



Customs Clearance of Passengers

At a Glance

- Customs Clearance of passengers is governed by
 - Baggage Rules, 2016 as amended from time to time;
 - Customs Baggage Declaration Regulations, 2013 as amended from time to time;
 - Foreign Exchange Management (Export and import of currency) Regulations, 2015 as amended from time to time;
 - Duty rates as per Customs Tariff Act, 1985;
 - Social Welfare Surcharge (SWS) as per Finance Act, 2018
- Customs duty on import is leviable on the value of dutiable goods that is in excess of the Duty Free Allowance.
- The free allowance shall not be pooled with the free allowance of any other passenger
- The free allowance is not applicable to:
 - i. Fire arms.
 - ii. Cartridges of Fire Arms exceeding 50.
 - iii. Cigarettes exceeding 100 or cigars exceeding 25 or Tobacco exceeding 125 grams.
 - iv. Alcoholic liquor or wines in excess of 2 litres.
 - v. Gold or Silver in any form, other than ornaments.
 - vi. Flat Panel (LCD/LED/Plasma) Television.

- Customs Duty on Baggage is currently charged @38.5% (BCD @35% + SWS @10% of BCD) of the value of goods
- The Duty Free Allowances available to various categories of passengers are as under:

Sr. No	Eligible Passenger	Originating Country	Duty Free Allowance
(1)	(2)	(3)	(4)
1	Indian Resident or a foreigners residing in India or a Tourist of Indian origin, excluding infants	Other than Nepal, Bhutan or Myanmar	Rs. 50,000/-
	Tourists of foreign origin, excluding infants		Rs. 15000/-
2	Indian Resident or a foreigner residing in India or a tourist, excluding infants	Nepal, Bhutan, Myanmar	Rs. 15000/- By Land - Nil
3	Passenger who has been residing abroad for over one year, on return to India	Anywhere	Gold Jewellery: <u>Gentleman</u> - 20 gms with a value cap of Rs. 50,000/- <u>Lady</u> - 40 gms with a value cap of Rs. 1,00,000/-
4	All passengers (subject to any other law in force)	Anywhere	Alcoholic liquor/wine: 2 litres
5	All passengers (subject to any other law in force)	Anywhere	Cigarettes up to 100 sticks or Cigars upto 25 or Tobacco up to 125 grams
6	Passenger of 18 years and above	Anywhere	One laptop computer (note book computer)
7	All passengers	Anywhere	Used personal effects* (excluding jewellery) and travel souvenirs
8	Infants**	Anywhere	NIL (except Used personal effects)

*"Personal effects" means things required for satisfying daily necessities.

**Infant means a child not more than two years of age.

- Certain goods are prohibited (banned) or restricted (subject to certain conditions) for import and/ or export. These are goods of social, health, environment, wildlife and security concerns. While it is not possible to list all the goods, more common of these are:
 - **PROHIBITED GOODS**
 - Narcotic Drugs and Psychotropic substances.
 - Pornographic material
 - Counterfeit and pirated goods and good infringing any of the legally enforceable intellectual property rights.
 - Antiquities.
 - Firearms
 - Maps and literature where Indian external boundaries have been shown incorrectly.
 - Wild life products.
 - Counterfeit Indian Currency notes, stamps and coins.
 - Specified live birds and animals.
 - Fake currency notes
 - **RESTRICTED GOODS**
 - Ammunition.
 - Live birds and animals including pets.
 - Plants and their produce e.g. fruits, seeds.
 - Endangered species of plants and animals, whether live or dead.
 - Any goods for commercial purpose: for profit, gain or commercial usage.
 - Radio transmitters not approved for normal usage.
 - Gold and Silver, other than ornaments (For import only)
 - Indian and foreign currency in excess of prescribed limits:
 - Foreign currency in excess of US \$5,000 in the form of currency notes or equivalent; US \$10,000 or equivalent in the form of currency notes, banknotes or travellers cheque is required to be declared on arrival.
 - Satellite phones
 - Drones

- **Import of Alcoholic drinks / Cigarettes as baggage**

Following quantities of Alcoholic drinks and Tobacco products may be included for import within the duty free allowances admissible to various categories of incoming passengers:

- Alcoholic liquor or Wine or beer up to 2 litres
- 100 Cigarettes or 25 Cigars or 125 gms of Tobacco.

