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भारत सरकार

GOVERNMENT OF INDIA

केन्द्रीय उत्पाद एवं सीमाशुल्क आयुक्त का कार्यालय

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE & CUSTOMS

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C.No.VIII/48/44/2012 Cus (T)

Dated: 27.08.2013

TRADE FACILITY CIRCULAR No. 03/2013

Simplified Handling of Mishandled Baggage

After due consideration of the requests made by certain Air Line Operators' Committee, Trivandrum to permit them to clear mis-handled baggage of passengers who have travelled on their Airlines so as to enable them (Airlines), to deliver the same at the place of residence of the passenger, the department has decided, to allow the request and accordingly permits all those Airlines operating at Trivandrum International Airport to clear mishandled baggage of passengers arriving at Trivandrum International Airport by their respective Airlines, subject to the following conditions:

1. The passenger shall hand over the **Landing Certificate and/or Property Irregularity Report (PIR)** issued by the Airlines (with the endorsement of the customs in lieu of landing certificate), in original.
2. The passenger, in addition to above, shall also **authorize the concerned Airlines**, in a proper authorization form as per proforma in **Annexure 'A'**, to produce the said mishandled baggage to the proper officer of Customs at Trivandrum International Airport, for the purpose of examination and clearance as per rules.
3. In order to comply with the provisions under section 77 of the Customs Act, 1962,

the passenger shall prepare a **list of all articles** contained in the mishandled baggage under his signature and hand over the same to the Airlines along with the above authorization. The passenger shall, in this list, indicate all major and valuable articles and other articles which could be specifically listed and also indicate their quantity and value. Wherever the quantity cannot be indicated, the total value of that particular item should be indicated against that item. Wherever, it is not possible to indicate the item specifically, for example, various items under dry fruits, foodstuff, ready-made garments used personal clothing and used personal effects, etc., the same could be indicated in the list under a general category for example: Foodstuff, Small (children) games, toys, stationery items, etc. Only the value, in such cases, may be indicated. In case, however, if the item in the general category as above is beyond reasonable quantity, the total weight of the same should be indicated, as in the case of dry fruits etc.

4. The passenger shall further give an **undertaking** that he shall not hold the Customs, in any way, responsible for non-delivery or late delivery of his baggage, damage or pilferage, if any, provided the same, if caused during the time of examination by Customs in which case, the Airline representative shall immediately and before final clearance from Customs, bring the fact to the notice of the Deputy/Astt. Commissioner of Customs on duty and all responsibility before and after the Customs clearance shall lie with the concerned Airlines. The passenger shall also **undertake to pay the duty, if any**, payable on his mishandled baggage through the concerned Airlines. The duty thus paid shall be final, and no complaints or requests for refund of duty, in part or full, shall be entertained.
5. The passenger shall, in addition to the above, also produce through the concerned Airlines, **attested copies of relevant pages of his passport** showing his (i) Nationality,(ii) Name and Address, (iii) Passport No., Date and place of issue, (iv) Visa and (v) Last Departure (Emigration) Stamp from India, if any, and (vi) Last Arrival (Immigration) Stamp.
6. The representative of the concerned Airlines who would be approaching the Customs for clearance of any mishandled baggage of such eligible passengers, shall also produce a **letter to the Customs**, undertaking payment of duty, if any, on behalf of the passenger and an authorization, as per proforma in **Annexure B**, issued by the Manager or the Duty Officer of the concerned Airlines. This authorization shall also bear the Airlines stamp.

