RULES FOR SHIPPING OF PASSENGER’S BAGGAGE AND PASSING OF THE SAME THROUGH CUSTOM HOUSES

In exercise of the powers conferred by section 75 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby makes the following rules for the shipping of passenger’s baggage and the passing of the same through the Custom Houses, namely:

RULES

(a) No passenger’s baggage shall be shipped for export until the owner has delivered to the Customs [Principal Commissioner or Commissioner] or other proper officer, a declaration of such baggage in such form and containing such particulars as the Chief Customs Officer may, from time to time, by general or special order direct;

(b) such owner has paid the duties (if any) payable on the goods contained in such baggage;

(c) such licences or other authority for the shipment of the goods where necessary under any law for the time being in force are produced; and

(d) such declaration form has been passed by the proper officer of customs:

Provided that the Chief Customs Officer may, in the case of any Customs port or wharf, by notification in the Official Gazette, and subject to such restrictions and conditions, if any, as he thinks fit, exempt any class of goods or any class of persons from all or any of the provisions of this rule.

1. Substituted by Notification No. 56/2014 Cus (N.T.) dated 06/08/2014
RULES FOR PASSING FREE OF IMPORT DUTY BAGGAGE THROUGH CUSTOM HOUSE AT BOMBAY


In exercise of the powers conferred by section 75 of the Sea Customs Act, 1878 (8 of 1878), and in supersession of all previous rules, the 1 [Principal Commissioner of Customs or Commissioner of customs, as the case may be] is pleased to make the following rules for passing free of import duty baggage in actual use and for the landing of passenger’s baggage and passing the same through the Custom House at Bombay.

All landing charges under the Baggage Rules shall be collected at annas two per package by the Preventive Department at the time the goods are cleared.

Landing and passing of Baggage through the Custom House

I. Troopships

1. Returns in the appended Form A will be supplied to the Commanding Officer on board, who should see that they are filled in as regards columns 1 and 2 and countersign them himself before the arrival of the transport in the harbour.

2. Immediately on the arrival of the transport she will be boarded by a Customs Officer, who will receive all the returns along with the list of all the officers on board.

3. The said Customs Officer will fill up columns 3 and 4 in each return and recover the amount of duty payable from the persons in whose name the goods are entered, and give a receipt.

4. If the said Customs Officer is furnished with a list of all the officers on board and with complete returns duly filled in as aforesaid all passenger’s baggage on board may be landed free from Customs control.

5. The foregoing rules will not however preclude the Custom House authorities from examining or detaining any goods as to which any doubt may arise.

II. Steamers arriving at Ballard Pier

Duty will be 1. collected and baggage passed up to 12 mid-night. After 12 mid-night no duty will be received and only hand baggage will be passed unless the steamer agents undertake to pay for the attendance of the necessary Customs staff at the rates prescribed for such work done on behalf of masters, agents or owners of goods. The baggage declaration forms shall be numbered and arranged in serial order in two lots, one for special and the other for local passengers by the purser on board before arrival of the vessel and shall be handed over to the boarding officer at the earliest possible moment.

2. The baggage of the special passengers shall be passed into the examination hall by the east gates, at which police officers shall be posted to prevent the ingress of passengers. Passengers shall not be allowed into the hall through the barrier inside the building until the baggage has been sorted by the vessel's agents. The baggage shall be passed out to the Railway Station after check by the Preventive Officers who will endorse on the baggage forms brought to them the number of packages so passed. Only hand-bags shall be allowed to pass out on examination before the Preventive Officer is in possession of the baggage forms.

3. The baggage of local passengers shall be passed out through the west exits, and shall be subject to a check at the Green Gate, through which it must pass.

4. Passengers' friends shall await them inside the station proper or on the wharf, north of the barrier, and not on the wharf enclosed by barriers or in the Customs room. Only passengers, Customs, Police, and Port Trust Officers, vessels' agents, recognised clearing agents and persons holding passes signed by the Docks Manager shall be allowed to pass on to the wharf.

5. Detained packages shall be sent by the bundar officer to the Custom House, with the covering baggage forms as soon as possible after the passing of all the baggage is finished in urgent cases, otherwise he shall send them and also those which are left unclaimed next morning at 10.30 a.m. to the Custom House and shall inform owners or agents calling for them thereafter that they can obtain and clear them from the Custom House on payment of duty and conveyance charges at the rate of eight annas for every package weighing up to 60 lbs. and rupee one for every package weighing over 60 lbs.
III. Other Steamers

(a) Passenger steamers departing from, and arriving at Ferry Wharf of Prince’s Dock Wall. — Passengers having dutiable articles in their possession should declare the same in baggage form. Such baggage will then be allowed to be cleared on payment of duty at Ferry Wharf or the Dock. A receipt for the duty paid will be given in the prescribed form.

(b) Steamers other than those mentioned in (a) which have come from a foreign port either direct or via a Customs port. — A Customs Officer will board the steamer immediately after the vessel has anchored. It is optional for steamers coming under this class to land passengers and baggage either at (1) the Docks or (2) Ballard Pier, or, during the monsoon, Carnac Bunder (since the opening of the mole in all seasons at Ballard Pier). But unless previous intimation has been sent by the Agents of the vessel, the Captain should inform the Customs Officer on the latter’s arrival on board where it is proposed to land passengers. If discharged in the stream, the baggage will be landed, along with the passengers, under cover of boat-notes, at such place as may be fixed for the purpose by the Customs Officer. Duty will then be collected on all dutiable packages which should be declared by passengers in baggage form.

(c) Steamers other than those coming under clause (a) and which have come from a Customs port. — All baggage may be landed free from Customs Control. In the event, however, of the baggage having been transhipped at a Customs port from a vessel from a foreign port, the baggage will be dealt with in the same way as baggage coming direct from foreign ports.

NOTE — Any baggage if uncleared and removed to the Custom House will be passed subsequently on payment of conveyance charges, if any.

IV. Native Craft from Foreign Ports

Passengers will be required to go with all their baggage to the Customs Officer in charge of the dutiable anchorage who will examine it and pass all free articles contained in cases that he has the means of opening. The Customs Officer will send all dutiable articles and all cases which he cannot open to the Custom House to be cleared by the owner on payment of duty.

V. Transhipment

In the case of baggage to be transhipped direct to another steamer along with the passenger to either a Customs or foreign port, transhipment will be allowed under the supervision of a Preventive Officer and under cover of a written transhipment order obtained from him on a boat-note form. Duty on the dutiable portion of such baggage, if for a Customs port, must be paid at the port of destination, and all such baggage shall be included in the list of transhipment goods for Customs ports put in by the Master of the on-carrying steamer when applying for port clearance.

1. Substituted by Notification No. 56/2014 Cus (N.T.) dated 06/08/2014
RULES FOR PASSING OF PASSENGER’S BAGGAGE THROUGH SAURASHTRA

[C.B.R. Notification No. 107-Customs, dated 9th September, 1950; Notification No. 56/2014 Cus (N.T.) dated 06/08/2014]

In exercise of the powers conferred by section 75 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue is pleased to make the following rules for passing free of import duty baggage in actual use, and for the landing of passenger’s baggage and passing the same through the ports under the jurisdiction of the Principal Commissioner of Customs or Commissioner of customs, as the case may be, Saurashtra.

Landing and Passing of Baggage through the Custom House

I. Troopships

1. Returns in the appended form will be supplied to the Commanding Officer on board, who should see that they are filled in as regards columns 1 and 2 and countersign them himself before the arrival of the transport in the harbour.

2. Immediately on the arrival of the transport she will be boarded by a Customs Officer, who will receive all the returns along with a list of all the officers on board.

3. The said Customs Officer will fill up columns 3, 4 and 5 in each return and recover the amount of duty payable from the persons in whose name the goods are entered, and give a receipt in the appended form.

4. If the said Customs Officer is furnished with a list of all the officers on board, and with complete returns duly filled in as aforesaid, all passengers’ baggage on board may be landed free from Customs control.

5. The foregoing rules will not, however, preclude the Custom House authorities from examining or detaining any goods as to which any doubt may arise.

II. Steamers (other than troopships) and square-rigged vessels from foreign ports

1. In the case of steamers and square-rigged vessels discharging in the stream, immediately after the vessel has anchored, a Customs Officer will examine and pass on board all free cabin baggage not contained in soldered or nailed down cases, which the passenger may offer for examination, including (i) uniform and accoutrements appertaining thereto belonging to a public servant for his personal use; (ii) arms forming part of the equipment of an officer entitled to wear diplomatic, military, naval or police uniforms on his making the following declaration on the baggage form:

   “I hereby declare that I am an officer (in the case of a military officer, it should be stated whether in the Military or Civil employment) serving in India.”

   In the case of such vessels discharging at a wharf, all baggage will be passed by the Preventive Officer on Board after examination and recovery of duty on such articles as may be liable to it.

2. All baggage passed as above may be landed at any bunder and removed without further Customs control.

3. All other baggage must be landed at the Passenger Pier. After landing it may be cleared at any time on the owner or his agent producing the keys of all locked packages and presenting a signed declaration in the appended form [See Form 37 in Part 5], and paying the duty and landing charges, if any, at the Passenger Pier. But in the case of articles imported in other than reasonable quantities and which are evidently intended for sale and not for the personal use of the importer the Preventive Officer shall forward such articles to the Customs House for appraisement and payment of duty.

4. No firearms belonging to any one passenger in excess of two guns or two rifles and a revolver or a pair of pistols will be passed without the permission of the Principal Commissioner of Customs or Commissioner of customs, as the case may be.

III. Native Craft from Foreign Ports

Passengers will be required to go with all their baggage to the Customs Officer at the Passenger Pier, who will examine and pass such articles as are intended for the personal use of the passenger and not for sale, after recovering duty thereon. All articles in other than reasonable quantities which are evidently imported for sale and not for the personal use of the passenger shall be detained and forwarded to the Custom House for payment of duty.

IV. Steamers from Customs Ports

(1) All personal baggage arriving by steamers from Customs Ports will be passed free by the Customs Officer at the Passenger Pier or on board the steamer, on the Passenger making a declaration in the appended form certifying that the baggage was actually shipped at the Customs port from which the passenger has arrived and not transhipped at such a port from a vessel from a foreign port without payment of duty.
(2) In the event, however, of the baggage having been transhipped at a Customs Port from a vessel from a foreign port, the baggage will be dealt with in the same way as baggage coming direct from foreign ports.

V. Transhipment

In the case of baggage to be transhipped direct to another steamer to either a Customs or foreign port, transhipment will be allowed under supervision of a Preventive Officer and under cover of a written transhipment order obtained from him on a boat-note form. Duty on the dutiable portion of such baggage, if for a Customs port, must be paid at the port of destination and all such baggage shall be included in the list of transhipment goods for Customs ports put in by the Master of the on-carrying steamer when applying for port clearance.

1. Substituted by Notification No. 56/2014 Cus (N.T.) dated 06/08/2014
2. Substituted by Notification No. 56/2014 Cus (N.T.) dated 06/08/2014
RULES REGARDING POSTAL PARCELS & LETTER PACKETS FROM FOREIGN PORTS IN-OUT OF INDIA


In exercise of the powers conferred by section 75 of the Sea Customs Act, 1878 (8 of 1878), and in supersession of all previous notifications on the subject, the Central Board of Revenue is pleased to make the following rules for the landing and clearing at the ports of Bombay, Calcutta, Madras, Dhanushkodi and all the Land Customs Stations and Airports of parcels and packets forwarded by the foreign mails or by passenger vessels or air liners, namely:

I. Postal Parcels and Letter Packets from Foreign Ports out of India

(i) Landing

(1) The boxes or bags containing the parcels shall be appropriately labelled e.g., “Postal Parcels” (“Colist Postaux”), “Parcel Post”, “Parcel Mail”, “Letter Mail” and as such will be allowed to land pass, either with or separately from the regular mails, at the Foreign Parcel Department of the Government Post Offices in the case of ports of Calcutta and Madras, at the Foreign Parcel Department of the Foreign Post in the case of the port of Bombay and the Foreign Parcel Department Office at Madurai in the case of the port of Dhanushkodi, at the Sorting Air Mail Office at Delhi and the Office of Foreign Post at New Delhi in the case of airports of Delhi and at the Foreign Parcel department of Golakganj in the case of the Land Customs Station at Golakganj in Assam.

(ii) Clearing

(2) (a) The Postmaster shall, on receipt of the parcel mail, hand over to the Principal Appraiser (a) a memo showing the total number of parcels received by that mail from each country of origin, (b) parcel bills (in triplicate) in the form approved by the Chief Customs Officer, or the senders’ declarations and any other relevant documents that may be required for the preparation of the parcel bills by the Customs Department, (c) the relative Customs declarations and despatch notes (if any), and (d) any other information required in connection with the preparation of the parcel bills which the Post Office is able to furnish.

(b) The Postmaster shall, on receipt of letter mail bags and in consultation with the Principal Postal Appraiser get the bags opened and scrutinised under the supervision of the Customs Appraiser with a view to detain all packets suspected to contain dutiable articles. The packets thus detained will be presented in due course to the Customs Appraiser with letter mail bill and assessment memos for assessment as per rule (6) (b).

(3) On receipt of those documents, the Customs Appraiser shall scrutinise the particulars given therein and shall mark off on the relative declarations on parcel bills, as may from time to time be directed, all parcels required to be detained for examination either for want of necessary particulars or defective description or suspected misdeclaration or undervaluation of contents. They shall assess the remaining parcels by showing the rates of duty on the declarations or parcel bills, as the case may be. For this purpose, they will generally be guided by the particulars given in the parcel bills or Customs declarations and despatch notes (if any). When any invoice, document or information is required whereby the real value, quantity or description of the contents of a parcel can be ascertained, the addressee may be called upon to produce or furnish such invoice, document and information.

(4) The Customs clerk shall then transcribe on to the parcel bill whenever necessary the values from the declarations and after converting them into Indian currency at the ruling rates of exchange shall calculate and enter the amount of duty. The parcel bills with the declarations so completed, shall then be audited by the Audit clerks and the original and duplicate copies shall be returned to the Postmaster with as little delay as possible, the triplicate being retained in the Customs Department.

(5) The Postmaster shall then detain all parcels marked for detention in the manner indicated above, and shall allow the rest to go forward for delivery to addressee on payment of the duty marked on each parcel.

(6) (a) As soon as the detained parcels are ready for examination, they shall be submitted together with the parcel bill to the Customs appraisers who, after examining them and filling in details of contents of value in the parcel bills, will note the rate and amount of duty against each item. The remarks “Examined” shall be entered by the Appraiser against the entry in the parcel bill relating to each parcel examined by him. The parcel bill shall then be audited and the original and triplicate copies returned to the Postmaster, the duplicate being retained in the Customs Department.

(b) As soon as packets detained as per rule (2)(b) are ready for examination and assessment, they shall be submitted together with the relative letter mail bill and assessment memos to the Customs Appraising Officer who, after examining them and filling the details of contents of value in the bill, will note the rate and amount of duty against each item. He will likewise fill in these details on the assessment memo, to be forwarded along with each packet. The bill and the assessment memo, shall then be audited.

(7) All parcels or packets required to be opened for Customs examination shall be opened, and after examination re-closed by the Post Office officials and shall then be sealed by them with a distinctive seal. The parcels or packets will remain throughout in the custody of the Post Office officials, but if it comes to the
knowledge of the Appraiser at the time of examining any parcel or packet that its contents are damaged or short, a note thereof shall be made on the parcel or packet bill.

(8) If on examination the contents of any parcel or packet are found to be misdescribed or the value understated or to consist of prohibited goods such parcels or packets shall be detained and reported to the Customs \[Principal Commissioner or Commissioner\], and the Postmaster shall not allow such parcels or packets to go forward without the Customs Collector’s orders.

(9) The duties as assessed by the Customs Appraiser and noted in the parcel bill or letter mail bill shall be recovered by the Post Office from the addressees at the time of delivery to them. The credit for the total amount of duty certified by the Customs Appraiser at the end of each bill shall be given by the Post Office to the Customs Department in accordance with the procedure settled between the two Departments from time to time.

(10) The duties imposed by these rules upon Customs Appraisers shall be performed at Madurai by such officer as the Chief Customs Officer may determine.

(11) The parcel bills or letter mail bills and other document on which assessment is made shall remain in the custody of the Post Office, but the duplicates, where these are prepared, shall be kept in the Customs Department for dealing with claims for refunds, etc., and shall be preserved for three years.

The parcel bill or letter mail bill shall show the following particulars:

(a) Number assigned by office of posting.
(b) Name of office of posting.
(c) Name of office of destination.
(d) Weight of insured parcels.
(e) Local number.
(f) Contents as ascertained by the Customs.
(g) Declared value in foreign currency.
(h) Rupee value.
(i) Rate of duty.
(j) Amount of duty, and
(k) Remarks.

II. Postal Parcels or Packets from Foreign Ports in India.

(12) Postal parcels or packets from foreign ports in India may be forwarded as ordinary mails to the Foreign Parcel Department of the General Post Office.

(13) For assessment and other customs purposes such parcels will be treated in the same manner as postal parcels from foreign ports out of India and the procedure prescribed in Rules (2) to (10) above shall be followed.

1. **Substituted by Notification No. 56/2014 Cus (N.T.) dated 06/08/2014**
RULE FOR FURNISHING OF INFORMATIONS BY CUSTOMS OFFICERS

[C.B.R. Notification No. 78-Cus. dated 20th November, 1951.]

In exercise of the powers conferred by section 9 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby makes the following rules, namely:—

It shall be the duty of every Customs Officer to furnish to such person or authority such particulars learned by him in his official capacity in respect of any goods as the Chief Customs Authority may, by order in writing, specify.

_________________________________________________________________________________________________
RULE FOR GRANT OF PORT CLEARANCE TO SAILING VESSELS IN KANDLA

In exercise of the powers conferred by clause (c) of section 9 read with section 158 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby makes the following rule, namely:—

RULE

In the case of sailing vessels clearing in Ballast for a Customs Port from New Kandla, Port Clearance will be granted in the appended form which shall be filled in counterfoil by the Master or his agent only after entry inwards has been obtained. The original signed by the Principal Commissioner of Customs or Commissioner of customs, as the case may be, New Kandla or any other officer duly appointed by him in this behalf, will, after completion, be returned to the Master of the vessel.

1. Substituted by Notification No. 56/2014 Cus (N.T.) dated 06/08/2014
RULES FOR SPECIAL PASS FOR BREAKING BULK IN ANY PORT IN THE STATES OF MADRAS, PONDICHERRY AND BOMBAY

In exercise of the powers conferred by section 59 of the Sea Customs Act, 1878 (8 of 1878), and in supersession of all notifications on the subject previously in force in any of the Customs ports in the States of Madras, Pondicherry and Bombay, the Central Board of Revenue makes the following rules for granting special passes to break bulk in the said ports:—

A special pass may be granted —

(1) On application in writing on a paper stamped with the proper court-fee stamp, and such application may be received before the arrival of the vessel for which the pass is required.

(2) In the case of steamers and square-rigged vessels discharging in a dock, the goods in respect of which a special pass has been obtained shall be deposited in a separate shed or portion of a shed and in the case of such vessels discharging in the stream, the said goods shall be stacked in the wharf in such manner as the Customs Officer on duty may direct in order to prevent their being mixed with other goods. In neither case shall the goods be removed from the places of deposit until manifest and bills of entry have been put in.

(3) (a) In the ports of the State of Bombay a special pass shall be granted to native crafts only when they are employed in bringing from Customs ports, chunam, cement, sand, stones, flooring tiles or other building materials, green or dry grass, hay, poultry, fresh fruits, vegetables or other market produce.

(b) To such vessels a special pass may be granted to be in force for one month. But before any goods are discharged notice of intention to discharge them shall be given to the Customs Officer on duty at the wharf where they are to be discharged. If the vessel arrives in ballast or with passengers, only the pass must be produced to the Preventive Officer at the wharf for endorsement before the vessel leaves.
RULES FOR SPECIAL PASS FOR BREAKING BULK IN ANY PORT IN
THE STATES OF MYSORE AND KERALA

[C.B.R. Notification No. 126-Cus., dated 9th September, 1950 as amended by
Notification No. 166-Cus., dated 17th May, 1958.]

In exercise of the powers conferred by section 59 of the Sea Customs Act, 1878 (8 of 1878), the Central
Board of Revenue hereby makes the following rules for granting special passes to break bulk in the Customs
ports in the States of Mysore and Kerala, namely:—

(1) A special pass may be granted on application in writing on a paper stamped with the proper court-
fee stamp, and such application may be received before the arrival of the vessel for which the pass
is required.

(2) In the case of steamers and square-rigged vessels discharging in a dock, the goods in respect of
which a special pass has been ob- tained shall be deposited in a separate shed or portion of a shed;
and in the case of such vessels discharging in the stream, the said goods shall be stacked on the wharf
in such manner as the Customs Officer on duty may direct in order to prevent their being mixed with
other goods. In neither case shall the goods be removed from the place of deposit until manifest and
bills of entry have been put in.
RULES FOR SPECIAL PASS FOR BREAKING BULK IN ANY PORT IN
THE STATE OF SAURASHTRA

[C.B.R. Notification No. 104-Cus., dated 9th September, 1950; Notification No. 56/2014
Cus (N.T.) dated 06/08/2014]

In exercise of the powers conferred by section 59 of the Sea Customs Act, 1878 (8 of 1878), the Central
Board of Revenue makes the following rules for granting special passes to break bulk in the ports under the
jurisdiction of the ¹ [Principal Commissioner of Customs or Commissioner of customs, as the case may be],
Saurashtra, Jamnagar] :-

A special pass may be granted—

(i) On application in writing on a paper stamped with the proper court-fee stamp, and such application
may be received before the arrival of the vessel for which the pass is required.

(ii) In the case of steamers and square-rigged vessels discharging in a dock, the goods in respect of
which a special pass has been obtained shall be deposited in a separate shed or portion of a shed;
and in the case of such vessels discharging in the stream the said goods shall be stacked on the
wharf in such manner as the Customs Officer on duty may direct in order to prevent their being
mixed with other goods. In neither case shall the goods be removed from the places of deposit until
manifest and bills of entry have been put in.

(a) A special pass shall be granted to native craft only (iii) when they are employed in bringing from
Customs ports, chunam, cement, sand, stones, gypsum, flooring tiles or other building materials,
green or dry grass, hay, poultry, fresh fruit, vegetables and other market produce.
(b) To such vessels a special pass may be granted to be in force for one month. But before any
goods are discharged notice of intention to discharge them shall be given to the Customs
Officer on duty at the wharf where they are to be discharged. If the vessel arrives in ballast or
with passengers, only the pass must be produced to the Customs Officer at the wharf for
endorsement before the vessel leaves.

¹. Substituted by Notification No. 56/2014 Cus (N.T.) dated 06/08/2014
Customs (Advance Rulings) Rules, 2002

G.S.R. 593 (E). – In exercise of the powers conferred by Section 156 read with sub-sections (1) and (3) of section 28H, sub-section (7) of section 28-I of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely:

1. Short title, extent and commencement.-
   (1) These rules may be called the Customs (Advance Rulings) Rules, 2002.
   (2) They extend to the whole of India.
   (3) 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,-
   (a) “Act” means the Customs Act, 1962 (52 of 1962).
   (b) “Authority” means the Authority for Advance Rulings (Central Excise, Customs and Service Tax) constituted under section 28F of the Customs Act, 1962 (52 of 1962).
   (c) “Form-Application for Advance Rulings (Customs)” means the form annexed to these rules.
   (s) Words and expressions used and not defined herein but defined in the Act, shall have the meanings respectively, assigned to them in the Act.

3. Form and manner of application.-
   (1) An application for obtaining an advance ruling under sub-section (1) of section 28H of the Act shall be made in Form-Application for Advance Rulings (Customs).
   (2) The application referred to in sub-rule (1), the verification contained therein and all relevant documents accompanying such application shall be signed,-
   (a) in the case of an individual, by the individual himself, or where the individual is absent from India, by the individual concerned or by some person duly authorized by him in this behalf; and where the individual is a minor or is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;
   (b) in the case of a Hindu undivided family, by the Karta of that family and, where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by his guardian or by any other adult member of that family;
   (c) in the case of company or local authority, by the principal officer thereof authorized by the company or the local authority, as the case may be, for such purpose;
   (d) in the case of a firm, by any partner thereof, not being a minor;
   (e) in the case of an association, by any member of the association or the principal officer thereof; and
   (f) in the case of any other person, by that person or some person competent to act on his behalf.
(3) Every application shall be filed in quadruplicate and shall be accompanied by a fee of two thousand five hundred rupees.

4. **Certification of copies of the advance rulings pronounced by the Authority**

A copy of the advance ruling pronounced by the Authority for Advance Rulings and duly signed by the Members to be sent to each of the applicant and to the 1 [Principal Commissioner of Customs or Commissioner of Customs as the case may be] under sub-section (7) of section 28-I of the Act, shall be certified to be true copy of its original by the 2 [Principal Commissioner or Commissioner], Authority for Advance Rulings, or any other officer duly authorized by the 3 [Principal Commissioner or Commissioner], Authority for Advance Rulings, as the case may be.

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1. Substituted by Notification No. 56/2014-Cus (NT), dated 06.08.2014
2. Substituted by Notification No. 56/2014-Cus (NT), dated 06.08.2014
3. Substituted by Notification No. 56/2014-Cus (NT), dated 06.08.2014
Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995


In exercise of the powers conferred by sub-section (6) of section 9A and sub-section (2) of section 9B of the Customs Tariff Act, 1975 (51 of 1975) and in supersession of the Customs Tariff (Identification, Assessment and Collection of Duty or Additional Duty on Dumped Articles and for Determination of Injury) Rules, 1985, except as respect 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 Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995.

(2) They shall come into force on the 1st day of January, 1995.

2. Definitions. - In these rules, unless the context otherwise requires, -

(a) “Act” means the Customs Tariff Act, 1975 (51 of 1975),

(b) “domestic industry” means the domestic producers as a whole engaged in the manufacture of the like article and any activity connected therewith or those whose collective output of the said article constitutes a major proportion of the total domestic production of that article except when such producers are related to the exporters or importers of the alleged dumped article or are themselves importers thereof [in such case the term ‘domestic industry’ may be construed as 1 [referring to the rest of the producers] :

Provided that in exceptional circumstances referred to in sub-rule (3) of Rule 11, the domestic industry in relation to the article in question shall be deemed to comprise two or more competitive markets and the producers within each of such market a separate industry, if -

(i) the producers within such a market sell all or almost all of their production of the article in question in that market; and

(ii) the demand in the market is not in any substantial degree supplied by producers of the said article located elsewhere in the territory;

[Explanation. - For the purposes of this clause, -

(i) producers shall be deemed to be related to exporters or importers only if, -

(a) one of them directly or indirectly controls the other; or

(b) both of them are directly or indirectly controlled by a third person; or

(c) together they directly or indirectly control a third person, subject to the condition that there are grounds for believing or suspecting that the effect of the relationship is such as to cause the producers to behave differently from non-related producers."

(ii) a producer shall be deemed to control another producer when the former is legally or operationally in a position to exercise restraint or direction over the latter.]

(c) “interested party” includes -

(i) an exporter or a foreign producer or the importer of an article subject to investigation for being dumped in India, or a trader or business association a majority of the members of which are producers, exporters or importers of such an article;
(ii) the government of the exporting country; and

(iii) a producer of the like article in India or a trade and business association a majority of the members of which produce the like article in India;

(d) “like article” means an article which is identical or alike in all respects to the article under investigation for being dumped in India or in the absence of such an article, another article which although not alike in all respects, has characteristics closely resembling those of the articles under investigation;

(e) “provisional duty” means an anti dumping duty imposed under sub-section (2) of section 9A of the Act;

(f) “specified country” means a country or territory which is a member of the World Trade Organisation and includes the country or territory with which the Government of India has an agreement for giving it the most favoured nation treatment;

(g) all words and expressions used and not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Appointment of designated authority. - (1) The Central Government may, by notification in the Official Gazette, appoint a person not below the rank of a Joint Secretary to the Government of India or such other person as that Government may think fit as the designated authority for purposes of these rules.

(2) The Central Government may provide to the designated authority the services of such other persons and such other facilities as it deems fit.

4. Duties of the designated authority. - It shall be the duty of the designated authority, in accordance with these rules, -

(a) to investigate as to the existence, degree and effect of any alleged dumping in relation to import of any article;

(b) to identify the article liable for anti-dumping duty;

(c) to submit its findings, provisional or otherwise to the Central Government as to -

(i) normal value, export price and the margin of dumping in relation to the article under investigation; and

(ii) the injury or threat of injury to an industry established in India or material retardation to the establishment of an industry in India consequent upon the import of such article from the specified countries;

(d) to recommend to the Central Government-

(i) the amount of anti-dumping duty equal to the margin of dumping or less, which if levied, would remove the injury to the domestic industry, after considering the principles laid down in the Annexure III to these rules; and

(ii) the date of commencement of such duty;

(e) to review the need for continuance of anti-dumping duty.

5. Initiation of investigation. - (1) Except as provided in sub-rule (4), the designated authority shall initiate an investigation to determine the existence, degree and effect of any alleged dumping only upon receipt of a written application by or on behalf of the domestic industry.

(2) An application under sub-rule (1) shall be in the form as may be specified by the designated authority and the application shall be supported by evidence of -

(a) dumping,

(b) injury, where applicable, and

(c) where applicable, a causal link between such dumped imports and alleged injury.

(3) The designated authority shall not initiate an investigation pursuant to an application made under sub-rule (1) unless -

(a) it determines, on the basis of an examination of the degree of support for, or opposition to the application expressed by domestic producers of the like product, that the application has been made by or on behalf of the domestic industry:

Provided that no investigation shall be initiated if domestic producers expressly supporting the application account for less than twenty five per cent of the total production of the like article by the domestic industry, and

(b) it examines the accuracy and adequacy of the evidence provided in the application and satisfies itself that there is sufficient evidence regarding -
dumping,
(ii) injury, where applicable; and
(iii) where applicable, a casual link between such dumped imports and the alleged injury,
to justify the initiation of an investigation.

Explanation. - For the purpose of this rule the application shall be deemed to have been made
by or on behalf of the domestic industry, if it is supported by those domestic producers whose
collective output constitute more than fifty per cent of the total production of the like article produced
by that portion of the domestic industry expressing either support for or opposition, as the case may
be, to the application.

(4) Notwithstanding anything contained in sub-rule (1) the designated authority may initiate an
investigation *suo motu* if it is satisfied from the information received from the
[Commissioner of Customs] appointed under the Customs Act, 1962 (52 of 1962) or from
any other source that sufficient evidence exists as to the existence of the circumstances
referred to in clause (b) of sub-rule (3).

(5) The designated authority shall notify the government of the exporting country before
proceeding to initiate an investigation.

6. Principles governing investigations. - (1) The designated authority shall, after it has
decided to initiate investigation to determine the existence, degree and effect of any alleged dumping
of any article, issue a public notice notifying its decision and such public notice shall, inter alia, contain
adequate information on the following :-

(i) the name of the exporting country or countries and the article involved;
(ii) the date of initiation of the investigation;
(iii) the basis on which dumping is alleged in the application;
(iv) a summary of the factors on which the allegation of injury is based;
(v) the address to which representations by interested parties should be directed; and
(vi) the time-limits allowed to interested parties for making their views known.

(2) A copy of the public notice shall be forwarded by the designated authority to the known
exporters of the article alleged to have been dumped, the Governments of the exporting countries
concerned and other interested parties.

