GOVERNMENT OF PAKISTAN
REVENUE DIVISION
CENTRAL BOARD OF REVENUE
*****

THE CUSTOMS ACT, 1969
(IV OF 1969)

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THE CUSTOMS ACT,1969

[1][Act No. IV of 1969]

[3rd March,1969]

An Act to consolidate and amend the law relating to Customs

Whereas it is expedient to consolidate and amend the law relating to the levy and collection of customs-duties and to provide for other allied matters:

It is hereby enacted as follows:-

CHAPTER 1

PRELIMINARY

1. Short title, extent and commencement.-

(1) This Act may be called the Customs Act,1969.
(2) It [2][extends] to the whole of Pakistan.
(3) It shall come into force on such date as the [3][Federal Government] may, by notification in the official Gazette, appoint. [4][ ]

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context:-

[5]**[(a)** **"adjudicating authority"** means any authority competent to pass any order or decision under this Act, but does not include the Board, [6][the Collector (Appeals)] or the Appellate Tribunal;]

[7]**[(ai)** **"advance ruling"** means classification determined by the Board or any officer, or committee authorized by the Board for the assessment of the goods intended to be imported or exported."]

[8]**[(aa)** **"agent"** means a person licensed under section 207 or permitted to transact any business under section 208;"

(aaa) **"appellate tribunal"** means the Customs, Excise and Sales Tax Appellate Tribunal constituted under section 194;]

(b) **"appropriate officer"** in relation to any functions to be performed under this Act, means the officer of customs to whom such functions have been assigned by or under this Act;

[9]**[(bb)** **"assessment"** includes provisional assessment, reassessment and any order or assessment in which the duty assessed is nil;

[10]**[(bba)** **"audit"** means examination of books, records, documents, correspondence, stocks and inventory of goods relating to import, export and other business activities of the persons referred to in

section 211, in order to ascertain their liability of duties and taxes and compliance with relevant laws and rules;]

(bbb) **"baggage"** includes unaccompanied baggage but does not include motor vehicles;]

[11][**(c)** omitted.

[12]**(d)** omitted].

(e) **"Board"** means the Central Board of Revenue, constituted under the Central Board of Revenue Act,1924;

[13]**[(ea)** **"carrier"** means the person actually transporting goods or incharge of, or responsible for, the operations of the means of transport or the owner thereof;]

(f) **"coastal goods"** means the goods transported in a vessel from one port in Pakistan to another, but does not include imported goods on which customs duty has not been paid;

[14]**[(fa)** **"Collector"** means Collector of Customs appointed under section 3 and includes any other officers equivalent in rank with any other designation appointed under this Act to perform specified functions in own jurisdiction;]

[15]**[(ff)** **"Collector (Appeals)"** means a person appointed to be a Collector of Customs (Appeals) under section 3;]

(g) **"conveyance"** means any means of transport used for carrying goods or passengers such as a vessel, aircraft, vehicle or animal;

(h) **"customs-airport"** means any airport declared under section 9 to be a customs- airport;

(i) **"customs-area"** means the limits of the customs-station specified under section 10 and includes any area in which imported goods or goods for export are ordinarily kept before clearance by the customs authorities;

[16][**(ia)** **"Customs Computerized System"** means a comprehensive Customs information technology system specified in Chapter XVI-A;

[17][**(ib)** omitted].

(j) **"customs-port"** means any place declared under section 9 to be a [18][customs-port];

[19][**(jj)** omitted].

(k) **"customs-station"** means any customs-port, customs-airport or any land customs-station;

[20][**(kk)** **"detain"**, in relation to goods, means to prohibit the disposal or use of the goods, pending the finalization of any proceedings under this Act in relation to the goods or the owner thereof;]

[21][**(kka)** **"documents"** means a goods declaration, application for claim of refund, duty drawback or repayment of duty, import or export general manifest, passenger manifest, bill of lading, airway bill,

commercial invoice and packing list or similar other forms or documents used for customs clearance or making a declaration to Customs, whether or not signed or initialed or otherwise authenticated, and also includes,-

(i) any form of writing on material, data or information recorded, transmitted, or stored by means of a tape recorder, computer or any other device, and material subsequently derived from information so recorded, transmitted or stored;

(ii) a label, marking or other form of writing that identifies anything of which it forms part or to which it is attached by any means;

(iii) a book, map, plan, graph, or drawing; and

(iv) a photograph, film, negative, tape, or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced.

(kkb) **"electronic duty drawback filing and payment system"** means Electronic Duty Drawback Filing and Payment System as specified by the rules;]

[22][**(kkk)** **"export manifest"** means export manifest delivered under sub-section (2) of section 53 and includes electronically filed export manifest;]

(l) **"goods"** means all movable goods and includes-

(i) conveyance,

(ii) stores and materials,

(iii) baggage, and

(iv) currency and negotiable instruments;

[23][**(la)** "goods declaration" means a goods declaration filed under sections 79, 104, 131, 139 or 144 and includes a goods declaration electronically filed;]

(lb) **"import manifest"** means import manifest delivered under section 43 or 44 as the case may be and includes electronically filed import manifest;]

(m) **"land customs-station"** means any place including an inland river port declared under section 9 to be a land customs-station;

(n) **"master"** when used in relation to any vessel, means any person, except a pilot or harbour master, having command or charge of such vessel;

(o) **"officer of customs"** means an officer appointed under section 3;

(p) **"Pakistan customs-waters"** means the waters extending into the sea to a distance of twelve nautical miles measured from the appropriate base line on the coast of Pakistan;

[24][**(pa)** **"person"** includes a company, an association, a body of individuals whether incorporated or not;

(q) **"person-in-charge"** means –

(i) in relation to a vessel, the master of the vessel;

(ii) in relation to an aircraft, the commander or pilot in charge of the aircraft;

(iii) in relation to a railway train, the conductor, guard or other person having the chief direction of the train;

(iv) in relation to any other conveyance, the driver or any other person having control of the conveyance;

[25][**(qa)** "**principal**" means the owner of the goods or the person primarily responsible for making a declaration to Customs under this Act and includes the person in-charge of the conveyance, carrier, custodian of cargo, and the terminal operator;

(r) **"rules"** means the rules made under this Act;

[26][**(rr)** **"seize"** means to take into custody, physically or otherwise, goods in respect of which some offence has been committed or is believed to have been committed under this Act or the rules, and all cognate words and expressions shall be construed accordingly;]

(s) **"smuggle"** means to bring into or take out of Pakistan, in breach of any prohibition or restriction for the time being in force, or evading payment of customs-duties or taxes leviable thereon,-

[27][(i) gold bullion, silver bullion, platinum, palladium, radium, precious stones, antiques, currency, narcotics and narcotic and psychotropic substances; or

(ii) manufactures of gold or silver or platinum or palladium or radium or precious stones, and any other goods notified by the Federal Government in the official Gazette, which, in each case, exceed [28][fifty thousand rupees] in value; or

(iii) any goods by any route other than a route declared under section 9 or 10 or from any place other than a customs-station.] and includes an attempt, abetment or connivance of so bringing in or taking out of such goods; and all cognate words and expressions shall be construed accordingly;]

[29][**(ss)** **"Special Judge"** means a Special Judge appointed under Section 185;

(**sss)** **"Special Appellate Court"** means a Special Appellate Court constituted under section 46 of the Prevention of Smuggling Act,1977;]

[30][**(ssss)** **"surcharge"** means an amount or charge required to be paid under sections 21A, 83,86,98 and 202A or any surcharge payable as such under this Act;]

(t) **"warehouse"** means any place appointed or licensed under section 12 or section 13;

(u) **"warehousing station"** means a place declared as a warehousing station under section 11;

(v) **"wharf"** means any place in customs-port approved under clause (b) of section 10 for the loading and unloading of goods or any class of goods [31][;]

[32][**(w)** **"**[33]**[***]arrears"** means the amount of any duty, surcharge, fine or penalty [34][or any other amount] which is adjudged or demanded through an adjudication order passed by the competent authority or the amount referred to in the notice under sub-section (2) of section 202 which is recoverable in full or in part and is not paid within the time prescribed;

(x) **"default"** means the failure to pay the outstanding arrears as defined in clause (w); and

(y) **"defaulter"** means the person and in the case of a company or firm every director or partner of the company or, as the case may be of the firm and of which he is a director or a partner of proprietor, and includes the guarantor who fails to pay outstanding arrears.]

LEGAL REFERENCE

1. *For Statement of Objects and Reasons, see Gazette of Pakistan, 1969 Extraordinary (Rawalpindi), Page626, and for the report of the Select Committee see ibid, 1969 Extraordinary(Dacca), Page 199.*

2. *This Act has been extended to the Federally Administered Tribal Areas, (subject to the modification that section 185 thereof shall have effect as if in sub-section (2), after the word "he" words "is a Political Agent or" were inserted by the Regulation No.1 of 1984.s.2.*

3. *Substituted for the words "Central Government" by the Finance Ordinance,1972(XXI of 1972), section 3, page 56 and Second Schedule S.1, page 76 with effect from 17th June,1972.*

4 *.i.e. the 1st day of January,1970, vide Notification published in Gazette of Pakistan, Extraordinary, January,1970 Extraordinary, Page,1035.*

5 *Substituted by Finance Act, 1989 (V of 1989), S.5(1)(a), page 106.*

6. *Omitted vide Finance Ordinance, 2000(XXI of 2000), S.4(1)(a), page 198 and inserted by Finance Ordinance, 2002 (XXVII of 2002), S.4(1)(a), page 222.*

7. *Inserted by Finance Ordinance, 2002 (XXVII of 2002), S.4(1)(b), page 222.*

8. *Inserted by Finance Act, 1989(V of 1989), S.5(1)(b), page 106*

9. *Inserted by Finance Act, 1989(V of 1989), S.5(1)(c), pages 106-107.*

10. *Inserted by Finance Act, 2006.*

11. *Omitted by Finance Act, 2006. At the time of omitting the clause (c) was as under:-*

"**(c)"bill of entry"** means bill of entry delivered under section 79 [11a][and includes electronic filing of bill of entry];

11a Added by Finance Ordinance, 2001 (XXV of 2001) S.4(1), page 304."

12. *Omitted by Finance Act, 2006. At the time of omitting the clause (d) was as under:-*

"(d)"bill of export" means bill of export delivered under section 131 [12a][and includes electronic filing of bill of export];

12a. Added by Finance Ordinance, 2001 (XXV of 2001), S.4(1)(ii), page 305.

13. Inserted by Finance Act, 2003 (I of 2003), S.5(1)(a), page 20.

14. Inserted by Finance Act, 2005

15. Inserted by Finance Act, 1989 (V of 1989), S.5(1)(a), page 107, Omitted by Finance Ordinance, 2000 (XI of 2000), S.4(1)(b), page 198 and inserted by Finance Ordinance 2002 (XXVII of 20020, S.4(1)(c). At the time of omission, clause (ff) was as under:-

"[(ff) "Collector (Appeals)" means a person appointed to be a Collector of Customs (Appeals) under *section 3;]"*

16. Inserted by the Finance Act, 1994 (XII of 1994), S.6(1), page 253 and substituted by Finance Ordinance, 2001 (XXV of 2001), S.4(1)(iii), page 305, substituted by Finance Ordinance, 2002 (XXVII of 2002), S.4(1)(d), page 223 and substituted by Finance Act, 2003 (I of 2003), S.5(1)(b), page 20. At the time of substitution clause (ia) was as under:-

"[(ia) "customs documents" includes bill of entry, bill of export, application for claim for refund, duty drawback and repayment of duty, baggage declaration form or similar other forms used for customs clearance and such documents electronically filed;]".

"[(ia) "customs documents" include bill of entry, bill of export, application for claim for refund, duty drawback and repayment of duty, baggage declaration form or similar other forms used for customs clearance;]".

17 *Substituted for clause (ia) as clauses (ia) and (ib) by FA, 2003 and omitted by Finance Act, 2006. At the time of omitting the clause (ib) was as under:-*

(ib) "customs documents" includes bill of entry, bill of export or goods declaration, applications for claim for refund, duty drawback and repayment of duty, baggage declaration form and documents such as bill of lading, commercial invoice and packing list or similar other forms or documents used for customs clearance and includes such documents electronically filed and system generated documents that are not required to be manually signed by the departmental officials;

18. Substituted for the words "port for the shipment and landing of goods" by Finance Act, 1973 (L of 1973), S.9(1)(a), page 530.

19. Inserted by the Finance Act, 1977 (XXX of 1977), S.9(1), page 301 and omitted by Finance Act, 2006. At the time of omitting the clause (jj) was as under:-

"[**(jj) "customs-practitioner"** means a person registered as a customs practitioner in accordance with the rules made by the Central Board of Revenue in this behalf];

17a.

20. Inserted by the Finance Act, 1987 (VI of 1987), S.8(1)(a), page 33.

21. Inserted by the Finance Act, 2006.

22. Inserted by the Finance Ordinance, 2001 (XXV of 2001), S.4(1)(iv), page 305.

23. Inserted by the Finance Ordinance, 2001 (XXV of 2001), S.4(1)(v), page 305 and substituted by the Finance Act, 2003 and Finance Act, 2006. At the time of substitution was as under:-

23a. "(la) import manifest means import manifest delivered under section 43 or 44 as the case may be and includes electronically filed import manifest;]".

23b Substituted by the Finance Act, 2006. At the time of substitution the clause (la) was as under:-

"[23b][**(la)"goods declaration"** means a goods declaration filed under sections 79, [23c][or] 131 [23d][***] and includes goods declaration filed electronically;

23c. Substituted for the commas, figure and letter"79A"by the Finance Act, 2005

23d. Omitted the word, figure and letter "or 131A" by the Finance Act, 2005

24. *Inserted by Finance Act, 2005 (VII of 2005),S.3(1)(c)page 130..*

25. *Inserted by the Finance Act, 2003 (I of 2003), S.5(1)(d), page 21.*

26 *Inserted by the Finance Act, 1987 (XI of 1987), S.8(1)(b), page 34.*

27. *Substituted by the Finance Ordinance, 1982 (XII of 1982), S.6(1), page 59. At the time of substitution was as under:-*

. "[(a) gold bullion, silver bullion, precious stones, currency, manufactures of gold or silver or precious stones or any other goods notified by the [27a][Federal Government] in the official Gazette, in each case exceeding one thousand rupees in value; or

(b) any [27b][****] goods by any route other than a route declared under section 9 or 10 or from any place other than a customs station;]".

27a. Substituted for the words "Central Government" by the Finance, 1972 (XXI of 1972), S.3, page 56 and Second Schedule S.1, page 76.

27b. The word "other" omitted by the Finance Act, 1973 (L of 1973).

28 *Substituted for the words "five thousand rupees" by the Finance Act, 1998 (III of 1998), S.4(1), page 39.*

29. *Inserted by the Prevention of Smuggling Act, 1977 (XII of 1977), S.51(1)(a), page 223 (w.e.f. 16th May, 1977)*

30. *Inserted by the Finance Act, 2006..*

31. *Replaced "full stop" by the Finance Act,1999(IV of 1999), S.10(1)(a), page 757.*

32. *Added by the Finance Act, 1999 (IV o*f 1999), S.10(1)(a), page 757.

33. *Omitted the word "outstanding" by the Finance Act, 2006.*

34. *Inserted by the Finance Act, 2006.*

THE CUSTOMS ACT,1969

CHAPTER II

APPOINTMENT OF OFFICERS OF CUSTOMS AND THEIR POWERS

[1][3. **Appointment of officers of customs.-** For the purposes of this Act, the Board may, by notification in the official Gazette, appoint, in relation to any area specified in the notification, any person to be —

(a) a Chief Collector of Customs;
(b) a Collector of Customs;
(c) a Collector of Customs (Appeals);
(d) an Additional Collector of Customs;
(e) a Deputy Collector of Customs;
(f) an Assistant Collector of Customs;
(g) an officer of Customs with any other designation.]

[2][3A. **The Directorate General (Intelligence and Investigation), Customs and Federal.-** The Directorate General (Intelligence and Investigation), Customs and Federal Excise, shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors and Assistant Directors and such other officers as the Board may, by notification in the official Gazette, appoint.

3B. Directorate General of Inspection and Internal Audit.- The Directorate General of Inspection and Internal Audit shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors and Assistant Directors and such other officers as the Board may, by notification in the official Gazette, appoint.

3C. Directorate General of Training and Research.- The Directorate General of Training and Research shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors and Assistant Directors and such other officers as the Board may, by notification in the official Gazette, appoint.

3D. Directorate General, Valuation and Post-Clearance Audit.- The Directorate General Valuation and Post-Clearance Audit shall consist of a Director General and as many Directors, Additional Directors, Deputy Directors, Assistant Directors and such other officers as the Board may, by notification in the official Gazette, appoint.

3E. Powers and functioning of the Directorates, etc.- The Board may specify the functions, jurisdiction and powers of the Directorates specified in the preceding sections and their officers by notification in the official Gazette.]

4. Powers and duties of officers of customs.- An officer of customs appointed under section 3 shall exercise such powers and discharge such duties as are conferred or imposed on him by or under this Act [3][or the rules made thereunder]; and he shall also

be competent to exercise all powers and discharge all duties conferred or imposed upon any officer subordinate to him:

Provided that, notwithstanding anything contained in this Act or the rules, the Board may, by general or special order, impose such limitations or conditions on the exercise of such powers and discharge of such duties as it thinks fit.

[4][5 **"Delegation of powers.-** [5](1)] The Board may, by notification in the official Gazette and subject to such limitations or conditions as may be specified therein, empower by name or designation-

(a) any Additional Collector of Customs or Deputy Collector of Customs to exercise any of the powers of a Collector of Customs under this Act;
(b) any Deputy Collector of Customs or Assistant Collector of Customs to exercise any of the powers of an Additional Collector of Customs under this Act;
(c) any Assistant Collector of Customs to exercise any of the powers of a Deputy Collector of Customs under this Act; and
(d) any other officer of customs with any other designation.]

[6][(2) Unless the Board in any case otherwise directs, the Director General, Director, and Collector may authorize any officer to exercise within any specified area any of the powers of the Director General, Director, Collector or any other officer of Customs under this Act.]

[7][6. **Entrustment of functions of customs officers to certain other officers.-** [8](1) The Board may, by notification in the official Gazette, entrust, either conditionally or unconditionally, any functions of any officer of customs under this Act to any officer of the Federal Government, Provincial Government, State Bank of Pakistan and Scheduled Banks:

Provided that where any officer in performance of his functions under this section commits any offence under this Act, such officer shall, in addition to any other penalty which may be imposed under any other law for the time being in force, be liable to such punishment as is specified in sub-section (1) of section 156 for the offence committed by him.]

[9][(2) No officer entrusted with any functions of any officer of customs under sub-section (1) shall interfere in any manner in the performance or discharge of any duty by an officer of customs in places notified under section 9.]

7. Assistance to the officers of customs.- All officers of Central Excise, Police, and the Civil Armed Forces, and all officers engaged in the collection of land-revenue are hereby empowered and required to assist officers of customs in the discharge of their functions under this Act.

8. Exemption from service on jury or inquest or as assessors.- Notwithstanding anything contained in any other law, no officer of the Board or Collector of Customs and no other officer of customs whom the Board or Collector of Customs deems it necessary to exempt on grounds of public duty, shall be compelled to serve on any jury or inquest or as an assessor.

LEGAL REFERENCE

1. *Substituted by the Finance Act, 1996 (IX of 1996), S.4(1), page 469. Section 3 at the time of substitution was as under:-*

"3. Appointment of officers of Customs.- For the purposes of this Act, the Board may, by notification in the official Gazette, appoint, in relation to any area specified in the notification, any person to be-

(a) a Collector of Customs;

[1a][(aa) a Collector of Customs (Appeals);]

(b) a Deputy Collector of Customs;

(c) an Assistant Collector of Customs; or

(d) an officer of customs with any other designation."

1a. Inserted by the Finance Act, 1989 (V of 1989), S.5(2)(a), page 107.

2. *Inserted by Finance Act, 2005*

3. *Inserted by Finance Act, 2006*

4. *Substituted by the Finance Ordinance, 2000 (XXI of 2000), S.4(2), page 198. At the time of substitution section 5 was as under:-*

"5. Delegation of powers.- The Board, may by notification in the official Gazette, and subject to such limitation or conditions, if any, as may be specified therein, empower by name or designation –

(a) any [4a][Additional Collector] of Customs to exercise any of the powers of a Collector of Collector of Customs under this Act;

(b) any [4b][Assistant Collector or Deputy Collector] of Customs to exercise any of the powers of a [4c][Additional Collector] of Customs under this Act;

(c) any other officer of Customs to exercise any of the powers of an [4a][Assistant Collector or Deputy Collector] of Customs under this Act.".

4a. Substituted for the words "Deputy Collector" by the Finance Act, 1996 (IX of 1996).

4b. Substituted for the words "Assistant Collector" by the Finance Act, 1996 (IX of 1996).

4c. The brackets and figure "(1)" omitted by Customs (Amendment) Ordinance, 2000 (XLVI of 2000), S.2, page 651.

5. *Renumbered by Finance Act, 2005 (VII of 2005),S.3(3), page 131.*

6. *Added by Finance Act, 2005 (VII of 2005), S.3(3),page 131.*

7. *Substituted by Customs (Amendment) Ordinance,1996 and Finance Act,1996(IX of 1996)S.4(2),Page 469. Earlier same amendment was made to the Customs (Amendment) Ordinance, 1995 (CXIV of 1995) and Customs (Amendment) Ordinance, 1996 (XVI of 1996), At the time of substitution section 6 was as under:-*

"**6. Entrustment of functions of the customs officers to certain other officers.-** The Board may, by notification in the official Gazette, entrust, either conditionally or unconditionally, any functions of any officer of customs under this Act to any officer of the [7a][Federal] or Provincial [7a][Government].".

7a. Substituted for the words "Central Government" by Finance Ordinance, 1972 (XXI of 1972), S.3, page 56 and Second Schedule S.1, page 76.

8. *Renumbered by Finance Act, 2004 (II of 2004), S.3(1), page 13.*

9. Added by Finance Act, 2004 (V of 2004), S.3(1), page.

THE CUSTOMS ACT,1969

CHAPTER III

DECLARATION OF PORTS, AIRPORTS, LAND CUSTOMS STATIONS, ETC.

9. Declaration of customs–ports, customs airports, etc.- The Board may, by notification in the official Gazette, declare:

[1][(a) the places which alone shall be customs-ports or customs-airports for the clearance of goods or any class of goods imported or to be exported;]

(b) the places which alone shall be land customs-stations for the clearance of goods or any class of goods imported or to be exported by land or inland waterways;

(c) the routes by which alone goods or any class of goods specified in the notification may pass by land or inland waterways into or out of Pakistan, or to or from any land customs-station or to or from any land frontier;

(d) the places which alone shall be ports for the carrying on of coastal trade with any specified customs-ports in Pakistan; and

(e) what shall for the purposes of this Act be deemed to be a custom house and the limits thereof.

10. Power to approve landing places and specify limits of customs-stations.- The Board may, by notification in the official Gazette:-

(a) specify the limits of any customs-station; and

(b) approve proper places in any customs-station for the loading and unloading of goods or any class of goods.

11. Power to declare warehousing stations.- The Board may, by notification in the official Gazette, declare places to be warehousing stations at which alone public warehouses may be appointed and private warehouses may be licensed.

[2][**12. Power to appoint or licence public warehouses.-** (1) At any warehousing station, the Collector of Customs may, from time to time, appoint or licence public warehouses wherein dutiable goods may be deposited without payment of customs-duty.

(2) Every application for a licence for a public warehouse shall be made in such form as may be prescribed by the Collector of Customs.

(3) A licence granted under this section may be cancelled by the Collector of Customs for infringement of any condition laid down in the licence or for any violation of any of the provisions of this Act or any rules made there under, after the licensee has been given proper opportunity of showing cause against the proposed cancellation.

(4) Pending consideration whether a licence be cancelled under sub-section (3), the Collector of Customs may suspend the licence.]

13. Power to licence private warehouses.- (1) At any warehousing station, the Collector of Customs may, from time to time, licence private warehouses wherein dutiable goods may be deposited [3][without payment of customs-duty.]

(2) Every application for a licence for a private warehouse shall be made in such form as may be prescribed by the Collector of Customs.

[4][(3) A licence granted under this Section may be cancelled by the Collector of Customs for infringement of any condition laid down in the licence or
for any violation of any of the provisions of this Act or any rules made there under, after the licensee has been given proper opportunity of showing cause against the proposed cancellation].

(4) Pending consideration whether a licence be cancelled under sub-section (3), the Collector of Customs may suspend the licence.

14. Stations for officers of customs to board and land.- The Collector of Customs may, from time to time, appoint, in or near any customs-port, stations or limits at or within which vessels arriving at or departing from such port shall bring to for the boarding or landing of officers of customs, and may, unless separate provisions therefore have been made under the Ports Act,1908 (XV of 1908) direct at what particular place in any such port vessels, not brought into port by pilots, shall anchor or moor.

[5]**[(14-A. Provision of accommodation at Customs-ports, etc.-** Any agency or person managing or owning a customs-port, a customs-airport or a land customs station shall provide at its or his own cost adequate accommodation to customs staff for offices, examination of goods, detention and storage of goods and for other departmental requirements to be determined by the Collector of Customs [6][and shall pay utility bills, rent and taxes in respect of such accommodation.]

LEGAL REFERENCE

1. *Substituted by the Finance Act, 1973 (L of 1973), S.9(2), page 531, At the time of substitution clause (a) was as under:-*
   "(a) the ports and airports which alone shall be customs ports or customs airports for the unloading of imported goods and loading of goods for export or any class of such goods.".
2. *Substituted by the Finance Act, 1990 (VII of 1990), S.6(1), page 34. At the time of substitution section 12 was as under:-*
   "**12. Power to appoint public warehouse.-** At any warehousing station, the Collector of Customs may, from time to time, appoint, public warehouses wherein dutiable goods may be deposited without payment of customs duty.".
3. *Added by the Finance Ordinance, 2002 (XXVII of 2002), S.4(2), page 223.*
4. *Substituted by the Finance Act, 1986 (I of 1986), page 10. At the time of substitution sub-section (3) was as under:-*
   "(3) Every licence granted under this section may be cancelled on conviction of the licensee of any offence under this Act relating to warehouse, or for infringement of any condition provided in the licence, or on the expiration of one month's notice in writing given to the licencee by the Collector of Customs.".
5. *Added by the Finance Ordinance, 1984 (XXVIII of 1984).*
6. *Added by the Finance Ordinance, 2001 (XXV of 2001), S.4(2), page 305.*

THE CUSTOMS ACT,1969

CHAPTER IV

PROHIBITION AND RESTRICTION OF IMPORTATION AND EXPORTATION

[1][15. **Prohibitions.-** No goods specified in the following clauses shall be brought into or taken out of Pakistan, namely:-

(a) counterfeit coins, forged or counterfeit currency notes, and any other counterfeit product;

(b) any obscene book, pamphlet, paper, drawing, painting, representation, figure, photograph, film, or, article, video or audio recording, CDs or recording on any other media;

(c) goods having applied thereto a counterfeit trade mark within the meaning of the Pakistan Penal Code, 1860 (Act XLV of 1860), or a false trade description within the meaning of the Copyright Ordinance, 1962 (XXXIV of 1962), the Registered Layout-Designs of Integrated Circuits Ordinance, 2000 (XLIX of 2000), the Registered Designs Ordinance, 2000 (XLV of 2000), the Patents Ordinance, 2000 (LXI of 2000), and the Trade Marks Ordinance, 2001 (XIX of 2001), or goods imported or exported in contravention of the provisions of section 32;

(d) goods made or produced outside Pakistan and having applied thereto any name or trade mark, being or purporting to be the name or trade mark of any manufacturer, dealer or trader in Pakistan, unless,-

  (i) the name or trade mark is, as to every application thereof, accompanied by a definite indication of the goods having been made or produced in a place outside Pakistan; and

  (ii) the country in which that place is situated is in that indication shown in letters as large and conspicuous as any letter in the name or trade mark, and in the same language and character as the name or trade mark;

(e) goods involving infringement of copyright, layout-design of integrated circuits, industrial designs, patents within the meaning of the Copyright Ordinance, 1962 (XXXIV of 1962), the Registered Designs Ordinance, 2000 (XLV of 2000), and the Patents Ordinance, 2000 (LXI of 2000), respectively; and

(f) goods made or produced outside Pakistan and intended for sale, and having applied thereto, a design in which copyright exists under the Copyright Ordinance, 1962 (XXXIV of 1962), the Registered Layout – Designs of Integrated Circuits Ordinance, 2000 (XLV of 2000), the Patents Ordinance, 2000 (LXI of 2000), and the Trade Marks Ordinance, 2001 (XIX of 2001), in respect of the class to which the goods belong or any fraudulent or obvious imitation of such design, patent, copyright except when the application of such design has been made with the

licence or written consent of the registered proprietor, right holder of the design, patent or copyright, as the case may be.

16. Power to prohibit or restrict importation and exportation of goods.- The [2][Federal Government] may, from time to time, by notification in the official Gazette, prohibit or restrict the bringing into or taking out of Pakistan of any goods of specified description by air, sea or land.

[3]**[17. Detention, seizure and confiscation of goods imported in violation of section 15 or section 16.-** Where any goods are imported into, or attempted to be exported out of, Pakistan in violation of the provisions of section 15 or of a notification under section 16, such goods shall, without prejudice to any other penalty to which the offender may be liable under this Act or the rules made there under or any other law, be liable to detention, for seizure or confiscation subject to approval of an officer not below the rank of an Assistant Collector of Customs, and seizure for confiscation through adjudication, if required.]

LEGAL REFERENCE

1. Substituted by the Finance Act, 2004 (II of 2004)S.3(2), page 13. At the time of substitution section 15 was as under:-

"15. Prohibition.- No goods specified in the following clauses shall be brought, whether by air or land or sea, into Pakistan:-

(a) counterfeit coin;

(b) forged or counterfeit currency notes;

(c) any obscene book, pamphlet, paper, drawing, painting, representation , figure, photograph, film or article;

(d) goods having applied thereto a counterfeit trade mark within the meaning of the Pakistan Penal Code (Act XLV of 1860), or a false trade description within the meaning of the Merchandise Marks Act,1889(IV of 1889);

(e) goods made or produced outside Pakistan and having applied thereto any name or trade mark, being or purporting to be the name or trade mark of any manufacturer, dealer or trader in Pakistan unless-

  (i) the name or trade mark is, as to every application thereof, accompanied by a definite indication of the goods having been made or produced in a place outside Pakistan; and

  (ii) the country in which that place is situated is in that indication shown in letters as large and conspicuous as any letter in the name or trade mark, and in the same language and character as the name or trade mark;

(f) piece-goods manufactured outside Pakistan (such as are ordinarily sold by length or by the piece), unless the real length thereof in standard yards or other measurement for the time being applying in Pakistan has been conspicuously stamped on each piece in Arabic numerals; and

(g) goods made or produced outside Pakistan and intended for sale, and having applied thereto, a design in which copyright exists under the Patents and Designs Act of 1911(II of 1911), in respect of the class to which the goods belong or any fraudulent or obvious imitation of such design except when the

application of such design has been made with the licence or written consent of the registered proprietor of the design;

Provided that the [1a][Federal Government] may, by an order in writing, exempt from the provisions of this section any goods or any class or description of goods in transit to a foreign territory."

1a. The words "Central Government" substituted by the Finance Ordinance, 1972 (XXI of 1972), Section 3, page 56 and Second Schedule S.1, page 76 w.e.f. 17th June, 1972.

2. The words "Central Government" substituted by the Finance Ordinance, 1972 (XXI of 1972), Section 3, page 56 and Second Schedule S.1, page 76 w.e.f. 17th June, 1972.

3. Substituted by the Finance Act, 2005. At the time of substitution section 17 was as under:-

"17. [3a]**[Seizure] and confiscation of goods imported in breach of Section 15 or Section 16.-** Where any goods ae imported into or attempted to be exported out of Pakistan in violation of the provisions of section 15 or of a notification under section 16, such goods shall, without prejudice to any other penalty to which the offender may be liable under this Act, or any other law, but subject to rules, be liable to [3a][seizure] and confiscation.".

3a. Substituted for the word "Detention" by the Finance Act, 1987 (VI of 1987), S.8(2), page 34.

THE CUSTOMS ACT,1969

CHAPTER V

LEVY OF, EXEMPTION FROM, AND REPAYMENT OF, CUSTOMS-DUTIES

[1][**18. Goods dutiable.-** (1) Except as hereinafter provided, customs duties shall be levied at such rates as are prescribed in the First Schedule or under any other law for the time being in force on,-

(a) goods imported into Pakistan;
(b) goods brought from any foreign country to any customs station, and without payment of duty there, transshipped or transported for, or thence carried to, and imported at any other customs-station; and
(c) goods brought in bond from one customs station to another.

(2) No export duty shall be levied on the goods exported from Pakistan.

(3) The Federal Government may, by notification in the official Gazette, levy, subject to such conditions, limitations or restrictions as it may deem fit to impose, a regulatory duty on all or any of the goods imported or exported, as specified in the First Schedule at a rate not exceeding one hundred per cent of the value of such goods as determined under section 25.

(4) The regulatory duty levied under sub-section (3) shall –
(a) be in addition to any duty imposed under sub-section (1) or under any other law for the time being in force; and
(b) be leviable on and from the day specified in the notification issued under that sub-section, notwithstanding the fact that the issue of the official Gazette in which such notification appears is published at any time after that day.]

[2][(5) The Federal Government may, by notification in the official Gazette, levy an additional customs-duty on such imported goods as are specified in the First Schedule, at a rate not exceeding thirty-five *per cent* of value of such goods as determined under section 25.

(6) The additional customs-duty levied under sub-section (5) shall be,-
(a) in addition to any duty imposed under sub-sections (1) and (3) or under any other law for the time being in force; and
(b) leviable on and from the day specified in the notification issued under that sub-section, notwithstanding the fact that the official Gazette in which such notification appears is published at any time after that day.]

[3][**18.A Special customs duty on imported goods.-** The Federal Government may, by notification in the official Gazette, levy a special customs duty on the importation of such of the goods specified in the First Schedule as are of the same kind as goods

produced or manufactured in Pakistan, at a rate not exceeding the rate of duty of excise leviable under the Central Excises and Salt Act,1944 (I of 1944), on the goods produced or manufactured in Pakistan:

Provided that the exemption of any goods from the whole or any part of the duty of excise for the time being in force shall not prevent the Federal Government from levying a special customs duty on the importation of goods of the same kind:

Provided further that, for the purposes of the Sales Tax [4][***] Act 1990 (VII of 1990), the special customs duty shall not constitute a part of the value of supply.]

[5]**[18B**. OMITTED.]

[6]**[18C. Rates of duty and taxes and determination of origin under trade agreements.-** (1) Whereunder a trade agreement between the Government of Pakistan and the Government of a foreign country or territory, duty at a rate lower than that specified in the First Schedule is to be charged on articles which are the produce or manufacture of such foreign country or territory, the Federal Government may, by notification in the official Gazette, make rules for determining if any article is the produce or manufacture of such foreign country or territory and for requiring the owner to make a claim at the time of importation, supported by such evidence as may be prescribed in the said rules, for assessment at the appropriate lower rate under such agreement.

(2) Where in respect of any article, a preferential rate of duty is specified in the First Schedule, or is admissible by virtue of a notification under sub-section (1), the duty to be levied and collected shall be at the standard rate unless the owner of the article claims at the time of importation that it is chargeable with a preferential rate of duty, being the produce or manufacture of such preferential or free trade area, as is notified under sub-section (3) and the article is determined, in accordance with the rules made under sub-section (1) to be such produce or manufacture.

(3) For the purposes of this section and the First Schedule "preferential area or free trade area" means any country or territory which the Federal Government may, by notification in the official Gazette, declare to be such area.

(4) Notwithstanding anything contained in sub-sections (1) and (20, where the Federal Government is satisfied that, in the interests of trade including promotion of exports, it is necessary to take immediate action for discontinuing the preferential rate or increasing the preferential rate to a rate not exceeding the standard rate, or decreasing the preferential rate, in respect of an article specified in the First Schedule, the Federal Government may, by notification in the official Gazette, direct discontinuation of, or increase or decrease, as the case may be, the preferential rate.]

19. General power to exempt from customs-duties.- [7][(1) The [8][Federal Government], subject to such conditions, limitations or restrictions, if any, as it thinks

fit to impose, may, by notification in the official Gazette, exempt any goods imported into, or exported from, Pakistan or into or from any specified port or station or area therein, from the whole or any part of the customs-duties chargeable thereon [9][and may remit fine, penalty, charge or any other amount recoverable under this Act] [10][:]

[11][OMITTED]

[12][(2) A notification issued under sub-section (1) shall be effective from the day specified therein, notwithstanding the fact that the issue of the official Gazette in which such notification appears is published at any time after that day.]

[13][(3) Notwithstanding anything contained in any other law for the time being in force, including but not limited to the Protection of Economic Reforms 1992 (XII of 1992), and notwithstanding any decision or judgment of any forum, authority or court, no person shall, in the absence of a notification by the Federal Government published in the official Gazette expressly granting and affirming exemption from customs duty, be entitled to or have any right to any such exemption from or refund of customs duty on the basis of the doctrine of promissory estoppel or on account of any correspondence or admission or promise or commitment or concessionary order made or understanding given whether in writing or otherwise, by any government department or authority.]

[14]**[19A. Presumption that incidence of duty has been passed on to the buyer.-** Every person who has paid the customs duty and other levies on any goods under this Act shall, unless the contrary is proved by him, be deemed to have passed on the full incidence of such customs duty and other leviess to the buyer as a part of the price of such goods.

19B. Rounding off of duty, etc.- The amount of duty, interest, penalty, fine or any other sum payable, and the amount of refund, drawback or any other sum due, under the provisions of this Act shall be rounded off to the nearest one hundred rupees and, for this purpose, where such amount is fifty rupees or more, it shall be increased to one hundred rupees and if such part is less than fifty rupees, it shall be ignored.]

[15]**[20. Board's power to grant exemption from duty in exceptional circumstances.-** Under circumstances of exceptional nature, the Board may, subject to such conditions, limitations or restrictions, if any, as it thinks fit to impose, by a special order in each case recording such circumstances, exempt any goods from payment of the whole or any part of the customs-duties chargeable thereon [16][and may remit fine, penalty, charge or nay other amount recoverable under this Act.]

21. Power to deliver certain goods with-out payment of duty and to repay duty on certain goods.- Subject to such conditions, limitations or restrictions as it thinks fit to impose, the Board may, in such general cases as may be prescribed by rules or in particular cases by special order, authorize-

(a) the delivery without payment of the customs-duties chargeable thereon of goods which are imported only temporarily with a view to subsequent exportation;

[17][(ab) the payment of any amount to the importer or local buyer of any goods in order to compensate any commitment given to that person for levy of zero or any lower rate of customs duty on the import or local procurement of any goods;

[18][(b) Omitted.

[19][(c) the repayment in whole or in part of the customs-duties paid on the importation of any goods which have been used in the production, manufacture, processing, repair or refitting in Pakistan of goods meant for exportation, or for supply to industrial units, projects, institutions, agencies and organizations, entitled to import the same at concessionary rates [20][:]

[21][Provided that no repayment may be granted in a case in which the amount involved is less than one hundred rupees [22][; and]

[23][(d) without prejudice to the provisions of clause (c), the Federal Government may, by notification in the Official Gazette, direct that drawback or repayment shall not be allowed in respect of any goods of specified description or may be allowed subject to such restrictions and conditions as may be specified in the notification.]

[24][**(21A. Power to defer collection of customs-duty.-** [25][(1)] Subject to such conditions, limitations or restrictions as it thinks fit to impose, the Board may, in such general cases as may be prescribed by rules or in particular cases by special order, defer the collection of customs-duties either in whole or in part.

[26][(2) Where deferment of customs-duties is allowed by the Board under sub-section (1), a surcharge not exceeding fifteen *per cent* per annum shall also be payable on the deferred amount from such date and in the manner as the Board may by rules prescribe.]

22. Re-importation of goods produced or manufactured in Pakistan.- If goods produced or manufactured in and exported from Pakistan are subsequently imported into Pakistan, such goods shall be liable to customs-duties and be subject to all the conditions and restrictions, if any, to which goods of the like kind and value not so produced or manufactured are liable on the importation thereof:

[27][Provided if such goods have been imported within one year of their exportation and have been consigned to the person in whose account they were exported and have not undergone any processing since their exportation], the

appropriate officer not below the rank of [28][Assistant Collector or Deputy Collector] of Customs may admit the goods-

[29][(a) Where at the time of exportation of such goods, rebate, refund or drawback of any customs or excise duty or any other tax levied by the Federal Government or any tax, cess or duty levied by the Provincial Government was allowed on payment of customs duty equal to the amount of such rebate, refund or drawback as the case may be;]

(b) where such goods were exported in bond, without payment of –

(i) the customs-duty chargeable on the imported materials, if any, used in the manufacture of the goods; or

(ii) the excise duty chargeable on the indigenous materials, if any, used in the manufacture of such goods; or

(iii) the excise duty, if any, chargeable on such goods; or

(iv) any other tax chargeable on the material used in the manufacture of such goods; or

(v) any other tax chargeable on such goods,

on payment of customs-duty equal to the aggregate amount of all such duties and taxes calculated at the rates prevailing at the time and place of importation of goods; or

(c) in any other case, without payment of duty.

23. Goods, derelict, wreck, etc.- All goods, derelict, jetsam, flotsam and wreck, brought or coming into Pakistan, shall be dealt with as if they were imported into Pakistan.

24. Provisions and stores may be exported free of duty.- Goods produced or manufactured in Pakistan and required as provisions and stores on any conveyance proceeding to any foreign port, airport or station may be exported free of customs-duty,[30][***] in such quantities as the appropriate officer may determine having regard to the size of the conveyance, the number of passengers and crew and the length of the voyage or journey on which the conveyance is about to depart.

[31][**25. Determination of Customs value of goods.- (1) Transaction Value.-** The customs value of imported goods, subject to the provisions of this section and the rules, shall be the transaction value, that is the price actually paid or payable for the goods when sold for export to Pakistan:

Provided that-

(a) there are no restrictions as to the disposition or use of the goods by the buyer other than the restrictions which –

(i) are imposed or required by law;

(ii) limit the geographical area in which the goods may be resold; or

(iii) do not affect the value of the goods;

(b) the sale or price is not subject to some condition or consideration for which a value cannot be determined with respect to the goods being valued;

(c) no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment is made in accordance with the provisions of sub-section (2) (e); and

(d) the buyer and seller are not related, or where the buyer and seller are related, that the transaction value is acceptable for customs purposes under the provisions of sub-section (3).

(2) Subject to clause (b), in determining the customs value under sub-section(1),-

(a) there shall be added to the price actually paid or payable for the imported goods, if not already included in the price;

(i) the cost of transport, excluding inland freight after importation, of the imported goods to the Port, Airport or place of importation;

(ii) loading, unloading, and handling charges associated with the transport of the imported goods to the Port, airport or place of importation; and

(iii) the cost of insurance;

(b) there shall also be added to such price, to the extent that they are incurred by the importer but are not included in the price actually paid or payable of the imported goods-

(i) commissions including indenting commissions and brokerage, except buying commissions;

(ii) the cost of containers which are treated as being one for customs purposes with the goods in question; and

(iii) the cost of packing whether for labour or materials;

(c) there shall also be added to such price the value, apportioned as appropriate, of the following goods and services where supplied directly or indirectly by the importer or his related person free of charge or at reduced cost, for use in connection with the production and sale for export of the imported goods, to the extent that such value has not been included in the price actually paid or payable:

(i) materials, components, parts and similar items incorporated in the imported goods;
(ii) tools, dies, moulds and similar items used in the production of the imported goods;
(iii) materials consumed in the production of the imported goods; and
(iv) engineering, development, artwork, design work and plans and sketches undertaken elsewhere than in Pakistan and necessary for the production of the imported goods;

(d) there shall also be added to such price, royalties and licence fees related to the goods being valued that the buyer must pay, either directly or indirectly, as a condition of sale of the goods being valued, to the extent that such royalties and fees are not included in the price actually paid or payable; and
(e) there shall also be added to such price, the value of any part of the proceeds of any subsequent resale, disposal or use of the imported goods that accrues directly or indirectly to the seller;
(f) if sufficient information is not available for any reason, with respect to any adjustments referred to above, the transaction value, of the imported goods shall be treated , for the purpose of sub-section (1), as the one that cannot be determined;

(3) If the buyer and seller are related in terms of the rules the transaction value shall be accepted for the purposes of sub-section (1); whenever:

(a) the examination of the circumstances surrounding the sale of the imported goods as demonstrated by the importer, indicate that the relationship did not influence the price; or
(b) the importer demonstrates that such value closely approximates to one of the following Test Values occurring at or about the same time:
(i) the transaction value in sales to unrelated buyers of identical or similar goods for export to Pakistan.
(ii) the customs value of identical or similar goods as determined under the provisions of sub-section (7) (deductive value);
(iii) the customs value of identical or similar goods as determined under the provisions of sub-section (8) (computed value).

Provided that in applying the foregoing tests due account shall be taken of demonstrated differences in commercial levels, quantity levels, the elements enumerated in sub-section (2) and costs incurred by the seller in sales in which the

seller and the buyer are not related that are not incurred by the seller in sales in which the seller and the buyer are related;

[32][(4) Where, in relation to the goods being valued, the appropriate officer is of the opinion that the importer has not, for the purposes of clause (a) of sub-section (3), demonstrated that the relationship did not influence the price or, for the purposes of clause (b) of sub-section (3), that the declared price at which the goods are imported does not closely approximate to one of the test values mentioned therein, the appropriate officer shall inform the importer of his reservations in writing and give the importer an opportunity to justify the price difference. If the importer fails to justify the price difference, the customs value cannot be determined under the provisions of sub-section (1).]

(5) **TRANSACTION VALUE OF IDENTICAL GOODS.-** If the customs value of the imported goods cannot be determined under the provisions of sub-section (1), it shall, subject to rules, be the transaction value of identical goods sold for export to Pakistan and exported at or about the same time as the goods being valued.

(a) In applying the [33][provisions] of this sub-section, the transaction value of [34][the] identical goods in a sale at the same commercial level and substantially the same quantity as the goods being valued shall be used to determine the customs value of imported goods.

