of duty;
		(d)	determination of value for assessment;
		(e)	conversion of currency;
		(f)	nature and description of documents to be filed with various kinds of bills of entry and shipping bills;
		(g)	procedure for assessment and payment of duty;
		(h)	examination of merchandise at the Customs Stations;
		(i)	provisions of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Patents Act, 1970 (39 of 1970) and the Copy Rights Act,

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			1957 (14 of 1957).
		(j)	prohibitions on import and export;
		(k)	bonding procedure and clearance from bond;
		(l)	re-importation and conditions for free re-entry;
		(m)	drawback and export promotion schemes;
		(n)	offences under the Act;
		(o)	the provisions of allied Acts including the Foreign Trade (Development and Regulation) Act 1992 (22 of 1992), the Central Excise Act, 1944 (1 of 1944), Foreign Exchange Management Act, 2000 (42 of 1999), the Indian Explosives Act, 1884 (4 of 1884), the Arms Act, 1959 (54 of 1959), the Narcotics Drugs and Psychotropic Substances Act, the Drugs and Cosmetics Act, 1940 (23 of 1940), Destructive Insects and Pests Act, 1914 (2 of 1914), the Dangerous Drugs Act, 1930 (2 of 1930), in so far as they are relevant to the clearance of goods through customs;

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		(p)	provisions of the Prevention of Corruption Act, 1988 (49 of 1988);
		(p)	procedure in the matter of refund of duty paid, appeals and revision petitions under the Act.
		(q)	on-line filing of electronic shipping bills or bills of entry and Indian Customs and Central Excise Electronic Commerce/Electronic Data interchange Gateway (ICEGATE) and Indian Customs Electronic Data Interchange Systems (ICES).
	(7)	The Commissioner of Customs shall also satisfy himself whether the applicant, if he is an individual, possesses, or in the case of a firm or company, the persons who shall be actually engaged in the work relating to clearance of goods through customs on behalf of that firm or company, possess satisfactory knowledge of English and the local language of the Customs Station:	
		Provided that in the case of persons deputed to work exclusively in the docks, knowledge of English shall not be compulsory. Knowledge of Hindi shall be considered as an additional or desirable qualification.	
	(8)	The holders of a licence under regulation 9 may authorize any one or more of their employees or partners or directors to appear for the examination referred to in sub-regulation (1) on behalf of such holders of licence, in addition to the person of their agency who has passed the examination referred to in sub-regulation (1).	
9.	**Grant of licence.**-		
	(1)	The Commissioner of Customs shall on payment of a fee of Rs. 5,000/- grant a licence in Form B to an applicant who has passed the examination referred to in regulation 8.	
	(2)	The Customs House Agents who are granted licences under sub-regulation (1) shall be eligible to work in all Customs Stations within the country subject to intimation in Form C to the Commissioner of Customs of the concerned Customs Station where he intends to transact business. No separate licence shall be required in places where in addition to a Customs House handling imports by sea, there is also an International airport to handle imports by air, even if under the	

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		jurisdiction of a different Commissioner of Customs.
	(3)	The Commissioner of Customs may reject an application for the grant of licence to act as Customs House Agent if the applicant is involved in fraud or forgery, or any criminal proceedings are pending before any court of law against him or he has been convicted in any court of law.
	(4)	Any applicant aggrieved by the order of the Commissioner of Customs passed under sub-regulation (3) may appeal to the Chief Commissioner of Customs or Chief Commissioner of Customs and Central Excise, as the case may be, within a period of thirty days from the communication of such order.
	(5)	The Chief Commissioner of Customs or the Chief Commissioner of Customs and Central Excise, as the case may be, may, on his own motion or otherwise, call for and examine the records of any proceedings in which the Commissioner of Customs has passed the order under sub-regulation (3) for the purpose of satisfying himself as to the legality, propriety or correctness of such order and may pass such other orders as he may deem fit. No order under this sub-regulation shall be made so as to prejudicially affect any person unless such person is given reasonable opportunity for making a representation and being heard in his defense, if he so desires.
	(6)	No order shall be made under sub-regulation (5) in relation to an order passed by Commissioner of Customs under sub-regulation (3) or sub-regulation (1), as the case may be, after the expiry of one year from the date on which such order was passed by the Commissioner of Customs.
10.	**Execution of bond and furnishing of security.** -	
	(1)	Before granting a licence under regulation 9, the Commissioner of Customs shall require the applicant to enter into a bond in Form D and, if necessary, a surety bond in Form E for due observance of these regulations and shall also require him to furnish a bank guarantee, postal security or National Savings Certificate in the name of the Commissioner of Customs for an amount of Rs. 50,000/- for carrying out of business as a Customs House Agent.
	(2)	If the applicant furnishes postal security or National Savings Certificate, the same shall be pledged in the name of the Commissioner of Customs and the applicant shall get the benefit of the interest accruing on it.
11.	**Period of validity of a licence.**-	
	(1)	A licence granted under regulation 9 shall be valid for a period of ten years from the date of issue and shall be renewed from time to time in accordance with the procedure provided in sub-regulation (2).
	(2)	The Commissioner of Customs may, on application made by the licensee before the expiry of the validity of the licence under sub-regulation (1), renew the licence for a furtherperiod of ten years from the date of expiration of the original licence granted under regulation 9 or of the last renewal of such licence, as the case may be, if the performance of the licensee is found to be satisfactory with reference, *inter alia,* to

