

The Land Ports Authority of India (Lost Property) Regulations, 2015

UNION OF INDIA

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Rule

THE-LAND-PORTS-AUTHORITY-OF-INDIA-LOST-PROPERTY-REGULA of 2015

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The Land Ports Authority of India (Lost Property) Regulations, 2015 Published vide Notification No. G.S.R. 851(E), dated 6th November, 2015 G.S.R. 851(E). - In exercise of the powers conferred by sub-section (1) read with clause (e) of subsection (2) of section 35 and section 31 of the Land Ports Authority of India Act, 2010 (31 of 2010), the Land Ports Authority of India with the previous approval of the Central Government, hereby makes the following regulations, namely:-

1. Short title and commencement.

(1) These regulations may be called the Land Ports Authority of India (Lost Property) Regulations, 2015. (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

(1) In these regulations, unless the context otherwise requires, - (a) "Act" means the Land Ports Authority of India Act, 2010 (31 of 2010); (b) "Authority" means the Land Ports Authority of India constituted under section 3 of the Act; (c) "cargo terminal" means the area within the integrated check post where handling, storage of import or export of cargo is undertaken and includes covered godowns, sheds, roads, parking area for cargo vehicle, open area with lorry weigh bridges and place for other support facilities, cargo terminal building where offices of Customs, Custodian, clearing and handling agents (CHA's), Banks, etc., are housed; (d) "Chairperson" shall have the meaning assigned to it in clause (b) of section 2 of the Act; (e) "Customs Act" means the Customs Act, 1962 (52 of 1962); (f) "Government approved Assessor" means any person holding the license from

Government of India as an Appraiser or Valuer;(g)"In-charge" means any person assigned the duties of safe custody of lost property by the Manager of the respective integrated check post;(h)"lost property" means any property which, while not in proper custody, is found on any premises, belonging to the Authority or under its overall control;(i)"lost property office" means any place specified by the Manager or In-charge of the land port for the safe keeping of the lost property and any reference to the delivery of the lost property to the lost property office means delivery to an officer at such an office;(j)"Manager" means an officer appointed by the Authority under the Act to look after the functioning of integrated check post;(k)"Member" means a member of the Authority;(l)"other facilities" means facilities or services like office accommodation, hotels, restaurants or canteens, rest room, postal, money exchange, insurance, etc., and other services at an integrated check post;(m)"passenger terminal" means the area within the integrated check post where passengers (inbound/outbound) have access and include covered buildings or sheds as well open area including parking meant for them.(2)Words and expressions used herein and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Lost property to be handed over to Manager.

(1)Subject to the provisions of the Customs Act and of the rules and regulations made thereunder, any person (other than Manager or In-charge) who finds any lost property shall hand it over immediately to the Manager of the integrated check post in the same condition in which he finds and inform the Manager of the circumstances in which it was found.(2)The Manager referred to in sub-regulation (1) shall maintain a register containing the description of the lost property, name, address and the signature of the person(s) handing over the lost property and of the Manager taking it over.

4. Delivery of lost property to the lost property office.

(1)Subject to the provisions of the Customs Act and of the rules and regulations made thereunder, any Manager to whom lost property is handed over under regulation 3, or who finds any lost property, shall as soon as possible, but not later than two working days in any case, deliver such property for the safe custody in the state in which it comes into his possession to the In-charge of the lost property office and inform the In-charge of the circumstances in writing in which it was found:Provided that if before any lost property is delivered for the safe custody to the lost property office, it is claimed by a person who satisfies the Manager that he is the owner, the Manager shall on being so satisfied, return to that person forthwith the lost property and shall, as soon as possible, but not later than two working days in any case report the facts along with the claimant's name, address and description of the lost property to the In-charge of the lost property office for reference and record.(2)The In-charge of the lost property office shall maintain a register containing the description of the lost property, name, address and circumstances in which it was found.

5. Recording and safe custody of lost property.

(1)Any lost property delivered to the lost property office shall be retained in safe custody by the Incharge of the lost property office until claimed by the owner thereof or disposed of in accordance

with regulation 7.(2)The In-charge of the lost property office shall keep the records of the lost property, for a period upto not less than ninety days after the disposal of the property, showing the particulars of the lost property, whether delivered to the lost property office or returned to the owner under the proviso to sub-regulation (1) of regulation 4, the circumstances in which it was found and its ultimate disposal:Provided that where the name and address of the owner of the lost property, other than the documents referred to in clause (iii) of sub-regulation (5) of regulation 7 are readily ascertainable, the Manager shall forthwith notify the owner thereof that the lost property is in his possession and may be claimed in accordance with these regulations.

6. Restoration of lost property.

- If any lost property, which is retained in the lost property office in safe custody is claimed by a person who proves to the satisfaction of the Manager that it belongs to him and gives his name and address to the Manager, it shall be restored to the claimant by the In-charge of the lost property office on the written instructions of the Manager.

7. Disposal of lost property.

(1)If any lost property retained by the Manager for safe custody under regulation 5 is not claimed within a period of ninety days from the date on which it was delivered to the In-charge of lost property office, the Manager shall dispose it of for a best reasonable price to be determined in consultation with the Government Assessor or Government approved Assessor if its value is estimated to be over rupees ten thousand and in the event of his failure to secure a reasonable price, he shall forthwith report the fact to his superior authority who shall pass such orders as may be deemed fit.(2)Notwithstanding anything contained in sub-regulation (1), if any lost property retained by the Incharge under regulation 5 is of a perishable nature which is not claimed, the Manager shall dispose it of immediately for a best reasonable price or as he deems fit and maintain records of such property.(3)All currency coins and currency notes found in loose form other than the coins or currency notes or foreign currency found in a packet or bag or purse, deposited as lost property shall be accounted for as a miscellaneous receipt and its details entered in a separate cash register and remitted to the Authority or any other officer appointed by Chairperson along with a report, showing the details of such cash or currency notes to enable a refund being arranged if and when the amount is claimed:Provided that no such claim shall be entertained by the Authority after the expiry of a period of ninety days from the date of its receipt by the Authority.(4)Insignificant value or of no value items such as empty pots, worn out old shoes or boots, unserviceable hats, rags, broken articles, etc., remaining unclaimed at the integrated check post or articles fetching no price shall be thrown away:Provided that in such cases, Manager and In-charge shall jointly record a certificate in the lost property register that the article was of no value.(5)Notwithstanding anything contained in sub-regulations (1) and (2), any lost property which is or which becomes objectionable may be destroyed or otherwise disposed of in the following manner, namely:-(i)arms, ammunition and explosives and other dangerous goods shall be deposited with the border guarding force or police authorities against proper receipt by the Manager;(ii)narcotics, drugs, foreign currency and all items of foreign origin shall be deposited with the customs authorities against proper receipt by the Manager;(iii)official documents including licences, passports and identity proofs shall, wherever

practicable, be returned to the appropriate Government Department, local authority or other body or person responsible for issuing them or for controlling or dealing with them.(6)Any person whose property has been disposed of under these regulations, shall upon proper verification, be entitled to receive the proceeds of the sale, if any, after deduction of reasonable expenses, which shall not exceed 33 percent of the sale proceeds of the item found and auctioned by the Authority or by its appointed agency.

8. Examination of lost property.

- Where any lost property is contained in a package, bag or other receptacle, the Manager may cause such package, bag or other receptacle to be opened and the contents examined or require the claimant to open it and submit it and its contents for examination, for the purpose either-(a)of identifying and tracing the owner of the lost property, or(b)of ascertaining the nature of the contents.