

Customs' new guidelines to ensure foreigners accused of smuggling face law in India

The customs department has made a major change in the existing guidelines to ensure foreigners accused of smuggling do not run away and face speedy prosecution in India. The move came as the government was informed about the steep rise in cases of outright smuggling of gold and foreign currency by foreign nationals.

It was brought to the notice of the government that these accused persons have no interest/assets in India; and once released on bail, they are not available to face trial," the customs official said.

Therefore, service of show cause notice by a designated court to these foreigners becomes difficult, thus delaying the prosecution process.

The matter was examined and it has been decided to modify guidelines issued in 2015 on launching of prosecution.

"Further, in cases involving foreign national(s), prosecution may be launched at the earliest, even before issuance of the show cause notice," the order said.

Normally, prosecution is launched immediately on completion of adjudication proceedings.

"However, in respect of cases involving offences relating to items, viz. gold, foreign currency, fake Indian currency notes, arms, ammunition and explosives, antiques, art treasures, wildlife items and endangered species of flora and fauna, prosecution may preferably be launched immediately after issuance of show cause notice under the Customs Act, 2016," the order said.

It really becomes very difficult to chase these accused foreigners once they have got bail in the offence allegedly committed by them as they do not have much stake or asset in India. The latest modification in the existing guidelines will also help in ensuring speedy prosecution process for these foreign nationals.

Source: The Economic Times