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		the following :-	
		(a)	quantity or value of cargo cleared by such licensee conforming to norms as may be specified by the Commissioner;
		(b)	absence of instances of any complaints of misconduct including non-compliance of any of the obligations specified in regulation 13.
	(3)	The fee for renewal of a licence sub-regulation (2) shall be Rs. 5000/-.	
12.	**Licence not transferable.** - Every licence granted or renewed under these regulations shall be deemed to have been granted or renewed in favour of the licensee, and no licence shall be sold or otherwise transferred.		
13.	**Obligations of Customs House Agent**. - A Customs House Agent shall -		
	(a)	obtain an authorisation from each of the companies, firms or individuals by whom he is for the time being employed as Customs House Agent and produce such authorisation whenever required by the Deputy Commissioner of Customs or Assistant Commissioner of Customs;	
	(b)	transact business in the Customs Station either personally or through an employee duly approved by the Deputy Commissioner of Customs or Assistant Commissioner of Customs;	
	(c)	not represent a client before an officer of Customs in any matter to which he, as an officer of the Department of Customs gave personal consideration, or as to the facts of which he gained knowledge, while in Government service;	
	(d)	advise his client to comply with the provisions of the Act and in case of non-compliance, shall bring the matter to the notice of the Deputy	

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		Commissioner of Customs or Assistant Commissioner of Customs;
	(e)	exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any work related to clearance of cargo or baggage;
	(f)	not withhold information contained in any order, instruction or public notice relating to clearance of cargo or baggage issued by the Commissioner of Customs, from a client who is entitled to such information;
	(g)	promptly pay over to the Government, when due, sums received for payment of any duty, tax or other debt or obligations owing to the Government and promptly account to his client for funds received for him from the Government or received from him in excess of Governmental or other charges payable in respect of the clearance of cargo or baggage on behalf of the client;
	(h)	not procure or attempt to procure directly or indirectly, information from the Government records or other Government sources of any kind to which access is not granted by the proper officer;
	(i)	not attempt to influence the conduct of any official of the Customs Station in any matter pending before such official or his subordinates by the use of threat, false accusation, duress or the offer of any special inducement or promise of advantage or by the bestowing of any gift or favour or other thing of value;
	(j)	not refuse access to, conceal, remove or destroy the whole or any part of any book, paper or other record, relating to his transactions as a Customs House Agent which is sought or may be sought by the Commissioner of Customs;
	(k)	maintain records and accounts in such form and manner as may be directed from time to time by a Deputy Commissioner of Customs or Assistant Commissioner of Customs and submit them for inspection to the said Deputy Commissioner of Customs or Assistant Commissioner of Customs or an officer authorised by him whenever required;
	(l)	ensure that all documents, such as bills of entry and shipping bills delivered in the Customs Station by him show the name of the importer or exporter, as the case may be, and the name of the Customs House Agent, prominently at the top of such documents;
	(m)	in the event of the licence granted to him being lost, immediately report the fact to the Commissioner of Customs;
	(n)	ensure that he discharges his duties as Customs House Agent with utmost speed and efficiency and without avoidable delay.
14.	**Change in directors of company, etc.** - In case a company holding a licence under regulation 9 undergoes any change in the directors, or	

