

# India

**i** Source: WCO/Central Board of Indirect Taxes and Customs (CBIC) - India

17.04.2020

CBIC sensed the gravity of the pandemic and its likely impact on the global supply chain at the very initial stage, and took a number of proactive measures to ensure smooth operation of all customs locations in India viz. seaports, airports, land customs stations, foreign post offices and courier terminals, while following social distancing and other health related guidelines of the Government, issued from time to time.

To prevent spread of COVID-19, India is following strict lockdown. In these difficult times, CBIC is committed to ensure hassle free movement, release and clearance of goods under import, export or transit, and provide maximum possible comfort to trading community and other stakeholders, and the society at large.

In this regard, an illustrative list of measures and actions taken by India is as below:

- 24x7 custom clearance facility has been implemented at all custom formations to avoid any supply chain disruption. **(Instruction No.02/2020-Customs dated 20.02.2020)**
- Special care has been taken in clearance of passengers coming from affected countries. Separate channels were created at the airports, port terminals and land customs stations for such passengers. Customs officers strictly followed instructions to use masks, gloves and
- All customs formations have been asked to show greater sensitivity in dealing with cargo from affected areas, condone the delay in filing import declarations and waive the late filing fees in genuine cases. **(Chairman's letter No.03/CH(IC)/2020 dated 02.2020).**
- A dedicated single window COVID-19 helpdesk for EXIM trade has been created on CBIC website to facilitate quick resolution of issue(s) faced by importer/exporter.
- A nodal officer has been designated in each customs zone of India who can be approached for any issue pertaining to clearance of cargo. List is available on CBIC
- To minimize human interface and maximize social distancing, the OOC (Out of Charge) work, so far performed by an officer, has been assigned to the EDI system. The machine-based automated release of import consignments has been launched throughout India on 05.03.2020. **(Circular No. 15 /2020-Customs Dated 02.2020).**
- Shipping Lines have been asked not to levy detention charges on containers held up for reasons attributable to lockdown measures. **(DG Shipping Order no. 07/2020 dated 03.2020).**
- All major ports have been directed not to levy penalties, demurrage, charges, fee, rental on any port user (traders, Shipping Lines, concessionaries, licensees etc.) for any delay in berthing, loading /unloading operations or evacuation/arrival of cargo caused by reasons attributable to lockdown measures **(Ministry of Shipping letter No. PD-14300/4/2020-PD VII dated 03.2020).**

## Remarks from the International Road Transport Union

01.07.2020

On 29 June, the Indian government issued new rules concerning phase 2 of the deconfinement plan. New rules intend to prolong the lockdown in Containment Zones as well as to ease the situation outside of them; **they apply immediately and up until 31 July.**

Concerning road transport, relevant measures are as follows:

- The night curfew from 22:00 to 05:00 is maintained. Essential activities are exempt from this provision. Goods and passenger transport operations, on national and state highways, are considered essential activities, as well as loading and unloading operations and the travel of individuals to their place of residence after disembarkation from buses, trains and airplanes.
- Strict perimeter controls are carried out around containment zones, individuals cannot move in or out of them. Movements done in order to supply essential goods and services are allowed.
- With the exception of rules applying to containment zones, no State can put restrictions on intra and inter-State movement of persons and goods, including cross-border movements being carried out under Treaties with neighbouring countries. No separate permission, approval or e-permit is required for such movements.

Detailed rules can be found [here](#).

Source: FICCI

02.05.2020

On 1 May, the Government of India issued an order extending the lockdown for a further period of two weeks with effect from 4 May.

The lockdown extension measure includes the creation of Red, Orange and Green Zones; each of them has dedicated guidelines that can be read [here](#).

Source: FICCI

15.04.2020

On 14 April, the Indian Prime Minister announced an extension of the lockdown until 3 May 2020.

The Indian Ministry of Home Affairs has issued new guidelines which apply from 15 April. Bus passenger transport remains suspended, as does taxi transport (including auto rickshaws and cycle rickshaws) and the services of taxi aggregators (i.e. taxi apps). Road transport of goods is still permitted. Full guidelines can be read [here](#).

