

The Baggage Rules, 1998

UNION OF INDIA

India

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Rule THE-BAGGAGE-RULES-1998 of 1998

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The Baggage Rules, 1998Published vide Notification No. 30/98-Cus-(N.T.), dated 2nd June, 1998Notification No. 30/98-Cus-(N.T.), dated 2nd June, 1998. - 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.

(1)These rules may be called the Baggage Rules, 1998.(2)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, dietaphones, personal computers, typewriter 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 bona fide baggage to the extent in column (2) of Appendix A.[Provided that such Indian resident or such foreigners returning from Pakistan, by land route, shall be allowed clearance free duty articles in his bona fide baggage to the extent mentioned in column (2) of Appendix "B".] [Added by Notification No. G.S.R. 658(E), dated 9.8.2000 (w.e.f. 2.6.1998)]

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 bona fide baggage to the extent 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 bona fide 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 bona fide 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 bona fide 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 bona fide baggage to the extent mentioned in column (1) of Appendix F, subject to the conditions, if any, mentioned in the corresponding 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 dispatched 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 up to 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 or 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.Appendix A(See rule 3)

1	Article allowed free of duty ²
(a) All passengers of and above 12years of age and returning after stay abroad of more than threedays.	(i) Usedpersonal effects, excluding jewellery, required for satisfyingdaily necessities of life.(ii) Article up to a value of Rs.12,000 if these are carried on the person or in the accompaniedbaggage of the passenger.
(b) All passengers of and above 12years of age and returning after stay abroad of three days orless.	(i) Usedpersonal effects, exculding jewellery, required for satisfyingdaily necessities of life.(ii) Article up to a value of Rs.6,000 if these are carried on the person or in the accompaniedbaggage of the passengers.
(c) All passengers up to 12 years ofage and returning after stay abroad of more than three days.	(i) Usedpersonal effects, excluding jewellery, required for satisfyingdaily necessities of life.(ii) Article up to a value of Rs.3,000 if these are carried on the person or in the accompaniedbaggage of the passenger.
(d) All passengers up to 12 years ofage and returning after stay abroad of three days or less.	(i) Usedpersonal effects, excluding jewellery, required for satisfyingdaily necessities of life.(ii) Articles up to a value of Rs.1,500 If these are carried on the person or in the accompaniedbaggage of the passenger.
Explanation.- The free allowance under this rule shall not be allowed to be pooled with the free allowance of any other passenger.Appendix B(See rule 4)	
1	Article allowed free of duty ²
(i) Passengers of and above 12 years of age andreturning after	(i) Used personaleffects, excluding jewellery, required for satisfying dailynecessities of life.(ii) Articles up to a value of Rs.

stay abroad of more than three days. 3,000 if these are carried on the person or in the accompanied baggage of the passenger.

(ii) Passengers up to 12 years of age and returning after stay abroad of three days or less. (i) Used personal effects, excluding jewellery, required for satisfying daily necessities of life. (ii) Article up to a value of Rs. 750 if these are carried on the person or in the accompanied baggage of the passenger.

Explanation - The free allowance under this rule shall not be allowed to be pooled with the free allowance of any other passenger. Appendix C (See rule 5)

1 Article allowed free of duty²

(a) Indian passengers returning after at least 3 months. (i) Used household articles up to an aggregate value of Rs. 6,000. (ii) Professional equipment up to a value of Rs. 10,000.

(b) Indian passenger returning after at least 6 months. (i) Used household articles up to an aggregate value of Rs. 6,000. (ii) Professional equipment up to a value of Rs. 20,000.

(c) Indian passenger returning after a stay of minimum 365 days during the preceding 2 years on termination of his work, and who has not availed this concession in the preceding three years. (i) Used household article and personal effects, (which have been in the possession and use abroad of the passenger or his family for at least six months), and which are not mentioned in Annex I or Annex II up to an aggregate value of Rs. 30,000.

