



सीमाशुल्कआयुक्त (एनएस-III) काकार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-III
जवाहरलालनेहरूसीमाशुल्कभवन, न्हावाशेवा,
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F.No.S/22-Gen-402/2017-18 AM(I) Part-I

Date : 30.07.2018

Standing Order No. 31/2018

Subject:-Standard operating procedure (SOP) with regard in dealing with the references received by JNCH from the "External Intelligence Agencies" viz. DRI, M&P Wing and NCB, etc.- reg.

Various types of correspondences are regularly received by Commissionerates of Nhava Sheva, Sections, Groups or intelligence units of JNCH from external intelligence agencies, viz. Directorate of Revenue Intelligence (DRI), Marine & Preventive Wing (M&P), Narcotics Control Bureau (NCB), etc. [hereinafter referred to as "External Intelligence Agencies (EIA)"]", which are mostly sensitive in nature and require time bound action by the different concerned Sections / Groups of JNCH.

2. The references received from the EIA by JNCH are generally of the following nature:

- i) To provide copy of bills of entry, shipping bills and supportive documents, etc.,
- ii) Instructions to put container/s on hold either at port area or CFSs for examination or any other purpose,
- iii) Preventive escort of the container from the Port area to any CFS for examination or any other purpose,
- iv) Examination of the goods in presence of EIA,
- v) To assist EIA during examination of the goods, if requested, and follow up support,
- vi) To provide logistical support to EIA for facilitating examination of the consignment,
- vii) Consideration of case for provisional release of consignment (Section 110A) seized by the EIA,
- viii) Processing the request for warehousing under Section 49 of Customs Act, 1962, and

ix) Time bound disposal of "perishable cargo" seized by EIA etc.

3. It has been observed that there is need to issue "Standard Operating Procedure (SOP)" to deal with such references received from EIA in uniform and expeditious manner. It is seen that such references are made in the case of both import and export. Moreover, there is a need of nominating a nodal agency in JNCH, which would be better placed to deal with such references and co-ordinate with various other authorities viz. Port, CFS, CSD, Warehouses, Shipping Lines, Groups / Sections etc.

4. Accordingly, it has been decided that Central Intelligence Unit (CIU), JNCH shall be the Nodal Agency to deal with such matters.

5. The CIU after receipt of any such correspondence shall make a suitable entry in a register to be maintained for that purpose. The register should also be maintained electronically on a stand-alone computer. After making the entry in the register, the CIU shall examine the references/ directions communicated by the external intelligence agencies, and shall initiate follow up action in a time bound manner as under:

- a. **To provide copy of B/Es, S/Bills, IGMs, EGMs and their supportive documents, etc.**-After receipt of such requests, the same shall be forwarded to MCD Section/ EDI Section, as the case may be, with instructions to provide requisite import/export documents or EDI copy of the import documents, for onward submission to the external agencies within the prescribed time limit, through CIU. As far as possible, the certified copies of such documents shall be provided to EIA. The certification shall be carried out by the officers of CIU based on the documents made available by MCD or any other concerned section.
- b. **Instructions to put certain consignment/ container on hold, lying either at Port area or CFSs** -A detailed procedure to put such consignment/ container on hold, has been devised and issued vide **Standing Order no. 15/2018 JNCH dated 04.05.2018**. The same shall be applied in these cases *mutatis-mutandis*. The details of containers put on hold should be communicated to EIA both by written communication as well as through email on the date of putting any container on hold. Further, EIA should communicate within 7 days of hold to CIU, JNCH about action to be taken in respect of such hold containers. Any litigation arising in future for demurrage, detention etc. shall be dealt by EIA only.

- c. **Preventive escort of the container from port area to CSD for scanning before examination in CFS area-** In these cases, the procedure will be same as mentioned at Para 4 (b) above. In addition, it will be the responsibility of the concerned SIO/ IO, CIU to co-ordinate with the CSD for scanning of such container on priority basis and to co-ordinate with Preventive General (PG) for requirement of escort.
- d. **Instructions to provide assistance during examination of the consignment (examination by EIA officials)-** In this case, the jurisdictional DC/AC-in-charge of import docks shall be directed to co-ordinate with the EIA. Only in rare cases, where there is absolute need of additional staff for examination, the DC/AC-in-charge of import docks may request the DC/CIU, who in turn, will provide the additional staff for proper examination. Moreover, where there is need of drawal of samples, the no. of samples to be drawn shall be decided by EIA official only and same shall be collected by them immediately.
- e. **Instructions for examination of goods by JNCH officials as per request of EIA** –In case examination is to be conducted by JNCH officials, then CIU/nodal agency shall convey to docks officials to carry out the examination in the time bound manner and shall also specify whether such examination is required under the proceedings of Panchnama or otherwise. However, in some cases depending on nature/sensitivity of intelligence ADC/JC CIU may instruct to carry out examination by the Officers of CIU itself or in presence of Officers of CIU. Then result of examination (along with photographs) should be informed to the EIA Nodal officer at the earliest. It is expected that whenever, EIA request JNCH for examination of any consignment, they should clearly specify specific aspects to be seen / checked during examination and any special requirement.