(3) The designated authority shall also provide a copy of the application referred to in sub-rule
(1) of Rule 5 to -

(i) the known exporters or to the concerned trade association where the number of exporters is
large, and
(ii) the governments of the exporting countries :

Provided that the designated authority shall also make available a copy of the application to
any other interested party who makes a request therefor in writing.

(4) The designated authority may issue a notice calling for any information, in such form as
may be specified by it, from the exporters, foreign producers and other interested parties and such
information shall be furnished by such persons in writing within thirty days from the date of receipt of
the notice or within such extended period as the designated authority may allow on sufficient cause
being shown.

Explanation: For the purpose of this sub-rule, the notice calling for information and other
documents shall be deemed to have been received one week from the date on which it was sent by
the designated authority or transmitted to the appropriate diplomatic representative of the exporting
country.

(5) The designated authority shall also provide opportunity to the industrial users of the article
under investigation, and to representative consumer organisations in cases where the article is
commonly sold at the retail level, to furnish information which is relevant to the investigation regarding
dumping, injury where applicable, and causality.

(6) The designated authority may allow an interested party or its representative to present the
information relevant to the investigation orally but such oral information shall be taken into
consideration by the designated authority only when it is subsequently reproduced in writing.

(7) The designated authority shall make available the evidence presented to it by one
interested party to the other interested parties, participating in the investigation.

(8) In a case where an interested party refuses access to, or otherwise does not provide
necessary information within a reasonable period, or significantly impedes the investigation, the
designated authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as it deems fit under such circumstances.

7. Confidential information. - (1) Notwithstanding anything contained in sub-rules (2), (3) and (7) of rule 6, sub-rule (2) of rule 12, sub-rule (4) of rule 15 and sub-rule (4) of rule 17, the copies of applications received under sub-rule (1) of rule 5, or any other information provided to the designated authority on a confidential basis by any party in the course of investigation, shall, upon the designated authority being satisfied as to its confidentiality, be treated as such by it and no such information shall be disclosed to any other party without specific authorisation of the party providing such information.

(2) The designated authority may require the parties providing information on confidential basis to furnish non-confidential summary thereof and if, in the opinion of a party providing such information, such information is not susceptible of summary, such party may submit to the designated authority a statement of reasons why summarisation is not possible.

(3) Notwithstanding anything contained in sub-rule (2), if the designated authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorise its disclosure in a generalised or summary form, it may disregard such information.

8. Accuracy of the information. - Except in cases referred to in sub-rule (8) of rule 6, the designated authority shall during the course of investigation satisfy itself as to the accuracy of the information supplied by the interested parties upon which its findings are based.

9. Investigation in the territory of other specified countries. - The designated authority may carry out investigation in the territories of other countries, if the circumstances of a case so warrant:

Provided that the designated authority obtains the consent of the person concerned and notifies the representatives of the concerned government and the concerned government does not object to such investigation.

10. Determination of normal value, export price and margin of dumping. - An article shall be considered as being dumped if it is exported from a country or territory to India at a price less than its normal value and in such circumstances the designated authority shall determine the normal value, export price and the margin of dumping taking into account, inter alia, the principles laid down in Annexure I to these rules.

11. Determination of injury. - (1) In the case of imports from specified countries, the designated authority shall record a further finding that import of such article into India causes or threatens material injury to any established industry in India or materially retards the establishment of any industry in India.

(2) The designated authority shall determine the injury to domestic industry, threat of injury to domestic industry, material retardation to establishment of domestic industry and a causal link between dumped imports and injury, taking into account all relevant facts, including the volume of dumped imports, their effect on price in the domestic market for like articles and the consequent effect of such imports on domestic producers of such articles and in accordance with the principles set out in Annexure II to these rules.

(3) The designated authority may, in exceptional cases, give a finding as to the existence of injury even where a substantial portion of the domestic industry is not injured, if -

(i) there is a concentration of dumped imports into an isolated market, and
(ii) the dumped articles are causing injury to the producers of all or almost all of the production within such market.

12. Preliminary findings. - (1) The designated authority shall proceed expeditiously with the conduct of the investigation and shall, in appropriate cases, record a preliminary finding regarding export price, normal value and margin of dumping, and in respect of imports from specified countries, it shall also record a further finding regarding injury to the domestic industry and such finding shall contain sufficiently detailed information for the preliminary determinations on dumping and injury and shall refer to the matters of fact and law which have led to arguments being accepted or rejected. It will also contain:

(i) the names of the suppliers, or when this is impracticable, the supplying countries involved;
(ii) a description of the article which is sufficient for customs purposes;
(iii) the margins of dumping established and a full explanation of the reasons for the methodology used in the establishment and comparison of the export price and the
normal value;
(iv) considerations relevant to the injury determination; and
(v) the main reasons leading to the determination.
2. The designated authority shall issue a public notice recording its preliminary findings.

13. Levy of provisional duty. - The Central Government may, on the basis of the preliminary findings recorded by the designated authority, impose a provisional duty not exceeding the margin of dumping:

Provided that no such duty shall be imposed before the expiry of sixty days from the date of the public notice issued by the designated authority regarding its decision to initiate investigations:

Provided further that such duty shall remain in force only for a period not exceeding six months which may upon request of the exporters representing a significant percentage of the trade involved be extended by the Central Government to nine months.

14. Termination of investigation. - The designated authority shall, by issue of a public notice, terminate an investigation immediately if:
(a) it receives a request in writing for doing so from or on behalf of the domestic industry affected, at whose instance the investigation was initiated;
(b) it is satisfied in the course of an investigation, that there is not sufficient evidence of dumping or, where applicable, injury to justify the continuation of the investigation;
(c) it determines that the margin of dumping is less than two per cent of the export price;
(d) it determines that the volume of the dumped imports, actual or potential, from a particular country accounts for less than three per cent of the imports of the like product, unless, the countries which individually account for less than three per cent of the imports of the like product, collectively account for more than seven per cent of the import of the like product; or
(e) it determines that the injury where applicable, is negligible.

15. Suspension or termination of investigation on price undertaking. - (1) The designated authority may suspend or terminate an investigation if the exporter of the article in question, -
(i) furnishes an undertaking in writing to the designated authority to revise the prices so that no exports of the said article are made to India at dumped prices, or
(ii) in the case of imports from specified countries undertake to revise the prices so that injurious effect of dumping is eliminated and the designated authority is satisfied that the injurious effect of the dumping is eliminated:

Provided further that the designated authority shall complete the investigation and record its finding, if the exporter so desires, or it so decides.

(2) No undertaking as regards price increase under clause (ii) of the sub-rule (1) shall be accepted from any exporter unless the designated authority had made preliminary determination of dumping and the injury.

(3) The designated authority may, also not accept undertakings offered by any exporter, if it considers that acceptance of such undertaking is impractical or is unacceptable for any other reason.

(4) The designated authority shall intimate the acceptance of an undertaking and suspension or termination of investigation to the Central Government and also issue a public notice in this regard. The public notice shall, contain inter alia, the non-confidential part of the undertaking.

(5) In cases where an undertaking has been accepted by the designated authority the Central Government may not impose a duty under sub-section (2) of section 9A of the Act for such period the undertaking acceptable to the designated authority remains valid.

(6) Where the designated authority has accepted any undertaking under sub-rule (1), it may require the exporter from whom such undertaking has been accepted to provide from time to time information relevant to the fulfilment of the undertaking and to permit verification of relevant data:

[Provided that in case of any violation of an undertaking, the designated authority shall, as soon as may be possible, inform the Central Government of the violation of the undertaking and recommend imposition of provisional duty from the date of such violation in accordance with the provisions of these rules.]

(7) The designated authority shall, suo motu or on the basis of any request received from exporters or importers of the article in question or any other interested party, review from time to time the need for the continuance of any undertaking given earlier.
16. Disclosure of information. - The designated authority shall, before giving its final findings, inform all interested parties of the essential facts under consideration which form the basis for its decision.

17. Final findings. - (1) The designated authority shall, within one year from the date of initiation of an investigation, determine as to whether or not the article under investigation is being dumped in India and submit to the Central Government its final finding —

(a) as to,

(i) the export price, normal value and the margin of dumping of the said article;

(ii) whether import of the said article into India, in the case of imports from specified countries, causes or threatens material injury to any industry established in India or materially retards the establishment of any industry in India;

(iii) a casual link, where applicable, between the dumped imports and injury;

(iv) whether a retrospective levy is called for and if so, the reasons therefor and date of commencement of such retrospective levy:

Provided that the Central Government may, [in its discretion in special circumstances] extend further the aforesaid period of one year by six months:

Provided further that in those cases where the designated authority has suspended the investigation on the acceptance of a price undertaking as provided in rule 15 and subsequently resumes the same on violation of the terms of the said undertaking, the period for which investigation was kept under suspension shall not be taken into account while calculating the period of said one year,

[(b) recommending the amount of duty which, if levied, would remove the injury where applicable, to the domestic industry \(^3\) [after considering the principles laid down in the Annexure III to these rules.]]

(2) The final finding, if affirmative, shall contain all information on the matter of facts and law and reasons which have led to the conclusion and shall also contain information regarding -

(i) the names of the suppliers, or when this is impracticable, the supplying countries involved;

(ii) a description of the product which is sufficient for customs purposes;

(iii) the margins of dumping established and a full explanation of the reasons for the methodology used in the establishment and comparison of the export price and the normal value;

(iv) considerations relevant to the injury determination; and

(v) the main reasons leading to the determination.

(3) The designated authority shall determine an individual margin of dumping for each known exporter or producer concerned of the article under investigation:

Provided that in cases where the number of exporters, producers, importers or types of articles involved are so large as to make such determination impracticable, it may limit its findings either to a reasonable number of interested parties or articles by using statistically valid samples based on information available at the time of selection, or to the largest percentage of the volume of the exports from the country in question which can reasonably be investigated, and any selection, of exporters, producers, or types of articles, made under this proviso shall preferably be made in consultation with and with the consent of the exporters, producers or importers concerned:

Provided further that the designated authority shall, determine an individual margin of dumping for any exporter or producer, though not selected initially, who submit necessary information in time, except where the number of exporters or producers are so large that individual examination would be unduly burdensome and prevent the timely completion of the investigation.

(4) The designated authority shall issue a public notice recording its final findings.

18. Levy of duty. - (1) The Central Government may, within three months of the date of publication of final findings by the designated authority under rule 17, impose by notification in the Official Gazette, upon importation into India of the article covered by the final finding, anti-dumping duty not exceeding the margin of dumping as determined under rule 17:

[\[ \star \star \star \star \]]

(2) In cases where the designated authority has selected percentage of the volume of the exports from a particular country, as referred to sub-rule (3) of rule 17, any anti-dumping duty applied to imports from exporters or producers not included in the examination shall not exceed -
the weighted average margin of dumping established with respect to the selected exporters or producers or,

where the liability for payment of anti-dumping duties is calculated on the basis of a prospective normal value, the difference between the weighted average normal value of the selected exporters or producers and the export prices of exporters or producers not individually examined:

Provided that the Central Government shall disregard for the purpose of this sub-rule any zero margin, margins which are less than 2 per cent expressed as the percentage of export price and margins established in the circumstances detailed in sub-rule (8) of rule 6. The Central Government shall apply individual duties to imports from any exporter or producer not included in the examination who has provided the necessary information during the course of the investigation as referred to in the second proviso to sub-rule (3) of rule 17.

(3) Notwithstanding anything contained in sub-rule (1), where a domestic industry has been interpreted according to the proviso to sub-clause (b) of rule 2, a duty shall be levied only after the exporters have been given opportunity to cease exporting at dumped prices to the area concerned or otherwise give an undertaking pursuant to rule 15 and such undertaking has not been promptly given and in such cases duty shall not be levied only on the articles of specific producers which supply the area in question.

(4) If the final finding of the designated authority is negative that is contrary to the evidence on whose basis the investigation was initiated, the Central Government shall, within forty-five days of the publication of final findings by the designated authority under rule 17, withdraw the provisional duty imposed, if any.

19. Imposition of duty on non-discriminatory basis. - Any provisional duty imposed under rule 13 or an anti-dumping duty imposed under rule 18 shall be on a non-discriminatory basis and applicable to all imports of such articles, from whatever sources found dumped and, where applicable, causing injury to domestic industry except in the case of imports from those sources from which undertaking in terms of rule 15 has been accepted.

20. Commencement of duty. - (1) The anti-dumping duty levied under rule 13 and rule 19 shall take effect from the date of its publication in the Official Gazette.

(2) Notwithstanding anything contained in sub-rule (1) -

(a) where a provisional duty has been levied and where the designated authority has recorded a final finding of injury or where the designated authority has recorded a final finding of threat of injury and a further finding that the effect of dumped imports in the absence of provisional duty would have led to injury, the anti-dumping duty may be levied from the date of imposition of provisional duty;

(b) in the circumstances referred to in sub-section (3) of section 9A of the Act, the anti-dumping duty may be levied retrospectively from the date commencing ninety days prior to the imposition of such provisional duty:

Provided that no duty shall be levied retrospectively on imports entered for home consumption before initiation of the investigation:

Provided further that in the cases of violation of price undertaking referred to in sub-rule (6) of rule 15, no duty shall be levied retrospectively on the imports which have entered for home consumption before the violation of the terms of such undertaking.

[Provided also that notwithstanding anything contained in the foregoing proviso, in case of violation of such undertaking, the provisional duty shall be deemed to have been levied from the date of violation of the undertaking or such date as the Central Government may specify in each case.]

21. Refund of duty. - (1) If the anti-dumping duty imposed by the Central Government on the basis of the final findings of the investigation conducted by the designated authority is higher than the provisional duty already imposed and collected, the differential shall not be collected from the importer.

(2) If, the anti-dumping duty fixed after the conclusion of the investigation is lower than the provisional duty already imposed and collected, the differential shall be refunded to the importer.

(3) If the provisional duty imposed by the Central Government is withdrawn in accordance with the provisions of sub-rule (4) of rule 18, the provisional duty already imposed and collected, if any, shall be refunded to the importer.

21A Determination of amount paid in excess of actual margin of dumping. Where an importer is of the opinion that - (1) he has paid any anti-dumping duty imposed under sub-sections
(1) or sub-section (1A) of section 9A of the Act on any imported goods, in excess of the actual margin of dumping in relation to such goods, he may file an application for determination of the actual margin of dumping in relation to such goods before the designated authority in such form and accompanied by such documents as the said authority may specify in this behalf.

Where (2) the application referred to in sub-rule (1) is found to be deficient in any material particulars, the same shall be returned to the importer pointing out deficiencies within one month of the receipt thereof and the importer may, after making good the deficiencies, resubmit the application to the designated authority within one month thereafter.

On (3) receipt of the application with complete information, the designated authority shall initiate an investigation to determine the actual margin of dumping in relation to such goods.

In (4) determining the actual margin of dumping, when the export price is constructed in accordance with these rules, the designated authority shall take into account any change in normal value, costs incurred between importation and resale and any movement in the sale price which is duly reflected in the subsequent selling price.

While (5) calculating constructed export price, referred to in sub-rule (4), no deduction shall be made for the amount of anti-dumping duties paid when conclusive evidence of the same is provided.

Where (6) the designated authority finds that there is change in,
   (a) costs incurred between importation and resale, and
   (b) movement in the sale price which is duly reflected in the subsequent selling price,
   the actual margin of dumping may be determined in accordance with the provisions of sub-rules (4) and (5).

(7) The designated authority shall, after investigation under sub-rule (3), determine the actual margin of dumping for the goods and if the anti-dumping paid on the goods is in excess of the margin of dumping so determined, the authority shall make recommendation to the Central Government within nine months and in no case more than 12 months, from the date of receipt of the application, complete in all respects, to refund the difference between the two to the importer.

22. Margin of dumping, for exporters not originally investigated. - (1) If a product is subject to anti-dumping duties, the designated authority shall carry out a periodical review for the purpose of determining individual margins of dumping for any exporters or producers in the exporting country in question who have not exported the product to India during the period of investigation, provided that these exporters or producers show that they are not related to any of the exporters or producers in the exporting country who are subject to the anti-dumping duties on the product.

(2) The Central Government shall not levy anti-dumping duties under sub-section (1) of section 9A of the Act on imports from such exporters or producers during the period of review as referred to in sub-rule (1) of this rule:

Provided that the Central Government may resort to provisional assessment and may ask a guarantee from the importer if the designated authority so recommends and if such a review results in a determination of dumping in respect of such products or exporters, it may levy duty in such cases retrospectively from the date of the initiation of the review.

23. Review. - (1) Any anti-dumping duty imposed under the provision of section 9A of the Act, shall remain in force, so long as and to the extent necessary, to counteract dumping, which is causing injury.

(1A) The designated authority shall review the need for the continued imposition of any anti-dumping duty, where warranted, on its own initiative or upon request by any interested party who submits positive information substantiating the need for such review, and a reasonable period of time has elapsed since the imposition of the definitive anti-dumping duty and upon such review, the designated authority shall recommend to the Central Government for its withdrawal, where it comes to a conclusion that the injury to the domestic industry is not likely to continue or recur, if the said anti-dumping duty is removed or varied and is therefore no longer warranted.

(1B) Notwithstanding anything contained in sub-rule (1) or (1A), any definitive anti-dumping duty levied under the Act, shall be effective for a period not exceeding five years from the date of its imposition, unless the designated authority comes to a conclusion, on a review initiated before that period on its own initiative or upon a duly substantiated request made by or on behalf of the domestic industry, within a reasonable period of time prior to the expiry of that period, that the expiry of the said anti-dumping duty is likely to lead to continuation or recurrence of dumping and injury to the domestic industry.

(2) Any review initiated under sub-rule (1) shall be concluded within a period not exceeding twelve months from the date of initiation of such review.

(3) The provisions of rules 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, and 20 shall be mutatis mutandis applicable in the case of review.
24. Dumping causing injury to a third country.

(1) The designated authority may initiate investigation into any dumping alleged to be taking place into India and causing injury to the domestic industry of any third country which is a member of the World Trade Organisation.

(2) The designated authority in such cases shall follow the procedures laid down in Article 14 of the Agreement on Implementation of Article VI of the General Agreement on Tariff and Trade, 1994, as contained in the Final Act of Uruguay Round Multilateral Trade Negotiations.

25. Circumvention of anti dumping duty.

Where an article subject to anti dumping duty is imported into India from - (1) any country including the country of origin or country of export notified for the purposes of levy of anti dumping duty, in an unassembled, unfinished or incomplete form and is assembled, finished or completed in India or in such country, such assembly, finishing or completion shall be considered to circumvent the anti dumping duty in force if,-

(a) the operation started or increased after, or just prior to, the anti dumping investigations and the parts and components are imported from the country of origin or country of export notified for purposes of levy of anti-dumping duty; and

(b) the value consequent to assembly, finishing or completion operation is less than thirty-five percent of the cost of assembled, finished or complete article.

Explanation I. – ‘Value’ means the cost of assembled, complete or finished article less value of imported parts or components.

Explanation II. - For the purposes of calculating the ‘value’, expenses on account of payments relating to intellectual property rights, royalty, technical know-how fees and consultancy charges, shall not be taken into account.

(2) Where an article subject to anti dumping duty is imported into India from country of origin or country of export notified for the levy of anti-dumping duty after being subjected to any process involving alteration of the description, name or composition of an article, such alteration shall be considered to circumvent the anti dumping duty in force if the alteration of the description or name or composition of the article subject to anti dumping duty results in the article being altered in form or appearance even in minor forms regardless of the variation of tariff classification, if any.

(3) Where an article subject to anti dumping duty is imported into India through exporters or producers or country not subject to anti dumping duty, such exports shall be considered to circumvent the anti dumping duty in force if the exporters or producers notified for the levy of anti-dumping duty change their trade practice, pattern of trade or channels of sales of the article in order to have their products exported to India through exporters or producers or country not subject to anti dumping duty.

Explanation. - For the purposes of this sub-rule, it shall be established that there has been a change in trade practice, pattern of trade or channels of sales if the following conditions are satisfied, namely :-

(a) absence of a justification, economic or otherwise, other than imposition of anti-dumping duty;

(b) evidence that the remedial effects of the anti-dumping duties are undermined in terms of the price and or the quality of like products.

26. Initiation of investigation to determine circumvention. - (1) Except as provided herein below, the designated authority may initiate an investigation to determine the existence and effect of any alleged circumvention of the anti dumping duty levied under section 9A of the Act, upon receipt of a written application by or on behalf of the domestic industry.

(2) The application shall, inter alia, contain sufficient evidence as regards the existence of the circumstances to justify initiation of an anti-circumvention investigation.

(3) Notwithstanding anything contained in sub-rule (1), the designated authority may initiate an investigation suo motu if it is satisfied from the information received from the Commissioner of Customs appointed under the Customs Act, 1962 (52 of 1962) or any other source that sufficient evidence exists as to the existence of the circumstances pointing to circumvention of anti dumping duty in force.

(4) The designated authority may initiate an investigation to determine the existence and effect of any alleged circumvention of the antidumping duty in force where it is satisfied that imports of the article circumventing an anti dumping duty in force are found to be dumped:

Provided that, the designated authority shall notify the government of the exporting country
before proceeding to initiate such an investigation.

(5) The provisions regarding evidence and procedures under rule 6 shall apply mutatis
mutandis to any investigation carried out under this rule.

(6) Any such investigation shall be concluded within 12 months and in no case more than 18
months of the date of initiation of investigation for reasons to be recorded in writing by the designated
authority.

27. Determination of circumvention. - (1) The designated authority, upon determination
that circumvention of anti dumping duty exists, may recommend imposition of anti dumping duty to
imports of articles found to be circumventing an existing anti dumping duty or to imports of article
originating in or exported from countries other than those which are already notified for the purpose of
levy of the antidumping duty and such levy may apply retrospectively from the date of initiation of the
investigation under rule 26.

2) The designated authority shall issue a public notice recording its findings.

3) The Central Government may, pursuant to the recommendations made by the designated
authority, extend the anti dumping duty to imports of article including imports of such article from the
date of initiation of the investigation under rule 26 or such date as may be recommended by the
designated authority.

28. Review of circumvention. (1) The designated authority may review the need for the
continued imposition of the duty, where warranted, on its own initiative or provided that a reasonable
period of time has elapsed since the imposition of the measures, upon request by any interested party
which submits positive information substantiating the need for the review.

(2) Any review initiated under sub-rule (1) shall be concluded within a period not exceeding
twelve months from the date of initiation of review.

ANNEXURE I

(See rule 8)

Principles governing the determination of normal value, export price and margin of dumping

The designated authority while determining the normal value, export price and margin of
dumping shall take into account \textit{inter alia}, the following principles -

1. The elements of costs referred to in the context of determination of normal value shall
normally be determined on the basis of records kept by the exporter or producer under investigation,
provided such records are in accordance with the generally accepted accounting principles of the
exporting country, and such records reasonably reflect the costs associated with production and sale of
the article under consideration.

2. Sales of the like product in the domestic market of the exporting country or sales to a third
country at prices below per unit (fixed and variable) costs of production plus administrative, selling
and general costs may be treated as not being in the ordinary course of trade by reason of price. The
designated authority may disregard these sales, in determining normal value, provided it has
determined that -

(i) such sales are made within a reasonable period of time (not less than six months) in
substantial quantities, i.e. when the weighted average selling price of the article is below
the weighted average per unit costs or when the volume of the sales below per unit costs
represents not less than twenty per cent of the volume sold in transactions under
consideration, and

(ii) such sales are at prices which do not provide for the recovery of all costs within a
reasonable period of time. The said prices will be considered to provide for recovery of
costs within a reasonable period of time if they are above weighted average per unit costs
for the period of investigation, even though they might have been below per unit costs at
the time of sale.

3. (i) The said authority in the course of investigation shall consider all available evidence on
the proper allocation of costs, including that which is made available by the exporter or producer
provided that such allocation has been historically utilized by the exporter or producer, in relation to
establishing appropriate amortization and depreciation periods and allowances for capital expenditure
and other development costs.

(ii) unless already reflected in allocation of costs referred to in clause (1) and sub-clause (i)
above, the designated authority, will also make appropriate adjustments for those non-
recurring items of cost which benefits further and/or current production, or for
circumstances in which costs during the period of investigation are affected by start up
operation.

4. The amounts for administrative, selling and general costs and for profits as referred to in
sub-section (1) of section 9A of the Act, shall be based on actual data pertaining to production and sales in the ordinary course of trade, of the like article by the exporter or producer under investigation. When such amounts cannot be determined on this basis, the amounts may be determined on the basis of:

(i) the actual amounts incurred and realised by the exporter or producer in question, in respect of production and sales in the domestic market of the country of origin of the same general category of article;

(ii) the weighted average of the actual amounts incurred and realized by other exporters or producers subject to investigation in respect of production and sales of the like article in the domestic market of the country of origin; or

(iii) any other reasonable method, provided that the amount for profit so established shall not exceed the profit normally realized by the exporters or producers on sales of products of the same general category in the domestic market of the country of origin.

5. The designated authority, while arriving at a constructed export price, shall give due allowance for costs including duties and taxes, incurred between importation and resale and for profits.

6. (i) While arriving at margin of dumping, the designated authority shall make a fair comparison between the export price and the normal value. The comparison shall be made at the same level of trade, normally at the ex-factory level, and in respect of sales made at as nearly as possible the same time. Due allowance shall be made in each case, on its merits, for differences which affect price comparability, including differences in conditions and terms of sale, taxation, levels of trade, quantities, physical characteristics, and any other differences which are demonstrated to affect price comparability.

(ii) In the cases where export price is a constructed price, the comparison shall be made only after establishing the normal value at equivalent level of trade.

(iii) When the comparison under this para requires a conversion of currencies, such conversion should be made by using the rate of exchange on the date of sale, provided that when a sale on foreign currency on forward markets is directly linked to the export sale involved the rate of exchange in the forward sale shall be used. Fluctuations in exchange rates shall be ignored and in an investigation the exporters shall be given at least sixty days to have adjusted their export prices to reflect sustained movements in exchange rates during the period of investigation.

(iv) Subject to the provisions governing comparison in this paragraph, the existence of margin of dumping during the investigation phase shall normally be established on the basis of a comparison of a weighted average normal value and export prices on a transaction-to-transaction basis. A normal value established on a weighted average basis may be compared to prices of individual export transactions if it is found that a pattern of export prices which differ significantly among different purchasers, regions or time periods, and if an explanation is provided as to why such differences cannot be taken into account appropriately by the use of a weighted average-to-weighted average or transaction-to-transaction comparison.

[7. In case of imports from non-market economy countries, normal value shall be determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including India, or where it is not possible, on any other reasonable basis, including the price actually paid or payable in India for the like product, duly adjusted if necessary, to include a reasonable profit margin. An appropriate market economy third country shall be selected by the designated authority in a reasonable manner [keeping in view the level of development of the country concerned and the product in question] and due account shall be taken of any reliable information made available at the time of the selection. Account shall also be taken within time limits; where appropriate, of the investigation if any made in similar matter in respect of any other market economy third country. The parties to the investigation shall be informed without unreasonable delay the aforesaid selection of the market economy third country and shall be given a reasonable period of time to offer their comments.]

[8. (1) The term “non-market economy country” means any country which the designated authority determines as not operating on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise, in accordance with the criteria specified in sub-paragraph (3).

(2) There shall be a presumption that any country that has been determined to be, or has been treated as, a non-market economy country for purposes of an anti-dumping investigation by the designated authority or by the competent authority of any WTO member country during the three year period preceding the investigation is a non-market economy country.
Provided, however, that the non-market economy country or the concerned firms from such country may rebut such a presumption by providing information and evidence to the designated authority that establishes that such country is not a non-market economy country on the basis of the criteria specified in sub-paragraph (3).

(3) The designated authority shall consider in each case the following criteria as to whether:

(a) the decisions of concerned firms in such country regarding prices, costs and inputs, including raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand and without significant State interference in this regard, and whether costs of major inputs, substantially reflect market values;

(b) the production costs and financial situation of such firms are subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets other write-offs, barter trade and payment via compensation of debts;

(c) such firms are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of the firms, and

(d) the exchange rate conversions are carried out at the market rate:

Provided, however, that where it is shown by sufficient evidence in writing on the basis of the criteria specified in this paragraph that market conditions prevail for one or more such firms subject to anti-dumping investigations, the designated authority may apply the principles set out in paragraphs 1 to 6 instead of the principles set out in paragraph 7 and in this paragraph.

(4) Notwithstanding anything contained in sub-paragraph (2), the designated authority may treat such country as market economy country which, on the basis of the latest detailed evaluation of relevant criteria, which includes the criteria specified in sub-paragraph (3), has been, by publication of such evaluation in a public document, treated or determined to be treated as a market economy country for the purposes of anti-dumping investigations, by a country which is a Member of the World Trade Organisation.

Note: For the purposes of this paragraph, the list of non-market economy countries is Albania, Armenia, Azerbaijan, Belarus, Peoples' Republic of China, Georgia, Kazakhstan, North Korea, Kyrgyzstan, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Vietnam. Any country among them seeking to establish that it is a market economy country as per criteria enunciated in this paragraph, may provide all necessary information which shall be taken due account by the designated authority.

ANNEXURE II
[See rule 9(2)]

Principles for determination of injury

The designated authority while determining the injury or threat of material injury to domestic industry or material retardation of the establishment of such an industry, hereinafter referred to as “injury” and casual link between dumped imports and such injury, shall inter alia, take following principles under consideration -

(i) A determination of injury shall involve an objective examination of both (a) the volume of the dumped imports and the affect of the dumped imports on prices in the domestic market for like article and (b) the consequent impact of these imports on domestic producers of such products.

(ii) While examining the volume of dumped imports, the said authority shall consider whether there has been a significant increase in the dumped imports, either in absolute terms or relative to production or consumption in India. With regard to the affect of the dumped imports on prices as referred to in sub-rule (2) of rule 18 the designated authority shall consider whether there has been a significant price under cutting by the dumped imports as compared with the price of like product in India, or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increase which otherwise would have occurred, to a significant degree.

(iii) In cases where imports of a product from more than one country are being simultaneously subjected to anti-dumping investigation, the designated authority will cumulatively assess the effect of such imports, only when it determines that (a) the margin of dumping established in relation to the imports from each country is more than two per cent expressed as percentage of export price and the volume of the imports from each country is three per cent of the import of like article or where the export of individual countries less than three per cent, the imports collectively accounts for more than seven per cent of the import of like article and (b) cumulative assessment of the effect of imports is appropriate in light of the conditions of competition between the imported article and the like domestic articles.

(iv) The examination of the impact of the dumped imports on the domestic industry concerned,
shall include an evaluation of all relevant economic factors and indices having a bearing on the state of the industry, including natural and [potential] decline in sales, profits, output, market share, productivity, return on investments or utilisation of capacity; factors affecting domestic prices; the magnitude of the margin of dumping; actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital investments.

(v) It must be demonstrated that the dumped imports are, through the effects of dumping, as set forth in paragraphs (ii) and (iv) above, causing injury to the domestic industry. The demonstration of a casual relationship between the dumped imports and the injury to the domestic industry shall be based on an examination of relevant evidence before the designated authority. The designated authority shall also examine any known factors other than the dumped imports which at the same time are injuring the domestic industry, and the injury caused by these other factors must not be attributed to the dumped imports. Factors which may be relevant in this respect include, inter alia, the volume and prices of imports not sold at dumping prices, contraction in demand or changes in the patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and the productivity of the domestic industry.