Appendix D (See rule 6)

1 Jewellery.²

Indian passenger who has been residing abroad for over one year. (i) Jewellery up to an aggregate value of Rs. 10,000 by a gentleman passenger, or (ii) Up to an aggregate value of Rs. 20,000 by a lady passenger.

[Appendix E] [Substituted by Notification No. G.S.R. 658(E), dated 9.8.2000 (w.e.f. 2.6.1998)] (See rule 7)

1 Article allowed free of duty²

(a) Tourist or Indian origin other than those coming from Pakistan by land route (i) Used personal effects and travel souvenirs, if - (a) these goods are for personal use of the tourist, and (b) these goods, other than those consumed during the stay in India, are reexported when the tourist leaves India for a foreign destination. (iii) article as allowed to be cleared under rule 3 or 4.

(b) Tourists of foreign origin other than those of Nepalese origin coming from Nepal or of Bhutanese origin coming from Bhutan or of Pakistani origin coming from Pakistan. (i) Used personal effects and travel souvenirs, if - (a) these goods are for personal use of the tourist, and (b) these goods, other than those consumed during the stay in India, are reexported when the tourist leaves India for a foreign destination. (ii) articles up to a value of Rs. 4,000 for making gifts.

(c) Tourists of Nepalese origin coming from Nepal or of Bhutanese origin Not free allowance.

coming from Bhutan.

(d) Tourists of Pakistani origin or foreign tourists coming from Pakistan or tourists of Indian origin coming from Pakistan by land route.

(i) Used personal effects and travel souvenirs, if-(a) these goods are for personal use of the tourist, and (b) these goods, other than those consumed during the stay in India, are reexported when the tourist leaves India for a foreign destination. (ii) articles up to a value of Rs. 3,000 for making gifts.

Appendix F (See rule 8)

Articles allowed free of duty.

Conditions.

Relaxation that may be considered.

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(a) Used personal and household articles, other than those listed at Annex I or Annex II, but including jewellery up to ten thousand rupees by a gentleman passenger or rupees twenty thousand by a lady passenger.

(1) Minimum stay of two years abroad, immediately preceding the date of his arrival on TR, (2) total stay in India on short visit during the 2 preceding years should not exceed 6 months, and (3) passenger has not availed this concession in the preceding three years

(a) For condition (1) Shortfall of up to 2 months in stay abroad can be condoned by Assistant Commissioner of Customs if the early return is on Account of: (i) terminal leave or vacation being availed of by the passenger; or (ii) any other special circumstances. (b) For condition (2) Commissioner of Customs may condone short visits in excess of 6 months in deserving cases. (c) For condition (3) No relaxation

(b) Jewellery taken out earlier by the passenger or by a member of his family from India.

Satisfaction of the Asstt. Commissioner of Customs regarding the jewellery having been taken out earlier from India.

Annexure I

1. Fire arms.

2. Cartridges of fire arms exceeding 50.

3. Cigarettes exceeding 200 or cigars exceeding 50 or tobacco exceeding 250 gms.

4. Alcoholic liquor and wines in excess of one litre each.

5. Gold or silver, in any form, other than ornaments.

Annexure II

- 1. Colour Television/Mohochrome Television.**
- 2. Video Cassette Recorder/Video Cassette Player/Video Television Receiver.**
- 3. Washing Machine.**
- 4. Electrical/Liquefied Petroleum Gas/Cooking Range (other than Electrical/Liquefied Petroleum Gas stoves with not more than two burners and without any extra attachment).**
- 5. Dish Washer.**
- 6. Music System.**
- 7. Personal Computer.**
- 8. Air Conditioner.**
- 9. Refrigerator.**
- 10. Deep Freezer.**
- 11. Microwave Oven.**
- 12. Video camera or the combination of such video camera with one or more of the following goods, namely :-**

(a)Television Receiver;(b)Sound recording or reproducing apparatus;(c)Video reproducing apparatus.
- 13. Word Processing Machine.**
- 14. Fax Machine.**
- 15. Vessels.**
- 16. Aircraft.**

17. Cinematographic films of 35 mm. and above.

18. Gold or silver, in any form, other than ornaments.