

THE CUSTOMS ACT, 1962

(Act No. 52 of 1962)

13th December, 1962

An Act to consolidate and amend the law relating to customs.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:

Chapter I

PRELIMINARY

1. Short title, extent and commencement. (1) This Act may be called the Customs Act, 1962.

(2) It extends to the whole of ¹[India].

(3) It shall come into force on ²[such date] as the Central Government may, by notification in the Official Gazette, appoint.

NOTIFICATIONS (Chronologically)

NOTE 1. 16/63-Cus. dt. 23.1.1963:—

In exercise of the powers conferred by sub-section (3) of section 1 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints the first day of February, 1963, as the date on which the said Act shall come into force.

NOTE 2. 11/87-Cus. dt. 14.1.1987:—

In exercise of the powers conferred by clause (a) of sub-section (6) of section 6, and clause (a) of sub-section (7) of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), the Central Government hereby extends the Customs Act, 1962 (52 of 1962) and the Customs Tariff Act, 1975 (51 of 1975) to the designated areas in the Continental Shelf and the Exclusive Economic Zone of India as declared by the notification of the Government of India in the Ministry of External Affairs number S.O. 429(E) dated the 18th July, 1986, with effect from 15th January, 1987.

(For details of the extracts of the relevant provisions of the Territorial Waters Act and notifications issued thereunder, please see Allied Acts in Part II of this book).

2. Definitions. In this Act, unless the context otherwise requires,—

³[(1) "*adjudicating authority*" means any authority competent to pass any order or decision under this Act, but does not include the Board, ⁴[Commissioner (Appeals)] or Appellate Tribunal;

¹ The Customs Act was extended to Sikkim w.e.f. 1.10.1979 vide 185/79-Cus. dt. 1.9.1979.

² The Act came into force on 1.2.1963 vide Notfn. No. G. S. R. 155, dt. 23.1.1963, Gazette of India, Extraordinary, Pt. II, Sec. 3(i), p. 73.

³ Substituted by the Finance Act, 44 of 1980, s. 50 & Fifth Schedule, w.e.f. 11.10.1982.

⁴ Substituted for "Collector (Appeals)" by s. 51(i) of the Finance Act, 1995, w.e.f. 26.5.1995.

- (1A) *"aircraft"* has the same meaning as in the Aircraft Act, 1934 (22 of 1934);
- (1B) *"Appellate Tribunal"* means the Customs, Excise and ¹[Service Tax] Appellate Tribunal constituted under section 129];
- (2) *"assessment"* includes provisional assessment, reassessment and any order of assessment in which the duty assessed is nil;
- (3) *"baggage"* includes unaccompanied baggage but does not include motor vehicles;
- (4) *"bill of entry"* means a bill of entry referred to in section 46;
- (5) *"bill of export"* means a bill of export referred to in section 50;
- (6) *"Board"* means the ²[Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963)];
- (7) *"coastal goods"* means goods, other than imported goods, transported in a vessel from one port in India to another;
- ³[(7A) *"Commissioner (Appeals)"* means a person appointed to be a Commissioner of Customs (Appeals) under sub-section (1) of section 4;
- (8) *"Commissioner of Customs"*, except for the purposes of Chapter XV, includes an Additional Commissioner of Customs;]
- (9) *"conveyance"* includes a vessel, an aircraft and a vehicle;
- (10) *"customs airport"* means any airport appointed under clause (a) of section 7 to be a customs airport;
- (11) *"customs area"* means the area of a customs station and includes any area in which imported goods or export goods are ordinarily kept before clearance by Customs Authorities;
- (12) *"customs port"* means any port appointed under clause (a) of section 7 to be a customs port ⁴[and includes a place appointed under clause (aa) of that section to be an inland container depot];
- (13) *"customs station"* means any customs port, customs airport or land customs station;
- (14) *"dutiable goods"* means any goods which are chargeable to duty and on which duty has not been paid;
- (15) *"duty"* means a duty of customs leviable under this Act;
- (16) *"entry"*, in relation to goods, means an entry made in a bill of entry, shipping bill or bill of export and includes in the case of goods imported or to be exported by post, the entry referred to in section 82 or the entry made under the regulations made under section 84;
- (17) *"examination"*, in relation to any goods, includes measurement and weighing thereof;
- (18) *"export"*, with its grammatical variations and cognate expressions, means taking out of India to a place outside India;
- (19) *"export goods"* means any goods which are to be taken out of India to a place outside India;

