

COMMITTEE ON SUBORDINATE LEGISLATION
(2020-2021)

(SEVENTEENTH LOK SABHA)

NINTH REPORT

THE SEA CARGO MANIFEST AND TRANSHIPMENT REGULATIONS, 2018 [G.S.R. NO.448(E) OF 2018]



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

March, 2021/ Phalguna 1942 (Saka)

9

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To BE (PRESENTED TO LOK SABHA ON 23.03.2021)



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NEW DELHI

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MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2020-2021)

Shri Vallabhaneni Balashowry

Chairperson

Members

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Jyotirmay Singh Mahato
5. Shri Pinaki Misra
6. Shri Chandeshwar Prasad
7. Shri N.K. Premchandran
8. Shri Suresh Pujari
9. Shri A. Raja
10. Shri Nama Nageshwar Rao
11. Shri Sanjay Seth
12. Shri Mahendra Singh Solanky
13. Shri Su Thirunavukkarasar
14. Shri B. Manickam Tagore
15. Shri Ram Kripal Yadav

SECRETARIAT

- | | | | |
|----|---------------------------|---|---------------------|
| 1 | Shri R.C Tiwari | - | Joint Secretary |
| 2. | Smt. Jagriti Tewatia | - | Additional Director |
| 4. | Shri S.Lal Engzau Ngaihte | - | Under Secretary |

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Ninth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 9.3.2021.
3. The Committee considered and adopted this Report at their sitting held on 22.3.2021
4. A copy of the Gazette Notification relevant to this Report is included in Appendix-I of the Report.
5. For facility of reference and convenience, observations/recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in Appendix-II of the Report.
6. Extracts from Minutes of the Seventh sitting of the Committee (2020-21) held on 9.3.2021 and Extracts from Minutes of the Eighth Sitting of the Committee (2020-21) held on 22.3.2021 relevant to this Report are included in Appendix-III of the Report.

New Delhi;
22 March, 2021
31 Phalguna, 1942 (Saka)

VALLABHANENI BALASHOWRY
Chairperson,
Committee on Subordinate Legislation

REPORT

The Sea Cargo Manifest and Transhipment Regulations, 2018 (G.S.R. 448 (E) of 2018]

The Sea Cargo Manifest and Transhipment Regulations, 2018 (G.S.R. 448 (E) of 2018] was published in the Gazette of India, Extraordinary, Part-II, Section 3(i) dated 11.05.2018 (Appendix-I). The Regulations were scrutinized in accordance with laid down norms and various recommendations made by the Committee on Subordinate Legislation. On scrutiny of the aforesaid Regulations, certain infirmities were noticed and the same were forwarded to the Ministry of Finance (Department of Revenue, Central Board of Indirect Taxes and Customs) to furnish their clarifications.

Regulation 11(2):-

2 Regulation 11(2) of the Sea Cargo Manifest and Transhipment Regulations, 2018 reads as under:-

"(2) the Commissioner of Customs of any customs station on reasonable belief that operations of such authorised carrier is detrimental to the interest of revenue, may suspend their operation in his jurisdiction by an order stating the grounds of suspension."

3 On scrutiny of the Rules, it was found that the term 'reasonable belief' is arbitrary and vague giving all encompassing powers to the Commissioner. The matter was referred to the Ministry of Finance (Department of Revenue) for their clarifications. In response the Ministry in their reply dated 8 July, 2019 have stated as under:

"With reference to use of the term "reasonable belief", the same term has been use in section 123 of the Customs Act, 1962 and in the Section 132 of the Central Goods and Services Act, 2017. The relevant portion of said Sections are produced below:

"The Customs Act, 1962:

Section 123: Burden of proof in certain cases - (1) where any goods to which this section applies are seized under this Act in the reasonable belief that they are smuggled goods, the burden of proving that they are not smuggled goods shall be.....

