Circular No. 68/98- Customs

dated 7/ 9/ 1998

F.No. 450/55/92 - Cus - IV

Government of India

Ministry of Finance, Department of Revenue

Central Board of Excise & Customs, New Delhi

Subject : Recovery of merchant overtime (MOT), issuance of new Customs (Fees for Rendering Services by Customs Officers) Regulation, 1998 - reg.

In one of their report, C & AG observed that the scope of certain terms like working hours, rendering services, Customs Officer is not defined in the overtime regulations which causes divergence in proactive in recovery of merchant overtime in various field formations.

2. The matter was discussed in meeting of SCOPE SHIPPING and was observed that there is need to review the existing regulations for levy of overtime rates to be recovered for providing services of Customs Officers after or before normal working hours.

3. Consequent upon the implementation of recommendations of the 5th Central Pay Commission, the rates for recovery of overtime are required to revised accordingly.

4. In view of above the regulations were reviewed and the new Customs (Fees for Rendering Services by Customs Officers) Regulation 1998 were issued, the same shall come into force on 15.10.1998. The new regulations supercede the earlier Customs (Fees for Rendering Services by Customs Officers) Regulation, 1968 and all the other instructions issued on the subject from time to time.

5. The new regulations define the scope of various terms as follows :-

(a) "Customs Officer" includes such officers as are appointed under section 4 of the Customs Act, 1962 (52 of 1962);

(b) "Customs Work" means functions to be performed by Customs officers under the Customs Act, 1962 (52 of 1962) or any other law for the time being in force;

(c) "Rendering services by Customs officer" means -

(i) performances of Customs Work by the Customs officers beyond the working hours but within the Customs area; and

(ii) performance of Customs Work by the Customs officer beyond the Customs area at any time, and includes :-

(A) examination of goods and related function,

(B) loading and unloading of the goods whether generally of specifically,

(C) escorting goods from one Customs area to the other, and

(D) any other customs work authorised by the Commissioner of Customs;

(d) "Working hours" means the duty house prescribed by the Commissioner of Customs in his jurisdiction for normal customs work and where different working hours have been prescribed by the said Commissioner for different items Customs work or for different places within his jurisdiction, such working hours.

6. The increase of overtime rates will be as follows :-

Category of officers	Fee per hour of part thereof on WORKING DAYS				Fee per hour or part thereof on HOLIDAYS			
	EXISTING RATE		NEW RATES		EXISTING RATE		NEW RATES	
	6 AM to 8 PM	8PM to 6AM	6AM to 8PM	8PM to 6AM	6AM to 8PM	8PM to 6AM	6AM to 8PM	8PM to 6AM

IndiaCode

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. Appraisers, Supdt. Customs (Prev.) and Supdt. Cen. Excise	Rs. 40	Rs. 60	Rs. 85	Rs. 125	Rs. 70	Rs. 90	Rs. 140	Rs. 180
2. Air Customs Officers, Examiners, Prev. Officers and Insprs. of C. Excise.	35	45	75	100	50	70	105	145
3. Class IV Staff	15	20	35	45	25	30	55	60

7. Any importer / exporter or their agent or any other person authorised to deal with the import / export of any consignment may request for services of Customs officer on over time basis. He is required to make a request in writing to the proper officer of Customs in advance.

8. The fees are to be paid by the person requesting for rendering of services or on whose account such services has been requested.

9. The levy of fees as aforesaid should be for a minimum of 3 hours in each case, except in cases of overtime postings immediately preceding or immediately following the working hours of the concerned cadre of officers.

10. The period between midnight and 6 A.M. is to treated as block whether the services are required for the entire block or for a portion thereof.

11. In relation to jobs to be performed by any customs officer during the working hours, there would be two blocks; one before lunch and the other after lunch respectively and fees should be charged for the entire block whether the request for the services of such officer relates to the entire block or a portion thereof.

12. The new rate shall come into force from 15th October, 1998. The new rates may kindly be brought to the notice of trade an departmental offices by way of issuing public notice and standing **orders immediately.**

13. The difficulty if any in implementation of regulation may kindly be brought to the notice of Board.

Sd/-
(Vijay Kumar)
Under Secretary to the Govt. of India

IndiaCode