EIA may further specify whether these goods are to be examined by docks officials only or to be done in the presence of officials of EIA.

In case, the consignment is seized by way of the seizure memorandum, a copy of the same shall be invariably marked to the nodal agency for updating the records and registers for better coordination.

- f. **Instructions for drawl of sample by JNCH officials as per request of EIA** -In case a sample is required to be drawn by JNCH officials, then the fact of drawl of sample (along with number of samples) should be informed to the EIA Nodal officer and samples should be sent for testing or inspection to such laboratories / PGAs, as per the communication received from EIA. It is expected that whenever, EIA request JNCH for drawl of sample from any consignment, they should clearly

specify particulars such as the No. of samples, nature of tests required, testing lab or agency and any special requirement. Second set of RSS should be sent to Nhava Sheva Regional units of EIA.

- g. Instructions to provide logistical support for examination of the consignment by external intelligence agencies-** Any request for logistical support would be considered by the DC/ CIU, who in turn, shall arrange for such logistical support as sought by the agencies. This include providing manpower, vehicle, etc. This may also include the pre-trial inspection of goods before Magistrate in certain cases.
- h. Consideration for provisional release of consignment (Section 110A) seized by EIA by the Adjudicating Authority-** The CIU will forward such request to the concerned DC/AC, Group / Section concerned for onward submission to Adjudicating Authority for consideration of provisional release. A copy of communication regarding grant of provisional release addressed to importer/exporter, will also be sent to the EIA.
- i. Consideration of disposal of perishable cargo seized by them** –Same shall be taken up by CIU through disposal section after following the procedure envisaged under section 110(1B) of Customs Act,1962.
- j. Consideration of granting warehousing under Section 49 of Customs Act, 1962 to consignment seized by them-** Decision on section 49 shall be taken by the CIU if investigation is being undertaken by CIU itself. However, in case is done by EIA any decision on Section 49 shall be taken by CIU in consultation with EIA.
- k. Liaison for alert/target placed through RMS-** In case of alert/target placed through Risk Management System by EIA where the consignment is asked to be put on hold for EIA's examination or to conduct 100% examination before taking NOC for EIA, nodal agency (CIU) shall contact the officer of EIA in line with the instruction of RMS alert/target to have a better liaison.
- l. Status of cases pending at various stages-** CIU shall be nodal agency to update the status of a case pending at various stages from early detention to various stages of appeal.
- m. Other General points-** The dedicated email id for faster communication shall be suptadmn-ciujnch@gov.in as information/intelligence may be communicated at any time including non-working hours or holidays, the CIU/ concerned nodal office may nominate a nodal officer and alternate nodal officer whose email id and mobile number shall be shared with the EIAs. Names and contact details

m. thereof shall be circulated to all the EIAs quarterly and/or upon transfer/change of officers.

6. This SOP is being issued in consultation with (i) DRI, HQ, Delhi, (ii) Office of Commissioner (M&P), Zone III, Mumbai, (iii) Commissioner, NS-V, Zone III, Mumbai and (iv) Commissioner (NS- General), Nhava-Sheva, Zone-II.

V S Chauhan

(VIJAY SINGH CHAUHAN)
COMMISSIONER OF CUSTOMS (NS-V).

Copy to:

1. The Director General, DRI (HQ), Delhi
2. The Director General, NCB, Delhi
3. The Chief Commissioner of Customs, Mumbai Zone- II.
4. The Additional Director General, DRI, Zonal Units
5. The Commissioner of Customs (Preventive), Mumbai Zone-III
6. All the Commissioner of Customs, Mumbai Zone- II.
7. All Addl./Joint Commissioners of Customs, Mumbai Zone- II.
8. All Deputy/Asstt. Commissioners of Customs, Mumbai Zone- II.
9. The DC/EDI for uploading on the JNCH website.