(b) Where no sale referred to in clause (a) is found, the transaction value of identical goods sold at a different commercial level and/or in different quantities, adjusted to take account of differences attributable to commercial level and/or to quantity shall be used, provided that such adjustments can be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustment, whether the adjustment leads to an increase or decrease in the value.

(c) Where the costs and charges referred to in clause (a) of sub-section (2) are included in the transaction value of identical goods, an adjustment shall be made to take account of significant differences in such costs and charges between the goods being valued and the identical goods in question arising from differences in distances and modes of transport.

[35][(d) If, in applying the provisions of this sub-section, there are two or more transaction values of identical goods that meet all the requirements of this sub-section and clauses (b),(d),(e) and (f) of sub-section (13), the customs value of the imported goods shall be the lowest such transaction value, adjusted as necessary in accordance with clauses (b) and (c).]

[36][(6) **TRANSACTION VALUE OF SIMILAR GOODS.-** If the customs value of the imported goods cannot be determined under the provisions of sub-section (5), it shall, subject to clauses (c), (d), (e) and (f) of sub-section (13) and rules, be the transaction value of similar goods sold for export to Pakistan and exported at or about the same time as the goods being valued, and the provisions of clauses (a), (b), (c) and (d) of sub-section (5) shall, mutatis mutandis, also apply in respect of similar goods.]

(7) **DEDUCTIVE VALUE.-** If the customs value of the imported goods cannot be determined under sub-section (6), it shall, subject to rules, be determined as follows:

(a) if the imported goods or identical or similar imported goods are sold in Pakistan in the condition as imported, the customs value of the imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are so sold in the greatest aggregate quantity, at or about the time of the importation of the goods being valued, to persons who are not related to the persons from whom they buy such goods, subject to the deductions for the following:-

(i) either the commission usually paid or agreed to be paid or the additions usually made for profit and general expenses in connection with sales in Pakistan of imported goods of the same class or kind;

(ii) the usual costs of transport and insurance and associated costs incurred within Pakistan; [37][and]

[38][(iii) Omitted.

(iv) the customs duties and other taxes payable in Pakistan by reason of the importation or sale of the goods.

(b) If neither the imported goods nor identical nor similar imported goods are sold at or about the time of importation of the goods being valued, the customs value shall, subject otherwise to the provisions of clause (a) of this sub-section, be based on the unit price at which the imported goods or identical or similar imported goods are sold in Pakistan in the conditions as imported at the earliest date after the importation of the goods being valued but before the expiry of ninety days after such importation.

(c) If neither the imported goods nor identical nor similar imported goods are sold in the country of importation in the condition as imported, then, if the importer so requests, the customs value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons in the country of importation who are not

related to the persons from whom they buy such goods, due allowance being made for the value added by such processing and the deductions provided for in clause (a).

(8) **COMPUTED VALUE.-** If the customs value of the imported goods cannot be determined under sub-section (7), it shall, subject to rules, be based on computed value which shall consist of the sum of :-

the cost of value of materials and fabrication or other processing employed in producing the imported goods;

(b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to Pakistan; and

(c) the cost or value of all other expenses as specified in clause (a) of sub-section (2).

(9) **FALL BACK METHOD.-** If the customs value of the imported goods cannot be determined under sub-sections (1),(5),(6),(7) and (8), it shall, subject to the rules, be determined on the basis of a value derived from among the methods of valuation set out in sub-sections (1),(5),(6),(7) and (8), that, when applied in a flexible manner to the extent necessary to arrive at a customs value.

(10) Sub-sections (1), (5), (6), (7), (8) and (9) define how the customs value of imported goods is to be determined under this Act. The methods of customs valuation are required to be applied in a sequential order except reversal of the order of sub-section (7) and (8), at the importer's request, if so agreed by Collector of the Customs.

(11) Nothing contained in this section or the rules, shall be construed as restricting or calling into question the rights of the appropriate officer of customs to satisfy himself as to the truth or accuracy of any statement, information, document or declaration presented for customs valuation purposes.

(12) An appropriate officer of Customs appointed by an order in writing by the Board, or Collector of Customs, on case to case basis, shall have free access to business premises, registered office, warehouses or any other place, where any stocks, business records or documents required under this Act are kept or maintained belonging to any person after serving notice to such person whose business activities are covered under this Act or who may be required for audit, inquiry or investigation in any offence committed under this Act by such person, his agent or any other person: and such officer may, at any time during the working hours, inspect the goods, stocks, records, data, documents, correspondence, accounts and statements and any other record or documents and may take into custody such records in whole or in part, in original or

copies thereof against a signed receipt. The Board or Collector of Customs may also order for audit for ascertaining the correctness of declarations, documents records and value of imported goods. All searches and seizure of documents made under this sub-section shall be carried out *mutatis mutandis* in accordance with the provisions of the Code of Criminal Procedure, 1898(Act V of 1898).

(13) For the purposes of this section,-

(a) "customs value of imported goods" means the value of goods for the purposes of levying duties of customs and other taxes on imported goods;

(b) "identical goods" means goods which are the same in all respects including physical characteristics, quality and reputation. Minor differences in appearance would not preclude goods otherwise conforming to the definition from being regarded as identical;

(c) "similar goods" means goods which although not alike in all respects, have like characteristics and like component materials which enable them to perform the same functions and to be commercially interchangeable. The quality of the goods, their reputation and the existence of a trademark are among the factors to be considered in determining whether goods are similar;

(d) the terms "identical goods" and "similar goods" do not include as the case may be, goods which incorporate or reflect engineering development, art work, design work, and plans and sketches for which no adjustment has been made under sub-section 2(c) (iv) because such elements were undertaken in Pakistan;

(e) goods shall not be regarded as "identical goods" or "similar goods" unless they were produced in the same country as the goods being valued;

(f) goods produced by a different person shall be taken into account only when there are no identical goods or similar goods, as the case may be, produced by the same person as the goods being valued; and

(g) "goods of the same class or kind" means goods which fall within a group or range of goods produced by a particular industry or industry sector, and includes identical or similar goods.

[39][(14) OMITTED.]

(15) **Customs value of exported goods.-** The customs value of any exported goods shall be the value at the prescribed time, on a sale in open market for exportation to the country to which the goods are consigned having regard to the following provisions, namely:-

(a) that the goods are treated as having been delivered to the buyer on board the conveyance in which they are to be exported ; and

(b) that the seller will bear all packing, commission, transport, loading and all other costs, charges and expenses(including any export duty which may be chargeable) incidental to the sale and to the delivery of the goods on board the conveyance in which they are to be exported and which will be included in the customs value;

(c) that where goods are manufactured in accordance with any patented invention or are goods to which any protected design has been applied, the customs value shall be determined taking into consideration the value of the right to use design in respect of the goods;

(d) that where goods are exported for sale, other disposal or use, whether or not after further manufacture, under a Pakistan trade mark, the customs value shall be determined taking into consideration the value of the right to use the patent, design or trade mark in respect of the goods.

Explanation I.-A sale in open market between a buyer and a seller independent of each other presupposes-

(a) that the customs value is the sole consideration and sale is between a buyer and seller independent of each other.

(b) that the customs value is not influenced by any commercial, financial or other relationship, whether by contract or otherwise between the seller or any person associated in business with him and the buyer or an person associated in business with him other than the relationship created by the sale itself.

(c) that no part of the proceeds of any subsequent resale, other disposal or use of the goods will accrue, either directly or indirectly, to the seller or any person associated in business with him.

(d) that two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them.

[40][Explanation II.- For the purposes of this sub-section, the expression "prescribed time" shall mean the time when the goods declaration is delivered under section 131 or when export of the goods is allowed without a goods declaration or in anticipation of the delivery of a goods declaration, the time when export of the goods commences.]

[41][**25A. Powers to determine the customs value.-** (1) Notwithstanding the provisions contained in section 25, the Collector of Customs on his own motion, or the Director of Customs Valuation on a reference made to him by any person, may determine the customs value of any goods or category of goods imported into or exported out of Pakistan after following the scheme and sequential order as laid down under section 25.

(2) The customs value determined under sub-section (1) shall be the applicable customs value for assessment of the relevant imported or exported goods.

(3) In case of any conflict in the customs value determined under sub-section (1), the Director-General of Customs Valuation shall determine the applicable customs value.]

[42][**25B.** Omitted.]

[43][**25C. Power to takeover the imported goods.-** (1) If any person makes an offer in writing to buy the imported goods sought to be cleared at value declared by an importer in the goods declaration, [44][and the Collector of Customs is satisfied that the declared value is not the actual transactional value, he may after approval of the Board] order the following without prejudice to any other action against the importer or his authorised agent, namely:-

(i) entertain offer by any other person to buy these goods at substantially higher value than the declared customs value in the goods declaration and payment of customs duties and other leviable taxes thereon, provided such offer is accompanied by a pay order equal to twenty-five per cent of the amount of each [such offer and duties and other taxes calculated in accordance with the offer];

(ii) give an option in writing to the importer of such goods for clearance of imported goods at the customs value equal to such highest offer for purchase of goods and payment of customs duties and other taxes chargeable thereon; and

(iii) in case the importer fails to clear the imported goods within seven days of the receipt of notice under clause (ii) above, the appropriate officer may takeover the goods on payment of customs value declared in the goods declaration and an amount equal to five per cent of such declared value;

(2) The imported goods taken over under sub-section (1) shall be delivered to the offerer on submission of two pay orders, one equal to the customs value declared in the goods declaration plus five per cent in the name of importer and the other pay order equal to the remaining amount of value of imported goods and the amount of customs duties and other taxes leviable on the imported goods in the name of Collector of Customs;

(3) In case the local buyer fails to take the delivery of the goods on payment of value and taxes as prescribed in sub-section (2) above, the pay order equal to twenty-five per cent of the amount shall be fore-feited in favour of the Federal Government and imported goods shall be released to the importer as per customs value determined under [44][sections 25 or 25A as the case may be.]

[45]**[26. Obligation to produce documents and provide information.-** (1) Any person, as and when required, in writing, by an officer of customs not below the rank of an Assistant Collector, shall,-

(a) furnish information relating to importation, exportation, purchase, sales, transportation, storage or handling of any goods imported or exported;

(b) produce for examination, documents or records that the appropriate officer considers necessary or relevant to the audit, inquiry or investigation under the Act;

(c) allow the appropriate officer of Customs to take extracts from or make copies of documents or records; and

(d) appear before an officer of Customs and answer any question put to him concerning goods, documents, records and transactions relating to the audit or inquiry or investigation.

(2) The appropriate officer of Customs conducting an audit, inquiry or investigation as the case may be, under this Act, may require in writing any person, department, company or organization to furnish such information as is held by that person, department, company or organization which in the opinion of the appropriate officer is required for the completion of such audit, inquiry or investigation.

(3) The Board may require in writing any person, department, company or organization, as the case may be, to provide information held by that person, department, company or organization, which in 16 the opinion of the Board is required for purposes of formulation of policy or administering the laws of Customs, Sales Tax, Federal Excise or Income Tax.

(4) Every person, department, company or organization shall furnish the information requisitioned by the Board or the appropriate officer within the time specified in the notice.]

[46]**[26A. Conducting the audit.-** (1) The appropriate officer of customs conducting any audit under this Act shall proceed in the manner as the Board may by rules prescribe.

(2) Where any audit or inquiry or investigation is to be conducted for the purpose of ascertaining the correctness of any declaration or document or statement, for determining the liability of any person for duty, taxes, fees, surcharge, fines and penalties, or for ensuring compliance with all other laws administered by the customs, an appropriate officer of Customs may,-

(a) examine, or cause to be examined, upon reasonable notice, any record, or any statement or declaration or document 17 described in the notice

with reasonable specificity, which may be relevant to such audit, inquiry or investigation ;

(b) summon , by giving a notice and reasonable time,-

(i) the person who imported, or exported or transported or stored or held under customs bond, or filed a goods declaration, drawback or refund claim;

(ii) any officer, employee or agent of any person described in clause (a); and

(iii) any person having possession, custody or care of records and documents required to be kept under the Act, and any other person, as deemed proper, to appear before him at a reasonable time and to produce such records and documents as specified in the notice and to give such testimony under oath as may be relevant.

26B. Access for the purposes of audit.- (1) The appropriate officer of Customs, after giving a notice in writing specifying the date of visit, shall have access to business or manufacturing premises, registered office or any other place where any goods, stocks, documents or records relating to the ongoing audit are kept or maintained. Such officer may inspect the goods, stocks, documents, records, data, correspondence, accounts, statements, utility bills, bank statements, information regarding nature and sources of funds or assets with which his business is financed, and any other records or documents required under any Federal or Provincial laws, maintained in any form or mode. Such an officer may take into his custody such documents, records or any part thereof, in such form as he may deem fit, against a signed receipt.

(2) In all cases, except where it would defeat the purpose of the audit, a reasonable advance notice regarding a visit shall be given to the person concerned.

(3) Whosoever causes any obstruction or fails to provide any documents, record, statement etc, as required under subsection (1), with an intention to defeat the purpose of the Act by way of destroying, altering or concealing any books, documents or records required to be maintained under this Act, shall be guilty of an offence under this section.]

[47][**27. Abatement allowed on damaged or deteriorated goods.-** (1) If before the examination of any imported goods the owner thereof informs [48][an officer of Customs not below the rank of] [49][Assistant Collector] in writing that the value of the goods as declared in the [50][goods declaration] has diminished as a result of some damage or deterioration sustained by them before or during unloading at the port of destination, an officer of Customs not below the rank of [49][Assistant Collector] may appraise the value of the damaged or deteriorated goods in the manner given in sub-section (2) and the owner shall be allowed abatement of duty in proportion to the diminution of value so appraised, whether duty is leviable ad valorem or otherwise.

(2) For the purposes of this section, the value of damaged or deteriorated goods may be ascertained by either of the following methods at the option of the owner:-

(a) value may be appraised by an Officer of Customs not below the rank of [49][Assistant Collector] on the basis of physical examination of the goods; or

(b) such goods may be sold by public auction or by tender or, with the consent of the owner, in any other manner and the gross sale proceeds shall be deemed to be the value of such goods inclusive of duties.]

[51][(3) In the case of short-landing or short-shipment of goods, the appropriate officer may, if satisfied with regard to the bonafide of short-landing or short-shipment of goods, allow reduction in duty proportionate to the goods short-landed or short-shipped on first examination.]

[52][**27A.Allowing denaturing or mutilation of goods.-** At the request of the owner, [53][to be made before the filing of goods declaration,] the denaturing or mutilation or scrapping of imported goods, which are ordinarily used for more than one purpose, may be allowed, as prescribed by rules so as to render them unfit for one or more such purposes and where any goods are so denatured or mutilated or scrapped they shall be chargeable to duty at such rate as may be applicable if the goods had been imported in the denatured or mutilated form or as scrap.]

28. Power to test and denature imported spirit.- When by any law for the time being in force a duty lower than that prescribed by [54][this Act] is imposed on denatured spirit, any such spirit imported into Pakistan may, subject to rules, be tested and if necessary adequately denatured by officers of customs, at the expense of the person importing the same, before the customs-duty is charged thereon.

29. Restriction on amendment of [55&55a][goods declaration].- Except as provided in section 88, no amendment of [56&56a][goods declaration] relating to goods assessed for duty on the declared value, quantity or description thereof shall be allowed after such goods have been removed from the customs-area [57][or assigned a Customs Reference Number electronically, as the case may be].

[58][**30. Date of determination of rate of import duty.-** The rate of duty applicable to any imported goods shall be the rate of duty in force;

(a) in the case of goods cleared for home consumption under section 79, on the date on which a [59&59A][goods declaration] is manifested under that section; and

(b) in the case of goods cleared from a warehouse under section 104, on the date on which a [59&59A][goods declaration] for clearance of such goods is manifested under that section:

Provided that, where a [59&59A][goods declaration] has been manifested in advance of the arrival of the conveyance by which the goods have been imported, the relevant date for the purposes of this section shall be the date on which the manifest of the conveyance is delivered [59B][at the port of first entry]:

[60][Provided further that, in respect of goods for the clearance of which a [59/59A][goods declaration] for clearance has been manifested under section 104, and the duty is not paid within seven days of the [59/59A][goods declaration] being manifested, the rate of duty applicable shall be the rate of duty on the date on which the duty is actually paid [61][:]

[62][Provided further that in case of the goods illegally removed from the warehouse, the rate of duty shall be the rate prevalent either on the date of in-bonding or detection of case or date of payment of the duty and taxes, whichever is higher:

Provided further that in case of exercising option for redemption of fine in lieu of confiscation of the goods seized during anti-smuggling operations, the rate of duty shall be the rate prevalent either on the date of seizure or date of payment of duty and taxes, whichever is higher:]

Provided further that the Federal Government may, by notification in the official Gazette, for any goods or class of goods, specify any other date for the determination of rate of duty.

Explanation:- For the purpose of this section "manifested" means that when a machine number is allocated to [59&59A][goods declaration] and is registered in Customs record.]

[63][**30A.Date of determination of rate of duty for clearance through the Customs Computerized System.-** Subject to the provisions of section 155A, the rate of duty applicable to any imported or exported goods if cleared through the Customs Computerized System, shall be the rate of duty in force on;-

(a) the date of payment of duty;
(b) in case the goods are not chargeable to duty, the date on which the goods declaration is filed with Customs [64][.]
[65][**(c) Omitted.**

Provided that where a goods declaration has been filed in advance of the arrival of the conveyance by which the goods have been imported, the relevant date for the

purposes of this section shall be the date on which the manifest of the conveyance is filed at the customs-station of first entry:

Provided further that the Federal Government may, by notification in the official Gazette, specify any other date for the determination of rate of duty in respect of any goods or class of goods.]

31. Date for determination of rate of [66A]**[duty on goods exported].-** The rate and amount of duty applicable to any goods exported shall be the rate and amount chargeable at the time of the delivery of the [59&59A][goods declaration] under section 131:

Provided that where the export of any goods is permitted without a [59&59A][goods declaration] or in anticipation of the delivery of such a [59&59A][declaration], the rate and amount of duty applicable shall be the rate and amount chargeable on the date on which loading of the goods on the outgoing conveyance commences [66B][:]

[67][Provided further that the Federal Government may, by notification in the official Gazette, for any goods or class of goods, specify any other date for determination of the rate of duty.]

[68][**31A. Effective rate of duty.-** (1) Notwithstanding anything contained in any other law for the time being in force or any decision of any Court, for the purposes of section 30 [69][,30A] and 31, the rate of duty applicable to any goods shall include any amount of duty imposed under section 18. [70][****] and the amount of duty that may have become payable in consequence of the withdrawal of the whole or any part of the exemption or concession from duty whether before or after the conclusion of a contract or agreement for the sale of such goods or opening of a letter of credit in respect thereof.

[71][(2) For the purpose of determining the value of any imported or exported goods, the rate of exchange at which any foreign currency is to be converted into Pakistan currency shall be the rate of exchange in force on the date immediately preceding the relevant date referred to in sections 30, 30A or 31.]

32. [72]**[False] statement, error, etc.-** (1) If any person, in connection with any matter of customs,-

(a) makes or signs or causes to be made or signed, or delivers or causes to be delivered to an officer of customs any declaration, notice, certificate or other document whatsoever, or

(b) makes any statement in answer to any question put to him by an officer of customs which he is required by or under this Act to answer,

[72][knowing or having reason to believe that such document or statement is false] in any material particular, he shall be guilty of an offence under this section.

(2) Where, by reason of any such document or statement as aforesaid or by reason of some collusion, any duty or charge has not been levied or has been short-levied or has been erroneously refunded, the person liable to pay any amount on that account shall be served with a notice within [73][five] years of the relevant date, requiring him to show cause why he should not pay the amount specified in the notice.

(3) Where, by reason of any inadvertence, error or misconstruction, any duty or charge has not been levied or has been short-levied or has been erroneously refunded, the person liable to pay any amount on that account shall be served with a notice within [74][three years] of the relevant date requiring him to show cause why he should not pay the amount specified in the notice [75][:].

[76][Provided that if the recoverable amount in a case is less than one hundred rupees, the Customs authorities shall not initiate the aforesaid action.]

[77][(3A) Notwithstanding anything contained in sub-section (3), where any duty or charge has not been levied or has been short-levied or has been erroneously refunded and this is discovered as a result of an audit or examination of an importer's accounts or by any means other than an examination of the documents provided by the importer at the time the goods were imported, the person liable to pay any amount on that account shall be served with a notice within three years of the relevant date requiring him to show cause why he should not pay the amount specified in the notice [78][:]

[79][Provided that if the recoverable amount in a case is less than one hundred rupees, the Customs authorities shall not initiate the aforesaid action.]

(4) The appropriate officer, after considering the representation, if any, of such person as is referred to in sub-section (2) or sub-section (3) shall determine [80][any amount payable by him under this Act,] which shall in no case exceed the amount specified in the notice, and such person shall pay the amount so determined.

(5) For the purposes of this section, the expression "relevant date" means –

(a) in any case where duty is not levied, the date on which an order for the clearance of goods is made;

(b) in a case where duty is provisionally assessed under section 81, the date of adjustment of duty after its final assessment;

(c) in a case where duty has been erroneously refunded, the date of its refund;

(d) in any other case, the date of payment of duty or charge.

[81]**[32A.Fiscal fraud.-** (1) If any person, in connection with any matter related to customs-

(a) causes to submit documents including those filed electronically, which are concocted, altered, mutilated, false, forged, tempered or counterfeit to a functionary of customs;

(b) declares in the [82][goods declaration] electronically filed customs declaration, the name and address of any exporter or importer which is physically non-existent at the given address;

(c) declares in the [82][goods declaration] electronically filed customs declaration, an untrue information regarding description, quantity, quality, origin and value of goods;

(d) alters, mutilates or suppresses any finding of the customs functionary on any document or in the computerized record; or

(e) attempts, abets or connives in any action mentioned in clauses (a), (b), (c) and (d) above, he shall be guilty of an offence under this section.

(2) Where, by any reason as referred to in sub-section (1) as aforesaid, any duty or tax charged or fee or fine and penalty levied under any provision of law has not been levied or has been short levied or has been refunded, the person liable to pay any amount on that account shall be served with a notice within a period of 180 days of the date of detection of such custom duty and tax fraud, requiring him to show cause as to why he should not pay the amount specified in the notice along with any other amount imposed as fine or penalty under the provisions of this Act.

(3) The appropriate Adjudicating Officer, after considering the written or verbal representation of such person, may determine the amount of duty or tax chargeable or fee payable by such person which shall in no case exceed the amount specified in the notice and such person shall pay the amount so determined besides the fine or penalty or both.]

[83]**[32B. Compounding of offence.-** Notwithstanding anything contained in section 32 and 32A or any other provision of this Act, where any person has committed a duty or tax fraud, the Collector may, with the prior approval of the Board, either before or after the institution of any proceedings for recovery of duty or tax, compared the offence if such person payees the amount of duty or tax due along with penalty as is determined under the provisions of this Act.]

33. Refund to be claimed within [84][one year].- (1) No refund of any customs-duties or charges claimed to have been paid or over-paid through inadvertence, error or misconstruction shall be allowed, unless such claim is made within [84][one year] of the date of payment.

(2) In the case of provisional payments made under section 81, the said period of [84][one year] shall be reckoned from the date of the adjustment of duty after its final assessment.

34. Power to give credit for, and keep account-current of duties and charges.- An officer of customs, not below the rank of [85][Assistant Collector or Deputy Collector] of customs may, in the case of any mercantile firm or public body, if he so thinks fit, instead of requiring payment of customs duties or charges as and when they become due, keep with such firm or body an account-current of such duties and charges, which account shall be settled at intervals of not exceeding one month, and such firm or body shall make a deposit or furnish a security sufficient in the opinion of that officer to cover the amount which may at any time be payable by it in respect of such duties or charges.

LEGAL REFERENCE

1. Substituted by the Finance Act, 1975 (L of 1975), S.7(1), page 8. At the time of substitution section 18 was as under:-

"[1a].**18. Goods dutiable.-** Except as hereinafter provided, customs duties shall be levied at such rates as may be prescribed under the Tariff Act, 1934 (XXXII of 1934) or under any other law for the time being in force on

(a) goods imported into or exported from Pakistan;

(b) goods brought from any foreign country to any customs-station, and without payment of duty, there transshipped or transported for, or thence carried to, and imported at, any other customs stations; and

(c) goods brought in bond from one customs-station to another.".

1a. Substituted by Finance Act, 2005 (At the time of substitution section 18 was as under:-

"**18. Goods dutiable.-** (1) Except as hereinafter provided, customs-duties shall be levied at such rates as are prescribed in the First Schedule and the Second Schedule or under any other law for the time being in force on-

(a) goods imported into or exported from Pakistan;

(b) goods brought from any foreign country to any customs-station, and without payment of duty, there transshipped or transported for, or thence carried to, and imported at any other customs-station; and

(c) goods brought in bond from one customs-station to another.

(2) The Federal Government may, on the recommendation, of the National Tariff Commission constituted under the National Tariff Commission Act,1990 (VI of 1990) (the Commission), provided the National Tariff Commission follows the same procedure as prescribed in the said Act by notification in the official Gazette, levy, subject to such conditions, limitations or restrictions as it may deem fit to impose, a regulatory duty on all or any of the goods specified in the First Schedule at a rate not exceeding one hundred per cent of the value of such goods, as determined under section 25 or section 25B and may, by a like notification, levy a regulatory duty on all or any of the goods, exported from Pakistan:-

(i) at a rate not exceeding one hundred per cent of the value of the goods as determined under section 25 or section 25B, if such goods are specified in the Second Schedule; and

(ii) at a rate not exceeding fifty per cent of the amount which represents the value of the goods as determined under section 25 or section 25B, if such goods are not specified in the Second Schedule.

(3) The regulatory duty levied under sub-section (2) shall –

(a) be in addition to any duty imposed under sub-section (1) or under any other law for the time being in force; and

(b) be leviable on and from the day specified in the notification issued under that sub-section, notwithstanding the fact that the issue of the official Gazette in which such notification appears is published at any time after that day.]

(4) Any notification issued under sub-section (2) shall, if not earlier rescinded, stand rescinded on the expiry of the financial year in which it was issued."

2. *Inserted by the Finance Act, 2006.*

3. *Inserted by Finance Act,1991 (XII of 1991), S.4(1), page 197.*

4. The brackets and words "(Amendment)" Omitted by Finance Act,1993 (X of 1993), S.4(1),page 121.

5. *Omitted by Finance Act,1999(IV of 1999),S.10(2), Page 758. At the time of omission section 18B was as under:-*

"18B. Levy of service charges.- The Federal Government may, by notification in the official Gazette, levy a service charge equivalent to two per cent *ad valorem* on all such goods specified in the First Schedule to this Act as are subject to pre-shipment inspection.".

Provided that for the purposes of Sales Tax Act, 1990, such service charge shall not constitute a part of the value of supply.".

6. *Inserted by Finance Act, 2005*

7. *Renumbered by Finance Ordinance,1979(XXX of 1979),S.6(2), Page 787 w.e.f. 28th June, 1979.*

8. *The words "Central Government" substituted by Finance Ordinance, 1972 (XXXI of 1972), S.3, and Second Schedule S.1, page 76 w.e.f. 17th June, 1972*

9. *Added by the Finance Act, 2005.*

10. *Substituted for the words "full stop" by Customs (Amendment) Act, 1999 (II of 1999).*

11. *Proviso added by the Customs (Amendment)Act,1999 and Proviso omitted vide Customs (Amendment) Ordinance, 2000 (XI of 2000), S.2, page 114. At the time of omission this was as under:*

"Provided that the Federal Government shall not exempt any goods imported into Pakistan from the whole or any part of the customs duties chargeable thereon, except in the following cases, namely:-

(a) For rectification of tariff anomalies on the recommendation of National Tariff Commission; or

(b) for the fulfillment of an international obligation of the Government of Pakistan; or

(c) for the purpose of national security."

12. *Added by Finance Ordinance, 1979 (XXX of 1979), S.6(2), page 187.*

13 *Added by Customs (Amendment) Ordinance, 2002 (XXIV of 2002).*

14. *Inserted by Finance Act, 2005.*

15. Omitted by Customs (Amendment) Act, 1999 (II of 1999) and added by Customs (Amendment) Act, 2000 (XI of 2000), S.3, page 114, at the time of omission section 20 was as under:-

"20. Board's power to grant exemption from duty in exceptional circumstances.- Under circumstance of exceptional nature, the Board may, subject to such conditions, limitations or restrictions, if any, as it thinks fit to impose, by a special order in each case recording such circumstances, exempt any goods from payment of the whole or any part of the customs duties chargeable there.""

16. Added by Finance Act, 2005.

17. Inserted by the Finance Act, 2005.

18. Omitted by Customs (Amendment) Act, 1999 (II of 1999) . At the time of omission sub-clause (b) was as under:-

"(b) the delivery without payment of the whole or any part of the customs duties chargeable thereon of imported goods of such classes or description as it may prescribe, intended to be used in the production, manufacture, processing, repair or refining in Pakistan of goods of such classes or descriptions as it may prescribe;".

19 Substituted by Customs (Amendment) Act, 1999 (II of 1999). At the time of substitution clause (c) was as under:-

"(c) the repayment in whole or in part of the customs-duties paid on the importation of any goods of such classes or description as it may prescribed, which have been used in the production, manufacture, processing, repair or refitting in Pakistan of goods of such classes or descriptions as it may prescribe, provided such repayment shall not be made in respect of the class or description of goods for which drawback can be claimed under Section 37.".

20. Substituted for the full stop by the Finance Act, 2005.

21. Added by the Finance Act, 2005.

22. Substituted for the full stop by the Finance Act, 2005.

23. Added by the Finance Act, 2005.

24 Inserted by Finance Act, 1990 (VII of 1990), S.6(2), page 35. Omitted by Customs (Amendment) Act, 1999 (II of 1999) and inserted by Finance Ordinance, 2001 (XXV of 2001), S.4(3), page 305. At the time of omission this section was as under:-

"21-A. Deferment of collection of customs-duties.- Subject to such conditions, limitations or restrictions as it thinks fit to impose, the Board may, in such general cases as may be prescribed by rules or in particular case by special order, defer the collection of customs-duties either in whole or in part.".

25. Renumbered by the Finance Act, 2006.

26. Added by the Finance Act, 2006.

27. Substituted by Finance Act,1975(L of 1975),S.7(2), Page 9 w.e.f.7th June,1975.At the time of substitution the proviso was as under:-

"Provided if such goods have been imported within two years of their exportation [27a][(or within such further period not exceeding three years, as the Collector may allow in any case,)] and have continued to be the property of the person by whom or on whose account they were exported and have not undergone any processing since their exportation.".

27a. Inserted by the Finance Act, 1973(L of 1973)

28. Substituted "Assistant Collector" by F.A,1996(IX of 1996) S.4(6).Page 476.

29. Substituted by Finance Act,1973 (L of 1973, S.9(3), Page 531. At the time of substitution it was as under:-

"(a) where at the time of exportation of such goods, drawback of any customs or excise duty or any other tax levied by the [29a][Federal Government] or any excise duty levied by the Provincial Government was allowed, on payment of customs-duty equal to the amount of such drawback.".

29a. The words "Central Government" substituted by Finance Ordinance, 1972 (XXXI of 1972), S.3, and Second Schedule S.1, page 76.

30 Omitted the comma and words ", excise duty and sales tax" by Finance Ordinance, 2002 (XXVII of 2002), S.4(3), page 223.

31. Substituted by the Finance Act, 1998 (III of 1998), S.4(II), page 39 at the time of substitution was as under:-

"25. Value of imported and exported goods.- (1) The value of any imported goods shall be taken to be the normal price, that is to say, the price which they would fetch, on the date referred to in section 30 on a sale in open market between a buyer and a seller independent of each other.

(2) The normal price of any imported goods shall be determined on the following assumptions, namely:-

that the goods brought by sea or land are treated as having been delivered to the buyer at the port or place of importation, as the case may be, and that goods brought by air are treated as having been delivered to the buyer at the airport or place where they are unloaded in Pakistan or, if the aircraft first lands in Pakistan at some other airport or place without unloading the goods, at such other airport or place;

(b) that the seller will bear freight, insurance, commission shall and all other costs, charges and expenses incidental to the sale and the delivery of the goods at that port, airport or place which will be included in the normal price;

(c) that the buyer will bear any duties or taxes applicable in Pakistan which will not be included in the normal price.

(3) Where the imported goods to be valued –

(a) are manufactured in accordance with any patented invention or are goods to which any protected design has been applied; or

(b) are imported under a foreign trade mark or are imported for sale, other disposal or use (whether or not after further manufacture) under a foreign trade mark;

the normal price shall be determined on the assumption that it includes the value of the right to use the patent, design or trade mark in respect of the goods.

(4) The value of any exported goods shall be taken to be the normal price, that is to say, the price which they would fetch, at the prescribed time, on a sale in open market for exportation to the country to which the goods are consigned between a seller and a buyer independent of each other.

Explanation.- For the purposes of this sub-section, the expression "prescribed time" shall mean the time when the bill of export is delivered under section 131 or, when export of the goods is allowed without a bill of export or in anticipation of the delivery of a bill of export, the time when export of the goods commences.

(5) The normal price of any exported goods shall be determined on the following assumptions, namely:-

(a) that the goods are treated as having been delivered to the buyer on board the conveyance in which they are to be exported; and

(b) that the seller will bear all packing commission, transport, loading and all other costs, charges and expenses (including any export duty which may be chargeable) incidental to the sale and to the delivery of the goods on board the conveyance in which they are to be exported and which will be included in the normal price.

(6) where the exported goods to be valued -

(a) are manufactured in accordance with any patented invention or are goods to which any protected design has been applied; or

(b) are exported for sale, other disposal or use under a Pakistan trade mark or are exported for sale, other disposal or use (whether or not after further manufacture) under a Pakistan trade mark, the normal price shall be determined on the assumption that it includes the value of the right to use the patent, design on trade mark in respect of the goods.

Explanation I.- A sale in open market between a buyer and a seller independent of each other presupposes –

(a) that the price is the sole consideration; and

(b) that the price is not influenced by any commercial, financial or other relationship, whether by contract or otherwise between the seller or any person associated in business with him and buyer or any person associated in business with him other than the relationship created by the sale itself;

(c) that no part of the proceeds of any subsequent resale, other disposal or use of the goods will accrue, either directly or indirectly, to the seller or any person associated to business with him.

Explanation II.- Two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them.".

31a. Substituted by the Finance Act, 1999 (IV of 1999), S.10(3), page 758. At the time of substitution section 25 was as under:-

"25. Value of imported and exported goods.- (1) Subject to the provisions of this section and the rules, the value of any imported goods shall be the transaction value, that is, the price actually paid or payable for the goods when sold or export to Pakistan.

(2) In determining the value under sub-section (1) –

(a) there shall be added to the price actually paid or payable for the imported goods:-

(i) the cost of transport of the imported goods to the port, airport or place of importation;

(ii) loading, unloading and handling charges or any other charges associated with or incidental to the transport of the imported goods to that port, airport or place of importation; and

(iii) the cost of insurance.

(b) to the extent that they are incurred by the buyer but are not included in the price actually paid or payable for the imported goods, there shall also be added to such price –

(i) commission and brokerage, except buying commissions;

(ii) the cost of containers which are treated as being one for customs purposes with the goods in question; and

(iii) the cost of packing whether for labour or materials;

(c) the value, apportioned as appropriate, of the following goods and services where supplied directly or indirectly by the buyer free of charge or at reduced cost for use in connection with the production and sale for export of the imported goods, to the extent that such value has not been included in the price actually paid or payable, shall also be added to such price –

(i) materials, components, parts and similar items incorporated in the imported goods;

(ii) tools, dies, moulds, and similar items used in the production of the imported goods; and

(iii) materials consumed in the production of the imported goods;

(d) royalties and license fees related to the imported goods being valued that the buyer must pay, either directly or indirectly, as a condition of sale of the imported goods being valued, to the extent that such royalties and fees are not included in the price actually paid or payable shall also be added to such price; and

(e) the value of any part of the proceeds of any subsequent resale, disposal or use of the imported goods that accrues directly or indirectly to the seller shall also be added to the price actually paid or payable for such goods.

(3) The value of exported any goods shall be taken to be the normal price, that is to say, the price which they would fetch, at the prescribed time, on a sale in open market for exportation to the country to which the goods are consigned between a seller and a buyer independent of each other.

Explanation.- For the purposes of this sub-section, the expression "prescribed time" shall mean the time when the bill of export is delivered under section 131 or; when export of the goods is allowed without a bill of export or in anticipation of the delivery a bill of export, the same when export of the goods commences;

(4) The normal price of any exported goods shall be determined on the following assumptions; namely:-

(a) that the goods are treated as having been delivered to the buyer on board the conveyance in which they are to be exported; and

(b) that the seller will bear all packing, commission, transport, loading and all other costs, charges and expenses (including any export duty when may be chargeable) incidental to the sale and to the delivery of the goods on board the conveyance in which they are to be exported and which will be included in the normal price.

(5) Where the exported goods to be valued –

(a) are manufactured in accordance with any patented invention or are goods to which any protected design has been supplied; or

(b) are exported for sale, other disposal or use, whether or not after further manufacture, under a Pakistan trade mark; the normal price shall be determined on the assumption that it includes the value of the right to use the patent, design or trade mark in respect of the goods.

Explanation I.- A sale in open market between a buyer and a seller independent of each other presupposes–

(a) that the price is the sole consideration;

(b) that the price is not influenced by any commercial, financial or other relationship; whether by contract or otherwise between the seller or any person associated in business with him other than the relationship created by the sale itself; and

(c) that no part of the proceeds of any subsequent resale, other disposal or use of the goods will accrue, either directly or indirectly, to the seller or any person associated in business with him.

Explanation II.- Two person shall be deemed to be associated in business with one another if whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them.".

32. .*Substituted by the Finance Ordinance, 2000 (XXI of 2000), S.4(3)(I), page 198. At the time of substitution sub-section (4) was as under:-*

"(4) Where, in relation to the goods being valued, the appropriate officer is of the opinion that the declared price at which the goods are imported is different from test values as mentioned above, the appropriate officer shall inform the importer his reservations in writing and require the importer to justify the price difference. If the importer fails to justify the price difference, the transaction value shall be taken to be the one that cannot be determined under sub-section (1).".

33. *Substituted by Finance Ordinance, 2000..*

34 *Inserted for the word "the" by the Finance Ordinance, 2000 (XXI of 2000), S.4(3)(I), page 198.*

35. *Added by the Finance Ordinance, 2000 (XXI of 2000),S.4(3)(ii), page 199.*

36. *Substituted by the Finance Ordinance, 2000 (XXI of 2000), S.4(3)(I), page 198. At the time of substitution this sub-section (6) was as under:-*

"(6) **Transaction value of similar goods.-** If the customs value of the imported goods cannot be determined under the provisions of sub-section (5), it shall, subject to rules, be the transaction value of similar goods sold for export to Pakistan and exported at or about the same time as the goods being valued, and the provisions of clauses (b), (c) and (d) of sub-section (5) shall *mutatis mutandis* also apply in respect of similar goods.".

37 *Added the word "and" by the Finance Ordinance, 2000 (XXI of 2000), S.4(3)(I), p.198.*

38. *Sub-clause (iii) omitted by the Finance Ordinance, 2000 (XXI of 2000), S.4(3)(I)p.198.*

39. *Omitted by Finance Act, 2005.*

40.. *Amended by the Finance Act, 2006. At the time of amendments the Explanation II was as under:-*

Explanation II.- For the purposes of this sub-section, the expression "prescribed time" shall mean the time when the bill of export or goods declaration is delivered under section 131 or 131A or, when export of the goods is allowed without a bill of export or

goods declaration] or in anticipation of the delivery of a bill of export or goods declaration, the time when export of the goods commences.

41. Inserted by the Finance Act, 2006.

42. Inserted by Finance Act, 1988 and Omitted by Finance Act, 2004 (II of 2004), S.3(4), page 14. At the time of omission was as under:-

"**25B. Determination of Value not covered by section 25.-** (1) If the value of the imported goods cannot be determined under section 25, the value, subject to the rules, shall be the transaction value of identical goods sold for export to Pakistan and exported at or about the same time as the goods being valued.

(2) If the value of the imported goods cannot be determined under sub-section (1), the value, subject to the rules, shall be the transaction value of similar goods sold for export to Pakistan and exported at or about the same time as the goods being valued.

(3) If the value of the imported goods cannot be determined under sub-section (2), the value shall be determined as follows-

(a) if the imported goods or identical or similar imported goods are sold in Pakistan in the condition as imported, then the value of the imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods, are so sold in the greatest aggregate quantity, at or about the time of the importation of the goods being valued, to persons who are not related to the persons from whom they buy such goods, subject to such deductions as may be provided in the rules; and

(b) If neither the imported goods nor identical nor similar goods are sold for export to Pakistan then, if the appropriate officer so decides, the value shall be based on the unit price at which the imported goods, after processing, are sold in the greatest aggregate quantity to persons in the country of importation who are not related to the persons from whom they buy such goods, due allowance being made for the value added for all such processing and the deductions as may be provided in the rules.

(4) If the value of the imported goods cannot be determined under sub-section (3), the value of imported goods shall be based on computed value as may be prescribed by the rules:

Provided that, at the request of the importer, the order of application of sub-sections (3) and (4) may be reversed, if so agreed by the appropriate officer.

(5) If the computed value of the imported goods cannot be determined under sub-section (4), the value shall be determined using reasonable means consistent with the principles and general provisions contained in section 25 and on the basis of data available with the Controller of Customs Valuation, due regard being given to the circumstances surrounding the sale.]

43. Inserted by Finance Act, 1979 and amended by the Finance Act, 2006. At the time of amendments the existing Section 25C was as under:-

"25A. Power to takeover the imported goods.- (1) If any person makes an offer in writing to buy the imported goods sought to be cleared at value declared by an importer in the bill of entry or goods declaration, the Assistant Collector or any other higher officer of customs may order the following without prejudice to any other action against the importer or his authorised agent, namely:-]

(i) entertain offer by any other person to buy these goods at substantially higher value than the declared customs value in the bill of entry [37][or goods declaration] and payment of customs duties and other leviable taxes thereon, provided such offer is accompanied by a pay order equal to twenty-five per

cent of the amount of each value and duties and other taxes leviable on imported goods;

(ii) give an option in writing to the importer of such goods for clearance of imported goods at the customs value equal to such highest offer for purchase of goods and payment of customs duties and other taxes chargeable thereon; and

(iii) in case the importer fails to clear the imported goods within seven days of the receipt of notice under clause (ii) above, the appropriate officer may takeover the goods on payment of customs value declared in the bill of entry [37][or goods declaration] and an amount equal to five per cent of such declared value;

(2) The imported goods taken over under sub-section (1) shall be delivered to the offerer on submission of two pay orders, one equal to the customs value declared in the bill of entry or goods declaration plus five per cent in the name of importer and the other pay order equal to the remaining amount of value of imported goods and the amount of customs duties and other taxes leviable on the imported goods in the name of Collector of Customs;

(3) In case the local buyer fails to take the delivery of the goods on payment of value and taxes as prescribed in sub-section (2) above, the pay order equal to twenty-five per cent of the amount shall be fore-feited in favour of the Federal Government and imported goods shall be released to the importer as per customs value determined under section 25."

44. Substituted by the Finance Act, 2006.

45. Substituted by the Finance Act, 2006. At the time of substitution the section 26 was as under:-

"26. Power to require information to be furnished.- An appropriate officer may, by a requisition in writing, require any person concerned with the importation, exportation, purchase, sale, transport, storage or handling of any goods which are being or have been imported or exported to furnish such information relating to the goods as may be necessary for determining the legality or illegality of the importation or exportation of such goods, the value of such goods, the nature, amount and source of the funds or assets with which the goods were acquired and the customs duty chargeable thereon, or for deciding anything incidental thereto and to produce, and allow the officer to inspect and take extracts from or make copies of any invoice, bill of lading, book of account or other book or document of whatever nature relating to the goods."

46. Inserted by Finance Act, 2006.

47. Substituted by Finance Act, 1986

48. inserted by Finance Act, 2006.

49. By Finance Act, 2006, the words " or Deputy Collector" were omitted..

50. Substituted the words "bill of entry" with the" words goods declaration" through Finance Act, 2006.

51. Inserted by Finance Act, 2006.

52. Added by Finance Act, 2005.

53. Inserted by Finance Act, 2006.

54. Substituted for the words, coma and figure by the Federal Laws (Remission & Declaration) Ordinance, 1981.

55. Inserted by the Finance Act, 2003 (I of 2003), S.5(7)(a), page 22.

55A. By the Finance Act, 2006 the words "bill of entry or bill of export or" were omitted..

56. Inserted by the Finance Act, 2003 (I of 2003), S.5(7)(b)(I) and (ii),, page 22.

56A. By the Finance Act, 2006 the words "bill of entry or bill of export or" was omitted.

57. Inserted by Finance Act, 2006.

58. Substituted by Finance Act, 1972, Finance Act, 1998, and Finance Act, 1999.

59. Substituted by the Finance Act, 2003.
59A.. Omitted the words "bill of entry or" by the Finance Act, 2006.
59B. Inserted by the Finance Act, 2002.
60. Second proviso added by the Finance Act, 1979.
61. Substituted for full stop by the Finance Act, 1992 (VII of 1992), S.6(3), page 114.
62. Added by the Finance Act, 1992 (VII of 1992), S.6(3), page 114.
63. Inserted by Finance Act, 2003.
64. Semi colon and the word "and" omitted by the Finance Act, 2005.
65. Clause (c) omitted by the Finance Act2005.
66A. By Finance Act, 2006, the words "export duty" were substituted..
66B. Substituted for full stop by Finance Act 1992.
67. Added by Finance Act, 1992.
68. Inserted by the Finance Act, 1988.
69. Inserted by Finance Act, 2003.
70. Omitted by Finance Act, 1991.
71. Substituted by Finance Act, 2003.
72. Substituted by the Federal Laws(Remission and Declaration) Ordinance,1981.
73. Substituted for the word "three" by the Finance Ordinance, 2000.
74. Substituted by the Finance Ordinance, 2000.
75. Substituted full stop by the Finance Act, 2005.
76. Added by the Finance Act,2005.
77. Inserted by the Finance Ordinance, 2000.
78. Substituted full stop by the Finance Act, 2005.
79. Added by the Finance Act, 2005.
80. Substituted the words " the amount of duty payable by him" by the FA, 2006.
81. Inserted by the Finance Act, 2004.
82. Substituted for the word "bill of entry or bill of export or" by the FA, 2006.
83. Inserted by the Finance Act, 2005.
84. Substituted by the Finance Act, 2005.
85. Substituted for the words "Assistant Collector" by the FA, 1996.

