

GENERAL EXEMPTION NO. 163

Effective rate of duty on Silver imported by a passenger of Indian Origin or a passenger holding a valid passport issued under the Passport Act, 1967 (15 of 1967) as baggage.

[Notfn. No. 3/12, dt. 16.1.2012].

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), and in supersession of the notification of the government of India in the Ministry of Finance (Department of Revenue) No. 172/1994-Customs, dated the 30th September, 1994, published in the Gazette of India, Extraordinary vide, G.S.R. No. 734(E), dated the 30th September, 1994, and notification No.31/2003-Customs, dated the 1st March, 2003, published in the Gazette of India, Extraordinary vide, G.S.R. No. 166(E), dated the 1st March, 2003, except as respects things done or omitted to be done before such supersession, the Central Government on being satisfied that it is necessary in the public interest so to do, hereby exempts goods of the description specified in column (2) of the Table below and falling under Chapter 71 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), when imported into India by an eligible passenger, from so much of the duty of customs leviable thereon which is specified in the said First Schedule, as is in excess of the amount calculated at the rate as specified in the corresponding entry in column (3) of the said Table and from the whole of the additional duty leviable thereon under section 3 of the said Customs Tariff Act.

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Table

| S.No. | Description of goods | Rate |
|-------|--|------|
| (1) | (2) | (3) |
| 1. | Gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed in metric units, and gold coins having gold content not below 99.5% | 2% |
| 2. | Gold in any form other than at S.No.1 above, including tola bars and ornaments, but excluding ornaments studded with stones or pearls | 5% |
| 3. | Silver, in any form including ornaments, but excluding ornaments studded with stones or pearls | 6% |

(2) The exemption is subject to the following conditions, namely:-

- (i) the duty shall be paid in convertible foreign currency;
- (ii) the quantity of import shall not exceed ten kilograms of gold and one hundred kilograms of silver per eligible passenger; and
- (iii) the gold or silver is either carried by the eligible passenger at the time of his arrival in India or is imported by him within fifteen days of his arrival in India.

Notwithstanding anything contained above, the exemption under this notification shall also apply to gold or silver taken delivery of by an eligible passenger from a customs bonded warehouse of the State Bank of India or the Minerals and Metals Trading Corporation Ltd., subject to the conditions (i) and (ii) of para 2 above, and subject to further condition that such eligible passenger files a declaration in the prescribed form before the proper officer of customs at the time of his arrival in India declaring his intention to take delivery of the gold or silver from such a customs bonded warehouse and pays the duty leviable thereon before his clearance

from customs.

Explanation.- For the purposes of this notification, “eligible passenger” means a passenger of Indian origin or a passenger holding a valid passport, issued under the Passports Act, 1967 (15 of 1967), who is coming to India after a period of not less than six months of stay abroad; and short visits, if any, made by the eligible passenger during the aforesaid period of six months shall be ignored if the total duration of stay on such visits does not exceed thirty days and such passenger has not availed of the exemption under this notification or under the notification being superseded at any time of such short visits.

(3) This notification shall come into force on the 17th day of January, 2012.