Source: FICCI

25.05.2020

### Restrictions

On 24 March 2020, the Indian Prime Minister announced that India will impose a national lockdown as of 25 March 2020 for a period of 21 days.

*Passenger Transport:*

- Likewise, customs airports have been asked for waiving of demurrage charges at 50% by airport operator/cargo terminal operator for the lockdown period. **(Order date 01.04.2020 of Ministry of Civil Aviation issued under F. No. AV- 29012/41/2020-ER)**
- Zonal Customs Chief Commissioners have asked local custodians (Inland Container Depots and Container Freight Stations) to exempt demurrage charges during the lockdown
- The time limit for filing of appeal, furnishing of return, or any other compliance under the Customs Act or Customs Tariff Act, which was expiring from 20th March 2020 to 29th June 2020, has been extended up to 30th June 2020. **(Ordinance dated 03.2020).**
- In order to address the difficulties faced due to non-availability of stamp papers during the lock-down period, the requirement of different types of customs bond has been dispensed with. Traders can submit undertaking on plain paper in lieu of bond. **(Circular no. 17/2020-Customs dated 04.2020).**
- Import clearance of Edible oils and Food Grains has been permitted on the basis of visual examination without waiting for the analysis report. On receipt of analysis report, final No Objection Certificate shall be issued. **(FSSAI's direction dated 03.04.2020 issued under F. No. 1-1771/FSSAI/Imports/2018).**
- Prioritized clearance of critical goods used for fighting COVID-19, such as medical equipment, drugs and pharmaceuticals, testing kits, PPEs, is ensured. Exemption from basic customs duty and health cess has been granted to such goods-ventilators, masks, personal protection equipment, testing kits and inputs used in manufacturing these items. **(Notification no. 20/2020-Cus dated 09.04.2020).**
- A special refund and drawback disposal drive has been launched to provide immediate relief to business entities, specially MSMEs, adversely hit by COVID. **(Instruction No.03/2020 Customs dated 04.2020).**
- Goods imported under free trade agreements can be cleared without producing original certificate of origin. **(Circular no. 18/2020-Cus dated 04.2020).**
- To make import clearance process more contact less, CBIC has launched e- delivery of PDF based Gatepass and Out of Charge copy of BoE to custom brokers/importers across India from 15.04.2020. **(Circular No. 19/2020-Customs dated 04.2020).**
- As a relief measure for other countries battling with the pandemic, specific export shipments of critical drugs, pharmaceuticals, testing kits, personal protection equipment etc. are actively facilitated by customs at the borders. Some of these shipments are donation from the Government of
- CBIC actively coordinated with other Ministries for ensuring that customs operations are declared as an essential service during the lock down period, which has allowed smooth operations at all the customs

- The movement of Indian citizens is heavily restricted within India. Special written permission is required under certain circumstances.

- All domestic flights have been suspended.

- All incoming passenger traffic, at all 107 Immigration Check Posts which includes all Airport ICPs, all Seaport ICPs, all Land Port ICPs, all Rail Port ICPs and all River Port ICPs will remain suspended.

*Goods Transport:*

All transport services – air, rail, road – will remain suspended.

#### **Relieves**

a. Transportation for essential goods only.

b. Fire, police and emergency services.

This restriction shall come into force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.

**Source: FICCI**

- In line with the aforesaid, further directives were issued permitting movement of customs brokers and transporters, and allowing functioning of warehouses during the lock down period.
- CBIC has coordinated with the port and airport authorities and other custodians to see that ample space is available for storing exim cargo in the customs
- Importers are being advised to file advance import declaration for expeditious customs clearance, timely payment of duty and take delivery of cleared goods without delay, so as to prevent clogging of customs
- Requests and documents from importer/exporter are being accepted via email to avoid physical visit and contact between the trade and customs officers. Email address of each customs zones has been
- Based on email requisitions, computers and related accessories have been permitted by Customs to be transferred from the bonded premises to residence of employees of Software Technology Park of India to facilitate work from home during the lockdown
- CBIC and zonal Chief Commissioners are promptly monitoring the situation through video conference with customs stations and trade to resolve any emerging
- Customs offices have been assigned contingency fund to take care of health and safety of frontline officers. It will be used to provide a safe work environment in terms of PPEs, maintenance of hygiene etc. as well as to render financial assistance to officers at the lower rung should they so require. Community outreach in and around the workplace is also included in this

(aa) Government has sanctioned special package of Rs 5 lakh for immediate assistance to families of customs officers who may in an unlikely situation succumb in their valiant fight against COVID-19.