Central Goods and Services Act, 2017:

Section 132: Punishment for certain offences - (1) whoever commits any of the following offenses, namely:

(a)

(k) fails to supply any information which he is required to supply under this Act or the rules made there under or unless with a reasonable belief, the burden of proving which shall be upon him, that the information supplied by him is true) supplies false information,"

4 The Committee note that in Regulation 11(2) of the Sea Cargo Manifest and Transhipment Regulations, 2018 (GSR 448E dated 11 May,2018) it has been stated that, 'the Commissioner of Customs of any Customs Station on reasonable belief that operations of such authorized carrier is detrimental to the interest of revenue may suspend their operation in his jurisdiction by an order stating the grounds of suspension'. The Committee observe that the term 'reasonable belief' used in the Regulation is arbitrary and vague as it gives all encompassing powers to the Commissioner which can be misused in the absence of clarity. The Committee note that on being pointed out to the Ministry of Finance (Department of Revenue), the Ministry, vide OM dated 8 July,2019 submitted that, the term 'reasonable belief' has been used in Section 123 of the Customs Act,1962 and in Section 132 of the Central Goods and Services Act,2017. The Committee however, note with concern that the term 'reasonable belief', as submitted by the Ministry have not been defined in the two Sections of the Acts also. The Committee have time and again recommended that the term appearing in an Act should be defined in the very statute and not in the rules made there under , but in this case the term 'reasonable belief' has neither been defined in the relevant Act nor in the Regulations. In the opinion of the Committee, it is of utmost importance that the provision of legislation (including subordinate legislation) are spelt out with precision and, as far as possible, the use of vague expression, which may be interpreted differently by different persons should be avoided and the Regulations should be self-contained and drafted in a matter that no difficulty is caused to the public in interpreting it.

The Committee are also of the firm opinion that, vagueness and uncertainty in Regulations is bound to prejudicially affect the administration of justice by the rule making authority. The Committee further envisages that usage of such vague expressions which leaves scope of being interpreted differently by different persons may lead to litigations resulting in over burdening of the already over-burdened Courts/Administrative Tribunals. The Committee, therefore, recommend that the term 'reasonable belief' may be explicitly explained in the Regulations and if feasible be defined in the relevant Acts also by bringing in suitable amendment . The Committee may be apprised of the Action taken in this regard.

5 **Time Limit for Inquiry Report**

Sub-regulation (5) of Regulation 12 of the Sea Cargo Manifest and Transhipment Regulations, 2018 states that Deputy Commissioner of Customs or Assistant Commissioner of Customs, shall prepare a report of the inquiry recording his findings after the conclusion of the inquiry. On scrutiny of the Regulations, it was observed that the provision does not prescribes any time limit within which the Deputy Commissioner/Assistant Commissioner of Customs shall prepare the inquiry Report. It was felt that a minimum reasonable time limit should be prescribed in the Rule itself.

6 The matter was referred to the Ministry of Finance (Department of Revenue) for furnishing their clarifications. In response the Ministry in their reply dated 08 July, 2019 stated as under:

"With reference to observations regarding the time limit within which the Deputy/Assistant Commissioner of Customs shall prepare the inquiry Report, there is no fixed time within which the Deputy/Assistant Commissioner of Customs shall prepare the inquiry in the regulations. The observation has been noted and the same would be examined".

7 **The Committee note that Regulation 12(5) of the Sea Cargo Manifest and Transhipment Regulations, 2018 (GSR 448 E) dated 11 May, 2018 does not provide for any time limit within which the Deputy/Assistant Commissioner of Customs, shall prepare a report of the inquiry recording of his findings after the conclusion of the inquiry regarding notice issued to the authorized carrier by the Jurisdictional Commissioner of Customs inconnection with proposed revocation of authorized carrier registration. The absence of any time limit for preparing report of inquiry may give rise to arbitrary use of discretionary powers in the context of recording his findings and in making conclusion in the inquiry, which may have adverse impact for which notice is issued to the authorized carrier. Therefore, specific time limits is needed to be provided in the regulations for completing the enquiry to prevent an unwanted scenario of delaying causing unnecessary delay. The Committee however, note with satisfaction that on being pointed out, the Ministry of Finance have taken note of the observation made and has agreed to examine the same. The Committee recommend that the Ministry may bring out the necessary amendment in the Regulations so as to make the provision transparent and void of any manipulation. The Committee may be apprised of the action taken in this regard.**

New Delhi;
22 March, 2021
31 Phalgun, 1942 (Saka)

VALLABHANENI BALASHOWRY
Chairperson
Committee on Subordinate Legislation

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

NOTIFICATION

New Delhi, the 11th May, 2018

No. 38 /2018-Customs (N.T.)

