Customs Baggage Rules 2016 Amended - Confusing!

TIOL-DDT 2818

01 04 2016
Friday

THE
Customs Baggage Rules 2016 come into force today - the Government amended them yesterday. As per Rule 3 of the Baggage Rules 2016,

1. an Indian resident or a foreigner residing in India or a tourist of Indian origin is allowed duty free baggage allowance of fifty thousand rupees.

2. The Proviso says that a tourist of **foreign** origin is allowed duty free baggage allowance of fifteen thousand rupees.

Now the rule is amended to stipulate that:

1. an Indian resident or a foreigner residing in India or a tourist of Indian origin is allowed duty free baggage allowance of fifty thousand rupees.

2. The Proviso says that a tourist of **Indian** origin is allowed duty free baggage allowance of fifteen thousand rupees.

Now, the tourist of Indian origin has two options - duty free baggage of 50,000 and 15,000. Who will decide this? And what happened to foreign tourist? He has no duty free allowance.

The Baggage Rules have an Appendix and three annexures apart from the complicated provisions with half a dozen provisos. Can't they make these simple and short that passengers can understand?

And why should the Government be in a tearing hurry to get these amendments made a day before? Â Apart from the passengers understanding any of these, will the Customs officers at the airports be able to guide them?

Also please see **Provide a kiosk for passengers & assistance to fill baggage declaration at airport**Â

Notification No. 43/2016- CUS(NT)., Dated:March 31, 2016

Effective Rate of Duty on Baggage

AS
per Notification No. 136/1990- Customs, dated the 20th March, 1990, the rate of duty on the baggage of the passengers after availing the duty free concession is 35%. This notification is superseded. The rate of duty remains at 35%. This rate of duty is not applicable to certain goods like alcohol in excess of two litres.

Notification No. 26/2016- CUS., Dated:March 31, 2016

Customs - Duty on goods imported under Transfer of Residence

A Passport holder coming to India after a stay abroad of at least 365 days is eligible for;

1. Duty free import of certain goods like VCR (are they still in circulation?
), Microwave oven, Personal computer - upto a value of Rs. 2 lakh

2. Import of certain items like Dishwasher, deep freezer at a duty rate of 15% up to the value of Rs. 5 lakh

Notification No. 27/2016- CUS., Dated:March 31, 2016

Customs - Duty on goods imported from Japan reduced

GOVERNMENT has reduced the duty rates of goods imported from Japan. Notification No. 69/2011-Cus dated 29.07.2011 is amended.

Notification No. 28/2016- CUS., Dated:March 31, 2016

Income Tax - returns Notified

LAST year there was a lot of confusion about the last date for filing returns as the Government notified the return forms very late. In **VISHAL GARG Vs UoI**
, the High Court directed the CBDT to to ensure that the forms etc. which are to be prescribed for the audit report and for e-filing the returns should ordinarily be made available on the first day of April of the assessment year.

The CBDT has acted positively and notified the return forms for this year's Income Tax returns.

CBDT Notification No. 24/2016., Dated: March 30, 2016

Customs -Integrated Declaration replaces Bill of Entry

WITH
effect from 1st of April,2016, the 'Bill of Entry' will be replaced by an 'Integrated Declaration', which covers all information required for import clearance by the other government agencies. The Customs Broker or Importer shall submit the "Integrated Declaration" electronically to a single entry point, i.e. the Customs Gateway (ICEGATE). Separate application forms (both online and hardcopy) required by different Participating Government Agencies (PGAs) like Drug Controller, AQCS, WCCB, PQIS and FSSAI would be dispensed with.

The changes introduced to the Bill of Entry include additional requirements on account of Customs as well as Participating Government Agencies (PGAs) under the Single Window project.

With effect from April 1, 2016, importers will be required to submit the Authorised Dealer Code of the bank that will be making outward remittance of foreign exchange in connection with the imported goods.

A new field is being introduced to report the "UCR" or (Unique Consignment Reference). The UCR is for the identification of consignments in the international supply chain and will facilitate exchange of advance information bilateral agreements/ Customs Mutual Assistance Agreements. As of now, this field will not be used and the importers should leave a blank.

'End use of the item' is presently a free text field. This has been converted into a dropdown list, because, purpose of import/ Intended end-use is a key data field for Participating Government Agencies. It will be used to determine the agency (ies)from whom NOC is required.

For receiving a proper declaration in relation to RSP Applicability, the current field is modified so that the importer makes a clear declaration in respect of every item.

Provision has been made to capture the name and address of the Manufacturer/Producer. Food Safety Authority of India and Drug Controllers are interested in the Manufacturer details, including their names and addresses.

There are cases where a consignment has been sold on high seas more than once. A flag has been introduced to capture the transaction hierarchy where there are multiple High Sea Sale transactions involved.

Customs (Imported Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 2016 requires the importer to mandatorily provide the Central Excise Registration number in the Bill of Entry. Necessary changes have been introduced into the Bill of Entry format to capture Central Excise Registration Number.