	managing director, such change shall forthwith be communicated by such licensee to the Commissioner of Customs.	
15.	**Change in constitution of any firm or a company.** -	
	(1)	In the case of any firm or a company, holding a licence under these regulations, any change in the constitution thereof shall be reported by such firm or company, as the case may be, to the Commissioner of Customs as early as possible, and any such firm or a company indicating such change shall make a fresh application to the said Commissioner of Customs within a period of sixty days from the date of such change for the grant of licence under regulation 9, and the Commissioner of Customs may, if there is nothing adverse against such firm or company, as the case may be, grant a fresh licence of the category held by the applicant prior to the change in constitution.
		Provided that if the existing firm or company moves an application for such changes, then such firm or company may be allowed to carry on the business of Customs House Agent with the approval of the Commissioner of Customs till such time as a decision is taken on the fresh application of such firm or company.
	(2)	Notwithstanding anything contained in sub-regulation (1), where a licence granted or renewed under these regulations in favour of a firm or a company has ceased to be in force because of the death or retirement of the person referred to in clause (b) of sub-regulations (2) and (3) of regulation 5, as the case may be, the firm or the company may apply for replacement of the name of the demised person by the name of a partner, director or employee who has passed the examination referred to in regulation 8 in accordance with sub-regulation (8) of regulation 8.
		Provided that if there is no such person in the firm or company, then such firm or company, as the case may be, may authorize any other partner, director or employee who is a 'G' card holder, to pass the examination referred to in regulation 8 within a period of two years from the date of the demise or retirement of such person, and the firm or company may be permitted to carry on the business of a Customs House Agent with the approval of the Commissioner of Customs till such time such partner, director or employee passes the said examination.
16.	**Change in the constitution of a concern.** -	
	(1)	Where a licence granted or renewed under these regulations in favour of a person, not being a firm or a company, changes the constitution of his concern to a firm or a company, such new firm or new company may, pending the grant of a licence in accordance with these regulations, be permitted to act as Customs House Agent through an employee duly qualified as per regulation 8, with the approval of the Commissioner of Customs.

	(2)	Notwithstanding anything contained in sub-regulation (1), where a licence granted or renewed under these regulations in favour of a person has ceased to be in force because of the death of that person, his legal heir, who is a major and a 'H' card holder, may be permitted to work as a Customs House Agent with the approval of the Commissioner of Customs, and such legal heir shall be required to pass the examination referred to in regulation 8 within a period of two years from the date of demise of the original licensee.	
17.	**Engagement of persons qualified in the examination referred to in regulation 8, etc. -**		
	(1)	A person who has qualified in the examination referred to in regulation 8 may engage himself in the work relating to the clearance of goods through customs on behalf of a firm or a company licenced under regulation 9, provided that at any given time he shall not so engage himself on behalf of more than one such firm or company.	
	(2)	Any change in the persons qualified in the examination referred to in regulation 8 and actually engaged in the work in the Customs Station on behalf of a licencee firm or company shall be communicated forthwith by the firm or the company, as the case may be, to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, and no new person other than 'F', 'G' or 'H' card holders shall be allowed to work in the Customs Station as a duly authorised employee on behalf of that firm or company.	
18.	**Maintenance and inspection of accounts. -**		
	(1)	A Customs House Agent required to maintain accounts under these regulations shall maintain such accounts :	
		(a)	in an orderly and itemised manner and keep them current; and
		(b)	reflect all financial transactions as Customs House Agent.
	(2)	A Customs House Agent shall keep and maintain on file a copy of each of the documents, such as bill of entry, shipping bill, transhipment application, etc. and copies of all his correspondence and other papers relating to his business as Customs House Agent.	
	(3)	All records and accounts that are required to be maintained under these regulations shall be preserved for at least five years and shall be made available at any time for inspection of officers authorised to inspect such records and accounts.	
19.	**Employment of persons.** -		
	(1)	A Customs House Agent may, having regard to the volume of business	