G.S.R. 448(E).—In exercise of the powers conferred by section 157, read with sections 30, 30A, 41, 41A, 53, 54, 56, sub-section (3) of section 98 and sub-section (2) of section 158 of the Customs Act, 1962 (52 of 1962), and in supersession of Import Manifest (Vessels) Regulations, 1971, Export Manifest (Vessels) Regulations, 1976 and Transportation of Goods (Through Foreign Territory) Regulations, 1965, the Central Board of Indirect Taxes and Customs hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the Sea Cargo Manifest and Transhipment Regulations, 2018.
(2) These regulations shall come into force on 1st August, 2018.
2. **Definitions.**—(1) In these regulations, unless the context otherwise requires,
 - (a) "Act" means the Customs Act, 1962 (52 of 1962);
 - (b) "arrival manifest" means an integrated declaration required to be delivered by an authorised carrier on arrival of the vessel or train or truck carrying imported goods, export goods and coastal goods;
 - (c) "authorised carrier" means an authorised sea carrier, authorised train operator, shipping line or a custodian registered under regulation 3;
 - (d) "authorised sea carrier" means the master of the vessel carrying imported goods, export goods and coastal goods or his agent;
 - (e) "authorised train operator" means the train operator carrying imported goods, export goods and coastal goods;
 - (f) "Coastal goods transited through a designated foreign route" means:
 - (i) coastal goods transported between an Indian port on east coast and another Indian port on west coast or vice versa, by a vessel through the territorial waters of Sri Lanka, whether or not calling any port in Sri Lanka in between and without change of vessel;
 - (ii) coastal goods transported between an Indian port on east coast and a river port in India or vice versa, by a vessel through a route passing through the Bangladeshi waters and without change of vessel;
 - (g) "custodian" means a person approved by the Principal Commissioner or the Commissioner of customs, for the purposes of section 45 of the Act;
 - (h) "departure manifest" means integrated declaration required to be delivered by an authorised carrier before departure of a vessel or train or truck for imported goods, export goods and coastal goods;
 - (i) "Form" means a Form appended to these regulations;
 - (j) "Jurisdictional Commissioner of Customs" means the Commissioner of Customs who has granted registration under regulation 3.
 - (k) "Special Economic Zone (SEZ)" means special economic zone as per the Special Economic Zones Act, 2005 (28 of 2005);
 - (l) any reference to a Commissioner of customs shall also include a reference to Principal Commissioner of customs for purposes of these regulations.

(2) The words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. **Registration.** - (1) Any person who is required to deliver arrival manifest or departure manifest shall apply to the jurisdictional Commissioner of Customs for registration in the Form- I.

(2) Where the jurisdictional Commissioner of customs is satisfied with the information provided by the applicant in the Form-I, he shall register such applicant for transacting business under these regulations for a period of three years from the date of issue of such registration.

(3) An authorised carrier registered under these regulations at any customs station, shall be deemed to be registered for other customs stations also, for the purpose of transacting business under these regulations.

(4) The jurisdictional Commissioner of Customs shall review the registration before the expiry of the initial period of registration of three years and may extend such registration to a further period of five years at a time and in case of an authorised economic operator for a period of ten years.

4. **Delivery of an Arrival Manifest.** - (1) An authorised sea carrier carrying imported goods, export goods or coastal goods, shall deliver the arrival manifest to the proper officer electronically;

Provided that where it is not possible to deliver the arrival manifest electronically then the manifest shall be submitted manually in duplicate with the approval of the Commissioner of Customs.