CBEC F. No. 450/147/2015-Cus-IV., Dated: March 31, 2016

Open House Every Wednesday in DGFT Offices

IT has been decided that there will be an open house for applicants between 2.30 PM and 3.30 PM on every Wednesday in all RA offices in a designated meeting room / place. The duration may be extended as required. During this period concerns / pending issues of applicants raised by them will be addressed by the officers / staff concerned who will make themselves accessible in the meeting room. If the officer / staff member concerned is not available on a particular day, the designated link officers / staff member shall address the concerns / issues. To the extent possible the head of the office will preside over the open house.

DGFT Trade Notice No. 22/2015., Dated: March 31, 2016

Delhi High Court directs CIC to maintain Record of Proceedings

DELHI
High Court, by Order dated 23rd March, 2016 in the case of R.K. Jain v. CIC, has directed the CIC to maintain daily order sheets (Record of Proceedings) reflecting true and correct state of affairs of the proceedings. The High Court gave six months time to CIC to evolve a procedure in this respect and start maintaining daily order sheets. These directions have come on a petition filed by Mr. R.K. Jain against the CIC on the ground that during hearing his appeal was allowed, but in the order which was passed by CIC after a long delay, the appeal was dismissed.

The April Effect

SOME of the Budget Changes Effective from Today

subject		**Notification**
Central Excise		Â
Â	Central Excise (Removal of Goods at Concessional Rate of Duty for Manufacture of Excisable and Other Goods) Rules, 2016.	20/2016 - Central Excise (N.T.)
Â	Certain changes in CE Rules	8/2016 - Central Excise (N.T.)
Â	Certain Changes in CENVAT Credit Rules	13/2016 - Central Excise (N.T.)
Â	Interest under Section 11AA of Central Excise Act	15/2016 - Central Excise (N.T.)
Customs		Â
Â	Baggage Rules 2016	30/2016 - Customs (N. T.)

Â	Amendments to Customs Baggage Declaration Regulations, 2013	31/2016 - Customs (N. T.)
Â	Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 2016	32/2016 - Customs (N. T.)
Â	Interest rate under Section 28AA of the Customs Act	33/2016 - Customs (N. T.)
Service Tax		Â
Â	Changes in Mega Exemption Notification 25/2012	No.9/2016-Service Tax

- Exemption on services by senior advocate to other advocate or to a law firm is being withdrawn. Levy under forward charge.
- Date from which the definition of support services shall stand deleted from the Finance Act, 1994.

New exemptions for services by,-

- Annuity under the National Pension System
- Securities and Exchange Board of India (SEBI)
- Employees Provident Fund Organisation (EPFO)
- Biotechnology incubators approved by Biotechnology Industry Research Assistance Council (BIRAC).
- National Centre for Cold Chain Development Rationalisation of abatement rates and conditions thereof in respect of services by,-

- Tour operator services
- transport of passengers by rail.
- transport of goods by rail.

Decrease in Tariff Values of Gold and Silver

GOVERNMENT
has decreased the tariff values of gold and silver. Tariff values of oils, poppy seeds and brass scrap are increased; no change in areca nuts.

Table 1

S. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value USD (Per Metric Tonne) as on 15.03.2016	Tariff value USD (Per Metric Tonne) from 31.03.2016
(1)	(2)	(3)	(5)	(6)
1	1511 10 00	Crude Palm Oil	652	**698**
2	1511 90 10	RBD Palm Oil	659	**706**
3	1511 90 90	Others - Palm Oil	656	**702**
4	1511 10 00	Crude Palmolein	662	**711**
5	1511 90 20	RBDPalmolein	665	**714**
6	1511 90 90	Others - Palmolein	664	**713**
7	1507 10 00	Crude Soyabean Oil	740	**767**
8	7404 00 22	Brass Scrap (all grades)	2957	**3030**
9	1207 91 00	Poppy seeds	2464	**2533**

Table 2				
S. No.	**Chapter/ heading/ sub-heading/tariff item**	**Description of goods**	**Tariff value USD from 15.03.2016**	**Tariff value USD from 31.03.2016**
1	71 or 98	Gold, in any form in respect of which the benefit of entries at serial number 321 and 323 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed.	404 per 10 grams	**402 per 10 grams**
2	71 or 98	Silver, in any form in respect of which the benefit of entries at serial number 322 and 324 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed.	509 per kilogram	**502 per kilogram**

Table 3				
S. No.	**Chapter/ heading/ sub-heading/tariff item**	**Description of goods**	**Tariff value USD (Per Metric Tons) from 15.03.2016**	**Tariff value USD (Per Metric Tons) from 31.03.2016**
1	080280	Areca nuts	2599	**2599**

Notification No. 44/2016-CUSTOMS (N.T.)., Dated: March 31, 2016

Until Monday with more **DDT**

Have a nice weekend.

Mail your comments to **vijaywrite@tiol.in**