Circular No. 10/95-Cus.

dated 2/2/95

F.No. 495/33/94-CUS. VI

Government of India
Ministry of Finance
Department of Revenue, New Delhi

Subject : Guidelines for Baggage Clearance - Compilation of instructions issued by CBEC on clearance of passengers baggage (as on 30.9.94).

The undersigned is directed to say that a doubt has been raised regarding para 2(e) of the "Guidelines for Baggage Clearance", circulated vide Board's letter of even number dated 1.11.94, wherein, it is explained that the Indian Citizens or foreign national residing abroad for more than two years and who are transferring their residence to India for a minimum stay of one year will be entitled to the allowances of Rule 4, Rules 9 and Rule 16 of the Baggage Rules, 1994.

2. It has been pointed out that Rule 4, Rule 5 and Rule 9 are incorporated in Chapter II of the Baggage Rules, 1994 whereas Rule 16 is contained in Chapter IV of the said Rules. Under Rule 19 of the Baggage Rules, 1994, it has been laid down that a person shall be entitled to avail concessions either of Chapter II or Chapter III or Chapter IV at a time. As such, there appears to be an anomaly under para 2(e) of the Guidelines for Baggage Clearance issued by the Board as simultaneous availment of Rule 4, Rule 5 and Rule 9 with Rule 16 does not appear to be permissible.

3. The matter has been examined by the Board. It is observed that benefit of Rules 4, Rule 5 and Rule 9 are already built in Rule 16 of the Baggage Rules, 1994, and therefore, a person fulfilling the conditions for grant of Transfer of Residence facilities under Rule 15, shall be, *inter alia*, entitled to the benefits or Rule 4, Rule 5 and Rule 9 in view of the provisions or Rule 16 of the Baggage Rules, 1994. Such a person need not invoke the provisions of Chapter II of the Baggage Rules, 1994 for claiming benefits of Rule 4, Rule 5 and Rule 9 of the Baggage Rules, 1994 for claiming benefits of Rule 4, Rule 5 and Rule 9 of the Baggage Rules, 1994. As such, the Board is of the view that there is no anomaly under Para 2(e) of the guidelines for baggage clearance circulated by the Board.

Sd/-
(T.R. Kapur)
Under Secretary (Cus. VI)