(vi) The effect of the dumped imports shall be assessed in relation to the domestic production of the like article when available data permit the separate identification of that production on the basis of such criteria as the production process, producers’ sales and profits. If such separate identification of that production is not possible, the effects of the dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided.

(vii) A determination of a threat of material injury shall be based on facts and not merely on allegation, conjecture or remote possibility. The change in circumstances which would create a situation in which the dumping would cause injury must be clearly foreseen and imminent. In making a determination regarding the existence of a threat of material injury, the designated authority shall consider, inter alia, such factors as:

(a) a significant rate of increase of dumped imports into India indicating the likelihood of substantially increased importation;
(b) sufficient freely disposable, or an imminent, substantial increase in, capacity of the exporter indicating the likelihood of substantially increased dumped exports to Indian markets, taking into account the availability of other export markets to absorb any additional exports;
(c) whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices, and would likely increase demand for further imports; and
(d) inventories of the article being investigated.

7[ANNEXURE III

Principles for determination of non-injurious price

(1) The designated authority is required under sub-rule (1) of rule 17 to recommend the amount of anti-dumping duty which, if levied, would remove the injury where applicable to the domestic industry.

(2) For the purpose of making recommendation under clause (1), the designated authority shall determine the fair selling (notional) price or non-injurious price of the like domestic product taking into account the principles specified herein under.

(3) The non-injurious price is required to be determined by considering the information or data relating to cost of production for the period of investigation in respect of the producers constituting domestic industry. Detailed analysis or examination and reconciliation of the financial and cost records maintained by the constituents of the domestic industry are to be carried out for this purpose.

(4) The following elements of cost of production are required to be examined for working out the non-injurious price, namely:

(i) The best utilisation of raw materials by the constituents of domestic industry, over the past three years period and the period of investigation, and at period of investigation rates may be considered to nullify injury, if any, caused to the domestic industry by inefficient utilisation of raw materials.
(ii) The best utilisation of utilities by the constituents of domestic industry, over the past three years period and period of investigation, and at period of investigation rates may be
considered to nullify injury, if any, caused to the domestic industry by inefficient utilization of utilities.

(iii) The best utilisation of production capacities, over the past three years period and period of investigation, and at period of investigation rates may be considered to nullify injury, if any, caused to the domestic industry by inefficient utilization of production capacities.

(iv) The Propriety of all expenses, grouped and charged to the cost of production may be examined and any extraordinary or non-recurring expenses shall not be charged to the cost of production and salary and wages paid per employee and per month may also be reviewed and reconciled with the financial and cost records of the company.

(v) To ensure the reasonableness amount of depreciation charged to cost of production, it may be examined that no charge has been made for facilities not deployed on the production of the subject goods, particularly in respect of multi-product companies and the depreciation of re-valued assets, if any, may be identified and excluded while arriving at reasonable cost of production.

(vi) The expenses to the extent identified to the product are to be directly allocated and common expenses or overheads classified under factory, administrative and selling overheads may be apportioned on reasonable and scientific basis such as machine hours, vessel occupancy hours, direct labour hours, production quantity, sales value, etc., as applied consistently by domestic producers and the reasonableness and justifications of various expenses claimed for the period of investigation may be examined and scrutinised by comparing with the corresponding amounts in the immediate preceding year.

(vii) The expenses, which shall not to be considered while assessing non-injurious price include,—

(a) research and development Provisions (unless claimed and substantiated as related to the product specific research);
(b) since non-injurious price is determined at ex-factory level, the post manufacturing expenses such as commission, discount, freight-outward etc. at ex-factory level;
(c) excise duty, sales tax and other tax levies on sales;
(d) expenses on job work done for other units;
(e) royalty, unless it is related to technical know-how for the product;
(f) trading activity of product under consideration; or
(g) other non-cost items like bad debts, donations, loss on sale of assets, loss due to fire, flood, etc.

(viii) A reasonable return (pre-tax) on average capital employed for the product may be allowed for recovery of interest, corporate tax and profit. The average capital employed is the sum of “net fixed assets and net working capital” which shall be taken on the basis of average of the same as on the beginning and at the end of period of investigation. For assessment of reasonable level of working capital requirement, all the elements of net working capital shall be scrutinised in detail. The impact of revaluation of fixed assets shall not be considered in the calculation of capital employed. Interest is allowed as an item of cost of sales and after deducting the interest, the balance amount of return is to be allowed as pre-tax profit to arrive at the non-injurious price.

(ix) Reasonableness of interest cost may be examined to ensure that no abnormal expenditure on account of interest has been incurred. Details of term loans, cash credit limits, short term loans, deposits and other borrowings taken by the company and interest paid thereon may be examined in detail along with the details of assets deployed.

(x) In case there is more than one domestic producer, the weighted averages of non-injurious price of individual domestic producers are to be considered. The respective share of domestic production of the subject goods may be taken as basis for computation of weighted average non-injurious price for the domestic industry as a whole.

Notification No. 63/2000 - Customs (N.T.) - Appointment of designated authority for rule 3 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995

3. Substituted by Notification 15/2011-Cus(N.T) dated 01.03.2011;
4. Inserted by Notification 15/2011-Cus(N.T) dated 01.03.2011;
5. Inserted by Notification No. 06/2012 - Cus (N.T.) dated 19/01/2012;
6. Substituted by Notification 15/2011-Cus(N.T) dated 01.03.2011;
7. Inserted by Notification No. 06/2012 - Cus (N.T.) dated 19/01/2012;
8. Inserted by Notification 15/2011-Cus(N.T) dated 01.03.2011
In exercise of the powers conferred by sub-section (1) of section 156 of the Customs Act, 1962 (52 of 1962), read with clauses (n) and (u) of sub-section (2) of section 11 of the said Act, the Central Government hereby makes the following rules, namely:-

Rule 1. Short title, commencement and application.

(i) These may be called the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007.

(ii) They shall come into force on the date of their publication in the Official Gazette.

(iii) They shall apply to imported goods.

Rule 2. Definitions.

(a) "goods infringing intellectual property rights" means any goods which are made, reproduced, put into circulation or otherwise used in breach of the intellectual property laws in India or outside India and without the consent of the right holder or a person duly authorized to do so by the right holder;

(b) "intellectual property" means a copyright as defined in the Copyright Act, 1957, trade mark as defined in the Trade Marks Act, 1999, patent as defined in the Patents Act, 1970, design as defined in the Designs Act, 2000 and geographical indications as defined in the Geographical Indications of Goods (Registration and Protection) Act, 1999;

(c) "Intellectual property law" means the Copyright Act, 1957, the Trade Marks Act, 1999, the Patents Act, 1970, the Designs Act, 2000 or the Geographical Indications of Goods (Registration and Protection) Act, 1999;

(d) "right holder" means a natural person or a legal entity, which according to the laws in force is to be regarded as the owner of protected intellectual property right, its successors in title, or its duly authorized exclusive licensee as well as an individual, a corporation or an association authorized by any of the aforesaid persons to protect its rights.

Rule 3. Notice by the right holder.

(1) A right holder may give notice in writing to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, or any Customs officer authorised in this behalf by the Principal Commissioner or Commissioner, at the port of import of goods infringing intellectual property rights in accordance with the procedures and under the conditions as set out in these Rules, requesting for suspension of clearance of goods suspected to be infringing intellectual property right.
(2) The notice in respect of goods infringing intellectual property rights shall be given in the format prescribed in the Annexure to these Rules.

(3) Every such notice shall be accompanied by a document as specified by the 3 [Principal Commissioner or Commissioner], evidencing payment of application fee of Rs. 2000 (two thousand rupees only).

(4) If any of the information as required in the format under sub-rule (2) is not provided, the Deputy Commissioner of Customs or Assistant Commissioner of Customs may, as the case may be, ask the right holder or his authorised representative to provide the same within 15 days, which may be extended on sufficient reasons being shown.

(5) The right holder shall inform customs authority when his intellectual property ceases to be valid or if he ceases to be the owner of such intellectual property right.

**Rule 4. Registration of notice by the 4 [Principal Commissioner or Commissioner].**

(1) Within 30 working days from the date of receipt of the notice under sub-rule(1) of Rule 3, or from the date of expiry of the extended time as contemplated in sub-rule (4) of Rule3, as the case may be, the 5 [Principal Commissioner or Commissioner] shall notify the applicant whether the notice has been registered or rejected.

(2) In a case where the notice has been registered, the 6 [Principal Commissioner or Commissioner] shall indicate the validity period of the registration during which assistance by Customs shall be rendered. The minimum validity period shall be one year unless the noticee or right holder requests for a shorter period for customs assistance or action.

(3) The 7 [Principal Commissioner or Commissioner] granting the registration of the notice under sub-rule (2) shall inform, immediately through a letter by speed post or through electronic mode, all Custom offices covered by the notice of the details of the notice.

**Rule 5. Conditions for registration.**

The grant of registration under rule 4 shall be subject to following conditions, namely: -

(a) the right holder or his authorised representative shall execute a bond with the 8 [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] for such amount with such surety and security as deemed appropriate by the 9 [Principal Commissioner or Commissioner], undertaking to protect the importer, consignee and the owner of the goods and the competent authorities against all liabilities and to bear the costs towards destruction, demurrage and detention charges incurred till the time of destruction or disposal, as the case may be;

(b) the right holder shall execute an indemnity bond with the 10 [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] indemnifying the Customs authorities against all liabilities and expenses on account of suspension of the release of allegedly infringing goods.

After the grant of the registration of the notice by the [Principal Commissioner or Commissioner] on due examination, the import of allegedly infringing goods into India shall be deemed as prohibited within the meaning of Section 11 of the Customs Act, 1962.

Rule 7. Suspension of clearance of imported goods.

(1)(a) Where the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, based on the notice given by the right holder has a reason to believe that the imported goods are suspected to be goods infringing intellectual property rights, he shall suspend the clearance of the goods.

(b) The Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may, on his own initiative, suspend the clearance of goods, in respect of which he has prima-facie evidence or reasonable grounds to believe that the imported goods are goods infringing intellectual property rights.

(2) The Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall immediately inform the importer and the right holder or their respective authorised representatives through a letter issued by speed post or through electronic mode of the suspension of clearance of the goods and shall state the reasons for such suspension.

(3) Where clearance of the goods suspected to be infringing intellectual property has been suspended and the right holder or his authorised representative does not join the proceedings within a period of ten working days from the date of suspension of clearance leading to a decision on the merits of the case, the goods shall be released provided that all other conditions of import of such goods under the Customs Act, 1962, have been complied with:

Provided that the above time-limit of ten working days may be extended by another ten days in appropriate cases by the [Principal Commissioner or Commissioner] or an officer authorized by him in this behalf.

(4) Where the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, has suspended clearance of goods on his own initiative and right holder does not give notice under rule 3 of the Rules or does not fulfil the obligation under Rule 5, within five days from the date of suspension of clearance, the goods shall be released provided that all other conditions of import of such goods under the Customs Act, 1962, have been complied with.

(5) Where the clearance of goods has been suspended, customs may, where it acts on its own initiative, seek from the right holder any information or assistance, including technical expertise and facilities for the purpose of determining whether the suspect goods are counterfeit or pirated or otherwise infringe an intellectual property right.

(6) Where the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, has suspended clearance of goods on his
own initiative and right holder has given notice under rule 3 of the Rules and fulfilled the obligations under Rule 5, but, the right holder or his authorised representative does not join the proceedings within a period of ten working days from the date of suspension of clearance leading to a decision on the merits of the case, the goods shall be released provided that all other conditions of their import under the Customs Act, 1962, have been complied with:

Provided that the above time-limit of ten working days may be extended by another ten working days in appropriate cases by the 13 [Principal Commissioner or Commissioner] or an officer authorized by him in this behalf.

(7) In the case of perishable goods suspected of infringing intellectual property rights, the period of suspension of release shall be three working days which may be extended by another four days subject to the satisfaction of the 14 [Principal Commissioner or Commissioner] or the officer authorized by him in this behalf that such extension shall not affect the goods.

(8) Notwithstanding anything contained in these Rules, in the case of suspension of clearance of perishable goods on the basis of notice of the right holder or his authorized representative, the right holder or his authorized representative shall join the proceedings as required under these Rules within three working days or the extended period as provided in sub-rule (7) and in case of suspension of clearance of perishable goods by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, on his own initiative, the right holder shall give notice, execute a bond and join the proceedings as required under these Rules within three working days or the extended period as provided in sub-rule (7), as the case may be, failing which the goods shall be released.

(9) If within ten working days or the extended period under sub-rule (6), as the case may be, and within three working days or the extended period as provided in sub-rule (7) of this rule in the case of perishable goods, the right-holder or his authorized representative joins the proceedings, the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, having reasons to believe that the goods are goods infringing intellectual property rights and liable to confiscation under section 111 (d) of the Customs Act, may seize the same under section 110 of the Customs Act.

**Rule 8. Examination of goods by right holder.**

The 15 [Principal Commissioner or Commissioner] or the officer duly authorized in this behalf shall allow a right holder and the importer or their duly authorized representatives to examine the goods, the clearance of which has been suspended, and may provide representative samples for examination, testing and analysis to assist in determining whether the goods are pirated, counterfeit or otherwise infringe an intellectual property right, without prejudice to the protection of confidential information.
Rule 9. Supply of information to the right holder.

At the request of the right holder, the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall inform the name and address of the importer and without prejudice to the protection of confidential information the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may also provide additional relevant information relating to the consignment which has been suspended from clearance.

Rule 10. Supply of information to the importer.

At the request of the importer or his duly authorized representative, Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall inform the name and address of the right holder and without prejudice to the protection of confidential information the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may also provide additional relevant information relating to the consignment which has been suspended from clearance.

Rule 11. Disposal of infringing goods.

(1) Where upon determination by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, it is found that the goods detained or seized have infringed intellectual property rights, and have been confiscated under section 111 (d) of the Customs Act, 1962 and no legal proceedings are pending in relation to such determination, the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, shall destroy the goods under official supervision or dispose of them outside the normal channels of commerce after obtaining "no objection" or concurrence of the right holder or his authorized representative:

Provided that if the right holder or his authorized representative does not oppose or react to the mode of disposal as proposed by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, within twenty working days after having been informed, or within such extended period as may have been granted by the Commissioner at the request of the right holder, not exceeding another twenty working days, he shall be deemed to have concurred with the mode of disposal as proposed by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be:

Provided further that the costs toward destruction, demurrage and detention charges incurred till the time of destruction or disposal, as the case may be, shall be borne by the right holder.

(2) There shall not be allowed the re-exportation of the goods infringing intellectual property rights in an unaltered state.

(3) The Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may on his own, or at the request of the right holder, retain samples of goods infringing intellectual property rights prior to their destruction or disposal and provide the same to the right
holder or importer if such samples are needed as evidence in pending or future litigations.

**Rule 12. Exclusion of baggage and De-minimis Imports.**

Goods of a non-commercial nature contained in personal baggage or sent in small consignments intended for personal use of the importer are not subject to the above Rules.

**Rule 13. Protection of action taken under the Rules.**

Customs officers when acting in good faith and having followed the procedures set out in these Rules shall not be liable for:

- (a) any failure to detect goods infringing intellectual property rights,
- (b) the inadvertent release of such goods, and
- (c) any other action in respect of such goods.

**ANNEXURE**

(see sub-rule(2) of rule 3)


1. Name of the Applicant:
2. Contact Details of the applicant:
   - (A) Office address:
   - (B) Residence address
   - (C) E-mail address
   - (D) IEC No
3. Applicant's Telephone numbers (including mobile number)
4. Name and contact details of authorized representative of the right holder. (please attach authorization from the right holder)
5. Proof of the existence and ownership of a valid intellectual property right by the right holder
6. A statement of the grounds for the notice of suspension of release of the goods allegedly infringing intellectual property rights
7. In the case of a specific consignment of goods allegedly infringing intellectual property rights, details of the consignment and a statement of the ground for the notice including prima facie evidence of infringement
8. Detailed description of the goods with Customs Tariff Heading in respect of which an intellectual property right applies, together with a sample, model or photograph of a genuine product
9. Name of customs airport/ customs port/land customs station to be covered

I/We declare that the particulars furnished above are true to the best of my/our knowledge and the documents enclosed herewith are genuine.
Signature of the right holder or his authorized representative
Office Seal

Place:
Date:

1. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
2. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
3. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
4. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
5. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
6. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
7. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
8. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
9. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
10. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
11. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
12. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
13. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
14. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
15. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
Rule 1. Short title and commencement. -

(1) These rules may be called the Customs (Publication of Names) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

Rule 2. Definitions. -

In these rules, unless the context otherwise requires, -

(a) "Act" means the Customs Act, 1962 (52 of 1962);

(b) "Commissioner of Customs" includes an [Additional Commissioner of Customs];

(c) "Proper Officer", in relation to any functions to be performed under the Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963), or the [Principal Commissioner of Customs or Commissioner of Customs, as the case may be];

(d) "Section" means a section of the Act.

Rule 3. Publication of names and other particulars of persons. -

(1) Subject to the provisions of these rules, the [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] shall, once in every three months, cause to be published in the Official Gazette the names and addresses and other particulars specified in sub-rule (2) of the following categories of persons, namely :-

(a) persons who have been convicted by a court for contravention of any of the provisions of the Act or the rules made thereunder;

(b) persons who have been adjudged by a proper officer to have contravened any of the provisions of the Act, or the rules made thereunder, where -

(i) the persons had, on a previous occasion, been similarly adjudged by the proper officer or convicted by a court; or

(ii) the penalty imposed by the proper officer is ten thousand rupees or above.

(2) The other particulars referred to in sub-rule (1) are -
(a) the provisions of the Act or the rules made thereunder contravened;
(b) the particulars regarding the penalty imposed; and
(c) where the officer adjudging has directed confiscation under section 111, or section 113, the particulars regarding such confiscation.

**Explanation.** - In the case of a firm, company or other association of persons, the names of partners of the firm, directors, managing agents, secretaries and treasurers, or the names of the manager of the company or the names of the members of the association, as the case may be, may also be published if, in the opinion of the **3** [Principal Commissioner of Customs or Commissioner of Customs, as the case may be], the circumstances of the case justify such publication.

(3) Notwithstanding anything contained in sub-rule (1), the Central Government may, if it is satisfied that it is necessary or expedient in the public interest so to do, direct the **4** [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] to publish the names, addresses and other particulars, specified in sub-rule (2), of any other person who has been held guilty of any contravention of the provisions of the Act or of any rule made thereunder.

(4) Notwithstanding anything contained in this rule, the Central Government may, if it is satisfied that it is necessary or expedient in the interest of investigation under the Act, security of the State, friendly relations with foreign States or otherwise in the interest of the general public, so to do, direct the **5** [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] that names of any person or category of persons may not be published.

**Rule 4. Publications under rule 3 to be made after the specified period.**

No publication under rule 3 shall be made in respect of a person, until the period for preferring an appeal under section 128 has expired without any appeal having been preferred, or such an appeal having been preferred has been disposed of.

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1. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
2. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
3. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
4. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
5. Substituted by Notification No. 56/2014 – Cus (NT) dated 06.08.2014
In exercise of the powers conferred by section 156 of the Customs Act, 1962 (52 of 1962) and in supersession of the Customs (Settlement of Cases) Rules, 1999, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

RULE 1. Short title and commencement.-
These rules may be called the Customs (Settlement of Cases) Rules, 2007. They shall come into force on and from the 1st day of June, 2007.

RULE 2. Definitions.-
In these rules, unless the context otherwise requires, -
(a) "Act" means the Customs Act, 1962 (52 of 1962);
(b) "Form SC(C)-1" means the form appended to these rules;
(c) 'section' means section of the Act;
(d) words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

RULE 3. Form and manner of application.-
An application under sub-section (1) of section 127B shall be made in Form SC(C)-1. The application referred to in sub-rule (1), the verification contained therein and all relevant documents accompanying such application shall be signed, -
(a) in case of an applicant, by the applicant himself or where the applicant is absent from India, then, either by the applicant himself or by any other person duly authorized by him in this behalf and where the applicant is a minor or is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;
(b) in the case of a Hindu undivided family, by Karta of such family and, where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family;
(c) in the case of a company or local authority, by the principal officer thereof;
(d) in the case of a firm, by any partner thereof, not being a minor;
(e) in the case of any other association, by any member of the association or the principal officer thereof; and

(3) Every application in Form SC(C)-1 shall be filed in quintuplicate and shall be accompanied by a fee of one thousand rupees.

(4) The additional amount of customs duty accepted by the applicant under sub-section (1) of section 127B, along with interest due thereon shall be deposited by him in any of the authorised banks under TR-6 challan in quintuplicate.

**RULE 4. Disclosure of information in the application for settlement of cases.**
The Settlement Commission shall, while calling for a report from the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, under sub-section (3) of section 127C, forward a copy of the application referred to in sub-rule (1) of rule 3 along with the annexure to the application and the statements and other documents accompanying such annexure.

**RULE 5. Manner of Provisional Attachment of Property.**
(1) Where the Settlement Commission orders attachment of property under sub-section (1) of section 127D, it shall send a copy of such order to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, or the Commissioner of Central Excise having jurisdiction over the place in which the applicant owns movable or immovable property or resides or carries on his business or has his bank account.

(2) On receipt of the order referred to in sub-rule (1), the Principal Commissioner or Commissioner may authorise any officer subordinate to him and not below the rank of an Assistant Commissioner of Customs or an Assistant Commissioner of Central Excise, as the case may be, to take steps to attach such property of the applicant.

(3) The officer authorised under sub-rule (2) shall prepare an inventory of the property attached and specify in it, in the case of the immovable property the description of such property sufficient to identify it and in case of the movable property, the place where such property is lodged or kept and shall hand over a copy of the same to the applicant or to the person from whose charge the property is attached.

(4) The officer authorised under sub-rule (2) shall send a copy of the inventory so prepared each to the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, or the Principal Commissioner or Commissioner of Central Excise, as the case may be, and also to the Settlement Commission.

**RULE 6. Fee for copies of reports.**
Any person who makes an application under section 127G, for obtaining copies of reports made by any Officer of Customs, shall pay a fee of five rupees per page of each report or part thereof.

Interim Rules of Origin for Preferential Tariff Concessions for Trade between India and Thailand


In exercise of the powers conferred by sub-section (i) of Section 5 of the Customs Tariff Act, 1975 (51 of 1975), the Central Government hereby makes the following Rules, namely:-

1. Short Title and Commencement.-

These rules may be called the 'Interim Rules of Origin'. In determining the origin of products eligible for the preferential tariff concessions for the Early Harvest Scheme pursuant to the Framework Agreement between the Republic of India and the Kingdom of Thailand (hereinafter referred to as "the Agreement"), the following rules shall apply:

(2) They shall come into force on the 1st day of September 2004.

Rule 1. Application.-

These rules shall apply to products consigned from the territory of either of the Parties. These rules shall be superseded and replaced by the Rules of Origin to be negotiated and implemented by the Parties under Article 3(6)(ii) of the Agreement for FTA in goods.

Rule 2. Definitions.-

For the purpose of the interim rules of origin:

"A Party" means the individual parties to the Agreement, that is either the Republic of India or the Kingdom of Thailand;

"CIF value" means the price paid to the exporter for the product when it arrives at the port of importation. The exporter must pay the costs, freight, and insurance necessary to deliver the product to the named port of destination. The valuation shall be made in accordance with the Agreement on the implementation of Article VII of GATT 1994.

"FOB value" means the free-on-board price paid to the exporter for the product when it leaves the named port of shipment. Thereafter, the importer will assume the costs including the necessary expenses for the shipment. The valuation shall be made in accordance with the Agreement on the implementation of Article VII of GATT 1994.

"Harmonized system" means the nomenclature of the Harmonized Commodity Description and Coding System defined in the International Convention on the Harmonized Commodity Description and Coding System (done at Brussels on 14 June 1983) including all legal notes thereto, as in force and as amended from time to time;

"Identical and interchangeable materials" means materials being of the same kind and commercial quality, possessing the same technical and physical characteristics, and which
once they are incorporated into the finished product cannot be distinguished from one another for origin purposes by virtue of any markings etc.;

"Indirect material" means goods used in the production, testing or inspection of goods but not physically incorporated into the goods, or goods used in the maintenance of buildings or the operation of equipment associated with the production of goods, including:

(a) fuel and energy;
(b) tools, dies and moulds;
(c) parts and materials used in the maintenance of equipment and buildings;
(d) lubricants, greases, compounding materials and other materials used in production or used to operate equipment and buildings;
(e) gloves, glasses, footwear, clothing, safety equipment and supplies;
(f) equipment, devices, and supplies used for testing or inspecting the goods;
(g) catalysts and solvents; and
(h) any other goods that are not incorporated into the goods but whose use in the production of the goods can reasonably be demonstrated to be a part of that production.

"Material" means raw materials, ingredients, parts, components, sub-assembly and/or goods that are physically incorporated into another goods or are subject to a process in the production of another goods;

"Originating goods" means products that qualify as originating in accordance with the provisions of Rule 4;

"Packing" means the goods used to protect a good during its transportation and also packaging material and containers in which a good is packaged for retail sale;

"Preferential tariff treatment" means the preferential customs duty rate and treatment available over the applied Most-Favoured-Nation customs duty to originating goods pursuant to the rules of origin;

"Product" means the product being manufactured, even if it is intended for later use in another manufacturing operation;

"Production" means methods' of obtaining goods such as growing, mining, harvesting, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, manufacturing, producing, processing or assembling etc.;

"Product Specific Rules" means the rules that specify that the non-originating materials have undergone a change in tariff classification or a specific manufacturing or processing operation, or satisfy an ad valorem criterion or a combination of any of these criteria;
"Non-originating material" means any material whose country of origin is other than the Parties (imported non-originating) and any material whose origin cannot be determined (undetermined origin);

The "territory of India" means the territory of the Republic of India including its territorial waters and the air space above it, and the other maritime zones including the Exclusive Economic Zone and Continental Shelf over which Republic of India has sovereignty, sovereign rights or exclusive jurisdiction in accordance with its laws in force, the 1982 United Nations Convention on the law of the sea and international law;

The "territory of Thailand" means the territory of the Kingdom of Thailand including its territorial waters and the air space above its territorial waters and the air space above it, and the other maritime zones including the Exclusive Economic Zone and Continental Shelf over which Kingdom of Thailand has sovereignty, sovereign rights or exclusive jurisdiction in accordance with its laws in force, the 1982 United Nations Convention on the law of the sea and international law;

Rule 3. Determination of Origin. -

No product shall be deemed to be originating in either Party unless the conditions specified in these rules are complied with in relation to such products and to the satisfaction of the respective Government Authorities designated to issue the Certificate of Origin.

Rule 4. Originating Goods. -

For the purposes of these rules, products imported by a Party shall be deemed to be originating and eligible for preferential tariff concessions if they conform to the origin requirements under anyone of the following:

(a) Products which are wholly obtained or produced in the territory of the exporting Party as set out and defined in Rule 5 or

(b) Products not wholly produced or obtained in the territory of the exporting Party provided that the said products are eligible under Rule 6 or Rule 7, and Rule 8.

Rule 5. Wholly produced or obtained. -

Within the meaning of Rule 4(a), the following shall be considered as wholly produced or obtained in a Party:

(a) Plant and plant products harvested or grown, there;

(b) Live animals born and raised there;

(c) Products obtained from live animals referred to in paragraph (b) above;

(d) Products obtained by hunting, trapping, fishing, or aquaculture, conducted there;
(e) Minerals and other naturally occurring substances, not included in paragraph (a) to (d), extracted or taken from its soil, waters, seabed or beneath their seabed;

(f) Products taken from the water, seabed or beneath the seabed outside the territorial waters of a Party, provided that the Party has the rights to exploit such water, seabed and beneath the seabed in accordance with the United Nations Convention on the Law of the sea;

(g) Products of sea fishing and other marine products taken from outside its territory, by its vessels;

(h) Products processed and/or made on board its factory ships, exclusively from products referred to in paragraph (g) above;

(i) Articles collected there which can no longer perform their original purpose nor are capable of being restored or repaired and are fit only for disposal or recovery of parts of raw materials, or for recycling purposes; and

(j) Products obtained or produced in a Party solely from products referred to in paragraphs (a) to (i) above.

Rule 6. Not-wholly produced or obtained. -

(a) For the purposes of rule 4(b), the following general criteria should be applied, provided that the final process of the manufacture is performed within the territory of the exporting party and subject to rule 8:

(i) local value added content criterion,

(ii) a change in tariff classification criterion between the export product and all non-originating materials used in its production.

Products specified in (b) Annexure-A which fulfil one or a combination of the above criteria shall be considered as originating from the exporting Party provided that the final process of the manufacture is performed within the territory of the exporting Party and subject to Rule 8.

For the products not specified in (c) Annexure-A as per Rule 6(b), the following criteria shall be applied in determining the origin of not-wholly produced or obtained products provided that the final process of the manufacture is performed within the territory of the exporting Party and subject to Rule 8:

(i) local value added content of 40% meaning thereby that the total value of materials originating from the countries other than the Parties or of undetermined origin (that is non-originating materials) used does not exceed 60% of the FOB value of the product so produced or obtained; and

(ii) change in tariff heading at the 4 digit level of Harmonised System where the final export product is classified differently from all the non-originating materials used in its production.

The formula for calculation of (d) local value added content is as follows:
FOB value of the export product

<table>
<thead>
<tr>
<th></th>
<th>Value of non originating materials</th>
<th>x 100 =</th>
<th>% of Local Value Added Content (LVAC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOB value of the export product</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(e) The value of the non-originating materials shall be:

(i) the CIF value at the time of importation of the materials, parts or produce; and/or

(ii) the earliest ascertained price paid for the materials, parts or produce of undetermined origin in the territory of the Party where the working or processing takes place.

**Rule 7. Cumulative Rule of Origin.**

Unless otherwise provided for, products which comply with origin requirements provided for in Rule 4 and which are used in the territory of a Party as materials for a finished product eligible for preferential treatment under the Agreement shall be considered as products originating in the territory of the Party where working or processing of the finished product has taken place subject to fulfilment of conditions of Rule 8 and that the aggregate India-Thailand value added content on the final product is not less than 40% or a the local value added content specified for products in Annexure-A.

**Rule 8. Minimal Operation and 'Processes.**

The following operations or processes are considered to be insufficient to confer the status of originating products, whether or not there is a change in tariff classification:

(a) Operations to ensure the preservation of products in good condition during transport and storage (such as drying, freezing, keeping in brine, ventilation, spreading out, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);

(b) Simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting;

(c) Changes of packing and breaking up and assembly of consignments;

(d) Simple slicing, and repacking or placing in bottles, flasks, bags, boxes, fixing on cards or boards, etc.;

(e) The affixing of marks, labels or other like distinguishing signs on products or their packaging;

(f) Simple mixing of products, provided the characteristics of the obtained products are not essentially different from those of mixed products;

(g) Simple assembly of parts of products to constitute a complete product;

(h) Disassembly;
(i) Slaughter of animals;

(j) Mere dilution with water or another substance that does not materially alter the characteristics of the goods;

(k) Simple cleaning, including removal of oxide, oil, paint or other coverings;

(l) Oil application; and

(m) A combination of any of the two operations referred to in (a) to (l).

**Rule 9. Direct consignment.**

The following shall be considered to be directly consigned from the exporting Party to all custom points of the importing Party:

(a) if the products are transported without passing through the territory of any country other than the Parties;

(b) the products whose transport involves transit through one or more intermediate country with or without transhipment or temporary storage in such countries, provided that:

(i) The transit entry is justified for geographical reason or by consideration related exclusively to transport requirements;

(ii) The products have not entered into trade or consumption there; and

(iii) The products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition.

