

Instruction
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

227-B, North Block,
New Delhi-110001. 1st July, 2011.

Subject: **Issues relating to Customs clearance at International Airports in India** – reg.

Attention is invited to Notification No.74/2005-Customs (N.T.) & 75/2005-Customs (N.T.) both dated 30.8.2005 under Import Manifest (Aircraft) Regulations, 1976 and Export Manifest (Aircraft) Regulations, 1976, as amended, respectively. The former notification mandates that passenger manifest shall be delivered electronically within 15 minutes of the closure and departure of flights from the originating station while the latter notification requires that the passenger manifest shall be delivered electronically to Customs three hours before the departure of the flight.

2. It has been brought to the notice of the Board that advance information of passenger manifest transmitted by Airlines to Customs is not properly collated and used for mapping and profiling of passengers who are short visitors / frequent visitors or against whom offence cases have been registered in the past. This information is also not systematically utilized in cases where alerts have been issued by DRI, SIIB or other investigating agencies for monitoring and apprehending the targets.

3. Board has taken a serious note of the aforementioned matter and emphasizes the urgent need to put in place a mechanism to gather intelligence and undertake profiling of suspect international passengers. The advance details available in the passenger manifest currently delivered by airlines to Customs in terms of Notification No.74/2005-Customs (NT) and No.75/2005-Customs (NT) both dated 30.8.2005 contain details like name of passenger and passport number which can be matched with available data for monitoring of alert issued by DGRI / SIIB or other agencies and available with Customs. Board also directs that suitable computerized database of frequent / short visitors should be forthwith developed at all international airports.

Board is also concerned about the lack of computerized database of offence cases registered against erring passengers at international airports. Only at Chennai international airport, a customized software namely COPS is being used for maintaining and updating an offender database. The lack of database has resulted in inadequate compliance of Board's instructions relating to identification of repeat offenders for deciding fitness for arrest and launch of prosecution.

Further, unavailability of ready and easy-to-use database on habitual offenders leaves enough scope to adjudicate the cases of non-bonafide baggage with nominal fine and penalty by Customs authorities.

In this regard, it is appropriate to reiterate that Board has instructed in the past that cases of import of goods in commercial quantities through passenger baggage should be adjudicated by imposing appropriate fine and penalty so as to curtail this practice. Board, therefore, desires that concerned Commissioners at international airports should immediately explore the feasibility of replicating COPS software to their airports, in consultation with DG (System), New Delhi.

It is also reported that there are cases of considerable variation in assessed value of similar goods at airports. Further, the same items are being assessed to different values at different airports. This varying practice of assessment has adverse implications for revenue. The remedy lies in developing and maintaining a proper valuation database so that undue variation in assessable value can be curtailed and uniformity in assessment ensured. Accordingly, Board desires that in this direction the concerned Commissioners at all international airports shall develop a valuation database of items of high value that are commonly imported through passenger baggage. It is expected that while doing so, the Commissioners shall suitably consult other airports since the objective is to have uniformity to the extent possible.

Chief Commissioners in-charge of International airports are requested to furnish action taken report on the aforesaid matters by 30.7.2011.

Suitable instructions may be issued for guidance of officers and difficulty, if any, noticed in implementing this instruction may be brought to the notice of the Board.

F.No.520/14/2011-Cus.VI

Yours faithfully,

(R. P. Singh)
Director (Customs)