(2) The arrival manifest shall consist of, -

- (a) an application for entry inwards in Form-II (except in case of vessel carrying exclusive coastal goods);
- (b) a general declaration in Form-III;
- (c) vessel's stores list in Form- IV;
- (d) list of private property in the possession of the Master and crew, in Form- V
- (e) cargo declaration: -
 - (i) for vessel arriving at an Indian port from a Foreign port in Form-VIA; or
 - (ii) for vessel arriving at an Indian Port from another Indian Port directly or through designated foreign route in Form-VIB;
- (f) any other declaration which, under the provisions of the Customs Act or any other Act for the time being in force is required to be delivered to the proper officer on arrival of vessel.

(3) The general declaration and cargo declaration shall be delivered before the departure of the vessel from last port of call and the rest of the arrival manifest shall be delivered before arrival of the vessel.

5. **Delivery of a Departure Manifest.** - (1) An authorised sea carrier carrying imported goods, export goods, coastal goods or goods meant for foreign transit or foreign transshipment, shall before the departure of the vessel from the port, deliver the departure manifest to the proper officer electronically;

Provided that where it is not possible to deliver the departure manifest electronically, then the manifest shall be delivered manually in duplicate with the approval of Commissioner of Customs before the departure of the vessel.

(2) The departure manifest shall consist of, -

- (a) a general declaration in Form-III;
- (b) a vessel's stores list in Form-IV;
- (c) a list of private property in the possession of the Master and crew, in Form-V;
- (d) a cargo declaration:
 - (i) for vessel departing from an Indian port to a Foreign port in Form-VIIA; or
 - (ii) for vessel departing from an Indian Port to another Indian port directly or through designated foreign route in Form-VIIB;

(e) any other declaration which, under the provisions of the Customs Act or any other Act for the time being in force is required to be delivered to the proper officer on arrival of the vessel.

6. **Declaration in respect of specific cargo.** - (1) the cargo declaration in respect of —

- (a) arms;

- (b) ammunition;
- (c) explosives;
- (d) narcotics and psychotropic substances;
- (e) dangerous drugs;
- (f) gold;
- (g) silver;
- (h) radio-active material

for import, export, transhipment, or for being carried as same bottom cargo shall be delivered in separate sheets and shall be set out in the order of the ports of loading.

(2) Where a vessel does not carry any of the cargoes referred above, a nil declaration shall be delivered.

7. Transhipment of imported goods or export goods between a port/ICD and Inland Container Depot (ICD)/Container Freight Station (CFS) /Special Economic Zone (SEZ). – An authorised carrier shall file a departure manifest before the departure of a train or a truck and arrival manifest upon arrival of the train or truck, as the case may be, in **Form-VIII**.

8. Amendments of arrival or departure Manifest. – Where the proper officer nominated by the Commissioner of customs is satisfied that the arrival manifest or departure manifest is in any way incorrect or incomplete, and that there was no fraudulent intention towards incorrect or incomplete submission as regards the contents thereof, he may permit it to be amended or supplemented.

9. Conditions governing transhipment or transit through a designated foreign route. – (1) The transhipment shall be allowed under the following conditions—

- (a) the goods are mentioned in the arrival manifest or departure manifest, as the case may be, for transhipment to any customs station;
- (b) such transhipment is by, a vessel, train or a truck or by a combination of two or more of these modes of transport;
- (c) the authorised carrier executes a bond in Form-IX A or Form-IX B or Form-IX C or Form-IX D as applicable, with or without bank guarantee or surety;

Provided that where the transhipment of goods is directly between two sea ports, no bond and bank Guarantee shall be furnished;

- (d) in the case of imported goods meant for transhipment by land route, the proper officer nominated by the Commissioner of customs shall seal the containers before permitting such transhipment.

(2) In case of coastal goods manifested for transit through a designated foreign territory, the authorised carrier shall execute a bond in Form-X A or Form-X B or Form-X C or Form-X D as applicable with or without bank guarantee or surety.