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		transacted by him, employ any number of persons to assist him. The minimum educational qualification of such persons shall be 10+2, or equivalent	
	(2)	Appointment of a person referred to in sub-regulation (1) shall be made only after obtaining the approval of the Deputy Commissioner of Customs or Assistant Commissioner of Customs designated by the Commissioner of Customs for this purpose and in the matter of granting approval, he shall take into consideration the antecedents and any other information pertaining to the character of such person.	
	(3)	The person referred to in sub-regulation (1) shall, within four attempts from the date of his appointment, pass an examination conducted by the said Deputy Commissioner of Customs or Assistant Commissioner of Customs or by a Committee of Officers of Customs, to be appointed by him for the purpose, and the examination shall be such as to ascertain the adequacy of knowledge of such person regarding the provisions of the Act subject to which goods and baggage are cleared through customs.	
	(4)	Notwithstanding anything contained in sub-regulation (3), a person employed under a Customs House Agent and who has passed the examination referred to sub-regulation (3) may, on his appointment under any other Customs House Agent, with the approval of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, be exempted from passing of such examination.	
	(5)	Where the Customs House Agent has authorised any person employed by him to sign documents relating to the business of such agent on his behalf, he shall file with the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, a written authority in this behalf and give prompt notice in writing if such authorization is modified or withdrawn, and the person who has passed the examination referred to in regulation 8 or regulation 19 shall only be authorized to sign the declaration on the bills of entry, bills of export, bills of import, shipping bills and annexures thereof.	
	(6)	The Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall issue a photo-identity card to every person employed by a Customs House Agent, -	
		(i)	in Form F in case he has passed the examination referred to in regulation 8;
		(ii)	in Form G , in case he has passed the examination referred to in sub-regulation 3;
		(iii)	in Form H , in case he has not passed the examination referred to in sub-regulation (3);

		and every such person shall, at all times when he transacts the work at the Customs Station, carry such card with him and produce it for inspection on demand by any officer of the Customs Station.	
	(7)	The photo identity card in Form H shall not be withdrawn from an employee of a Customs House Agent even if he fails to pass the examination referred to in sub-regulation (3) even after four attempts.	
	(8)	The Customs House Agent shall exercise such supervision as may be necessary to ensure the proper conduct of any such employees in the transaction of business as agents and be held responsible for all acts or omissions of his employees in regard to their employment.	
20.	**Suspension or revocation of licence.** -		
	(1)	The Commissioner of Customs may, subject to the provisions of regulation 22, revoke the licence of a Customs House Agent and order for forfeiture of part or whole of security, or only order forfeiture of part or whole of security, on any of the following grounds, namely :-	
		(a)	failure of the Customs House Agent to comply with any of the conditions of the bond executed by him under regulation 10;
		(b)	failure of the Customs House Agent to comply with any of the provisions of these regulations, within the jurisdiction of the said Commissioner of Customs or anywhere else;
		(c)	any misconduct on his part, whether within the jurisdiction of the said Commissioner of Customs or any where else which in the opinion of the Commissioner renders him unfit to transact any business in the Customs Station.

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	(2)	Notwithstanding anything contained in sub-regulation (1), the Commissioner of Customs may, in appropriate cases where immediate action is necessary, suspend the licence of a Customs House Agent where an enquiry against such agent is pending or contemplated.
21.	**Prohibition.** - Notwithstanding anything contained in regulation 22, the Commissioner of Customs may prohibit any Customs House Agent from working in one or more sections of the Customs Station, if he is satisfied that such Customs House Agent has not fulfilled his obligations as laid down under regulation 13 in relation to work in that section or sections.	
22.	**Procedure for suspending or revoking licence under Regulation 20.** -	
	(1)	The Commissioner of Customs shall issue a notice in writing to the Customs House Agent stating the grounds on which it is proposed to suspend or revoke the licence and requiring the said Customs House Agent to submit, within such time as may be specified in the notice, not being less than forty-five days, to the Deputy Commissioner of Customs or Assistant Commissioner of Customs nominated by him, a written statement of defense and also to specify in the said statement whether the Customs House Agent desires to be heard in person by the said Deputy Commissioner of Customs or Assistant Commissioner of Customs.
	(2)	The Commissioner of Customs may, on receipt of the written statement from the Customs House Agent, or where no such statement has been received within the time-limit specified in the notice referred to in sub-regulation (1), direct the Deputy Commissioner of Customs or Assistant Commissioner of Customs to inquire into the grounds which are not admitted by the Customs House Agent.
	(3)	The Deputy Commissioner of Customs or Assistant Commissioner of Customs shall, in the course of inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material to the inquiry in regard to the grounds forming the basis of the proceedings, and he may also put any question to any person tendering evidence for or against the Customs House Agent, for the purpose of ascertaining the correct position.