THE CUSTOMS ACT,1969

CHAPTER – VI

DRAWBACK

35. Drawback of the export on imported goods.- Subject to the subsequent provisions of this Chapter and the rules, when any goods, capable of being easily identified, which have been imported into Pakistan and upon which customs-duties have been paid on importation, are exported to any place outside Pakistan or as provisions or stores for use on board a conveyance proceeding to a foreign territory, seven-eight of such duties shall be repaid as drawback, subject to the following conditions, namely:-

(1) the goods are identified to the satisfaction of an officer of customs not below the rank of [1/2][Assistant Collector] of Customs at the customs-station, to be the same as had been imported, and

(2) the goods are entered for export within two years of the date of their importation, as shown by the records of the custom-house or if such time is extended by the Board or the Collector of Customs for sufficient cause within such extended time:

Provided that the Collector of Customs shall not extend the time beyond three years of the importation of such goods.

Explanation.- For the purposes of this section, the goods shall be deemed to have been entered for export on the date on which the [3] [goods declaration] is delivered to the appropriate officer under section 131 [4][*****].

36. Drawback on goods taken into use between importation and exportation.- Notwithstanding anything contained in section 35, the repayment of duty as drawback in respect of goods which have been taken into use between their importation and subsequent exportation shall be made in accordance with the provisions of the rules made in that behalf.

37. Drawback on goods used in the manufacture of goods which are exported.- Where it appears to the Board that in respect of goods of any class or description manufactured in Pakistan and exported to any place outside Pakistan, a drawback of customs-duties should be allowed on any imported goods of a class or description used in the manufacture of such exported goods, the Board may, by notification in the official Gazette, direct that drawback shall be allowed in respect of such imported goods to such extent and subject to such condition as may be provided in the rules.

38. Power to declare what goods are identifiable and to prohibit draw-back in case of specified foreign territory.- (1) The Board may, from time to time, by

notification in the official Gazette, declare what goods shall, for the purposes of this Chapter, be deemed to be not capable of being easily identified.

(2) The [5][Federal Government] may, from time to time, by notification in the official Gazette, prohibit the payment of drawback upon the exportation of goods or any specified goods or class of goods to any specified foreign port or territory.

39. When no drawback allowed.- Notwithstanding anything hereinbefore contained, no drawback shall be allowed-

(a) upon goods which are required to be included in the export manifest and are not so included, or
(b) when the claim is for drawback amounting, in respect of any single shipment, to less than hundred rupees, or
(c) unless the claim for drawback has been made and established at the time of export.

40. Time of payment of drawback.- No such payment of drawback shall be made until the vessel carrying the goods has put out to sea or other conveyance has left Pakistan.

41. Declaration by parties claiming drawback.- Every person, or his duly authorized agent, claiming drawback on any goods duly exported, shall make and subscribe a declaration that such goods have been actually exported and have not been relanded and are not intended to be relanded at any place in Pakistan and that such person was at the time of entry outwards and export and continues to be entitled to drawback thereon.

LEGAL REFERENCE

1. *Substituted for the words "Assistant Collector" by the Finance Act, 1996 (IX of 1996), S.4(6), page 476*
2. *By the Finance Act, 2006, the words "or Deputy Collector" were omitted.*
3. *Substituted for the words "bill of export" by the Finance Act, 2006.*
4. *Added by Finance Act, 2004 (II of 2004), S.3(7), page 16 and omitted the word, figure and letter* **"***or 131A***"** *by the Finance Act, 2005 .*
5. *Substituted for the words "Central Government" by the Finance Ordinance, 1972, S.3, page 56 and Second Schedule S.1, page 76.*

THE CUSTOMS ACT,1969

CHAPTER – VII

ARRIVAL AND DEPARTURE OF CONVEYANCE

42. Arrival of conveyance.- (1) The person-in-charge of a conveyance entering Pakistan from any place outside Pakistan shall not cause or permit the conveyance to call or to land in the first instance at any place other than a customs-station.

(2) The provisions of sub-section (1) shall not apply in relation to any conveyance which is compelled by accident, stress of weather or other unavoidable cause to call, or land at a place other than a customs-station but the person-in-charge of any such conveyance-

(a) shall immediately report its arrival to the nearest officer of customs or the officer-in-charge of the police-station and shall on demand produce before him either the cargo book or the manifest or the log-book belonging to such conveyance;

(b) shall not, without the consent of any such officer, permit any goods carried in the conveyance to be unloaded from, or any of the crew or passengers to depart from its vicinity;

(c) shall comply with any direction given by such officer with respect ot any such goods; and no passenger or member of the crew shall, without the consent of any such officer, leave the vicinity of the conveyance:

Provided that nothing in this section shall prohibit the departure of any passenger of member of the crew from the vicinity of, or the removal of goods from, the conveyance where such departure or removal is necessary for reasons of health, safety or the preservation of life or property [1][:]

[2][Provided further that the person in charge of a conveyance, that is *en route* to Pakistan from a point outside Pakistan shall, unless otherwise approved by the Collector,-

(a) give to the Customs, in such form and manner (for example, in an electronic form and manner) as may be approved in writing by the Collector (either generally or for a particular case or class of cases), such advance notice as may be prescribed for any or all of the following matters, namely:-
 (i) the impending arrival of the conveyance;
 (iii) its voyage;
 (iii) its crew;

(iv) its passengers;
(v) its cargo for discharge within Pakistan whether commercial or non-commercial;
(vi) its commercial cargo not intended for discharge wtihin Pakistan, if any;
(vii) the Customs station at which the conveyance will arrive; and

(b) or arriving within Pakistan, proceed directly to that Customs station unless directed elsewhere by an appropriate Customs officer.]

[3][(3) The owner or operator of the conveyance, referred to in sub-section (1), or an agent of the owner, may provide the information referred to in paragraph (a) of that sub-section to the Customs on behalf of the person in charge of the conveyance:

Provided that the provisions of sub-section (1) and (2) shall apply to,-

(a) a conveyance that has arrived in Pakistan from a point outside Pakistan;
(b) a conveyance departing from Pakistan for a point outside Pakistan;
(c) a conveyance that is within Pakistan and that is carrying international cargo or international crew or any international passenger, whether or not the conveyance is also carrying domestic cargo;
(d) any other conveyance that is within Pakistan and that a Customs officer has reasonable cause to suspect has been, or is about to be, involved in the commission of an offence under this Act or the importation or exportation of any dutiable, prohibited, restricted, notified or confiscated goods.

(4) The person in charge of, the owner of goods, any member of the crew of, any passenger on, a conveyance to which this sub-section applies, shall,-

(a) answer any question asked by a customs officer under this Act relating to the conveyance and its voyage and any persons or goods that are or have been carried by the conveyance; and
(b) produce forthwith, at the request of any Customs officer, any documents within that person's possession or control relating to any of those matter.]

[4][**43. Delivery of import manifest in respect of a vessel.-** (1) The Board may, by notification in the official Gazette, fix a place beyond which no vessel arriving shall pass until an import manifest has been delivered to Customs or other person duly authorized to receive in such form, manner and time as the Board may prescribe.

(2) On receipt of such import manifest the vessel may proceed to come beyond the fixed place. No pilot shall bring a vessel into customs-port without having been so authorized by Customs.

(3) If any vessel arrives at any customs-port in which a place has not been so fixed, master of such vessel shall, within twenty-four hours after arrival of such vessel, deliver an import manifest to Customs in such form and manner as the Board may prescribe.

(4) Notwithstanding anything contained in sub-section (3), an import manifest may be delivered in anticipation of the arrival of a vessel.]

44. Delivery of import manifest in respect of a conveyance other than a vessel.- The person-in-charge of a conveyance other than a vessel shall, within twenty-four hours after arrival thereof at a land customs-station or customs-airport, as the case may be, deliver an import manifest to the appropriate officer.

45. Signature and contents of import manifest and amendment thereof.- (1) Every manifest delivered under section 43 or section 44 shall be signed by the person-in-charge of the conveyance or his duly authorized agent and shall specify all goods imported in such conveyance showing separately all goods, if any, intended to be landed, transshipped, transited or taken into another customs-station or to a destination outside Pakistan and stores intended for consumption at the customs-station or on the outward voyage or journey, and shall be made out in such form and contain such further particulars as the Board may from time to time direct[5][:]

[6][Provided that the Collector of Customs, through a special order, on such terms and conditions as he may deem fit to impose, may allow acceptance of digital signatures instead of manual ones, on electronically transmitted import manifest.]

(2) The appropriate officer shall permit the person-in-charge of a conveyance or his duly authorized agent to correct any obvious error in the import manifest or to supply any omission which in the opinion of such officer results from accident or inadvertence, by furnishing an amended or supplementary import manifest [7][or by making an amendment electronically] and shall levy thereon such fees as the Board from time to time directs.

(3) Except as s dc 0.0pc 0.s 1 n712 0 0 2 93.6 2pen into0( )-2452(in)5 17.575 0 Tp

51. No vessel to depart without port clearance.- (1) No vessel, whether laden or in ballast, shall depart from any customs-port until a port-clearance has been granted by the appropriate officer.

(2) No pilot shall take charge of any vessel proceeding to sea, unless the master of such vessel produces a port-clearance.

52. No conveyance other than vessel to leave without permission.- No conveyance other than a vessel shall depart from a land customs-station or customs-airport until a written permission to that effect has been granted by the appropriate officer.

53. Application for port clearance of vessels.- (1) Every application for port-clearance shall be made by the master of a vessel at least twenty-four hours before the intended departure of the vessel:

Provided that the Collector of Customs or an officer authorized by him in this behalf may for special reasons to be recorded allow a shorter period for the delivery of the said application.

(2) The master shall, at the time of applying for port clearance,-

(a) deliver to the appropriate officer an export manifest in duplicate in such form as may from time to time be prescribed by the Board signed by such master specifying all goods to be exported in the vessel and showing separately all goods and stores entered in the import manifest, and not landed or consumed on board or transshipped [10][:]

[11][Provided that the Collector of Customs, through a special or general order, on such terms and conditions as he may deem fit to impose, may allow acceptance of digital signatures, in lieu of the manual ones, on electronically transmitted export manifest.]

(b) deliver to the appropriate officer such [12/13][goods declaration] or other documents as such officer acting under the general instructions of the Collector of Customs requires; and

(c) answer such questions respecting the departure and destination of the vessel as are put to him by the appropriate officer.

(3) The provisions of section 45 relating to the amendment of import manifests shall, *mutatis mutandis*, apply also to export manifests delivered under this section or under section 54.

54. Conveyances other than vessels to deliver documents and answer questions before departure.- The person-in-charge of a conveyance other than a vessel or his duly authorized agent shall -

(a) deliver to the appropriate officer an export manifest in duplicate in such form as may from time to time be prescribed by the Board signed by the person-in-charge or the agent specifying all goods or stores entered in the import manifest, and not landed or transshipped or consumed on board the conveyance;

(b) deliver to the appropriate officer such bills of export [14][or goods declaration] or other documents as such officer acting under the general instructions of the Collector of Customs requires; and

(c) answer such questions respecting the departure and destination of the conveyance as are put to him by the appropriate officer.

55. Power to refuse port clearance to vessels or permission for departure to other conveyance.- (1) The appropriate officer may refuse to give port-clearance to a vessel or permission for departure to any other conveyance until-

(a) the provisions of section 53 or section 54, as the case may be, have been complied with;

(b) all station or port dues and other charges and penalties payable in respect of such vessel, or by the owner or master thereof, or in respect of such other conveyance by the owner or person-in-charge thereof, and all taxes, duties and other dues payable in respect of any goods loaded therein, have been duly paid, or their payment secured by such guarantee, or by such deposit at such rate, as such officer directs;

(c) where any export goods have been loaded without payment or securing payment as aforesaid of all taxes, duties and other dues payable in respect thereof or in contravention of any provision of this Act or the rules or of any other law for the time being in force relating to export of goods.

(i) such goods have been unloaded, or

(ii) where the appropriate officer is satisfied that it is not practicable to unload such goods, the person-in-charge or his duly authorized agent has given an undertaking secured by such guarantee or deposit of such amount as the appropriate officer may direct, for bringing back the goods to Pakistan;

(d) the agent, if any, delivers to the appropriate officer a declaration in writing to the effect that he will be liable for any penalty imposed under clause 24 of the Table under sub-section (1) of section 156 and furnishes security for the discharge of the same;

(e) the agent, if any, delivers to the appropriate officer a declaration in writing to the effect that such agent is answerable for the discharge of all claims for damage or short delivery which may be established by the owner of any goods comprised in the import cargo in respect of such goods.

(2) An agent delivering a declaration under clause (d) of sub-section (1) shall be liable to all penalties which might be imposed on the person-in-charge of such conveyance under clause 24 of the Table under sub-section (1) of section 156 and an agent delivering a declaration under clause (e) of sub-section (1) shall be bound to discharge all claims referred to in such declaration.

56. Grant of port clearance or permission for departure.- When the appropriate officer is satisfied that the provisions of this Chapter relating to the departure of conveyance have been duly complied with, he shall grant a port-clearance to the master of the vessel or a written permission for departure to the person-in-charge of any other conveyance and shall return at the same time to such master or person-in-charge one copy of the manifest duly countersigned by the appropriate officer.

57. Grant of port clearance or permission for departure on security of agent.- Notwithstanding anything contained in section 55 or section 56 and subject to rules, the appropriate officer may grant a port-clearance in respect of a vessel or permission for departure in respect of any other conveyance, if the agent furnishes such security as such officer deems sufficient for duly delivering within ten days from the date of such grant, the export manifest and other documents specified in section 53, or section 54, as the case may be.

58. Power to cancel port-clearance or permission for departure. (1) For the purpose of securing compliance with any provision of this Act or the rules or any other law, the appropriate officer may at any time, while the vessel is within the limits of any port or any other conveyance is within the limits of any station or airport or within Pakistan territory, demand the return of port-clearance or the written permission for departure, as the case may be.

(2) Any such demand may be made in writing or may be communicated to the person-in charge of the conveyance by wireless, and, if made in writing it may be served, by delivery to the person in-charge or his agent personally; or

(a) by leaving it at the last known place of abode of such person or agent; or

(b) by leaving it on board the conveyance with the person appearing to be in-charge or command thereof.

(3) Where a demand for the return of a port-clearance or of a permission for departure is made as aforesaid, the port-clearance or permission shall forthwith become void.

59. Exemption of certain classes of conveyance from certain provisions of this Chapter.- (1) The provisions of section 44, 52, and 54 shall not apply to a conveyance, other than a vessel which carries no goods other than the baggage of its occupants.

(2) The [15][Federal Government] may, by notification in the official Gazette, exempt conveyances belonging to Government or any foreign Government from all or any of the provisions of this Chapter.

LEGAL REFERENCE

1. *Substituted for the full stop by the Finance Act, 2005*
2. *Added by the Finance Act, 2005*
3. *Added by the Finance Act, 2005*
4. *.Substituted by the Finance Act, 2003 (I of 2003), S.5(8), page 23. At the time of substitution section 43 was as under:-*

   43. Delivery of import manifest in respect of a vessel.- (1) The Board may, by notification in the official Gazette, fix a place in any river or port beyond which no vessel arriving shall pass until an import manifest has been delivered to the pilot, officer of customs or other person duly authorised to receive the same.

   (2) If in any river or port wherein a place has been fixed by the Board under this section, the master of any vessel arriving remains outside or below the place so fixed, such master shall, nevertheless, within twenty-four hours after the vessel anchors, deliver an import manifest to the pilot, officer of customs or other person duly authorised to receive the same.

   (3) If any vessel arrives at any customs-port in which a place has not been so fixed, the master of such vessel shall, within twenty-four hours after such vessel has anchored within the limits of the port, deliver an import manifest to the pilot, officer of customs or other person authoirsed to receive the same.

   (4) Notwithstanding anything herein before contained, the appropriate officer may allow an import manifest to be delivered in anticipation of the arrival of a vessel.".
5. *Substituted for the full stop by the Finance Ordinance, 2001 (XXV of 2001), S.4($), page 305.*
6. *Added by the Finance Ordinance,2001(XXV of 2001),S.4(4),p-305&306.*
7. *Inserted by the Finance Act, 2003 (I of 2003), S.5(10), page 23.*
8. *Substituted for the full stop by the Finance Act, 2003 (I of 2003), S.5(11), page 23.*
9. *Added by the Finance Act, 2003 (I of 2003), S.5(11), page 23.*
10. *Substituted for the full stop by the Finance Ordinance, 2001 (XXV of 2001), S.4(5), page 306.*
11. *Added by the Finance Ordinance, 2001 (XXV of 2001), S.4(5), page 306.*
12. *Inserted by the Finance Act, 2003 (I of 2003), S.5(12), page 23.*
13. *By the Finance Act, 2006, the words " bills of export or" were omitted.*
14. *Inserted by the Finance Act, 2003 (I of 2003), S.5(13), page 23.*
15. *Substituted for the words "Central Government" by the Finance Ordinance, 1972, S.3, page 56 and Second Schedule S.1, page 76.*

CHAPTER VIII

GENERAL PROVISIONS AFFFECTING CONVEYANCES AT CUSTOMS-STATIONS

60. Power to depute officers of customs to board conveyances.- At any time while a conveyance is in a customs-station or is proceeding towards such station, the appropriate officer may depute one or more officers of customs to board the conveyance, and every officer so deputed shall remain on board such conveyance for such time as the appropriate officer may consider necessary.

61. Officer to be received and accommodation to be provided.- Whenever an officer of customs is so deputed to be on board any conveyance, the person-in-charge shall be bound to receive him on board and provide him with suitable accommodation and adequate quantity of fresh water.

62. Officer's power of access, etc. - (1) Every officer deputed as aforesaid shall have free access to every part of the conveyance and may-

(a) cause any goods to be marked before they are unloaded from the conveyance;

(b) lock up, seal, mark or otherwise secure any goods carried in the conveyance or any place or container in which they are carried; or

(c) fasten down any hatchway or entrance to the hold.

(2) If any box, place or closed receptacle in any such conveyance be locked, and the key be withheld, such officer shall report the same to the appropriate officer, who may thereupon issue to the officer on board the conveyance, or to any other officer under his authority, a written order for search.

(3) On production of such order, the officer empowered thereunder may require that any such box, place or closed receptacle be opened in his presence; and if it be not opened upon his requisition, he may break open the same.

63. Sealing of conveyance.- Conveyances carrying transit goods for destinations outside Pakistan or goods from some foreign territory to a customs-station or from a customs-station to some foreign territory may be sealed in such cases and in such manner as may be provided in the rules.

64. Goods not to be loaded or unloaded or water-borne except in presence of officer.- Save where general permission is given under section 67 or with permission in writing of the appropriate officer, no goods other than passengers' baggage or ballast urgently required to be loaded for the vessel's safety, shall be shipped or water-borne to be shipped or discharged from any vessel, in any customs-port, nor any goods except passengers' baggage shall be loaded in or unloaded from any conveyance other than a vessel at any land customs-station or customs-airport except in the presence of an officer of customs.

65. Goods not to be loaded or unloaded or passed on certain days or at certain times.- Except with the permission in writing of the appropriate officer and on payment of such fees as may be prescribed by the Board no goods, other than passengers' baggage or mail bags, shall in any customs-port be discharged, or be shipped or water-borne to be shipped or shall be loaded or unloaded or passed at any land customs-station or customs-airport-

(a) on any public holiday within the meaning of section 25 of the Negotiable Instruments Act,1881(XXVI of 1881), or on any day on which the discharge or shipping of cargo at customs-port or loading, unloading passage or delivery of cargo at any land customs-station or customs-airport, as the case may be, is prohibited by the Board by notification in the official Gazette; or

(b) on any day except between such hours as the Board may, from time to time, by a like notification, appoint [1][:]

[2][Provided that where the Customs Computerized System is in operation, all loading and discharge may be allowed by the Collector of Customs round the clock and on all days.]

66. Goods not to be loaded or unloaded except at approved places.- Save where general permission is given under section 67 or with permission in writing of the appropriate officer, no imported goods shall be unloaded or goods for export loaded at any place other than a place duly approved under clause (b) of section 10 for the unloading or loading of such goods.

67. Power to exempt from sections 64 and 66.- Notwithstanding anything contained in section 64 or section 66, the Board may, by notification in the official Gazette, give general permission for goods to be loaded at any customs-station from any place not duly appointed for loading and without the presence or authority of an officer of customs.

68. Boat-note.- (1) When any goods are water-borne for the purposes of being landed from any vessel and warehoused or cleared for home-consumption, or of being shipped for exportation on board any vessel, there shall be sent, with each boat-load or

other separate despatch, a boat-note specifying the number of packages so sent and the marks or number or other description thereof.

(2) Each boat-note for goods to be landed shall be signed by an officer of the vessel, and likewise by the officer of customs on board, if any such officer be on board, and shall be delivered on arrival to any officer of customs authorized to receive the same.

(3) Each boat-note for goods to be shipped shall be signed by the appropriate officer and, if an officer of customs is on board the vessel on which such goods are to be shipped, shall be delivered to such officer, and if no such officer be on board, shall be delivered to the master of the vessel or to an officer of the vessel appointed by him to receive it.

(4) The officer of customs who receives any boat-note of goods landed, and the officer of customs, master or other officer as the case may be, who receives any boat-note of goods shipped, shall sign the same and note thereon such particulars as the Collector of Customs may from time to time direct.

(5) The Board may from time to time, by notification in the official Gazette, suspend the operation of this section in any customs-port or part thereof.

69. Goods water-borne to be forthwith landed or shipped.- All goods water-borne for the purpose of being landed or shipped shall be landed or shipped without any unnecessary delay.

70. Goods not to be transshipped without permission.- Except in cases of imminent danger, no goods discharged into or loaded in any boat for the purpose of being landed or shipped shall be transshipped into any other boat without the permission of an officer of customs.

71. Power to prohibit plying of unlicensed cargo-boats.- (1) The Board may declare with regard to any customs-port, by notification in the official Gazette that, after a date therein specified, no boat not duly licensed and registered shall be allowed to ply as a cargo-boat for the landing and shipping of merchandise within the limits of such port.

(2) In any port with regard to which such notification has been issued, the Collector of Customs or other officer whom the Board appoints in this behalf, may, subject to rules and on payment of such fees as the Board may, by notification in the official Gazette, prescribe, issue licences for and register cargo-boats, or cancel the same.

72. Plying of ships of less than one hundred tons.- (1) Every boat belonging to a Pakistani ship and every other vessel not exceeding one hundred tons, shall be marked in such manner as may be prescribed by rules.

(2) Plying of all or any class or description of vessels of less than one hundred tons, whether in sea or inland waters, may be prohibited or regulated or restricted as to the purposes and limits of plying by rules.

[3][**72A. Responsibilities of person in charge or master of a conveyance, agent and owner of the conveyance.-** The person in charge of the conveyance, master, agent for conveyance and owner of the conveyance shall jointly and individually be responsible to submit the following information to the Collector of Customs, namely:-

(a) loading or unloading of any container of package, etc., which is believed to contain any other goods or has different weight or quantity or freight than declared in the bill of lading or any other document in the knowledge of such person;

(b) the name and full address with telephone number of the person who stuffed the goods in the container if he is other than the actual owner of the goods;

(c) the name and full address with telephone number of the person who issued a consignment note or the house bill of lading in case of a person other than licenced by the customs as Customs agent; and

(d) full details and photo copies of corrigendum or instructions issued by the owner of the goods or by the other persons for change in the name of consignee or consignor or destination or regarding weight, value, description and quantity of the goods loaded on the conveyance arriving or leaving Pakistan;]

LEGAL REFERENCE

1. Substituted ful stop by Finance Act, 2006.
2. Added by the Finance Act, 2006.
3. Inserted by the Finance Act, 2005.

CHAPTER IX

DISCHARGE OF CAERGO AND ENTRY INWARDS OF GOODS

73. Discharge of cargo by vessels may commence on receipt of due permission.- When an order for entry inwards of any vessel which has arrived in any customs-port or a special pass permitting such vessel to break bulk has been given, discharge of the cargo of such vessel may be proceeded with.

74. Discharge of goods by conveyances other than vessels.- When on arrival of a conveyance other than a vessel at a land customs-station or customs-airport the person-in-charge of such conveyance has delivered the import manifest under section 44 and the documents required under section 48, he shall forthwith take the conveyance or cause it to be taken to the examination station at the land customs-station or customs-airport and remove or cause to be removed all goods carried in such conveyance to the custom-house in the presence of the appropriate officer or some person duly authorized by him in that behalf.

75. Imported goods not to be unloaded unless entered in the import manifest.- (1) No imported goods required to be shown in the import manifest shall, except with the permission of the appropriate officer, be unloaded from any conveyance at any customs-station unless they are specified in the import manifest or amended or supplementary import manifest for being unloaded at that customs-station.

(2) Nothing in this section shall apply to the unloading of baggage accompanying a passenger or a member or a crew or mail bags.

76. Procedure in respect of goods not unloaded by vessels within time allowed.-

(1) (a) If any goods imported by a vessel (except such as have been shown in the import manifest as not to be unloaded) are not unloaded within such period as is specified in the bill of lading or if no period is so specified, within such number of working days, not exceeding fifteen, after entry of the vessel as the Board may from time to time by notification in the official Gazette appoint, or

(b) if the cargo of any vessel, excepting a small quantity of goods, has been discharged before the expiration of the period so specified or appointed, the master of such vessel or, on his application, the appropriate officer may then carry such goods to the custom-house, there to remain for entry.

(2) The appropriate officer shall thereupon take charge of, and grant receipts for, such goods; and if notice in writing has been given by the master of such vessel that goods are to remain subject to a lien for freight, primage, general average, or other charges of a stated amount, the appropriate officer shall hold such goods until he receives notice in writing that the said charges have been paid.

77. Power to land small parcels and hold unclaimed parcels.- (1) At any time after the arrival of any vessel, the appropriate officer may, with the consent of the master of such vessel, cause any small package or parcel of goods to be carried to the custom-house there to remain for entry in charge of the officers of customs, during the remainder of the working days allowed under this Act, for the landing of such package or parcel.

(2) If any package or parcel so carried to the custom-house remains unclaimed on the expiration of the number of working days so allowed for its unloading, or at the time of clearance outwards of the vessel from which it was unloaded, the master of such vessel may give such notice as is provided in section 76, and the officer-in-charge of the custom-house shall thereupon hold such package or parcel as provided in that section.

78. Power to permit immediate discharge.- (1) Notwithstanding anything contained in sections 74,76 and 77, the appropriate officer in any customs-station to which the Board, by notification in the official Gazette, declares this section to apply, may permit the master of any vessel immediately on receipt of an order under section 47 or a special pass under section 49, or the person-in-charge of a conveyance other than a vessel on receipt of the import manifest, to discharge the goods imported by such conveyance, or any portion thereof, into the custody of his agent, if he be willing to receive the same, for the purpose of unloading the same forthwith-

(a) at the custom-house, or at any specified landing place or wharf; or

(b) at any landing-place or wharf belonging to the port commissioners, port trust, railways or other public body or company; or

(c) for giving it in the custody of such person as may be approved by the Collector of Customs.

(2) Any agent so receiving such cargo or portion shall be bound to discharge all claims for damage or short delivery which may be established in respect of the same by the owner thereof, and shall be entitled to recover from such owner his charges for service rendered, but not for commission or the like, where any agent for the unloading of such cargo or portion has been previously appointed by the owner and such appointment is unrevoked.

(3) The appropriate officer shall take charge of all goods discharged under clause (a) of sub-section (1) and otherwise proceed in relation thereto as provided in sections 76 and 82.

(4) A public body or company or person at whose landing place or wharf or place of storage any goods are discharged under clause (b) or clause (c) of sub-section (1) shall not permit the same to be removed or otherwise dealt with except in accordance with the order in writing of the appropriate officer.

79. Declaration and assessment for home consumption or warehousing.- [1][(1)The owner of any imported goods shall make entry of such goods for home consumption or warehousing or for any other approved purposes, within fifteen days of the arrival of the goods, by,-

(a) filing a true declaration of goods, giving therein complete and correct particulars of such goods, duly supported by commercial invoice, bill of lading or airway bill, packing list or any other document required for clearance of such goods in such form and manner as the Board may prescribe ; and

(b) assessing and paying his liability of duty, taxes and other charges thereon, in case of a registered user of the Customs Computerized System:

Provided that if, before filing a goods declaration, the owner makes a request to an officer of customs not below the rank of an Assistant Collector that he is unable, for want of full information, to make a correct and complete declaration of the goods, then such officer, subject to such conditions as he may deem fit, may permit the owner to examine the goods and thereafter make entry of such goods by filing a goods declaration after having assessed and paid his liabilities of duties, taxes and other charges:

Provided further that no goods declaration shall be filed prior to ten days of the expected time of arrival of the vessel.]

(2) If an officer, not below the rank of Additional Collector of Customs, is satisfied that the rate of customs duty is not adversely affected and that there was no intention to defraud, he may, in exceptional circumstances and for reasons to be recorded in writing, permit, substitution of a goods declaration for home consumption for a goods declaration for warehousing or *vice cersa.*

(3) An officer of Customs, not below the rank of Assistant Collector of Customs, may in case of goods requiring immediate release allow release thereof prior to presentation of a goods declaration subject to such conditions and restrictions as may be prescribed by the Board.]

[2][79A. Omitted.

[3][80. **Checking of goods declaration by the Customs.-** (1) On the receipt of goods declaration under section 79, an officer of Customs shall satisfy himself regarding the correctness of the particulars of imports, including declaration, assessment, and in case of the Customs Computerized System, payment of duty, taxes and other charges thereon.

(2) An officer of Customs may examine any goods that he may deem necessary at any time after the import of the goods into the country and may requisition relevant documents, as and when and in the manner deemed appropriate, during or after release of the goods by Customs;

(3) If during the checking of goods declaration, it is found that any statement in such declaration or document or any information so furnished is not correct in respect of any matter relating to the assessment, the goods shall, without prejudice to any other action which may be taken under this Act, be reassessed to duty.

(4) In case of the Customs Computerized System, goods may be examined only on the basis of computerized selectivity criteria.

(5) The Collector may, however, either condone the examination or defer the examination of imported goods or class of goods and cause it to be performed at a designated place as he deems fit and proper either on the request of the importer or otherwise.]

[4][80A. Omitted.]

[5][81. **Provisional determination of liability.-** (1) Where it is not possible for an officer of Customs during the checking of the goods declaration to satisfy himself of the correctness of the assessment of the goods made under section 79, for reasons that the goods require chemical or other test or a further inquiry, an officer, not below the rank of Assistant Collector of Customs, may order that the duty, taxes and other charges payable on such gods, be determined provisionally:

Provided that the importer, save in the case of goods entered for warehousing, pays such additional amount on the basis of provisional assessment or furnishes bank guarantee or a post-dated cheque of a schedule bank along with an indemnity bond for the payment thereof as the said officer deems sufficient to meet the likely differential between the final determination of duty over the amount determined provisionally:

Provided further that there shall be no provisional assessment under this section if no differential amount of duty and tax is paid or secured against bank guarantee or post-dated cheque.

(2) Where any goods are allowed to be cleared or delivered on the basis of such provisional determination, the amount of duty, taxes and charges correctly payable on those goods shall be determined within nine months of the date of provisional determination:

Provided that the Collector of Customs may, in circumstances of exceptional nature and after recording such circumstances, extend the period for final determination by not more than ninety days.

(3) On completion of final determination, the amount already paid or guaranteed shall be adjusted against the amount payable on the basis of final determination, and the difference between the two amounts shall be paid forthwith to or by the importer, as the case may be.

(4). If the final determination is not made with the period specified in sub-section (2), the provisional determination shall, in the absence of any new evidence, be deemed to be the final determination.

Explanation.- Provisional assessment means the amount of duties and taxes paid or secured against bank guarantee or post-dated cheque.]

[6][**81A. Omitted].**

[7][82. Procedure in case of goods not cleared or warehoused or transshipped or exported or removed from the port within [8][twenty days] after unloading or filing of declaration.- If any goods are not cleared for home-consumption or warehoused or transshipped or are not loaded on the conveyance for export or removed from the port area within [8][twenty days] of their arrival at a customs station or within such extended period not exceeding [9][ten] days, an officer not below the rank of Assistant Collector may allow, and such goods may, after the due notice given to the owner if his address could be ascertained, or after due notice to the carrier, shipping or customs agent, custodian of the goods, as the case may be, if his address could not be ascertained, may be sold in auction or taken into custody by Customs and removed from the port to a Customs warehouse for auction under the order of the Assistant Collector notwithstanding the fact that adjudication of the case under section 179, or an appeal under section 193, or 196, or a proceeding in any court is pending:

Provided that-

(a) animals and perishable and hazardous goods may, with the permission of the appropriate officer, be sold or destroyed at any time;

(b) arms, ammunition or military stores may be sold or otherwise disposed of at such time and place and in such manner as the Board may, with the approval of the Federal Government, direct;

(c) in cases where goods are sold pending adjudication, appeal or decision of the court, the proceeds of sale shall be kept in deposit and if on such adjudication, or as the case may be, in such appeal or the decision of the court, the goods sold are found not to have been liable to confiscation, the entire sale proceeds, after necessary deduction of duties, taxes transportation and other charges or duties as provided in section 201, shall be handed over to the owner:

Provided further that where Customs removes such goods from the premises of the custodian for disposal, the charges due to the custodian shall be paid subsequently from the sale proceeds of the goods in the manner as provided under section 201:

Provided also that nothing in this section shall authorize removal for home consumption of any dutiable goods without payment of customs duties thereon.]

[10][**82A. Omitted.**

LEGAL REFERENCE

1. By the Finance Act, 2006 sub-section (1) of section 79 was substituted. At the time of substitution, the section (1) of section 79 was as under:-

"(1) The owner of any imported goods shall make entry of such goods for home consumption or warehousing or for any other approved purpose by filing to the Customs or goods declaration containing correct and complete particulars of the goods and after having assessed, and, in case of the Customs Computerized System, paying his liability of duty, taxes and other charges thereon in such form and manner, as the Board may prescribed:

Provided that if, before filing a goods declaration to Customs, the owner makes a written request to the Collector of Customs or an officer designated that he is unable, for want of full information, to make a correct and complete declaration of any goods, then the Collector or the officer so designated, subject to such conditions as he may deem fit, may permit the owner to examine the goods and thereafter make entry of such goods by filing a goods declaration after having assessed and paid his liabilities of duties, taxes and other charges:

Provided further that no goods declaration shall be filed prior to ten days of the expected time of arrival of the vessel."

2. Inserted by FA, 2003 and omitted by FA 2005.
3. Substituted by Finance Act, 2005.
4. Inserted by FA, 2003 and omitted by FA, 2005.
5. Substituted by the Finance Act, 2005.
6. Inserted by FA, 2003 and omitted by FA, 2005.
7. Substituted by Finance Act,,2005.
8. By the Finance Act, 2006, substituted the words "twenty days"with "one months".
9. By the Finance Act, 2006, substituted the words "ten" with "fifteen".

10. Inserted by FA, 1996 and omitted by FA, 2005 At that time section 82A was as under:-.

"**82A. Procedure in case of goods not cleared or warehoused or transshipped or exported or removed from the port within one month after unloading through the Customs Computerized System.-** Subject to the provisions of section 155A, at customs-stations with an operational Customs Computerized System, if any goods are not cleared for home consumption or warehoused or transshipped or are not loaded on the conveyance for export or removed from the port area within one month of their arrival at a customs-station or within such extended period as the appropriate officer may allow, such goods may, after the due notice given to the owner, if his address could be ascertained, or after due notice to the carrier, shipping agent, custodian of the goods, as the case may be, if his address could not be ascertained, may be sold in auction or taken into custody by Customs and removed from the port to a Customs auction warehouse for auction under the orders of the appropriate officer notwithstanding the fact that adjudication of the case under section 179, or an appeal under section 193, or 196, or a proceeding in any court of law in Pakistan, is pending:

Provided that-

(a) animals, perishable and hazardous goods may, with the permission of the appropriate officer, be sold at any time;

(b) arms and ammunition or military stores may be sold or otherwise disposed of at such time and place and in such manner as the Board may, with the approval of the Federal Government, direct;

(c) In cases where goods are sold pending any adjudication, appeal or decision of the court, the proceeds of sale shall be kept in deposit and, if on such adjudication (or, as the case may be, in such appeal or the decision of the court) the thing sold is found not to have been liable to confiscation, the entire sale proceeds, after necessary deduction of duties, taxes or dues as provided in section 201, shall be handed over to the owner:

Provided further that all auctions under this section shall be governed by the auction rules as notified by the Board and where Customs removes such goods from the premises of the custodian for disposal, the charges due to the custodian shall be paid subsequently from the sale proceeds of the goods in the manner as prescribed under section 201:

Provided further that nothing in this section shall authorize removal for home consumption of any dutiable goods without payment of customs-duties thereon;"

THE CUSTOMS ACT,1969

CHAPTER X

CLEARANCE OF GOODS FOR HOME-CONSUMPTION

[1][**83. Clearance for home consumption.-** (1) When the owner of any goods entered for home-consumption and assessed under section [2][****] 80 [2][****] or 81 has paid the import duty and other charges, if any, in respect of the same the appropriate officer, if he is satisfied that the import of the goods is not prohibited or in breach of any restrictions or conditions applying to the import of such goods, may make an order for the clearance of the same:

Provided that, at customs-stations where the Customs Computerized System is operational the system may clear the goods through system generated clearance documents.

(2) Where the owner fails to pay import duty and other charges within [3][ten] days from the date on which the same has been assessed under sections 80, 80A or 81, he shall be liable to pay surcharge at the rate of fourteen per cent per annum on import duty and other charges payable on such goods.]

[4][**83.A Omitted**]

LEGAL REFERENCE

1. Re-numbered as sub-section (1) by the Finance Act, 1993 (X of 1993), S.4(iii), page 121 and substituted by the Finance Act, 2003 (I of 2003), S.5(19), page 27. At the time of substitution section 83 was as under:-

"83. Clearance for home-consumption.- [1a][(1) When the owner of any goods entered for home-consumption and assessed under section 80 has paid the import duty and other charges, if any in respect of the same, the appropriate officer, if he is satisfied that the import of the goods is not prohibited or in breach of any restrictions or conditions apply to the import of such goods, may make an order for the clearance of the same.

[1b][(2) Where the owner fails to pay import duty and other charges under sub-section (1) within thirty days from the date on which the bill of entry is returned to him for payment of duty, he shall be liable to pay surcharge at the rate of fourteen percent per annum on import duty and other charges payable on such goods:

Provided that where the bill of entry is returned for payment of duty before the commencing day of the Finance Act, 1993, and the owner has not paid such duty before such commencing day, the date of return of such bill of entry shall be such commencing day.]

1a. Re-numbered as sub-section (1) by the Finance Act, 1993 (X of 1993).
1b. Added by the Finance Act, 1993 (X of 1993), S.4(iii), page 121.

2. Figures, letters and commas "79A, 80A" omitted vide Finance Act, 2005

3 By the Finance Act, 2006, substituted the word "thirty".

4. Inserted by the Finance Act, 2000 (XXI of 2000),and. By the Finance Act, 2006 section 83A was omitted At that time section 83A was as under:-.

"**83.A Levy of additional duty.-** Notwithstanding anything contained in this Act and without prejudice to any other action that may be taken under this Act, if any person fails to pay the dues recoverable under this Act within the prescribed time, he shall, in addition to the dues payable, be liable to pay additional duty at the rate of one and a half percent per month.

Explanation: For the purpose of calculating additional duty, the period of default shall be reckoned from the day following the due date on which the dues were required to be paid to the day preceding the date on which the same are actually paid."

CHAPTER XI

WAREHOUSING

84. Application to warehouse.- When any dutiable goods have been entered for warehousing and assessed under section [1][*****] 80 [1][*****] or 81] the owner of such goods may apply for leave to deposit the same in any warehouse appointed or licensed under this Act[2][:]

[3][Provided that the Collector of Customs, for reasons to be recorded in writing, may disallow the warehousing of goods or any class of goods or goods belonging to a particular importer[4][:]

[5][Provided further that, at customs-stations where the Customs Computerized System is operational the system may allow removal to warehouse through system generated clearance documents.]

85. Form of application.- Every such application shall be in writing signed by the applicant, and shall be in such form as may be prescribed by the Board.

[6][86. Submission of post-dated cheque and indemnity bond.- (1) When any such application has been made in respect of any goods, the owner of the goods to which it relates shall furnish an indemnity bond and post-dated cheque equivalent to the duty assessed under section 80 or section 81 or reassessed under section 109 on such goods,-

(a) to observe all the provisions of this Act and the rules in respect of such goods;

(b) to pay on or before a date specified in a notice of demand all duties, taxes, rent and charges payable in respect of such goods together with surcharge on the same from the date so specified at the rate of one per cent per month or such other rate as is for the time being fixed by the Board; and

(c) to discharge all penalties incurred for violation of the provisions of this Act and the rules in respect of such goods.

(2) Every such post-dated cheque shall be equivalent to the duties and taxes leviable on the goods or por5tion of the goods of one conveyance only.]

87. Forwarding of goods to warehouse.- (1) When the provisions of sections 85 and 86 have been complied with in respect of any goods, such goods shall be forwarded in charge of an officer of customs to the warehouse in which they are to be deposited.

(2) A pass shall be sent with the goods specifying the name of the bonder and the name or number of the importing conveyance, the marks, numbers and contents of each package, and the warehouse or place in the warehouse wherein they are to be deposited.

88. Receipt of goods at warehouse.- (1) On receipt of the goods, the pass shall be examined by the warehouse-keeper, and shall be returned to the appropriate officer.

(2) No package, butt, cask or other container shall be admitted into any warehouse unless it bears the marks and numbers specified in, and otherwise corresponds with, the pass for its admission.

(3) If the goods be found to correspond with the pass, the warehouse-keeper shall certify to that effect on the pass, and the warehousing of such goods shall be deemed to have been completed.

(4) If the goods do not so correspond, the fact shall be reported by the warehouse-keeper for the orders of the appropriate officer, and the goods shall either be returned to the custom-house in charge of an officer of customs or kept in deposit pending such orders as the warehouse-keeper deems most convenient.

(5) If the quantity or value of any goods has been incorrectly stated in the [7][goods declaration], due to inadvertence or *bona fide* error, the error may be rectified at any time before the warehousing of the goods is completed, and not subsequently.

89. Goods how warehoused.- Except as provided in section 94, all goods shall be warehoused in the packages, butts, casks or other containers in which they have been imported.

90. Warrant to be given when goods are warehoused.- (1) Whenever any goods are lodged in a public warehouse or a licensed private warehouse, the warehouse-keeper shall deliver a warrant signed by him as such to the person lodging the goods.

(2) Such warrant shall be in such form as the Board may from time to time prescribe, and shall be transferable by endorsement; and the endorsee shall be entitled to receive the goods specified in such warrant on the same terms as those on which the person who originally lodged the goods would have been entitled to receive the same.

(3) The Board may, by notification in the official Gazette, exempt any class of goods from the operation of this section.

91. Access of customs officer to [8][*] warehouse.- The appropriate officer shall have access to any [8][*] warehouse licensed under this Act.

92. Power to cause packages lodged in warehouse to be opened and examined.- (1) The appropriate officer may at any time by order in writing direct that any goods or packages lodged in any warehouse shall be opened, weighed or otherwise examined; and, after any goods have been so opened, weighed or examined, may cause the same to be sealed or marked in such manner as he thinks fit.

(2) When any goods have been so sealed and marked after examination, they shall not be again opened without the permission of the appropriate officer; and, when any such goods have been opened with such permission, the packages shall, if he thinks fit, be again sealed or marked.

93. Access of owner to warehoused goods.- (1) Any owner of goods lodged in a warehouse shall, at any time within the hours of business, have access to his goods in the presence of an officer of customs, and an officer of customs shall, upon application for the purpose being made in writing to the appropriate officer, be deputed to accompany such owner.

(2) When an officer of customs is specially employed to accompany such owner, a sum sufficient to meet the expense thereby incurred shall, subject to rules, be paid by such owner to the appropriate officer, and such sum shall, if the appropriate officer so directs, be paid in advance.

94. Owner's power to deal with warehoused goods.- (1) With the sanction of the appropriate officer and on payment of such fees as may be prescribed by rules, the owner of any goods may, either before or after warehousing the same,-

(a) separate damaged or deteriorated goods from the rest;

(b) sort the goods or change their containers for the purpose of preservation, sale, export or disposal of the goods;

(c) deal with the goods and their containers in such manner as may be necessary to prevent loss or deterioration or damage to the goods;

(d) show the goods for sale; or

(e) take such samples of goods as may be allowed by the appropriate officer with or without entry for home-consumption, and with or without payment of duty, except such as may eventually become payable on a deficiency of the original quantity.

(2) After any such goods have been so separated and repacked in proper or approved packages, the appropriate officer may, at the request of the owner of such goods, cause or permit any refuse, damaged or surplus goods remaining after such

separation or repacking (or, at the like request, any goods which may not be worth the duty) to be destroyed, and may remit the duty payable thereon.

95. Manufacture and other operations in relation to goods in a warehouse.- (1) Subject to rules, the owner of any warehoused goods may, with the permission in writing of the Collector of Customs, carry on any manufacturing process or other operations in the warehouse in relation to such goods.

(2) Where in the course of any such operation or process there is any waste or refuse the following provisions shall apply, namely:-

(a) If the whole or any part of the goods produced by such operation or process are exported, no duty shall be charged on the quantity of the warehoused goods wasted or turned into refuse in the course of the operation or processing carried on in relation to the goods exported:

Provided that such waste or refuse is either destroyed or duty is paid on such waste or refuse as if it had been imported into Pakistan in that form;

(b) If the whole or any part of the goods produced by such operation or process are cleared from the warehouse for home-consumption, duty shall be charged on the quantity of the warehoused goods wasted or turned into refuse in the course of the operation or processing carried on in relation to the goods cleared for home-consumption.

96. Payment of rent and warehouse dues.- (1) If goods be lodged in a public warehouse, the owner shall [9][unless exempted by an order of the Collector or an officer not below the rank of [10][Assistant Collector or Deputy Collector], authorized by him,] pay monthly rent and warehouse-dues at such rates as the Collector of Customs may fix.