**Rule 10. Treatment of packing.**

(a) Packages and Packing Materials for retail sale:

(i) The packages and packing materials for retail sale, when classified together with the packaged product, according to General Rule 5(b) of the Harmonised System, shall not be taken into account for considering whether all non-originating materials used in the manufacture of a product fulfil the criterion corresponding to a change of tariff classification of the said product.

(ii) If the product is subject to an *ad valorem* percentage criterion, the value of the packages and packing materials for retail sale shall be taken into account in its origin assessment, in case they are treated as being one for customs purposes with the products in question.

(b) Containers and packing materials for transport.

The containers and packing materials exclusively used for the transport of a product shall not be taken into account for determining the origin of any product, in accordance with General Rule 5(b) of the Harmonized System.
Rule 11. Accessories, Spare parts and Tools.-

Each Party shall provide that accessories, spare parts and tools delivered with a product that form part of the product's standard accessories, spare parts and tools, shall be treated as originating products if the product is an originating product, and shall be disregarded in determining whether all the non-originating materials used in the production of the product undergo the applicable change in tariff classification, provided that:

(a) The accessories, spare parts and/or tools are not invoiced separately from the product;

(b) The quantities and value of the accessories, spare parts and/or tools are standard trade practice for the originating product in the domestic market of the exporting Party; and

(c) If the product is subject to a local value added content criterion, the value of such accessories, spare parts and/or tools shall be taken into account as originating or non-originating materials, as the case may be, in calculating the local value added content.

Rule 12. Indirect materials.-

An indirect material shall be treated as an originating material without regard to where it is produced and its value shall be the cost registered in the accounting records of the producer of the export product.

Rule 13. Identical and Interchangeable materials.-

For the purposes of determining origin of product utilizing identical and interchangeable originating and non-originating materials, mixed or physically combined, the origin of such materials can be determined by generally accepted accounting principles of stock control applicable in the exporting party.

Rule 14. Certification of Origin.-

A claim that products shall be accepted as eligible for preferential concessions in the importing Party shall be supported by a Certificate of Origin issued by a Government authority designated by the exporting Party and notified to the other Party to the Agreement in accordance with the Operational Certification Procedures, as set out in Annexure-B.

Rule 15. Review and modification.-

These rules may be reviewed and modified as and when necessary upon request of a Party and may be open to such reviews and modifications as may be agreed upon.

ANNEXURE-A

<table>
<thead>
<tr>
<th>Tariff item (HS2002)</th>
<th>Description of products</th>
<th>Applicable Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>1604</td>
<td>Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs</td>
<td></td>
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<td>---</td>
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</tr>
<tr>
<td>1</td>
<td>160411</td>
<td>- - Salmon</td>
</tr>
<tr>
<td>2</td>
<td>160413</td>
<td>- - Sardines, sardinella and brisling or sprats</td>
</tr>
<tr>
<td>3</td>
<td>160415</td>
<td>- - Mackerel</td>
</tr>
<tr>
<td>1605</td>
<td></td>
<td>Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved</td>
</tr>
<tr>
<td>4</td>
<td>160510</td>
<td>- Crab</td>
</tr>
<tr>
<td>7104</td>
<td></td>
<td>Synthetic or reconstructed precious or semi-precious stones, whether or not worked or graded but not strung, mounted or set; ungraded synthetic or reconstructed precious or semi-precious stones, temporarily strung for convenience of transport</td>
</tr>
<tr>
<td>5</td>
<td>710490</td>
<td>- Other</td>
</tr>
<tr>
<td>7105</td>
<td></td>
<td>Dust and powder of natural or synthetic precious or semi-precious stones</td>
</tr>
<tr>
<td>6</td>
<td>710510</td>
<td>- Dust and powder of diamonds</td>
</tr>
<tr>
<td>7113</td>
<td></td>
<td>Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal</td>
</tr>
<tr>
<td>7</td>
<td>711319</td>
<td>- Of precious metal, whether or not plated or clad with precious metal</td>
</tr>
<tr>
<td></td>
<td>7307</td>
<td>Tubes or pipe fittings (for example, couplings, elbows, sleeves of iron or steel)</td>
</tr>
<tr>
<td>---</td>
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<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7A</td>
<td>730792</td>
<td>--Threaded elbows, bends and sleeves</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change at 4 digit H.S. level (Change to sub-heading 730792 from any other heading), provided that there is Local Value Added Content not less than 20%</td>
</tr>
<tr>
<td></td>
<td>8413</td>
<td>Pumps for liquids, whether or not fitted with a measuring device; liquid elevators</td>
</tr>
<tr>
<td></td>
<td>841381</td>
<td>- - Pumps</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change at 6-digit H.S. Level (Change to sub-heading 841381 from any other sub-heading), provided that there is a Local Value Added Content not less than 40%</td>
</tr>
<tr>
<td></td>
<td>8414</td>
<td>Air or vacuum pumps, air or other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters</td>
</tr>
<tr>
<td></td>
<td>841451</td>
<td>- - Table, floor, wall, window, ceiling or roof fans, with a self-contained electric motor of an output not exceeding 125 W</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change at 6-digit H.S. level (Change to sub-heading 841451 from any other sub-heading), provided that there is a Local Value Added Content not less than 40%</td>
</tr>
<tr>
<td></td>
<td>841459</td>
<td>- - Other fans</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change at 6-digit H.S. level (Change to sub-heading 841459 from any other sub-heading), provided that there is a Local Value Added Content not less than 40%</td>
</tr>
<tr>
<td></td>
<td>841490</td>
<td>- Parts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change at 6-digit H.S. level (Change to sub-heading 841490 from any other sub-heading), provided that there is a Local Value Added Content not less than 40%</td>
</tr>
<tr>
<td>8415</td>
<td>Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated</td>
<td>841510</td>
</tr>
<tr>
<td>8418</td>
<td>Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 84.15</td>
<td>841821</td>
</tr>
<tr>
<td>8437</td>
<td>Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables; machinery used in the milling industry or for the working of cereals or dried leguminous vegetables, other than farm-type machinery</td>
<td>843721</td>
</tr>
<tr>
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<tr>
<td>14</td>
<td>843780</td>
<td>- Other machinery</td>
</tr>
<tr>
<td>8479</td>
<td></td>
<td>Machines and mechanical appliances having individual functions, not specified or included elsewhere in this Chapter</td>
</tr>
<tr>
<td>15</td>
<td>847989</td>
<td>- - Other machines and mechanical appliances: other than sub-heading 847981 and 847982</td>
</tr>
<tr>
<td>8481</td>
<td></td>
<td>Taps, cocks, valves and similar appliances for pipes, boiler shells, tanks, vats or the like, including pressure-reducing valves and thermostatically controlled valves</td>
</tr>
<tr>
<td>16</td>
<td>848180</td>
<td>- Other appliances</td>
</tr>
<tr>
<td>8482</td>
<td></td>
<td>Ball or roller bearings</td>
</tr>
<tr>
<td>17</td>
<td>848210</td>
<td>- Ball bearings</td>
</tr>
<tr>
<td>8504</td>
<td></td>
<td>Electrical transformers, static converters (for example, rectifiers) and inductors</td>
</tr>
<tr>
<td>18</td>
<td>850431</td>
<td>-- Other transformers having a power handling capacity not exceeding 1 kVA</td>
</tr>
<tr>
<td>8512</td>
<td>Electrical lighting or signalling equipment (excluding articles of heading 8539), windscreens, wipers, defrosters and demisters, of a kind used for cycles or motor vehicles</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>851220 - Other lighting or visual signalling equipment</td>
<td></td>
</tr>
<tr>
<td>8517</td>
<td>Electrical apparatus for line telephony or line telegraphy, including line telephone sets with cordless handsets and telecommunication apparatus for carrier-current line systems or for digital line systems; videophones</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>851711 - Line telephone sets with cordless handsets</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>851790 - Parts</td>
<td></td>
</tr>
<tr>
<td>8528</td>
<td>Reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus; video monitors and video projectors</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>852812</td>
<td>- - Reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus: colour</td>
</tr>
<tr>
<td>-----</td>
<td>--------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>8540</td>
<td></td>
<td>Thermionic, cold cathode or photocathode valves and tubes (for example, vacuum or vapour or gas filled valves and tubes, mercury arc rectifying valves and tubes, cathode-ray tubes, television camera tubes)</td>
</tr>
<tr>
<td>23</td>
<td>854011</td>
<td>- - Cathode-ray television picture tubes, including video monitor cathode-ray tubes: colour</td>
</tr>
<tr>
<td>9032</td>
<td></td>
<td>Automatic regulating or controlling instruments and apparatus</td>
</tr>
<tr>
<td>24</td>
<td>903289</td>
<td>- - Other instruments and apparatus other than sub-heading 903281</td>
</tr>
</tbody>
</table>

**ANNEXURE-B**

**OPERATIONAL CERTIFICATION PROCEDURES FOR INTERIM RULES OF ORIGIN FOR PRODUCTS ELIGIBLE FOR PREFERENTIAL TARIFF FOR THE EARLY HARVEST SCHEME UNDER THE FRAMEWORK AGREEMENT FOR ESTABLISHING FREE TRADE AREA BETWEEN THE KINGDOM OF THAILAND AND REPUBLIC OF INDIA**

For the purpose of implementing the Interim Rules of Origin for the Early Harvest Scheme under the Framework Agreement for Establishing Free Trade Area between Thailand and India (ITFTA) the following operational procedures on the issuance and verification of the Certificate of Origin (Form FTA) and the other related administrative matters, shall be followed:

**AUTHORITIES**
Rule 1

The Certificate of Origin shall be issued by the Government authorities of the exporting Party.

Rule 2

The Parties shall submit each other of the names and addresses of their respective Government authorities issuing the Certificate of Origin as well as provide specimen signatures and specimen of official seals used by the Government authorities.

Any change in names, addresses, or official seals shall be promptly informed in the same manner.

Rule 3

For the purpose of verifying the conditions for preferential treatment, the Government authority designated to issue the certificate of origin (herein after referred to as issuing authority) shall have the right to call for any supporting documentary evidence or to carry out any check considered appropriate.

APPLICATIONS

Rule 4

The manufacturer and/or exporter of the products qualified for preferential treatment shall apply in writing to the relevant Issuing Authority requesting for the pre-exportation verification of the origin of the products. The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. The pre-exportation verification may not apply to the products of which, by their nature, origin can be easily verified.

Rule 5

Before exporting the products under preferential treatment, the exporter or his authorized representative shall submit a written application for the Certificate of Origin together with appropriate supporting documents proving that the products to be exported qualify for the issuance of Certificate of Origin.

PRE-EXPORTATION EXAMINATION

Rule 6

The Issuing Authority shall, to the best of their competence and ability, carry out proper examination upon each application for the Certificate of Origin to ensure that:

(a) The application and the Certificate of Origin are duly completed and signed by the authorized signatory;
(b) The origin of the product is in conformity with the India-Thailand Interim Rules of Origin;

(c) The other statements of the Certificate of Origin correspond to supporting documentary evidence submitted;

(d) Description, quantity and weight of goods, marks and number of packages, number and kinds of packages, as specified, conform to the consignment to be exported.

**ISSUANCE OF CERTIFICATE OF ORIGIN**

**Rule 7**

The validity of the Certificate of Origin shall be 12 months from the date of its issuance.

The Certificate of Origin must be on ISO A4 size paper in conformity to the specimen shown in Attachment 1. It shall be made in English.

The Certificate of Origin shall comprise of one original and three (3) carbon copies of the following colours:

<table>
<thead>
<tr>
<th>Type</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>Blue</td>
</tr>
<tr>
<td>Duplicate</td>
<td>White</td>
</tr>
<tr>
<td>Triplicate</td>
<td>White</td>
</tr>
<tr>
<td>Quadruplicate</td>
<td>White</td>
</tr>
</tbody>
</table>

Each Certificate of Origin shall bear a printed distinctive number and a reference number separately given by each place or office of issuance.

The original copy, together with the triplicate, shall be forwarded by the exporter to the importer for submission of the original copy to the Customs Authority at the port or place of importation. The duplicate shall be retained by the issuing authority in the exporting Party. The triplicate shall be retained by the importer and the quadruplicate shall be retained by the exporter.

**Rule 8**

To implement the provisions of Rule 5, Rule 6 and Rule 7 of the India-Thailand Interim Rules of Origin, the Certificate of Origin issued by the exporting Party shall indicate the relevant rules and applicable percentage of local value added content in Box 8.

**Rule 9**

Neither erasures nor superimpositions shall be allowed on the Certificate of Origin. Any alteration shall be made by striking out the erroneous materials and making any addition required. Such alterations shall be approved by an official authorized signing the Certificate.
of Origin and certified by the Issuing Authority. Unused spaces shall be crossed out to prevent any subsequent addition.

Rule 10

The Certificate of Origin shall (a) be issued by the relevant Issuing Authority of the exporting party at the time of exportation whenever the products to be exported can be considered originating in that Party within the meaning of the India-Thailand Interim Rules of Origin.

In exceptional cases where a (b) Certificate of Origin has not been issued at the time of exportation due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retroactively but no longer than 45 days from the date of shipment, bearing the word "ISSUED RETROACTIVELY".

Rule 11

In the event of theft, loss or destruction of a Certificate of Origin, the exporter may apply in writing to the Issuing Authority which issued it for a certified true copy of the original and the triplicate to be made on the basis of the export documents in their possession bearing the endorsement of the word "CERTIFIED TRUE COPY FOR THE ORIGINAL CERTIFICATE NO...DATED..." in Box 12. This copy shall bear the date of the original Certificate of Origin. The certified true copy of a Certificate of Origin shall be issued within the validity period of the original Certificate of Origin and on condition that the exporter provides to the relevant issuing authority the quadruplicate copy. The validity of certified true copy of the Certificate of Origin would be same as that of the original certificate so issued.

PRESENTATION

Rule 12

The Original Certificate of Origin shall be submitted to the Customs Authority at the time of lodging the import entry for the products concerned.

Rule 13

The following time limit for the presentation of the Certificate of Origin shall be observed:

(a) Certificate of Origin must be submitted to the Customs Authority of the importing Party within the validity period from the date of endorsement by the relevant Issuing Authority of the exporting Party;

(b) Where the Certificate of Origin is submitted to the relevant Government authority of the importing party after the expiration of the validity of the Certificate of Origin, such Certificate is still to be accepted when failure to observe the time-limit results from force majeure or other valid causes beyond the control of the exporter; and
(c) In all cases, the relevant Government authority in the importing party may accept such Certificate of Origin provided that the products have been imported before the expiration of the validity of the Certificate of Origin.

Rule 14

The discovery of minor discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the Customs Authority of the importing Party for the purpose of carrying out the formalities for importing the products shall not ipso facto invalidate the Certificate of Origin, if it does in fact correspond to the said products.

Rule 15

(a) The importing Party may request a retroactive check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.

(b) The request shall be accompanied with the Certificate of Origin concerned and shall specify the reasons and any additional information suggesting that the particular given on the said Certificate of Origin may be inaccurate, unless the retroactive check is requested on a random basis.

(c) The Customs Authority of the importing Party may suspend the provisions on preferential treatment while awaiting the result of verification. However, it may release the products to the importer subject to any administrative measures deemed necessary, provided that they are not held to be subject to import prohibition or restriction and there is no suspicion of fraud.

(d) The Issuing Authority receiving a request for retroactive check shall respond within three (3) months after the receipt of the request.

Rule 16

(a) The application for Certificates of Origin and all documents related to such application shall be retained by the Issuing Authority for not less than two (2) years from the date of issuance.

(b) Information relating to the validity of the Certificate of Origin shall be furnished upon request of the importing Party by an official authorized signing the Certificate of Origin and certified by the Issuing Authority.

(c) Any information communicated among the government authorities shall be treated as confidential and shall be used for the validation of Certificates of Origin purposes only.

SPECIAL CASES

Rule 17

When destination of all or parts of the products exported to specified port is changed, before or after their arrival in the territory of the party, the following Rules shall be observed:
If the products have already been submitted to the Customs Authority in the specified importing port, the Certificate of Origin shall, by a written application of the importer, be endorsed to this effect for all or parts of products by the said authority and the original returned to the importer.

If the changing of destination occurs during transportation to the importing Party as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied with the issued Certificate of Origin, for the new issuance for all or parts of products.

**Rule 18**

For the purpose of implementing Rule 9(b) of the India-Thailand Interim Rules of Origin, where transportation is effected through the territory of one or more non-parties, the following shall be produced to the Government authorities of the importing party:

(a) A through Bill of Lading issued in the exporting Party;

(b) A Certificate of Origin issued by the relevant Government authority of the exporting Party;

(c) A copy of the original commercial invoice in respect of the product; and

(d) Supporting documents in evidence that the requirements of Rule 9(b) of the India-Thailand Interim Rules of Origin are being complied with.

**Rule 19**

(a) Products sent from an exporting Party for exhibition in another party and sold during or after the exhibition for importation into a party shall benefit from the India-Thailand preferential tariff treatment on the condition that the products meet the requirements of the India-Thailand Interim Rules of Origin provided it is shown to the satisfaction of the relevant Government authorities of the importing Party that:

(i) An exporter has dispatched those products from the territory of the exporting Party to the Country where the exhibition is held and has exhibited them there,

(ii) The exporter has sold the goods or transferred them to a consignee in the importing Party; and

(iii) The products have been sold during the exhibition or immediately thereafter to the importing Party in the state in which they were sent for the exhibition.

(b) For the purpose of implementing the above provisions, the Certificate of Origin must be produced to the relevant Government authorities of the importing Party. The name and address of the exhibition must be indicated, a certificate issued by the relevant Government authority of the Party where the exhibition took place together with supporting documents prescribed in Rule 18(d) may be required.

(c) Paragraph (a) shall apply to any exhibitions, fairs or similar shows or displays where the products remain under Customs control during these events.
Rule 19A.-(a) The customs authority in the importing party shall accept a certificate of origin in cases where the sales invoice is issued by a business entity located in a third country or by an exporter for the account of the said business entity, provided that the product meets the requirements of these rules.

(b) The exporter of the product shall indicate third country invoicing as well as such information as name, address, and country of the business entity issuing the invoice in box 7 of the certificate of origin.]

ACTION AGAINST FRAUDULENT ACTS

Rule 20

(a) When it is suspected that fraudulent acts in connection with the Certificate of Origin have been committed, the Government Authorities concerned shall cooperate for appropriate action to be taken in the respective Party against the persons involved.

(b) Each Party shall provide legal sanctions for fraudulent acts related to the Certificate of Origin.

Rule 21

In the case of a dispute concerning origin determination, classification of products or other matters, the Government authorities concerned in the importing and exporting Parties shall consult each other with a view to resolving the dispute.

1. Inserted by 131/2004-Cus. (N.T.) dated 24-11-2004
2. Inserted by 29/2012-Cus. (N.T.) dated 30-03-2012.
CUSTOMS (IMPORT OF GOODS AT CONCESSIONAL RATE OF DUTY FOR MANUFACTURE OF EXCISABLE GOODS) RULES, 2016

[Notification No. 32/2016-Cus. (N.T.), dated 1-3-2016; Notification No.39/2016-Cus (NT) dated 15.03.2016; Notification No. 100/2016 – Cus (NT) dated 14.07.2016]

In exercise of the powers conferred by section 156 of the Customs Act, 1962 (52 of 1962) and in supersession of the Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 1996, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :-

RULE 1. Short title and commencement.

(1) These rules may be called the Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 2016.

(2) They shall come into force on the 16th day of March, 2016.

RULE 2. Application.

(1) These rules shall apply to an importer, being a manufacturer, who intends to avail the benefit of an exemption notification issued under sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) and where the benefit of such exemption is dependent upon the use of imported goods covered by that notification for the manufacture of any excisable commodity.

(2) These rules shall apply only in respect of such exemption notification which provides for the observance of these rules.

(3) These rules shall also apply even if the excisable goods in or in relation to the manufacture of which the imported goods are used, are not chargeable to excise duty or are exempted from whole of excise duty.

(4) These rules shall also apply mutatis mutandis to a service provider and any reference to the expressions manufacture, manufacturer, excise duty and factory in these rules shall be construed as service, service provider, service tax and registered premises respectively of a service provider referred to in chapter V of the Finance Act, 1994 (32 of 1994) and the rules made thereunder.

RULE 3. Definition. In these rules, unless the context otherwise requires,

(a)“Act” means the Customs Act, 1962 (52 of 1962);

(b)“exemption notification” means a notification issued under sub-section (1) of section 25 of the Act;

(c)“Information” means the information provided by the manufacturer who intends to avail the benefit of an exemption notification.
RULE 4. Information about intent to avail benefit of exemption notification.

A manufacturer who intends to avail the benefit of an exemption notification shall provide the information to the Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise having jurisdiction over his factory, the particulars, namely -

(1) the name and address of the manufacturer,

(2) the excisable goods produced in his factory,

(3) the nature and description of imported goods used in the manufacture of such goods.

Provided that if the manufacturer who intends to avail the benefit of exemption notification is not registered, such manufacturer shall obtain registration under rule 9 of the Central Excise Rules, 2002 and provide the said particulars to Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise.

RULE 5. Procedure to be followed.

(1) The manufacturer who intends to avail the benefit of an exemption notification shall provide information -

(a) in duplicate, to the Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise having jurisdiction over his factory in respect of the estimated quantity and value of the goods to be imported, particulars of the exemption notification applicable on such import and the port of import in respect of a particular consignment or for a period not exceeding one year; and

(b) one set, to the Deputy Commissioner of Customs or, as the case may be, Assistant Commissioner of Customs at the port of importation.

(2) The manufacturer who intends to avail the benefit of an exemption notification shall submit a continuity bond with such surety 3[or security] 4[xxx] as deemed appropriate by the Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise undertaking to pay the amount equal to the difference between the duty leviable on such inputs but for the exemption and that already paid, if any, at the time of importation, along with interest, at the rate fixed by notification issued under section 28AA of the Act, for the period starting from the date of importation of the goods on which the exemption was availed and ending with the date of actual payment of the entire amount of the difference of duty that he is liable to pay.

(3) The Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise shall forward one copy of information received from the manufacturer to the Deputy Commissioner of Customs or as the case may be, Assistant Commissioner of Customs at the port of importation.

(4) On receipt of the copy of the information under clause (b) of sub-rule (1), the Deputy Commissioner of Customs or, as the case may be, Assistant Commissioner of Customs at the port of importation shall allow the benefit of the exemption notification to the manufacturer who intends to avail the benefit of exemption notification and the said manufacturer, while filing bill
of entry under section 46 of the Act, shall, *inter-alia*, provide the details of his registration number of the factory where the inputs are meant to be used.

**RULE 6. Manufacturer who intends to avail the benefit of an exemption notification to give information regarding receipt of imported goods and maintain records.** –

(1) The manufacturer who intends to avail the benefit of an exemption notification shall provide the information of the receipt of the imported goods in his factory within two days (excluding holidays, if any) of such receipt to the Superintendent of Central Excise having jurisdiction over his factory.

(2) The manufacturer who has availed the benefit of an exemption notification shall maintain an account in such manner so as to clearly indicate the quantity and value of goods imported, the quantity of imported goods consumed in accordance with provisions of the exemption notification, the quantity of goods re-exported, if any, under rule 7 and the quantity remaining in stock, bill of entry wise and shall produce the said account as and when required by the Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise.

(3) The manufacturer who has availed the benefit of an exemption notification shall submit a quarterly return, in the Form appended to these rules, to the Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise by the tenth day of the following quarter.

**RULE 7. Re-export or clearance of unutilised or defective goods.** –

(1) The manufacturer who has availed benefit of an exemption notification, obtaining the benefit under these rules may re-export the unutilised or defective imported goods, with the permission of the jurisdictional Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise within 5[six] months from the date of import; Provided that the value of such goods for re-export shall not be less than the value of the said goods at the time of import.

(2) The manufacturer who has availed benefit of an exemption notification, obtaining the benefit under these rules may also clear the unutilised or defective imported goods, with the permission of the jurisdictional Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise within a period of 6[six] months from the date of import on payment of import duty equal to the difference between the duty leviable on such goods but for the exemption availed and that already paid, if any, at the time of importation, along with interest, at the rate fixed by notification issued under section 28AA of the Act, for the period starting from the date of importation of the goods on which the exemption was availed and ending with the date of actual payment of the entire amount of the difference of duty that he is liable to pay.

**RULE 8. Recovery of duty in certain case.** –

The manufacturer who has availed the benefit of an exemption notification shall use the goods imported in accordance with the conditions mentioned in the concerned exemption notification or take action under rule 7 and in the event of any failure, the Deputy Commissioner of Central Excise or, as the case may be, Assistant Commissioner of Central Excise shall take action by invoking the Bond to initiate the recovery proceedings of the amount
equal to the difference between the duty leviable on such goods but for the exemption and that already paid, if any, at the time of importation, along with interest, at the rate fixed by notification issued under section 28AA of the Act, for the period starting from the date of importation of the goods on which the exemption was availed and ending with the date of actual payment of the entire amount of the difference of duty that he is liable to pay.

RULE 9. References in any rule, notification, circular, instruction, standing order, trade notice or other order to the Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 1996 and any provision thereof shall, be construed as references to the Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 2016 and any corresponding provision thereof.

RE-EXPORT OF IMPORTED GOODS [DRAWBACK OF CUSTOMS DUTIES] RULES, 1995

In exercise of the powers conferred by section 74 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely :-

Rule 1. Short title, extent and commencement.-
(1) These rules may be called Re-export of Imported Goods (Drawback of Customs Duties) Rules, 1995.
(2) They extend to the whole of India.
(3) They shall come into force on the 26th day of May, 1995.

Rule 2. Definition.- In these rules, unless the context otherwise requires,-
(a) "drawback", in relation to any goods exported out of India, means the refund of duty paid on importation of such goods in terms of section 74 of the Customs Act;
(b) "export", with its grammatical variations and cognate expressions means taking out of India to a place outside India and includes loading of provisions or store or equipment for use on board a vessel or aircraft proceeding to a foreign port or airport.

Rule 3. Procedure for claiming drawback on goods exported by post.-
(1) Where goods are to be exported by post under a claim for drawback under these rules, -
(a) the outer packing carrying the address of the consignee shall also carry in bold letters the words "DRAWBACK EXPORT";
(b) the exporter shall deliver to the competent Postal Authority, alongwith the parcel or package, a claim in the form at Annexure I, [See Customs Series Form No. 108 in Part 5] in quadruplicate, duly filled in.

(2) The date of receipt of the aforesaid claim form by the proper officer of customs from the postal authorities shall be deemed to be date of filing of drawback claim by the exporter for the purpose of section 75A and an intimation of the same shall be given by the proper officer of customs to the exporter in such form as the [Principal Commissioner of Customs or Commissioner of Customs as the case may be] may prescribe.

(3) In case the aforesaid claim form is not complete in all respects, the exporter shall be informed of the deficiencies therein within fifteen days of its receipt from postal authorities by a deficiency memo in the form prescribed by the [Principal Commissioner of Customs or Commissioner of Customs as the case may be] and such claim shall be deemed not to have been received for the purpose of sub-rule (2).

(4) When the exporter complies with the requirements specified in the deficiency memo, within thirty days of receipt of the deficiency memo, he shall be issued an acknowledgement by the proper officer in the form prescribed by the [Commissioner of Customs] the [Principal Commissioner of Customs or Commissioner of Customs as the case may be] and the date of such acknowledgement shall be deemed to be date of filing the claim for the purpose of section 75A.

Rule 4. Statements/Declarations to be made on exports other than by post.
In the case of exports other than by post, the exporter shall at the time of export of the goods -
(a) state on the shipping bill or bill of export, the description, quantity and such other particulars as are necessary for deciding whether the goods are entitled to drawback under section 74 and make a declaration on the relevant shipping bill or bill of export that,
(i) the export is being made under a claim for drawback under section 74 of the Customs Act;
(ii) that the duties of customs were paid on the goods imported;

(iii) that the goods imported were not taken into use after importation;

OR

(iii) that the goods were taken in use;

Provided that if the Principal Commissioner of Customs or Commissioner of Customs as the case may be, is satisfied that the exporter or his authorized agent has, for reasons beyond

_____________________________________________________________________________________


his control, failed to comply with the provisions of this clause, he may, after considering the representation, if any, made by such exporter or his authorized agent, and for reasons to be recorded, exempt such exporter or his authorized agent from the provisions of this clause].

(b) furnish to the proper officer of customs, copy of the Bill of Entry or any other prescribed document against which goods were cleared on importation, import invoice, documentary evidence of payment of duty, export invoice and packing list and permission from Reserve Bank of India to re-export the goods, wherever necessary.

5. Manner and time of claiming drawback on goods exported other than by post. (I) A claim for drawback under these rules shall be filed in the form at Annexure II [See Customs Series Form No. 109 in Part 5] within three months from the date on which an order permitting clearance and loading of goods for exportation under Sec. 51 is made by proper officer of customs:

Provided that

(I) the Assistant Commissioner of Customs or Deputy Commissioner of Customs as the case may be, may extend the aforesaid period of three months by a period of three months and that the Principal Commissioner or Commissioner of Customs or Principal Commissioner or Commissioner of Customs and Central excise as the case may be, may further extend the period by a period of six months;

(II) the Assistant Commissioner of Customs or Deputy Commissioner of Customs or Principal Commissioner or Commissioner of Customs and Central Excise , as the case may be, may, on an application to grant extension after recording in writing the reasons for such refusal.

(III) an application fee equivalent to 1% of FOB value of exports or Rs.1000/- whichever is less shall be payable for applying for grant of extension by the Assistant Commissioner of Customs or Deputy Commissioner of Customs as the case may be and an application fee of 2% of FOB or Rs.2000/- whichever is less, shall be payable for applying for grant of extension by the Principal Commissioner or Commissioner] of Customs and Central excise, as the case may be.

2. The claim shall be filed alongwith the following documents, namely

(a) Triplicate copy of the Shipping Bill bearing examination report recorded by the proper officer of the customs at the time of export.
(b) Copy of Bill of Entry or any other prescribed document against which goods were cleared on importation.

(c) Import invoice.

(d) Evidence of payment of duty paid at the time of importation of the goods.

(e) Permission from Reserve Bank of India for re-export of goods, wherever necessary.

(f) Export invoice and packing list.

(g) Copy of Bill of lading or Airway bill.

(h) Any other documents as may be specified in the deficiency memo.

3. The date of filing of the claim for the purpose of section 75A shall be the date of affixing the Dated Receipt Stamp on the claims which are complete in all respects, and for which an acknowledgement shall be issued in such form as may be prescribed by the [Principal Commissioner of Customs or Commissioner of Customs as the case may be] and such claim shall be deemed not to have been received for the purpose of sub-rule (2).

4. (a) Any claim which is incomplete in any material particulars or is without the documents specified in sub-rule (2) shall not be accepted for the purpose of section 75A and such claim shall be returned to the claimant with the deficiency memo in the form prescribed by the [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] within fifteen days of submission and shall be deemed not to have been filed;

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1. Substituted by Notification No.48/2010-Cus (N.T.), dated 17.6.2010
5. The words “in duplicate” omitted by M.F.(D.R.) Notification No.63/95-Cus(N.T), dt.20.10.95

(b) Where exporter complies with requirements specified in deficiency memo within thirty days from the date of receipt of deficiency memo, the same will be treated as a claim filed under sub-rule (1)

5. Where any order for payment of drawback is made by the [Commissioner (Appeals)], Central Government or any Court against an order of the proper officer of customs, the manufacturer exporter may file a claim in the manner prescribed in this rule within three months from the date of receipt of the order so passed by the [Commissioner (Appeals)], Central Government or the Court, as the case may be.

