Circular No. 04 /2013-Customs

F.No.401/179/2012 -Cus III
Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Excise & Customs
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New Delhi, dated 15th January , 2013

To,

All Chief Commissioners of Customs.
All Chief Commissioners of Customs & Central Excise.
All Chief Commissioners of Central Excise.
Sir / Madam,

Subject: Disposal of firearms imported as baggage under transfer of residence - reg.

The undersigned is directed to refer to Ministry's letter F.No. 497/57/87-Cus-VI, dated 05.01.1998 whereby it was clarified firearms imported as baggage are not allowed to be transferred to any person for consideration or otherwise during the lifetime of the importer and to state that this issue has been re-examined in the context of a reference requesting permission to dispose an imported firearm on ground of old age.

2. In this regard it is observed that DGFT has revised the import policy on disposal of imported firearms vide Public Notice No. 82/2009-2014(RE-2010), dated 17.10.2011. Accordingly, Para 2.43.2 of the Handbook of Procedures Vol.I, 2009-2014 stands modified and amongst other changes it now provides that transfer of imported firearms will not require permission from DGFT after ten years of import. Imports under baggage are exempt from the normal provisions of the Foreign Trade Policy in terms the Foreign Trade (Exemptions from Application of Rules in Certain Cases) Order, 1993. Thus, the said DGFT's Public Notice dated 17.10.2011 does not apply to imports as baggage. The implication is that the relaxation provided by DGFT does not apply to firearms imported as baggage under transfer of residence and the restriction that these cannot be disposed in any manner during the lifetime of the importer continues to apply. This places persons importing firearms as baggage at a disadvantage viz-a-viz other importers.

3. DGFT was consulted in order to address the inequitable situation aforementioned. DGFT has clarified that the relaxation at their end in regard to allowing the disposal of imported firearms was made in consultation with the Ministry of Home Affairs, amongst others. DGFT has also recommended that it is desirable to liberalize the provision of disposal of firearms imported as baggage and harmonize it with their Public Notice.

4. In view of the above, I am directed to state that Government has decided to allow passengers importing a firearm as baggage on transfer of residence to dispose the same after ten years of import. The disposal will be to persons legally entitled to possess the firearm. The condition that no disposal can take place till ten years of import may be endorsed on the arms licence of the passenger at the time of granting the facility under transfer of residence.

5. Further, in view of the sensitive nature of the item viz. firearm, Government has decided that an eligible person would be allowed to import only one firearm under transfer of residence in his/her lifetime. In other words, even though the facility of transfer of residence can be availed every three years at present, a firearm can be imported only once.

6. Board's instruction vide F.No. 497/57/87-Cus-VI dated 05.01.1988 and subsequent Circulars including Circular No. 63/1995 Cus., dated 07.06.1995 stand modified to the aforementioned extent.

7. The change in Government policy may be brought to the notice of all concerned. Difficulty, if any, in implementing this decision may be immediately informed to the Board.

(S.C. Ganger)
Under Secretary

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