(2) A table of the rates of rent and warehouse-dues so fixed shall be placed in a conspicuous part of such warehouse.

(3) If any demand for such rent or dues is not discharged within ten days of its presentation, the appropriate officer may, in the discharge of such demand (any transfer or assignment of the goods notwithstanding) cause to be sold, after due notice in the official Gazette, such sufficient portion of the goods as he may select.

(4) The proceeds of such sale shall be adjusted in accordance with section 201.

97. Goods not to be taken out of warehouse except as provided by this Act.- No warehoused goods shall be taken out of any warehouse, except on clearance for home-consumption or export, or for removal to another warehouse, or as otherwise provided in this Act.

[11][**98. Period for which goods may remain warehoused.-** [12]{(1) Warehoused goods, other than perishable goods notified by the Central Board of Revenue, may remain in the warehouse for a period of [13][six months] following the date of their admission into the warehouse and perishable goods so notified may remain in the warehouse for a period of three months, following the said date:

Provided that the said period may, in case of non-perishable goods, be extended, on sufficient cause being shown by the owner of the warehoused goods and subject to the condition that he pays in advance surcharge on the duty and taxes involved at [14][one] per cent per month for the extended period-

[15][(a) by the Collector of Customs, for a period not exceeding [16][one] months in case of notified perishable goods and a period not exceeding [16][three] months in case of non-perishable goods; and

(b) subject to the condition that the extension in case of perishable goods shall be granted only if the goods are fit for human consumption.}

(2) The Federal Government may, subject to such conditions, or restrictions as it may deem fit to impose, by notification in the official gazette, remit the whole or a part of the surcharge in case of any goods or category of goods and the Board, in circumstances of exceptional nature, may, subject to such conditions, limitations or restrictions, if any, as it may think fit to impose, by a special order in each case recording such circumstances remit the whole or a part of the surcharge.

(3) Notwithstanding anything contained in sub-section (1), the Federal Government may, by notification in the official Gazette, limit the period for which [17][***] goods or class of [17][***] goods may remain in the warehouse:

Provided that such period shall not be less than one month.

(4) When the licence of any warehouse is cancelled, the owner of any goods warehoused therein shall, within ten days of the date on which notice of such cancellation is given, or within such extended period as the appropriate officer may allow, remove the goods from that warehouse to another warehouse or clear them for home-consumption or exportation.]

99. Power to remove goods from one warehouse to another in the same customs-station.- (1) Any owner [18][or a manufacturer-cum-exporter duly authorized by such owner in respect] of goods warehoused under this Act may, within the period of

their warehousing under section 98, and with the permission of the Collector of Customs, on such conditions and after giving such security, if any, as the Collector directs, remove goods from one warehouse to another warehouse in the same warehousing station.

(2) When any owner [18][or a manufacturer-cum-exporter duly authorized by such owner] desires to remove any goods, he shall apply for permission to do so in such form as the Board may prescribe.

100. Power to remove goods from one warehousing station to another.- (1) Any owner [18][or a manufacturer-cum-exporter duly authorized by such owner in respect] of goods warehoused at any warehousing station may, within the period of their warehousing under section 98, remove the same for the purpose of warehousing them at any other warehousing station.

(2) When any owner [18][or a manufacturer-cum-exporter duly authorized by such owner] desires to remove any goods for such purpose, he shall apply to the Collector of Customs in such form and manner as the Board may prescribe stating therein the particulars of the goods to be removed, and the name of the customs-station to which they are to be removed.

101. Transmission of account of goods to officers at warehousing station of destination.- (1) When permission is granted for the removal of any goods from one warehousing station to another under section 100, an account containing the particulars thereof shall be transmitted by the appropriate officer of the customs-station of removal to the appropriate officer of the customs-station of destination.

(2) The person requiring the removal shall before such removal enter into a bond, with one sufficient surety, in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the customs-station of destination, within such time, as the Collector of Customs directs.

(3) Such bond may be taken by the appropriate officer either at the customs-station of removal or at the customs-station of destination as best suits the convenience of the owner.

(4) If such bond is taken at the customs-station of destination, a certificate thereof signed by the appropriate officer of such station shall at the time of the removal of such goods be produced to the appropriate officer at the customs-station of removal; and such bond shall not be discharged unless such goods are produced to the appropriate officer, and duly re-warehoused at the customs-station of destination within the time allowed for such removal or are otherwise accounted for to the satisfaction of such officer; nor until the full duty due upon any deficiency of such goods, not so accounted for, has been paid.

102. Remover may enter into a general bond.- The Collector of Customs may permit any person desirous of removing warehoused goods to enter into a general bond, with such sureties, in such amount and under such conditions as the Collector approves, for the removal, from time to time, of any goods from one warehouse to another, either in the same or in a different warehousing station and for the due arrival and re-warehousing of such goods at the destination within such time as the Collector directs.

103. Goods on arrival at customs-station of destination to be subject to same laws as goods on first importation.- Upon the arrival of warehoused goods at the customs-station of destination, they shall be entered and warehoused in like manner as goods are entered and warehoused on the first importation thereof, and under the laws and rules, in so for such laws and rules are applicable, which regulate the entry and warehousing of such last mentioned goods.

104. Clearance of bonded goods for home-consumption.- Any owner [18][or a manufacturer-cum-exporter duly authorized by such owner in respect] of warehoused goods may, at any time within the period of their warehousing under section 98, clear such goods for home-consumption by paying-

(a) the duty assessed on such goods under the provisions of this Act; and

(b) all rent, penalties, [19][surcharge] and other charges payable in respect of such goods [20][:]

[21][Provided that in case of manufacturer-cum-exporter duly qualified for claiming exemption under any notification issued under this Act, the ex-bonding of goods under this section shall be without payment of duties and taxes.]

105. Clearance of warehoused goods for export.- Any owner of warehoused good may, at any time within the period of their warehousing under section 98, clear such goods for export out of Pakistan on payment of all rent, penalties, [22][surcharge] and other charges payable as aforesaid but without paying any import duty thereon:

Provided that, if the [23][Federal Government] is of the opinion that warehoused goods of any specified description are likely to be smuggled back into Pakistan, it may, by notification in the official Gazette, direct that such goods shall not be exported to any place outside Pakistan without payment of duty or allow them to be exported subject to such restrictions and conditions as may be specified in the notification.

106. Clearance of warehoused goods for export as provisions, on a conveyance proceeding to foreign destination.- Any warehoused provisions and stores may be exported within the period of their warehousing under section 98 without payment of import duty for use on board any conveyance proceeding to a foreign territory.

107. Application for clearance of goods.- (1) An application to clear goods from any warehouse for home-consumption or for export shall be made in such form as the Board may prescribe.

(2) Such application shall ordinarily be made to the appropriate officer at least twenty-four hours before it is intended to clear such goods.

108. Reassessment of warehoused goods when damaged or deteriorated.- If any goods upon which duties are levied ad valorem [24][or otherwise] are damaged or deteriorated due to an unavoidable accident or cause after they have been entered for warehousing and assessed under section 80 and before they are cleared for home-consumption, their value in the damaged or deteriorated state may be appraised [25][according to either of the methods provided in sub-section (2) of section 27], if the owner so desires, by an officer of customs and the duty leviable thereon shall be diminished in proportion to the diminution of their value and a new bond for twice the amount of the diminished duty may, at the option of the owner, be executed by him to replace the bond originally executed.

109. Reassessment on alteration of duty.- If any goods have been entered for warehousing and assessed under section [26][*****] 80 [27][*****] or 81] but the duty leviable thereon is subsequently altered, such goods shall be reassessed on the basis of the altered duty and a new bond shall be executed by the owner in accordance with the provisions of section 86 to replace the bond originally executed by him.

110. Allowance in case of volatile goods.- When any warehoused goods of such class or description as the Board having regard to the volatility of such goods and the manner of their storage may, by notification in the official Gazette, specify are, at the time of delivery from a warehouse, found to be deficient in quantity and the Collector of Customs is satisfied that such deficiency is on account of natural loss, no duty shall be charged on such deficiency.

111. Duty on goods improperly removed from warehouse or allowed to remain beyond fixed time or lost or destroyed or taken as sample.- In respect of goods specified hereunder the appropriate officer may demand and upon such demand the owner of such goods shall forthwith pay the full amount of duty chargeable on such goods together with all rent, penalties, [28][surcharge] and other charges payable in respect of them, namely:-

(a) Warehoused goods which are removed in contravention of section 97.
(b) Goods which have not been removed from the warehouse within the time allowed for such removal under section 98.
(c) Goods in respect of which a bond has been executed under section 86 and which have not been cleared for home-consumption or export or removed in accordance with the provisions of this Act and are lost or

destroyed otherwise than as provided in sections 94 and 95 or as mentioned in section 115, or are not accounted for to the satisfaction of the appropriate officer.

(d) Goods which have been taken under section 94 as samples without payment of duty.

[29][**112. Encashment of post-dated cheque.-** (1) Where the owner fails to clear bonded goods to the purposes specified in this Chapter within the warehousing period, the post-dated cheque submitted under section 86 by the owner of goods may be got encashed after the expiry of warehousing period.

(2) In case the post-dated cheque is not enchased for any reason, the Collector of customs or any officer designated by him may detain the owner's goods whether lying in any warehouse or freshly imported for public auction and adjustment of sale proceeds against the amount of duties, taxes surcharges, rents and penalties, etc., which may have become payable on goods warehoused but not cleared within the specified period and the surplus amount, if any, shall be disposed of in the manner provided in section 201.]

113. Noting removal of goods.- (1) When any warehoused goods are taken out of any warehouse, the appropriate officer shall cause the fact to be noted on the back of the bond.

(2) Every note so made shall specify the quantity and description of such goods, the purposes for which they have been removed, the date of removal, the name of the person removing them, the number and date of the [30][goods declaration] under which they have been taken away, if removed for exportation, or [30A][***] for home-consumption and the amount of duty paid, if any [31][:]

[32][Provided that at customs-station where the Customs Computerized System is operational, the requirement of this section shall be completed in accordance with that system.]

114. Register of bonds.- (1) A register shall be kept of all bonds entered into for customs-duties on warehoused goods, and entry shall be made in such register of all particulars required by section 113 to be specified.

(2) When such register shows that the whole of the goods covered by any bond have been cleared for home-consumption or export, or otherwise duly accounted for, and when all amounts due on account of such goods have been paid, the appropriate officer shall cancel such bond as discharged in full, and shall on demand deliver the cancelled bond to the person who executed it or who is entitled to receive it.

115. Power to remit duties on warehoused goods lost or destroyed.- If any warehoused goods in respect of which a bond has been executed under section 86 and

which have not been cleared for home-consumption are lost or destroyed by unavoidable accident or cause, the Collector of Customs may in his discretion remit the duties due thereon:

Provided that, if any such goods be so lost or destroyed in a [33][****]warehouse, notice thereof be given to the appropriate officer within forty-eight hours [34][****]of such loss or destruction.

116. Responsibility of warehouse keeper.- The warehouse-keeper in respect of goods lodged in a public warehouse, and the licensee in respect of goods lodged in a private warehouse, shall be responsible for their due receipt therein and delivery therefrom, and their safe custody while deposited therein, accordance to the quantity, weight or gauge reported by the officer of customs who has assessed such goods, allowance being made, if necessary, for deficiency in quantity on account of natural loss as provided in section 110:

Provided that no owner of goods shall be entitled to claim from the appropriate officer or from any keeper of a public warehouse, compensation for any loss or damage occurring to such goods while they are being passed into or out of such warehouse, or while they remain therein, unless it be proved that such loss or damage was occasioned by the willful act or neglect of the warehouse-keeper or of an officer of customs.

117. Locking of warehouses.- (1) Every public warehouse shall be under the lock and key of both the warehouse-keeper appointed by the Collector of Customs, and the appropriate officer.

(2) Every private warehouse shall be under the lock and key of both the licensee and the appropriate officer.

118. Power to decide where goods may be deposited in public warehouse, and on what terms.- The Collector of Customs may from time to time determine in what division of any public warehouse [34][or private warehouse], and in what manner, and on what terms, any goods may be deposited, and what sort of goods may be deposited in any such warehouse.

119. Expenses of carriage, packing, etc. to be borne by owner.- The expenses of carriage, packing and storage of goods on their receipt into or removal from a public warehouse shall, if paid by the appropriate officer or by the warehouse-keeper, be chargeable on the goods and be defrayed by, and recoverable from, the owner, in the manner provided in section 112.

THE CUSTOMS ACT,1969

LEGAL REFERENCE

1. Substituted for the figure "80" by Finance Act,2003 (I of 2003), S.5(21)(a), page 28 and figures, letters and commas"79A, 80A" omitted vide Finance Act, 2005.
2. Substituted for the full stop by Finance Act,1990 (VII of 1990),S.6(5), page 35.
3. Added by the Finance Act,1990(VII of 1990), A.6(5), page 35.
4. Substituted for the full stop by Finance Act,2003 (I of 2003), S.5(21)(b) page 29.
5. *Added by Finance Act,2003 (I of 2003), S.5(21)(b), page 29.*
6. *Substituted by the Finance Act, 2005. At that time section 86 was as under:-*

"86. Warehousing bond.- (1) When any such application has been made in respect of any goods, the owner of the goods to which it relates shall execute a bond, binding himself in a penalty of twice the amount of the duty assessed under section 80 or section 81 or reassessed under section 109 on such goods,-

(a) to observe all the provisions of this Act and the rules in respect of such goods;

(b) to pay on or before a date specified in a notice of demand all duties, rent and charges payable in respect of such goods together with surcharge on the same from the date so specified at the rate of two per cent per month or such other rate as is for the time being fixed by the Board; and

(e) to discharge all penalties incurred for violation of the provisions of this Act and the rules in respect of such goods.

(2) Every such bond shall be in such form as is from time to time prescribed by the Board, and shall relate to the goods or portion of the goods of one conveyance only.

(3) Notwithstanding anything in sub-section (2), for the purposes of sub-section (1), the Collector of Customs may permit any importer to enter into a general bond in such amount and subject to such conditions, limitations or restrictions as the Collector of Customs may determine in respect of the warehousing of goods to be imported by shall continue in force notwithstanding the transfer of the goods to any other person or the removal of the goods to another warehouse or warehousing station:

Provided that, where the whole of the goods or any part thereof are transferred to another person, the appropriate officer may accept a fresh bond from the transferee in a sum equal to twice the amount of duty assessed on the goods transferred and thereupon the bond executed by the transferer shall be deemed to be discharged to the extent to which the fresh bond has been executed by the transferee.

7. *By Finance Act, 2006 the words" bill of entry" was substituted,*
8. *By Finance Act, 2006 the words" private" was omitted.*
9. *Inserted by the Finance Act, 1973 (L of 1973), S.9(6), page 531.*
10. *Substituted for the words "Assistant Collector" by the Finance Act, 1996 (IX of 1996.,*
11. *Substituted by the Finance Act, 1990 (VII of 1990), S.6(7), page 36. At the time of substitution section 98 was as under:-*

"98. Period for which goods may remain warehoused.- (1) Warehoused goods, other than consumer goods notified by the Central Board of Revenue, may remain in the warehouses for a period of [six months following the date of their admission into the warehouse and consumer goods so notified may remain in the warehouses for a period of three months] following the said date:

Provided that –

(i) the said period may, in case of non-perishable goods, be extended, on sufficient cause being shown by the owner of the warehoused goods and

subject to the condition that he pays in advance [surcharge] on the duty involved at two per cent per month for the extended period,-

(a) by the Collector of Customs for a period not exceeding six months; and

(b) by the Board for such period at it may deem fit:

Provided further that in circumstances of exceptional nature, the Board, may, subject to such conditions limitations or restrictions, if any, as it may think fit to impose, by a special order in each case recording such circumstances, remit the whole or a part of the interest.

(ii) when the licence of any private warehouse is cancelled, the owner of any goods warehoused therein shall within ten days of the date on which notice of such cancellation is given, or within such extended period as the appropriate officer may allow, remove the goods from that warehouse to another warehouse or clear them for home-consumption or exportation.".

(2) Notwithstanding anything contained in sub-section (1), the Federal Government may, by notification in the official Gazette, limit the period for which any consumer goods or class of consumer goods may remain in the warehouses:

Provided that such period shall not be less than one month."

12. Substituted by the Finance Act, 1998.
13. Substituted for the words "one year" by the Finance Act, 2005.
14. Substituted the word " two" by Finance Act, 2004.
15. Substituted by the Finance Ordinance, 2001 (XXV of 2001), S.4(6), page 306. At the time of substitution this was as under:-

"(a) by the Collector of Customs, for a period not exceeding six months; and
(b) by the Federal Government or the Board, for such period as it may deem fit.".

16. Substituted for the words "two" and "six" by Finance Act, 2005.
17. Omitted the words "consumer" by the Finance Act, 1998 (III of 1998), S.4(V)(ii,
18. Inserted by the Finance Act, 1999 (IV of 1999), S.10(6)(I), page 767
19. Substituted for the word "interest" by the Finance Act, 1985(I of 1985), S.3(1).
20. Substituted full stop by the Finance Act, 1999 (IV of 1999), S.10(8)(ii), page 767.
21. Added by the Finance Act, 1999 (IV of 1999), S.10(8)(ii), page 767.
22. Substituted for the word "interest" by the Finance Act, 1985 (I of 1985), S.3(1).
23. Substituted for the words "Central Government" by the Finance Act, 1972.
24. Inserted by the Finance Ordinance, 1986 (I of 1986), S.6(4)(a) page 11.
25. Inserted by the Finance Ordinance, 1986 (I of 1986), S.6(4) (b), page 11.
26. Substituted for the figure "80" by the Finance Act, 2003 (I of 2003), S.5(22), page 29.
27. Omitted the figure "79A, 80A" by the Finance Act,2005.
28. Substituted for the word "interest" by the Finance Act, 1985 (I of 1985), S.3(1).
29. Substituted by Finance Act, 2005.
30. By the Finance Act, 2006, the words "bill of export or" were omitted.
30A. By the Finance Act, 2006, the words "of the bill of entry or goods declaration, if removed" were omitted.
31. Substituted full stop by the Finance Act, 2003 (I of 2003), S.5(23)(c), page
32. Added by the Finance Act, 2003 (I of 2003), S.5(23)(c), page 29.
33. The word "private" omitted by the Finance Act, 1990 (VII of 1990), S.6(8), page 37.
34. By the Finance Act, 2006 the words "after the discovery" were omitted.

CHAPTER XII

TRANSHIPMENT

[1][**120. Chapter not to apply to postal articles.-** The provisions of this chapter shall not apply to goods imported by post.]

[2][**121. Transhipment of goods without payment of duty.-** (1) Subject to the provisions of section 15 and the rules, the appropriate officer may, on application by the owner of any goods imported at any customs-station and specially and distinctly manifested at the time of importation as for transhipment to some other customs-station or foreign destination, grant leave to transship the same without payment of duty, if any, chargeable on such goods with or without any security or bond for the due arrival and entry of the goods at the customs-station of destination.

(2) The Board may, subject to rules and such conditions as it may deem fit to impose, authorize certain carriers to transport goods under the multimodal, scheme. Goods transported under the multimodal scheme shall be specially and distinctly manifested at the time of importation as for transhipment to some other customs-station or foreign destination and shall not -

(a) require distinct permission for transhipment from the customs-station of first entry into the country to be transported to the customs-station of destination. The principal carrier issuing the multimodal bill of lading or air way bill will be responsible for the sanctity of the cargo during transportation between the customs-station of first entry into the country to the customs-station of destination; and

(b) be subject to the risk management system at the customs station of first entry.

(3) The Board may, subject to such conditions as it may deem fit, grant licence to any carrier to carry goods under the multimodal scheme.]

122. Superintendence of transhipment.- An officer of customs [3][may] be deputed free of charge to superintend the removal of transshipped goods from one conveyance to another [4][:]

[5][Provided that nothing in this section shall apply to the goods transported under the multimodal scheme.]

[6][**123. Entry, etc., of transshipped goods.-** (1) All goods transshipped under sub-section (2) of section 121 to any customs-station shall, on their arrival at such customs-station, be entered in the same manner as goods on their first importation and shall be dealt with likewise.

(2) All goods being transshipped under sub-section (1) of section 121 from a customs-station of first entry into the country, where the Customs Computerized System is operational and the goods are determined to be high risk by the risk management system shall be dealt with under rules on the subject.]

124. Transhipment of provisions and stores from one conveyance to another of the same owner without payment of duty.- Any provisions and stores in use or being carried for use on board a conveyance may, at the discretion of the appropriate officers be transshipped to another conveyance belonging wholly or partly to the same owner and present simultaneously at the same customs-station, without payment of duty.

125. Levy of transhipment fees.- Subject to the rules, a transhipment fee on any goods or class of goods transshipped under this Act may be levied at such rates, according to weight, measurement, quantity, number, bale, package or container, as the Board may, by notification in the official Gazette, prescribe for any customs-station or class of customs-stations.

LEGAL REFERENCE

1. *Section 120 substituted by the Finance Act, 1979 (XXX of 1979), S.6(7), page 188. At the time of substitution this was as under:-*
   "120. Chapter not to apply to baggage or postal articles.- The provision of this Chapter shall not apply to (a) baggage or (b) goods imported by post.".
2. *Substituted by the Finance Act, 2003 (I of 2003), by the Finance Act, 2003 (I of 2003), S.5(25)(a), page 30. At the time of substitution section 121 was as under:-*
   "121. Transhipment of goods without payment of duty.- Subject to the provisions of section 15 and the rules, the appropriate officer may, on application by the owner of any goods imported at any customs-station and specially and distincity manifested at the time of importation as for transhipment to some other customs-station or foreign destination, grant leave to tranship the same without payment of duty, if any, chargeable on such goods at the customs-station of transhipment and, in the case of goods to be transhipped to some other customs-station, with or without any security or bond for the due arrival and entry of the goods thereat.".
3. *Substituted for the words and commas "shall, in every case,"by the Finance Act, 2003 (I of 2003), by the Finance Act, 2003 (I of 2003), S.5(25),(a) page 30.*
4. *Substituted full stop by the Finance Act, 2003 (I of 2003), S.5(25)(b), page 30.*
5. *Added by the Finance Act, 2003 ((I of 2003), S.5(25)(b), page 30.*
6. *Substituted by the Finance Act, 2003 (I of 2003), S.5(26), page 30. At the time of substitution section 123 was as under:-*
   "123, Entry, etc., of transhipped goods.- All goods transhipped under section 121 to any customs-station shall, on their arrival at such customs-station, be entered in the same manner as goods on their first importation and shall be dealt with likewise.".

THE CUSTOMS ACT,1969

CHAPTER XIII

TRANSIT TRADE

126. Chapter not to apply to baggage and postal articles.- The provisions of this Chapter shall not apply to (a) baggage, and (b) goods imported by post.

127. Transit of goods in the same conveyance.- (1) Subject to the provisions of section 15 and the rules any goods imported in a conveyance and mentioned in the import manifest as for transit in the same conveyance to customs-station in Pakistan or to any destination outside Pakistan may be allowed to be so transited without payment of duty, if any, leviable on such goods at the customs-station of transit.

(2) Any stores and provisions imported on board a conveyance which is in transit through Pakistan to a destination outside Pakistan may, subject to rules, be allowed to be consumed on board that conveyance without payment of the duties which would otherwise be chargeable on them.

128. Transport of certain classes of goods subject to prescribed conditions.- Any goods may be transported from one part of Pakistan to another through any foreign territory, subject to such conditions as to their due arrival at the destination as may be prescribed by rules.

129. Transit of goods across Pakistan to a foreign territory.- Where any goods are entered for transit across Pakistan to a destination outside Pakistan, the appropriate officer may, subject to the provisions of the rules, allow the goods to be so transited without payment of the duties which would otherwise by chargeable on such goods[1][:]

[2][Provided that the Federal Government may, by notification in the official Gazette, prohibit the bringing into Pakistan by sea, land or air in transit to a foreign territory any goods or class of goods.]

LEGAL REFERENCE

1. *Substituted full stop by the Finance Act, 1996 (IX of 1996), S.4(4), page 480.*
2. *Added by the Finance Act, 1996 (IX of 1996), S.4(4), page 470.*

CHAPTER XIV

EXPORTATION OR SHIPMENT AND RELANDING

130. No goods to be loaded on a conveyance, till entry outwards or permission granted.- No goods other than passengers' baggage or mail bags or ballast urgently required for a vessel's safety shall be loaded or water-borne to be loaded on a conveyance at a place in a customs-station approved for the purpose under clause (b) of section 10, until an order under section 50 in respect of the conveyance has been given or permission in this behalf in writing has been granted by the appropriate officer.

[1][131. Clearance for exportation.- (1) No goods shall be loaded for exportation until-

(a) the owner any goods to be exported has made a declaration in such form and manner as prescribed by the Board, by filing a goods declaration to Customs containing correct and complete particulars of his goods, and assessed and paid his liability of duty, taxes and other charges, if any;

(b) the claim of duty drawback, if any, has been calculated and reflected in the declaration filed for export through Customs Computerized System;

(c) Customs has, on the receipt of goods declaration under clause (a), satisfied itself regarding the correctness of the particulars of export, including declaration, assessment, and payment of duty, taxes and other charges and verified the admissibility of the duty drawback claimed as specified in clause (b); and

(d) the appropriate officer has permitted passenger's baggage or mail bags, to be exported notwithstanding clauses (a), (b) and (c).

(2) If any goods or class of goods imported and lying within the port area, are intended to be exported by its owner, the Collector may allow the export subject to the conditions as the Board may, from time to time, notify:

Provided that the Board may in the case of any customs station or wharf, by notification in the official Gazette, and subject to such restrictions and conditions, if any, as it thinks fit, exempt any specified goods or class of goods or any specified person or class of persons, from all or any of the provisions of this section.

Provided further that the Collector, where Customs Computerized System has not been introduced for reasons to be recorded in writing, may cause the examination of

goods or any class of goods or goods belonging to a particular exporter or class of exporters at a designated place as he deems fit and proper.]

[2][**131A. Omitted.**

132. Bond required in certain cases before exportation.- Before any warehoused goods subject to excise duties, or goods entitled to drawback or repayment of customs-duties on exportations or goods exportable only under particular rules or restrictions, are permitted to be exported, the owner shall, if required so to do, give security by bond in such sum not exceeding twice the duty leviable on such goods as the appropriate officer directs, with one sufficient surety, that such goods shall be exported and landed at the place for which they are entered outwards or shall be otherwise accounted for to the satisfaction of such officer.

133. Additional charge on goods cleared for export after port-clearance granted.- Where the goods are cleared for shipment on a [3][goods declaration] presented after port-clearance or permission to depart has been granted, the appropriate officer may, if he thinks fit, levy, in addition to any duty to which such goods are ordinarily liable, a charge not exceeding one per cent of the value of the goods determined in accordance with the provisions of section 25.

134. Notice of non-loading or relanding and return of duty thereon.- (1) If any goods mentioned in a [4&5][goods declaration] or manifest be not loaded or be loaded and afterwards relanded, the owner shall before the expiration of fifteen clear working days after the conveyance on which such goods were intended to be loaded or from which they were relanded has left the customs-station, give information of such short-loading or relanding to the appropriate officer save where the latter has occasioned the short-loading or relanding.

(2) Upon an application being made to the appropriate officer within one year of such short-loading or relanding, any duty levied upon goods not loaded or upon goods loaded and afterwards relanded shall be refunded to the person on whose behalf such duty was paid:

Provided that, where the required information of short-loading or relanding is not given within the aforesaid period of fifteen days, the appropriate officer may make refund of duty contingent upon payment of such penalty, if any, as he may see fit to impose.

135. Goods relanded or transshipped from a conveyance returning to a customs-station or putting into another customs-station.- (1) If, after having cleared from any customs-station any conveyance without having discharged her cargo returns to such customs-station or ports into any other customs station, any owner of goods in such conveyance, if he desired to land or transship the same or any portion thereof for

re-export, may, with the consent of the person-in-charge of the conveyance, apply to the appropriate officer in that behalf.

(2) The appropriate officer, if he grants the application, shall thereupon send an officer of customs to watch the conveyance and to take charge of such goods during such relanding or transhipment.

(4) Such goods shall not be allowed to be transshipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export unless they are lodged and remain, until the time of re-export under the custody of an officer of customs, in a place appointed by the appropriate officer, or are transshipped under such custody.

(4) All expenses attending such custody shall be borne by the owner.

136. Conveyance returning to customs-station may enter and land goods.- (1) In either of the cases mentioned in section 135, the person-in-charge of the conveyance may enter such conveyance inwards and any owner of goods thereon may, with the consent of the person-in-charge of the conveyance, land the same under the provisions of this Act and the rules.

(2) In every such case, any export duty paid shall be refunded on an application made by the owner of such goods within one year of their landing and any amount paid to the owner as drawback or repayment of duty(whether of customs, excise or any other tax) shall be recovered from him or adjusted against the amount refundable.

137. Landing of goods during repairs.- (1) The appropriate officer may, on application by the person-in-charge of a conveyance which is obliged before completing her journey or voyage to put into any customs-station for repairs, permit him to land the goods or any portion thereof, and to place it in the custody of an officer of customs during such repairs, and to load and export the same free of duty.

(2) All expenses attending such custody shall be borne by the person-in-charge of the conveyance.

138. Frustrated cargo how dealt with.- (1) Where any goods are brought into a customs-station by reason of inadvertence, misdirection or untraceability of the consignee, [6][an officer of Customs not below the rank of Additional Collector of Customs] may, on application by the person-in-charge of the conveyance which brought such goods or of the consignor of such goods and subject to rules, allow export of such goods without payment of any duties (whether of import or export) chargeable thereon, provided that such goods have remained and are exported under the custody of an officer of customs.

(2) All expenses attending to such custody shall be borne by the applicant.

THE CUSTOMS ACT,1969

LEGAL REFERENCE

1. Substituted by Finance Act,2005. At that time section 131 was as under:-

"**131. Clearance for exportation.-** No goods shall be loaded for exportation until-

(a) in the case of goods other than passenger's baggage and mail bag-
(i) the owner has delivered to the appropriate officer a bill of export [1][or goods declaration] for such goods, in such form and manner and containing such particulars as may be prescribed by rules;
(ii) such owner has paid the duties payable on such goods; such bill [2][or declaration] has been passed by the appropriate officer; and

(b) in the case of passenger's baggage or mail bags, the appropriate officer has permitted them to be exported:

Provided that the Board may in the case of any customs-station or wharf, by notification in the official Gazette, and subject to such restrictions and conditions, if any, as it thinks fit, exempt any specified goods or class of goods or any specified person or class of persons, from all or any of the provisions of this section.

Provided further that the Collector for reasons to be recorded in writing may cause the examination of goods or any class of goods or good belonging to a particular exporter or class of exporters at a designated place as he deems fit and proper."

2. *Inserted by the Finance Act, 2003 and omitted by the Finance Act, 2005. At that time section 131A was as under:-*

"**131A. Clearance for exportation through the Customs Computerized System.-** Subject to the provisions of section 155A, for the purposes of the Customs Computerized System, no goods shall be loaded for exportation until-

(a) the owner of any goods to be exported has made a declaration in such form and manner as prescribed by the Board, by filing a goods declaration to Customs containing correct and complete particulars of his goods, and assessed and paid his liability of duty, taxes and other charges and having reflected his claim of duty draw back if any;

(b) Customs has, on the receipt of goods declaration under clause (a) through the Customs Computerized System, satisfied itself regarding the correctness of the particulars of export, including declaration, assessment, and payment of duty, taxes and other charges and verified the admissibility of the duty draw back claimed; and

(c) Goods have been cleared for export through the Customs Computerized System:

Provided that the Board may in the case of any customs-station or wharf, by notification in the official Gazette and subject to such restrictions and conditions, if any, as it thinks fit, exempt any specified goods or class of goods or any specified person or class of persons, from all or any of the provisions of this section."

3. By the Finance Act, 2006, the words "bill of export" were substituted.
4. Inserted by the Finance Act, 2003 (I of 2003), S.5(27), page 31
5.. By the Finance Act, 2006, the words" bill of export or" were omitted.
6. Substituted for the words "the Collector of Customs" by FA, 2005..

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CHAPTER XV

SPECIAL PROVISIONS REGARDING BAGGAGE AND GOODS IMPORTED OR EXPORTED BY POST

139. Declaration by passenger or crew of baggage.- The owner of any baggage whether a passenger or a member of the crew shall, for the purposes of clearing it, make a verbal or written declaration of its contents in such manner as may be prescribed by rules to the appropriate officer and shall answer such questions as the said officer may put to him with respect to his baggage and any article contained therein or carried with him and shall produce such baggage and any such articles for examination [1][:]

[2][Provided that where the Customs Computerized System is operational, all declarations and communications shall be electronic.]

140. Determination of rate of duty in respect of baggage.- The rate of duty if any, applicable to baggage shall be the rate in force on the date on which a declaration is made in respect of such baggage under section 139 [3][:]

[4][Provided that in the case of goods cleared as mis-handled baggage or un-accompanied baggage, the rate of duty shall be the rate in force on the date on which a declaration for clearance of such goods is presented before the appropriate officer after landing of the goods.]

141. Bona fide baggage exempt from duty.- The appropriate officer may, subject to the limitations, conditions and restrictions specified in the rules, pass free of duty any article in the baggage of a passenger or a member of the crew in respect of which the said officer is satisfied that it is *bona fide* meant for the use of such passenger or for making gift.

142. Temporary detention of baggage.- Where the baggage of a passenger contains any article which is dutiable or the import of which is prohibited or restricted and in respect of which a true declaration has been made under section 139, [5][and about which the appropriate officer is satisfied that these were not imported with the intention of consumption in Pakistan, he] may, at the request of the passenger, detain such article for the purpose of being returned to him on his leaving Pakistan.

143. Treatment of baggage of passengers or crew in transit.- Baggage of passengers and members of the crew in transit in respect of which a declaration has been made under section 139, may be permitted by the appropriate officer, subject to such limitations, conditions and restrictions as may be specified in the rules, to be so transited without payment of duty.

144. Label or declaration in respect of goods imported or exported by post to be treated as entry.- In the case of goods imported or exported by post, any label or

declaration which contains the description, quantity and value thereof shall be deemed to be an entry for import or export, as the case may be, for the purposes of this Act.

145. Rate of duty in respect of goods imported or exported by post.- (1) The rate of duty, if any, applicable to any goods imported by post shall be the rate in force on the date on which the postal authorities present to the appropriate officer the declaration or label referred to in section 144 for the purpose of assessing the duty thereon.

(2) The rate of duty, if any, applicable to any goods exported by post shall be the rate in force on the date on which the exporter delivers such goods to the postal authorities for exportation.

LEGAL REFERENCS

1. *Substituted for the full stop by the Finance Act, 2004 (II of 2004), S.3(13), page 16.*
2. *Ad*ded by the Finance Act, 2004 (II of 20040, S.3(13), page 16.
3. *Substituted full stop by the Finance Ordinance, 1982 (XII of 1982), S.6(7), page 60.*
4. *Added by the Finance Ordinance, 1982 (XII of 1982), S.6(7), page 60.*
5. *Substituted for the comma and words ",the appropriate officer" by the Finance Ordinance, 1982 (XII of 1982), S.6(8), page 60.*

CHAPTER XVI

PROVISIONS RELATING TO COASTAL GOODS AND VESSELS

146. Chapter not to apply to baggage.- The provisions of this Chapter shall not apply to baggage.

147. Entry of coastal goods.- (1) The consignor of any coastal goods shall present to the appropriate officer a bill of coastal goods in the form prescribed by the Board.

(2) Every such consignor shall make a declaration on the bill of coastal goods presented by him as to the truth of the contents thereof.

148. Coastal goods not to be loaded, until bill relating thereto is passed.- No vessel shall take on board any coastal goods until the bill relating to such goods has been passed by the appropriate officer and delivered to the master of the vessel by the consignor:

Provided that the appropriate officer may, in circumstances of exceptional nature, on a written application by the master of the vessel, permit loading of coastal goods pending the presentation and passing of bills relating to such goods.

149. Clearance of coastal goods at destination.- (1) The master of a vessel carrying any coastal goods shall carry on board the vessel all bills delivered to him under section 148 and shall, within twenty-four hours of arrival of the vessel at any customs-port or coastal port, deliver to the appropriate officer all bills relating to the goods which are to be unloaded at that port.

(2) Where any coastal goods are unloaded at any port, the appropriate officer shall permit their clearance if he is satisfied that they are entered in a bill delivered to him under sub-section (1).

150. Declaration concerning coasting vessel which has touched foreign port.- The master of a vessel carrying coastal goods which has touched at any foreign port immediately before its arrival at a port of Pakistan shall deliver, alongwith the bills referred to in section 149, a declaration stating that fact and indicating the particulars and specifications of the cargo, if any, discharged or taken on board at such foreign port.

151. Cargo book.- (1) There shall be kept on board every coasting vessel a cargo book stating the name of the vessel, the port at which she is registered and the name of the master.

(2) It shall be the duty of the master of every coasting vessel to enter or cause to be entered in the cargo book-

(a) the port to which and each voyage on which the vessel is bound;

(b) the respective times of departure from every port of lading and of arrival at every port of discharge;

(c) the name of every port of lading and an account of all goods taken on board at that port with a description of the packages and the quantities and description of the goods contained therein or stowed loose and the names of the respective shippers and the consignees in so far as such particulars be ascertainable;

(d) the name of every port of discharge and the respective days on which such goods or any of them are delivered out of such vessel.

(3) The entries relating to the loading and discharge of goods shall be made respectively at the ports of lading and discharge.

(4) Every such master shall on demand produce the cargo book for the inspection of the appropriate officer and such officer may make such note or remark therein as he considers necessary.

152. Coastal goods not to be loaded or unloaded except at customs-port or coastal port.- No coastal goods shall be loaded on, or unloaded from, any vessel at any port other than a customs-port or a coastal port declared under section 9.

153. Coasting vessel to obtain written orders before departure.- (1) No coasting vessel which has brought or loaded any coastal goods at a customs-port or coastal port shall depart from such port until a written order to that effect has been given by the appropriate officer.

(2) No such order shall be given until -

(a) the master of the vessel has answered the questions, if any, put to him;

(b) all charges and penalties, if any, payable in respect of that vessel or by its master have been paid or the payment secured by such guarantee as the appropriate officer may direct.

154. Application of certain provisions of this Act to coastal goods.- (1) Sections 64,65 and 66 shall, so far as may be, apply to coastal goods as they apply to imported goods or goods for export.

(2) Sections 48 and 60 shall, so far as may be, apply to vessels carrying coastal goods as they apply to vessels carrying imported goods or goods for export.

(3) The [1][Federal Government] may, by notification in the official Gazette, direct that all or any of the other provisions of Chapter VII and the provisions of section 78 shall apply to coastal goods or vessels carrying coastal goods with such exceptions and modifications, if any, as may be specified in the notification.

155. - Prohibition of the coastal trade of certain goods.- No goods shall be carried coast-wise or shipped as stores in a coasting vessel contrary to any prohibition or restriction imposed by or under any law, nor shall such goods or stores be brought to any place in Pakistan for the purpose of being so carried or shipped.

LEGAL REFERENCE

1. Substituted for the words "Central Government" by the Finance Act, 1972 (XXI of 1972), S.3, page 56 and Second Schedule S.1, page 76.

[1][CHAPTER XVI-A

PROVISIONS RELATING TO THE CUSTOMS COMPUTERIZED SYSTEM AND AUDIT AND ACCESS TO DOCUMENTS

155A. Application of the Customs Computerized System.- Notwithstanding anything hereinbefore contained, provisions of this Chapter shall apply to any customs-station equipped with the Customs Computerized System on such date as the Federal Government may, by notification in official Gazette, specify and different dates may be specified for different provisions and for different areas so as to bring the provisions relating to the Customs Computerized System in force throughout Pakistan progressively.

155B. Access to the Customs Computerized System.- No person shall transmit to, or receive information from, the Customs Computerized System unless that person is registered by the Collector as a user of the Customs Computerized System.

155C. Registered users.- (1) Any person who wishes to be registered as a user of the Customs Computerized System may apply [2][***] to the Collector in the prescribed form and shall provide such information in relation to the application as is prescribed.

(2) The Collector may require an applicant for registration to give such additional information as he considers necessary for the purpose of the application.

(3) The Collector may grant the application subject to such conditions, as he deems fit or refuse the application:

Provided that no order shall be passed for refusal of application unless the applicant has been given a reasonable opportunity of being heard.

155D. Registered users to be allocated unique user identifier.- (1) Any person registered as a user of the Customs Computerized System shall be allocated a unique user identifier for use in relation to the Customs Computerized System by the Collector in such form or of such nature as the Collector may determine.

(2) The unique user identifier allocated pursuant to sub-section (1) of this section shall be used by the registered user for the purpose of transmitting information to or receiving information from the Customs Computerized System.

(3) The Collector may impose conditions on a particular registered user or on registered users generally, relating to the use and security of unique user identifiers.

155E. Use of unique user identifier.- (1) Where information is transmitted to the Customs Computerized System using a unique user identifier issued to a registered user by the Collector for that purpose, the transmission of that information shall, in the absence of proof to the contrary, be sufficient evidence that the registered user to whom the unique user identifier has been issued has transmitted that information.

(2) Where a unique user identifier is used by a person who is not entitled to use it, sub-section (1) of this section shall not apply if the registered user to whom the unique user identifier was issued has, prior to the unauthorized use of that unique user identifier, notified the Customs that the unique user identifier is no longer secure.

155F. Cancellation of registration of registered user.- (1) Where at any time the Collector is satisfied that any person who is a registered user of the Customs Computerized System, has –

(a) failed to comply with a condition of registration imposed by the Collector under sub-section (3) of section 155C of this Act; or

(b) failed to comply with, or acted in contravention of any conditions imposed by the Collector under sub-section (3) of section 155D of this act in relation to the use and security of the registered user's unique identifier; or

(c) has been convicted of an offence under this Act, the Collector may cancel the registration of that person as a registered user by giving notice in writing to that person stating that the registration of that person is cancelled and setting out the reasons for that cancellation.

155G. Customs to keep records of transmissions.- (1) The Customs shall keep a record of every transmission sent to or received from a registered user using the Customs Computerized System.

(2) The record described in sub-section (1) of this section shall be kept for a period of five years from the date of the sending of or the receipt of the transmission, or for such other period as may be prescribed by the Board.

155H. Confidentiality of information.-- All trade information gathered by Customs during clearance of goods shall be confidential and shall not be used except for -

(a) statistical purposes by the department and other Government organizations; or

(b) purposes of comparison and evidence [3][by the appropriate officer of customs] as against other imports and exports; or

(c) production as evidence before a legal forum or an organization explicitly so authorized by the Federal Government;

and any disclosure, publishing or dissemination of trade information of any person except as provided above without his explicit permission to any other person shall be an offence.

155-I. Unauthorized access to or improper use of the Customs Computerized System.- (1) Every person commits an offence who.-

(a) knowingly and without lawful authority by any means gains access to or attempts to gain access to the Customs Computerized System; or

(b) having lawful access to the Customs Computerized System, knowingly uses or discloses information obtained from such a computer system for a purpose that is not authorized; or

(c) knowing that he is not authorized to do so, receives information obtained from the Customs Computerized System, and uses, discloses, publishes, or otherwise disseminates such information.

155J. Interference with the Customs Computerized System.- Every person commits an offence who–

(a) by any means knowingly falsifies any record or information stored in the Customs Computerized System; or

(b) knowingly damages or impairs the Customs Computerized System; or

(c) knowingly damages or impairs any duplicate tape or disc or other medium on which any information obtained from the Customs Computerized System is held or stored otherwise than with the permission of the Collector.

155K. Offences in relation to the security of or unauthorized use of unique user identifiers.- (1) A registered user of the Customs Computerized System who fails to comply with or acts in contravention of any condition imposed by the Collector relating to the security of that registered user's unique user identifier commits an offence.

(2) A person who -

(a) not being a registered user, uses a unique user identifier; or

(b) being a registered user, uses the unique user identifier of any other registered user; to authenticate a transmission of information to the Customs Computerized System, commits an offence.

155L. Audit or examination of records.- (1) The appropriate officer of Customs may at any reasonable time enter a premises or place where records are kept and audit or examine those records either in relation to specific transactions or to the adequacy and integrity of the manual or electronic system or systems by which such records are created and stored and shall have free access to all books, records, documents, data and computers in the custody or control of the principals or agents and may if so necessary take custody of, or make extracts from or copies of such books, records, documents, data or computers.

(2) In all cases, except where it would defeat the purposes of the audit or examination, a reasonable advance notice regarding a visit shall be given to the principals or the agents concerned.

155M. Requisition of documents.- (1) The appropriate officer may, by notice in writing, require a person, as and when specified in the notice,--

(a) to produce for inspection by a specified Customs Officer, documents or records that the appropriate officer considers necessary or relevant to --
  (i) an investigation under this Act; or
  (ii) an audit under this Act; or
  (iii) the recovery of dues payable under this Act;

(b) to allow the specified Customs officer to take extracts from or make copies of, documents or records of the kind referred to in paragraph (a);

(c) to appear before a specified Customs officer and answer all questions put to the person concerning --
  (i) goods, or transactions relating to those goods, that are the subject of the investigation or audit, or that are relevant to the recovery of dues referred to in clause (a); or
  (ii) documents or records of the kind referred to in clause (a).

(2) in this section, person includes an officer employed in a government department, corporation, local authority or an officer employed in a bank.

155N. Documents in foreign language.- Where a document in a foreign language except English is presented to a Customs officer in relation to the carrying out of any duty or the exercise of any power of the Customs under this Act or any other Act, the officer may require the person who presented the document to supply to the officer an authentic English translation of the document at the expense of the person who presented it.

155O. Authorised officer may take possession of and retain documents and records.- (1) An officer authorised in this behalf may take possession of and retain any document or record presented in connection with any entry or required to be produced under this Act.

(2) Where the authorised officer takes possession of a document or record under sub-section (1) of this section, the authorised officer shall, at the request of the person otherwise entitled to the document or record, provide that person with a copy of

the document certified by or on behalf of the authorised officer under the seal of the Customs as a true copy.

(3) Every copy so certified shall be admissible as evidence in all courts and other legal forums as if it were the original.

155P. Obstructing access, altering, concealing, destruction of record.- Any person commits an offence who,-

(a) fails to operate any mechanical or electronic device, when requested by a Customs officer, on which any records are, or information is, stored for the purpose of enabling the Customs officer to obtain those records or that information.