7. The facility, as provided above, for clearance of the mis-handled baggage shall be applicable only to cases of bonafide baggage of a passenger and all restrictions, prohibitions / license requirements, Bond, Bank Guarantee etc as provided in the Customs Act, 1962 and the rules made there under, shall continue to apply on the mishandled baggage clearance also and no exemptions/relaxations would be provided for them. The passenger would be answerable for any mis-declaration regarding the contents of the mishandled baggage and/or recovery of restricted/prohibited goods from the same. In case of such an eventuality, the entire or part of his baggage would be detained/ seized, and necessary proceedings under the Customs Act, 1962, initiated, and in such circumstances, the authorization, given in accordance to this Circular shall not be acceptable, and the passenger would be required to present himself in person, or authorize a specific person under a power of attorney, to appear before the adjudicating authority. In case, the passenger fails to appear within the specified time limit or till such time as granted by the Deputy/Astt. Commissioner on request of the pax, disposal action shall be initiated as per rules or orders made there under.
8. As mentioned earlier, the concerned Airline alone, would bear full responsibility regarding the mis-handled baggage, before and after its clearance from Customs, and the passengers or the Airlines, shall not hold the Customs responsible for any dispute arising between them, for any reason what-so-ever, and the examination of the mishandled baggage and the documentation thereof, shall be only for Customs purpose and will bear no evidential value for the settlement of any disputes, between the passengers and the Airlines.
9. The facility of clearance of mishandled baggage by the Airlines as indicated above shall not be applicable in cases wherein, the passenger has such items in his mishandled baggage on which he desires to avail benefits under the Transfer of Residence Rules.
10. The permission to clear MHB through above mentioned procedure will not be available to passengers/flights originating/transacting from sensitive ports such as

Colombo, Bangkok, Singapore, Hongkong, Dubai and any other port deemed to be sensitive port by jurisdictional Deputy/Assistant Commissioner. Assistant Commissioner/Deputy Commissioner of airport will maintain a list of sensitive ports.

11. Commissioner of Customs withholds the right to withdraw this facility to any Airline or every Airline if he deems it is in public or economic interest to do so, without further notice.

sd/-

COMMISSIONER OF CENTRAL EXCISE & CUSTOMS

ATTESTED

JOANNES GEORGE C

ASSISTANT COMMISSIONER

Copy submitted to: The Chief Commissioner of Central Excise & Customs, Kerala Zone, Kochi.

Copy to:

1. The Assistant Commissioner, Air Customs, Trivandrum
2. All the Airlines Operators working at International Airport, Trivandrum
3. The Chairman, Airline Operator's Committee, Trivandrum

ANNEXURE-A
FORM OF AUTHORITY

I (name of passenger), holder of (Nationality) Passport No..... issued at on....., arrived from.....(name of place and country) on..... (date) by flight no. My..... (No.) pieces of baggage has been mishandled for which I have been issued a P.I.R No. by the Airline and a landing certificate No. dated..... by the Customs.

As I am unable to come to the Airport personally to clear my above said mis-handled baggage, I hereby authorize the Airline by which I have travelled viz, to clear the said mishandled baggage through Customs for onward delivery atwhich is the place where I shall be residing while in India. I have handed over a list of all the items containing in my aforementioned mis-handled baggage along with their values, to the said Airline and I undertake to pay the Customs duty, if any, through the said Airline, immediately after the said baggage is examined by the Customs and their contents assessed. I am aware, that this facility is being given entirely for my convenience and therefore, I accept the same at my risk and shall not hold Customs responsible, for any damage or pilferage of my baggage, or raise any dispute on the duty charged on the items.

Signature of the passenger

Date:

I accept on behalf of the Airline

Signature of Airline representative

Date:

Name /Designation

Name of Airlines.....

Before me

Date :

Signature.
Name of the Superintendent of Customs

ANNEXURE-B

AUTHORIZATION BY AIRLINE

I,..... Manager/Duty Officer of (Name of Airline), hereby, authorize (Name and Designation, of our Airline, to produce the mishandled baggage of Pax, Shri..... (Name of pax) for Customs clearance and to collect the same after clearance from Customs for onward delivery to the said pax. The..... (Name of Airline) hereby, undertakes to pay the Customs Duty if any, immediately after the examination and assessment of the said baggage and indemnifies the Customs from any damage or pilferage of the baggage, save as otherwise provided in Trade Facility Circular No. 03/2013 dated 27.08.2013. All necessary documents for clearance of the mishandled baggage, as required under the said Trade Facility Circular, are being produced along with this authority letter.

Date:

Signature

Name.....

Designation.....