10. Responsibilities of the authorised carrier under these regulations. - (1) An authorised carrier shall-

- (a) transact business in the customs station either personally or through an employee duly approved by the Deputy Commissioner or Assistant Commissioner of Customs, as the case may be;
- (b) keep a record of imported goods, export goods, coastal goods or goods brought for transhipment as the case may be, and produce such records to the proper officer as and when required;
- (c) keep a record of movement or handling of imported goods, export goods, coastal goods or goods brought for transhipment;
- (d) make available track and trace facility for locating imported or export goods, coastal goods or goods brought for transhipment;
- (e) be responsible for the safety, security and delivery of imported, export goods or coastal goods under its custody;

(f) be liable to pay duty on goods pilfered, lost during the transit or transhipment thereof in the customs area or enroute;

(g) be responsible for re-export of hazardous goods where such goods are ordered to be exported back to the exporting country;

(h) advise his client to comply with the provisions of the Act and in case of non-compliance, shall bring the matter to the notice of the deputy commissioner or assistant commissioner of customs as the case may be;

(i) not procure or attempt to procure directly or indirectly, information from the government records or other government sources of any kind to which access is not granted by the proper officer;

(j) ensure electronic transmission of delivery orders to the importer or the consignee and intimation of the same to the custodian and the proper officer;

(k) publish and display at prominent places including website or webpage of the authorised carrier the schedule of charges for the various services provided by him in relation to the imported goods or export goods or coastal goods in the customs area;

(l) not charge any rent or demurrage on the goods seized or detained or confiscated by the Customs Authorities;

(m) abide by all the provisions of the Act and the rules, regulations, notifications and orders issued there under;

(2) The authorised carrier shall not sublet or sub-contract or outsource functions permitted or required to be carried out by him to any other person.

11. Suspension of operations or revocation of registration of an authorised carrier. - (1) The jurisdictional Commissioner of Customs may revoke the registration of the authorised carrier, for failure to comply with any provisions of the regulations.

(2) The Commissioner of Customs of any customs station on reasonable belief that operations of such authorised carrier is detrimental to the interest of revenue, may suspend their operation in his jurisdiction by an order stating the grounds of suspension.

(3) The Commissioner of Customs shall, within fifteen days from the date of such suspension order, shall give an opportunity of hearing to the person and pass such order within fifteen days from the date of the said hearing, as he deems fit, either revoking the suspension or continuing it for a further period not exceeding ninety days from the date of suspension, as the case may be.

Provided that where the suspension against the authorised carrier has been continued, the Commissioner of Customs concerned shall intimate to the jurisdictional Commissioner of Customs, about the order within fifteen days from the date of issue of such order.

12. Procedure for revocation of registration.- (1) The jurisdictional Commissioner of Customs shall issue a notice in writing to the authorised carrier stating the grounds on which it is proposed to revoke the registration and requiring the said person to submit within such time as may be specified in the notice not being less than thirty days, to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, nominated by him, a written statement of defence and also to specify in the said statement whether he desires to be heard in person by the said Deputy Commissioner of Customs or Assistant Commissioner of Customs.

(2) On receipt of the written statement from the authorised carrier, or where no such statement has been received within the time-limit specified in the notice, the Deputy Commissioner of Customs or Assistant Commissioner of Customs, may inquire into the grounds of the revocation as stated in the notice.

(3) The Deputy Commissioner of Customs or Assistant Commissioner of Customs, shall in the course of inquiry, consider such documentary evidence and take such oral evidence as required for inquiry and he may also put any question to any person tendering evidence, for or against the authorised carrier, for the purpose of ascertaining the correct position.

(4) The authorised carrier shall be entitled to cross-examine the persons examined in support of the grounds forming the basis of the proceedings and where the Deputy Commissioner of Customs or Assistant Commissioner of Customs, declines to examine any person on the grounds that his evidence is not relevant or material, he shall record his reasons in writing for so doing.

(5) Deputy Commissioner of Customs or Assistant Commissioner of Customs, shall prepare a report of the inquiry recording his findings after the conclusion of the inquiry.

(6) The jurisdictional Commissioner of Customs shall provide to the authorised carrier a copy of the report of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, and shall require the authorised carrier to submit within the specified period not being less than thirty days any submission against the findings of the Deputy Commissioner of Customs or Assistant Commissioner of Customs.

