

NOTIFICATION
1998

No. 30/98-CUSTOMS (N.T.)

New Delhi, dated the 2 nd June,

12 Jayastha, 1920

a)

G.S.R. (E) In exercise of the powers conferred by section 79 of the Customs Act, 1962 (52 of 1962), and in supersession of the Baggage Rules, 1994, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1.Short title and commencement.- (i) These rules may be called the Baggage Rules, 1998.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,-

(i) "appendix" means an Appendix to these rules;

(ii) "resident" means a person holding a valid passport issued under the Passports Act, 1967 (15 of 1967) and normally residing in India;

(iii) "tourist" means a person not normally resident in India, who enters India for a stay of not more than six months in the course of any twelve months period for legitimate non-immigrant purposes, such as touring, recreation, sports, health, family reasons, study, religious pilgrimage or business;

(iv) "family" includes all persons who are residing in the same house and form part of the same domestic establishment;

(v) "professional equipment" means such portable equipments, instruments, apparatus and appliances as are required in his profession, by a carpenter, a plumber, a welder, a mason, and the like and shall not include items of common use such as cameras, cassette recorders, dictaphones, personal computers, typewriters, and other similar articles.

3.Passengers returning from countries other than Nepal,Bhutan, Myanmar or China.- An Indian resident or a foreigner residing in India, returning from any country other than Nepal, Bhutan, Myanmar or China, shall be allowed clearance free of duty articles in his *bonafide* baggage to the extent mentioned in column (2) of Appendix A.

4. Passengers returning from Nepal,Bhutan, Myanmar or China.- An Indian resident or a foreigner residing in India, returning from Nepal, Bhutan, Myanmar or China, other than by land route, shall be allowed clearance free of duty articles in his *bonafide* baggage to the extent mentioned in column (2) of Appendix B.

5.Professionals returning to India.- An Indian passenger who was engaged in his profession abroad shall on his return to India be allowed clearance free of duty, in addition to what he is allowed under rule 3 or, as the case may be, under rule 4, articles in his *bonafide* baggage to the extent mentioned in column (2) of Appendix C.

6.Jewellery.- A passenger returning to India shall be allowed clearance free of duty jewellery in his *bonafide* baggage to the extent mentioned in column (2) of Appendix D.

7.Tourists.- A tourist arriving in India shall be allowed clearance free of duty articles in his *bonafide* baggage to the extent mentioned in column (2) of Appendix E.

8.Transfer of residence.-(1) A person who is transferring his residence to India shall be allowed clearance free of duty, in addition to what he is allowed under rule 3 or, as the case may be, under rule 4,

articles in his *bonafide* baggage to the extent mentioned in column (1) of Appendix F, subject to the conditions, if any, mentioned in the corresponding entry in column (2) of the said Appendix.

(2) The conditions may be relaxed to the extent mentioned in column (3) of the said Appendix.

9. Provisions regarding unaccompanied baggage.- (1) Provisions of these Rules are also extended to unaccompanied baggage except where they have been specifically excluded.

(2) The unaccompanied baggage had been in the possession abroad of the passenger and is despatched within one month of his arrival in India or within such further period as the Assistant Commissioner of Customs may allow.

(3) The unaccompanied baggage may land in India upto 2 months before the arrival of the passenger or within such period, not exceeding one year, as the Assistant Commissioner of Customs may allow, for reasons to be recorded, if he is satisfied that the passenger was prevented from arriving in India within the period of two months due to circumstances beyond his control, such as sudden illness of the passenger or a member of his family, or natural calamities or disturbed conditions or disruption of the transport or travel arrangements in the country or countries concerned or any other reasons, which necessitated a change in the travel schedule of the passenger.

10. Application of these Rules to members of the crew.- The provisions of these Rules shall apply in respect of members of the crew engaged in a foreign going vessel for importation of their baggage at the time of final pay off on termination of their engagement.