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	(4)	The Customs House Agent shall be entitled to cross-examine the persons examined in support of the grounds forming the basis of the proceedings, and where the Deputy Commissioner of Customs or Assistant Commissioner of Customs declines to examine any person on the grounds that his evidence is not relevant or material, he shall record his reasons in writing for so doing.
	(5)	At the conclusion of the inquiry, the Deputy Commissioner of Customs or Assistant Commissioner of Customs shall prepare a report of the inquiry recording his findings.
	(6)	The Commissioner of Customs shall furnish to the Customs House Agent a copy of the report of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, and shall require the Customs House Agent to submit, within the specified period not being less than sixty days, any representation that he may wish to make against the findings of the Deputy Commissioner of Customs or Assistant Commissioner of Customs.
	(7)	The Commissioner of Customs shall, after considering the report of the inquiry and the representation thereon, if any, made by the Customs House Agent, pass such orders as he deems fit.
	(8)	Any Customs House Agent aggrieved by any decision or order passed under regulation 20 or sub-regulation (7) of regulation 22, may prefer an appeal under section 129A of the Act to the Customs, Central Excise and Service Tax Appellate Tribunal established under sub-section (1) of section 129 of the Act.
23.	**Grant of licence no right to accommodation.** - The grant of a licence under these regulations does not confer any right to accommodation in a Customs Station.	
24.	**Membership of associations:**	
	(1)	Each Customs House Agent shall enroll himself as a member of the Customs House Agents' Association, if there is one registered in the Customs Station and recognized by the Commissioner of Customs.

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V. Kezo
Under Secretary to the Government of India

F.No 502/4/2004 -CUS-VI

Note: - The Principal Regulation was published in the Gazette of India Extraordinary, vide Notification No. 85-Customs (N.T.) dated 19.03.1984 [G.S.R. 220 (E)], and were last amended vide Notification No. 29/99-Customs (N.T.) dated 11.05.1999 [G.S.R. 334 (E)].

REVISED FORMS FOR CHALR 2004

Form - A
[see regulation 5 (1)]

Application Form for Grant of Custom House Agent's Licence under Section 146 of the Customs Act, 1962

1.	Name of the applicant. (in case the applicant is a firm or a company, the names of each of the partners of the firm or the directors of the company, as the case may be):-
2.	Full address of the applicant. (in case of the applicant is a firm or a company, the name of each of the partners of the firm or the directors of the company, as the case may be):-
3.	In case the applicant is affirm or a company, the name(s) of its partner/partners or director/directors or duly authorized employees who will actually be engaged in the work as Custom House Agents.
4.	In case it is desired to appoint clerk(s), the name and address of the clerk(s):-
5.	Educational qualification of each of the persons, who will actually be engaged in the work as Customs House Agent (including proof of working knowledge of computers):-
6.	Particulars regarding knowledge of English, local language and Hindi (these particulars are required in respect of each of the persons actually engaged in the work as Customs House Agent).
7.	Particulars regarding knowledge of Customs Law and procedure. (These particulars are required in respect of each of the persons actually engaged in the work as Customs House Agent).
8.	Whether the applicant had earlier applied for a licence to act as Customs House Agent and whether such application was rejected.
9.	Whether he or the firm or company by whom he is employed have earlier held a Custom House Agent's Licence under these Regulations and whether it was cancelled or suspended.
10.	Whether the applicant or any of the persons proposed to be employed by him have been penalized, convicted or prosecuted under any of the provisions of the Customs Act, 1962 (52 of 1962) or any other law for the time being in force:
11.	Number and date of each of the documents furnished in accordance with regulation 5.

IndiaCode

I/We hereby affirm the I/we have read the Customs House Agent's Licensing Regulations, 2004 and agree to abide by them.

Date: Signature of applicant(s)

FORM - B
[see regulation 8]

Licence for Custom House Agent

Licence No.....

M/s./Sarvashri/Shri.....
Address..... is/are hereby authorized to transact business as Custom House Agent all over India subject to the conditions laid down in this licence.