(bb) Customs offices across India have generously contributed in distribution of food and relief material, such as masks, to poor and needy in the lockdown period.

(cc) Regular coordination is maintained with district administration and police authorities for ensuring smooth movement of EXIM cargo, and persons engaged in the process during the lockdown.

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**i** India extended the lockdown period till 03 May 2020. Transport services through all modes for freight movement and supply of essential goods are exempted from the lockdown. To ensure smooth flow of supply chain of Essential Items during National Lockdown to fight COVID-19, clarifications were provided to ensure that stakeholders in logistics and warehousing receive the necessary assistance to continue their operations. Air Rail and Road Transport suspended except for essential goods, Port operations for cargo movement to remain operational.

Land border crossings to function for movement of essential goods Operation of Railways, Airways, and Seaports for cargo movement, relief and evacuation, and their related organization are exempted from suspension. Rules for issuance of RoO RTA/PTA certification relaxed, along with several export-import documentation requirements, to ease disruptions caused by lockdown due to the pandemic.

Source: Ministry of Home Affairs:

<https://www.mha.gov.in/notifications/circulars-covid-19>

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24\*7 customs clearance services at designated seaports and airports Coronavirus Help Desk: Nodal officers in the relevant Ministry/Department/Agency have been appointed by the Government to quickly resolve issues hampering trade and speedy clearance of import and export goods.

Source: Ministry of Finance: <http://www.cbic.gov.in/resources/htdocs-cbec/customs/cs-instruction/csinstructions-2020/cs-ins-02-2020.pdf>  
Ministry of Finance: <https://icegate.gov.in/coronavirustradehelp/>

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Source: [https://mha.gov.in/sites/default/files/PR\\_ClarificationonGroundLevelIssuesinSmoothMovementofEssentialItemsinStates\\_04042020.pdf](https://mha.gov.in/sites/default/files/PR_ClarificationonGroundLevelIssuesinSmoothMovementofEssentialItemsinStates_04042020.pdf)  
[https://mha.gov.in/sites/default/files/PR\\_Consolidated%20Guideline%20of%20MHA\\_28032020%20%281%29\\_0.PDF](https://mha.gov.in/sites/default/files/PR_Consolidated%20Guideline%20of%20MHA_28032020%20%281%29_0.PDF)

1. Ministry of Shipping, Government of India has directed all the major ports via F. No. PD -143001412020 - PD VII dated 31.03.2020 to consider exemption or remission of demurrage, ground rent beyond allowed free period, penal anchorage /hire charges and any other performance related penalties that may be levied on port related activities for the reasons attributable to lock down measures i.e. from 22 March to 14 April, 2020.

2. In order to maintain proper supply chain at the Indian seaports, shipping agents are advised not to charge, levy or recover any demurrage, ground rent beyond allowed free period storage for the period from 22 March, 2020 to 14 April, 2020, due to delay in evacuation of cargo caused by reasons attributable to lock-down measures since 22d March, 2020. (for both points listed here see the links to the govt documents for details.

Source: <https://www.dgshipping.gov.in/WriteReadData/News/202003310754160876625DGSorder8of2020forAdvisoryonnon-chargingofanydemurrage,groundrentbeyondtheallowedfreeperiodoranyperformancerelatedpenaltyonnon-containerizedcargoduringtheperiodofeffectofCovid-1.pdf>

<https://www.dgshipping.gov.in/WriteReadData/News/202003290137384948107Advisoryonnon-chargingofcontainerdetentionchargesonimportandexportshipments.pdf>