(b) with intent to defeat the purposes of this Act, destroys, alters, or conceals any book, document, or record required to be kept under this Act, or sends or attempts to send out of Pakistan any such book, document, or record.]

[4][155Q. **Electronic exchange of information and authentication through the Customs Computerized System.-** Any declaration, documents or record, accounts, notice, order, payment, authentication, authorization or information required, delivered or provided by the Customs or any registered user shall be deemed to have been required, delivered, provided or done under this Act when communicated electronically through the Customs Computerized System.

155R. Correction of clerical errors.- Where the Customs Computerized System is in operation and the Collector of Customs is satisfied that incorrect data has been electronically communicated to Customs due to any clerical error, he may, for reasons to be recorded in writing, direct the correction of the said error. Except as provided herein, no person shall alter any data in the Customs Computerized System.]

LEGAL REFERENCE

1. *Inserted by the Finance Act, 2003 (I of 2003), S.5(29), page 32*
2. *By the Finance Act, 2006, the words "in writing" were omitted.*
3. *Inserted by the Finance Act, 2006.*
4. *Inserted by the Finance Act, 2006.*

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CHAPTER XVII

OFFENCES AND PENALTIES

156. Punishment for offences.- (1) Whoever commits any offence described in column 1 of the Table below shall, in addition to and not in derogation of any punishment to which he may be liable under any other law, be liable to the punishment mentioned against that offence in column 2 thereof:-

TABLE

	Offences	Penalties	Section of this Act to which offence has reference.
	(1)	(2)	(3)
1.	If any person contravenes any provision of this Act or any rule made thereunder, or abets any such contravention or fails to comply with any provision of this Act or any such rule with which it was his duty to comply where no express penalty has been provided elsewhere for such contravention or failure,	such person shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees.	General
2.(i)	If any goods imported by sea or air be unloaded or attempted to be unloaded at any place other than a customs-port or customs-airport declared under section 9 for unloading of such goods; or	such person shall be liable to a penalty not exceeding [2][ten thousand] rupees; and such goods shall be liable to confiscation.	9 & 10

(ii)	If any goods be imported by land or inland water through any route other than a route declared under clause (c) of section 9 for the import of such goods; or	
(iii)	If any goods be attempted to be exported by sea or air from any place other than a customs-port or customs airport appointed for the loading of such goods; or	9 & 10
(iv)	If any goods be attempted to be exported by land or inland water through any route other than a route declared under clause (c) of section 9 for the export of such goods; or	
(v)	If any imported goods be brought into any bay, gulf, creek or river for the purpose of being landed at a place other than a customs-port; or	
(vi)	If any goods be brought near the land frontier or the coast of Pakistan or near any bay, gulf, creek or river for the purpose of being exported from a place other than a customs-station or where any place has been approved under clause (b) of section 10 for the loading of such goods	

	from any place other than the place so approved,		
3.(i)	If any person exports or lands goods, or aids in the export of landing of goods, or knowingly keeps or conceals or knowingly permits or procures to be kept or concealed, any goods exported or landed or intended to be exported or landed contrary to the provisions of this Act; or	such person shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees.	General
(ii)	If any person be found to have been on board any conveyance liable to confiscation on account of the commission of the offence under clause 4 of this Table, while such conveyance is within any place which is not a customs-station for the export and landing of goods,		9 & 10
4.	If any conveyance which has been within the limits of any customs-station in Pakistan with goods on board, be afterwards found anywhere in Pakistan with the whole or any portion of such goods missing unless the person-in-charge of the conveyance be able to account for the loss of, or deficiency in the goods,	the duty in respect of goods so lost or deficient shall be payable by the person-in-charge of the conveyance; and such conveyance shall also be liable to confiscation.	9 & 10
5.(i)	If any goods are unloaded	the person-in-charge	9 & 10

	from any conveyance inward bound, without the authority of the appropriate officer into any other conveyance at any place other than a place declared under section 9 for the unloading of goods; or if any goods are loaded into any conveyance outward bound from any other conveyance, without such authority, from or at any place other than a place declared under section 9 for the loading of goods; or	of every such conveyance used for irregular import or export of goods, shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees; and the goods and the conveyance shall also be liable to confiscation.	
(ii)	If any goods on which drawback has been granted are put, without such authority, on board any conveyance for the purpose of being relanded,		
6.	If any vessel arriving at, or departing from, any customs-port fails, when so required under section 14 to bring to at any such station as has been appointed by the Collector of Customs for the boarding or landing of an officer of customs,	the master of such vessel shall be liable to a penalty not exceeding [2][ten thousand] rupees.	14
7(i)	If any vessel arriving at any customs-port, after having come to its proper place of mooring or unloading, removes from such place, except with the authority of the	the master of such vessel shall be liable to a penalty not exceeding [2][ten thousand] rupees; and the vessel, if not entered, shall not be	14

	Conservator, obtained in accordance with the provisions of the Ports Act,1908 (XV of 1908) or other lawful authority, to some other place of mooring or unloading; or	allowed to enter until the penalty is paid.	
(ii)	If any vessel not brought into port by a pilot be not anchored or moored in accordance with any direction of the Collector of Customs under section 14,		
[3][8.(i)	If any goods be smuggled into or out of Pakistan,	Such goods shall be liable to confiscation and any person concerned in the offence shall be liable to a penalty not exceeding ten times the value of the goods; and upon conviction by a [4][Special Judge] he shall further be liable to imprisonment for a term not exceeding [5][fourteen years] and to fine not exceeding ten times the value of such goods, and, if the [4][Special Judge] in his discretion so orders, also to whipping [6][:] [7][Provided that, in the case of such goods [8][*****] as may be notified by the Federal Government	General

		in the official Gazette, the sentence of imprisonment shall not be less than five years and the person convicted shall also be awarded sentence of whipping, and the whole or any part of his property shall also be liable to confiscation in accordance with the provisions of the Prevention of Smuggling Act,1977.]
[9][(ii)	If the smuggled goods are narcotics drugs, psychotropic substances or controlled substances,-	such goods shall be liable to confiscation and any person concerned in the offence shall be liable to –
	(a) if the quantity of the narcotic drug, psychotropic substance of controlled substance is one hundred grams or less;	imprisonment which may extend to two years, or with fine, or with both;
	(b) if the quantity of the narcotic drug, psychotropic substance or controlled substance exceeds one hundred grams but does not exceed one kilogram;	imprisonment which may extend to seven years and shall also be liable to fine;
	(c) if the quantity of the narcotic drug,	death or imprisonment for life,

	psychotropic substance or controlled substance exceeds the limit specified in clause (b);	or imprisonment for a term which may extend to fourteen years and shall also be liable to fine which may be upto one million rupees; Provided that, if the quantity exceeds ten kilograms the punishment shall not be less than imprisonment for life.	
9.	(i) If any goods, not being goods referred to in clause 8, are imported into or exported from Pakistan evading payment of leviable customs-duties or in violation of any prohibition or restriction on the importation or exportation of such goods imposed by or under this Act or any other law; or (ii) If any attempt be made so to import or export any such goods; or (iii) If any such goods be found in any package produced before any officer of customs as containing no such goods; or (iv) If any such goods be found either before or after landing or shipment	Such goods shall be liable to confiscation; and any person concerned in the offence shall also be liable to a penalty not exceeding two times the value of the goods.	15 & 16

	to have been concealed in any manner on board any conveyance within the limits of any seaport, airport, railway station or other place where conveyances are ordinarily loaded or unloaded; or		
(v)	If any such goods, the exportation of which is prohibited or restricted as aforesaid be brought within a customs area or to a wharf, with the intention of loading them on a conveyance for exportation in violation of such prohibition or restriction,		
10.	If, upon an application to pass any goods through the custom-house, any person not being the owner of such goods, and not having proper and sufficient authority from the owner, subscribes or attests any document relating to any goods on behalf of such owner,	such person shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees.	General
[10][10 (A)	If any condition, limitation or restriction imposed by Federal Government or by the Board for grant of partial or total exemption from customs duties is violated in respect of the goods on which exemption has been granted,	such goods shall be liable to confiscation and the person to whom the exemption was granted shall be liable to a penalty not exceeding ten times the value of goods; and upon conviction by a Special Judge he	19 & 20

		shall further be liable to imprisonment for a term not exceeding two years].	
11.	If any goods which have been allowed temporary admission under section 21 without payment of duty subject to the condition of subsequent export be not exported, or any goods duty on which has not been paid or having been paid has been refunded be sold or transferred or otherwise disposed of in contravention of the rules or a special order made under that section,	any person who sells, transfers or otherwise disposes of such goods or aids or abets the sale, transfer or disposal of such goods, and any person in whose possession such goods are found shall be liable to a penalty not exceeding five times the duty chargeable on such goods; and such goods shall also be liable to confiscation.	21
[11][12	If a person contravenes the provisions of section 26 and does not furnish any information as required by the rules,	such person shall be liable to a penalty not exceeding one million rupees and on conviction by a Special Judge shall be liable to imprisonment for a term not exceeding one year or with both.	26(1) and 26(4)
[12][12A	If any person contravenes the provisions of section 26A and does not furnish any information as required by the rules,	such person shall be liable to a penalty not exceeding one million rupees and on conviction by a Special Judge shall be liable to imprisonment for a term not exceeding one year or with both.	26A

12B	If any person contravenes the provisions of section 26B and does not furnish any record, documents or information as required by the rules,	such person shall be liable to a penalty not exceeding one million rupees and on conviction by a Special Judge shall be liable to imprisonment for a term not exceeding one year or with both.	26B]
13.	If any person willfully contravenes any rule relatable to section 28 with respect to any spirits,	such person shall be liable to a penalty not exceeding [2][ten thousand rupees;] and all such spirit shall be liable to confiscation.	28
14.	If any person commits an offence under section 32,	such person shall be liable to a penalty not exceeding [1][twenty five thousand] rupees or three times the value of the goods in respect of which such offence is committed, whichever be greater; and such goods shall also be liable to confiscation [13][;] [14][and upon conviction by a [15][Special Judge] he shall further be liable to imprisonment for a term not exceeding three years, or to fine, or to both].	32
[14][14A.	If any person commits an offence Under section 32A.	such person shall be liable to a penalty not exceeding three times the value of the goods in respect of which	32A.]

		such offence is committed and such goods shall also be liable to confiscation and upon conviction by a Special Judge he shall further be liable to imprisonment for a term which may extend to ten years but shall not be less than five years or to fine, or to both.	
15.	If any goods in respect of which drawback has been paid or any warehoused goods cleared for exportation are not duly exported or after being exported are unloaded or relanded at any other place in Pakistan otherwise than in accordance with the provisions of this Act and the rules.	any person who fails to export such goods or who unloads or relands the goods or any person who aids or abets the evasion of export of such unloading or relanding shall be liable to a penalty not exceeding three times the value of such goods or [1][twenty five thousand rupees,] whichever be higher; and the goods which are not so exported or which are so unloaded or relanded together with the conveyance from which they are unloaded or relanded shall also be liable to confiscation.	35 & 105
16.	If any provisions or stores on which drawback has been paid or on which duty has not been paid for reason of their being	such provisions or stores shall be liable to confiscation.	24 & 35

	provisions or stores meant, to be exported for use on board are not loaded on board or after being loaded are subsequently unloaded without the permission of the appropriate officer.		
17.	If any person fraudulently claims drawback on any goods on which drawback is disallowed under section 39 or includes any such goods in his claim for drawback,	[16][such person shall be liable to penalty not exceeding twenty-five thousand rupees, and such goods shall also be liable to confiscation].	39
18.	If, in any river or port wherein a place has been fixed under section 43 by the Board, any vessel arriving passes beyond such place, before delivery of a manifest to the pilot, officer of customs, or other person duly authorized to receive the same,	the master of such vessels [17][and master of the pilot] shall be liable to a penalty not exceeding [1][twenty-five thousand rupees].	43
19.	If the master of any vessel arriving, which remains outside or below any place fixed, under section 43, wilfully omits, for twenty-four hours after anchoring, to deliver a manifest as required by this Act,	such master shall be liable to penalty not exceeding [1][twenty five thousand rupees].	43
20.	If, after any vessel has entered any customs-port in which a place has not	such master shall be liable to a penalty not exceeding [1][twenty	43

	been fixed under section 43, the master of such vessel willfully omits, for twenty-four hours after anchoring, to deliver a manifest as required by this Act,	five thousand rupees].	
21.	If, after any conveyance other than a vessel has entered any land customs-station or customs-airport, the person-in-charge of such conveyance willfully omits, for twenty-four hours after arrival, to deliver a manifest as required by this Act,	such person shall be liable to a penalty not exceeding [1][twenty five thousand rupees].	44
22.	If any person required by this Act to receive an import manifest from the person-in-charge of a conveyance refuses to do so, or fails to countersign the same or to enter thereon the particulars referred to in section 46,	such person shall be liable to a penalty not exceeding [2][ten thousand]rupees.	43 & 46
23. (i)	If, any import or export manifest delivered under any provision of this Act is not signed by the person delivering the same or is not in the form prescribed under this Act or does not contain the particulars of the conveyance, goods and journey required to be stated in such manifest by or under this Act, or	the person delivering such manifest shall be liable to a penalty not exceeding [1][twenty-five thousand rupees].	45 & 53

(ii)	If any manifest so delivered does not contain a specification true to the best of such person's knowledge of all goods imported or to be exported in such conveyance,		
24(i)	If any goods entered in the import manifest of a conveyance are not found in that conveyance; or	the person-in-charge of such conveyance shall be liable to a penalty not exceeding twice the amount of duty chargeable on the goods not found on the conveyance or, if such goods are not dutiable or the duty thereon cannot be ascertained, to a penalty not exceeding [19][fifteen thousand rupees] for every missing or deficient package or separate article, and in the case of bulk goods to a penalty not exceeding the value of the goods, or [1][twenty-five thousand rupees], whichever be higher.	45,53 & 55
(ii)	If the quantity found in the conveyance [18][,container or any other package] is short, and the shortage is not accounted for to the satisfaction of the officer-in-charge of the custom-house,		
25.	If any bulk is broken on a vessel in contravention of section 47 or without a special pass granted under section 49,	the master of such vessel shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees.	47 & 49
26. (i)	If any bill of lading or copy required under	the person-in-charge of such conveyance	48

	section 48, is false and the person-in-charge of the conveyance is unable to satisfy the appropriate officer that he was not aware of the fact; or if any such bill or copy has been altered with fraudulent intent; or	shall be liable to penalty not exceeding [1][twenty-five thousand rupees].	
(ii)	If the goods mentioned in any such bill or copy have not been bona fide shipped or loaded as shown therein; or if any such bill of landing or any bill of lading of which a copy is delivered has not been made previously to the departure of the conveyance from the place where the goods referred to in such bill of lading were shipped or loaded; or,		
(iii)	If any part of the cargo or goods has been stayed, destroyed or thrown over board, or if any package has been opened and any part of the cargo or goods be not accounted for to the satisfaction of the appropriate officer,		
27.	If the person-in-charge of a conveyance attempts to depart from the customs-station without a port-clearance or written permission of the appropriate officer, granted under section 51	such person shall be liable to a penalty not exceeding [1][twenty-five thousand rupees].	51 & 52

	or section 52, as the case may be,		
28.	If any conveyance actually departs from a customs-station without obtaining the port-clearance or the written permission of the appropriate officer, as the case may be,	the person-in-charge of such conveyance shall be liable to a penalty not exceeding [1][twenty- five thousand rupees].	
29.	If any pilot takes charge of any vessel proceeding out of Pakistan notwithstanding that the master of the vessel does not produce a port-clearance,	such pilot shall be liable to a penalty not exceeding [1][twenty-five thousand rupees].	
30.	If the person-in-charge of a conveyance refuses to receive on board any officer of customs deputed under section 60,	such person shall be liable to a penalty not exceeding [2][ten thousand rupees] for each day during which such officer is not received on board the conveyance, and the conveyance if not entered shall not be allowed to enter until such penalty is paid.	61
31.	If the master of a vessel or the person-in-charge of a conveyance other than a vessel or an aircraft refuses to provide such officer with suitable accommodation and adequate quantity of fresh water,	such master or person shall, in each such case, be liable to a penalty not exceeding [2][ten thousand rupees].	61
32. (i)	If the person-in-charge of	such person shall be	62

	any conveyance refuses to allow such conveyance or any box, place or close receptacle therein to be searched when so required by an officer of customs bearing a written order to search; or	liable to a penalty not exceeding [1][twenty five thousand rupees].	
(ii)	If an officer of customs places any lock, mark or seal upon any goods in any conveyance, and such lock, mark or seal is willfully opened, altered or broken before due delivery of such goods; or		
(iii)	If any such goods are secretly conveyed away; or		
(iv)	If any such hatchway or entrance to the hold of a conveyance after having been fastened down by an officer of customs is opened without his permission,		
33.	If the person-in-charge of a conveyance laid up by the withdrawal of the officer of customs shall, before application is made by him for an officer of customs to superintend the receipt of goods, causes or suffers to be put on board such conveyance and goods what ever in contravention of section 64,	such person shall be liable to a penalty not exceeding [1][twenty-five thousand rupees] and the goods if protected by a pass or written order shall be liable to be relanded for examination at the expense of the person-in-charge and, if not protected by a pass or written order, shall be liable to	64.

		confiscation.	
34.	If the person-in-charge of a conveyance, in any case other than that provided for in clause 33 of this Table, causes or suffers any goods to be discharged, put on board the conveyance or water-borne contrary to the provisions of section 64 or section 65 or any rules relating to baggage,	such person shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees; and all goods so discharged, put on board the conveyance or water-borne shall be liable to confiscation.	64,65 & 141
35(i)	If, when a boat-note is required by section 68, any goods water-borne for the purpose of being landed from any vessel and warehoused or passed for importation, or of being shipped for exportation, be found without such note; or	the person by whose authority the goods are being landed or shipped, and the person-in-charge of the boat, shall each be liable to a penalty not exceeding twice the amount of duty leviable on the goods, or, if such goods be non-dutiable to a penalty not exceeding [20][two thousand] rupees; and such goods shall also be liable to confiscation.	68
(ii)	If any goods are found on board any boat in excess of such boat-note, whether such goods are intended to be landed, from, or to be shipped on board any vessel,		
36.	If any person refuses to receive, or fails to sign, or to note the prescribed	such person, master or officer shall be liable to a penalty not	68

	particulars upon, any boat-note, as required by section 68, or if any master or officer of a vessel receiving the same fails to deliver it when required so to do by any officer of customs authorized to make such requisitions,	exceeding [2][ten thousand] rupees.	
37(i)	If any goods are, without permission, shipped or loaded on board a conveyance proceeding out of Pakistan or are water-borne to be so shipped or loaded or are landed except from or at a wharf or other place duly appointed for the purpose; or	the person by whose authority the goods are shipped, loaded, landed, water-borne or transshipped and the person-in-charge of the conveyance employed in conveying them shall each be liable to a penalty not exceeding five times the value of the goods; and such goods shall also be liable to confiscation.	66,69 & 70
(ii)	if any goods water-borne for the purpose of being landed or shipped or loaded are not landed, shipped or loaded without unnecessary delay; or		
(iii)	if the boat containing such goods be found out of the proper track between the vessel and the wharf or other proper place of landing or shipping or loading and such deviation be not accounted for to the		

	satisfaction of the appropriate officer; or		
(iv)	if any goods are transshipped contrary to the provisions of section 70,		
38.	If, after the issue of a notification under section 71 with regard to any port, any goods are found within the limits of such port on board any boat not duly licensed and registered,	the owner or the person-in-charge of the boat shall be liable to a penalty not exceeding [20][two thousand] rupees; and such goods shall also be liable to confiscation, unless they are covered by a special permit of the Collector of Customs.	71
39.	If any boat or vessel not exceeding one hundred tons does not comply with the rules relatable to section 72,	such boat or such vessel shall be liable to confiscation.	72
[21][39A.	The person incharge of a conveyance or master or agent or owner of the conveyance who fails to supply the information or documents *suo moto*	such person, master, agent or owner shall be liable to penalty not exceeding two hundred thousand rupees and on conviction by a Special Judge, he shall further be liable to imprisonment for a term which may extend to three years on with fine, or with both.	72A]
40.	If any person-in-charge of any conveyance unloads	such person shall be liable to a penalty not	45 & 75

	or suffers to be unloaded any goods not duly entered in the manifest of such conveyance,	exceeding [1][twenty-five thousand] rupees.	
41.	If any goods are found concealed in any place, box or close receptacle in any conveyance and are not duly accounted for to the satisfaction of the officer-in-charge of the custom- house,	such goods shall be liable to confiscation.	General
42.	If any goods are found on board any conveyance in excess of those entered in the manifest, or not corresponding with the specification therein contained,	such goods shall be liable to confiscation.	45 & 75
[22][43.	If any goods, after having landed and before they have been processed and cleared by the Customs, are by the owner or any other person, fraudulently concealed in, or attempted to remove from the bonded area of any Port. Airport and Dry port, or abstracted from any package or transferred from one package to another, or otherwise, for the purpose of illegal removal or concealment, with the intention of defrauding the revenue,	if the goods cannot be recovered, the owner shall be liable, in addition to full duty, to a penalty not exceeding five times the amount of such duty, or if such goods are not dutiable or duty thereon cannot be ascertained, to a penalty not exceeding [23][one hundred] thousand rupees, for every missing or deficient package or separate article, and in the case of bulk goods to a penalty not exceeding [23][one hundred] thousand rupees or three times	[25][79, [26][***] 80 [26][***]

		of the value of the goods, whichever be higher. And the owner or any person guilty of such removal, concealment, abstraction or transferment and every person aiding or abetting him shall [24][including the custodian], upon conviction by a special judge, be liable to imprisonment for a term not exceeding five years.]	
44.	If, in relation to any goods in respect of which a declaration is required on [36/36A][a goods declaration], as the case may be, it be found that the goods have apparently been packed so as to deceive the officer of customs,	the owner of the goods and every person who aids or abets such packing shall be liable to a penalty not exceeding [1][twenty five thousand] rupees [28][or five times the duty and taxes involved whichever is higher]; and such goods shall also be liable to confiscation.	[29][79, [30][***] 131 [30][***]
45.	If any goods have been declared on [27/27A][a goods declaration], as the case may be, and it is found that goods not so declared have been concealed in, or mixed within the goods so declared,	the owner of such goods and every person who aids or abets such concealment or mixing of goods shall be liable to a penalty not exceeding	[31][79, 79A, 131 and 131A]

		[1][twenty five thousand] rupees [28][or five times the duty and taxes involved whichever is higher]; and both the goods so declared and the goods not so declared shall be liable to confiscation.	
46.	If, when goods are passed by bale or by package, any omission or mis-description thereof tending to injure the revenue be discovered,	the person guilty of such omission or mis-description shall be liable to a penalty not exceeding ten times the amount of duty which might have been lost to Government by such omission or mis-description, unless it be proved to the satisfaction of the officer-in-charge of the custom-house that the variance was accidental.	79 & 88
47.	If, without entry duly made, any goods are taken or passed out of any customs-station,	the person so taking or passing such goods [32][along with the custodian of the goods] shall, in every such case, be liable to a penalty not exceeding five times the value of goods; and such goods shall also be liable to confiscation [33][and upon conviction by a Special Judge be further liable to	79[34][***]

		imprisonment for a term not exceeding five years].	
[35][47A	If the goods declaration is not filed within the prescribed period of fifteen days,	the owner of such goods shall be liable to a penalty which may extend to fifteen thousand rupees.	79]
48.	If any prohibited [36][,restricted] or dutiable goods are found, either before or after landing, concealed in any passenger's baggage,	the passenger shall be liable to a penalty not exceeding five times the value of the goods; and such goods shall also be liable to confiscation.	General
49.	If any goods entered to be warehoused are carried into the warehouse unless with the authority, or under the care, of the appropriate officer, and in such manner, by such persons, within such time, and by such roads or ways, as such officer directs,	any person so carrying them shall be liable to a penalty not exceeding [1][twenty five thousand rupees]; and such goods shall also be liable to confiscation.	87
50.	If any goods entered to be warehoused are not duly warehoused in pursuance of such entry, or are withheld, or removed from any proper place of examination before they have been examined and certified by the appropriate officer,	such goods shall be deemed not to have been duly warehoused, and shall be liable to confiscation [and any person guilty of such offence, aiding or abetting shall be liable to a penalty not exceeding five hundred thousand rupees] .	88
51.	If any warehoused goods	such goods shall be	Chapter XI

	be not warehoused in accordance with the provisions of Chapter XI,	liable to confiscation	
52.	If the licensee of any private warehouse licensed under this Act does not open the same when required so to do by any officer entitled to have access thereto, or, upon demand made by any such officer, refuses access to any such officer,	such licensee shall be liable to a penalty not exceeding [1][twenty five thousand rupees], and shall further be liable to have his licence forthwith cancelled.	91
53.	If the [37][licensee] of any public warehouse, or the licensee of any private warehouse, neglects to show the goods warehoused therein, so that easy access may be had to every package and parcel thereof,	such [38][***] licensee shall, for every such neglect, be liable to a penalty not exceeding [39][one thousand rupees].	Chapter XI
54.	If the owner of any warehoused goods, or any person in the employment of such owner, clandestinely opens any warehouse, or, except in the presence of the appropriate officer, gains access to his goods,	such owner or person shall in every such case, be liable to penalty not exceeding [1][twenty five thousand rupees].	93
55(i)	If any warehoused goods are opened in contravention of the provisions of section 92; or	such goods shall be liable to confiscation.	92 & 94
(ii)	if any alteration be made in such goods or in the packing thereof, except as		

	provided in section 94,		
56.	If any warehoused goods that have been delivered as stores and provisions for use on board a conveyance under the authority of this Act are relanded, sold or disposed of in Pakistan without due entry and payment of duty,	the person-in-charge of the conveyance shall be liable to a penalty not exceeding [1][twenty five thousand rupees;] and such goods shall also be liable to confiscation.	106
57.	If any goods, lodged in a private warehouse are found at the time of delivery therefrom to be deficient, and such deficiency is not due solely to natural loss, as allowed under section 110,	the licensee of such warehouse shall, unless the deficiency be accounted for to the satisfaction of the appropriate officer, be liable to a penalty equal to five times the duty chargeable on the goods so deficient.	116
58.	If the [37][licensee] of any public warehouse, or the licensee of any private warehouse, fails, on the requisition of any officer of customs, to produce any goods which have been deposited in such warehouse, and which have not been duly cleared and delivered therefrom, and is unable to account for such failure to the satisfaction of the appropriate officer,	such [38][***] licensee shall for every such failure, be liable to pay the duties due on such goods, and also a penalty not exceeding [39][one thousand rupees] in respect of every package or parcel so missing or deficient.	116
59.	If any goods, after being	any person guilty of	Chapter XI

	duly warehoused, are fraudulently concealed in, or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal removal or concealment,	such removal, concealment, abstraction or transferment and every person aiding or abetting him shall be liable to a penalty not exceeding [1][twenty five thousand rupees] [40][; and upon conviction by a Special Judge, he shall further be liable to imprisonment for a term not exceeding five years, or to fine, or to both].	
60.	If any goods lodged in a private warehouse are found to exceed the registered quantity,	such excess, unless accounted for to the satisfaction of the officer-in-charge of the custom-house, shall be charged with five times the duty leviable thereon.	Chapter XI
61.	If any goods be removed from the warehouse in which they were originally deposited, except in the presence, or with the sanction, of the appropriate officer or under the proper authority for their delivery,	any person so removing them shall be liable to a penalty not exceeding [1][[41][one hundred thousand rupees]; and such goods shall also be liable to confiscation.	Chapter XI
62.	If any person illegally takes any goods out of any warehouse without payment of duty [or replaces with other goods], or aids, assists or	such person shall be liable to a penalty not exceeding [42][five hundred thousand] rupees [40][;and upon conviction by a	Chapter XI

	is otherwise concerned therein,	Special Judge, he shall be further liable to imprisonment for a term not exceeding five years or to fine or to both.]	
63.	If any person contravenes any rule relating to transhipment or transhipps goods not allowed to be transhipped,	such person [43][including the custodian and the inland carrier] shall be liable to penalty not exceeding [42][five hundred thousand] rupees [44][or five times the amount of duties and taxes involved whichever is higher and upon conviction by a Special Judge be further liable to imprisonment for a term not exceeding two years]; and any goods in respect of which such offence has been committed [45][and the conveyance illegally carrying such goods] shall also be liable to confiscation.	121
64.	If any person contravenes any rule or condition relatable to section 128 or section 129,	such person shall be liable to a penalty not exceeding [1][twenty five thousand] rupees; and any goods in respect of which such offence has been committed shall also be liable to confiscation.	128 & 129

65.	If any goods be taken on board any conveyance at any customs-station in contravention of section 130,	the person-in-charge of such conveyance shall be liable to a penalty not exceeding [1][twenty five thousand] rupees.	130
66.	If any goods not specified in a duly-passed [27/27A][goods declaration] or not permitted to be exported are taken on board any conveyance, contrary to the provisions of [46][sections 131 [47][***],	the person-in-charge of such conveyance [48][along with the custodian] shall be liable to a penalty not exceeding [49][one hundred thousand rupees and upon conviction by a Special Judge be further liable to imprisonment for a term not exceeding two years and the conveyance involved shall be liable to confiscation].	131 [47][***]
67.	If any goods specified in the manifest of any conveyance or in any [27/27A][goods declaration] are not duly put on board before the departure of such conveyance, or are relanded and notice of such short loading or relanding be not given as required by section 134,	the owner of such goods shall be liable to a penalty not exceeding [20][two thousand] rupees; and such goods shall also be liable to confiscation.	134
68.	If any goods duly put on board any conveyance be landed, except under sections 135,136 or 137,	the person-in-charge of such conveyance shall, unless the landing be accounted	135,136 &137

	at any place other than that for which they have been cleared,	for to the satisfaction of the appropriate officer, be liable to a penalty not exceeding three times the value of the goods so landed.	
69.	If any goods on account of which drawback has been paid be not found on board any conveyance referred to in section 136,	the person-in-charge of such conveyance shall, unless the fact be accounted for to the satisfaction of the appropriate officer, be liable to a penalty not exceeding the value of such goods.	136
70.	If the owner of any baggage fails to make correct declaration of its contents or refuses to answer any questions put to him by the appropriate officer with respect to his baggage or any of its contents including articles carried with him or fails to produce the baggage or any such article for examination,	such owner shall be liable to a penalty not exceeding three times the value of the goods, in respect of which no declaration or incorrect declaration has been made or in respect of which he refuses or fails to answer any question, or which he fails to produce for examination; and such goods shall also be liable to confiscation.	139
71.	If any consignor in relation to coastal goods fails to make an entry thereof in the prescribed bill as required under section 147, or while presenting such bill fails to make and subscribe to a	such consignor shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees.	147

	declaration as to the truth of the contents of such bill,		
72.	If in the case of any coasting vessel the provisions of sections 148, 149, 150,151, 152 and 153 are not compiled with,	the master of the vessel shall in each case be liable to a penalty not exceeding [19][fifteen thousand] rupees.	148 to 153
73(i)	If the master of any coasting vessel fails correctly to keep, or to cause to be kept the cargo book, or to produce the same on demand; or	the master shall be liable to a penalty not exceeding [2][ten thousand]rupees.	151
(ii)	if at any time there be found on board any such vessel any goods not entered in such book as laden, or any goods noted as delivered; or		
(iii)	if any goods entered as laden, and not noted as delivered, be not on board,		
74.	If any person contravenes the provisions of section 155 or aids in or abets such contravention,	such person shall, except where any fine has been expressly provided for the violation of the prohibition or restriction in the law that imposes it, be liable to a penalty not exceeding [2][ten thousand]rupees; and the goods in respect of which such contravention is committed shall also be liable to	155

		confiscation.	
75.	If any rule which prevents or regulates the taking of any coastal goods out of Pakistan is contravened,	the master of the vessel carrying such goods shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees, and where such contravention results in the loss of any customs-duty he shall further be liable to a penalty not exceeding three times such duty; and the goods in respect of which such contravention is committed shall also be liable to confiscation.	155
76(i).	If, contrary to the provisions of this Act or any other law for the time being in force, any goods are laden on board any vessel in any customs-port or carried coast-wise, or	the master of such vessel shall be liable to a penalty not exceeding [2][ten thousand] rupees; and such goods shall also be liable to confiscation.	Chapter XVI
(ii)	If any goods which have been brought coast-wise are so unladen in any such port; or		
(iii)	If any goods are found on board any coasting vessel without being entered in the manifest or cargo book, as the case may be, of such vessel,		

77 [50][(i)	If any person counterfeits, falsifies or fraudulently alters or destroys any declaration, statement or document in the transaction of any business relating to the customs or any seal, signature, initials or other mark made or impressed by any officer of customs in the transaction of any business relating to customs; or]	such person shall, on conviction of any such offence before a [4][Special Judge] be liable to imprisonment for a term not exceeding three years, or to fine, or to both.	General
(ii)	being required under this Act to produce any document, refuses or neglects to produce such document; or		
(iii)	Being required under this Act to answer any question put to him by an officer of customs, does not correctly answer such question,		
78.	If any person on board any conveyance in any customs-station or who has landed from any such conveyance, upon being asked by an officer of customs whether he has dutiable or prohibited goods about his person or in his possession, declares that he has not, and if any such goods are, after such denial, found about his	such person shall be liable to a penalty not exceeding three times the value of such goods; and such goods shall also be liable to confiscation.	General

	person or in his possession,		
79(i)	If any officer of customs required any person to be searched for dutiable or prohibited goods, or any documents connected with such goods, or to be detained, without having reasonable grounds to believe that he has such goods or documents about his person; or	such officer shall, on conviction before a [4][Special Judge], be liable to a fine not exceeding [1][twenty five thousand rupees.]	158
(ii)	arrest any person without having reasonable grounds to believe that he has been guilty of an offence relating to customs,		
80.	If, save for good and sufficient cause, any conveyance having been summoned under section 164 to stop fails to do so,	the person-in-charge of such conveyance shall be liable to a penalty not exceeding [1][twenty five thousand] rupees; and such conveyance shall also be liable to confiscation.	164
81.	If any officer of customs, or other person duly employed for the prevention of smuggling, is guilty of a willful breach of the provisions of this Act,	such officer or person shall, on conviction before a [4][Special Judge], be liable to imprisonment for a term not exceeding three years, or to fine, or to both.	General
82.	If any officer of customs, or other person duly employed for the prevention of smuggling,	such officer or person shall, on conviction before a [4][Special Judge], be liable to	General

	practices, or attempts to practice, any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or any attempt to practice any such fraud,	imprisonment for a term not exceeding three years, or to fine, or to both.	
83.	If any police-officer, whose duty it is, under section 170 , to send a written notice or cause goods to be conveyed to a custom-house, neglects so to do,	such officer shall, on conviction before [4][Special Judge], be liable to a penalty not exceeding [20][two thousand] rupees.	170
84.	If, in relation to any goods imported or intended to be exported by land, an order permitting clearance under section 83 or section 131 is not produced,	the person concerned shall be liable to a penalty not exceeding [1][twenty-five thousand] rupees, and such goods shall also be liable to confiscation.	83 & 131
85.	If any person knowingly- (a) obstructs, hinders, [51][falsely accuses or implicates, threatens, molests or assaults an official of Customs or any person while duly engaged or subsequently] in the discharge of any duty or the exercise of any power imposed or conferred on him by or under any of the provisions of this Act or any person	such person shall, on conviction before a [4][Special Judge] be liable to a fine of [1][twenty-five thousand] rupees, and to imprisonment for a term not exceeding two years.	General

acting in his aid; or

(b) does anything which impedes or is calculated to impede, the carrying out of any search for any thing [52][required in an inquiry, investigation, audit of goods] liable to confiscation under this Act or the detention, seizure or removal of any such thing; or

(c) rescues, damages or destroys anything so liable to confiscation or does anything calculated to prevent the procuring or giving of evidence as to whether or not anything is so liable to confiscation; or

(d) prevents the detention of any person by a person duly engaged or acting as aforesaid, or rescues any person so detained; or

(e) attempts to do any of the aforementioned acts or things, or who aids or abets, or attempts to aid or abet, the doing of any of them,

86.	If any person, having knowledge of the commission of any offence under this Act or of an attempt or likely attempt to commit any such offence, fails to give information in writing to the officer-in-charge of the nearest custom-house or customs-station, or if there be no custom-house or customs-station at a reasonably convenient distance to the officer-in-charge of the nearest police-station,	such person shall, on conviction before a [4][Special Judge], be liable to imprisonment for a term which may extend to one year, or to a fine not exceeding [1][twenty-five thousand]rupees, or to both.	192
87(i)	If any officer of customs, except in the discharge in good faith of his duty as such officer, discloses any particulars learnt by him in his official capacity in respect of any goods; or	such officer shall, on conviction before a [4][Special Judge], be liable to a fine not exceeding [1][twenty-five thousand] rupees.	199
(ii)	If any officer of customs, except as permitted by this Act, parts with the possession of any samples delivered to him in his official capacity,		
88.	If any person not holding a licence granted under section 207 acts as an agent for the transaction of business as therein mentioned,	such person shall be liable to a penalty not exceeding [2][ten thousand] rupees.	207
89.[53][(i)	If any person without lawful excuse, the proof of which shall be on such	[54][such goods shall be liable to confiscation and any person	General

	person, acquires possession of, or is in any way concerned in carrying, removing, depositing, harbouring, keeping or concealing, or in any manner dealing with smuggled goods or any goods in respect to which there may be reasonable suspicion that they are smuggled goods;	concerned in the offence shall be liable to a penalty not exceeding ten times the value of the goods; and, where the value of such goods exceeds [55][one hundred thousand rupees], he shall further be liable, upon conviction by a Special Judge, to imprisonment for a term not exceeding six years and to a fine not exceeding ten times the value of such goods and if the Special Judge in his decision so orders also to whipping.]
[56][(ii)	If the smuggled goods are narcotics drugs, psychotropic substances or controlled substances,-	Such goods shall be liable to confiscation and any person concerned in the offence shall be liable to --
	(a) if the quantity of the narcotic drug, psychotropic substance of controlled substance is one hundred grams or less;	imprisonment which may extend to two years, or with fine, or with both;
	(b) if any quantity of the narcotic drug, psychotropic substance or controlled substance exceeds one hundred	imprisonment which may extend to seven years and shall also be liable to fine;

	grams but does not exceed one kilogram;		
	(c) if the quantity of the narcotic drug, psychotropic substance or controlled substance exceeds the limits specified in clause (b)	death or imprisonment for life, or imprisonment for a term which may extend to fourteen years and shall also be liable to fine which may be up to one million rupees; Provided that, if the quantity exceeds ten kilograms the punishment shall not be less than imprisonment for life.]	
	Provided that if the smuggled goods be gold bullion or silver bullion the onus of proving the plea, that such bullion was obtained by processing or other means employed in Pakistan and not by smuggling shall be upon the person taking that plea,		
90.	If any person, without lawful excuse the proof of which shall be on such person, acquires possession of, or is in any way concerned in carrying, removing, depositing, harbouring,	such goods shall be liable to confiscation, and any person concerned shall also be liable to a penalty not exceeding ten times the value of the goods.	General

	keeping or concealing or in any manner dealing with any goods, not being goods referred to in clause 89, which have been unlawfully removed from a warehouse, or which are chargeable with a duty which has not been paid, or with respect to the importation or exportation of which there is a reasonable suspicion that any prohibition or restriction for the time being in force under or by virtue of this Act has been contravened, or if any person is in relation to any such goods in any way, without lawful excuse, the proof of which shall be on such person, concerned in any fraudulent evasion or attempt at evasion of any duty chargeable thereon, or of any such prohibition or restriction as aforesaid or of any provision of this Act applicable to those goods,		
91.	If any person, without lawful excuse, the proof of which shall be on such person, brings into Pakistan, or is in any way concerned with the bringing into Pakistan of, or who has in his possession, any bill-heading, or other paper appearing to be a heading or blank, capable of being	[57][such goods shall be liable to confiscation and any person concerned in the offence shall be liable to a penalty not exceeding twenty-five thousand rupees; and, upon conviction by a Special Judge, he shall further be liable to	General

	filled up and used as an invoice, purporting to be made out by or on behalf of a person or firm other than the one from whose possession the bill-heading or other paper has been recovered, or who has brought it into Pakistan, or on whose behalf it has been brought into Pakistan,	imprisonment for a term not exceeding one year or to a fine not exceeding twenty-five thousand rupees, or to both.]	
92.	Any person who bears himself in disguise or being armed with an offensive weapon, intimidates any person duly engaged in the discharge of any duty or the exercise of any power imposed or conferred on him by or under any of the provisions of this Act or any person acting in his aid or uses such weapon against any such person- (a) while he is concerned in the movement, carriage or concealment of any goods with the intent of violating any prohibition or restriction on the importation or exportation thereof imposed by this or any other Act or with the intent of passing such goods without paying the duty chargeable thereon or without	such person shall be liable, on conviction before, a [4][Special Judge] to imprisonment for a term not exceeding [58][seven] years and, if the [4][Special Judge] in his discretion so orders, to whipping.	General

	giving security for its payment; or		
	(b) while in possession of any goods liable to confiscation under this Act,		
93.	If any person, by any means, makes any signal or any message from any part of Pakistan or from any ship or aircraft for the information of a person in any ship or aircraft, or across the frontier, being a signal or message connected with the smuggling or intended smuggling of goods into or out of Pakistan, whether or not the person for whom the signal or message intended is in a position to receive it or is actually engaged at the time in smuggling goods, Explanation:- If in any proceedings under this clause, any question arises as to whether any signal or message was such a signal or message as aforesaid, the burden of proof shall lie upon the defendant,	such person shall, on conviction before a [4][Special Judge], be liable to imprisonment for a term not exceeding three years, or to fine not exceeding [1][twenty-five thousand] rupees, or to both; and any equipment or apparatus used for sending the signal or message shall also be liable to confiscation.	General
94.	If within the limits of Pakistan, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any	such person shall, on conviction before a [4]{Special Judge,] be liable to imprisonment for a term not exceeding	General

	building within one mile of the frontier between Pakistan and any foreign country, or in, through or into any premises connected with any such building, any dutiable goods on which duty has not been paid, or any goods imported in contravention of any of the provisions of this Act or any other law,	three years, or to a fine not exceeding [1][twenty-five thousand] rupees, or to both.	
95.	If within one mile of the frontier between Pakistan and any foreign country, any building is generally used for storage of imported goods and any such goods are seized from such building and confiscated according to law,	such building shall be liable to confiscation.	General
[35][95A.	If any person furnishes a security or guarantee in shape of a cheque or a post dated cheque or any other bank instrument towards fulfillment of any obligations under this Act or any other Act or rules made there under, which is dishonoured on presentation,	Such person shall be liable to a penalty not exceeding two million rupees and upon conviction before a special Judge; he shall further be liable to imprisonment for a term not exceeding three years or both.	General]
[59] [96.	If any person does not maintain and keep record under the provisions of section 211,	such person shall be liable to a penalty which may extend to one million rupees.	211]
97.	If any person contravenes any of the provisions of a	such person shall, on conviction before a	212

	notification under section 212 or of the rules regulating business connected with gold or silver or precious stones or ornaments made of gold or silver or precious stones within fifteen miles of the frontier of Pakistan,	[4][Special Judge,] be liable to imprisonment for a term not exceeding three years, and to a fine not exceeding [60][fifty thousand] rupees.	
98.	If any person obstructs an officer acting in the exercise of the powers conferred by sub-section (2) of section 189,	such person shall, on conviction before a [4][Special Judge,] be liable to imprisonment for a term not exceeding two years, or to fine, or to both.	189
[61][99.	If defaulter fails to pay outstanding arrears as defined in clause (w) of section (2) of the Customs Act,1969,	such person, upon conviction by a Special Judge, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding three times the amount due from him, or both.]	202
[62][100.	If any person discloses, publishes or otherwise disseminates trade information of any person to any other person except as authorized,	such person shall be liable to a penalty not exceeding two hundred thousand rupees and on conviction before a Special Judge to imprisonment for a term not exceeding three years or both.	155H
101.	Unauthorized access to or improper use of the Customs Computerized	such person shall be liable to a penalty not exceeding two	155-I

	System by any person,	hundred thousand rupees and on conviction before a Special Judge to imprisonment for a term not exceeding three years or both.	
102.	If any person interferes with the Customs Computerized System,	such person shall be liable to a penalty not exceeding two hundred thousand rupees and on conviction before a Special Judge to imprisonment for a term not exceeding two years or both.	155J
103.	Unauthorized use of unique user identifier by any person,	such person shall be liable to a penalty not exceeding one hundred thousand rupees.	155K
104.	If any person,- (a) fails to operate any mechanical or electronic device, when requested by a Customs Officer, on which any records are, or information is, stored for the purpose of enabling the Customs Officer to obtain those records or that information; or	such person shall be liable to a penalty not exceeding one hundred thousand rupees.	155P
	(b) with intent to defeat the purposes of this Act, destroys, alters, or conceals any book, document, or record required to be kept under	such person shall be liable to a penalty not exceeding two hundred thousand rupees and on conviction before a	

this Act, or sends or attempts to send out of Pakistan any such book, document, or record.	Special Judge to imprisonment for a term not exceeding two year, or both].

Nothing in Column 3 of the above Table Shall be deemed to have the force of law.

Explanation.- For the purposes of any penal provisions of this Act, the offence of contravening, in respect of any goods, any of the provisions of this Act or the rules or any other law for the time being in force, shall be deemed to have been committed when, in the case of import, any vessel containing such goods arrives within twelve nautical miles of the sea coast of Pakistan (each nautical mile measuring six thousand and eighty feet) or when, in the case of export, such goods have been loaded on any conveyance for transport to any destination outside Pakistan, or when in either case, the connected customs documents have been presented to the appropriate officer [63][:]

[64][Provided that in the case of accompanied baggage or any unmanifested goods meant for export, the offence shall be deemed to have been committed when such baggage or goods enter the customs-area or are delivered to the carrier of the conveyance.]

(2) Where [65][any goods specified in clause (s) of section 2 or in a notification issued there-under] are seized under this Act in the reasonable belief that an act to defraud the Government of any duty payable thereon or to evade any prohibition or restriction for the time being in force by or under this Act has been committed in respect of such goods, or that there is intent to commit such act, the burden of proving that no such act has been committed or there was no such intent shall be on the person from whose possession the goods were seized.