It is the condition of this licence that in the case of firm or a company, the Custom House Agent's work shall be transacted through one of the following persons:-

	Name of person(s)	Specimen Signature(s)
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Customs Station of issue

Signature of the Commissioner of Customs
(with seal)

Date of Issue:

Conditions of the License

This license is issued subject to the following conditions:

The Licensee shall -

1.	not sell or otherwise transfer the licence to any other person.
2.	obtain an authorisation from each of the companies, firms or individuals by whom he is for the time being employed as Custom House Agent and produce such authorisation whenever required by an Assistant or Deputy Commissioner of Customs;
3.	transact business in the Customs Station either personally or through an employee duly approved by the Assistant or Deputy Commissioner of Customs, designated by the Commissioner of Customs;
4.	in the event of the licence being lost, report the same immediately to the Commissioner of Customs;
5.	ensure that he discharges his duties as Custom House Agent with utmost speed and efficiency and without avoidable delay.
6.	comply with the obligations specified in regulation 13; and
7.	this licence is be valid for a period of ten years from the date of issue and should be renewed from time to time in accordance with the procedure provided in sub-regulation (2).

IndiaCode

FORM - C
[see regulation 9 (2)]

Application Form for Grant of Custom House Agents Licence

1.	Name of the Customs House Agent. (In case the applicant is a firm or a company, the name of each of the partners of the firm or the directors of the Company as the case may be).
2.	Details of licence issued under sub-regulation of regulation 9.
3.	Full address of the Customs House Agent. (in case the applicant is a firm or a company the full address of each of the partners of the firm or the directors of the company as the case may be).
4.	In case the Customs House Agent is a firm or a company, the name(s) of its partner/partners or director/directors or duly authorized employees who will actually be engaged in the work of the Custom House Agent.
5.	In case it is desired to appoint clerk(s) the name and address of the clerk(s) as the case may be.
6.	Educational qualifications of each of the persons, who will actually be engaged in the work as Custom House Agent.
7.	Particulars regarding knowledge of English and local language and Hindi. (These particulars are required in respect of each of the persons actually engaged in the work as Custom House Agent).
8.	Particulars regarding knowledge of Customs Law and procedure. (These particulars are required in respect of each of the persons actually engaged in the work of Custom House Agent).
9.	Particulars of the quantity or value of cargo cleared as Customs House Agent during the currency of the Customs House Agent licence.

10.	Whether the Customs House Agent Licence held under these Regulations was cancelled or suspended.
11.	Whether the applicant or any of the persons proposed to be employed by him have been penalized. Convicted or prosecuted under any of the provisions of the Customs Act, 1962 (52 of 1962), or any other law for the time being in force.
12.	Number and date of each of the documents furnished in accordance with regulation 5.
I/We hereby affirm that I/we have read the Custom House Agents Licensing Regulations, 2004 and agree to abide by them.	

Signature of applicant(s)

Date:.....

FORM - D
[see regulation 10]

BOND

No..... of ..... 20..... Know all men by these present that we are held and firmly bound to the President of India in the sum of Rs..... for payment whereof we hereby bind ourselves, and each us bind himself and each of our heirs, executors and administrators firmly by these presents dated this ..... day of ..... in the year two thousand.....

Whereas the said..... has been authorized to act as a Custom House Agent under Section 146 of the Customs Act, 1962 (52 of 1962), and the said ..... has agreed to enter into this bond as required by the Custom House Agent Licensing Regulations 2004 (thereafter referred to as the said Regulations).

And whereas the said ..... has deposited the sum of (rupees fifty thousand) only with the President of India as security for his faithful behavior and that of his clerks as regard the said Regulations.

Now the condition of the above written bond is such that if the said..... and his clerks do at all times, whilst holding, such licence as aforesaid, behave themselves in a faithful manner as regards the said Regulations and if the said..... and their executors or administrators do at all times make good to the President of India all and every sums of money which being due to the Government shall be reason of the misfeasance or negligence of the said..... or of his clerks have not been paid to the President of India then the above written bond shall be void; otherwise the same shall be and remain in full force and virtue and it is hereby agreed and declared that the President of India may apply the said sum of Rs. 50,000/- (rupees fifty thousand) only deposited as aforesaid in making good to the President of India all and every sums due to the Government by reason of the misfeasance or negligence of the said..... or his clerks as aforesaid.