RULE 6. Payment of drawback and interest.-
The drawback under these rules and interest, if any, shall be paid by the officer of Customs to the exporter or to the agent specially authorised by the exporter to receive the said amount of drawback and interest. (1)

The date of payment of drawback and interest shall be deemed to be, in case of payment - (2)

(a) by cheque, the date of issue of cheque; or

(b) by credit in the exporter’s account maintained with the Custom House, the date of such credit.

RULE 7. Repayment of erroneous or excess payment of drawback and interest.-
Where an amount of drawback and interest, if any, has been paid erroneously or the amount so
paid is in excess of what the claimant is entitled to, the claimant shall, on demand by an officer of customs repay the amount so paid erroneously or in excess, as the case may be, and where the claimant fails to repay the amount it shall be recovered in the manner laid down in sub-section (1) of section 142 of the Customs Act, 1962 (52 of 1962).

**RULE 7A. Power to relax.**

If the Central Government is satisfied that in relation to the export of any goods, the exporter or his authorised agent has, for reasons beyond his control, failed to comply with any of the provisions of these rules, and has thus been entitled to drawback, it may, after considering the representation, if any, made by such exporter or agent, and for reasons to be recorded in writing, exempt such exporter or agent from the provisions of such rule and allow drawback in respect of such goods.

**RULE 8. Savings.-**

(1) Any claim made by an exporter or his authorised agent, for payment of drawback in respect of goods exported before the commencement of these rules but not disposed of before such commencement, shall be disposed of in accordance with the provisions of these rules.

(2) Where any goods have been exported under claim for drawback under section 74, before the date of commencement of these rules but no claim for payment of drawback has been filed, the exporter may file his claim within a period of three months from the date of commencement of these rules in the manner prescribed in rule 5.

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1. Designation changed vide s.50 of the Finance Act, 1995 (22 of 1995)
2. Designation changed vide s.50 of the Finance Act, 1995 (22 of 1995)
In exercise of the powers conferred by section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), and section 93A of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules, namely:

1. Short title, extent and commencement. - (1) These rules may be called the Customs and Central Excise Duties Drawback Rules, 1995.

(2) They extend to the whole of India.

(3) They shall come into force on the 26th day of May, 1995.

2. Definitions. - In these rules, unless the context otherwise requires,-

(a) “drawback”, in relation to any goods manufactured in India, and exported, means the rebate of duty chargeable on any imported materials or excisable materials used in the manufacture of such goods;

(b) “excisable material” means any material produced or manufactured in India subject to a duty of excise under the Central Excises and Salt Act, 1944 (1 of 1944);

(c) “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India and includes loading of provisions or store or equipment for use on board a vessel or aircraft proceeding to a foreign port;

(d) “imported material” means any material imported into India and on which duty is chargeable under the Customs Act, 1962 (52 of 1962);

(da) “input service” shall have the same meaning as is assigned to it in the CENVAT Credit Rules, 2004

(e) “manufacture” includes processing of or any other operation carried out on goods, and the term manufacturer shall be construed accordingly.

3. Drawback. - (1) Subject to the provisions of-

(a) the Customs Act, 1962 (52 of 1962) and the rules made thereunder,

(b) the Central Excises and Salt Act, 1944 (1 of 1944) and the rules made thereunder,

(bb) the Finance Act, 1994 (32 of 1994), and the rules made thereunder; and

(c) these rules,

a drawback may be allowed on the export of goods at such amount, or at such rates, as may be determined by the Central Government:
Provided that where any goods are produced or manufactured from imported materials or excisable materials on some of which only, duty chargeable thereon has been paid and not on the rest, or only a part of the duty chargeable has been paid; or the duty paid has been rebated or refunded in whole or in part or given as credit, under any of the provisions of the Customs Act, 1962 (52 of 1962), and the rules made thereunder, or of the Central Excises and Salt Act, 1944 (1 of 1944) and the rules made thereunder, the drawback admissible on the said goods shall be reduced taking into account the lesser duty paid or the rebate, refund or credit obtained:

Provided further that no drawback shall be allowed –


(i) if the said goods, except tea chests used as packing material for export of blended tea, have been taken into use after manufacture;

(ii) if the said goods are produced or manufactured, using imported materials or excisable materials in respect of which duties have not been paid; or

(iii) on jute batching oil used in the manufacture of export goods, namely, jute (including Bimlipat jute or mesta fibre), yarn, twist, twine, thread, cords and ropes;

(iv) if the said goods, being packing materials have been used in or in relation to the export of -

1. jute yarn (including Bimlipatam jute or mesta fibre), twist, twine, thread and ropes in which jute yarn predominates in weight;
2. jute fabrics (including Bimlipatam jute or mesta fibre), in which jute predominates in weight;
3. jute manufactures not elsewhere specified (including Bimlipatam jute or mesta fibre) in which jute predominates in weight.

(2) In determining the amount or rate of drawback under this rule, the Central Government shall have regard to,-

(a) the average quantity or value of each class or description of the materials from which a particular class of goods is ordinarily produced or manufactured in India;
(b) the average quantity or value of the imported materials or excisable materials used for production or manufacture in India of a particular class of goods;
(c) the average amount of duties paid on imported materials or excisable materials used in the manufacture of semis, components and intermediate products which are used in the manufacture of goods;
(d) the average amount of duties paid on materials wasted in the process of manufacture and catalytic agents:

Provided that if any such waste or catalytic agent is re-used in any process of manufacture or is sold, the average amount of duties on the waste or catalytic agent re-used or sold shall also be deducted;

(e) the average amount of duties paid on imported materials or excisable materials used for containing or, packing the export goods;

[(ea) the average amount of tax paid on taxable services which are used input services for the manufacturing or processing or for containing or packing the export goods]

(f) any other information which the Central Government may consider relevant or useful for the purpose.

RULE 4. Revision of rates. - The Central Government may revise amount or rates determined under rule 3.

RULE 5. Determination of date from which the amount or rate of drawback is to come into force and the effective date for application of amount or rate of drawback. - (1) The Central Government may specify the period upto which any amount or rate of drawback determined under rule 3 or revised under rule 4, as the case may be, shall be in force.

(2) Where the amount or rate of drawback is allowed with retrospective effect, such amount or rate shall be allowed from such date as may be specified by the Central Government by notification in the Official Gazette which shall not be earlier than the date of changes in the rates of duty on inputs or tax on input services] used in the export goods.

(3) The provisions of section 16, or sub-section (2) of section 83, of the Customs Act, 1962 (52 of 1962) shall determine the amount or rate of drawback applicable to any goods exported under these rules.

RULE 6. Cases where amount or rate of drawback has not been determined. - (1) Where no amount or rate of drawback has been determined in respect of any goods, any manufacturer or exporter of such goods may, within three months from the date relevant for applicability of the amount or rate of drawback in terms of sub-rule (3) of rule 5, apply in writing to the Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or the [Principal Commissioner of Commissioner] of Customs and Central Excise, having jurisdiction over the manufacturing unit, of the manufacturer exporter or, of the supporting manufacturer, as the case may be, for determination of the amount or rate of drawback thereof stating all the relevant facts including the proportion in which the materials or components or inputs services] are used in the production or manufacture of goods and the duties paid on such materials or components or the tax paid on input services):

[Provided that]
(i) the Assistant Commissioner of Central Excise or Assistant Commissioner Customs and Central Excise or Deputy Commissioner of Central Excise or Deputy Commissioner Customs and Central Excise, as the case may be, may extend the aforesaid period of three months by a period of three months and the [Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or [Principal Commissioner of Customs and Central Excise or Commissioner] of Customs and Central Excise, as the case may be, may further extend the period by a period of six months;

(ii) the Assistant Commissioner of Central Excise or Assistant Commissioner Customs and Central Excise or Deputy Commissioner of Central Excise or Deputy Commissioner Customs and Central Excise, or [Principal Commissioner of Central Excise or Commissioner of Central Excise as the case may be] or [Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be, on an application and after making such enquiry as he thinks fit, grant extension or refuse to grant extension after recording in writing the reasons for such refusal;

(iii) an application fee equivalent to 1% of the FOB value of exports or Rs.1000/- whichever is less, shall be payable for applying for grant of extension by the Assistant Commissioner of Central Excise or Assistant Commissioner of Customs and Central Excise or Deputy Commissioner of Central Excise or Deputy Commissioner of Customs and Central Excise, as the case may be and an application fee of 2% of the FOB value or Rs.2000/- whichever is less, shall be payable for applying for grant of extension by the [Principal Commissioner of Central excise or Commissioner of Central Excise as the case may be] or [Principal Commissioner or Commissioner] of Customs and Central excise, as the case may be;

(b) On receipt of an application under clause (a) the [Principal Commissioner of Central Excise or Commissioner of Central Excise as the case may be] or [Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be shall, after making or causing to be made such inquiry as it deems fit, determine the amount or rate of drawback in respect of such goods.

(2)(a) Where [a manufacturer or an exporter] desires that he may be granted drawback provisionally, he may, while making an application under clause (a) of sub-rule (1) apply in writing to the [Principal Commissioner of Central Excise or Commissioner of Central Excise as the case may be] or the [Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be that a provisional amount be granted to him towards drawback on the export of such goods pending determination of the amount or rate of drawback under clause (b) of that sub-rule.

(b) The [Principal Commissioner of Central Excise or Commissioner of Central Excise, as

1. Substituted by Notification No.49/2010-Cus (N.T.), dated 17.6.2010

the case may be] or the [Principal Commissioner or Commissioner] of Customs Central
Excise, as the case may be, may, for the purpose of allowing provisional payment of drawback
in respect of such export, require after considering the application, allow payment of an amount not
exceeding the amount claimed by the [manufacturer] or exporter in respect of such export.

Provided that the [Principal Commissioner of Central excise or Commissioner of Central
excise, as the case may be] or the [Principal Commissioner or Commissioner] of Customs and
Central Excise, as the case may be for the purpose of allowing provisional payment of drawback
in respect of such export, require the [manufacturer] or the exporter to enter into a general bond
for such amount, and subject to such conditions, as he may direct; or to enter into a bond for an
amount not exceeding the full amount claimed by such [manufacturer] or exporter as
drawback in respect of a particular consignment and binding himself,-

(i) to refund the amount so allowed provisionally, if for any reason, it is found the duty
drawback ws not admissible; or
(ii) to refund the excess, if any, paid to such [manufacturer] or exporter provisionally if it is
found that a lower amount was payable as duty drawback

Provided further that when the amount or rate of drawback payable on such goods is finally
determined, the amount provisionally paid to such [manufacturer] or exporter shall be adjusted
against the drawback finally payable and if the amount so adjusted is in excess or falls short of the
drawback finally payable, such [manufacturer] or exporter shall repay to the [Principal
Commissioner of Central Excise or Commissioner of Central Excise as the case may be] or the
[Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be,
the excess or be entitled to the deficiency, as the case may be.

(c) The bond referred to in clause (b) may be with such surety or security as the [Principal
Commissioner of Central Excise or Commissioner of Central Excise as the case may be] or the
[Principal Commissioner or Commissioner] of Customs & Central Excise, as the case may be] may direct.

[(3) Where the Central Government considers it necessary so to do, it may –
(a) revoke the rate of drawback amount, determined under the clause (b) of sub-rule
(1) by the [Principal Commissioner of Central excise or Commissioner of Central
excise, as the case maybe] or the [Principal Commissioner or Commissioner] of
Customs and Central Excise, as the case may be; or
(b) direct the [Principal Commissioner of Central excise or Commissioner of Central
excise, as the case maybe] or the [Principal Commissioner or Commissioner] of
Customs and Central Excise, as the case may be, to withdraw the rate o drawback or
amount drawback determined]

[(4) * * * *]

RULE 7. Cases where amount or rate of drawback determined is low. - *(1) Where, in
respect of any goods, the [manufacturer] or exporter finds that the amount or rate of
drawback determined under rule 3 or, as the case may be, revised under rule 4, for the class of goods is less than four-fifth of the [duties or taxes paid on the materials or components or input services] used


in the production or manufacture of the said goods, [he may within sixty days from the date relevant for the applicability of the amount or rate of drawback in terms of sub-rule (3) of rule 5, make an application in writing to the [Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or the [[Principal Commissioner or Commissioner] of Customs and Central Excise having jurisdiction over the manufacturing unit, of the [manufacturer] or, of the supporting manufacturer, as the case may be, for determining of the amount of drawback or rate of drawback thereof stating all relevant facts including the proportion [in which the materials or components are used in the production or manufacture of goods and the duties paid on such materials or components or input services:]]

[Provided that

(i) the Assistant Commissioner of Central Excise or Assistant Commissioner Customs and Central Excise or Deputy Commissioner of Central Excise or Deputy Commissioner Customs and Central Excise, as the case may be, may extend the aforesaid period of three months by a period of three months and that the [[Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or [[Principal Commissioner of Customs and Central Excise or Commissioner] of Customs and Central excise, as the case may be, may further extend the period by a period of six months;

(ii) the Assistant Commissioner of Central Excise or Assistant Commissioner Customs and Central Excise or Deputy Commissioner of Central Excise or Deputy Commissioner Customs and Central Excise, or [Principal Commission for Central Excise, as the case may be, may extend the aforesaid period of three months by a period of three months and that the [[Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or [[Principal Commissioner of Customs and Central Excise or Commissioner] of Customs and Central excise, as the case may be, may further extend the period by a period of six months;]
Commissioner of Central excise or Commissioner of Customs and Central Excise, as the case may be; or [Principal Commissioner of Customs and Central Excise, as the case may be] may, on an application and after making such enquiry as thinks fit, grant extension or refuse to grant extension after recording in writing the reasons for such refusal;

(iii) an application fee equivalent to 1% of the FOB value of exports or Rs.1000/- whichever is less, shall be payable for applying for grant of extension by the Assistant Commissioner of Central Excise or Assistant Commissioner of Customs and Central Excise or Deputy Commissioner of Central Excise or Deputy Commissioner of Customs and Central Excise, as the case may be and an application fee of 2% of the FOB value or Rs.2000/- whichever is less, shall be payable for applying for grant of extension by the [Principal Commissioner of Central Excise or Commissioner of Central Excise] or [Principal Commissioner or Commissioner] of Customs and Central excise, as the case may be;

(2) On receipt of the application referred to in sub-rule (1), the [Principal Commissioner of Central excise or Commissioner of Central Excise, as the case may be] or the [Principal Commissioner or Commissioner] of Customs and Central excise, as the case may be may, after making or causing to be made such inquiry as it deems fit, allow payment of drawback to such exporter at such amount or at such rate as may be determined to be appropriate, if the amount or rate of drawback determined under rule 3 or, as the case may be, revised under rule 4, is in fact less than four-fifth of such amount or rate determined under this sub-rule.

(3) Provisional drawback amount, as may be specified by the Central Government, shall be paid by the proper officer of Customs and where the manufacturer or exporter desires that he may be granted further


drawback provisionally], he may, while making an application under sub-rule (1) apply to the [Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or the [Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be in writing in this behalf in the manner as has been provided in clause (a) of sub-rule (2) of rule 6 for the [applications made under that rule along with details of provisional drawback already paid and the grant of further provisional drawback] shall be considered in the manner and subject to the conditions specified in clauses (b) and
(c) of sub-rule (2), and sub-rule (3) of rule 6, subject to the condition that bond required to be executed by the claimant shall only be for the difference between amount or rate of drawback determined under rule 3 or as the case may be, revised under rule 4, and the provisional drawback authorised by the [Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or the [Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be, under this rule.

(4) Where the Central Government considers it necessary so to, it may-
(a) revoke the rate of drawback amount, determined under the clause (b) of sub-rule (1) by the [Principal Commissioner of Central excise or Commissioner of Central excise, as the case maybe] or the [Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be; or
(b) direct the [Principal Commissioner of Central excise or Commissioner of Central excise, as the case maybe] or the [Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be, to withdraw the rate of drawback or amount drawback determined

RULE 8. Cases where no amount or rate of drawback is to be determined. -

(2) No amount or rate of drawback shall be determined in respect of any goods or class of goods under rule 6 or rule 7, as the case may be, if the export value of each of such goods or class of goods in the bill of export or shipping bill is less than the value of the imported materials used in the manufacture of such goods or class of goods, or is not more than such percentage of the value of the imported materials used in the manufacture of such goods or class of goods as the Central Government may, by notification in the Official Gazette, specify in this behalf.

RULE 8A: Upper Limit of Drawback money or rate.- The drawback amount or rate determined under rule 3 shall not exceed one third of the market price of the export product

RULE 9 Power to require submission of information and documents. - For the purpose of-

(a) determining the class or description of materials or components used in the production or manufacture of goods or for determining the amount of duty paid on such materials or components, or
(b) verifying the correctness or otherwise of any information furnished by any manufacturer or exporter or other persons in connection with the determination of the amount or rate of drawback, or
(c) verifying the correctness or otherwise of any claim for drawback, or
(d) obtaining any other information considered by the [Principal Commissioner of Central Excise or Commissioner of Central Excise, as the case may be] or the


RULE 10. Access to manufactory. - Whenever an officer of the Central Government specially authorised in this behalf by an Assistant Commissioner of Customs or Deputy Commissioner of Customs or Assistant Commissioner of Central Excise or Deputy Commissioner of Central Excise, considers it necessary, the manufacturer shall give access at all reasonable times to the officer so authorized to every part of the premises in which the goods are manufactured, so as to enable the said officer to verify by inspection the process of, and the materials or components used for the manufacture of such goods, or otherwise the entitlement of the goods for drawback or for a particular amount or rate of drawback under these rules.

RULE 11. Procedure for claiming drawback on goods exported by post. - (1) Where goods are to be exported by post under a claim for drawback under these rules, -
   (a) the outer packing carrying the address of the consignee shall also carry in bold letters the words “DRAWBACK EXPORT”; 
   (b) the exporter shall deliver to the competent Postal Authority, alongwith the parcel or package, a claim in the form at Annexure I, in quadruplicate, duly filled in.

   (2) The date of receipt of the aforesaid claim form by the proper officer of Customs from the postal authorities shall be deemed to be date of filing of drawback claim by the exporter for the purpose of section 75A and an intimation of the same shall be given by the proper officer of customs to the exporter in such form as the Principal Commissioner of Customs or Commissioner of Customs, as the case may be may prescribe.

   (3) In case the aforesaid claim form is not complete in all respects, the exporter shall be informed of the deficiencies therein within fifteen days of its receipt from postal authorities by a deficiency memo in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, and such claim shall be deemed not to have been received for the purpose of sub-rule (2).

   (4) When the exporter complies with the requirements specified in the deficiency memo within thirty days of its return, he shall be issued an acknowledgement by the proper officer in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, and the date of such acknowledgement shall be deemed to be date of filing the claim for the purpose of section 75A.

RULE 12. Statement/Declaration to be made on exports other than by Post. - (1) In the case of exports other than by post, the exporters shall at the time of export of the goods -
   (a) state on the shipping bill or bill of export, the description, quantity and such other particulars as are necessary for deciding whether the goods are entitled to drawback, and if so, at what rate or rates and make a declaration on the relevant shipping bill or bill of export that -
(i) a claim for drawback under these rules is being made;

(ii) in respect of duties of Customs and Central Excise have been paid in respect of the containers, packing materials and the service tax paid on the input services used in the manufacturer of the export goods on which drawback is being claimed, no separate claim for rebate of duty or service tax under the Central Excise Rules, 2002 or any other law has been or will be made to the Central Excise authorities.

[Provided that if the Principal Commissioner of Customs or Commissioner of Customs, as the case may be, is satisfied that the exporter or his authorized agent has, for reasons being his control, failed to comply with the provisions of this clause, he may, after considering the representation, if any, made by such exporter or his authorized agent, and for reasons to be recorded, exempt such exporter or his authorized agent from the provisions of this clause];

2. Designation changed by Notification No.29/99-Cus.(N.T.) dated 11.5.1999

(b) furnish to the proper officer of Customs, a copy of shipment invoice or any other document giving particulars of the description, quantity and value of the goods to be exported;

(2) Where the amount or rate of drawback has been determined under rule 6 or rule 7, the exporter shall make an additional declaration on the relevant shipping bill or bill of export that:

(a) there is no change in the manufacturing formula and in the quantum per unit of the imported materials or components, if any, utilized in the manufacture of export goods and

(b) the materials or components, which have been stated in the application under rule 6 or rule 7 to have been imported, continue to be so imported and are not being obtained from indigenous sources.

RULE 13. Manner and time for claiming drawback on goods exported other than by post.

(1) Triplicate copy of the Shipping Bill for export of goods under a claim for drawback shall be deemed to be a claim for drawback filed on the date on which the proper officer of Customs makes an order permitting clearance and loading of goods for exportation under section 51 and the said claim for drawback shall be retained by the proper officer making such order.

(2) The said claim for drawback should be accompanied by the following documents namely:-:

(i) copy of export contract or letter of credit, as the case may be,
(ii) copy of Packing List,
(iii) Copy of ARE-1, whenever applicable,
(iv) insurance certificate, wherever necessary, and
(v) Copy of communication regarding rate of drawback where the drawback claim is for a rate determined by the Principal Commissioner of Central Excise or Commissioner of Central
Excise, as the case may be] or the [[Principal Commissioner or Commissioner] of Customs and Central Excise, as the case may be] under rule 6 or rule 7 of these rules.

(3) (a) If the said claim of drawback is incomplete in any material particulars or is without the documents specified in the sub-rule (2), shall be returned to the claimant with a deficiency memo in the form prescribed by the [[Principal Commissioner of Customs or Commissioner of Customs, as the case may be] under within 10 days and shall be deemed not to have been filed for the purpose of section 75A.

(b) where the exporter resubmits the claim for drawback after complying with the requirements specified in the deficiency memo, the same will be treated as a claim filed under sub-rule (1) for the purpose of section 75A.

(4) For computing the [[period of (one month)] prescribed under section 75A for payment of drawback to the claimant, the time taken in testing of the exported goods, not more than one month, shall be excluded]

(5) subject to the provisions of sub-rules (2) and (4), where the exporter has exported the goods under electronic shipping bill in Electronic Data Interchange (EDI) under the claim of drawback, the electronic shipping bill itself shall be treated as the claim for drawback].

RULE 14. Payment of drawback and interest. - (1) The drawback under these rules and interest, if any, shall be paid by the proper officer of Customs to the exporter or to the agent specially authorised by the exporter to receive the said amount of drawback and interest.

(2) The officer of Customs may combine one or more claims for the purpose of payment of drawback and interest, if any, as well as adjustment of any amount of drawback and interest already paid and may issue a consolidated order for payment.

(3) The date of payment of drawback and interest, if any, shall be deemed to be, in the case of payment -

(a) by cheque, the date of issue of such cheque, or

(b) by credit in the exporter's account maintained with the Custom House, the date of such credit.

RULE 15. Supplementary claim. - (1) Where any exporter finds that the amount of drawback paid to

8. Inserted by Notification No.80/2016-Cus.(N.T.) dated 13.7.2006

him is less than what he is entitled to on the basis of the amount or rate of drawback determined by the [[Central Government or [Principal Commissioner of Central excise or Commissioner of Central Excise, as the case may be] or the [[Principal Commissioner of or Commissioner] of Customs and Central excise, as the case may be], he may prefer a supplementary claim in the form at Annexure III [See Customs Form No.,112 in Part 5]:

8. Inserted by Notification No.80/2016-Cus.(N.T.) dated 13.7.2006

8. Inserted by Notification No.80/2016-Cus.(N.T.) dated 13.7.2006
Provided that the exporter shall prefer such supplementary claim within a period of three months,-

(i) where the rate of drawback is determined or revised under rule 3 or rule 4, from the date of publication of such rate in the Official Gazette;

(ii) where the rate of drawback is determined or revised upward under rule 6 or rule 7, from the date of communicating the said rate to the person concerned;

(iii) in all other cases, from the date of payment or settlement of the original drawback claim by the proper officer:

Provided further that

(i) the Assistant Commissioner of Customs or Dy. Commissioner Customs, as the case may be, may extend the aforesaid period of three months by a period of three months and the Principal Commissioner of Customs or Commissioner of Customs as the case may be, or Principal Commissioner or Commissioner of Customs and Central Excise, as the case may be, may further extend the period by a period of six months;

(ii) the Assistant Commissioner of Customs or Dy. Commissioner Customs, or Principal Commissioner of Customs or Commissioner of Customs as the case may be, may on an application and after making such enquiry as thinks fit, grant extension or refuse to grant extension after recording in writing the reasons for such refusal;

(iii) an application fee equivalent to 1% of the FOB value of exports or Rs.1000/- whichever is less, shall be payable for applying for grant of extension by the Assistant Commissioner of Customs or Dy. Commissioner of Customs, as the case may be and an application fee of 2% of the FOB value or Rs.2000/- whichever is less, shall be payable for applying for grant of extension by the Principal Commissioner of Customs or Commissioner of Central Excise as the case may be or Principal Commissioner or Commissioner and Central Excise, as the case may be;

(2) Save as otherwise provided in this rule, no supplementary claim for drawback shall be entertained.

(3) the date of filing of the Supplementary Claim for the purpose of Section 75A shall be the date of affixing the Dated Receipt of Stamp on such claims which are complete in all respect and for which an acknowledgement shall be issued in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be]

(4) (a) Claims which are not complete in all respects or are not accompanied by the required documents shall be returned to the claimant with a deficiency memo in the form prescribed by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be] within fifteen days of submission and shall be deemed not to have been filed.

P[b] (b) Where the exporter complies with requirements specified in the deficiency memo within thirty days from the date of receipt of deficiency memo the same will be treated as a claim filed under sub-rule (1) for the purpose of section 75A.

RULE 16. Repayment of erroneous or excess payment of drawback and interest. - Where an amount of drawback and interest, if any, has been paid erroneously or the amount so paid is in excess of what the claimant is entitled to, the claimant shall, on demand by a proper officer of Customs repay the amount so paid erroneously or in excess, as the case may be, and where the claimant fails to repay the amount it shall be recovered in the manner laid down in sub-section (1) of section 142 of the Customs Act, 1962 (52 of 1962).
Rule 16A. Recovery of amount of Drawback where export proceeds not realised. - (1) Where an amount of drawback has been paid to an exporter or a person authorised by him (hereinafter referred to as the claimant) but the sale proceeds in respect of such export goods have not been realised by or on behalf of the exporter in India within the period allowed under the Foreign Exchange Management Act, 1999 (42 of 1999), including any extension of such period, such drawback shall, except under circumstances or conditions specified in sub-rule (5), be recovered in the manner specified below.

Provided that the time-limit referred to in this sub-rule shall not be applicable to the goods exported from the Domestic Tariff Area to a special economic zone.

(2) If the exporter fails to produce evidence in respect of realisation of export proceeds within the period allowed under the Foreign Exchange Management Act, 1999, or any extension of the said period by the Reserve Bank of India, the Assistant Commissioner of Customs or the Deputy Commissioner of Customs, as the case may be or Deputy Commissioner of Customs shall cause notice to be issued to the exporter for production of evidence of realisation of export proceeds within a period of thirty days from the date of receipt of such notice and where the exporter does not produce such evidence within the said period of thirty days, the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be shall pass an order to recover the amount of drawback paid to the claimant and the exporter shall repay the amount so demanded within thirty days of the receipt of the said order:

Provided that where a part of the sale proceeds has been realised, the amount of drawback to be recovered shall be the amount equal to that portion of the amount of drawback paid which bears the same proportion as the portion of the sale proceeds not realised bears to the total amount of sale proceeds.

(3) Where the exporter fails to repay the amount under sub-rule (2) within said period of thirty days referred to in sub-rule (2), it shall be recovered in the manner laid down in rule 16.

(4) Where the sale proceeds are realised by the exporter after the amount of drawback has been recovered from him under sub-rule (2) or sub-rule (3) and the exporter produces evidence about such realisation within a period of three months from the date of realization of sale proceeds the amount of drawback so recovered shall be repaid by the Assistant Commissioner of Customs or Deputy Commissioner of Customs to the claimant provided the sale proceeds have been realized within a period permitted by the reserve bank of India.

Provided that

(i) The Principal Commissioner of Customs or Commissioner of Customs, as the case may be, or Principal Commissioner or Commissioner of Customs and Central Excise, as the case may be, extend the aforesaid period of three months by a period of nine months provided the sale proceeds have been realized within the period permitted by the reserve bank of India;

(ii) an application fee equivalent to 1% of the FOB value of exports or Rs.1000/- whichever is less, shall be payable for applying for grant of extension by the Principal Commissioner of Customs or Commissioner of Customs, as the case may be. or
RULE 17. Power to relax. - If the Central Government is satisfied that in relation to the export of any goods, the exporter or his authorised agent has, for reasons beyond his control, failed to comply with any of the provisions of these rules, and has thus been entitled to drawback, it may, after considering the representation, if any, made by such exporter or agent, and for reasons to be recorded in writing, exempt such exporter or agent from the provisions of such rule and allow drawback in respect of such goods.

RULE 18. Repeal and saving. - (1) As from the commencement of these rules, the Customs and Central Excise Duties Drawback Rules, 1971 (hereinafter in this rule referred to as the 1971 Rules) shall cease to operate.

(2) Notwithstanding such cesser of operation -

(a) every application made by a manufacturer or exporter for the determination or revisions of the amount or rate of drawback in respect of goods exported before the commencement of these rules but not disposed of before such commencement shall be disposed of in accordance with the provisions of the 1971 Rules as if these rules had not been made;

(b) any claim made by an exporter or his authorised agent for the payment of drawback in respect of goods exported before the commencement of these rules but not disposed of before such commencement shall be disposed of in accordance with the provisions of these rules;
[(c) where a manufacturer or exporter has exported any goods before the commencement of Customs and Central Excise Duties Drawback (Third Amendment) Rules, 1996 and has not filed any claim for payment of drawback or the claim filed has been returned to him for complying with any deficiencies, such manufacturer or exporter may file his claim in the form of Triplicate of Shipping Bill for Export of goods under a claim for Drawback along with documents prescribed in sub-rule (1) or rule 13 by 30\textsuperscript{th} June, 1997 and the same shall be deemed to be claim filed under that rule;] within a period of three months from the date of commencement of these rules, in the manner prescribed in rule 13;

(d) every amount or rate of drawback determined under the 1971 Rules and in force immediately before the commencement of these rules shall be deemed to be the amount or rate of drawback determined under these rules until altered or superseded by the Central Government.

1.Substituted (w.e.f. 1.11.1996) by M.F.D.R. Notification 54/96-Cus & C.E. (N.T) dt.31.10.1996

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Rules of Determination of Origin of Goods under the Agreement on South Asian Free Trade Area (SAFTA)

Rule 1: Short title and commencement. -
(1) These rules may be called the Rules of Determination of Origin of Goods under the Agreement on South Asian Free Trade Area (SAFTA), hereinafter referred to as the "Agreement", between the Governments of SAARC (South Asian Association for Regional Cooperation) Member States comprising the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Kingdom of Nepal, the Islamic Republic of Pakistan, the Democratic Socialist Republic of Sri Lanka and the Islamic Republic of Afghanistan.

(2) They shall come into force on the 1st day of July 2006.

Rule 2: Application
These Rules shall apply to products eligible for preferential treatment under SAFTA.

