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THE SEA CUSTOMS (AMENDMENT) ACT, 1957

No. 10 OF 1957

[2nd April, 1957]

An Act further to amend the Sea Customs Act, 1878.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Sea Customs (Amendment) Act, 1957.

Amendment of section 3. 2. In section 3 of the Sea Customs Act, 1878 (hereinafter referred to as the principal Act), after clause (g), the following clause shall be inserted, namely:—

“(gg) ‘Indian 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 India;”.

Insertion of new Chapter VIA. 3. After section 52 of the principal Act, the following shall be inserted, namely:—

“CHAPTER VIA

PROHIBITION OF ENTRY OF VESSELS CONSTRUCTED, ETC., FOR
CONCEALING GOODS

Prohibition of entry of vessels constructed, etc., for concealing goods.

52A. No vessel constructed, adapted, altered or fitted for the purpose of concealing goods shall enter, or be within, the limits of any port in India, or the Indian customs waters”.

4. In the Schedule to section 167 of the principal Act,—

Amendment
of section
167.(a) after item 3, the following item shall be inserted,
namely:—

“3A. If any part of the cargo of a vessel is thrown over-board or is staved or destroyed so as to prevent its examination or lawful seizure by any officer of customs or other person duly employed for the prevention of smuggling—

General.

Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”;

(a) while the vessel is within the Indian customs waters, or

(b) where the vessel having been properly summoned while within such waters to bring to by any ship in the service of the Central Government, fails to do so and chase is given, at any time during the chase.

(b) for item 4, the following item shall be substituted,
namely:—

“4. If any vessel which has been within the limits of any port in India or within the Indian customs waters, with cargo on board, be afterwards found elsewhere in such waters or in any port, bay, river, creek or arm of the sea in India,”

II and
General.

Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”;

(i) light or in ballast, or

(ii) with any part of such cargo missing,

and the master of the vessel is unable to give due account of how the vessel came to be light or in ballast, or of the missing cargo,

(c) after item 12, the following item shall be inserted,
namely:—

“12A. If a vessel constructed, adapted, altered or fitted for the purpose of concealing goods, enters or is within the limits of any port in India or within the Indian customs waters,

52A.

Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”

(d) after item 76B, the following item shall be inserted, namely:—

“76C. If, save for good and sufficient cause, any vessel having been properly summoned to bring to, in the manner provided in section 171, fails so to do,

171 Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”

Amendment of sections 169 and 170A.

5. In section 169 and in sub-section (1) of section 170A of the principal Act, after the words “any port in India”, the words “or within the Indian customs waters” shall be inserted.

Substitution of new section for section 171.

6. For section 171 of the principal Act, the following section shall be substituted, namely:—

Powers of customs officer for boarding and searching such vessels.

“171. (1) Any duly empowered officer of customs or other person duly employed for the prevention of smuggling may, for the purpose of ascertaining whether any breach of this Act or any other law relating to customs has been, is being or is likely to be, committed,—

(a) stop and board any vessel in India or within the Indian customs waters and examine and search such vessel and every part thereof and every trunk, package or cargo on board and may inspect and examine the manifest and other documents and papers;

(b) stop and search any cart or other means of conveyance at any place in India.

(2) Where in exercise of the powers conferred by clause (a) of sub-section (1), it becomes necessary to stop any vessel, it shall be lawful for any ship in the service of the Central Government while flying her proper ensign, to summon such vessel, under the direction of any such officer or person as is referred to in that sub-section, by means of an international signal code or other recognised means, and thereupon such vessel shall forthwith bring to, and if it fails to do so, chase may be given to the vessel by any such ship as aforesaid, and if after a gun is fired, the vessel still fails to bring to, the vessel may be fired upon by such ship.”

Amendment of sections 173 and 178.

7. In section 173 and in section 178 of the principal Act, for the words “either upon land or water”, the words “in India either upon land or water, or within the Indian customs waters” shall be substituted.