[66][(3) OMITTED]

157. Extent of confiscation.- (1) Confiscation of any goods under this Act includes any package in which they are found, and all other contents thereof.

(2) Every conveyance of whatever kind used in the removal of any goods liable to confiscation under this Act shall also be liable to confiscation.

Provided that, where a conveyance liable to confiscation has been seized by an officer of customs, the [67][appropriate officer] may, in such circumstances as may be prescribed by rules, order its release, pending the adjudication of the case involving its confiscation if the owner of the conveyance furnishes him with a sufficient guarantee from a scheduled bank for the due production of the conveyance at any time and place it is required by the [67][appropriate officer] to be produced.

(3) Confiscation of any vessel under this Act includes her tackle, apparel and furniture.

1. *Substituted for the words "five thousand rupees" by the Finance Ordinance, 1982*
2. *Substituted for the words "two thousand rupees" by the Finance Ordinance, 1982.*
3. *Renumber S.No.8 as sub-paragraph(i)and new paragraph(ii) was added by FA,2005.*
4. *Substituted for the word "Magistrate" by the Prevention of Smuggling Act, 1977 (XII of 1977), S.51(ii)(a), page 223.*
5. *Substituted for the words "ten years" by the Finance Act, 1988 (VI of 1988), S.5(3), page 938. The words "ten years" were previously substituted for the words "six years" by the Finance Act, 1973 (L of 1973), S.9(7)(a), page 531.*
6. *Substituted for the full stop by the Finance Act, 1973 (L of 1973), S.9(7)(b), page 531.*
7. *Added by the Finance Act, 1973 (L of 1973), S.9(7)(b), page 531 and substituted by the Prevention and Smuggling Act, 1977 (XII of 1977), S.51(ix), page 230.. At the time of substitution this proviso was as under:-*

"Provided that, in the case of such goods essential to the life of the community as may be notified by the Federal Government in the official Gazette, the sentence of imprisonment shall not be less than five years and the whole or any part of the property of the person convicted shall also be liable to confiscation.".

8. *Omitted by Finance Act, 2003.*
9. *Added by the Finance Act, 2005.*
10. *Inserted by the Finance Act, 1986 (I of 1986), S.6(5)(a), page 11.*
11. *Substituted by the Finance Act, 2006. At that time serial 12 was as under:-*

12.	If any person who without any reasonable excuse fails to comply with any requisition made under section 26 or to furnish any information as required by or under the rules to be furnished,	[11a][such person shall be liable to a penalty not exceeding one hundred thousand rupees and on conviction by a Special Judge shall be liable to imprisonment for a term not exceeding two years, fine, or with both.]	26

11a. Substituted by the Finance Act, 2005.

12. *Inserted by the Finance Act, 2006.*
13. *Substituted for the full stop and added by the Federal Laws (R&D), 1981 (XXVII of 1981), S.3.*
14. *Inserted by the Finance Act, 2004 (II of 2004), S.3(14), pages 16-17.*
15. *Substituted for the words "Magistrate" by the Finance Act, 1986 (I of 1986), S.6(5)(b), page 11.*
16. *Substituted by the Finance Ordinance, 1982 (XII of 1982), S.6(9)(a)(ii), page 60. At the time of substitution this was as under:*

"such goods shall be liable to confiscation".

17. *Inserted by the Finance Act, 2003 (I of 2003), 5(30(i), page 36.-*
18. *Inserted by the Finance Act, 1993 (X of 1993), S.4(iv), page 121.*
19. *Substituted for the words "two thousand five hundred rupees" by the Finance Ordinance,1982 (XII of 1982), S.6(9)(a)(I), page 60.*
20. *Substituted for the words "five hundred rupees" by the Finance Ordinance, 1982*
21. *Inserted by the Finance Act, 2005.*
22. *Substituted by the Finance Act, 1999 (IV of 1999), S.10(9)(a), page 768. At the time of substitution this was as under:-*

"43. If, after any goods have been landed if the goods cannot be recovered, 79 & 80.". and before they have been passed the owner shall be liable, in addition through the custom-house, the owner to full duty, to a penalty not exceeding removes or attempts to remove them, five time the amount of such duty, or if with

the intention of defrauding the if such goods are not dutiable or duty revenue, thereon cannot be ascertained to a penalty not exceeding [22a][twenty-five thousand rupees], for every missing or deficient package or separate article, and in the case of bulk goods to a penalty not exceeding [29a][twenty-five thousand rupees] or the value of the goods, whichever be higher.

22a. Substituted for the words "five thousand rupees" by the Finance Ordinance, 1982 (XII of 1982), S.6(9)(a)(i), page 60.

23. Substituted for the words "twenty-five" by the Finance Act, 2003 (I of 2003), S.5(30)(ii)(a)(I), page 36.

24. Inserted by the Finance Act, 2003 (I of 2003), S.5(30),(ii)(a)(ii), page 37.

25. Substituted for the figures "79 & 80" by the Finance Act, 2003 (I of 2003), S.5(30)(ii)(b), page 37.

26. Omitted the figure, letters, comma and word "79A, and 80A" by the FA,2005.

27. Inserted by the Finance Act, 2003 (I of 2003), S.5(30)(iii)(a), page 37.

27A. By the Finance Act, 2006, the words"a bill of entry or bill of export or" were omitted.

28. Inserted by the Finance Act, 2003 (I of 2003), S.5(30)(iii)(b), page 37.

29. Substituted for the figures "79 & 131" by the Finance Act, 2003 (I of 2003), S.5(30)(iii)(c), page 37

30. Omitted the figure, letters, comma and word "79A, and 1310A" by the FA,2005.

30A. Inserted by Finance Act, 2005.

31. Substituted for the figures "79 & 131" by the Finance Act, 2003

32. Inserted by the Finance Act, 2003 (I of 2003), S.5(30)(v)(a)(I), page 37.

33. Inserted by the Finance Act, 2003 (I of 2003), S.5(30),(v)(a)(ii), page 37.

34. Added by the Finance Act, 2003 (I of 2003), S.5(30)(b), page 38.

35. Inserted by the Finance Act, 2006.

36. Inserted by the Finance Ordinance, 1982 (XII of 1982&added by the FA,2005.

37. Substituted for the word "keeper" by the Finance Act, 1990 (VII of 1990), S.6(9)(a)(i), page 37.,

38. Omitted the words "keeper or" by the Finance 1990(VII of 1990.

39. Substituted for the words "two hundred and fifty rupees" by the Finance Ordinance,1982 (XII of 1982),S.6(9)(a)(i), page 60.

40. Added by the Finance Act, 1987 (VI of 1987), S.8(3)(a), page 34.

41. Substituted for the words "twenty-five thousand rupees" by the Finance Act, 1999 (IV of 1999), S.10(9)(b), page 768 and earlier substituted for the words "five thousand rupees" by the Finance Ordinance, 1982 (XII of 1982.

42. Substituted for the words "twenty five thousand" by the FA, 2005.

43. Inserted by the Finance Act, 2003 (I of 2003), S.5(30)(vi)(b), page 38.

44. Inserted by the Finance Act, 2003 (I of 2003), S.5(30)(vi)(c), page 38.

45. Inserted by the Finance Act, 2003 (I of 2003), S.5(30)(vii)(a)(I), page 38.

46. Substituted for the word and figure "section 131" by the Finance Act, 2003.

47. Omitted the word, figure and letter "and 131A" in column (1) &(3)by the FA, 2005.

48. Inserted by the Finance Act, 2003 (I of 2003), S.5(30(vii)(b)(I), pag

49. Substituted for the words "one thousand rupees for every package of such goods" by the Finance Act, 2003 (I of 2003), S.5(30)(vii)(b)(ii), page 38

50. Substituted clause 9i) of item 77 by the Federal Laws, 1981..

51. Substituted in clause (a) for the words "molests or assaults any person duty engaged" by the Finance Act, 2003 (I of 2003),S.5(30)(ix)(a), page 39.

52. Inserted by the Finance Act, 2003 (I of 2003), S.5(30)(ix)(b), page 39.

53. S.No. 80 renumbered as sub-paragraph (i) by the Finance Act, 2005.

54 Substituted by the Finance Ordinance, 1982 (XII of 1982), S.6(9)(a)(iv), page 60. At the time of substitution this was as under:-

"such goods shall be liable to confiscation any person concerned in the offence shall be liable to a penalty not exceeding ten times the value of the goods; and upon conviction by a Special Judge, to imprisonment for a term not exceeding six years and to fine not exceeding ten times the value of such goods and if the Special Judge in his discretion so orders also to whipping.".

55. Substituted for the words "ten thousand rupees" by the Finance Act, 1998.

56. Added by the Finance Act, 2005

57. Substituted by the Finance Ordinance, 1982 (XII of 1982), S.6(9)(v), page 60. At the time of substitution this was as under:

"such person shall on conviction before a Special Judge be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding five thousand rupees or to both."..

58. Substituted for the word "three" by the Finance Act, 2004.

59. Substituted by the Finance Act, 2006. At that time serial 96 was as under:-

96.	if any person being an importer or exporter of goods other than for *bonafide* private or personal purposes, fails to maintain accounts in such from as may be notified by the Board, or for the period specified in section 211,	such person shall be liable to a penalty not exceeding [6][fifty thousand] rupees.	211

60. Substituted for the words "ten thousand rupees" by the Finance Ordinance, 1982.

61. Added by the Finance Act, 1999 (IV of 1999), S.10(9)(c), page 768.

62. Added new serial numbers "100 to 104" by the Finance Act, 2003.

63. Substituted for the full stop by the Finance Ordinance, 1982.

64. Added by the Finance Ordinance, 1982 (XII of 1982), S.6(9)(a)(vi), page 61.

65. Substituted for the words and commas "currency, gold, silver, precious stones, ornaments or other manufactures of gold silver or previous stones which the [65a][Federal Government] may, by notification in the official Gazette, specify" by the Finance Ordinance, 1982 (XII of 1982), S.6(9)(b), page 61.

65a. Substituted for the words "Central Government" by the Finance Act, 1972 (XXI of 1972), S.3, page 56 and Second Schedule S.1, page 76.

66. Sub-section (3) omitted by the Finance Act, 1969 (XVI of 1969), S.4. At the time of omission this sub-section was as under:-

"(3) Where any person charged of an offence under clause 8 or clause 89 of the Table under sub-section (1) is acquitted by a Magistrate, and the finding of the Magistrate be that the goods in respect of which the person was charged are not smuggled goods, such person shall not be liable to any penalty, nor such goods shall be liable to confiscation, and if
any order confiscating the goods or imposing any penalty has already been made to an officer of customs, it shall become null and void.".

67. Substituted for the words "Collector of Customs" by the Finance Ordinance, 1982 (XII of 1982.

CHAPTER XVIII

PREVENTION OF SMUGGLING – POWER OF SEARCH, SEIZURE AND ARREST – ADJUDICATION OF OFFENCES

158. Power to search on reasonable ground.- (1) The appropriate officer, if he has reason to believe that any person is carrying about himself goods liable to confiscation or any documents relating thereto, may search such person, if he has landed from or is on board or is about to board a vessel within the Pakistan customs-waters, or if he has alighted from, or is about to get into or is in any other conveyance arriving in or proceeding from Pakistan, or if he is entering or about to leave Pakistan, or if he is within the limit of an y customs-area.

(2) Without prejudice to the provisions of sub-section (1) the appropriate officer may search a person, if he has reason to believe that such person is carrying about himself smuggled Platinum, any radio active mineral, gold, silver or precious stones, manufactures of Platinum, any radioactive mineral, gold, silver or precious stones, or currency, or any other goods or class of goods notified by the [1][Federal Government] in the official Gazette, or any documents relating to any one or more of the aforementioned goods.

159. Persons to be searched may desire to be taken before gazetted officer of customs or Magistrate.- (1) When any officer of customs is about to search any person under the provisions of section 158, the officer of customs shall inform such person about his right to be taken to a gazetted officer of customs or Magistrate, and if such person so desires take him without unnecessary delay to the nearest gazetted officer of customs or Magistrate before searching him, and may detain him until he can be so taken.

(2) The gazetted officer of customs or the Magistrate before whom such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person and record reasons for doing so, or else direct search to be made.

(3) Before making a search under section 158, the officer of customs shall call upon two or more persons to attend and witness the search and may issue an order in writing to them or any of them so to do, and the search shall be made in the presence of such persons and a list of all things seized in the course of such search shall be prepared by such officer or other person and signed by such witnesses.

(4) A female shall not be searched except by a female.

160. Power to screen or X-Ray bodies of suspected persons for detecting secreted goods.- (1) Where the appropriate officer has reason to believe that any person liable to search under section 158 has any goods liable to confiscation secreted inside his body, he may detain such person and produce him without unnecessary delay before an officer of customs not below the rank of an [2/2A][Assistant Collector] of Customs.

(2) The aforesaid officer, if he has reasonable grounds for believing that such person has any such goods secreted inside his body and that it is necessary to have the body of such person screened or X-Rayed, may make an order to that effect , or else discharge such person forthwith, except where he is held on any other grounds.

(3) Where the aforesaid officer orders such person to be screened or X-Rayed, the appropriate officer shall, as soon as practicable, take him to a radiologist possessing such qualifications as may be recognized by the [1][Federal Government] for that purpose and such person shall allow the radiologist to screen or X-Ray his body.

(4) The radiologist shall screen or X-Ray the body of such person and forward his report thereon, together with any X-Ray picture taken by him to the aforesaid officer without unnecessary delay.

(5) Where on the basis of a report from a radiologist or otherwise, the aforesaid officer is satisfied that any person has any goods liable to confiscation secreted inside his body, he may direct that suitable action for bringing such goods out of his body be taken on the advice and under the supervision of a registered medical practitioner and such person shall be bound to comply with such direction:

Provided that in the case of a female no such action shall be taken except on the advice and under the supervision of a female registered medical practitioner.

(6) Where any person is brought before an officer of customs not below the rank of an Assistant Collector [2A][**] of Customs as aforesaid, he may direct that pending completion of all action under this section such person be detained.

(7) No person shall be subjected to screening or X-Ray if he confesses that goods liable to confiscation are secreted inside his body and of his own consent agrees to suitable steps being taken to bring out such goods.

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161. Power to arrest.- (1) Any officer of customs authorized in this behalf who has reason to believe that any person has committed an offence under this Act may arrest such person.

(2) Any person duly empowered for the prevention of smuggling who has reason to believe that any person who has committed an offence of smuggling under this Act may arrest such person.

(3) Every person arrested under this Act shall be taken forthwith before the nearest officer of customs authorized by the Collector of Customs to deal with such cases, or, if there is no such officer of customs within a reasonable distance, to the officer-in-charge of the nearest police-station.

[3][(4) When any person arrested under this Act is taken before an officer of customs or the officer-in-charge of a police-station, as required by sub-section (3), or when such officer of customs or officer-in-charge of a police-station himself arrests any person under this Act, such officer or officer-in-charge shall, if the offence is bailable, admit him to bail to appear before the Special Judge having jurisdiction or, if the offence is non-bailable, have him taken in custody to the Special Judge or if there is no Special Judge within a reasonable distance, to the [4][nearest Judicial Magistrate,] within twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the Special Judge or , as the case may be, of such Magistrate.

(5) When any person is taken under sub-section (4) before the Special Judge, he may, on the request of such person, after perusing the record, if any, and after giving the prosecution an opportunity of being heard, admit him to bail on his executing a bond, with or without sureties, or refuse to admit him to bail and direct his detention at such place as he deems fit:

Provided that nothing herein contained shall preclude the Special Judge from cancelling the bail of any such person at a subsequent stage if, for any reason, he considers such cancellation necessary, but before passing such order he shall afford such person an opportunity of being heard, unless for reasons to be recorded he considers that the affording of such opportunity shall defeat the purposes of this Act.

(6) When such person is taken under sub-section (4) before a Magistrate, such Magistrate may, after authorizing his detention in such custody, at such place and for such period as he considers necessary or proper for facilitating his earliest production before the Special Judge, direct his production before the Special Judge on a date and time to be fixed by such Magistrate, or direct such person to be forthwith taken to, and produced before, the Special Judge and he shall be so taken.

(7) Nothing in sub-section (5) or sub-section (6) shall preclude the Special Judge or the Magistrate from remanding any such person to the custody of the officer of customs, or the officer-in-charge of a police-station holding inquiry against that person if such officer makes a request in writing to that effect and the Special Judge or the Magistrate, after perusing the record, if any, and hearing such person, is of the opinion that for the completion of inquiry or investigation it is

necessary to make such an order; provided that in no case the period of such custody shall exceed fourteen days.

(8) When any person arrested under this Act is brought before an officer of customs or the officer-in-charge of a police-station as required by sub-section(3), or when such officer of customs or officer-in-charge of a police-station himself arrests any person under this Act, such officer shall, if he is an officer of customs, record the fact of arrest and other relevant particulars in the register mentioned in sub-section (12) or, if he is an officer-in-charge of a police-station, record such fact in the register ordinarily maintained by him, and shall immediately proceed to inquire into the charge against such person and if he completes the inquiry within twenty-four hours of his arrest, excluding the time necessary for journey as aforesaid, he may, after producing such person before the Special Judge or the [5][nearest Judicial Magistrate] make a request for his further detention in his custody.

(9) While holding an inquiry under sub-section (8), the officer of customs shall exercise the same powers as are exercisable by an officer-in-charge of a police-station under the Code of Criminal Procedure, 1898 (Act V of 1898), but such officer and the officer-in-charge of a police-station shall exercise such powers subject to the foregoing provisions of this section while holding an inquiry under this Act.

(10) If the officer of customs or the officer-in-charge of a police-station, as the case may be, after holding an inquiry as aforesaid, is of the opinion that there is no sufficient evidence or reasonable ground for suspicion against such person, he shall release him on his executing a bond, with or without sureties as the officer may direct, to appear, as and when required, before the Special Judge, may make a report to the Special Judge for the discharge of such person and shall make a full report of the case to his immediate superior.

(11) The Special Judge to whom a report has been made under sub-section (10) may, after the perusal of record of the inquiry and hearing the prosecution, agree with such report and discharge the accused or, if he is of the opinion that there is sufficient ground for proceeding against such person, proceed with his trial and direct the prosecution to produce evidence.

(12) The officer of customs empowered to hold inquiry under this section shall maintain a register to be called “Register of Arrests and Detention” in the prescribed form in which he shall enter the name and other particulars of every person arrested under this Act, together with the time and date of arrest, the details of the information received, the details of things, goods or documents recovered from his custody, the name of the witnesses and the explanation, if any, given by him and the manner in which the inquiry has been conducted from day to day; and such register or authenticated copies of its aforesaid entries shall be produced before the Special Judge whenever such officer is so directed by him.

(13) After completing the inquiry, the officer of customs shall submit to the Special Judge a report in the form and manner, as early as possible, in which the officer-in-charge of a police-station submits a challan before a Court, or if such inquiry has been conducted by an officer-in-charge of a police-station, he shall submit a challan before the Special Judge.

(14) The officer of customs, or as the case may be, the officer-in-charge of a police-station shall immediately intimate the fact of the arrest of a person under sub-sections (1),(2) or (4) to the Special Judge who may direct such officer to produce that person at such time and place and on such date as the Special Judge considers expedient and such officer or officer-in-charge shall act accordingly.

(15) Any Magistrate of the first class may record any statement or confession during inquiry under this Act, in accordance with the provisions of section 164 of the Code of Criminal Procedure,1898 (Act V of 1898).

(16) Without prejudice to the foregoing provisions of this section, the Federal Government may, by notification in the official Gazette authorize any other officer also to exercise the power and perform the functions of an officer of customs or officer-in-charge of a police-station under this section, subject to such conditions, if any, that it may deem fit to impose.]

162. Power to issue search warrant.- (1) Any [5][Judicial Magistrate] may, on application by a gazetted officer of customs stating the grounds of his belief that goods liable to confiscation or documents or things which in his opinion will be useful as evidence in any proceeding under this Act are secreted in any place within the local limits of the jurisdiction of such Magistrate, issue a warrant to search for such goods, documents or things.

(2) Such warrant shall be executed in the same way, and shall have the same effect, as a search-warrant issued under the Code of Criminal Procedure, 1898 (Act V of 1898).

163. Power to search and arrest without warrant.- (1) Whenever any officer of customs not below the rank of an [2/2A][Assistant Collector] of Customs or any other officer of like rank duly employed for the prevention of smuggling has reasonable grounds for believing that any goods liable to confiscation or any documents or things which in his opinion will be useful for or relevant to any proceeding under this Act are concealed or kept in any place and that there is a danger that they may be removed before a search can be effected under section 162, he may, after preparing a statement in writing of the grounds of his belief and of the goods, documents or things for which search is to be made, search or cause search to be made for such goods, documents or things in that place.

(2) An officer or person who makes a search or causes a search to be made under sub section (1) shall leave a signed copy of the aforementioned statement in or about the place searched and shall, at the time the search is made or as soon as is practicable thereafter, deliver furthermore a signed copy of such statement to the occupier of the place at his last known address.

(3) All searches made under this section shall be carried out *mutatis mutandis* in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

(4) Notwithstanding anything contained in the foregoing sub-sections and subject to previous authorization by an officer of customs not below the rank of an Assistant Collector [2A][***]of Customs, any officer of customs or any person duly empowered as such may, with respect to an offence related to exportation of such goods as the [1][Federal Government] may, by notification in the official Gazette, specify in this behalf-

(a) arrest without warrant any person concerned in such offence or against whom reasonable suspicion exists that he is about to be concerned in such offence;

(b) enter and search without warrant any premises to make an arrest under clause (a),or to seize any goods which are reasonably suspected to be intended for exportation contrary to any prohibition or restriction for the time being in force, and all documents or things which in his opinion will be useful for or relevant to any proceeding under this Act; and

(c) for the purpose of arresting, detaining or taking into custody or preventing the escape of any person concerned or likely to be concerned in such offence, or for the purpose of seizing or preventing the removal of any goods in respect of which any such offence has occurred or is likely to occur, use or cause to be used such force to the extent of causing death as may be necessary.

(5) The provisions of sub-section (4) shall apply only to the areas within five miles of the land frontier of Pakistan, and within a five miles belt running along the sea coast of Pakistan.

(6) No suit, prosecution or other legal proceeding shall be instituted, except with the previous sanction in writing of the [1][Federal Government], against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sub-section (1) or sub-section(2) or, in the areas specified in sub-section (5), by sub-section (4).

164. Power to stop and search conveyances.- (1) Where the appropriate officer has reason to believe that within the territories of Pakistan(including territorial waters) any conveyance has been, is being or is about to be, used in the smuggling of any goods or in the carriage of any smuggled goods, he may at any time stop any such conveyance or, in the case of an aircraft, compel it to land, and -

(a) rummage and search any part of the conveyance;

(b) examine and search any goods thereon; and

(c) break open the lock of any door, fixture or package for making search.

(2) Where in the circumstances referred to in sub-section (1)-

(a) it becomes necessary to stop any vessel or compel any aircraft to land, it shall be lawful of any vessel or aircraft in the service of the Government while flying her proper flag or bearing flag marks and any authority authorized in this behalf by the [1][Federal Government] to summon such vessel to stop or the aircraft to land, by means of an international signal, code or other recognized means, and thereupon such vessel shall forthwith stop or such aircraft shall forthwith land, and if it fails to do so chase may be given thereto by any vessel or aircraft as aforesaid and if after a gun is fired as a signal, the vessel fails to stop or the aircraft fails to land, it may be fired upon;

(b) it becomes necessary to stop any conveyance other than a vessel or aircraft, the appropriate officer may use or cause to be used all lawful means for stopping it or preventing its escape including, if all other means fail, firing upon it.

165. Power to examine persons.- (1) The appropriate officer may, during the course of an inquiry in connection with the smuggling of any goods.-

(a) require any person to produce or deliver any document or thing to such officer;

(b) examine any person acquainted with the facts and circumstances of the case.

(2) The appropriate officer shall exercise the powers in sub-section (1) only in relation to a person who is readily available or present before him and shall be subject to the same provisions as an officer-in-charge of a police-station is subject to under the Code of Criminal Procedure, 1898 (V of 1898), when investigating a cognizable offence.

166. Power to summon persons to give evidence and produce documents or things. – (1) Any gazetted officer of customs shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce document or any other thing in any inquiry which such officer is making [6][*****].

(2) A summon to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

(3) All persons so summoned shall be bound to attend either in person or by an authorized agent, as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statement and produce such documents and other things as may be required;

Provided that the exemption under section 132 of the Code of Civil Procedure, 1908 (Act V of 1908), shall be applicable to any requisition for attendance under this section.

(4) Every such inquiry as aforesaid shall be deemed to be judicial proceeding within the meaning of section 193 and section 228 of the Pakistan Penal Code, (Act XLV of 1860).

167. Person escaping may be afterwards arrested.- If any person liable to be arrested under this Act is not arrested at the time of committing the offence for which he is so liable, or after arrest makes his escape, he may at any time afterwards be arrested and dealt with in accordance with the provisions of [7][***] section 161 as if he had been arrested at the time of committing such offence.

168. Seizure of things liable to confiscation.- (1) The appropriate officer may seize any goods liable to confiscation under this Act, and where it is not practicable to seize any such goods, he may serve on the owner of the goods or any person holding them in his possession or charge an order that he shall not remove, part with, or otherwise deal with the goods except with the previous permission of such officer.

(2) Where any goods are seized under sub-section (1) and no show cause notice in respect thereof is given under section 180 within two months of the seizure of the goods, the goods shall be returned to the person from whose possession they were seized:

Provided that the aforesaid period of two months may, for reasons to be recorded in writing, be extended by the Collector of Customs by a period not exceeding two months [8][:]

[9][Provided further that the limitation prescribed under sub-section (2) shall not apply to goods specified under the first proviso to section 181.]

(3) The appropriate officer may seize any documents or things which in his opinion will be useful as evidence in any proceeding under this Act.

(4) The person from whose custody any documents are seized under sub-section (3) shall be entitled to make copies thereof or take extracts therefrom in the presence of an officer of customs.

[10][**169. Things seized how dealt with.-** (1) All things seized on the ground that they are liable to confiscation under this Act shall, without unnecessary delay, be delivered into the care of the officer of customs authorized to receive the same.

(2) If there be no such officer at hand, such things shall be carried to and deposited at the customs-house nearest to the place of seizure.

(3) If there be no custom-house within a convenient distance, such things shall be deposited at the nearest place appointed by the Collector of Customs for the deposit of things so seized.

[11][(4) When anything liable to confiscation under this Act is seized by the appropriate officer under section 168, the Collector of Customs, or any other officer of customs authorized by him in this behalf, may notwithstanding the fact that adjudication of the case under section 179, or an appeal under [12][section 193 or 194A] or a proceeding in any court, is pending, cause the thing to be sold in accordance with the provisions of section 201 and have the proceeds kept in deposit pending adjudication of the case or as the case may be, disposal of the appeal or the final judgment by the court.

(5) If on such adjudication or, as the case may be, in such appeal or proceeding in Court, the thing so sold is found not to have been liable to such confiscation, the entire sale proceeds, after necessary deduction of duties, taxes or dues as provided in section 201, shall be handed over to the owner.]

170. Procedure in respect of things seized on suspicion by the police.- (1) When any things liable to confiscation under this Act are seized by any police-officer on suspicion that they had been stolen, he may carry them to any police-station or court at which a complaint connected with the stealing or receiving of such things has been made, or an inquiry connected with such stealing or receiving is in progress, and there detain such things until the dismissal of such complaint or the conclusion of such inquiry or of any trial thence resulting.

(2) In every such case the police-officer seizing the things shall send written notice of their seizure and detention to the nearest custom-house and immediately after the dismissal of the complaint or the conclusion of the inquiry or trial, he shall cause such things to be conveyed to and deposited at, the nearest custom-house, to be there proceeded against according to law.

171. When seizure or arrest is made, reason in writing to be given.- When anything is seized, or any person is arrested under this Act, the officer or other person making such seizure or arrest shall, as soon as may be, inform in writing the person so arrested or the person from whose possession the things are seized of the grounds of such seizure or arrest.

172. Power to detain packages containing certain publications imported into Pakistan.- (1) Any officer of customs duly authorized by the Collector of Customs or any other officer authorized by the Provincial Government in this behalf may detain any package, brought whether by land, air or sea into Pakistan which he suspects to contain-

(a) any newspaper or book as defined in the [13][***] West Pakistan Press and Publication Ordinance, 1963 (West Pakistan Ordinance. XXX of 1963).

(b) any documents containing any treasonable or seditious matter, that is to say, any matter the publication of which is punishable under Section 123A or Section 124A, as the case may be, of the Pakistan Penal Code, 1860 (XLV of 1860), and shall forward such package to such officer as the Provincial Government may appoint in this behalf.

(2) Any officer detaining a package under sub-section (1) shall, where practicable, forthwith send by post to the addressee or consignee of such package notice of the fact of such detention.

(3) The Provincial Government shall cause the contents of such package to be examined, and if it appears to the Provincial Government that the package contains any such newspaper, book or other document, as aforesaid, it may pass such order as to the disposal of the package and its contents as it may deem proper, and, if it does not so appear, shall release the package and its contents unless the same be otherwise liable to seizure under any law for the time being in force:

Provided that any person interested in any package detained under the provisions of this section may, within two months of the date of such detention, apply to the Provincial Government for release of the same, and the Provincial Government shall consider such application and pass such order thereon as it may deem to be proper:

Provided further that if such application is rejected, the applicant may, within two months of the date of the order rejecting the application, apply to the High Court for release of the package or its contents on the ground that the package or the contents do not contain any such newspaper, book or other document.

(4) No order passed or action taken under this section shall be called in question in any court save as provided in the second proviso to sub-section (3).

Explanation.- In this section "document" includes any writing, painting, engraving, drawing or photograph, or other visible representation.

173. Procedure for disposal by High Court of applications for release of packages so detained.- Every application under the second proviso to sub-section (3) of section 172 shall be heard and determined in the manner provided by section 99D to 99F of the Code of Criminal Procedure, 1898 (Act V of 1898), by a special bench of the High Court constituted in the manner provided by section 99C of that Code.

174. Power to require production of order permitting clearance of goods imported or exported by land.- The appropriate officer may require any person-in-charge of any goods which such officer has reason to believe to have been imported, or to be about to be exported, by land from, or to, any foreign territory to produce the order made under section 83 permitting inward clearance of the goods or the order passing the [14/14A][goods declaration] made under section 131 permitting export of the goods:

Provided that nothing in this section shall apply to any imported goods passing from a foreign frontier to an inland customs-station by a route prescribed under clause (c) of section 9:

Provided further that the Board may, by notification in the official Gazette, direct that the provisions of this section shall not apply to any particular area adjoining foreign territory in relation to goods of any specified description or value.

175. Power to prevent making or transmission of certain signals or messages.- If an officer of customs or police or any member of the armed forces of Pakistan has reasonable grounds for suspecting that any signal or message connected with smuggling or intention or designs of smuggling any goods into or out of Pakistan is being or is about to be made or transmitted from any conveyance, house or place, he may board or enter such conveyance, house or place, and take such steps, as are reasonably necessary to stop or prevent the making or transmission of the signal or message.

176. Power to station officer in certain factories.- An officer of customs not below the rank of an [2/2A][Assistant Collector] of Customs may, if he so deems fit,

station an officer of customs in any factory or building used for commercial purposes and situated within five miles of the frontier of Pakistan with the object of ensuring that the factory or building is not used in any way for the unlawful or irregular importation or exportation of goods and the officer so stationed shall have the power to inspect at all reasonable times the records of the factory or business carried on in the building and such other powers as may be prescribed by rules.

177. Restriction on the possession of goods in certain areas.- (1) This section shall apply to such areas adjacent to the frontier of Pakistan as may, from time to time, be notified by the Board in the official Gazette.

(2) In any area to which this section for the time being applies, no person shall have in his possession or control any such goods or class of goods in excess of such quantity or value as may from time to time be notified by the [1][Federal Government] or, with the previous approval of the [1][Federal Government], by the Provincial Government, in the official Gazette, except under a permit granted by the Government which issued the notification in respect of the particular goods or class of goods, or by an officer authorized by such Government.

178. Punishment of persons accompanying a person possessing goods liable to confiscation.- If any two or more persons in company are found together and they or any of them, have goods liable to confiscation under this Act, every such person having knowledge of this fact is guilty of an offence and punishable in accordance with the provisions of this Act as if goods were found on such person.

[15][**179. Power of adjudication.-** [16][(1) Subject to sub-section (2), in cases involving confiscation of goods or imposition of penalty under this Act or the rules made thereunder, the jurisdiction and powers of the Officers of Customs in terms of amount of duties and other taxes involved, excluding the conveyance, shall be as follows:-

(i)	Additional Collector	without limit.
(ii)	Deputy Collector	not exceeding five hundred thousand rupees.
(ii)	Assistant Collector	not exceeding two hundred and fifty thousand rupees.

(2) Notwithstanding the provisions of sub-section (1), the Board may, by notification in the official Gazette, fix or vary the jurisdiction and powers of any Officer of Customs or a class of officers, and may also assign or transfer any case to any Collector of Customs, irrespective of the territorial jurisdiction.

(3) The cases shall be decided within ninety days of the receipt of the contravention report or within such period extended by the Collector for which reasons shall be recorded in writing, but such extended period shall in no case exceed ninety days.

(4) The Board shall have the powers to regulate the system of adjudication including transfer of cases and extension of time-limit in exceptional circumstance.]

[17] [(5) Notwithstanding anything contained in this Act, or any other law for the time being in force and notwithstanding any decision or judgment of any forum, authority or court whether passed on or before the commencement of the Finance Act, 2006, the time for adjudication in all the cases pending as on first day of July, 2006, for whatsoever reasons, shall be deemed always to have been extended up to 31st day of December, 2006.]

[18]**[179-A.** OMITTED

180. Issue of show-cause notice before confiscation of goods or imposition of penalty.- No order under this Act shall be passed for the confiscation of any goods or for imposition of any penalty on any person unless the owner of the goods, if any, or such person-

(a) is informed in writing (or if the person concerned consents in writing, orally) of the grounds on which it is proposed to confiscate the goods or to impose the penalty;

(b) is given an opportunity of making a representation in writing (or if the person concerned indicates in writing his preference for it orally) within such reasonable time as the appropriate officer may specify, against the proposed action; and

(c) is given a reasonable opportunity of being heard personally or through a counsel or duly authorized agent.

181. Option to pay fine in lieu of confiscated goods.- Whenever an order for the confiscation of goods is passed under this Act, the officer passing the order may give the owner of the goods an option to pay in lieu of the confiscation of the goods such fine as the officer thinks fit [19][:]

[20][Provided that the Board may, by an order, specify the goods or class of goods where such option shall not be given:

Provided further that the Board may, by an order, fix the amount of fine which, in lieu of confiscation, shall be imposed on any goods or class of goods imported in violation of the provisions of section 15 or of a notification issued under section 16, or any other law for the time being in force.]

Explanation.- Any fine in lieu of confiscation of goods imposed under this section shall be in addition to any duty and charges payable in respect of such goods , and of any penalty that might have been imposed in addition to the confiscation of goods.

182. Vesting of confiscated property in the Federal Government.- When any goods are confiscated under this Act, they shall forthwith vest in the [1][Federal Government], and the officer who orders confiscation shall take and hold possession of the confiscated goods [21][:]

[22][Provided that the Board may authorise the use of confiscated vehicles for operational purposes by the Board or, with approval of the Board, its subordinate offices.].

183. Levy of penalty for departure without authority or failure to bring-to.- (1) If any conveyance actually departs without a port clearance or permission in writing or, in the case of a vessel, after having failed to bring-to when required at any station appointed under section 14, the penalty to which the person-in-charge of such conveyance is liable may be adjudged by the appropriate officer of any customs-station, to which, such conveyance proceeds, or in which it for the time being is.

(2) A certificate in respect of such departure or failure to bring-to when required, purporting to be signed by the appropriate officer of the customs-station from which the conveyance is stated to have so departed, shall be prima facie proof of the fact so stated.

[23][184. Power to try summarily.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), a Special Judge may, if he thinks fit, try in a summary way, any offence under this Act where the value of the goods involved in such offence does not exceed one thousand rupees.

(2) In the trial of an offence under sub-section (1), the provisions of sub-section (1) of section 262 and sections 263, 264 and 265 of the said Code shall, so far applicable and with the necessary adaptation, apply.

(3) No proceeding under this section shall be called in question merely on the ground that the value of the goods involved was more than the limit specified in sub-section (1).

Explanation.- For the purpose of this section, “value”-

(i) in the case of goods, whether imported or indigenous, which are lawfully sold in open market in Pakistan, means the wholesale price of such goods in open market; in the case of goods, whether imported or indigenous, the price of which has been fixed by the Government, means the price so fixed; and

(iii) in the case of goods the import of which is absolutely prohibited, means the price of similar or comparable indigenous goods sold in open market in Pakistan or, where no such goods are sold in open market in Pakistan, the price fixed by the Federal Government, by general or special order.

[24][**185. Special Judges.-** (1) The Federal Government may by notification in the official Gazette, appoint as many Special Judges as it considers necessary and, where it appoints more than one Special Judge, shall specify in the notification the headquarters of each Special Judge and the territorial limits within which he shall exercise jurisdiction under this Act.

(2) No person shall be appointed as a Special Judge unless he is or has been a Sessions Judge.

(3) Notwithstanding the provisions of sub-sections (1) and (2), the Federal Government may, for the areas comprising the districts of Lasbela [25][,Turbat, Panjgoor and Gawadur], appoint any other officer as Special Judge and specify in the notification his headquarters and the limits of his territorial jurisdiction under this Act.

(4) If a Special Judge is, for any reason, temporarily unable to perform his duties under this Act, he may generally or specially authorise the Sessions Judge [26][***] of the district to perform such duties of an urgent nature as he may deem proper and such Sessions Judge [26][***] shall perform such duties.

[27][**185A. Cognizance of offences by Special Judges.-** (1) Notwithstanding anything contained in this Act or any other law for the time being in force, a Special Judge may, within the limits of his jurisdiction, take cognizance of any offence punishable under this Act-

(a) upon a report in writing made by an officer of customs or by an officer-in-charge of a police-station or by any other officer especially authorized in this behalf by the Federal Government; or

(b) upon receiving a complaint or information of facts constituting such offence made or communicated by any person; or

(c) upon his own knowledge acquired during any proceeding before him under this Act or under the Prevention of Smuggling Act,1977.

(2) Upon the receipt of report under clause (a) of sub-section (1), the Special Judge shall proceed with the trial of the accused.

(3) Upon the receipt of a complaint or information under clause (b), or acquired in the manner referred to in clause (c) of sub-section (1), the Special Judge may, before issuing a summon or warrant for appearance of the person complained against, hold a preliminary inquiry for the purpose of ascertaining the truth or falsehood of the complaint, or direct any Magistrate or any officer of customs or any police officer to hold such inquiry and submit a report, and such Magistrate or officer shall conduct such inquiry and make report accordingly.

(4) If, after conducting such inquiry or after considering the report of such Magistrate or officer, the Special Judge is of the opinion that-

(a) there is no sufficient ground for proceeding, he may dismiss the complaint, or

(b) there is sufficient ground for proceeding, he may proceed against the person complained against in accordance with law.

(5) A Special Judge or a Magistrate or an officer holding inquiry under sub-section (3) may hold such inquiry, as early as possible, in accordance with the provisions of section 202 of the Code of Criminal Procedure, 1898(Act V of 1898).

185-B. Special Judge, etc. to have exclusive jurisdiction.- Notwithstanding anything contained in this Act or in any other law for the time being in force-

(a) no court other than the Special Judge having jurisdiction, shall try an offence punishable under this Act;

(b) no other court or officer, except in the manner and to the extent specifically provided for in this Act, shall exercise any power, or perform any function under this Act;

(c) no court, other than the Special Appellate Court, shall entertain, hear or decide any application, petition or appeal under Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898 (Act V of 1898), against or in respect of any order or direction made under this Act; and

(d) no court, other than the Special Judge or the Special Appellate Court, shall entertain any application or petition or pass any order or give any direction under Chapters XXXVII, XXXIX, XLIV or XLV of the said Code.]

185C. Provisions of Code of Criminal Procedure,1898, to apply.- (1) The provisions of the Code of Criminal Procedure, 1898(Act V of 1898), so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings of

the court of a Special Judge and such court shall be deemed to be a Court of Session for the purposes of the said Code and the provisions of Chapter XXIIA of the Code, so far as applicable and with the necessary modifications, shall apply to the trial of cases by the Special Judge under this Act.

(2) For the purposes of sub-section (1), the Code of Criminal Procedure, 1898(Act V of 1898), shall have effect as if an offence punishable under this Act were one of the offences referred to in sub-section (1) of section 337 of the Code.

185D Transfer of cases.- (1) Where more than one Special Judge are appointed within the territorial jurisdiction of a Special Appellate Court, the Special Appellate Court, and where not more than one Special Judge is so appointed, the Federal Government, may, by order in writing direct the transfer, at any stage of the trial, of any case from the court of one Special Judge to the Court of another Special Judge for disposal, whenever it appears to the Special Appellate Court or, as the case may be, the Federal Government, that such transfer will promote the ends of justice or tend to the general convenience of the parties or witnesses.

(2) In respect of a case transferred to a Special Judge under sub-section(1), such Special Judge shall not by reason of the said transfer, be bound to recall and rehear any witness whose evidence has been recorded in the case before the transfer and may act upon the evidence already recorded or produced before the court which tried the case before the transfer.

185E. Place of sittings.- A Special Judge shall ordinarily hold sittings at his headquarters but, keeping in view the general convenience of the parties or the witnesses, he may hold sittings at any other place.

185F. Appeal to Special Appellate Court.- (1) Any person, including the Federal Government [28][the Central Board of Revenue, the Collector of Customs or any other officer authorized in this behalf by the Board], aggrieved by any order passed or decision made by a Special Judge under this Act or under the Code of Criminal Procedure,1898(Act V of 1898), may, subject to the provisions of Chapters XXXI and XXXII of the Code, within [29][sixty days] from the date of the order or decision, prefer an appeal or revision to the Special Appellate Court, and in hearing and disposing of such appeal or revision, such Court shall exercise all the powers of a High Court under the said Code.

(2) Except as otherwise provided in sub-section (1), the provisions of the Limitation Act,1908 (Act IX of 1908), shall apply to an appeal or a revision preferred under sub-section(1).

185G. Persons who may conduct prosecution etc.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898(Act V of 1898), a Special Prosecutor appointed under section 47 of the Prevention of Smuggling Act,1977,

shall be competent to conduct prosecution before a Special Judge for and on behalf of the Federal Government and to withdraw prosecution when so required by the Federal Government.

(2) A law officer appointed under the Central Law Officers Ordinance,1970 (Ordinance VII of 1970) [30][or an advocate authorised by the Board or by an officer subordinate to it] shall be competent to conduct proceedings before a Special Appellate Court on behalf of the Federal Government and to withdraw such proceedings when so required by the Federal Government.]

186. Detention of goods pending payment of fine or penalty.- (1) When any fine or penalty has been imposed, or while imposition of any fine or penalty is under consideration [31][,or pending any inquiry or investigation], in respect of any goods, such goods shall not be removed by the owner until such fine or penalty has been paid [32][or such inquiry and investigation has been completed].

(2) When any fine or penalty has been imposed in respect of any goods, the appropriate officer may detain any other goods belonging to the same owner pending payment of such fine or penalty.

187. Burden of proof as to lawful authority etc.- When any person is alleged to have committed an offence under this Act and any question arises whether he did any act or was in possession of anything with lawful authority or under a permit, licence or other document prescribed by or under any law for the time being in force, the burden of proving that he had such authority, permit, licence or other document shall lie on him .

188. Presumption as to documents in certain cases.- Where any document is produced by any person under this Act or has been seized under this Act from the custody or control of any person, and such document is tendered by the prosecution in evidence against him, the [33][Special Judge] shall,-

(a) unless the contrary is proved by any such person, presume-

(i) the truth of the contents of such document;

(ii) that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the Special Judge may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document executed or attested that it was executed or attested by the person by whom it purports to have been so executed or attested;

(b) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence [34][:]

[35][Provided that where the Customs Computerized System is operational, system generated documents shall be accepted as true and correct.]

189. Notice of conviction to be displayed.- (1) Upon the conviction of any person for the offence of smuggling, the [1][Federal Government] may require him to exhibit in or outside, or both in and outside his place of business, if any, notices, of such number, size and lettering, and placed in such positions and containing such particulars relating to conviction as it may determine, and to keep them so exhibited continuously for a period not less than three months from the date of conviction; and, if he fails to comply fully with the requirement, he shall be deemed to have committed a further offence under this Act of the nature of the original offence for which he was convicted.

(2) If any person so convicted refuses or fails to comply fully with any such requirement, any officer authorized in that behalf by an order of the [1][Federal Government] in writing may, without prejudice to any proceedings which may be brought in respect of any such refusal or failure, affix the notices in or outside, or both in and outside, the place of business of such person in accordance with the requirement of the [1][Federal Government] in pursuance of sub-section (1).

(3) If, in any case, the [1][Federal Government] is satisfied that the exhibition of notices in accordance with the requirements of the provisions of sub-section (1) or sub-section (2) will not effectively bring the conviction to the notice of persons dealing with the convicted person, the [1][Federal Government] may, in lieu of, or in addition to any such requirement, require the convicted person to exhibit for such period, not being a period less than three months, on such stationery used in his business as may be specified in the requirement, a notice placed in such position and printed in type of such size and form and containing such particulars relating to the conviction as may be specified in the requirement; and, if he fails to comply fully with the requirement, he shall be deemed to have committed a further offence under this Act of the nature of the original offence for which he was convicted.

190. Power to publish conviction.- If the [1][Federal Government] is satisfied that it is necessary so to do, the conviction and the particulars relating to the conviction of any person for the offence of smuggling may be published in the official Gazette.

191. Imprisonment may be of either description.- Imprisonment for any offence under this Act may, in the discretion of the [36][Special Judge], be either simple or rigorous.

192. Duty of certain persons to give information.- (1) Any person who comes to know of the commission of any offence under this Act, or an attempt or likely attempt to commit any such offence, shall, as soon as may be, give information thereof in writing to the officer-in-charge of the nearest custom- house or customs-station, or if there is no such custom-house or customs-station, to the officer-in-charge of the nearest police-station.