Rule 3: Determination of Origin
No product shall be deemed to be the produce or manufacture of any Contracting State unless the conditions specified in these rules are complied with in relation to such products, to the satisfaction of the designated Authority.

Rule 4: Originating products
Products covered by the Agreement imported into the territory of a Contracting State from another Contracting State which are consigned directly within the meaning of Rule 12 hereof, shall be eligible for preferential treatment if they conform to the origin requirement under any one of the following conditions:

(a) Products wholly produced or obtained in the territory of the exporting Contracting State as defined in Rule 5; or
(b) Products not wholly produced or obtained in the territory of the exporting Contracting State provided that the said products are eligible under Rule 6.

Rule 5: Wholly produced or obtained
Within the meaning of Rule 4(a), the following shall be considered as wholly produced or obtained in the territory of the exporting Contracting State

(a) raw or mineral products extracted from its soil, its water extending upto its Exclusive Economic Zone (EEZ), or its sea bed extending upto its seabed or continental shelf;
(b) Agriculture, vegetable and forestry products harvested there;
(c) animals born and raised there;
(d) products obtained from animals referred to in clause (c) above;
(e) products obtained by hunting or fishing conducted there,
(f) products of sea fishing and other marine products from the high seas by its vessels;
(g) products processed and/or made on board its factory ships exclusively from products referred to in clause (f) above;
(h) raw materials recovered from used articles collected there;
(i) waste and scrap resulting from manufacturing operations conducted there;
(j) products taken from the seabed, ocean floor or subsoil thereof beyond the limits of national jurisdiction, provided it has the exclusive rights to exploit that sea bed, ocean floor or subsoil thereof;
(k) goods produced there exclusively from the products referred to in clauses (a) to (j) above.

1 Includes mineral fuels, lubricants and related materials as well as mineral or metal ores.
2 "Vessels" shall refer to fishing vessels engaged in commercial fishing, registered in the country of the Contracting State and operated by a citizen or citizens of the Contracting State or partnership, corporation or association, duly registered in such country, at least 60 per cent of equity of which is owned by a citizen or
citizens and/or Government of such Contracting State or 75 per cent by citizens and/or Governments of the Contracting States. However, the products taken from vessels, engaged in commercial fishing under Bilateral Agreements which provide for chartering/leasing of such vessels and/or sharing of catch between Contracting State will also be eligible for preferential treatment.

3 In respect of vessels or factory ships operated by Government agencies, the requirements of flying the flag of the Contracting State do not apply.

4 For the purpose of this Agreement, the term “factory ship” means any vessel, as defined used for processing and/or making on board products exclusively from those products referred to in clause (f) of Rule 6.

5 [Amended by 27-Cus(N.T.)/01.03.2013]

Rule 6: Not wholly produced or obtained

Within the meaning of Rule 4 (b), products not wholly produced or obtained shall be subject to Rule 7 and any of the conditions prescribed under Rule 8, Rule 9 or Rule 10.

Rule 7: Non-qualifying Operations

The following shall in any event be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of heading:

1) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, Sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations).

2) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;

3) (i) changes of packing and breaking up and assembly of consignments,

(ii) simple slicing, cutting and repacking or placing in bottles, flasks, bags, boxes, fixing on cards or boards, etc., and all other simple packing operations.

4) the affixing of marks, labels or other like distinguishing signs on products of their packaging;

5) simple mixing of products, whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in these rules to enable them to be considered as originating products; and mere dilution with water or another substance that does not materially alter the characteristics of the product;

6) simple assembly of parts of products to constitute a complete product;

7) a combination of two or more operations specified in (1) to (6);

Rule 8: Single Contracting State Content

(a) Products originating in the exporting Contracting State shall be considered to be sufficiently worked or processed for the purposes of granting originating status if they fulfill the following conditions:

(i) The final product is classified in a heading at the four digit level of the Harmonized Commodity Description and Coding System differently from those in which all the non-originating materials used in its manufacture are classified and

(ii) Products worked on or processed as a result of which the total value of the materials, parts or produce originating from other countries or of undetermined origin used does not exceed 60% of the FOB value of the products produced or obtained and the final process of manufacture is performed within the territory of the exporting Contracting State.

(b) Notwithstanding the condition laid down in paragraph (a) of this Rule, the products listed in Annex-A shall be eligible for preferential treatment if they comply with Rule 8 (a) or they fulfill the condition corresponding to those products as mentioned in the Annex-A.

Rule 9: Regional Cumulation

Unless otherwise provided for, products worked on or processed in a Contracting State using the inputs originating in any Contracting States within the meaning of Rule 4 shall be eligible for preferential treatment provided that
(a) the aggregate content (value of such inputs plus domestic value addition in further manufacture) is not less than 50 percent of the FOB value;

(b) the domestic value content (value of inputs originating in the exporting Contracting State plus domestic value addition in further manufacture in the exporting Contracting State), is not less than 20 percent of the FOB value; and

(c) the final product satisfies the condition of

i) change in classification at the four digit level (CTH) as provided under Rule 8 (a) (i); or

5 Non-originating material means material originating from countries other than Contracting States and material of undetermined origin.

(ii) change in classification at the six-digit level (CTSH) as agreed upon in the Product Specific Rules reflected in Rule 8 (b).

Rule 10: Special Treatment to Least Developed Contracting States

The products originating in the Least Developed Contracting States shall be allowed a favourable 10 percentage points applied to the percentage applied in Rule 8. The products originating in Sri Lanka shall be allowed a favourable 5 percentage points applied to the percentage applied in Rule 8.

Rule 11: Method for Valuation of non-originating materials

(a) The value of the non-originating materials, parts or produce shall be:

(i) The CIF value at the time of importation of the materials, parts or produce where this can be proven or

(ii) The earliest ascertainable price paid for the materials, parts or produce of undetermined origin in the territory of the Contracting States where the working or processing takes place.

(b) In order to determine whether or not a product originated in the territory of a Contracting State it shall not be necessary to establish whether the power and fuel, plant and equipment, and machines and tools used to obtain such products, originate in third countries.

Rule 12: Direct consignment

The following shall be considered as directly consigned from the exporting Contracting State to the importing Contracting State:

(a) if the products are transported without passing through the territory of any non-Contracting State:

(b) the products whose transport involves transit through one or more intermediate non-Contracting States with or without transshipment or temporary storage in such countries, provided that:

(i) the transit entry is justified for geographical reason or by considerations related exclusively to transport requirements;

(ii) the products have not entered into trade or consumption there;

(iii) the products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition;

(iv) the products have remained under the customs control in the country of transit.
**Rule 13: Treatment of packing**
When determining the origin of products, packing should be considered as forming a whole with the product it contains. However, packing may be treated separately if the national legislation so requires.

**Rule 14: Procedures for Issuance and Verification of Certificate of Origin**
Detailed Operational Certification Procedures for implementation of these Rules of Origin are at Annex-B.

**Rule 15: Prohibitions**
Any Contracting State may prohibit importation of products containing any inputs originating from States with which it does not have economic and commercial relations.

**Rule 16: Consultation and Co-operation between Contracting States**
(a) The Contracting States will do their best to co-operate in order to specify origin of inputs in the Certificate of origin.

(b) The Contracting States will take measures necessary to address, to investigate and, where appropriate, to take legal and/or administrative action to prevent circumvention to these Rules through false declaration concerning country of origin or falsification of original documents.

(c) The Contracting States will co-operate fully, consistent with their domestic laws and procedures, in instances of circumvention or alleged circumvention of these Rules to address problems arising from circumvention including facilitation of joint plant visits, inspection and contacts by representatives of Contracting States upon request and on a case-by-case basis.

(d) If any Contracting State believes that the rules of origin are being circumvented, it may request consultation to address the matter or matters concerned with a view to seeking a mutually satisfactory solution. Each State will hold such consultations promptly.

**Rule 17: Review**
These rules may be reviewed as and when necessary upon request of any Contracting State and may be open to such modifications as may be agreed upon by the SAFTA Ministerial Council.

F.No.467/30/2003-Cus.V/ICD

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**PRODUCT SPECIFIC RULES UNDER SAFTA RULES OF ORIGIN**

**Explanatory Notes:**

1. For the purposes of Rule 8 (b) of the SAFTA Rules of Origin, the products listed under column (3) and corresponding to heading mentioned under column (2) would be subject to Rule specified under column (4) in the following Table.

2. The term "CTH" in column (4) below shall mean that the final product is classified in a heading at the four-digit level of the Harmonised Commodity Description and Coding System differently from those in which all the non-originating materials used in its manufacture are classified.

3. The term "CTSH" in column (4) below shall mean that the final product is classified in a heading at the six-digit level of the Harmonised Commodity Description and Coding System differently from those in which all the non-originating materials used in its manufacture are classified.

4. The DVA mentioned in percentage in column (4) below shall mean the minimum value addition in the Exporting Contracting State, calculated as per the following formula:

   \[ \text{DVA} = \frac{\text{FOB value of the export product} - \text{value of non-originating materials}}{\text{FOB value of the export product}} \]
<table>
<thead>
<tr>
<th>S.No.</th>
<th>HS Heading /Chapter</th>
<th>Harmonised Description</th>
<th>Product Specific Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>060499</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>2</td>
<td>080132</td>
<td>Shelled Cashew nuts</td>
<td>CTSH &amp; 60% DVA</td>
</tr>
<tr>
<td>3</td>
<td>081350</td>
<td>Mixtures of dried fruits of this Chapter</td>
<td>CTSH &amp; 60% DVA</td>
</tr>
<tr>
<td>4</td>
<td>150790</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>5</td>
<td>150890</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>6</td>
<td>150990</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>7</td>
<td>151190</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>8</td>
<td>151219</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>9</td>
<td>151229</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>10</td>
<td>151319</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>11</td>
<td>151329</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>12</td>
<td>160249</td>
<td>Other, including mixtures</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>13</td>
<td>210112</td>
<td>Preparations with a basis of extracts, essences, concentrates or with a basis of coffee</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>14</td>
<td>210120</td>
<td>Extracts, essences and concentrates, of tea or mate, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or mate</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>15</td>
<td>210390</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>16</td>
<td>252321</td>
<td>White cement, whether or not artificially coloured</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>17</td>
<td>252329</td>
<td>Other:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>18</td>
<td>252330</td>
<td>Aluminous cement :</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>19</td>
<td>283523</td>
<td>Of trisodium</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>20</td>
<td>441029</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>21</td>
<td>441032</td>
<td>--Surface-covered with melamine-impregnated paper</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>441033</td>
<td>Surface-covered with decorative laminates of plastics</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>---</td>
<td>--------</td>
<td>-----------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>23.</td>
<td>441039</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>24.</td>
<td>441119</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>25.</td>
<td>441129</td>
<td>Other of fire board of a density exceeding 0.5g/cm³</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>26.</td>
<td>450190</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>27.</td>
<td>481820</td>
<td>Handkerchiefs, cleansing or facial tissues</td>
<td>Only CTH</td>
</tr>
<tr>
<td>28.</td>
<td>481840</td>
<td>Sanitary towels</td>
<td>Only CTH</td>
</tr>
<tr>
<td>29.</td>
<td>701990</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>30.</td>
<td>720221</td>
<td>Ferro-silicon containing by weight more than 55% of silicon</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>31.</td>
<td>830110</td>
<td>Padlocks</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>32.</td>
<td>841011</td>
<td>--Of a power not exceeding 1,000 kW</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>33.</td>
<td>841311</td>
<td>Pumps for dispensing fuel or lubricants, of the type used in filling-stations or in garages</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>34.</td>
<td>841319</td>
<td>Other pumps fitted or designed to be fitted with a measuring device</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>35.</td>
<td>841320</td>
<td>Hand pumps, other than those of subheading 8413.11 or 8413.19</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>36.</td>
<td>841330</td>
<td>Fuel, lubricating or cooling medium pumps for internal combustion piston engines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>37.</td>
<td>841340</td>
<td>Concrete pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>38.</td>
<td>841350</td>
<td>Other reciprocating positive displacement pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>39.</td>
<td>841360</td>
<td>Other rotary positive displacement pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>40.</td>
<td>841370</td>
<td>Other centrifugal pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>41.</td>
<td>841381</td>
<td>Pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>42.</td>
<td>841382</td>
<td>Liquid elevators</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>43.</td>
<td>841410</td>
<td>Vacuum pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>44.</td>
<td>841420</td>
<td>Hand or foot-operated air pumps:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>45.</td>
<td>841430</td>
<td>Compressors of a kind used in refrigerating equipment</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>No.</td>
<td>Code</td>
<td>Description</td>
<td>CTSH &amp; DVA</td>
</tr>
<tr>
<td>-----</td>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>46.</td>
<td>841440</td>
<td>Air compressors mounted on a wheeled chassis for towing:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>47.</td>
<td>841451</td>
<td>-- Table, floor, wall, window, ceiling or roof fans, with a self-contained electric motor of an output not exceeding 125W</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>48.</td>
<td>841459</td>
<td>Other:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>49.</td>
<td>841460</td>
<td>Hoods having a maximum horizontal side not exceeding 120 cm</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>50.</td>
<td>841480</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>51.</td>
<td>841510</td>
<td>-Window or wall types, self contained or &quot;Split-system&quot;.</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>52.</td>
<td>841520</td>
<td>Of a kind used for persons, in motor vehicles</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>53.</td>
<td>841581</td>
<td>Incorporating a refrigerating unit and a valve for reversal of the cooling/heat cycle (reversible heat pumps)</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>54.</td>
<td>841583</td>
<td>Not incorporating a refrigerating unit</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>55.</td>
<td>841710</td>
<td>Furnaces and ovens for the roasting, melting or other heat-treatment of ores, pyrites or of metals</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>56.</td>
<td>841810</td>
<td>Combined refrigerator-freezers, fitted Refrigerators, household type:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>57.</td>
<td>841821</td>
<td>Compression-type</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>58.</td>
<td>841822</td>
<td>Absorption-type, electrical</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>59.</td>
<td>841829</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>60.</td>
<td>841830</td>
<td>Freezers of the chest type, not exceeding 800 l capacity</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>61.</td>
<td>841840</td>
<td>Freezers of the upright type, not exceeding 900 L capacity:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>62.</td>
<td>841850</td>
<td>Other refrigerating or freezing chests, cabinets, display counters, showcases and similar refrigerating or freezing furniture</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>63.</td>
<td>841861</td>
<td>Compression type units whose condensers are heat exchangers</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>64.</td>
<td>841869</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>65.</td>
<td>841911</td>
<td>Instantaneous gas water heaters:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>66.</td>
<td>841919</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>67.</td>
<td>841931</td>
<td>For agricultural products</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>68.</td>
<td>841932</td>
<td>For wood, paper pulp, paper or paperboard</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841939</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>---</td>
<td>--------</td>
<td>-------</td>
<td>----------------</td>
</tr>
<tr>
<td>70.</td>
<td>841940</td>
<td>Distilling or rectifying plant:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>71.</td>
<td>841950</td>
<td>Heat exchange units</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>72.</td>
<td>841960</td>
<td>Machinery for liquifying air or other gases, Other machinery, plant and equipment:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>73.</td>
<td>841981</td>
<td>For making hot drinks or for cooking or heating food:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>74.</td>
<td>841989</td>
<td>Other:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>75.</td>
<td>842010</td>
<td>Calendering or other rolling machines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>76.</td>
<td>842111</td>
<td>Cream separators</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>77.</td>
<td>842121</td>
<td>For filtering or purifying water</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>78.</td>
<td>842122</td>
<td>For filtering or purifying beverages other than water</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>79.</td>
<td>842129</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>80.</td>
<td>842211</td>
<td>Of the household type</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>81.</td>
<td>842219</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>82.</td>
<td>842220</td>
<td>Machinery for cleaning or drying bottles or other containers</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>83.</td>
<td>842230</td>
<td>Machinery for filling, closing, sealing, or labelling bottles, cans, boxes, bags or other containers; machinery for capsuling bottles, jars, tubes and similar containers; machinery for aerating beverages</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>84.</td>
<td>842240</td>
<td>Other packing or wrapping machinery (including heat-shrink wrapping machinery)</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>85.</td>
<td>842310</td>
<td>Personal weighing machines, including baby scales; Household scales</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>86.</td>
<td>842320</td>
<td>Scales for continuous weighing of goods on conveyors</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>87.</td>
<td>842330</td>
<td>Constant weight scales and scales for discharging a predetermined weight of material into a bag or container, including hopper scales Other weighing machinery:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>88.</td>
<td>842381</td>
<td>Having a maximum weighing capacity not exceeding 30 kg</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>89.</td>
<td>842382</td>
<td>Having maximum weighing capacity exceeding 30 kg but not exceeding 5,000 kg.</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>90.</td>
<td>842389</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>91.</td>
<td>842390</td>
<td>Weighing machine weights of all kinds; parts of weighing machinery</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>CTSH &amp; DVA</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>92.</td>
<td>842410 Fire extinguishers, whether or not charged</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>93.</td>
<td>842420 Spray guns and similar appliances</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>94.</td>
<td>842430 Steam or sand blasting machines and similar jet projecting machines</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>95.</td>
<td>842481 Agricultural or horticultural</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>96.</td>
<td>842489 Other</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>97.</td>
<td>843229 --Other</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>98.</td>
<td>843311 --Powered, with the cutting device rotating in a horizontal plane</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>99.</td>
<td>843319 --Other</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>100.</td>
<td>843780 -Other machinery</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>101.</td>
<td>843880 Other machinery:</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>102.</td>
<td>844010 Machinery</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>103.</td>
<td>844110 Cutting machines</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>104.</td>
<td>844180 Other machinery</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>105.</td>
<td>844329 Other</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>106.</td>
<td>844340 Gravure printing machinery</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>107.</td>
<td>845210 Sewing machines of the household type:</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>108.</td>
<td>845221 Automatic units:</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>109.</td>
<td>845229 Other</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>110.</td>
<td>847110 Analogue or hybrid automatic data processing machines</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>111.</td>
<td>847130 Portable digital automatic data processing machines, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard and a display</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>112.</td>
<td>84714110 Micro computer</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>113.</td>
<td>847149 Other, presented in the form Of systems</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>114.</td>
<td>847150 Digital processing units other than those Of sub-headings 8471 41 or 8471 49, whether or not containing in the same housing one or two Of the following types Of unit: storage units, input units, output units</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>115.</td>
<td>847780</td>
<td>Other machinery</td>
<td></td>
</tr>
<tr>
<td>116.</td>
<td>848180</td>
<td>Other appliances: Taps and Cocks of Tariff heading 8481.80</td>
<td></td>
</tr>
<tr>
<td>117.</td>
<td>850410</td>
<td>Ballasts for discharge lamps or tubes</td>
<td></td>
</tr>
<tr>
<td>118.</td>
<td>850421</td>
<td>Having a power handling capacity not exceeding 650 kVA</td>
<td></td>
</tr>
<tr>
<td>119.</td>
<td>850422</td>
<td>Having a power handling capacity exceeding 650 kVA but not exceeding 10,000 kVA</td>
<td></td>
</tr>
<tr>
<td>120.</td>
<td>850423</td>
<td>Having a power handling capacity exceeding 10,000 kVA</td>
<td></td>
</tr>
<tr>
<td>121.</td>
<td>850431</td>
<td>Having a power handling capacity not exceeding 1 kVA</td>
<td></td>
</tr>
<tr>
<td>122.</td>
<td>850432</td>
<td>Having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA</td>
<td></td>
</tr>
<tr>
<td>123.</td>
<td>850433</td>
<td>Having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA</td>
<td></td>
</tr>
<tr>
<td>124.</td>
<td>850434</td>
<td>Having a power handling capacity exceeding 500 kVA</td>
<td></td>
</tr>
<tr>
<td>125.</td>
<td>850440</td>
<td>Static converters</td>
<td></td>
</tr>
<tr>
<td>126.</td>
<td>850450</td>
<td>Other inductors</td>
<td></td>
</tr>
<tr>
<td>127.</td>
<td>850610</td>
<td>Manganese dioxide</td>
<td></td>
</tr>
<tr>
<td>128.</td>
<td>850630</td>
<td>Mercuric oxide</td>
<td></td>
</tr>
<tr>
<td>129.</td>
<td>850640</td>
<td>Silver oxide</td>
<td></td>
</tr>
<tr>
<td>130.</td>
<td>850650</td>
<td>Lithium</td>
<td></td>
</tr>
<tr>
<td>131.</td>
<td>850660</td>
<td>Air-zinc</td>
<td></td>
</tr>
<tr>
<td>132.</td>
<td>850680</td>
<td>Other primary cells and primary batteries</td>
<td></td>
</tr>
<tr>
<td>133.</td>
<td>850710</td>
<td>Lead-acid, of a kind used for starting piston engines</td>
<td></td>
</tr>
<tr>
<td>134.</td>
<td>850720</td>
<td>Other lead-acid accumulators</td>
<td></td>
</tr>
<tr>
<td>135.</td>
<td>850730</td>
<td>Nickel-cadmium</td>
<td></td>
</tr>
<tr>
<td>136.</td>
<td>850740</td>
<td>Nickel-iron</td>
<td></td>
</tr>
<tr>
<td>137.</td>
<td>850780</td>
<td>Other accumulators</td>
<td></td>
</tr>
<tr>
<td>138. 851010</td>
<td>Shavers</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>139. 851020</td>
<td>hair clippers</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>140. 851030</td>
<td>hair removing appliances</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>141. 851310</td>
<td>Lamps</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>142. 851640</td>
<td>Electric smoothing irons</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>143. 851650</td>
<td>Microwave oven</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>144. 851711</td>
<td>Line telephone sets with cordless handsets</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>145. 851721</td>
<td>Facsimile machines</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>146. 851730</td>
<td>telephonic apparatus</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>147. 851750</td>
<td>Other apparatus, for carrier current line systems or for digital line systems</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>148. 851780</td>
<td>other apparatus</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>149. 853921</td>
<td>Tungsten halogen</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>150. 853922</td>
<td>Other, of a power not exceeding 200 W and for a voltage exceeding 100 V</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>151. 853929</td>
<td>Other</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>152. 853931</td>
<td>Fluorescent, hot cathode</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>153. 853932</td>
<td>Mercury or sodium vapour lamps; metal halide lamps</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>154. 853939</td>
<td>Other of discharged lamps, other than ultra-violet lamps</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>155. 854011</td>
<td>Cathode-day television picture tubes, including video monitor cathode-ray tubes; colour</td>
<td>CTSH &amp; 40% DVA</td>
<td></td>
</tr>
<tr>
<td>156. 854210</td>
<td>Cards incorporating an electronic integrated circuits (&quot;smart&quot; cards)</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>157. 854221</td>
<td>Monolithic digital integrated circuits obtained by bipolar technology</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>158. 854229</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>159. 854260</td>
<td>Hybrid integrated circuits</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td>160. 854270</td>
<td>Electronic microassemblies</td>
<td>CTSH &amp; 30% DVA</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CTSH &amp; DVA</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>-----------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>161</td>
<td>8903</td>
<td>Yachts and other vessels for pleasure</td>
<td>25%</td>
</tr>
<tr>
<td>162</td>
<td>900311</td>
<td>Of plastics</td>
<td>30%</td>
</tr>
<tr>
<td>163</td>
<td>900319</td>
<td>Of other materials</td>
<td>30%</td>
</tr>
<tr>
<td>164</td>
<td>900911</td>
<td>Operating by reproducing the original image directly on to copy (direct process)</td>
<td>40%</td>
</tr>
<tr>
<td>165</td>
<td>900921</td>
<td>other photocopying apparatus</td>
<td>40%</td>
</tr>
<tr>
<td>166</td>
<td>901720</td>
<td>Other drawing, markingout or mathematical calculating instruments</td>
<td>30%</td>
</tr>
<tr>
<td>167</td>
<td>901780</td>
<td>Other instruments</td>
<td>30%</td>
</tr>
<tr>
<td>168</td>
<td>901831</td>
<td>Syringes, with or without needles</td>
<td>30%</td>
</tr>
<tr>
<td>169</td>
<td>901890</td>
<td>Other instruments and appliances</td>
<td>30%</td>
</tr>
<tr>
<td>170</td>
<td>902830</td>
<td>Electricity meters:</td>
<td>30%</td>
</tr>
<tr>
<td>171</td>
<td>903210</td>
<td>Thermostats</td>
<td>30%</td>
</tr>
<tr>
<td>172</td>
<td>911110</td>
<td>Cases of precious metal or of metal clad with precious metal</td>
<td>30%</td>
</tr>
<tr>
<td>173</td>
<td>911120</td>
<td>Cases of base metal, whether or not gold or silver-plated</td>
<td>30%</td>
</tr>
<tr>
<td>174</td>
<td>940330</td>
<td>Wooden furniture of a kind used in offices</td>
<td>30%</td>
</tr>
<tr>
<td>175</td>
<td>940340</td>
<td>Wooden furniture of a kind used in the kitchen</td>
<td>30%</td>
</tr>
<tr>
<td>176</td>
<td>940350</td>
<td>Wooden furniture of a kind used in the bedroom</td>
<td>30%</td>
</tr>
<tr>
<td>177</td>
<td>940360</td>
<td>Other Wooden furniture</td>
<td>30%</td>
</tr>
<tr>
<td>178</td>
<td>940540</td>
<td>Other electric lamps and lighting fittings</td>
<td>30%</td>
</tr>
<tr>
<td>179</td>
<td>950210</td>
<td>-Dolls, whether or not dressed</td>
<td>30%</td>
</tr>
<tr>
<td>180</td>
<td>960810</td>
<td>-Ball point pens</td>
<td>30%</td>
</tr>
</tbody>
</table>

**Annex-B**

**OPERATIONAL CERTIFICATION PROCEDURES FOR SOUTH ASIAN FREE TRADE AREA (SAFTA) RULES OF ORIGIN**

For the purposes of implementing the Rules of Origin as provided for in Rule 14 of SAFTA Rules of Origin, the following operational certification procedures shall be followed:

 AUTHORITY
ARTICLE 1

The Certificate of Origin shall be issued by authority designated by the Government of the exporting Contracting State (hereinafter referred to as Issuing Authority) and notified to the other Contracting States.

ARTICLE 2

(a) Each Contracting State shall inform the other Contracting States of the names and addresses of the officials authorized to issue the Certificate of Origin and shall provide their specimen signatures and official seals.

(b) Any change in their names, addresses, or official seals shall be promptly notified to the other Contracting States.

ARTICLE 3

For the purpose of verifying the conditions for preferential treatment, the Issuing Authority shall have right to call for any supporting documentary evidence or to carry out any check considered appropriate.

PRE-EXPORTATION VERIFICATION

ARTICLE 4

The Issuing Authority, upon a written request by the manufacturer and/or exporter of the products desirous for availing preferential treatment, shall conduct pre-exportation verification of the manufacturing premise(s). The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. Pre-exportation verification may not apply to the products, origin of which, by their nature, can be easily verified.

REQUEST FOR ISSUANCE OF CERTIFICATE OF ORIGIN

ARTICLE 5

At the time of carrying out the formalities for exporting the products under preferential treatment, the exporter or his authorized representative shall submit the Certificate of Origin duly filled together with appropriate documents supporting that the products to be exported qualify for the issuance of a Certificate of Origin.

PRE-EXPORTATION EXAMINATION

ARTICLE 6

The Issuing Authority shall, to the best of their competence and ability, carry out proper examination upon each application for the Certificate of Origin to ensure that:

(a) The Certificate of Origin is duly completed and signed by the authorized signatory;

(b) The origin of the product is in conformity with the Rules of Origin of this Agreement;

(c) The other statements /entries of the Certificate of Origin correspond to supporting documentary evidence submitted;

(d) HS Code, f.o.b. value, description, quantity and weight of goods, marks, number and kinds of packages, as specified, conform to the consignment to be exported.

ISSUANCE OF CERTIFICATE OF ORIGIN

ARTICLE 7

(a) The validity of the Certificate of Origin shall be 12 months from the date of its issuance.

(b) The Certificate of Origin must be on ISO A4 size paper in conformity to the specimen shown in Appendix-1. It shall be in English.
(c) The Certificate of Origin shall comprise one original and one duplicate in the following colours:

Original - light orange
Duplicate - white

(d) Each Certificate of Origin shall bear a reference number given separately by each office of issuance at different places.

(e) The original shall be forwarded by the exporter to the importer for submission to the Customs Authority at the port or place of importation. The duplicate shall be retained by the Issuing Authority of the exporting Contracting State.

(f) After issuance of the Certificate of Origin, the Issuing Authority of the exporting Contracting State shall electronically send the information on issuance of certificate of origin on a weekly basis as per format provided in Appendix -2 to the Issuing Authority of respective importing Contracting State.

ARTICLE 8

The Certificate of Origin issued by the Issuing Authority shall indicate the applicable Rules of Origin and the value of non-originating material expressed as a percentage of the f.o.b. value of the products, or the sum of the aggregate content originating in the territory of the exporting Contracting State expressed as a percentage of the f.o.b. value of the exported product; where applicable, in Box 8.

ARTICLE 9

Neither erasures nor superimpositions shall be allowed on the Certificate of Origin. Any alteration shall be made by striking out the erroneous entries and making any addition required. Such alterations shall be approved by an authorized signatory of the applicant and certified by the Issuing Authority. Unused spaces shall be crossed out to prevent any subsequent addition.

ARTICLE 10

(a) The Certificate of Origin shall be issued by the relevant Issuing Authority of the exporting Contracting State at the time of exportation, or within 3 working days from the date of shipment whenever the products to be exported can be considered originating in that Contracting State within the meaning of the Rules of Origin of this Agreement.

(b) In exceptional cases where a Certificate of Origin has not been issued at the time of exportation or within 3 working days from the date of shipment due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retrospectively but no longer than 45 days from the date of shipment, bearing the word "ISSUED RETROSPECTIVELY" in Box 4.

ARTICLE 11

In the event of theft, loss, damage or destruction of a Certificate of Origin, the exporter may apply in writing to the Issuing Authority, which issued it, for the certified true copy of the original to be made on the basis of the export documents in their possession bearing the endorsement "CERTIFIED TRUE COPY" (in lieu of the Original Certificate) in Box 13. This copy shall bear the date of the original Certificate of Origin. The certified true copy of a Certificate of Origin shall be issued within the validity period of the original Certificate of Origin.

PRESENTATION

ARTICLE 12

The Original Certificate of Origin shall be submitted to the Customs Authority at the time of lodging the import entry for the products concerned.

ARTICLE 13

The following time limit for the presentation of the Certificate of Origin shall be observed:
(a) Certificate of Origin shall be submitted to the Customs Authority of the importing Contracting State within its validity period;

(b) Where the Certificate of Origin is submitted to the Customs Authority of the importing Contracting State after the expiration of the validity of the Certificate of Origin, such Certificate is still to be accepted when failure to observe the time-limit results from force majeure or other valid causes beyond the control of the exporter; and

(c) In all cases, the relevant Government authority in the importing Contracting State may accept such Certificate of Origin provided that the products have been imported before the expiration of the validity of the Certificate of Origin.

ARTICLE 14

The discovery of minor discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the Customs Authority of the importing Contracting State for the purpose of carrying out the formalities for importing the products shall not ipso-facto invalidate the Certificate of Origin, if it does, in fact, correspond to the said products.

ARTICLE 15

(a) The importing Contracting State may request to the Issuing Authority of the exporting Contracting State for a retrospective check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.

(b) The request shall be accompanied with the Certificate of Origin concerned and shall specify the reasons and any additional information suggesting that the particulars given on the said Certificate of Origin may be inaccurate, unless the retroactive check is requested on a random basis.