(7) The jurisdictional Commissioner of Customs shall, after considering the report of the inquiry, and the submission thereon, if any, made by the authorised carrier, pass such orders as he deems fit.

13. **Imposition of Penalty.** -An authorised carrier who contravenes any provision of these regulations shall be liable to a penalty which may extend to rupees fifty thousand.
14. **Appeal.**-Any person aggrieved by any decision or order passed under this regulation, may appeal under section 129A of the Act to the Customs, Excise and Service Tax Appellate Tribunal, established under sub-section (1) of section 129 of the Act.

[F. No.450/58/2015- Cus IV]

ZUBAIR RIAZ, Director (Customs)

FORM - I

[See Regulation 3 (1)]

Application for Registration

1. Name of applicant with details of Permanent Account Number (PAN):-
(In case the applicant is a firm or a company, the name of each of the partners of the firm or the directors of the company as the case may be)
2. Contact details:
Phone number:
Email address:
3. Full address of the applicant:-
(In case the applicant is a firm or a company, the full address of each of the partners of the firm or the directors of the company as the case may be)
4. The name(s) and address of the authorized person:-
(In case the applicant is a firm or a company, the name(s) of its partner or partners or director or directors or duly authorized employees who will actually be engaged in the work of filing Arrival/ Departure manifest).
5. Educational qualification of each of the persons who will actually be engaged in the filing of Arrival/ Departure manifest: -
6. Details of cases booked under Customs Act against the applicant, if any: -
7. The enclosures: -
(a) Copy of contract, or
(b) Memorandum of understanding, or
(c) Agreement entered into with the foreign authorising agent.

I/We hereby declare that the contents of the above paragraphs are true to the best of my/our knowledge.

Date: -

Place:-

Signature of the applicant(s).

APPENDIX II
(Vide Para 5 of the Introduction of the Report)
SUMMARY OF RECOMMENDATIONS MADE IN THE NINTH REPORT OF THE
COMMITTEE ON SUBORDINATE LEGISLATION
(SEVENTEENTH LOK SABHA)

Sl.No.	Reference to Para No. in the Report	Summary of the Recommendations
1	4	<p>The Committee note that in Regulation 11(2) of the Sea Cargo Manifest and Transhipment Regulations, 2018 (GSR 448E dated 11 May,2018) it has been stated that, 'the Commissioner of Customs of any Customs Station on reasonable belief that operations of such authorized carrier is detrimental to the interest of revenue may suspend their operation in his jurisdiction by an order stating the grounds of suspension'. The Committee observe that the term 'reasonable belief' used in the Regulation is arbitrary and vague as it gives all encompassing powers to the Commissioner which can be misused in the absence of clarity. The Committee note that on being pointed out to the Ministry of Finance (Department of Revenue), the Ministry, vide OM dated 8 July,2019 submitted that, the term 'reasonable belief' has been used in Section 123 of the Customs Act,1962 and in Section 132 of the Central Goods and Services Act,2017. The Committee however, note with concern that the term 'reasonable belief', as submitted by the Ministry have not been defined in the two Sections of the Acts also. The Committee have time and again recommended that the term appearing in an Act should be defined in the very statute and not in the rules made there under , but in this case the term 'reasonable belief' has neither been defined in the relevant Act nor in the Regulations. In the opinion of the Committee, it is of utmost importance that the provision of legislation (including subordinate legislation) are spelt out with precision and, as far as possible, the use of vague expression, which may be interpreted differently by different persons should be avoided and the Regulations should be self-contained and drafted in a matter that no difficulty is caused to the public in interpreting it.</p> <p>The Committee are also of the firm opinion that, vagueness and uncertainty in Regulations is bound to prejudicially affect the administration of justice by the rule making authority. The Committee further envisages that usage of such vague expressions which leaves scope of being interpreted differently by different persons may lead to litigations resulting in over burdening of the already over-burdened Courts/Administrative Tribunals. The Committee, therefore, recommend that the term 'reasonable belief' may be explicitly explained in the Regulations and if feasible be defined in the relevant Acts also by bringing in suitable amendment . The Committee may be apprised of the Action taken in this regard.</p>