1 Substituted by s. 104 of Finance Act 2003 w.e.f. 14.5.2003.

2 Substituted by Act 54 of 1963, s. 5, for certain words (w.e.f. 1.1.1964).

3 Substituted by s. 51(ii) of the Finance Act, 1995, w.e.f. 26.5.1995.

4 Inserted by the Finance Act, 1983.

- (20) "*exporter*", in relation to any goods at any time between their entry for export and the time when they are exported, includes any owner or any person holding himself out to be the exporter;
- (21) "*foreign-going vessel or aircraft*" means any vessel or aircraft for the time being engaged in the carriage of goods or passengers between any port or airport in India and any port or airport outside India, whether touching any intermediate port or airport in India or not, and includes—
- (i) any naval vessel of a foreign Government taking part in any naval exercises;
 - (ii) any vessel engaged in fishing or any other operations outside the territorial waters of India;
 - (iii) any vessel or aircraft proceeding to a place outside India for any purpose whatsoever;
- ¹[(21A) "*Fund*" means the Consumer Welfare Fund established under section 12C of the Central Excises and Salt Act, 1944 (1 of 1944);]
- (22) "*goods*" includes—
- (a) vessels, aircrafts and vehicles;
 - (b) stores;
 - (c) baggage;
 - (d) currency and negotiable instruments; and
 - (e) any other kind of movable property;
- (23) "*import*", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
- (24) "*import manifest*" or "*import report*" means the manifest or report required to be delivered under section 30;
- (25) "*imported goods*" means any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption;
- (26) "*importer*", in relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes any owner or any person holding himself out to be the importer;
- (27) "*India*" includes the territorial waters of India;
- (28) "*Indian Customs Waters*" means the ²[waters extending into the sea up to the limit of contiguous zone of India under section 5 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976)] and includes any bay, gulf, harbour, creek or tidal river;
- (29) "*land customs station*" means any place appointed under clause (b) of section 7 to be a land customs station;
- (30) "*market price*", in relation to any goods, means the wholesale price of the goods in the ordinary course of trade in India;

¹ Inserted by s. 9 of the CE & Customs Laws (Amendment) Act, 1991, w.e.f. 20.9.1991, vide 30/91-CE(NT), dt. 19.9.1991.

² Substituted by Act 25 of 1978, s. 2.

- ¹(30A) ["National Tax Tribunal" means the National Tax Tribunal established under section 3 of the National Tax Tribunal Act, 2005;]
- (31) "*person-in-charge*" means,—
- (a) in relation to a vessel, the master of the vessel;
 - (b) in relation to an aircraft, the commander or pilot-in-charge of the aircraft;
 - (c) in relation to a railway train, the conductor, guard or other person having the chief direction of the train;
 - (d) in relation to any other conveyance, the driver or other person-in-charge of the conveyance;
- (32) "*prescribed*" means prescribed by regulations made under this Act;
- (33) "*prohibited goods*" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of which the conditions subject to which the goods are permitted to be imported or exported have been complied with;
- (34) "*proper officer*", in relation to any functions to be performed under this Act, means the officer of customs who is assigned those functions by the Board or the ²[Commissioner of Customs];
- (35) "*regulations*" means the regulations made by the Board under any provision of this Act;
- (36) "*rules*" means the rules made by the Central Government under any provision of this Act;
- (37) "*shipping bill*" means a shipping bill referred to in section 50;
- (38) "*stores*" means goods for use in a vessel or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting;
- (39) "*smuggling*", in relation to any goods, means any act or omission which will render such goods liable to confiscation under section 111 or section 113;
- (40) "*tariff value*", in relation to any goods, means the tariff value fixed in respect thereof under sub-section (2) of section 14;
- (41) "*value*", in relation to any goods, means the value thereof determined in accordance with the provisions of ³[sub-section (1) or sub-section (3) of section 14];
- (42) "*vehicle*" means conveyance of any kind used on land and includes a railway vehicle;
- (43) "*warehouse*" means a public warehouse appointed under section 57 or a private warehouse licensed under section 58;
- (44) "*warehoused goods*" means goods deposited in a warehouse;

1 . Inserted by the schedule to the National Tax Tribunal Act, 2005 (to be effective as and when notified).

2 Substituted for "Collector of Customs" by s. 50 of the Finance Act, 1995, w.e.f. 26.5.1995.

3 Substituted for the words, brackets and figures "sub-section (1) of section 14" by cl. 85 of the Finance Bill, 2007, w.e.f. such date as the Central Government may, by notification in the Official Gazette, appoint.

- (45) "warehousing station" means a place declared as a warehousing station under section 9.

**§NOTIFICATIONS
(Chronologically)**

Proper Officer of Customs

NOTE 1. Collector of Customs, Bangalore, Notification (undated) of 1979:—

In exercise of the powers conferred by sub-section (34) of section 2 of the Customs Act, 1962 (52 of 1962), I, Commissioner of Central Excise, Bangalore, having been appointed as Commissioner of Customs, within the jurisdiction of the Karnataka Central Excise and Customs Commissionerate, *vide* Government of India, Ministry of Finance, (Department of Revenue and Insurance), Notification No. 37/63-Customs, dated the 1st February, 1963, hereby assign to the Officers mentioned in column (1) of the Table below, the functions of the "proper officer" referred to in the various sections of the Customs Act, 1962, given in the corresponding entry in column (2) of the Table:

TABLE

(1)	(2)
1. All officers of customs, of and above the rank of Inspector of Customs and Central Excise.	11M, 106-A
2. Assistant Commissioner of Customs, Customs Division, Bangalore Metropolitan City [jurisdiction is concerned] Assistant Commissioner of Customs, Mangalore, Superintendent of Customs, Karwar Circle, Karwar and Assistant Commissioners of Central Excise, Bangalore-II Dn., Mysore, Hubli, Davangere, Bellary, Nipani and Belgaum.	11C and 11J

NOTE 2. Collector of Customs, Indore, Notification No. 3/80-Cus. dt. 4.6.1980:—

In exercise of the powers conferred by sub-section (34) of section 2 of the Customs Act, 1962 (52 of 1962), I, S. K. Dhar, Commissioner of Customs and Central Excise, Madhya Pradesh, Indore, hereby assign to the officers mentioned in column (1) of the Table below, the functions of the "Proper Officer" referred to in the various sections of the Customs Act, 1962, given in the corresponding entry in column (2) of the Table.

TABLE

(1)	(2)
Superintendent of Customs and Central Excise	Sections 61, 63 and 73

§ In the text of the notifications, the word "Collector" has been replaced by the word "Commissioner" in view of the changes made by the Finance Act, 1995, w.e.f. 26.5.1995.