(c) The Customs Authority of the importing Contracting State may suspend the provisions on preferential treatment while awaiting the result of verification. However, without prejudice to the national legislations the competent authority of the importing Contracting State shall not suspend the customs clearance of the consignment subject to a guarantee in any of its modalities in order to preserve fiscal interests, as a pre-condition for completion of customs clearance.

(d) The Issuing Authority receiving a request for retrospective check shall respond within three (3) months after the receipt of the request.

ARTICLE 16

(a) The application for Certificates of Origin and all documents related to such application shall be retained by the Issuing Authority for not less than two (2) years from the date of issuance.

(b) Information relating to the validity of the Certificate of Origin shall be furnished upon request of the importing Contracting State.

(c) Any information communicated among the government authorities shall be treated as confidential and shall be used only for the validation purposes of Certificates of Origin.

SPECIAL CASES

ARTICLE 17

When destination of all or parts of the products exported to specified port is changed, before or after their arrival in the importing Contracting State, the following procedures shall be observed:

(a) If the products have already been submitted to the Customs Authority in the specified importing port, the Certificate of Origin shall, by a written application of the importer, be endorsed to this effect for all or parts of products by the said authority and the original returned to the importer.

(b) If the changing of destination occurs during transportation to the importing Contracting State as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied with the issued Certificate of Origin, for the issuance of new Certificate/s of Origin for all or parts of products.
ARTICLE 18

For the purpose of implementing Rule 12 of SAFTA Rules of Origin where transportation is effected through the territory of one or more non-Contracting States, the following shall be produced to the Government authorities of the importing Contracting State:

(a) A through Bill of Lading/ Airway bill or corresponding transport document issued in the exporting Contracting State;

(b) A Certificate of Origin issued by the Issuing Authority of the exporting Contracting State;

(c) A copy of the original commercial invoice in respect of the product; and

(d) Supporting documents in evidence that the requirements of Rule 12 of SAFTA Rules of Origin are being complied with.

ARTICLE 19

(a) Products sent from one Contracting State for exhibition in another Contracting State and sold during or after the exhibition shall benefit from the preferential tariff treatment provided in this Agreement, on the condition that the products meet the requirements of Rule 4 of the SAFTA Rules of Origin and provided it is shown to the satisfaction of the relevant Government authorities of the importing Contracting State that:

(i) An exporter has dispatched those products from the territory of the exporting Contracting State to the importing Contracting State where the exhibition is held and has exhibited them there,

(ii) The exporter has sold the goods or transferred them to a consignee in the importing Contracting State; and

(iii) The products have been sold during the exhibition or immediately hereafter to the importing Contracting State in the state in which they were sent for the exhibition.

(b) For the purpose of implementing the above provisions, the Certificate of Origin must be produced to the relevant Government authorities of the importing Contracting State.

(c) Paragraph (a) shall apply to exhibitions, fairs or similar shows or displays where the products remain under Customs control during these events.

ACTION AGAINST FRAUDULENT ACTS

ARTICLE 20

(a) When it is suspected that fraudulent acts in connection with the Certificate of Origin have been committed, the Issuing Authorities concerned shall cooperate in the action to be taken in the territory of each Contracting State against the persons involved.

(b) Each Contracting State shall be responsible for providing legal sanctions for fraudulent acts related to the Certificate of Origin.

ARTICLE 21

In the case of a dispute concerning origin determination, classification of products or other matters, the Government authorities concerned in the importing and exporting Contracting States shall consult each other with a view to resolving the dispute.

Appendix-I

CERTIFICATE OF ORIGIN (SOUTH ASIAN FREE TRADE AREA)

| 1. Goods consigned from (exporter's business name, address, country) | Reference No. SOUTH ASIAN FREE TRADE AREA(SAFTA) (combined declaration and certificate) Issued in .................(country) |
### General Conditions

To qualify for preference, products must:

a) fall within a description of products eligible for preference in the schedule of concessions of SAFTA country of destination;

b) comply with SAFTA Rules of Origin. Each article in a consignment must qualify separately in its own right; and

c) comply with the consignment conditions specified by the SAFTA Rules of Origin. In general, products must be consigned directly within the meaning of Rule 12 hereof from the country of exportation to the country of destination.

### Entries to be made in Box 8

Preference products must be wholly produced or obtained in the exporting Contracting State in accordance with Rule 5 of the SAFTA Rules of Origin, or where not wholly produced or obtained in the exporting Contracting States must be eligible under Rule 6.

a) Products wholly produced or obtained; enter the letter "A" in Box 8.

b) Products not wholly produced or obtained: the entry in Box 8 should be as follows:

1. Enter letter "B" in Box 8 for products which meet the origin criteria according to Rule 8. Entry of letter would be followed by the value of non-originating material expressed as a percentage of the f.o.b. value of the products; (example "B" 50 per cent);

2. Enter letter "C" in Box 8 for products which meet the origin criteria according to Rule 9. Entry of letter "C" would be followed by the sum of the aggregate content originating in the territory of the exporting Contracting
State expressed as a percentage of the f.o.b. value of the exported product; (example "C" 60 per cent);

3. Enter letter "D" in Box 8 for products which meet the special origin criteria according to Rule 10. Entry of letter would be followed by the value of non-originating material expressed as a percentage of the f.o.b. value of the products; (example "D" 40 per cent);

III. Entries to be made in Box 4

In case of issuance of certificates retrospectively Box 4 should bear the words "ISSUED RETROSPECTIVELY".

IV. Entries to be made in Box 13

In case of issuance of certified true copies Box 13 should bear the words "CERTIFIED TRUE COPY".

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<th>S. No.</th>
<th>Ref No.of CO</th>
<th>Date of Issue</th>
<th>HS Code</th>
<th>Description</th>
<th>f.o.b. value in US $</th>
<th>Remarks, if any</th>
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In exercise of the powers conferred by sub-section (1) of section 5 of the Customs Tariff Act, 1975 (51 of 1975), and in supercession of Notification No. 430/1976-Customs dated 1st November 1976 (as amended) the Central Government hereby makes the following rules, namely :

RULE 1 : Short title and commencement :
(i) These rules may be called the Rules of Determination of Origin of Goods under the Asia-Pacific Trade Agreement, (formerly known as the Bangkok Agreement) Rules, 2006.
(ii) These Rules shall come into force on 1st September 2006.

RULE 2 : Originating products
Products covered by preferential trade within the framework of the Agreement imported into the territory of a Participating State from another Participating State which are consigned directly within the meaning of Rule 6 hereof, shall be eligible for preferential concessions if they conform to the origin requirement under any one of the following conditions :
(a) Products wholly produced or obtained in the exporting Participating State as defined in Rule 3; or
(b) Products not wholly produced or obtained in the exporting Participating State, provided that the said products are eligible under Rule 4 or Rule 5.

RULE 3 : Wholly produced or obtained
Within the meaning of Rule 2(a) the following shall be considered as wholly produced or obtained in the exporting Participating State :
(a) raw or mineral products, extracted from its soil, its water or its seabeds
(b) agricultural products harvested there;
(c) animals born and raised there;
(d) products obtained from animals referred to in paragraph (c) above;
(e) products obtained by hunting or fishing conducted there;
(f) products of sea fishing and other marine products taken from the high seas by its vessels;
(g) products processed and/or made on board its factory ships exclusively from products referred to in paragraph (f) above;
(h) parts or raw materials recovered there from used articles which can no longer perform their original purpose nor are capable;
(i) used articles collected there which can no longer perform their original purpose there nor are capable of being restored or repaired and which are fit only for disposal or for the recovery of parts or raw materials;
(j) waste and scrap resulting from manufacturing operations conducted there;
(k) goods produced there exclusively from the products referred to in paragraph (a) to (j) above.

RULE 4 : Not wholly produced or obtained
(a) Within the meaning of Rule 2(b), products worked on or processed as a result of which the total value of the materials, parts or produce originating from non-Participating States or of undetermined origin used does not exceed 55 per cent of the f.o.b. value of the products produced or obtained and the final process of manufacture is performed within the territory of the exporting Participating State shall be eligible for preferential concessions, subject to the provisions of Rule 4(c), (d) and (e).
(b) Sectoral agreements
(c) The formula for calculating the content of non-originating materials, and its requirement for obtaining the originating status referred to in Rule 3(a) is as follows:
f.o.b. price

(d) The value of the non-originating materials, parts or produce shall be:
   (i) the c.i.f. value at the time of importation of materials, parts or produce where this can be proven; or
   (ii) The earliest ascertainable price paid for the materials, parts or produce of undetermined origin in the territory of the Participating State where the working or processing takes place.

(e) Whether or not the requirements of Rule 2(b) are satisfied, the following operations or processes are considered to be insufficient to confer the status of originating products:
   (i) Operations to ensure the preservation of products in good condition either for transportation or storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
   (ii) Simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
   (iii) Changes of packaging and breaking up and assembly of consignments;
   (iv) Simple slicing, cutting or repacking or placing in bottles, flasks, bags, boxes, fixing on cards or boards, etc.
   (v) The affixing of marks, labels or other like distinguishing signs on products or their packaging;
   (vi) Simple mixing;
   (vii) Simple assembly of parts of products to constitute a complete product;
   (viii) Slaughter of animals;
   (ix) Peeling, unflaking, grain removing and removal of bones; and
   (x) A combination of two or more operations specified above.

RULE 5 : Cumulative rules of origin
Products which comply with origin requirements provided for in Rule 2 and which are used by a Participating State as input for a finished product eligible for preferential treatment by another Participating State shall be considered as a product originating in the territory of the Participating State where working or processing of the finished product has taken place provided that the aggregate content originating in the territory of the Participating States is not less than 60 percent of its f.o.b. value.

RULE 6 : Direct consignment
The following shall be considered as directly consigned from the exporting Participating State to the importing Participating State:
   (a) if the products are transported without passing through the territory of any non-Participating State:
   (b) the products whose transport involves transit through one or more intermediate non-Participating States with or without transshipment or temporary storage in such countries, provided that:
      (i) the transit entry is justified for geographical reason or by considerations related exclusively to transport requirements;
      (ii) the products have not entered into trade or consumption there; and
      (iii) the products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition.

RULE 7 : Treatment of packing
When determining the origin of products, packing should be considered as forming a whole with the product it contains. However, packing may be treated separately if the national legislation so requires.

RULE 8 : Certificate of origin
Products eligible for preferential concessions shall be supported by a Certificate of Origin in the form specified in Annexure A and issued by an authority designated by the government of the exporting Participating State and notified to the other Participating States in accordance with the provisions specified in Annexure B.

RULE 9 : Prohibition and co-operation
   (a) Any Participating State may prohibit importation of products containing any inputs originating from States with which it does not have economic and commercial relations.
(b) Participating States will do their best to co-operate in order to specify origin of inputs in the Certificate of Origin.

**RULE 10 : Review**

These Rules may be reviewed as and when necessary upon request of one-third of the Participating States and may be open to such modifications as may be agreed upon.

**RULE 11 : Special criteria percentage**

Products originating in least developed Participating States can be allowed a favorable 10 percentage points applied to the percentages established in Rules 4 and 5. Thus, for Rule 4, the percentage would not exceed 65 per cent, and for Rule 5, the percentage would not be less than 50 per cent.

"""As amended by Ntn 79/2009-Cus(N.T)dated 09.07.2009:"""

**ANNEXURE-A**

SAMPLE CERTIFICATE OF ORIGIN

Asia-Pacific Trade Agreement

Notes for completing Certificate of Origin

**I. General Conditions :**

To qualify for preference, products must :

(a) fall within a description of products eligible for preference in the list of concessions of an Asia-Pacific Trade Agreement country of destination;

(b) comply with Asia-Pacific Trade Agreement rules of origin. Each article in a consignment must qualify separately in its own right; and


(Exporter's business name, address, country)

Issued in ............

(Country)

2. Goods consigned to : 3. For Official use

(Consignee's name, address, country)

4. Means of transport and route :


11. Declaration by the exporter :

The undersigned hereby declares that the above details and statements are correct : that all the goods were produced in ....... .......

and that they comply with the origin requirements specified for these goods in the Asia-Pacific Trade Agreement for goods export to ...

...................................................................................

(Country)

........................................................

........................................................

........................................................

(Importing Country)

Place and date, signature and Stamp of Certifying Authority

Place and date, signature of authorised Signatory

(Combined declaration and certificate)
c) comply with the consignment conditions specified by the Asia-Pacific Trade Agreement rules of origin. In general, products must be consigned directly within the meaning of Rule 6 hereof from the country of exportation to the country of destination.

II. Entries to be made in the boxes:

Box 1 Goods Consigned from
Type the name, address and country of the exporter. The name must be the same as the exporter described in the invoice.

Box 2 Goods Consigned to
Type the name, address and country of the importer. The name must be the same as the importer described in the invoice. For third party trade, the words “To Order” may be typed.

Box 3 For Official Use
Reserved for use by certifying authority.

Box 4 Means of Transport and Route
State in detail the means of transport and route for the products exported. If the L/C terms etc. do not require such details, type "By Air" or "By Sea". If the products are transported through a third country this can be indicated as follows:

- e.g. "By Air"
- "Laos to India via Bangkok"

Box 5 Tariff Item Number
Type the 4-digit HS heading of the individual items.

Box 6 Marks and Numbers of Packages
Type the marks and numbers of the packages covered by the Certificate. This information should be identical to the marks and numbers on the packages.

Box 7 Number and Kind of Packages; Description of Goods
Type clearly the description of the products exported. This should be identical to the description of the products contained in the invoice. An accurate description will help the Customs Authority of the country of destination to clear the products quickly.

Box 8 Origin Criterion
Preference products must be wholly produced or obtained in the exporting Participating State in accordance with Rule 3 of the Asia-Pacific Trade Agreement Rules of Origin, or where not wholly produced or obtained in the exporting Participating State must be eligible under Rule 4 or Rule 5.

- (a) Products wholly produced or obtained: enter the letter "A" in Box 8.
- Products not wholly produced or obtained: the entry in Box 8 should be as follows:
  1. Enter letter "B" in Box 8, for products, which meet the origin criteria according to Rule 4. Entry of letter "B" would be followed by the sum of the value of materials, parts or produce originating from non-Participating States, or undetermined origin used, expressed as a percentage of the f.o.b. value of the products; (example "B" 50 per cent);
  2. Enter letter "C" in Box 8 for products, which meet the origin criteria according to Rule 5. Entry of letter "C" would be followed by the sum of the aggregate content originating in the territory of the exporting Participating State expressed as a percentage of the f.o.b. value of the exported product; (example "C" 60 per cent);
  3. Enter letter "D" in Box 8 for products, which meet the special origin criteria according to Rule 11.

Box 9 Gross Weight or Other Quantity
Type the gross weight or other quantity (such as pieces, kg) of the products covered by the Certificate.

Box 10 Number and Date of Invoices
State number and date of the invoice in question. The date of the invoice attached to the Application should not be later than the date of approval on the Certificate.

Box 11 Declaration by the Exporter
The term "Exporter" refers to the shipper who can either be a trader or a manufacturer. Type the name of the producing country and the importing country and the place and date when the declaration is made. This box must be signed by the Company's authorized signatory.
Procedure Regarding Claim of Preferential Concessions and Certificate of Origin of Goods under the Asia-Pacific Trade Agreement

The following provisions shall be complied with for preferential concessions under the Asia-Pacific Trade Agreement (hereinafter referred to as "APTA") :-

1. Issuing Authorities. - An authority or authorities designated by the Government of the exporting APTA Participating State (hereinafter referred to as "Issuing Authority") shall issue the Certificates of Origin.


(a) shall be on an ISO A4 size paper in conformity with the specimen text set out in Annexure A, which shall be printed in English.

(b) shall bear a unique reference number separately given by each place of office of issuance,

(c) shall be issued manually or electronically by the Issuing Authority of the exporting APTA Participating State at the time of exportation or within three working days from the date of shipment.

(d) shall be valid for one year from the date of issuance.

(e) shall be without erasures and superimposition and unused spaces shall be crossed out to prevent any subsequent addition.

(t) shall have the relevant rules and applicable percentage of regional content in Box 8.

(2) In the event of theft, loss or destruction of a Certificate of Origin, a certified true copy of the original, issued by the issuing Authority, bearing the words "Certified True Copy" in Box 3, and the date of issuance of the original Certificate of Origin, shall be accepted and the certified true copy of a Certificate of Origin shall be issued within the validity period of the original Certificate of Origin.

3. Presentation of the Certificate of Origin. - (i) An original Certificate of Origin
shall be submitted for preferential treatment to the Customs authority at the
time of lodging the import entry for the products concerned.

(ii) The Certificate of Origin shall be submitted to the Customs authority at the
port or place of importation within its validity period.

(iii) Where a Certificate of Origin is submitted to the relevant Customs
authority at the port or place of importation after the expiration of its validity,
such Certificate is still to be accepted when failure to observe the time Limit
results from force majeure or other valid causes beyond the control of the
exporter.

(iv) In all cases, the relevant Customs authority may accept such Certificate of
Origin provided that the products were imported before the expiration of the
validity of the Certificate of Origin.

(v) Where the origin of a product is not in doubt, the discovery of minor
discrepancies between the statements made in the Certificate of Origin and
those made in the documents submitted to the Customs authority at the port or
place of importation for the purpose of carrying out the formalities for
importing the products shall not ipso-facto invalidate the Certificate of Origin, if
it does in fact correspond to the said products.

4. Supporting documents of direct transportation. - Under sub-rule (b) of rule 6
of the said rules, where the goods are transported through the territory outside
the APTA Participating States, the following documents shall be presented to
the Customs authorities at the port of import, namely :-

(a) the through Bill of Lading issued in the exporting APTA Participating State;
(b) the Certificate of Origin issued by the Issuing Authority of the exporting
APTA Participating State;
(c) the original commercial invoice in respect of the goods; and
(d) supporting documents which prove the compliance with sub-rule (b) of rule
6 of the said rules.

5. Origin verification. - (i) The Customs authority may request the Issuing
Authority of the exporting APTA Participating State for a retroactive random
check and/or when it has reasonable doubt as to the authenticity of the
documents or as to the accuracy of the origin status of the goods in question.

(ii) The request shall be accompanied by the Certificate of Origin concerned and
shall specify the reasons and any additional information suggesting that the
particulars given on the said Certificate of Origin may be inaccurate.

(iii) The Customs authority may suspend the preferential treatment while
awaiting the result of the verification:

Provided that it may release the goods to the importer subject to any administrative measures deemed necessary:

Provided farther that the goods are not held to be subject to import prohibition or restriction and there is no suspicion of fraud.

(iv) (a) The Issuing Authority receiving a request for verification shall respond to the request promptly and reply within three months after receipt of the request.

(b) The verification process, including the actual process and the determination of whether the subject goods are originating or not, should be completed and the result should be communicated to the Issuing Authority within six months.

(c) While the process of the verification is being undertaken, the provisions of sub-paragraph (iii) shall be applied.

(v) In the cases where the Customs authority in India does not receive any reply within four months after the making of the request, the Customs authority may deny the claim for preferential treatment and in case the reply does not supply enough information to confirm the authenticity of the documents or the origin of the goods, the concerned authorities shall resolve the issue through bilateral consultation within three months, failing which the preferential treatment may be denied.

6. Change in destination. - The following procedures shall be complied with when the destination of all or parts of the products exported to a specified port is changed, before or after their arrival in India namely:

(a) If the products have already been submitted to the Customs authority in India, the Certificate of Origin shall, following a written application by the importer, be endorsed to this effect for all or parts of products by the said authorities and the original returned to the importer.

(b) If the change of destination occurs during transportation to India as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied by the issued Certificate of Origin, for the issuance of new Certificate of Origin for all or parts of products.

7. Imports for exhibition. - (i) Products imported for exhibition and sold during or after the exhibition shall benefit from the preferential tariff treatment provided in the APTA, on the condition that the products meet the requirements of the said rules and provided it is shown to the satisfaction of the relevant customs authorities in India that:
(a) the exporter has dispatched those products from the territory of the exporting Participating State to India where the exhibition is held and has exhibited them there;

(b) the exporter has sold the goods or transferred them to a consignee in India; and

(c) the products have been sold during the exhibition or immediately thereafter in the state in which they were sent for the exhibition.

(ii) For the purposes of implementing the above provisions, the Certificate of Origin must be produced to the relevant customs authorities in India.

(iii) The sub-paragraph (i) shall apply to exhibitions, fairs or similar shows or displays where the products remain under Customs control during the events.

8. Operational procedures for the certification and verification of origin and other related administrative matters. - The operational procedures for the certification and verification of origin and other related administrative matters agreed under APTA shall be applicable for implementing the said rules under APTA including the following matters, namely:

(a) Communication of names, addresses and specimen official seals and signatures of the Issuing Authority.

(b) Manner of application for issuance of Certificate of Origin and procedure to be followed by the Issuing Authority.

(c) Requirement of keeping the records by the Issuing Authority.

(d) Cooperation of the APTA Participating States in case of fraudulent acts and disputes concerning origin determination, classification, goods or other matters."

Annexure B inserted vide notification no. 79/2009 Cus(NT) dated 9-7-2009].
Rules of Determination of Origin of Goods under the Agreement on South Asian Free Trade Area (SAFTA)

Rule 1: Short title and commencement.

(1) These rules may be called the Rules of Determination of Origin of Goods under the Agreement on South Asian Free Trade Area (SAFTA), hereinafter referred to as the “Agreement”, between the Governments of SAARC (South Asian Association for Regional Cooperation) Member States comprising the People’s Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Kingdom of Nepal, the Islamic Republic of Pakistan, the Democratic Socialist Republic of Sri Lanka and the Islamic Republic of Afghanistan.

(2) They shall come into force on the 1st day of July 2006.

Rule 2: Application

These Rules shall apply to products eligible for preferential treatment under SAFTA.

Rule 3: Determination of Origin

No product shall be deemed to be the produce or manufacture of any Contracting State unless the conditions specified in these rules are complied with in relation to such products, to the satisfaction of the designated Authority.

Rule 4: Originating products

Products covered by the Agreement imported into the territory of a Contracting State from another Contracting State which are consigned directly within the meaning of Rule 12 hereof, shall be eligible for preferential treatment if they conform to the origin requirement under any one of the following conditions:

(a) Products wholly produced or obtained in the territory of the exporting Contracting State as defined in Rule 5; or

(b) Products not wholly produced or obtained in the territory of the exporting Contracting State provided that the said products are eligible under Rule 6.

Rule 5: Wholly produced or obtained

Within the meaning of Rule 4(a), the following shall be considered as wholly produced or obtained in the territory of the exporting Contracting State:

(a) raw or mineral products extracted from its soil, its water extending up to its Exclusive Economic Zone (EEZ), or its sea bed extending up to its seabed or continental shelf;

(b) Agriculture, vegetable and forestry products harvested there;

(c) animals born and raised there;

(d) products obtained from animals referred to in clause (c) above;

(e) products obtained by hunting or fishing conducted there,

(f) products of sea fishing and other marine products from the high seas by its vessels;

(g) products processed and/or made on board its factory ships exclusively from products referred to in clause (f) above;

(h) raw materials recovered from used articles collected there;

(i) waste and scrap resulting from manufacturing operations conducted there;

(j) products taken from the seabed, ocean floor or subsoil thereof beyond the limits of national jurisdiction, provided it has the exclusive rights to exploit that sea bed, ocean floor or subsoil thereof;

(k) goods produced there exclusively from the products referred to in clauses (a) to (j) above.

1 Includes mineral fuels, lubricants and related materials as well as mineral or metal ores.
“Vessels” shall refer to fishing vessels engaged in commercial fishing, registered in the country of the Contracting State and operated by a citizen or citizens of the Contracting State or partnership, corporation or association, duly registered in such country, at least 60 per cent of equity of which is owned by a citizen or citizens and/or Government of such Contracting State or 75 per cent by citizens and/or Governments of the Contracting States. However, the products taken from vessels, engaged in commercial fishing under Bilateral Agreements which provide for chartering/leasing of such vessels and/or sharing of catch between Contracting State will also be eligible for preferential treatment.

In respect of vessels or factory ships operated by Government agencies, the requirements of flying the flag of the Contracting State do not apply.

For the purpose of this Agreement, the term “factory ship” means any vessel, as defined used for processing and/or making on board products exclusively from those products referred to in clause (f) of Rule 6.

Rule 6: Not wholly produced or obtained

Within the meaning of Rule 4 (b), products not wholly produced or obtained shall be subject to Rule 7 and any of the conditions prescribed under Rule 8, Rule 9 or Rule 10.

Rule 7: Non-qualifying Operations

The following shall in any event be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of heading:

1) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, Sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations).

2) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;

3) (i) changes of packing and breaking up and assembly of consignments,

(ii) simple slicing, cutting and repacking or placing in bottles, flasks, bags, boxes, fixing on cards or boards, etc., and all other simple packing operations.

4) the affixing of marks, labels or other like distinguishing signs on products of their packaging;

5) simple mixing of products, whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in these rules to enable them to be considered as originating products; and mere dilution with water or another substance that does not materially alter the characteristics of the product;

6) simple assembly of parts of products to constitute a complete product;

7) a combination of two or more operations specified in (1) to (6);

Rule 8: Single Contracting State Content

(a) Products originating in the exporting Contracting State shall be considered to be sufficiently worked or processed for the purposes of granting originating status if they fulfill the following conditions:

(i) The final product is classified in a heading at the four digit level of the Harmonized Commodity Description and Coding System differently from those in which all the non-originating materials used in its manufacture are classified and

(ii) Products worked on or processed as a result of which the total value of the materials, parts or produce originating from other countries or of undetermined origin used does not exceed 60% of the FOB value of the products produced or obtained and the final process of manufacture is performed within the territory of the exporting Contracting State.

(b) Notwithstanding the condition laid down in paragraph (a) of this Rule, the products listed in Annex-A shall be eligible for preferential treatment if they comply with Rule 8 (a) or they fulfill the condition corresponding to those products as mentioned in the Annex-A.

Rule 9: Regional Cumulation
Unless otherwise provided for, products worked on or processed in a Contracting State using the inputs originating in any Contracting States within the meaning of Rule 4 shall be eligible for preferential treatment provided that

(a) the aggregate content (value of such inputs plus domestic value addition in further manufacture) is not less than 50 percent of the FOB value;

(b) the domestic value content (value of inputs originating in the exporting Contracting State plus domestic value addition in further manufacture in the exporting Contracting State), is not less than 20 percent of the FOB value; and

(c) the final product satisfies the condition of

i) change in classification at the four digit level (CTH) as provided under Rule 8 (a) (i); or

5 Non-originating material means material originating from countries other than Contracting States and material of undetermined origin.

(ii) change in classification at the six-digit level (CTSH) as agreed upon in the Product Specific Rules reflected in Rule 8 (b).

**Rule 10: Special Treatment to Least Developed Contracting States**

The products originating in the Least Developed Contracting States shall be allowed a favourable 10 percentage points applied to the percentage applied in Rule 8. The products originating in Sri Lanka shall be allowed a favourable 5 percentage points applied to the percentage applied in Rule 8.

**Rule 11: Method for Valuation of non-originating materials**

(a) The value of the non-originating materials, parts or produce shall be:

(i) The CIF value at the time of importation of the materials, parts or produce where this can be proven or

(ii) The earliest ascertainable price paid for the materials, parts or produce of undetermined origin in the territory of the Contracting States where the working or processing takes place.

(b) In order to determine whether or not a product originated in the territory of a Contracting State it shall not be necessary to establish whether the power and fuel, plant and equipment, and machines and tools used to obtain such products, originate in third countries.

**Rule 12: Direct consignment**

The following shall be considered as directly consigned from the exporting Contracting State to the importing Contracting State:

(a) if the products are transported without passing through the territory of any non-Contracting State:

(b) the products whose transport involves transit through one or more intermediate non-Contracting States with or without transshipment or temporary storage in such countries, provided that:

(i) the transit entry is justified for geographical reason or by considerations related exclusively to transport requirements;

(ii) the products have not entered into trade or consumption there;

(iii) the products have not undergone any operation there other than unloading and reloading or any operation required to keep them in good condition;

(iv) the products have remained under the customs control in the country of transit.
Rule 13: Treatment of packing
When determining the origin of products, packing should be considered as forming a whole with the product it contains. However, packing may be treated separately if the national legislation so requires.

Rule 14: Procedures for Issuance and Verification of Certificate of origin
Detailed Operational Certification Procedures for implementation of these Rules of Origin are at Annex-B.

Rule 15: Prohibitions
Any Contracting State may prohibit importation of products containing any inputs originating from States with which it does not have economic and commercial relations.

Rule 16: Consultation and Co-operation between Contracting States
(a) The Contracting States will do their best to co-operate in order to specify origin of inputs in the Certificate of origin.
(b) The Contracting States will take measures necessary to address, to investigate and, where appropriate, to take legal and/or administrative action to prevent circumvention to these Rules through false declaration concerning country of origin or falsification of original documents.
(c) The Contracting States will co-operate fully, consistent with their domestic laws and procedures, in instances of circumvention or alleged circumvention of these Rules to address problems arising from circumvention including facilitation of joint plant visits, inspection and contacts by representatives of Contracting States upon request and on a case-by-case basis.
(d) If any Contracting State believes that the rules of origin are being circumvented, it may request consultation to address the matter or matters concerned with a view to seeking a mutually satisfactory solution. Each State will hold such consultations promptly.

Rule 17: Review
These rules may be reviewed as and when necessary upon request of any Contracting State and may be open to such modifications as may be agreed upon by the SAFTA Ministerial Council.

F.No.467/30/2003-Cus.V/ICD

PRODUCT SPECIFIC RULES
UNDER SAFTA RULES OF ORIGIN
Explanatory Notes:

1. For the purposes of Rule 8 (b) of the SAFTA Rules of Origin, the products listed under column (3) and corresponding to heading mentioned under column (2) would be subject to Rule specified under column (4) in the following Table.

2. The term "CTH" in column (4) below shall mean that the final product is classified in a heading at the four-digit level of the Harmonised Commodity Description and Coding System differently from those in which all the non-originating materials used in its manufacture are classified.

3. The term "CTSH" in column (4) below shall mean that the final product is classified in a heading at the six-digit level of the Harmonised Commodity Description and Coding System differently from those in which all the non-originating materials used in its manufacture are classified.