2	7	<p>The Committee note that Regulation 12(5) of the Sea Cargo Manifest and Transshipment Regulations, 2018 (GSR 448 E) dated 11 May, 2018 does not provide for any time limit within which the Deputy/Assistant Commissioner of Customs, shall prepare a report of the inquiry recording of his findings after the conclusion of the inquiry regarding notice issued to the authorized carrier by the Jurisdictional Commissioner of Customs inconnection with proposed revocation of authorized carrier registration. The absence of any time limit for preparing report of inquiry may give rise to arbitrary use of discretionary powers in the context of recording his findings and in making conclusion in the inquiry, which may have adverse impact for which notice is issued to the authorized carrier. Therefore, specific time limits is needed to be provided in the regulations for completing the enquiry to prevent an unwanted scenario of delaying causing unnecessary delay. The Committee however, note with satisfaction that on being pointed out, the Ministry of Finance have taken note of the observation made and has agreed to examine the same. The Committee recommend that the Ministry may bring out the necessary amendment in the Regulations so as to make the provision transparent and void of any manipulation. The Committee may be apprised of the action taken in this regard.</p>
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APPENDIX III

(Vide Para 6 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2020-2021)

The Seventh sitting of the Committee (2020-21) was held on Tuesday, the 9th March, 2021 from 15:00 to 17:00 hours in Committee Room D, Parliament House Annexe, New Delhi.

PRESENT

1. Shri Vallabhaneni Balashowry Chairperson

MEMBERS

2. Shri S.P. Singh Baghel
3. Shri Chandeshwar Prasad
4. Shri N.K.Premchandran
5. Shri Suresh Pujari
6. Shri Sanjay Seth
7. Shri Ram Kripal Yadav

SECRETARIAT

1. Shri R.C.Tiwari - Joint Secretary
2. Smt. Jagriti Tewatia - Additional Director

WITNESSES Ministry of Steel

XX XX XX XX

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee. The Committee, thereafter, considered the following Memoranda:-

(i) XX XX XX XX

(ii) **Memorandum No.8** -The Sea cargo Manifest and Transhipment Regulations,2018 (GSR No.448-E of 2018)

(iii) XX XX XX XX

(iv) XX XX XX XX

3. After deliberations, the Committee decided to incorporate the points raised in the Memoranda Nos. 7 to 10 in their Reports to be formulated in this regard.

4. XX XX XX XX

XX Omitted portion of the Minutes are not relevant to this Report

APPENDIX III

(Vide Para 6 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2020-2021)

The Eighth sitting of the Committee (2020-21) was held on Monday, the 22nd March, 2021 from 1500 to 1700 hours in Committee Room B, Parliament House Annexe, New Delhi.

PRESENT

1. Shri Vallabhaneni Balashowry Chairperson

MEMBERS

2. Shri Ajay Bhatt
3. Shri Pinaki Misra
4. Shri Chandeshwar Prasad
5. Shri Suresh Pujari
6. Shri Nama Nageshwar Rao
7. Shri Sanjay Seth

SECRETARIAT

1. Shri R.C.Tiwari - Joint Secretary
2. Smt. Jagriti Tewatia - Additional Director

WITNESSES

(1) Ministry of Personnel Public Grievances and Pensions

XX XX XX XX

(2) Ministry of Corporate Affairs

XX XX XX XX

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee. The Committee, thereafter, considered the following Reports:-

(i) XX XX XX XX

(ii) **Report No.9** -The Sea cargo Manifest and Transhipment Regulations,2018 (GSR No.448-E of 2018)

(iii) XX XX XX XX

(iv) XX XX XX XX

3. After consideration, the Committee adopted reports Nos. 8 to 11 without any modification. The Committee also authorized the Chairperson to present the same to the House.

4. XX XX XX XX

5. XX XX XX XX.

XX Omitted portion of the Minutes are not relevant to this Report