Condition: The imported goods have proper pictorial warning on it as prescribed by Cigarettes and Tobacco Products Packaging and Labelling Rules, issued by the Ministry of Health and Family Welfare

- The rate of duty applicable on these products over and above the above mentioned free allowance is as under:
 - i. Cigarettes BCD @ 60% + Social welfare surcharge @ 10%+ CVD + NCCD + IGST (as applicable)
 - ii. All alcoholic beverages other than beer and inclusive of wine BCD @ 50% + Agriculture Infrastructure and Development Cess (AIDC) @100%
 - iii. Beer BCD @ 100% + Social Welfare Surcharge 10%

- **Import of Gold as baggage**

Any passenger of Indian Origin or a passenger holding a valid passport, issued under the Passport Act, 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 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.

Thus, except passengers who satisfy the above conditions, no other passengers are allowed to import gold in Baggage.

- Other conditions:
 - i. The duty shall be paid in convertible foreign currency.
 - ii. Concessional rate of duty @ 5% + AIDC @1% is applicable for gold to Indian Passport holders and persons of Indian origin if stay is for more than 6 months.
In other cases normal rate of Customs duty @ 38.5% will be charged.
 - iii. The weight of gold (including ornaments) should not exceed 1 kg. per passenger.
 - iv. The passenger can either bring the gold himself at the time

of arrival or import the same within fifteen days of his arrival in India as unaccompanied baggage.

- **Import of silver as baggage**

- a) Any passenger of Indian origin (even if a foreign national).
- b) Any passenger holding a valid passport issued under the Passport Act, 1967.

Conditions

- i. The weight of silver (including ornaments) should not exceed the quantity of 10 kgs. per passenger.
- ii. Such passenger is coming to India after a period of not less than six months of stay abroad. However, short visits during these six months shall be ignored if the total duration of such short visits does not exceed 30 days and the passenger has not availed of the exemption under this scheme, at the time of such short visits.
- iii. The BCD @ 5% + AIDC @ 1% is paid by the passenger in convertible foreign currency. Tariff value of silver is taken as per the notifications issued from time to time.
- iv. The passenger can either bring the silver himself at the time of arrival or import the same within fifteen days of his arrival in India.

- Import of Gold and Silver by a foreign national is prohibited.

- **OUT GOING PASSENGERS**

- Only bonafide baggage is allowed to be cleared by passengers.
- There is a procedure prescribed whereby the passengers leaving India can take the Export Certificate for various high value items such as camera, video camera, as well as jewellery, from the Customs authorities. Such an Export Certificate facilitates re-importation of such goods while bringing back the things to India as no duty is charged. The advantage of having the Export Certificate is that the concessions you are entitled to, when you return are not affected.

- Export of Indian Currency is strictly prohibited. However Indian residents when they go abroad are allowed to take with them Indian currency notes not exceeding Rs. 25,000/.
- Tourists/NRIs while leaving India are allowed to take with them foreign currency not exceeding an amount brought in by them i.e. unspent foreign exchange left from the amount declared in CDF at the time of their arrival in India. Also, as no declaration is required to be made for bringing in foreign exchange / currency not exceeding equivalent of U.S. \$ 5000, generally tourists can take out of India with them at the time of their departure foreign exchange/currency not exceeding the above amount.
- Indian residents going abroad are permitted to take with them foreign currency without any limit so long as the same has been purchased/issued by RBI approved / authorized foreign exchange dealer as per norms.