(2) The officer-in-charge of a police-station who receives any information mentioned in sub-section (1) shall as soon as possible communicate it to the officer-in-charge of the nearest custom-house or customs-station.

LEGAL REFERENCE

1. *Substituted for the words "Central Government" by the Finance Ordinance, 1972 (XXI of 1972), S.3, page 56 and Second Schedule S.1, page 76.*

2. *Substituted for the words "Assistant Collector" by the Finance Act, 1996 (IX of 1996), S. 4(6), page 476.*

2A. *By the Finance Act, 2006 the words "or Deputy Collector" were omitted.*

3. *Substituted by the Prevention of Smuggling Act, 1977 (XII of 1977), S.51(iii), page 24. At the time of substitution sub-section (4) was as under:-*

"(4) The officer of customs or the officer-in-charge of a police station before whom any person is taken under this section shall, if the offence be bailable, either admit him to bail to appear before the Magistrate having jurisdiction or have him taken in custody before such Magistrate.

(5) When any person is taken under sub-section (4) before an officer of customs as aforesaid, such officer shall proceed to inquire into the charge against such person.

(6) For the purpose of an inquiry under sub-section (5), the officer of customs may exercise the same powers, and shall be subject to the same provisions, as an officer-in-charge of a police station may exercise and is subject to under the Code of Criminal Procedure, 1898 (Act V of 1898), when investigating a cognizable offence:

Provided that, if the officer of customs is of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall, if the offence be bailable, either admit him to bail to appear before a Magistrate having jurisdiction, or have him taken in custody before such Magistrate.

(7) If it appears to the officer of customs that there is no sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the officer may direct, to appear, if and when so required, before the Magistrate having jurisdiction and shall make a full report of the case to his immediate superior.".

4. *Substituted for the words "nearest Magistrate" by the Federal Laws (R&D) Ordinance, 1981 (XXVII of 1981).*

5. *Substituted for the word "Magistrate" by the Federal Law (R&D) Ordinance, 1981 (XXVII of 1981). Substituted for the words "Assistant Collector" by the Finance Act, 1996 (IX of 1996).,*

6. *Omitted the word "in connection with the smuggling of any goods" by the Finance Act, 2004 (II of 2004), S.3(16), page 17*

7. *Omitted the words, figures and brackets "sub-section (3) to (7) of" by the Prevention of Smuggling Act, 1977 (XII of 1977), S.51(iv), page 226.*

8. *Substituted for the full stop by the Finance Act, 2004 (II of 2004), S.3(17), page 17.*

9, *Added by the Finance Act, 2004 (V of 2004), S.3(17), page 17.*

10. *Substituted by the Finance Ordinance, 1979 (XXX of 1979), S.6(8), page 188. At the time of substitution section 169 was* as under:-

"169. Things seized how dealt with.- (1) All things seized on the ground that they are liable to confiscation under this Act shall, without unnecessary delay, be delivered into the care of the officer of customs authorised to receive the same.

(2) If there be no such officer at hand, all such things shall be carried to and deposited at the customs-house nearest to the place of seizure.

(3) If there be no custom-house within a convenient distance, such things shall be deposited at the nearest place appointed by the Collector of Customs for the deposit of things so seized.

[10a.][(4) When anything liable to confiscation under this Act is seized by the appropriate officer under Section 168, the Collector of Customs or any other officer of Customs authorised by him in this behalf may, notwithstanding the fact that adjudication of the case under Section 179, or an appeal under section 193, or a revision under Section 196 is pending, cause the things to be sold in accordance with the provisions of Section 201 and have the proceeds kept in deposit pending adjudication of the case or, as the case may be, disposal of the appeal or revision:

Provided that if the things seized is any conveyance, it may be sold as aforesaid only if it has been sued for smuggling or attempting to smuggle goods notified by the Federal Government under clause 8 of the Table in Section 156:

Provided further that where the owner or person incharge of the conveyance is to be or is being prosecuted in a court of law, such conveyance may not be sold without permission of the court.]

(5) If no such adjudication [10b][or, as the case may be, in such appeal or revision] the things so sold is found not to have been liable to such confiscation, the entire sale proceeds, after necessary deduction of duties, taxes or dues as provided in Section 201, shall be handed over to the owner.".

10a. Substituted by the Finance Act,1973 (L of 1973), S.9(8)(a), page 13. At the time of substitution this was as under:-

"(4) If the Collector of Customs or any other officer of customs authorised by him in this behalf considers that any such things is perishable or liable to rapid deterioration, he shall immediately cause it to be sold in accordance with the provisions of Section 201 and have the proceeds kept in deposit pending adjudication of the case.".

10b. Inserted the words and commas by the Finance Act, 1973(L of 1973), page 13. S.9(8)(b), page 13.

11. *Substituted by the Finance Ordinance, 2001 (XXV of 2001), S.4(7), page 306. At the time of substitution this was as under:*

"(4) When anything liable to confiscation under this Act is seized by the appropriate officer under section 168, the Collector of Customs or any other officer of customs authorised by him in this behalf may, notwithstanding the fact that adjudication of the case under section 179, or an appeal under section 193, or a revision under section 196 or a proceeding in any court, is pending, cause the things to be sold in accordance with the provisions of section 201 and have the proceeds kept in deposit pending adjudication of the case or as the case may be, disposal of the appeal or revision or the final judgment by the court.

(5) If on such adjudication or, as the case may be, in such appeal or revision or proceedings in court, the things so sold is found not to have been liable to such confiscation, the entire sale proceeds, after necessary deduction of duties, taxes or dues as provided in section 201, shall be handed over to the owner.".

12. Substituted by the Finance Act, 2005.

13. The words, commas and figure "the Press and Publications Ordinance, 1960(XV of 1960) in its application to the province of East Pakistan or in" omitted by the Federal Laws (R&D), Ordinance, 1981.

14. Inserted by the Finance Act, 2003 (I of 2003), S.5(31), page 40.

14A. Omitted the words "bill of export of" by the Finance Act, 2006

15. Substituted by the Finance Ordinance, 2000 and again substituted by the FO,2002, At the time of substitution section 179 was as under:-

"179. Power of adjudication.-In cases involving confiscation of goods or imposition of penalty under this Act, the jurisdiction and powers of the officers of customs shall be as follows:-

(1) a Collector of Collector of Customs may deal with cases where the value of the goods exceeds ten thousand rupees;

(2) a [1a][Additional Collector] of Customs may deal with cases where the value of the goods does not exceed ten thousand rupees;

(3) an [1 b][Assistant Collector or Deputy Collection] of Customs may deal with cases where the value of the goods does not exceed two thousand five hundred rupees;

(4) any other officer of customs as the Board may authorise by virtue of his office may deal with cases where the value of the goods does not exceed two hundred and fifty rupees;

(5) any officer of customs shall be competent to impose any penalty under section 156 in any case which he is authorised to deal with:

Provided that the Board may, by notification in the official Gazette, reduce or extend the jurisdiction and powers of any particular officer or class of officers.".

1a. Substituted for the words "Deputy Collector" by the Finance Act, 1996 (IX of 1996), S.4(6), page 476.

1b. Substituted for the words "Assistant Collector" by the Finance Act, 1996 (IX of 1996), S.4(7), page 476.

1c. **179.Powers of adjudication.-** (1) Subject to sub-section (2), in cases involving confiscation of goods or imposition of penalty under this Act or the rules made thereunder, the jurisdiction and powers of adjudication of the Officers of Customs shall be as follows:-

(i) Collector	Without limit.
(ii) Additional Collector	Confiscation of goods the value of which does not exceed Rs. 1,500,000/- excluding the value of conveyance and the value of non-dutiable goods, and imposition of the penalty under the rules.

(iii)	Deputy Collector	Confiscation of goods the value of which does not exceed Rs.500,000/- excluding the value of conveyance and the value of non-dutiable goods, and imposition of the penalty under the rules.

2. The Board may, by notification in the official Gazette, [1e][fix or] vary the jurisdiction and powers of any Officer of Customs or a class of officers.

3. A Collector, an Additional Collector or an Deputy Collector shall decide the case within forty-five days of the issuance of show cause notice or within such extended period for which for reason shall be recorded in writing provided that such extended period shall in no case exceed ninety days.

4. The Board shall have the powers to regulate the system of adjudication including transfer of cases and extension of time limit in exceptional circumstance.".

1e. Inserted words by the Customs (Amendment) Ordinance, 2000 (XLVI of 2000).

16. Substituted by the Finance Act, 2006. At the time of substitution sub-section (1) and (2) of section 179 was as under:-

(1) Subject to sub-section (2), in cases involving confiscation of goods or imposition of penalty under this Act or the rules made thereunder, the jurisdiction and powers of adjudication of the Officers of Customs in terms of amount of duties and other taxes involved, excluding the conveyance, shall be as follows:-

[16a][***	*****	*****].
(ii)	Additional Collector	[without limit].
(iii)	Deputy Collector	not exceeding four hundred thousand rupees.
(iv)	Assistant Collector	not exceeding fifty thousand rupees.
(v)	Superintendent	not exceeding ten thousand rupees.
(vi)	Principal Appraiser	not exceeding ten thousand rupees.

(2) The Board may, by notification in the official Gazette, fix or vary the jurisdiction and powers of any Officer of Customs or a class of officers.

16a. Omitted by the Finance Act, 2005.

17. Inserted by the Finance Act, 2006.

18. *Inserted by the Prevention of Smuggling ordinance, 1977 (XII of 1977), S.51(v), page 226 and omitted by Finance Ordinance, 1979 (XXX of 1979), S.6(9), page 189. At the time of omission section 179-A was as under:-*

"179-A. Orders of adjudication to be subject to decision of Special Judge, etc.- Notwithstanding anything contained in Section 179, Section 181 or Section 182 or in Chapter XIX, in cases where the owners or persons-incharge of goods or things seized are to be, or are being, prosecuted before a Special Judge, an order of adjudication made under Section 179 or under Chapter XIX shall be subject to the decision of the Special Judge and of the Special Appellate Court in appeal or revision, if any.".

19. *Substituted for full stop by the Finance Act, 1992 (VII of 1992), S.6(5), page 114.*

20. *Added by the Finance Act, 1992 (VII of 1992), S.6(5), page 114.*

21. *Substituted for full stop by the Finance Ordinance, 2002 (XXVII of 2002), S.4(8), page 224.*

22. *Added by the Finance Ordinance, 2002 (XXVII of 2002), S.4(8), page 224*

23. *Substituted by the Prevention and Smuggling Act, 1977 (XII of 1977), S.51(iv), page 226. At the time of substitution section 184 was as under:-*

184. Power to try summarily.- Any Magistrate for the time being empowered to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898) may, if he thinks fit, on application in this behalf by the prosecution, try an offence under this Act except when the value of goods involved in such offences exceeds five hundred rupees, in accordance with the provisions of sub-section (1) of Section 262, 263, 264 and 265 of that Code.". **–**

24. *Substituted by the Prevention and Smuggling Act, 1977 (XII of 1977), S.51(vii), page 227. At the time of substitution section 185 was as under:-*

"185. Special powers for Magistrates.- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) and subject to the other provisions of this Act, any Magistrate of the first class specially empowered by the Provincial Government in this behalf may pass a sentence of imprisonment for a term exceeding two years and of fine exceeding one thousand rupees for an offence under this Act.".

25. *Substituted for the words "and Mekran" by the Customs (Amendment) Ordinance, 1977.*

26. *The words "or the District Magistrate" omitted by the Federal Laws (R&D) Ordinance, 1981(XXVII of 1981).*

27. *Inserted by the Finance Act, 1973 (51 of 1973), S.9(8), page 13 and substituted by the Prevention and Smuggling Act, 1977(XII of 1977), S.51(vii), page 227. At the time of substitution section 185-A was as under:-*

"**185-A. Offences to be tried by Special Judges.-** (1) The Federal Government may, by notification in the official Gazette, appoint as many Special Judges as it may consider necessary in this section referred to a Special Judge and where it appoints more than one Special Judge, shall specify in the notification the territorial limits within which each one of them shall exercise jurisdiction.

(2) A Special Judge shall be a person who is or has been or is qualified to be a Sessions Judge.

(3) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, on the appointment of a Special Judge for any area, an offence punishable under this Act shall be tried exclusively by the Special Judge and all cases pending in any other court in such area immediately before such appointment shall stand transferred to such Special Judge.

(4) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), except those of Chapter XXXVIII of that Code, shall apply to the proceedings of the court of a Special Judge and for the purposes of the said provisions, the court of a Special Judge shall be deemed to be a Court of Session trying cases without the aid of assessors or a jury, and a person conducting prosecution before the Court of a Special Judge shall be deemed to be a Public Prosecutor.

(5) For the purposes of sub-section (4), the Code of Criminal Procedure, 1898 (Act V of 1898) shall have effect as if an offence punishable under this Act were one of the offences referred to in sub-section (1) of Section 237 of the Code.

(6) A Special Judge shall take cognizance of, and have jurisdiction to try, an offence triable under sub-section (3) only upon a complaint in writing made by such officer of Customs, or such other person invested with the powers of an officer of Customs, as may be authorised by the Central Board of Revenue in this behalf, by a general or special order in writing.}

1b[(7) The provisions of Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply to trial of cases under this Act in so far as they under the Code of Criminal Procedure, 1898 (Act V of 1898), to admit to bail any person accused of any non-bailable offence punishable under this Act who appears or is brought before such court.

(9) The Federal Government may, by order in writing, direct the transfer, at any stage of the trial, of any case from the court of one Special Judge to the court of another Special Judge for disposal, whenever it appears to the Federal Government that such transfer will promote the ends of justice or tend to the general convenience of parties or witnesses.

(10) In respect of a case transferred to a Special Judge by virtue of sub-section (3) or under sub-section (9), such Judge shall not, by reason of the said transfer, be bound to recall and re-hear any witness who has given evidence in the case before the transfer and may act on the evidence already recorded by or produced before the court which tried the case before the transfer.]".

1b. Added by the Finance Act, 1974 (XL of 1974), S..10, page 245.

28. Inserted by the Finance Act, 2005.

29. Substituted the words "thirty days" by the Finance Ordinance, 1982 (XII of 1982), S.6(11), page 61.

30. Inserted by the Finance Ordinance, 2002 (XXVII of 2002), S.4(9), page 224.

31. Inserted by the Finance Act, 2004 (II of 2004), S.3(18), page 17.

32. Inserted by the Finance Act, 2004 (V of 2004), S.3(18), page 17.

33. Substituted for the word "Magistrate" by the Prevention and Smuggling Act, 1977 (XII of 1977), S.51(ix), page 230.

34. Substituted for the full stop by the Finance Act, 2004 (II of 29\004), S.3(19), page 17.

35. Added by the Finance Act, 2004 (II of 2004), S.3(19), page 17.

36. Substituted for the word "Magistrate" by the Prevention and Smuggling Act, 1977 (XII of 1977), S.51(10), page 230.

[1]CHAPTER XIX

APPEALS AND REVISIONS

[2][**193 Appeals to Collector (Appeals).-** (1) Any person [3] [other than] an officer of customs aggrieved by any decision or order passed under [4][sections 79, 80 and 179 of this Act by an officer of customs not below the rank of an Assistant Collector] [5][*****] may prefer appeal to the Collector (Appeals) within thirty days of the date of communication to him of such decision or order:

Provided that an appeal preferred after the expiry of thirty days may be admitted by the Collector (Appeals) if he is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(2) An appeal under this section shall be in such form and shall be verified in such manner as may be prescribed by rules made in this behalf.

(3) An appeal made under this Act shall be accompanied by a fee of one thousand rupees to be paid in the manner that may be prescribed by the Board.

[5A][**193-A Procedure in appeal.-** (1) The Collector (Appeals) shall give an opportunity to the appellant to be heard if he so desires.

(2) The Collector (Appeals) may, at the hearing of an appeal, allow the appellant to go into any ground of appeal not specified in the ground of appeal, if the Collector (Appeals) is satisfied that the omission of that ground from the grounds of appeal was not willful or unreasonable.

. (3) The Collector (Appeals) may, after making such further inquiry as may be necessary, pass such order as he thinks fit, confirming, modifying or annulling the decision or order appealed against, or may refer the case back to the adjudicating authority with such direction as he may think fit for a fresh adjudication or decision, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing any penalty or fine in lieu of confiscation or confiscating goods of greater value or reducing the amount of refund shall not be passed unless the appellant has been given a reasonable opportunity of showing cause against the proposed order:

Provided further that, where the Collector (Appeals) is of opinion that any duty has not been levied or has been short-levied or erroneously refunded, no order requiring the appellant to pay any duty not levied, short-levied or erroneously refunded shall be passed unless the appellant is given notice within the time-limit specified in section 32 to show cause against the proposed order.

(4) The order of the Collector (Appeals) disposing of the appeal shall be in writing and shall state that points for determination, the decision thereon and the reasons for the decision.

(5) On the disposal of the appeal, the Collector (Appeals) shall communicate the order passed by him to the appellant, the adjudicating authority and the Collector of Customs].

[6][**194. Appellate Tribunal.-** (1) The Federal Government shall constitute an Appellate Tribunal to be called the Customs, Excise and Sales Tax Appellate Tribunal consisting of as many judicial and technical members as it thinks fit to exercise the powers and discharge the functions conferred on the Appellate Tribunal by this Act.

[7][(2) A judicial member shall be a person who has been a Judge of the High Court, or is or has been a District Judge and is qualified to be a Judge of High Court, or is or has been an advocate of a High Court and is qualified to be a Judge of a High Court.]

(3) A technical member shall be an officer of Customs and Excise Group equivalent in rank to that of a Member, Central Board of Revenue.

(4) The Federal Government shall appoint one of the members of the Appellate Tribunal to be the Chairman thereof.

(5) The terms and conditions of appointment of the Chairman and judicial and technical members shall be such as the Federal Government may determine.

[8][* * * * * * *].

[9][194-A. Appeals to the Appellate Tribunal.- (1) Any person [10][or an officer of Customs] aggrieved by any of the following orders may appeal to the Appellate Tribunal against such orders:-

[11][(a) Omitted.]

[12][ab) an order passed by the Collector (Appeals) under section 193;]

[13][(b) Omitted].

(c) an order passed under section 193, as it stood immediately before the appointed day;

(d) an order passed by the Board or the Collector of Customs under section 195 [14][***]:

[15][Omitted]

Provided [16][**] that the Appellate Tribunal may, in its discretion, refuse to admit an appeal in respect of an order referred to in sub-section(1) where-

(i) the value of the goods confiscated without option having been given to the owner of the goods to pay a fine in lieu of confiscation under section 181; or

(ii) in any disputed case other than a case where the determination of any question having a relation to rate of duty of customs or to the value of goods for purposes of assessment is in issue or is one of the points in issue, the difference in duty involved or the duty involved; or

(iii) the amount of fine or penalty determined by such order; does not exceed [17][fifty] thousand rupees.

[18][(2) The Board or the Collector of Customs may, if it or, as the case may be, he is of the opinion that an order passed by the Collector (Appeals) under section 193 is not legal or proper, direct the appropriate officer to appeal on its or, as the case may be, his behalf to the Appellate Tribunal against such order.]

(3) Every appeal under this section shall be filed within sixty days from the date on which the decision or order sought to be appealed against is communicated to the Board or the Collector of Customs, or as the case may be, the other party preferring the appeal.

(4) On receipt of notice that an appeal has been preferred under this section, the party against whom the appeal has been preferred may, notwithstanding that he may not have appealed against such order or any part thereof, file, within thirty days of the receipt of the notice, a memorandum of cross-objections verified in such manner as may be specified by rules made in this behalf against any part of the order appealed against and such memorandum shall be disposed of by the Appellate Tribunal as if it were an appeal presented within the time specified in sub-section (3).

(5) The Appellate Tribunal may admit an appeal or permit the filing of a memorandum of cross-objections after the expiry of the relevant period referred to in sub-section(3) or sub-section (4), if it is satisfied that there was sufficient cause for not presenting it within that period.

(6) An appeal to the Appellate Tribunal shall be in such form and shall be verified in such manner as may be specified by the rules made in this behalf and shall, except in the case of [19][***] a memorandum of cross-objections referred to in sub-section (4), be accompanied by a fee of [20][one thousand] rupees.

[21][(7) All cases pending, immediately before the commencement of the Finance Ordinance, with the Collector(Appeals) shall stand transferred to the Appellate Tribunal for disposal in accordance with law.] .

194-B. Orders of Appellate Tribunal.- (1) The Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the decision or order appealed against or may refer the case back to the authority which passed such decision or order with such directions as the Appellate Tribunal may think fit, for a fresh adjudication or decision, as the case may be, after taking additional evidence, if necessary [22][:]

[23][Provided that the appeal shall be decided within sixty days of filing the appeal or within such extended period as the Tribunal may, for reasons to be recorded in writing fix, provided that such extended period shall not in any case exceed ninety days.]

(2) The Appellate Tribunal may, at any time within three years from the date of order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under-sub-section (1) and shall make such amendments if the mistake is brought to its notice by the Collector of Customs or the other party to the appeal:

Provided that an amendment which has the effect of enhancing the assessment or reducing a refund or otherwise increasing the liability of the other party shall not be made under this sub-section, unless the Appellate Tribunal has given notice to the party of its intention to do so and has allowed a reasonable opportunity of being heard.

(3) The Appellate Tribunal shall send a copy of every order passed by it under this section, disposing of an appeal, to the [24][officer of Customs] and in valuation cases also to the Controller, Valuation, and the other party to the appeal.

(4) Save as otherwise expressly provided in [25][section 196], an order passed by the Appellate Tribunal in appeal shall be final.

194-C. Procedure of Appellate Tribunal.- (1) The powers and functions of the Appellate Tribunal may be exercised and discharged by Benches constituted by the Chairman from amongst the members thereof.

(2) Subject to the provisions contained in sub-sections (3) and (4), a Bench shall consist of one judicial member and one technical member.

(3) Every appeal against a decision or order relating, among other things, to the determination of any question having a relation to the rate of duty of customs

or to the value of goods for purposes of assessment, shall be heard by a Special Bench constituted by the Chairman for hearing such appeals and such Bench shall consist of not less than two members and shall include at least one judicial member and one technical member [26][:]

[27][Provided that the Chairman may, for reasons to be recorded in writing, constitute Benches including special Benches consisting of –

(a) two or more technical members; or

(b) two or more judicial members:

Provided further that any Bench referred to in clause (a) shall not hear the matters involving question of law.]

[28][(3A) Notwithstanding anything contained in sub-sections (2) and (3), the Chairman may constitute as many Benches consisting of a single member as he may deem necessary to hear such cases or class of cases as the Federal Government may, by order in writing, specify.

Explanation:- For the purposes of this sub-section, the expression "cases" means the matters involving decisions other than decisions in relation to a question of law under this Act or the Central Excises Act, 1944 (I of 1944) or as the case may be, the Sales Tax Act, 1990.]

(4) The Chairman or any other member of the Appellate Tribunal authorized in this behalf by the Chairman may, sitting singly, dispose of any case which has been allotted to the bench of which he is a member where-

(a) the value of the goods confiscated without option having been given to the owner of the goods to pay a fine in lieu of confiscation under section 181; or

(b) in any disputed case, other than a case where the determination of any question having a relation to the rate of duty of customs or to the value of goods for purposes of assessment is in issue or is one of the points in issue, the difference in duty involved or the duty involved; or

(c) the amount of fine or penalty involved does not exceed [29&29A][fifteen hundred thousand rupees].

(5) If the members of a Bench differ in opinion on any point, the point shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ and the case shall be referred by the Chairman for hearing on such point or points by one or more of the other members of the Appellate Tribunal, and such point or points shall be decided according to the opinion of the majority of the

members of the Appellate Tribunal who have heard the case including those who first heard it:

Provided that, where the members of a Special Bench are equally divided, the points on which they differ shall be decided by the Chairman.

(6) Subject to the provisions of this Act, the Appellate Tribunal shall have power to regulate its own procedure and the procedure of the Benches thereof in all matters arising out of the exercise of its powers or of the discharge of its functions, including the places at which the Benches shall hold their sittings.

(7) The Appellate Tribunal shall, for the purposes of discharging its functions, have the same powers as are vested in a court under the Code of Civil Procedure, 1908(V of 1908), when trying suit in respect of the following matters, namely:-

(a) discovery and inspection;
(b) enforcing the attendance of any person and examining him on oath;
(c) compelling the production of books of account and other documents; and
(d) issuing commissions.

(8) Any proceeding before the Appellate Tribunal shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196 of the Pakistan Penal Code (Act XLV of 1860), and the Appellate Tribunal shall be deemed to be a Court for all the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).]

[30][**195. Powers of Board or Collector [31][*****] to pass certain orders.-** (1) The Board or the Collector of Customs [32/32A][****] may, within his jurisdiction, call for and examine the records of any proceedings under this Act for the purpose of satisfying itself or, as the case may be, himself as to the legality or propriety of any decision or order passed by a subordinate officer and may pass such order as it or he may think fit:

Provided that no order confiscating goods of greater value or enhancing any fine in lieu of confiscation, or imposing or enhancing any penalty, or requiring payment of any duty not levied or short-levied shall be passed unless the person affected thereby has been given an opportunity of showing cause against it and of being heard in person or through a counsel or other person duly authorized by him.

(2) No record of any proceedings relating to any decision or order passed by an officer of customs shall be called for or examined under sub-section (1) after the expiry of two years from the date of such decision or order.]

[33][**195-A**. Omitted].

195-B. Deposit, pending appeal, of duty demanded or penalty levied.- Where, in any appeal under this Chapter, the decision or order appealed against relates to any duty demanded in respect of goods which are not under the control of the customs authorities or any penalty levied under this Act, the person desirous of appealing against such decision or order shall, pending the appeal, deposit with the proper officer the duty demanded or the penalty levied:

[34][Provided that where in any particular case the Collector (Appeals) or the Appellate Tribunal is of the opinion that the deposit of duty demanded or penalty levied would cause undue hardship to such person, the Collector (Appeals) or, as the case may be, the Appellate Tribunal may dispense with such deposit subject to such conditions as he, or it, may deem fit to impose so as to safeguard the interest of revenue.]

[35][Provided further that an order dispensing with such deposit shall, without effecting the appeal, cease to have effect on the expiration of a period of six months following the day on which it is made unless the appeal is finally decided earlier and nothing in the order dispensing with such deposit which as ceased to have effect shall debar the appropriate officer to recover the amount of the duty demanded or penalty levied.]

[36][195-C. [36A][Alternative] Dispute Resolution.- (1) Notwithstanding any other provision of this Act, or the rules made thereunder, any aggrieved person in connection with any matter of Customs pertaining to liability of customs duty, admissibility of refund or rebate, waiver or fixation of penalty or fine, confiscation of goods, relaxation of any time period or procedural and technical condition may apply to the Central Board of Revenue for the appointment of a committee for the resolution of any hardship or dispute mentioned in detail in the application [36B][:]

[36B][Provided that only those disputes which are under litigation, in any court of law or an appellate authority, shall be entertained for dispute resolution under the provisions of this section.]

(2) The Central Board of Revenue, after examination of the application of an aggrieved person, shall appoint a committee consisting of an officer of customs and two persons from a notified panel of [37][retired District and Sessions Judge and retired Judges of High Court or] Chartered or Cost Accountants, Advocates Tax Consultants or reputable taxpayers for the resolution of the hardship or dispute.

(3) The committee constituted under sub-section (2) shall examine the issue and may, if it deems necessary, conduct inquiry, seek expert opinion, direct any officer of customs or any other person to conduct an audit and make recommendations [38][, within forty-five days of its constitution,] in respect of the resolution of dispute as it may deem fit [39][:]

[40][Provided that the period of forty-five days stipulated for making the recommendations may be extended by the Board for another forty-five days on specific request of the committee.]

(4) The Board may, on the recommendation of the committee, pass such order, as it may deem appropriate.

(5) The aggrieved person may make the payment of customs duty and other taxes as determined [41][if any] by the Board in its order under sub-section (4) and all decisions, orders and judgments made or passed shall stand modified to that extent and all proceedings under this Act or the rules made thereunder by any authority shall abate:

Provided that, in case the matter is already sub-judice before any authority, or tribunal or the court, an agreement made between the aggrieved person and the Board in the light of recommendations of the committee shall be submitted before that authority, tribunal or the court for consideration and order as deemed appropriate.

[42][(6) **Omitted.**

(7) The Board may, by notification in the official Gazette, make rules for carrying out the purposes of this section.]

[43][**196. Reference to High Court.** – [44][(1) Within ninety days of the date on which the aggrieved person or Collector, as the case may be, was served with order of the Appellate Tribunal under sub-section (3) of section 194B, the aggrieved person or any officer of Customs not below the rank of an Additional Collector, authorized by the Collector, may prefer an application, in the prescribed form along with a statement of the case, to the High Court, stating any question of law arising out of such order.]

(2) The statement to the High Court, referred to in sub-section (1), shall set out the facts, the determination of the Appellate Tribunal and the question of law, which arises out of such order.

(3) Where, on an application made under sub-section (1), the High Court is satisfied that a question of law arises out of the order, referred to in sub-section (1), may proceed to hear the cases.

(4) A reference to the High Court under this section shall be heard by a Bench of not less than two judges of the High Court and, in respect of the reference, the provisions of section 98 of the Code of Civil Procedure, 1908 (Act V of 1908), shall apply so far as may be, notwithstanding anything contained in any other law for the time being in force.

(5) The High Court upon hearing a reference under this section shall decide the question of law raised by the reference and pass judgment thereon specifying the grounds on which such judgment is based and the Tribunal's order shall stand modified accordingly. The Court shall send a copy of the judgment under the seal of the Court to the Appellate Tribunal.

(6) Notwithstanding that a reference has been made to the High Court, the duty shall be payable in accordance with the order of the Appellate Tribunal:

Provided that, the amount of duty is reduced as a result of the judgment in the reference by [45][such officer as authorized by the Collector or] the High Court, and any amount of duty is found refundable, the High Court may, on application submitted by the Collector, within thirty days of the receipt of the judgment of the High Court, that he wants to prefer petition for leave to appeal to the Supreme Court, make an order authorizing the Collector to postpone the refund until the disposal of the appeal by the Supreme Court.

(7) Where recovery of duty has been stayed by the High Court by an order, such order shall cease to have effect on the expiration of a period of six months following the day on which it is made unless the reference is decided, or such order is withdrawn by the High Court earlier.

(8) Section 5 of the Limitation Act, 1908 (IX of 1908), shall apply to an application made to the High Court under sub-section (1).

(9) An application under sub-section (1) by a person other than [45][such officer as authorized by the Collector] the Collector shall be accompanied by a fee of one hundred rupees.]

[45][(10) Notwithstanding anything in this Act where any reference or appeal was preferred with the approval of Collector by the officer below the rank of Collector, and the reference or appeal is pending before appellate forum or the Court, such reference or appeal shall be deemed to have been preferred and shall be deemed always to have been so preferred by the Collector.]

[46]**[196-H. Exclusion of time taken for copy.-** In computing the period of limitation specified for an appeal or application under this Chapter, the day on which the order complained of was served, and if the party preferring the appeal or making

the application was not furnished with a copy of the order when the notice of the order was served upon him, the time requisite for obtaining a copy of such order, shall be excluded.

196-I. Transfer of certain pending proceedings.- (1) Every appeal which is pending before the Board under section 193 as it stood immediately before the appointed day and any matter arising out of or connected with such proceedings shall stand transferred on the appointed day to the Appellate Tribunal and the Appellate Tribunal may proceed with such appeal or matter from the stage at which it then was or may re-hear the same, as it may deem fit.

(2) Every proceeding which is pending immediately before the appointed day before the Board or the Collector of Customs under section 195 as it stood immediately before that day, and any matter arising out of or connected with such proceedings and which is so pending shall continue to be dealt with by the Board or the Collector of Customs, as the case may be, as if the said section had not been substituted.

(3) Every proceeding pending before the Federal Government under section 196 as it stood immediately before the appointed day and any matter arising out of or connected with such proceedings which is so pending shall stand transferred to the Appellate Tribunal and Appellate Tribunal may proceed with such proceedings or matter from the stage at which it then was or may re-hear the same, as it may deem fit, as if such proceedings or matter were an appeal filed before it:

Provided that if any such proceeding or matter relates to an order where-

(a) the value of the goods confiscated without option having been given to the owner of the goods to pay a fine in lieu of confiscation under section 181; or

(b) in any disputed case, other than a case where the determination of any question having a relation to the rate of duty of customs or to the value of goods for purposes of assessment is in issue or is one of the points in issue, the difference in duty involved or the duty involved; or

(c) the amount of fine or penalty determined by such order; does not exceed ten thousand rupees, such proceeding or matter shall continue to be dealt with by the Federal Government as if the said section 196 had not been substituted:

Provided further that the applicant or the other party may make a demand to the Appellate Tribunal that, before proceeding further with that proceeding or matter; he may be re-heard.

196-J. Definitions.- In this Chapter;

(a) "Appointed day" means the date of the coming into force of the Finance Act,1989;

(b) "High Court" means in relation to any province, the High Court for the Province;

(d) "Chairman" means the Chairman of the Appellate Tribunal.]

LEGAL REFERENCE

1. Chapter XIX substituted by the Finance Act, 1989 (V of 1989), S.5(6), page 107. The previous Chapter contained Sections 193, 194, 195 and 196. At the time of substitution Chapter XIX was as under:-

"193. Appeal.- Any person aggrieved by any decision or order passed by an officer of customs under this act may, [1a][within thirty days of the date of receipt of such decision or order], appeal there from to the Board, or, in such cases as the [1b][Federal Government] directs, to any officer of customs not lower in rank than a Deputy Collector of Customs, and the appellate authority may thereupon make such further inquiry as it may consider necessary, and, after giving him an opportunity of being heard if he so desires, pass such order as it thinks fit, confirming, altering or annulling the decision or order appealed against:

Provided that no order confiscating goods of greater value, or enhancing any fine in lieu of confiscation, or imposing or enhancing any penalty, or requiring payment of any duty not levied or short-levied shall be passed unless the person affected thereby has been given an opportunity of showing cause against it and of being heard in person or through a counsel or other person duly authorised by him.

194. Deposit, pending appeal, of duty demanded or penalty levied.- (1) Any person desirous of appealing under section 193 against any decision or order relating to any duty demanded in respect of goods which have ceased to be under the control of customs authorities or to any penalty levied under this Act shall, at the time of filing his appeal or if he is so permitted by the appellate authority at any later stage before the consideration of the appeal, deposit with the appropriate officer the duty demanded or levied.

Provided that such person may, instead of depositing an aforesaid the entire amount of the penalty, deposit only fifty per cent thereof and furnish a guarantee from a scheduled bank for the due payment of the balance:

Provided further that where, in any particular case, the appellate authority is of the opinion that the deposit of duty demanded or penalty levied will cause undue hardship to the appellant, it may dispense with such deposit either unconditionally or subject to such conditions as it may deem fit to impose.

195. Power of the Board to call for and examine records etc.- [1c](1) The Board or the Collector of Customs, within his jurisdiction may call for and examine the records of any proceedings under this Act for the purpose of satisfying itself

196. or, as the case may be, himself as to the legality or propriety of any decision or order passed therein by a subordinate officer and may pass such order as it to he may think fit:

Provided that no order confiscating goods of greater value, or enhancing any fine in lieu of confiscation, or imposing or enhancing any penalty or requiring payment of any duty not levied or short-levied shall be passed unless the person affected thereby has been given an opportunity of showing cause against it and of being heard in person or through a counsel or other person duly authorised by him.]

(2) No record of any proceedings relating to any decision or order passed by an officer of customs shall be called for and examined under sub-section (1) after the expiry of two years from the date of such decision or order.

196. Revision by the [1b]{Federal Government].- The [1b][Federal Government] may, on the application of any person aggrieved by any decision or order passed under section 193, [1d][194 or 195], if the application is made [1e][within thirty days of the date of receipt of such decision or order], pass such order in relation thereto as it thinks fit:

Provided that no order confiscating goods of greater value, or enhancing any fine in lieu of confiscation, or imposing or enhancing any penalty, or requiring payment of any duty not levied or short-levied shall be passed unless the person affected thereby has been given an opportunity of showing cause against it and of being heard in person or through a counsel or other person duly authorised by him."

1a. Substituted for the words "within three months of the date of such decision or order" by the Finance Ordinance, 1972 (XXI of 1972).
1b.. Substituted for the words "Central Government" by the Finance Ordinance, 1972 (XXI of 1972), S.3, page 56 and Second Schedule, S.1, page 76.
1c. Substituted by the Finance Act, 1975 (L of 1975). At the time of substitution was as under:-
(i) The Board may on its own motion call for an examine the records of any proceedings under this Act for the purpose of satisfying itself as to the legality or propriety of any decision or order passed therein by an officer subordinate to it and may pass such orders as it thinks fit:

Provided that no order confiscating goods of greater value, or enhancing any fine in lieu of confiscation, or imposing or enhancing any penalty, or requiring payment of any duty not levied or short levied shall be passed unless the person affected thereby has been given an opportunity of showing cause against it and of being heard in person or through a counsel or other person duly authorised by him.

1d. Substituted for the words and figure "by an officer of Customs or the Board, or an order passed under Section 195 by the Board confiscating goods of greater value or enhancing any fine in lieu of confiscation or imposing or enhancing any penalty or requiring payment of any duty not levied or short-levied" by the Finance Act, 1975.

1e. Substituted for the words "within four months of the date of such decision or order" by the Finance Ordinance,1972 (XXI of 1972)"

2. Section 193 was omitted by the Finance Ordinance, 2000 (XI of 2000) and added by the Finance Ordinance, 2002 (XXVII of 2002), S.4(10), page 224. At the time of omission section 193 was as under:-

"[2a]**{193. Appeals to Collector (Appeals).-** (1) Any person aggrieved by any decision or order passed under this Act by an officer of customs lower in rank than a Collector of Customs [2b][, other than a notice of demand served under section

202,] may appeal to the Collector (Appeals) within thirty days of the date of the communication to him of such decision order:

Provided that an appeal filed after the expiry of thirty days may be admitted by the Collector (Appeals) if he is satisfied that the appellant had sufficient cause for not filing the appeal within that period.

(2) An appeal under this section shall be such form and shall be verified in such manner as may be specified by rules made in this behalf.]
[2c][(3) An appeal made under this Act shall be accompanied by a fee of one thousand rupees to be paid in the manner prescribed.]"

2a. Substituted by the Finance Act, 1989, S
2b. Inserted by the Finance Act, 1995 (I of 1995), S.
2c. Added by the Finance Act, 1989

3. Substituted by Finance Act, 2005
4. Substituted for the word and figure "section 179 of this Act by an officer of Customs" by the Finance Act, 2006.
5. Omitted Finance Act, 2005..

5A. Omitted by the Finance Ordinance, 2000 (XXI of 2000), S.4(8), page 202, at the time of omission section 193-A was as under and added by the Finance Ordinance, 2002 (XXVII of 2002):

"193-A. Procedure in appeal.- (1) The Collector (Appeals) shall give an opportunity to the appellant to be heared if he so desires.

(2) The Collector (Appeals) may, at the hearing of an appeal, allow the appellant to go into any ground of appeal not specified in the grounds of appeal, if the Collector (Appeals) is satisfied that the omission of that ground from the grounds of appeal was not wilful or unreasonable.

(3) The Collector (Appeals) may, after making such further inquiry as may be necessary, pass such order as he thinks fit conforming, modifying or annulling the decision or order appealed against, or may refer the case back to the adjudicating authority with such direction as he may think fit for a fresh adjudication or decision, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing any penalty or fine in lieu of confiscation or confiscating goods of greater value or reducing the amount of refund shall not be passed unless the appellant has been given a reasonable opportunity of showing cause against the proposed order:

Provided further that, where the Collector (Appeals) is of the opinion that any duty has not been levied or has been short-levied or erroneously refunded, no order requiring the appellant to pay any duty not levied, short levied or erroneously refunded shall be passed unless the appellant is given notice within the time limit specified in section 32 to show cause against the proposed order.

(4) The order of the Collector (Appeals) disposing of the appeal shall be in writing and shall state the points for determination, the decision thereon and the reasons for the decision.

(5) On the disposal of the appeal, the Collector (Appeals) shall communicate the order passed by him to the appellant, the adjudicating authority and the Collector of Customs.]

6 *Substituted by the Finance Act, 1989 (V of 1989), S.5(6), page 108. At the time of substitution section 194 was as under:-*

"194. Deposit, pending appeal, of duty demanded or penalty levied.- (1) Any person desirous of appealing under section 193 against any decision or order relating to any duty demanded in respect of goods which have ceased to be under the control of customs authorities or to any penalty levied under this Act shall, at the time of filing his appeal or if he is so permitted by the appellate authority at any later stage before the consideration of the appeal, deposit with the appropriate officer the duty demanded or the penalty levied:

Provided that such person may, instead of depositing as aforesaid the entire amount of the penalty, deposit only fifty per cent thereof and furnish a guarantee from a scheduled bank for the due payment of the balance: Provided further that where, in any, particular case, the appellate authority is of the opinion that the deposit of duty demanded or penalty levied will cause undue hardship to the appellant, it may dispense with such deposit, either unconditionally or subject to such conditions as it may deem fit to impose.

(2) If, upon an appeal it is decided that the whole or any portion of the aforesaid duty or penalty was not leviable, the appropriate officer shall return to the appellant such amount or portion as the case may be.

7. *Substituted by the Finance Act, 1999 (IV of 1999), S.5(10)(11)(a), page 769. At the time of substitution sub-section (2) was as under:-*

"(2) A judicial member shall be a person who is a Judge of a High Court who has for a period of not less than five years exercised the powers of a District Judge and is qualified to be a Judge of a High Court or who is or has been an Advocate of a High Court and is qualified to be a Judge of High Court.".

8. *Proviso omitted by the Finance Act, 1999 (IV of 1999), S.5(10(11)(b), page 769. At the time of omission this proviso was as under:-*

"Provided that where a Judge of High Court is appointed as the Chairman of the Appellate Tribunal his term and conditions shall be the same as those of a Judge of the High court.".

9. *Added by the Finance Act, 1989 (V of 1989), S.5(6), page 107.*

10. Inserted by the Finance Ordinance, 2000 (XXI of 2000), S.4(9)(a)(I), page 202.

11. Substituted by the Finance Ordinance, 2001 (XXV of 2001), S.4(8)(a)(I), page 307. At the time of substitution this was as under:-

"(a) a decision or order passed by the [11a][an officer of customs] as an adjudicating authority]"

11a. Substituted for the words "the Collector of Customs" by the Finance Ordinance, 2000 (XXI of 2000),S.4(9)(a)(ii), page 202.

12. Inserted by the Finance Ordinance, 2002 (XXVII of 2002), S.4(11)(a)(I), page 226.

13. Omitted by the Finance Ordinance, 2000(XXV of 2000), S.4(9)(a)(iii) at the time of mission this was a under:-

"(b) an order passed by the Collector (Appeals) under section 193;".

14. Omitted the comma and words ",as it stood immediately before the appointed day" by the Finance Act, 1995 (I of 1995), S.6(2)(I), page 511.

15. The first proviso omitted by the Finance Ordinance, 2002 (XXVII of 2002), S.4(11)(a)(ii), page 226. At the time of omission this proviso was as under:-

"Provided that no appeal shall lie to the Appellate Tribunal, and the Appellate Tribunal shall not have jurisdiction to decide any appeal, in respect of any order referred to in sub-section (1) if such order relates to –

(a) any goods imported or exported as baggage;

(b) any goods loaded in a conveyance for importation into Pakistan, but which are not unloaded at their place of destination in Pakistan; or so much of the quantity of such goods as has not been unloaded at any such destination if goods unloaded at such destination are short of the quantity required to be unloaded at that destination;

(c) repayment of customs-duty under clause (c) of section 21;

(d) payment of drawback as provided in Chapter VI, and the rules made thereunder :"

16. The word "further" omitted by the Finance Ordinance, 2002 (XXVII of 2002), S.4(11)(iii), page 226.

17. Substituted for the word "ten" by the Finance Ordinance, 2000 (XXI of 2000), S.4(9)(a)(iv), page 202.

18. Omitted by the Finance Ordinance, 2000 (XXI of 2000), S.4(9)(b), page 203 and added by the Finance Ordinance, 2002 (XXVII of 2002), S.4(11)(b), page 226. At the time of omission this sub-section was as under:-

"(2) The Board or the Collector of Customs may, if it or, as the case may be, he is of the opinion that an order passed by the Collector (Appeals) under section 193 is not legal or proper, direct the appropriate officer to appeal on its or, as the case may be, his behalf to the Appellate Tribunal against such order.".

19. The words brackets and figure "an appeal referred to in sub-section (2) or" omitted by the Finance Ordinance, 2000 (XXI of 2000), S.

20. Substituted for the word "[20a][seven hundred fifty]" by the Finance Ordinance, 2002 (XXVII of 2002), S.4(11)(c), page 226.

20a. Substituted for the words "two hundred" by the Finance Ordinance, 2001 (XXV of 2001), S.4(8)(b), page 307.

21. Added by the Finance Ordinance, 2000 (XXI of 2000), S.4(9)(d), page 203

22. Substituted for full stop by the Finance Ordinance, 2000 (XXI of 2000), S.4(10)(I), page 203.

23. Inserted by the Finance Ordinance, 2000 (XXI of 2000), S.4(10(I), page 203.

24. Substituted for the words "Collector of Customs" by the Finance Ordinance, 2000 (XXI of 2000), S.4(10)(ii), page 203.

25. Substituted for the words and figures "section 196 and 19G" by the Finance Act, 1997.

26. Substituted for the full stop by the Tax Laws (Amendment) Ordinance, 2001 (XIII of 2001).

27. Added by Tax Laws (Amendment) Ordinance, 2001 (XIII of 2001).

28. Inserted by the Tax Laws (Amendment) Ordinance, 2001 (XIII of 2001).

29. Substituted for the words "one hundred thousand rupees" by the Finance Act, 2003 (I of 2003), S.5(33), page 40.

29A. Substituted for the word "five" by the Finance Act, 2006.

30. Substituted by the Finance Act, 1995 (I of 1995), S.6(3), page 511. At the time of substitution section 195 was as under:-

"195. Powers of Board or Collector of Customs to pass certain orders.- (1) The Board may, of its own motion, call for and examine the record of any proceeding in which a Collector of Customs as an adjudicating authority has passed any decision or order under this Act for the purpose of satisfying itself as to the legality or propriety of any such decision or order and may, by order, direct the Collector to apply to the Appellate Tribunal for the determination of such points arising out of the decision or order as may be specified by the Board in its orders.