And it is hereby agreed that the said sum of Rs. 50,000/- (rupees fifty thousand) only shall remain with the President of India for twelve calendar months after the date upon which the said..... shall cease to act as Custom House Agent as security for the payment of any sums due to the Government by any reason of any misfeasance or negligence of the said ..... or his clerks which may not be discovered until after the said date and that this bond shall be and remain in full force and virtue until the expiration of the said term of twelve months. It is also agreed and declared that the President of India may apply the above sum of Rs. 50,000/- (rupees fifty thousand) only in making good wholly or in part any short collection of duty or other charges in respect of any transaction made by the said..... on behalf of importers or exporters in the event of such sums remaining unpaid, even after issue of demands under section 28 of the Customs Act, 1962.

Signed, sealed and delivered by the above named in the presence of witnesses.

Accepted for and on behalf of the President of India

1. .....

2. .....

Signature of the Commissioner of Customs
(with seal)

FORM - E
[see regulation 10]

SURETY BOND

No..... of ..... 200..... know all men by these presents that we ..... (A)..... and ..... (B) ..... are held and firmly bound to the President of India in the sum of Rs. 50,000/- (rupees fifty thousand) only for payment whereof we hereby bind ourselves and each of us binds himself and each of our heirs, executors and administrators firmly by these presents dated this day..... of ..... in the year two thousand and.....

Whereas the said..... (A) ..... has been authorized to act as a Custom House Agent under Section 146 of the Customs Act, 1962 (52 of 1962) and the said ..... (B) .....has agreed to enter into this bond as required by rules made under the said section:

Now the condition of the above written bond is such that if the said ..... (A)..... doth at all times whilst holding such authorization as aforesaid behave himself in a faithful and incorrupt manner as regards the Custom House Regulations and the officers, and if the said..... (A) and ..... (B) ..... their executors, or administrators some or one of them do, and shall at all time make good to the President of India all and every sums of money which being due to the Government shall by reason of the misfeasance or negligence of the said ..... (A) ..... have not been paid to the President of India then the above written bond shall be void; otherwise the same shall remain in full force and virtue.

Signed, sealed and delivered by the above named in the presence of witnesses.

Executed before me this..... of ..... 200...

1.....

Signature of the Commissioner of Customs

2..... (with seal)

IndiaCode

FORM - F
[see regulation 8 and 19 (6) (i)]

C.H.A. Licence No.....

	Identity Card
M/s./Sarvashri/Shri:	
Designation (Proprietor, Partner, Director, Employee):	
Issued at:	
Valid upto:	
Name of the Customs House Agent:	
Type of CHA (Proprietorship/firm/Pvt./Public Ltd./others)	

Specimen signature of the Custom House Agent:

He has passed the examination conducted under regulation 8 of the Customs House Agents Licensing Regulations, 2004.

Signature of the Deputy/Assistant Commissioner of Customs
(With seal)

(Photo to be supplied by the Agent)

FORM - G
[see regulation 19 (6) (ii)]

Valid upto.....

Identity Card	

Shri..... of..... having been registered in the books of this office as an authorized employee of Shri/Sarvashri..... of..... having been authorized by him/them to transact business at the..... Custom House on his/their behalf is hereby permitted to do so for a period of ..... years with effect from..... or until the cancellation of the licence issued to his principal, whichever is earlier.

He has passed the Examination conducted under Regulation 19 of Customs House Agents Licensing Regulations 2004.

Specimen Signature of Clerks..... Agent ..... Customs Station.

Dated the.....20
(Photo to be supplied by the Agent)

Signature of the Deputy Commissioner/Assistant Commissioner of Customs
(With seal)

IndiaCode

FORM - H
[see regulation 19 (6) (iii)]

Valid upto.....

IDENTITY-CUM-AUTHORITY CARD	

Shri ..... of .....having been registered in the books of this office as Clerk of Shri/Sarvashri/M/s..... (C.H.A. Licence No... .....), for assisting the Custom House Agent or his authorized employee(s).

Specimen Signature of Clerks..... Agent ..... Customs Station.

Dated the.....200
(Photo to be supplied by the Agent)

Signature of the Deputy Commissioner/Assistant Commissioner of Customs
(With seal)