Circular No.35/2007-Customs

F. No. 495/6/2007-Cus.VI
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

159A, North Block, New Delhi-1.
Dated 28th September, 2007.

To
All Chief Commissioners of Customs.
All Chief Commissioners of Customs (Preventive).
All Chief Commissioners of Customs & Central Excise.
All Commissioners of Customs.
All Commissioners of Customs & Central Excise.
All Commissioners of Customs (Preventive).

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Sir/ Madam,

Subject: Misuse of unaccompanied baggage facility- regarding.

Kind attention is invited to the Minutes of the Chief Commissioners' Conference held in Bangalore in December, 2006, wherein the issue of misuse of the facility of unaccompanied baggage was discussed (Item No.7-iii). It is reported that a single passenger arriving into India brings goods said to be belonging to several other persons as his unaccompanied baggage and that clearance of all such goods was being permitted at some of the airports/Customs station without invoking any penal provisions. Colloquially this is referred to as "door-to-door delivery" traffic. It was clarified during the meeting that only 'bonafide baggage' of that passenger is allowed for import either along with the passenger or as his unaccompanied baggage. It was decided that the filed formations would be alerted about this misuse.

2. It is, therefore, reiterated that all the provisions of Customs Act, 1962 and Baggage Rules, 1998 are applicable to unaccompanied baggage as they are applicable to baggage (accompanied), except the free allowance which is not available for unaccompanied baggage. Hence, it may be ensured by the officers attending to the clearance of the unaccompanied baggage at all customs stations that "bonafide" nature of the baggage is established before allowing clearance. The exceptions relating to various restrictions as provided in Rule 3 (i) of Foreign Trade (Exemption from application of Rules in certain cases) Order, 1993 in respect of baggage, specified goods including consumer electronic items etc., are part of the facilitation measures available to passenger in respect of his personal effects and hence, the same cannot be allowed to be used as means to circumvent the legal provisions applicable to normal imports.

All cases of import of unaccompanied baggage other than in the nature of "bonafide" baggage have to be adjudicated for levy of fines / penalties for violation of the Foreign Trade Policy.

3. You are, therefore, requested that instructions may be issued to alert the field formations about the misuse of unaccompanied baggage facility as above.

Yours faithfully

(M.M. Parthiban)
Director (Customs)

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