(2) The Collector of Customs, may, of his own motion, call for and examine the record of any proceeding in which an adjudicating authority subordinate to him has passed any decision or order under this Act for the purpose of satisfying himself as to the legality or propriety of any such decision or order and may, by order, direct such authority to apply to the Collector (Appeals) for the determination of such points arising out of the decision or order as may be specified by the Collector of Customs in his order.

(3) No order shall be made under sub-section (1) or sub-section (2) after the expiry of one year from the date of the decision or order.

(4) Where in pursuance of an order under sub-section (1) or sub-section (2) the Collector of Customs or any officer of Customs authorised in his behalf by him makes an application to the Appellate Tribunal or the Collector (Appeals) within a period of thirty days from the date of communication of the order under sub-section (1) or sub-section (2), such application shall be heard by the Appellate Tribunal or the Collector (Appeals), as the case may be, as if such application were an appeal made against the decision or order of the adjudicating authority and the provisions of the Act regarding appeals including the provisions of sub-section (4) of section 196 shall, so far as may be, apply to such application.

(5) The Board, or the Collector of Customs within his jurisdiction, may call for and examine the record of any decision or order where the decision or order is of the nature referred to in the first proviso to sub-section (1) of section 194A for the purpose of satisfying itself or, as the case may be, himself as to the legality or propriety of the decision or order passed therein by a subordinate officer and may pass such order as it or he may think fit:

Provided that no order confiscating goods of greater value, or enhancing any fine in lieu of confiscation, or imposing or enhancing any penalty, or requiring payment of

any duty not levied or short levied or reducing the amount of repayment of customs duty or drawback shall be passed unless the person affected thereby has been given an opportunity of showing cause against it and of being heard in person or through a counsel or other person duly authorised by him:

Provided further that no record of any proceedings relating to any decision or order passed by an officer of customs shall be called for and examined after the expiry of two years from the date of such decision or order.".

31. Omitted the words "of Customs" by the Finance Act, 2003 (I of 2003), S.5(34)(I), page 41.

32. Inserted by the Finance Act, 2003 (I of 2003), S.5(34)(ii), page 41.

32A. Omitted the words "or the Collector of Customs (Adjudication)" by the Finance Act, 2006.

33. Omitted by the Finance Act, 2000 (XXI of 2000), S.4(11), page 203. At the time of omission section 195-A was as under:-

"[33a][195-A. Revision by the Federal Government.- (1) The Federal Government may, on the application of any person aggrieved by any order passed under section 193, where the order is of the nature referred to in the first proviso to sub-section (1) of section 194-A annual or modify such order.

(2) An application under sub-section (1) shall be made within thirty days from the date of the communication to the applicant of the order against which the application is being made:

Provided that the Federal Government may permit the filing of application after the expiry of relevant period referred to in sub-section (2) if it is satisfied that there was sufficient cause for not presenting it within that period.

(3) An application under sub-section (1) shall be in such form and shall be verified in such manner as may be specified by rules made in this behalf and shall be accompanied by a fee of two hundred rupees.

(4) The Federal Government may, of its own motion, annual or modify any order referred to in sub-section (1).

(5) No order enhancing any penalty or fine in lieu of confiscation or confiscating goods of greater value shall be passed under this section --

(a) in any case in which an order passed under section 193 has enhanced any penalty or fine in lieu of confiscation or has confiscated goods of greater value; and

(b) in any other case, unless the person affected by the proposed order has been given notice to show cause against it within one year from the date of the order sought to be annulled or modified.

(6) Where the Federal Government is of the opinion that any duty of customs has not been levied or has been short levied or has been erroneously refunded, no order levying or enhancing the duty shall be made under this section unless the person affected by the proposed order is given notice to show cause against it within the time limit specified in section 32.]"

33a. Substituted for section 196 by the Finance Act, 1989.

34. Substituted by the Finance Ordinance, 2002 (XXVII of 2002), S.4(12), page 227. At the time of substitution this proviso was as under:-,

"Provided that, where in any particular case the Appellate Tribunal is of opinion that the deposit of duty demanded or penalty levied would cause undue hardship to

such person. the Appellate Tribunal may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the interests of revenue:

35. Added by the Tax Law (Amendment) Ordinance, 1999.
36. Inserted by the Finance Act, 2004 (II of 2004), S.3(20), page 17
36A. By the Finance Act, 2006 the word "Alternate" were substituted .
36B. Substituted/Added by the Finance Act, 2006
37. Inserted by the Finance Act, 2006.
38. Inserted by the Finance Act, 2006.
39. Substituted for the full stop by the Finance Act, 2006.
40. Added by the Finance Act, 2006.
41. Inserted by the Finance Act, 2006.
42. Omitted by Finance Act, 2005.
43. Substituted "Sections 196 to 196G" by the Finance Act, 1997 (XXII of 1997), S.5, page 1219. At the time of substitution these sections were as under:-

"196. Statement of case to High Court.- (1) The Collector of Customs, or the other party may, within thirty days of the date upon which he is served with notice of an order under section 194-B (not being an order relating among other things, to the determination of any question having a relation to the rate of duty of customs or to the value of goods for purposes of assessment), by application in such form as may be specified by rules made in this behalf, accompanied, where the application is made by the other party, by a fee of two hundred rupees, require the Appellate Tribunal to refer to the High Court any question of law arising out of such order and subject to the other provisions contained in this section, the Appellate Tribunal shall, within one hundred and twenty days of the receipt of such application, draw up a statement of the case and refer it to the High Court:

Provided that the Appellate Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the period herein before specified, allow it to be presented, within a further period not exceeding thirty days.

(2) On receipt of notice that an application has been made under sub-section (1), the person against whom such application has been made, may, notwithstanding that he may not have filed such an application, file, within forty-five days of the receipt of the notice, a memorandum of cross-objectives verified in such a manner as may be specified by rules made in this behalf against any part of the order in relation to which an application for reference has been made and such memorandum shall be disposed of by the Appellate Tribunal as if it were an application presented within the time specified in sub-section (1).

(3) If, on an application made under sub-section (1), the Appellate Tribunal refuses to state the case on the ground that no question of law arises, the Collector of Customs, or, as the case may be, the other party may, within one hundred twenty days from the date on which he is served with notice of such refusal, apply to the High Court and the High Court may, if it is not satisfied with the correctness of the decision of the Appellate Tribunal, require the Appellate Tribunal to state the case and to refer it, and on receipt of any such requisition, the Appellate Tribunal shall state the case and refer it accordingly.

(4) Where in the exercise of the powers under sub-section (3), the Appellate Tribunal refuses to state a case which it was required by an applicant to state, the applicant may, within thirty days from the date on which he receives notice of such refusal, withdraw his application and, if he does so, the fee, if any, paid by him shall be refunded.

196-A. Statement of case to Supreme Court in certain cases.- If, on an application made under section 196, the Appellate Tribunal is of the opinion that, on account of conflict in the decision of High Court in respect of any particular question of law, it is expedient that a reference should be made direct to the Supreme Court, the Appellate Tribunal may draw up a statement of the case and refer it through the Chairman direct to the Supreme Court.

196-B. Power of High Court or Supreme Court to require statement to be amended.- If the High court or the Supreme Court is not satisfied that the statement in a case referred to it is sufficient to enable it to determine the questions raised thereby, the court may refer the case back to the Appellate Tribunal for the purpose of making such additions thereto or alterations thereto or alterations therein as it may direct in this behalf.

196-C. Case before High Court to be heard by not less than two Judges.- (1) When any case has been referred to the High Court under Section 196, it shall be heard by a Bench of not less than two Judges of the High Court and shall be decided in accordance with the opinion of such Judges or of the majority, if any, of such Judges. (2) Where there is no such majority, the Judges shall state the point of law upon which they differ and the case shall then be heard upon that point only by

(3) Where the judgment of the High Court is varied or reversed in the appeal, effect shall be given to the order of the Supreme Court in the manner provided in section 196 in the case of a judgment of the High Court.

196-G. Sums due to be paid notwithstanding reference etc.- Notwithstanding that a reference has been made to the High Court or the Supreme Court or an appeal has been preferred to the Supreme Court, sums due to the Government as a result of an order passed under sub-section (1) of section 194-B shall be payable in accordance with the order so passed.".

44. *Substituted sub-section(1)of section 196 by the Finance Act, 2006 At the time of substitution the sub-section (1) was as under:-.*

"(1) Within ninety days of the communication of order of the Appellate Tribunal under sub-section (3) of section 194B, the aggrieved person or the Collector may prefer an application, in the prescribed form along with a statement of the case, to the High Court, stating any question of law arising out of such order."

45. *Inserted by the Finance Act, 2006.*

46. *Added by the Finance Act, 1989.*

[1][CHAPTER XIX-A

SETTLEMENT OF CASES

[2][**196-K** Omitted.

196-L Omitted.

196-M Omitted.

196-N Omitted.

196-O Omitted.

196-P Omitted.

196-Q Omitted.

196-R Omitted.

196-S Omitted.

196-T Omitted.

196-U Omitted.]

LEGAL REFERENCE

1. *Inserted by the Finance Act, 1996 (IX of 1996), S.4(5), page 471.*
2. *Omitted by the Finance Ordinance, 2000 (XXI of 2000), S.4(13), page 204. At the time of omission section 196-K to 196-U were as under:*

"Chapter XIX-A
SETTLEMENT CASES

196-K. Indirect Taxes Settlement Commission.- (1) The Federal Government shall appoint an Indirect Taxes Settlement Commission to exercise the powers and discharge the functions conferred on it under this Chapter.

(2) The Commission shall consist of a Chairman and as many members as may be necessary, and shall function within the Division of the Federal Government dealing with revenue.

(3) The members of the Commission shall be appointed by the Federal Government from amongst persons of integrity and outstanding ability having special knowledge of, and experience in, matters relating to customs, central excise and sales tax laws and procedures, and having not less than twenty-two years of service in the customs, central excise or sales tax departments:

Provided that the Federal Government may also appoint suitable number of associate member, not exceeding one associate member for each bench of the

Commission, from amongst persons of integrity and outstanding ability having not less than twenty years experience as chartered accountants, cost accountants, industrial engineers, or advocates of High Court or Supreme Court. –

(4) The terms, conditions and tenure of service of associate members shall be determined by the Federal Government.

(5) The Federal Government shall appoint the senior most member of the Commission to be the Chairman thereof.

196-L. Definitions.- In this Chapter, unless the context otherwise requires:-

(i) "associate member" means an associate member appointed under proviso to sub-section (3) of section 196-K;

(ii) "case" means any proceedings initiated under section 193, 194-A or 195-A and pending with any authority, court or tribunal on the date of making the application under sub-section (1) of section 196-N:

Provided that the proceedings relating to smuggling of narcotics or narcotic and psychotropic substances shall not be proceedings within the meaning of this clause:

Provided further that where an appeal or application for revision has been filed after the period of limitation and which has not been admitted, such appeal or application for revision shall not be deemed to be a proceeding pending within the meaning of this clause;

(iii) "Chairman" means the Chairman of the Commission;

(iv) "Commission" means the Indirect Taxes Settlement Commission appointed under section 196-K; and

(v) "member" means a member of the Commission and includes the Chairman thereof.

196-M. Powers and functions of the Commission.-(1) The powers and functions of the Commission may be exercised and discharged by benches constituted by the Chairman from amongst the members and associate members.

(2) A bench shall, ordinarily, consist of two members and an associate member and shall be prescribed over by the Chairman:

Provided that where the applicant makes an application under section 196-N, in writing, for decision of his case without the associate member, the bench shall be so consumed:

Provided further that, where the Chairman is not a member of the bench, the Chairman may authorise any member to discharge his functions on the bench.

(2) No act or proceeding of the Commission shall be invalid merely on the ground of existence of any vacancy of an associate member on the bench.

(4) Subject to the provisions of this Act, the Commission shall have the power to regulate its own procedure; and the procedure of benches in all matters arising out of the discharge of its functions, including the places at which the benches shall hold their sittings.

(5) If the members of a bench differ in opinion as to the decision to be given on any issue,-

(a) the issue shall be decided according to the opinion of the majority, if there is a majority;

(b) if the members are equally divided and the Chairman of the Commission is not himself a member of the bench, the case shall be referred to the Chairman and the decision of the Commission shall be expressed in terms of the opinion of the Chairman; and

(c) if the members are equally divided and the Chairman of the Commission is himself a member of the bench, the opinion of the Chairman shall prevail,

and the decision of the Commission shall be expressed in terms of opinion of the Chairman.

(6) In addition to the powers conferred on the Commission under this Chapter, it shall have all the powers which are vested in an officer of customs for the proper discharge of its functions under this Chapter.

196-N. Application for settlement of cases.- (1) Any person aggrieved by any order or decision may, at any stage of his case, make an application in such form and in such manner as may be prescribed, containing full and true disclosure of his circumstances and the facts which he may not have disclosed earlier, the manner in which he evaded or avoided payment of duty, the additional amount of duty payable in this regard and such other particular as may be prescribed, to the Commission to have the case settled, and any such application shall be disposed of in the manner provided hereinafter:

Provided that no such application shall be made unless the total amount of duty payable exceeds one hundred thousand rupees.

(2) Every application made under sub-section (1) shall be accompanied by such fee as may be prescribed by the Commission.

(3) An applicant, once having made an application under sub-section (1), shall not be entitled to withdraw it.

196-O. Disposal of applications by the Commission.-(1) The Commission may, before disposing of any application, call for such particulars as it may require in respect of the application brought before it, or cause further enquiries to be made by the Collector of Customs and the basis of his report and having regard to the nature and circumstances of the case, it may, by order, allow the application to be proceeded with or reject the application:

Provided that an application shall not be rejected under this sub-section unless an opportunity of being heard is provided to the applicant.

(2) Notwithstanding anything contained in sub-section (1), an application shall not be proceeded with under that sub-section if the Collector of Customs objects to such application on the ground that the particulars of evasion on the part of the applicant or perpetration of fraud by him for evading customs duty under this Act and the rules made thereunder has been established or is likely to be established by an Officer of Customs:

Provided that where the Commission does not agree with the objections raised by the Collector, it may, after giving the Collector an opportunity of being heard, accept the application to being proceeded with under sub-section (1).

(3) Where an application is allowed to be proceeded with under sub-section (1), the Commission may call for the relevant records from the Collector of Customs, and after examination of such records, if the Commission is of the opinion that any further inquiry in the matter is necessary, it may direct the Collector to make or cause to be made such further enquiry and furnish a report on the matters within such time as it may fix.

(4) After examination of the records and report of the Collector received under sub-section (1) or sub section (3), and after giving an opportunity to the applicant and to the Collector to be heard, in person or through their authorized representatives, and after examining such further evidence as may be placed before it or obtained, the Commission may, in accordance with the provisions of this Act and the rules made thereunder, pass such order as it thinks fit on the matters stated

in the application and reported to it by the Collector under sub-section (1) or sub-section (3).

(5) Every order passed under sub-section (4), shall provide for the terms of settlement, including any demand of duty, regulatory duty, additional duty, surcharge, penalty, fine in lieu of confiscation or prosecution proceedings and the manner in which any sum due under the settlement shall be paid, and all the matters to make the settlement effective and shall also provide that the settlement shall be void if it is subsequently found by the Commission that it has been obtained by fraud or misrepresentation.

(6) Where a settlement becomes void, the proceedings with respect to the matters relating to the settlement shall be revived from the stage at which the application was allowed, except the maters pending in appeal or revision before making an application under sub-section (1) of section 196-N, and the concerned officer of customs may, notwithstanding anything contained in any other provision of this Act and the rules made thereunder, complete such proceedings.

(7) The Commission may, if it is of the opinion that any person who made an application under section 196-N does not cooperate with the Commission in the proceedings before it, send the case back to the Officer with whom such case was pending at the time application under that section was made, who shall thereupon dispose of the case in accordance with the provisions of this Act and the rules made thereunder, as if no application under section 196-N had been made.

196-P. Recovery of sums due under an order of settlement.- Any sum specified in an order of settlement passed under sub-section (4) of section 196-O shall, subject to such conditions as may be specified therein, be recovered, and any additional duty or penalty for default in making payment of such sum, may be imposed and recovered in accordance with the provisions of this Act and the rules made thereunder by the officer of customs having jurisdiction in the case.

196-Q. Bar on subsequent application for settlement in certain cases.- No fresh application for settlement shall be made where –

(i) an order of the settlement passed under section 196-O provides for the imposition of a penalty on
the person on the ground of evasion of customs duty; or

(ii) a person is convicted of any offence under section 156(1); or

(ii) a case is sent back to the officer of customs by the Commission for assessment or re-assessment for any reason; or

(iii) the settlement becomes void under this Chapter.

196-R. Order of Settlement to be conclusive.- Every order of the Commission passed under section 196-O shall be conclusive as to the matter stated therein and no matter covered by such order shall, save as otherwise provided in this Chapter, be re-opened in any proceeding under this Act or under any law for the time being in force.

196-S. Power of the Commission to re-open proceedings.- If the Commission is, for reasons to be recorded in writing, of the opinion that for the proper disposal of the case pending before it, it is essential to re-open any proceedings connected with the case but which have been completed under this Act by any officer of customs before the application under section 196-N was made, it may, with the concurrence of the applicant, re-open such proceedings and pass such order thereon

as it thinks fit, as if the case in relation to which the application for settlement had been made by the applicant under that section covered such proceedings as well:

Provided that no proceedings shall be re-opened by the Commission under this section if the period between the finalization of such proceedings and the date of application for settlement under section 196-N exceeds one year.

196-T. Proceedings before the Commission to be judicial proceeding.- Any proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and for the purpose of section 196 thereof.

196-U. Communications of orders.- The Commission shall communicate its order to the applicant, the Collector, the adjudicating officer and the officer incharge of the Agency which detected the evasion or seized the goods.".

CHAPTER XX

MISCELLANEOUS

197. Customs control over conveyances and goods.- The appropriate officer shall, for the purposes of this Act, have control over all conveyances and goods in a customs-area.

198. Power to open packages and examine, weigh or measure goods.- The appropriate officer may open any package or container and examine, weigh or measure any goods brought to the customs-station for importation or exportation and may for that purpose unload any such goods from the conveyance on which they have been imported or are to be exported [1][:]

[2][Provided that the Collector may, for reasons to be recorded in writing, defer the examination of goods or class of goods belonging to a particular importer or class of importers, exporters or class of exporters and cause it to be performed at a designated place he deems fit and proper.]

199. Power to take samples of goods.- (1) The appropriate officer may, on the entry or clearance of any goods or at any time while such goods are being passed through the customs-area, take samples of such goods in the presence of the owner thereof or his agent [3][or where the Customs Computerized System is operational in the presence of the custodian of the goods], for examination or testing or for ascertaining value thereof or for any other necessary purpose.

(2) After the purpose for which a sample was taken is carried out, such sample shall, if practicable, be restored to the owner, but if the owner fails to take delivery of the sample within one month of the date on which he is asked in writing to take its delivery, it may be disposed of in such manner as the Collector of Customs may direct.

(3) In the case of goods which consist of drugs or articles intended for consumption as food, and in respect of which the taking of samples for the purposes of this sub-section may have been authorised by a general or special order of the Provincial Government, the appropriate officer may also in like circumstances take samples thereof for submission to, and examination by, such officer of Government or of a local authority as may be specified in such order.

200. Owner to make all arrangements and bear all expenses.- Any opening, un-packing, [3][weighing], measuring, repacking, bulking, sorting, letting, marking, numbering, loading, unloading, carrying, or lading of goods or their containers for the purposes of, or incidental to, the examination by an officer of customs, removal

or warehousing thereof shall be done, and any facilities or assistance required for any such examination shall be provided, by or at the expense of the owner of goods [5][:]

[6][Provided that at customs-stations with the operational Customs Computerized System all the above functions shall be performed by the custodian of the cargo and the importer shall bear all expenses.]

201. Procedure for sale of goods and application of sale proceeds.- (1) Where any goods, other than confiscated goods, are to be sold under any provision of this Act, they shall be sold after due notice to the owner [7][or his agent or custodian of the goods] by public auction or by tender or by private offer or, with the consent of the owner [7][or his agent or custodian of the goods] in writing, in any other manner.

(2) The sale proceeds shall be applied to the following purposes in their respective order, namely:-

(a) first to pay the expenses of the sale;

(b) then to pay the freight or other charges, if any, payable in respect of the goods, if notice of such charges has been given to the person holding the goods in custody;

(c) then to pay the customs-duty, other taxes and dues payable to the [8][Federal Government] in respect of such goods;

(d) then to pay the charges due to the person holding such goods in custody.

(3) The balance, if any, shall be paid to the owner of the goods, provided he applies for it within six months of the sale of the goods or shows sufficient cause for not doing so.

[9][**202. Recovery of Government dues.-** (1) When, under this Act or under any other law for the time being in force, which provides for any tax, duty or other levy being collected in the same manner as customs-duties are collected, a penalty is adjudged against, or notice or demand is served upon, any person calling for the payment of any amount unpaid which may be payable by way of penalty or by way of duty, tax or other levy or under any bond [10][,guarantee] or other instrument executed under this Act or such other law or the rules made there under, the appropriate officer-

(a) may deduct or require any other officer of Customs, Central Excise and Sales Tax to deduct such amount from any money owing to such person which may be under the control of the Customs, Central Excise or Sales Tax authorities; or

(b) if it cannot be so recovered, may recover, or may require any other officer of Customs, Central Excise or Sales Tax to recover, such amount by detaining and selling any goods belonging to such person which are under the control of the Customs, Central Excise or Sales Tax authorities.

(2) If the amount cannot be recovered from such person in the manner provided in sub-section (1), the appropriate officer may serve upon the defaulter a notice in the prescribed form requiring him to pay the amount specified in the notice within such time as may be so specified.

(3) If the amount referred to in the notice under sub-section (2) is not paid within the time specified therein or within the further time, if any, allowed by the appropriate officer, the appropriate officer may proceed to recover from the defaulter the said amount by one or more the following modes, namely:-

(a) attachment and sale of any movable or immovable property of the defaulter; and

[11][(b) may recover, or may require any other officer of Customs, Central Excise or Sales Tax to recover, if it cannot be so re-covered, such amount by detaining and selling an goods belonging to such person which are under the control of the Customs, Central Excise or Sales Tax authorities; or

(a) may recover such amount by attachment and sale of any movable and immovable property of the guarantor, person, company, bank or financial institution, where a guarantor or any other person, company, bank or financial institution fails to make payment under such guarantee, bond or instrument [12][; or]

[13][(d) arrest of the defaulter and his detention in the prison for a period not exceeding fifteen days:

Provided that this mode shall not be applied unless the period of limitation prescribed for filing appeal has expired, or an appeal is pending.]

[14][(3A) A warrant of arrest issued against a defaulter in sub-section (3)(d) shall not be executed if the arrears due from him are paid or the defaulter furnished security to the satisfaction of appropriate officer.

(3B) Any defaulter who under sub-section (3) is being kept under detention shall forthwith be set at liberty on the arrears due from him being paid.]

(4) For the purposes of recovery of duty, or other levy under [15][sub-sections(1) and (3)], the appropriate officer shall have the same powers which, under the Code of Civil Procedure, 1908 (Act V of 1908), a civil court has for the purpose of the recovery of an amount due under a decree.

(5) The Central Board of Revenue may make rules regulating the procedure for recovery of duty, tax or other levy under this section and any other matter connected with or incidental to the operation of this section.]

[16][**202A**. **Levy of surcharge**.- Notwithstanding anything contained in this Act and without prejudice to any other action that may be taken thereunder, if any person fails to pay the arrears within the prescribed time, he shall, in addition to the arrears, be liable to pay surcharge at the rate of one and a half *per cent* per month, of the total amount of arrears.

Explanation.- For the purpose of calculating surcharge, the period of default shall be reckoned from the day following the due date on which the arrears were required to be paid to the day preceding the date on which the same are actually paid.]

203. Wharfage or storage fees.- The Collector of Customs may from time to time fix the period after the expiration of which goods left in any custom-house, custom area, wharf or other authorised landing place or part of the custom-house premises, shall be subject to payment of fees, and the amount of such fees.

Issue of certificate and duplicate of customs document.- A certificate or a duplicate of any certificate, manifest, bill or other custom's document may, on payment of a fee not exceeding [17][one hundred] rupees, be furnished, at the discretion of an officer of customs not below the rank of an Assistant Collector of Customs, to any person applying for the same, if the said officer is satisfied that no fraud has been committed or is intended to be committed by the applicant.

205. Amendment of documents.- Except in the case provided for by sections 29, 45, 53 and 88, an officer of customs not below the rank of an [18/18A][Assistant Collector] of Customs may, in his discretion, upon payment of a fee of [19][one hundred] rupees, authorise any document , after it has been presented at the custom-house to be amended.

206. Correction of clerical errors, etc.- Clerical or arithmetical errors in any decision or order passed by the [8][Federal Government], the Board or any officer of customs under this Act, or errors arising therein from accidental slip or omission may, at any time, be corrected by the [8][Federal Government], the Board or such officer of customs or his successor in office, as the case may be.

207. Customs-house agents to be licensed.- No person shall act [20][on behalf of any principal] for the transaction of any business [21][or issuance of bill of lading] relating to the entrance or departure of any conveyance or the import or export of goods or baggage at any customs-station unless such person holds a licence granted in this behalf in accordance with the rules [22][as a customs agent].

[23][**208. Person to produce authority if required.-** (1) When any person licensed under section 207 applies to any officer of Customs for permission to transact any specified business with him on behalf of any principal, such officer may require the applicant to produce a written authority from the principal on whose behalf such business is to be transacted, and in default of the production of such authority refuse such permission.

(2) Where the principal chooses to transact business directly without using an agent licensed under section 207, he may do so himself or may authorize an employee or representative that may transact business generally at the customs-port, airport or land customs-station or custom-house for such principal:

Provided that the appropriate officer may refuse to recognize such an employee or representative unless such a person produces an authority in writing duly signed by the principal.]

[24][**209. Liability of principal and agents.-** (1) Subject to the provisions of section 207 and 208, anything which the principal is required or empowered to do under this Act may be done by any person expressly authorized by the principal for the purpose.

(2) Where this Act requires anything to be done by the principal and if any such thing is done, by an employee or representative expressly authorized by the principal under sub-section (2) of section 208, unless the contrary is proved, shall be deemed to have been done with the knowledge and consent of such principal so that in any proceedings under this Act, the principal shall be liable as if the thing had been done by himself.

(3) When any customs agent is expressly authorized by the principal to be his agent under sub-section (1) of section 208 in respect of such goods for all or any of the purposes of this Act, such agent shall, without prejudice to the liability of the principal, be deemed to be the principal of such goods for such purposes:

Provided that where any duty is not levied or is short-levied or erroneously refunded on account of any reason other than willful act, negligence or default of the agent, such duty shall not be recovered from the agent.]

210. Liability of agent appointed by the person-in-charge of a conveyance.- (1) Anything which the person-in-charge of a conveyance, is required or empowered

to do under this Act may, with the express or implied consent of the person-in-charge and the approval of the appropriate officer, be done by his agent.

(2) An agent appointed by the person-in-charge of a conveyance, and any person who represents himself to any officer of customs as an agent of any such person-in-charge and is accepted as such by that officer, shall be liable for the fulfillment in respect of the matter in question of all obligations imposed on such person-in-charge by or under this Act or any law for the time being in force, and to penalties (including confiscation) which may be incurred in respect of that matter.

[25][**211. Maintenance of record**. (1) All importers, exporters and claimants of duty drawback, refunds or any notified concessions, terminal operators, owners of the warehouses, customs agents and the licensed customs bonded carriers, carrying out business under this Act or any other law, directly or indirectly, relating to international trade, shall be required to maintain and keep records and correspondence concerning import and export transactions.

(2) The records required under sub-section (1) shall be kept for a period not less than three years in such form as the Board may by notification in the official gazette, specify.

(3) The provision of sub-section (1) shall not be applicable to the baggage of the passengers and crew of the conveyance and to the recipients of gifts.]

[26][**211A. Access to the premises and records by the officers of Customs.-** The appropriate officer may, at any time after giving a notice in writing, visit any business or manufacturing premises where any raw materials, components, assemblies or sub-assemblies etc., imported at a notified reduced rate of the duties and taxes are manufactured, processed or stored, and inspect the goods, stocks, documents or records, data etc., and also take stock of the goods imported, manufactured, processed or stored, and the quantity thereof.]

212. Regulation of business in gold, etc.- The [8][Federal Government] may, by notification in the official Gazette, regulate business in, or connected with, gold or silver or precious stones or ornaments made of gold or silver or precious stones, within fifteen miles of the frontier or coastline of Pakistan.

213. Recovery of money upon certain documents.- If any person knowingly makes or brings into Pakistan, or causes or authorises or is otherwise concerned in the making or bringing into Pakistan of any invoice or paper used or intended to be used as an invoice for the purposes of customs, in which any goods are entered or charged at a price or value higher or lower than that actually paid or intended to be paid for them, or in which goods are falsely described, no sum of money shall be recoverable by such person, his representatives or assigns, for the price of such goods or any part thereof, nor shall any sum of money be recoverable upon any bill

of exchange, note or other security made, given or executed for the whole or part of the price of such goods unless such bill of exchange, note or other security is in the hands of a *bona fide* holder for consideration without notice.

214. Remission of duty and payment of compensation to the owner in certain cases.- Where, on prosecution by the owner of any goods, an officer of customs is convicted of an offence connected with the removal of such goods from the warehouse without payment of duty, the whole of the duty on such goods shall be remitted, and, the Collector of Customs, shall, in accordance with the rules, pay to the owner due compensation for the damage caused to the owner by such offence.

215. Service of order, decision, etc.- Any order or decision passed or any summons or notice issued under this Act shall be served-

(a) by tendering the order, decision, summons or notice or sending it by registered post [27][or the courier service or by any other mode of transmission subject to acknowledgement receipt] [28][***] to the person for whom it is intended or to his agent; or

(b) if the order, decision, summons or notice cannot be served in any manner provided in clause (a), by affixing it on the notice board of the custom-house [29][;or]

[30][(c) in case of electronic orders, decisions, notices or summons, when these have been sent to the recipient from the Customs Computerized System.]

216. No compensation for loss or injury except on proof of neglect or willful act.- No owner of goods shall be entitled to claim from any officer of customs compensation for the loss of such goods or for damage done to them at any time

while they remain or are lawfully detained in any custom-house, customs area, wharf or landing place under the charge of any officer of custom, unless it be proved that such loss or damage was occasioned by gross negligence or willful act of such officer.

217. Protection of action taken under the Act.- [31][(1) No suit, prosecution or other legal proceeding shall lie against the [8][Federal Government] or any public servant for anything which is done or intended to be done in good faith in pursuance of this Act or the rules [32][and notwithstanding anything in any other law for the time being in force no investigation or enquiry shall be undertaken or initiated by any governmental agency against any officer or official for anything done in his official capacity under this Act, rules, instructions or directions made or issued thereunder without the prior approval of the Central Board of Revenue].

[33][(2) No suit shall be brought in any civil court to set aside or modify any order passed, any assessment made, any tax levied, any penalty imposed or collection of any tax made under this Act.]

218. Notice of proceedings. - No proceeding in a court other than a suit shall be commenced against any officer of customs or any other person exercising any powers conferred or discharging any duties imposed by or under this Act for anything purporting to be done in pursuance of the provisions of this Act or the rules without giving to such officer or person a month's previous notice in writing of the intended proceeding and of the cause thereof; or after the expiration of one year from the accrual of such cause [34][:]

[35][Provided that this section shall not be deemed to apply in the case of the prosecution of an officer of customs or such other person for an offence punishable under this Act.]

219. Power to make rules.- (1) The Board may, by notification in the official Gazette, make rules for carrying out the purposes of this Act [36][, including for charging of fees for processing the customs documents and preparation of copies thereof].

(2) Without prejudice to the generality of the foregoing provision, rules may be made on matters enumerated in the [37][Third Schedule].

(3) No rules relating to matters enumerated at items 19 and 22 of the [37][Third Schedule] shall be made without previous approval of the [8][Federal Government] in writing.

(4) All rules under this section shall, as soon as may be, be laid at the table of the National Assembly.

(5) All such rules for the time being in force shall be collected, arranged, and published at intervals not exceeding two years and shall be sold to the public at a reasonable price.

[38]**[220.** Omitted.

221. Savings.- (1) Notwithstanding anything contained in section 6 of the General Clauses Act, 1897 (X of 1897), anything done, or any action taken under the repealed enactments in so far as it is not inconsistent with the provisions of this Act shall, without prejudice to anything already done or any action already taken, be deemed to have been done or taken under this Act:

Provided that nothing in this Act shall be so construed as to have the effect of enhancing the punishment of an offence committed before the commencement of this Act:

Provided further that where the period of limitation for the submission of an application or the filing of an appeal or revision prescribed under any of the repealed enactments had expired or had begun to run before the commencement of this Act the provisions of those enactments shall continue to apply to such limitation.

(2) The provisions of the General Clauses Act, 1897 (X of 1897), in particulars, section 6, section 8 and section 24 thereof, shall apply to the repeal and re-enactment of the said enactments by this Act, subject to the provisions of sub-section (1).

(3) Nothing in this Act shall affect any law for the time being in force relating to the constitution and powers of the trustees of any port or other port authority.

222. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Act, particularly in relation to the transition from the enactments repealed by this Act to the provisions of this Act, the [5][Federal Government] may, by general or special order made during the period of one year from the commencement of this Act, direct such action to be taken as it considers necessary or expedient for the purpose of removing the difficulty.

[39]**[223. Officers of Customs to follow Board's orders, etc.-** All officers of customs and other persons employed in the execution of this Act shall observe and follow the orders, instructions and directions of the Board:

Provided that no such orders, instructions or directions shall be given so as to interfere with the discretion of the appropriate officer of customs in the exercise of their quasi-judicial functions.

224. Extension of time limit.- The Federal Government, the Board or the appropriate officer of customs, may, upon being approached by an aggrieved party if satisfied that the delay was beyond the control of the applicant and that by granting such extension there is a possibility of some loss or hardship to the applicant being mitigated or prevented, extend the time limit laid down in any section.]

LEGAL REFERENCE

1. *Substituted for the full stop by the Finance Act, 2005.*
2. *Added by the Finance Act, 2005.*
3. *Inserted by Finance Act, 2004.*

4. In the original text the word is "waiving". This does not give any sense, hence the change.

5. Substituted for the full stop by the Finance Act, 2003 (I of 2003), S.5(35), page 41

6. Added by the Finance Act, 2003 (I of 2003), S.5(35), page 41.

7. Inserted by the Finance Act, 2006.

8. Substituted for the words "Central Government" by the Finance Ordinance, 1972 (XXI of 1972), S.3, page 56 and Second Schedule, S.1, page 76.

9. Substituted by the Finance Act, 1989 (V of 1989), S.5(7), page 119. At the time of substitution section 202 was as under:-

"202. Recovery of Government dues.- (1) When, under this Act, a penalty is adjudged against any person or notice or demand is served upon any person calling for the payment of any amount unpaid which may be payable by way of duty or under any bond or other instrument executed under this Act or the rules, the appropriate officer-

(a) may deduct or require any other officer of customs to deduct such amount from any money owing to such person which may be under the control of the customs authorities; or

(b) if it cannot be so recovered, may recover or may require any other officer of customs to recover such amount by detaining and selling any goods belonging to such person which are under the control of the customs authorities.

(2) If the amount cannot be recovered from such person in the manner provided in sub-section (1), the appropriate officer may send to the Collector of the District in which such person resides or owns any property or carries on his business a certificate signed by him and specifying the amount recoverable from such person: and such Collector shall on receiving such certificate proceed to recover the amount specified in the certificate as a public demand or an arrear of land reenue.".

10 Inserted by the Finance Act, 1994 (XII of 1994), S.6(4)(a), page 254.

11. Substituted by the Finance Act, 1994 (XII of 1994), S.6(4)(b), page 254. At the time of substitution this was as under:-

"(b) appointment of a receiver for the management of the movable or immovable property of the defaulter.".

12. Substituted for the full stop by the Finance Act, 1999 ((IV of 1999), S.10(12)(I), page 769.

13. Added by the Finance Act, 1999 (IV of 1999), S.10(12)(I), page 769.

14. Inserted by the Finance Act, 1999 (IV of 1999), S.10(12)(ii), page 769.

15. Substituted for the word, brackets and figure "sub-section (3)" by the Finance Act, 1994 (XII of 1994), S.6(4)(c), page 254.

16. Added new section 202A by the Finance Act, 2006.

17. Substituted for the word "ten" by the Finance Ordinance, 2002 (XXVII of 2002), S.4(14), page 227.

18. Substituted for the words "Assistant Collector" by the Finance Act, 1996 (IX of 1996), S.

18A. By the Finance Act, 2006 the words "or Deputy Collector" were omitted.

19. Substituted for the word "five" by the Finance Ordinance, 2002 (XXVII of 2002), S.4(15), page 227.

20 Substituted for the words "as an agent" by the Finance Act, 2003 (I of 2003), S.5(36)(a), page 41.

21. Inserted by Finance Act, 2005.

22. Added by the Finance Act, 2003 (I of 2003), S.5(36)(b), page 41.

23. Substituted by the Finance Act, 2003 (I of 2003), S.5(37), paged 41. At the time of substitution section 208 was as under:-

"208. Agent to produce authority if required.- (1) When any person applies to any officers of customs for permission to transact any specified business with him on behalf of any other person, such officer may require the applicant to produce a written authority from the person on whose behalf such business is to be transacted, and in default of the production of such authority refuse such permission.

(2) the clerk, servant or agent of any person or mercantile firm may transact business generally at the custom-house on behalf of such person or firm:

Provided that the appropriate officer may refuse to recognize such clerk, servant or agent unless such person or a member of such firm identifies such clerk, servant or agent to the appropriate officer as empowered to transact such business and deposits with the said officer an authority in writing duly signed, authorising such clerk, servant or agent to transact such business on behalf of such person or firm:

Provided further that the Central Board of Revenue may, by an order, published in the official Gazette, prohibit transaction with customs of any specified business through a clerk, servant or agent.".

24. Substituted by the Finance Act, 2003 (I of 2003), S.5(38), page 42. At the time of substitution section 209 was as under:-

"209. Liability of principal and agent.- (1) Subject to the provisions of sections 207 and 208, anything which the owner of any goods is required or empowered to do under this Act may be done by any person expressly or impliedly authorised by the owner for the purpose.

(2) Where this Act requires anything to be done by the owner, importer or exporter of any goods, any such thing done by an agent, clerk or servant of the owner, importer or exporter of any goods shall, unless the contrary is proved, be deemed to have been done with the knowledge and consent of such owner, importer or exporter so that in any proceedings under this Act the owner, importer or exporter of the goods shall also be liable as if the thing had been done by himself.

(3) When any person is expressly or impliedly authorised by the owner, importer or exporter of any goods to be his agent in respect of such goods for all or any of the purposes of this Act, such person shall, without prejudice to the liability of the owner, importer or exporter, be deemed to be the owner, importer or exporter of such goods for such purposes:

Provided that where any duty is not levied or is short-levied or erroneously refunded or account of any reason other than filful act, negligence or default of the agent, such duty shall not be recovered from the agent.".

25. Substituted by the Finance Act, 2006. At the time of substitution section 211 was as under:-

"**211. Principals and agents to maintain records.-** All principals and agents transacting business under this Act, except those importing or exporting goods for *bonafide* private or personal purposes, shall, for a period of not less than [three years] maintain records in such form as the Board may, by notification in the official Gazette, specify."

26.. Inserted section 211A by the Finance Act, 2006.

27. Inserted by the Finance Act, 2005.

28. The word "acknowledgement due" omitted by the Finance Ordinance, 1982 (XII of 1982), S.6(12), page 61

29. Substituted for the full stop by the Finance Act, 2003 (I of 2003), S.5(40)(a), page 42.

30. Added by the Finance Act, 2003 (I of 2003), S.5(40)(b), page 43.

31. Re-numbered as sub-section (1) by the Finance Act, 1992 (VII of 1992), S.6(6), page 114 and substituted by the Finance Act, 2003 (I of 2003), S.5(41), page 43. At the time of substitution was as under:-

"(1) No suit, prosecution or other legal proceeding shall lie against the [5][Federal Government] or any public servant for anything which is done or intended to be done in good faith in pursuance of this Act or the Rules.".

32. Inserted by the Finance Act, 2003 (I of 2003), S.5(41), page 43.

33. Added by the Finance Act, 1992 (VII of 1992), S.6(6), page 114.
34. Substituted for the "full stop" by the Prevention of Smuggling Act, 1977 (XII of 1977), S.51(viii), page 229.
35. Added by the Prevention of Smuggling Act, 1977 (XII of 1977), S.51(viii), page 229.
36. Added by the Finance Act, 1994 (XII of 1994), S.6(5), page 254.
37. Substituted for the words "First Schedule" by the Finance Act, 1975 (L of 1975), S.7(5), page 10.
38. Omitted by the Federal Laws (R&D) Ordinance, 1981. At the time of omission section 220 was as under:-

"220. Repeals and amendments.- The enactment specified in the [38a][Fourth Schedule] are repealed or amended to the extent specified respectively in columns 3 and 4 thereof.".

38a. Substituted for the words "second Schedule" by the Finance Act, 1975.

39.. Added by the Finance Act, 1975 (L of 1975),S.7(7), page 10.

THE CUSTOMS ACT,1969

THE FIRST SCHEDULE

(See section 18)

(See Finance Ordinance, 1975)

THE SECOND SCHEDULE

(See section 18)

(See Finance Act,1975)

THE THIRD SCHEDULE

(See section 219)

1. Regulation of proceedings for the detention and confiscation of the prohibited goods imported or intended to be exported, including verification of information relating to such goods, notices to be given to the owner or other parties, security for the custody or release of such goods, examination of evidence, reimbursement by the informant of expenses and damages caused by incorrect information supplied by him.

2. Cases in which the goods or material imported with a view to subsequent exportation, or to be used in the production, manufacture, processing, repair or refitting of goods specified in the rules may be delivered without payment of the whole or part of the duty; and repayment of duty on such goods and material.

3. Valuation of the goods imported or intended to be exported, submission by the importer or exporter of information necessary for the proper valuation of the goods; and production of the relevant books and documents by him, furnishing of information by the importer relating to the sources, nature and amount of the funds or assets by which the goods were acquired or the consideration for which and the manner in which it was disposed of.

4. Determining denatured spirit, and testing and denaturing of spirit.

5. Matters pertaining to drawback; drawback in respect of used goods, the amount of duty which shall be repaid as drawback on such goods; prohibition of drawback on any specified goods or class of goods; conditions for the payment of drawback; limiting the period during which such goods must be exported; limiting the time during which drawback may be claimed.

6. The extent to which and the conditions subject to which drawback may be allowed on the imported material used in the manufacture of goods in Pakistan which are exported.

7. Matters relating to port clearance or to departure of conveyances; grant of special pass permitting bulk to be broken; conditions relating to the grant of port clearance to the master of a vessel when the agent furnishes security for the delivery of export manifest and other documents.

8. Sealing of conveyances carrying transit goods and in other cases. licensee; conditions and restrictions applying to the licence including furnishing of security; circumstances in which licence may be suspended or revoked; appeals against the suspension or revocation of the licence.

9. Matters pertaining to any business for the regulation of which a notification may be issued under section 212; the accounts and records to be maintained , and the information to be furnished, by persons engaged in such business.

10. Expenses to be charged when customs officer is specially employed to accompany the owner to the warehouse under section 93; fees to be charged for permitting the owner of any goods to deal with them as provided in section 94.

11. Matters pertaining to the manufacturing and other operators carried on in the warehouse.

12. Transhipment and prohibition and regulation and restriction of transhipment; transhipment of goods without payment of duty; powers of officers of customs in that behalf; and the fees for transhipment.

13. Export of frustrated cargo under section 138.

14. Transport of goods from one part of Pakistan to another foreign territory; conditions as to the due arrival of such goods at the destination.

15. Conditions and restrictions applying to the transit of goods to a foreign territory without payment of duty.

16. [1][Goods declaration]

17. Baggage of passengers and the crew, definition, declaration, custody, examination, assessment and clearance of such baggage, transit and transhipment of such baggage; circumstances and conditions under which such baggage or any specified class of goods included in such baggage would be exempt from duty; extent of such exemption.

18. Matters pertaining to the import or export of goods by post; examination, assessment, clearance, transit or transhipment of the goods so imported or to be exported.

19. Prevention of the taking out of Pakistan of any coastal goods the export of which is dutiable or prohibited under this Act or any other law; prevention of the substitution of imported goods or export goods by coastal goods on board a vessel; prohibiting the conveyance of any specified class of goods generally; or to or between specified ports in a coasting vessel.

20. Powers to be exercised by an officer stationed at a factory or building under section 176.

21. Licensing of agents; the form of the licence and fee payable therefore; the authority competent to grant the licence; the period of validity of the licence; qualifications of the licensee; conditions and restrictions applying to the licence including furnishing of security; circumstances in which licence may be suspended or revoked; appeals against the suspension or revocation of the licence.

22. Matters pertaining to any business for the regulation of which a notification may be issued under section 212; the accounts and records to be maintained , and the information to be furnished, by persons engaged in such business.

[2][22A. Registration, and regulating the conduct, of the customs-practitioners appearing before any officer of customs, the Central Board of Revenue or the Federal Government in connection with any proceedings under this Act or the rules made thereunder.]

[3][22B. The form in which the memorandum of appeals shall be made under Chapter XIX, the manner in which appeals shall be verified and matters relating to hearing of appeals, revisions and references under the said Chapter which are not provided for or not sufficiently provided for in the Act.]

23. Any other matter necessary for giving effect to the provisions of this Act.

LEGAL REFERENCES

1. Substituted the words" Bill of Export" by the Finance Act, 2006.
2. Inserted by Finance Act, 1977 (XXX of 1977), S.9(3), page 301.
3. Added by Finance Act, 1989 (V of 1989), S.5, Part-III, page 174.

[1][THE FOURTH SCHEDULE]

(See section 219)

1. Omitted by the Federal Laws (Revision & Declaration) Ordinance, 1981 (XXVII of 1981), S.3 and Second Schedule w.e.f. 8th July, 1981.

THE CUSTOMS ACT,1969