4. The DVA mentioned in percentage in column (4) below shall mean the minimum value addition in the Exporting Contracting State, calculated as per the following formula:
\[
\text{DVA} = \text{FOB value of the export product} - \text{value of non-originating materials}
\]

\[
\frac{\text{FOB value of the export product}}{}
\]

<table>
<thead>
<tr>
<th>S.No.</th>
<th>HS Heading /Chapter</th>
<th>Harmonised Description</th>
<th>Product Specific Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>1.</td>
<td>060499</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>2.</td>
<td>080132</td>
<td>Shelled Cashew nuts</td>
<td>CTSH &amp; 60% DVA</td>
</tr>
<tr>
<td>3.</td>
<td>081350</td>
<td>Mixtures of dried fruits of this Chapter</td>
<td>CTSH &amp; 60% DVA</td>
</tr>
<tr>
<td>4.</td>
<td>150790</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>5.</td>
<td>150890</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>6.</td>
<td>150990</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>7.</td>
<td>151190</td>
<td>-Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>8.</td>
<td>151219</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>9.</td>
<td>151229</td>
<td>--Other</td>
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</tr>
<tr>
<td>10.</td>
<td>151319</td>
<td>--Other</td>
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</tr>
<tr>
<td>11.</td>
<td>151329</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>12.</td>
<td>160249</td>
<td>Other, including mixtures</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>13.</td>
<td>210112</td>
<td>Preparations with a basis of extracts, essences, concentrates or with a basis of coffee</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>14.</td>
<td>210120</td>
<td>Extracts, essences and concentrates, of tea or ate, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or mate</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>15.</td>
<td>210390</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>16.</td>
<td>252321</td>
<td>White cement, whether or not artificially coloured</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>17.</td>
<td>252329</td>
<td>Other:</td>
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</tr>
<tr>
<td>18.</td>
<td>252330</td>
<td>Aluminous cement :</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>19.</td>
<td>283523</td>
<td>Of trisodium</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>20.</td>
<td>441029</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
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</tr>
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<td>---</td>
</tr>
<tr>
<td>21.</td>
<td>441032</td>
<td>--Surface-covered with melamine-impregnated paper</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>22.</td>
<td>441033</td>
<td>--Surface-covered with decorative laminates of plastics</td>
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</tr>
<tr>
<td>23.</td>
<td>441039</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>24.</td>
<td>441119</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>25.</td>
<td>441129</td>
<td>Other of fire board of a density exceeding 0.5 g/cm³</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>26.</td>
<td>450190</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>27.</td>
<td>481820</td>
<td>Handkerchiefs, cleansing or facial tissues</td>
<td>Only CTH</td>
</tr>
<tr>
<td>28.</td>
<td>481840</td>
<td>Sanitary towels</td>
<td>Only CTH</td>
</tr>
<tr>
<td>29.</td>
<td>701990</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>30.</td>
<td>720221</td>
<td>Ferro-silicon containing by weight more than 55% of silicon</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>31.</td>
<td>830110</td>
<td>Padlocks</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>32.</td>
<td>841011</td>
<td>--Of a power not exceeding 1,000 kW</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>33.</td>
<td>841311</td>
<td>Pumps for dispensing fuel or lubricants, of the type used in filling-stations or in garages</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>34.</td>
<td>841319</td>
<td>Other pumps fitted or designed to be fitted with a measuring device</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>35.</td>
<td>841320</td>
<td>Hand pumps, other than those of subheading 8413.11 or 8413.19</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>36.</td>
<td>841330</td>
<td>Fuel, lubricating or cooling medium pumps for internal combustion piston engines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>37.</td>
<td>841340</td>
<td>Concrete pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>38.</td>
<td>841350</td>
<td>Other reciprocating positive displacement pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>39.</td>
<td>841360</td>
<td>Other rotary positive displacement pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>40.</td>
<td>841370</td>
<td>Other centrifugal pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>41.</td>
<td>841381</td>
<td>Pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>42.</td>
<td>841382</td>
<td>Liquid elevators</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>43.</td>
<td>841410</td>
<td>Vacuum pumps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>44.</td>
<td>841420</td>
<td>Hand or foot-operated air pumps:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841430</td>
<td>Compressors of a kind used in refrigerating equipment</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
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<td>841440</td>
<td>Air compressors mounted on a wheeled chassis for towing:</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td></td>
<td>841451</td>
<td>-- Table, floor, wall, window, ceiling or roof fans, with a self-contained electric motor of an output not exceeding 125W</td>
<td>CTSH &amp; 30% DVA</td>
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<td>841459</td>
<td>Other:</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
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<td>841460</td>
<td>Hoods having a maximum horizontal side not exceeding 120 cm</td>
<td>CTSH &amp; 30% DVA</td>
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<td></td>
<td>841480</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841510</td>
<td>- Window or wall types, self contained or &quot;Split-system&quot;.</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841520</td>
<td>Of a kind used for persons, in motor vehicles</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841581</td>
<td>Incorporating a refrigerating unit and a valve for reversal of the cooling/heat cycle (reversible heat pumps)</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841583</td>
<td>Not incorporating a refrigerating unit</td>
<td>CTSH &amp; 30% DVA</td>
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<td>841710</td>
<td>Furnaces and ovens for the roasting, melting or other heat-treatment of ores, pyrites or of metals</td>
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</tr>
<tr>
<td></td>
<td>841810</td>
<td>Combined refrigerator-freezers, fitted Refrigerators, household type:</td>
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</tr>
<tr>
<td></td>
<td>841821</td>
<td>Compression-type</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841822</td>
<td>Absorption-type, electrical</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841829</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841830</td>
<td>Freezers of the chest type, not exceeding 800 l capacity</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td></td>
<td>841840</td>
<td>Freezers of the upright type, not exceeding 900 L capacity:</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td></td>
<td>841850</td>
<td>Other refrigerating or freezing chests, cabinets, display counters, showcases and similar refrigerating or freezing furniture</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841861</td>
<td>Compression type units whose condensers are heat exchangers</td>
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</tr>
<tr>
<td></td>
<td>841869</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841911</td>
<td>Instantaneous gas water heaters:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>841919</td>
<td>Other:</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td></td>
<td>841931</td>
<td>For agricultural products</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>No.</td>
<td>HS Code</td>
<td>Description</td>
<td>CTSH &amp; DVA</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>68.</td>
<td>841932</td>
<td>For wood, paper pulp, paper or paperboard</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>69.</td>
<td>841939</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>70.</td>
<td>841940</td>
<td>Distilling or rectifying plant:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>71.</td>
<td>841950</td>
<td>Heat exchange units</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>72.</td>
<td>841960</td>
<td>Machinery for liquefying air or other gases, Other machinery, plant and equipment:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>73.</td>
<td>841981</td>
<td>For making hot drinks or for cooking or heating food:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>74.</td>
<td>841989</td>
<td>Other:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>75.</td>
<td>842010</td>
<td>Calendering or other rolling machines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>76.</td>
<td>842111</td>
<td>Cream separators</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>77.</td>
<td>842121</td>
<td>For filtering or purifying water</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>78.</td>
<td>842122</td>
<td>For filtering or purifying beverages other than water</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>79.</td>
<td>842129</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>80.</td>
<td>842211</td>
<td>Of the household type</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>81.</td>
<td>842219</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>82.</td>
<td>842220</td>
<td>Machinery for cleaning or drying bottles or other containers</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>83.</td>
<td>842230</td>
<td>Machinery for filling, closing, sealing, or labelling bottles, cans, boxes, bags or other containers; machinery for capsuling bottles, jars, tubes and similar containers; machinery for aerating beverages</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>84.</td>
<td>842240</td>
<td>Other packing or wrapping machinery (including heat-shrink wrapping machinery)</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>85.</td>
<td>842310</td>
<td>Personal weighing machines, including baby scales; Household scales</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>86.</td>
<td>842320</td>
<td>Scales for continuous weighing of goods on conveyors</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>87.</td>
<td>842330</td>
<td>Constant weight scales and scales for discharging a predetermined weight of material into a bag or container, including hopper scales Other weighing machinery:</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>88.</td>
<td>842381</td>
<td>Having a maximum weighing capacity not exceeding 30 kg</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>89.</td>
<td>842382</td>
<td>Having maximum weighing capacity exceeding 30 kg but not exceeding 5,000 kg.</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>90.</td>
<td>842389</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>91.</td>
<td>842390</td>
<td>Weighing machine weights of all kinds; parts of weighing machinery</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>92.</td>
<td>842410</td>
<td>Fire extinguishers, whether or not charged</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>93.</td>
<td>842420</td>
<td>Spray guns and similar appliances</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>94.</td>
<td>842430</td>
<td>Steam or sand blasting machines and similar jet projecting machines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>95.</td>
<td>842481</td>
<td>Agricultural or horticultural</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>96.</td>
<td>842489</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>97.</td>
<td>843229</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>98.</td>
<td>843311</td>
<td>--Powered, with the cutting device rotating in a horizontal plane</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>99.</td>
<td>843319</td>
<td>--Other</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>100.</td>
<td>843780</td>
<td>-Other machinery</td>
<td>CTSH &amp; 30% DVA</td>
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<td>101.</td>
<td>843880</td>
<td>Other machinery:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>102.</td>
<td>844010</td>
<td>Machinery</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>103.</td>
<td>844110</td>
<td>Cutting machines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>104.</td>
<td>844180</td>
<td>Other machinery</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>105.</td>
<td>844329</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>106.</td>
<td>844340</td>
<td>Gravure printing machinery</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>107.</td>
<td>845210</td>
<td>Sewing machines of the household type:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>108.</td>
<td>845221</td>
<td>Automatic units:</td>
<td>CTSH &amp; 30% DVA</td>
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<tr>
<td>109.</td>
<td>845229</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>110.</td>
<td>847110</td>
<td>Analogue or hybrid automatic data processing machines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>111.</td>
<td>847130</td>
<td>Portable digital automatic data processing machines, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard and a display</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>112.</td>
<td>8471410</td>
<td>Micro computer</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>113.</td>
<td>847149</td>
<td>Other, presented in the form Of systems</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td></td>
<td>Code</td>
<td>Description</td>
<td>CTSH &amp; DVA</td>
</tr>
<tr>
<td>---</td>
<td>--------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>114</td>
<td>847150</td>
<td>Digital processing units other than those Of sub-headings 8471 41 or 8471 49, whether or not containing in the same housing one or two Of the following types Of unit: storage units, input units, output units</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>115</td>
<td>847780</td>
<td>Other machinery</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>116</td>
<td>848180</td>
<td>Other appliances: Taps and Cocks of Tariff heading 8481.80</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>117</td>
<td>850410</td>
<td>-Ballasts for discharge lamps or tubes</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>118</td>
<td>850421</td>
<td>Having a power handling capacity not exceeding 650 kVA</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>119</td>
<td>850422</td>
<td>--Having a power handling capacity exceeding 650 kVA but not exceeding 10,000 kVA</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>120</td>
<td>850423</td>
<td>--Having a power handling capacity exceeding 10,000 kVA</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>121</td>
<td>850431</td>
<td>Having a power handling capacity not exceeding 1 kVA</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>122</td>
<td>850432</td>
<td>--Having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>123</td>
<td>850433</td>
<td>Having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>124</td>
<td>850434</td>
<td>--Having a power handling capacity exceeding 500 kVA</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>125</td>
<td>850440</td>
<td>Static converters</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>126</td>
<td>850450</td>
<td>-Other inductors</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>127</td>
<td>850610</td>
<td>Manganese dioxide</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>128</td>
<td>850630</td>
<td>Mercuric oxide</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>129</td>
<td>850640</td>
<td>Silver oxide</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>130</td>
<td>850650</td>
<td>Lithium</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>131</td>
<td>850660</td>
<td>Air-zinc</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>132</td>
<td>850680</td>
<td>Other primary cells and primary batteries</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>133</td>
<td>850710</td>
<td>Lead-acid, of a kind used for starting piston engines</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>134</td>
<td>850720</td>
<td>Other lead-acid accumulators</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>135</td>
<td>850730</td>
<td>Nickel-cadmium</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>136</td>
<td>850740</td>
<td>Nickel-iron</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>137.</td>
<td>850780</td>
<td>Other accumulators</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
<td>-------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>138.</td>
<td>851010</td>
<td>Shavers</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>139.</td>
<td>851020</td>
<td>hair clippers</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>140.</td>
<td>851030</td>
<td>hair removing appliances</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>141.</td>
<td>851310</td>
<td>Lamps</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>142.</td>
<td>851640</td>
<td>Electric smoothing irons</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>143.</td>
<td>851650</td>
<td>Microwave oven</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>144.</td>
<td>851711</td>
<td>-- Line telephone sets with cordless handsets</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>145.</td>
<td>851721</td>
<td>Facsimile machines</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>146.</td>
<td>851730</td>
<td>telephonic apparatus</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>147.</td>
<td>851750</td>
<td>Other apparatus, for carrier current line systems or for digital line systems</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>148.</td>
<td>851780</td>
<td>other apparatus</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>149.</td>
<td>853921</td>
<td>Tungsten halogen</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>150.</td>
<td>853922</td>
<td>Other, of a power not exceeding 200 W and for a voltage exceeding 100 V</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>151.</td>
<td>853929</td>
<td>Other</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>152.</td>
<td>853931</td>
<td>Fluorescent, hot cathode</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>153.</td>
<td>853932</td>
<td>Mercury or sodium vapour lamps; metal halide lamps</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>154.</td>
<td>853939</td>
<td>Other of discharged lamps, other than ultra-violet lamps</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>155.</td>
<td>854011</td>
<td>-- Cathode-day television picture tubes, including video monitor cathode-ray tubes; colour</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>156.</td>
<td>854210</td>
<td>Cards incorporating an electronic integrated circuits (&quot;smart&quot; cards)</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>157.</td>
<td>854221</td>
<td>Monolithic digital integrated circuits obtained by bipolar technology</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>158.</td>
<td>854229</td>
<td>Other</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>159.</td>
<td>854260</td>
<td>Hybrid integrated circuits</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>160.</td>
<td>854270</td>
<td>Electronic microassemblies</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>161.</td>
<td>8903</td>
<td>Yachts and other vessels for pleasure</td>
<td>CTSH &amp; 25% DVA</td>
</tr>
<tr>
<td>162.</td>
<td>900311</td>
<td>Of plastics</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>163.</td>
<td>900319</td>
<td>Of other materials</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>164.</td>
<td>900911</td>
<td>Operating by reproducing the original image directly on to copy (direct process)</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>165.</td>
<td>900921</td>
<td>Other photocopying apparatus</td>
<td>CTSH &amp; 40% DVA</td>
</tr>
<tr>
<td>166.</td>
<td>901720</td>
<td>Other drawing, markingout or mathematical calculating instruments</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>167.</td>
<td>901780</td>
<td>Other instruments</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>168.</td>
<td>901831</td>
<td>Syringes, with or without needles</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>169.</td>
<td>901890</td>
<td>Other instruments and appliances</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>170.</td>
<td>902830</td>
<td>Electricity meters:</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>171.</td>
<td>903210</td>
<td>Thermostats</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>172.</td>
<td>911110</td>
<td>Cases of precious metal or of metal clad with precious metal</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>173.</td>
<td>911120</td>
<td>Cases of base metal, whether or not gold or silver-plated</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>174.</td>
<td>940330</td>
<td>Wooden furniture of a kind used in offices</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>175.</td>
<td>940340</td>
<td>Wooden furniture of a kind used in the kitchen</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>176.</td>
<td>940350</td>
<td>Wooden furniture of a kind used in the bedroom</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>177.</td>
<td>940360</td>
<td>Other Wooden furniture</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>178.</td>
<td>940540</td>
<td>Other electric lamps and lighting fittings</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>179.</td>
<td>950210</td>
<td>-Dolls, whether or not dressed</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
<tr>
<td>180.</td>
<td>960810</td>
<td>-Ball point pens</td>
<td>CTSH &amp; 30% DVA</td>
</tr>
</tbody>
</table>

Annex-B

OPERATIONAL CERTIFICATION PROCEDURES FOR SOUTH ASIAN FREE TRADE AREA (SAFTA) RULES OF ORIGIN

For the purposes of implementing the Rules of Origin as provided for in Rule 14 of SAFTA Rules of Origin, the
following operational certification procedures shall be followed:

AUTHORITY

ARTICLE 1

The Certificate of Origin shall be issued by authority designated by the Government of the exporting Contracting State (hereinafter referred to as Issuing Authority) and notified to the other Contracting States.

ARTICLE 2

(a) Each Contracting State shall inform the other Contracting States of the names and addresses of the officials authorized to issue the Certificate of Origin and shall provide their specimen signatures and official seals.

(b) Any change in their names, addresses, or official seals shall be promptly notified to the other Contracting States.

ARTICLE 3

For the purpose of verifying the conditions for preferential treatment, the Issuing Authority shall have right to call for any supporting documentary evidence or to carry out any check considered appropriate.

PRE-EXPORTATION VERIFICATION

ARTICLE 4

The Issuing Authority, upon a written request by the manufacturer and/or exporter of the products desirous for availing preferential treatment, shall conduct pre-exportation verification of the manufacturing premise(s). The result of the verification, subject to review periodically or whenever appropriate, shall be accepted as the supporting evidence in verifying the origin of the said products to be exported thereafter. Pre-exportation verification may not apply to the products, origin of which, by their nature, can be easily verified.

REQUEST FOR ISSUANCE OF CERTIFICATE OF ORIGIN

ARTICLE 5

At the time of carrying out the formalities for exporting the products under preferential treatment, the exporter or his authorized representative shall submit the Certificate of Origin duly filled together with appropriate documents supporting that the products to be exported qualify for the issuance of a Certificate of Origin.

PRE-EXPORTATION EXAMINATION

ARTICLE 6

The Issuing Authority shall, to the best of their competence and ability, carry out proper examination upon each application for the Certificate of Origin to ensure that:

(a) The Certificate of Origin is duly completed and signed by the authorized signatory;

(b) The origin of the product is in conformity with the Rules of Origin of this Agreement;

(c) The other statements/entries of the Certificate of Origin correspond to supporting documentary evidence submitted;

(d) HS Code, f.o.b. value, description, quantity and weight of goods, marks, number and kinds of packages, as specified, conform to the consignment to be exported.

ISSUANCE OF CERTIFICATE OF ORIGIN

ARTICLE 7

(a) The validity of the Certificate of Origin shall be 12 months from the date of its issuance.
(b) The Certificate of Origin must be on ISO A4 size paper in conformity to the specimen shown in Appendix-1. It shall be in English.

(c) The Certificate of Origin shall comprise one original and one duplicate in the following colours:

Original - light orange
Duplicate - white

(d) Each Certificate of Origin shall bear a reference number given separately by each office of issuance at different places.

(e) The original shall be forwarded by the exporter to the importer for submission to the Customs Authority at the port or place of importation. The duplicate shall be retained by the Issuing Authority of the exporting Contracting State.

(f) After issuance of the Certificate of Origin, the Issuing Authority of the exporting Contracting State shall electronically send the information on issuance of certificate of origin on a weekly basis as per format provided in Appendix -2 to the Issuing Authority of respective importing Contracting State.

ARTICLE 8

The Certificate of Origin issued by the Issuing Authority shall indicate the applicable Rules of Origin and the value of non-originating material expressed as a percentage of the f.o.b. value of the products, or the sum of the aggregate content originating in the territory of the exporting Contracting State expressed as a percentage of the f.o.b. value of the exported product; where applicable, in Box 8.

ARTICLE 9

Neither erasures nor superimpositions shall be allowed on the Certificate of Origin. Any alteration shall be made by striking out the erroneous entries and making any addition required. Such alterations shall be approved by an authorized signatory of the applicant and certified by the Issuing Authority. Unused spaces shall be crossed out to prevent any subsequent addition.

ARTICLE 10

(a) The Certificate of Origin shall be issued by the relevant Issuing Authority of the exporting Contracting State at the time of exportation, or within 3 working days from the date of shipment whenever the products to be exported can be considered originating in that Contracting State within the meaning of the Rules of Origin of this Agreement.

(b) In exceptional cases where a Certificate of Origin has not been issued at the time of exportation or within 3 working days from the date of shipment due to involuntary errors or omissions or other valid causes, the Certificate of Origin may be issued retrospectively but no longer than 45 days from the date of shipment, bearing the word “ISSUED RETROSPECTIVELY” in Box 4.

ARTICLE 11

In the event of theft, loss, damage or destruction of a Certificate of Origin, the exporter may apply in writing to the Issuing Authority, which issued it, for the certified true copy of the original to be made on the basis of the export documents in their possession bearing the endorsement “CERTIFIED TRUE COPY” (in lieu of the Original Certificate) in Box 13. This copy shall bear the date of the original Certificate of Origin. The certified true copy of a Certificate of Origin shall be issued within the validity period of the original Certificate of Origin.

PRESENTATION

ARTICLE 12

The Original Certificate of Origin shall be submitted to the Customs Authority at the time of lodging the import entry for the products concerned.

ARTICLE 13
The following time limit for the presentation of the Certificate of Origin shall be observed:

(a) Certificate of Origin shall be submitted to the Customs Authority of the importing Contracting State within its validity period;

(b) Where the Certificate of Origin is submitted to the Customs Authority of the importing Contracting State after the expiration of the validity of the Certificate of Origin, such Certificate is still to be accepted when failure to observe the time-limit results from force majeure or other valid causes beyond the control of the exporter; and

(c) In all cases, the relevant Government authority in the importing Contracting State may accept such Certificate of Origin provided that the products have been imported before the expiration of the validity of the Certificate of Origin.

ARTICLE 14

The discovery of minor discrepancies between the statements made in the Certificate of Origin and those made in the documents submitted to the Customs Authority of the importing Contracting State for the purpose of carrying out the formalities for importing the products shall not ipso-facto invalidate the Certificate of Origin, if it does, in fact, correspond to the said products.

ARTICLE 15

(a) The importing Contracting State may request to the Issuing Authority of the exporting Contracting State for a retrospective check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the products in question or of certain parts thereof.

(b) The request shall be accompanied with the Certificate of Origin concerned and shall specify the reasons and any additional information suggesting that the particulars given on the said Certificate of Origin may be inaccurate, unless the retroactive check is requested on a random basis.

(c) The Customs Authority of the importing Contracting State may suspend the provisions on preferential treatment while awaiting the result of verification. However, without prejudice to the national legislations the competent authority of the importing Contracting State shall not suspend the customs clearance of the consignment subject to a guarantee in any of its modalities in order to preserve fiscal interests, as a pre-condition for completion of customs clearance.

(d) The Issuing Authority receiving a request for retrospective check shall respond within three (3) months after the receipt of the request.

ARTICLE 16

(a) The application for Certificates of Origin and all documents related to such application shall be retained by the Issuing Authority for not less than two (2) years from the date of issuance.

(b) Information relating to the validity of the Certificate of Origin shall be furnished upon request of the importing Contracting State.

(c) Any information communicated among the government authorities shall be treated as confidential and shall be used only for the validation purposes of Certificates of Origin.

SPECIAL CASES

ARTICLE 17

When destination of all or parts of the products exported to specified port is changed, before or after their arrival in the importing Contracting State, the following procedures shall be observed:

(a) If the products have already been submitted to the Customs Authority in the specified importing port, the Certificate of Origin shall, by a written application of the importer, be endorsed to this effect for all or parts of products by the said authority and the original returned to the importer.
(b) If the changing of destination occurs during transportation to the importing Contracting State as specified in the Certificate of Origin, the exporter shall apply in writing, accompanied with the issued Certificate of Origin, for the issuance of new Certificate/s of Origin for all or parts of products.

ARTICLE 18

For the purpose of implementing Rule 12 of SAFTA Rules of Origin where transportation is effected through the territory of one or more non-Contracting States, the following shall be produced to the Government authorities of the importing Contracting State:

(a) A through Bill of Lading/ Airway bill or corresponding transport document issued in the exporting Contracting State;

(b) A Certificate of Origin issued by the Issuing Authority of the exporting Contracting State;

(c) A copy of the original commercial invoice in respect of the product; and

(d) Supporting documents in evidence that the requirements of Rule 12 of SAFTA Rules of Origin are being complied with.

ARTICLE 19

(a) Products sent from one Contracting State for exhibition in another Contracting State and sold during or after the exhibition shall benefit from the preferential tariff treatment provided in this Agreement, on the condition that the products meet the requirements of Rule 4 of the SAFTA Rules of Origin and provided it is shown to the satisfaction of the relevant Government authorities of the importing Contracting State that:

(i) An exporter has dispatched those products from the territory of the exporting Contracting State to the importing Contracting State where the exhibition is held and has exhibited them there,

(ii) The exporter has sold the goods or transferred them to a consignee in the importing Contracting State; and

(iii) The products have been sold during the exhibition or immediately hereafter to the importing Contracting State in the state in which they were sent for the exhibition.

(b) For the purpose of implementing the above provisions, the Certificate of Origin must be produced to the relevant Government authorities of the importing Contracting State.

(c) Paragraph (a) shall apply to exhibitions, fairs or similar shows or displays where the products remain under Customs control during these events.

ACTION AGAINST FRAUDULENT ACTS

ARTICLE 20

(a) When it is suspected that fraudulent acts in connection with the Certificate of Origin have been committed, the Issuing Authorities concerned shall cooperate in the action to be taken in the territory of each Contracting State against the persons involved.

(b) Each Contracting State shall be responsible for providing legal sanctions for fraudulent acts related to the Certificate of Origin.

ARTICLE 21

In the case of a dispute concerning origin determination, classification of products or other matters, the Government authorities concerned in the importing and exporting Contracting States shall consult each other with a view to resolving the dispute.

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APPENDIX-I

CERTIFICATE OF ORIGIN (SOUTH ASIAN FREE TRADE AREA)
1. Goods consigned from (exporter's business name, address, country)  
Reference No. SOUTH ASIAN FREE TRADE AREA (SAFTA) (combined declaration and certificate) Issued in ...............(country) see notes overleaf

2. Goods consigned to (Consignee's name, address, country)

3. Means of Transport and route (as far as known)

4. For Official use

5. HS Code
6. Marks and numbers of packages
7. Number and kind of packages: description of goods
8. Origin criterion (see notes overleaf)
9. Gross weight of other quantity
10. Number and date of invoices
11. f.o.b. value in US $

12. Declaration by the exporter:
The undersigned hereby declares that the above details and statements are correct: that all the goods were produced in .........................
(country) and that they comply with the origin requirements specified for those goods in SAFTA for goods exported to .........................
(importing country)  
Place and date, signature of authorized signatory

13. Certificate It is hereby certified on the basis of control carried out, that the declaration by the exporter is correct  
.................................
Place and date, signature and Stamp of Certifying authority

I General Conditions
To qualify for preference, products must:

a) fall within a description of products eligible for preference in the schedule of concessions of SAFTA country of destination;

b) comply with SAFTA Rules of Origin. Each article in a consignment must qualify separately in its own right; and

c) comply with the consignment conditions specified by the SAFTA Rules of Origin. In general, products must be consigned directly within the meaning of Rule 12 hereof from the country of exportation to the country of destination.

II. Entries to be made in Box 8

Preference products must be wholly produced or obtained in the exporting Contracting State in accordance with Rule 5 of the SAFTA Rules of Origin, or where not wholly produced or obtained in the exporting Contracting States must be eligible under Rule 6.

a) Products wholly produced or obtained; enter the letter "A" in Box 8.

b) Products not wholly produced or obtained: the entry in Box 8 should be as follows:

1. Enter letter "B" in Box 8, for products which meet the origin criteria according to Rule 8. Entry of letter would be followed by the value of non-originating material expressed as a percentage of the f.o.b. value of the products; (example "B" 50 per cent);
2. Enter letter "C" in Box 8 for products which meet the origin criteria according to Rule 9. Entry of letter "C" would be followed by the sum of the aggregate content originating in the territory of the exporting Contracting State expressed as a percentage of the f.o.b. value of the exported product; (example "C" 60 per cent);

3. Enter letter "D" in Box 8 for products which meet the special origin criteria according to Rule 10. Entry of letter would be followed by the value of non-originating material expressed as a percentage of the f.o.b. value of the products; (example "D" 40 per cent);

III. Entries to be made in Box 4

In case of issuance of certificates retrospectively Box 4 should bear the words "ISSUED RETROSPECTIVELY".

IV. Entries to be made in Box 13

In case of issuance of certified true copies Box 13 should bear the words "CERTIFIED TRUE COPY".

---

Appendix-II

Format for Exchange of Information on Issuance of SAFTA Certificate of Origin

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Ref No.of CO</th>
<th>Date of Issue</th>
<th>HS Code</th>
<th>Description</th>
<th>f.o.b. value in US $</th>
<th>Remarks, if any</th>
</tr>
</thead>
</table>
CUSTOMS AND CENTRAL EXCISE SETTLEMENT COMMISSION (RECRUITMENT AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMEN AND MEMBERS) RULES, 2000

SETTLEMENT COMMISSION (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 2000

[Source : Authority Notification No. CSR No. 469(E), dated 22-5-2000]

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the recruitment and conditions of service of persons appointed as Chairman, Vice-Chairmen and Members of the Customs and Central Excise Settlement Commission, namely :-

RULE 1. Short title and Commencement. - (1) These rules may be called the Customs and Central Excise Settlement Commission (Recruitment and Conditions of Service of Chairman, Vice-Chairmen and Members) Rules, 2000.

(2) They shall come into force on the date of their publication in the official Gazette.

RULE 2. Definitions. - In these rules, unless the context otherwise requires -

(a) "Chairman" means the Chairman of the Commission;

(b) "Vice-Chairman" means a Vice-Chairman of the Commission;

(c) "Member" means a Member of the Commission;

(d) "Commission" means the Customs and Central Excise Settlement Commission constituted under Chapter V of the Central Excise Act, 1944 (1 of 1944) and Chapter XIV(A) of the Customs Act, 1962 (52 of 1962)

RULE 3. Qualifications for recruitment and method of recruitment. - (1) The appointment to the posts of Chairman, Vice-Chairmen and Members specified in column (2) of the Table below shall be made from amongst the officers specified in the corresponding entry in column (3) of the said Table.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the post</th>
<th>Field of selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chairman</td>
<td>From amongst the serving Members of the Commission, having minimum remaining service of six months on the date of occurrence of the vacancy for the post of the Chairman.</td>
</tr>
<tr>
<td>2.</td>
<td>Vice-Chairman</td>
<td>Senior most Member of every Bench, other than the Principal Bench, shall be deemed to be the Vice-Chairman of the respective Bench at any point of time.</td>
</tr>
<tr>
<td>3.</td>
<td>Member</td>
<td>Serving Chief Commissioners of Customs or Central Excise or of equivalent rank;</td>
</tr>
</tbody>
</table>

(2) Appointment of the Chairman, Vice-Chairmen and Members shall be made by the Central Government on the recommendation of a Selection Committee comprising of the Cabinet Secretary, Secretary in charge of the Revenue Department and Secretary (Personnel) of that Government.

RULE 4. Retirement from parent service on appointment as Chairman or Vice-Chairman or Member. -

(1) Where, a Member, on the date of his appointment to the Commission, was in service under the Central Government, he shall seek retirement from such service before joining the Commission, and shall be deemed to have so retired on the date of his joining the Commission.

(2) On retirement as specified under sub-rule (1), the Member -

(i) shall be entitled to receive pension, gratuity and commutation of pension in accordance with the retirement rules applicable to him;

(ii) shall not be allowed to carry forward his earned leave but shall be entitled to receive cash equivalent of leave salary, if any, in accordance with the rules applicable to him prior to his retirement;

(iii) shall, on the expiry of the term of his office in the Commission, whether as Member or in continuation as Vice-Chairman or Chairman, as the case may be, be entitled to receive cash equivalent to leave salary in respect of the earned leave standing to his credit
subject to the condition that the maximum of leave encashed under this sub-rule and at the time of retirement from previous service, taking together, shall not in any case exceed three hundred days.

RULE 5. Remuneration, allowances, etc. of the Chairman, Vice-Chairmen and Members of the Commission.

(1) the pay scales of the Chairman, Vice-Chairmen and Members shall be as specified below

<table>
<thead>
<tr>
<th>Position</th>
<th>Pay Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman</td>
<td>Rs. 26,000/- (fixed) per mensem</td>
</tr>
<tr>
<td>Vice-Chairman</td>
<td>Rs. 22,400-525-24,500/- per mensem</td>
</tr>
<tr>
<td>Member</td>
<td>Rs. 22,400-525-24,500/- per mensem</td>
</tr>
</tbody>
</table>

(2) In addition to the salary as specified under sub-rule (1), the Chairman, a Vice-Chairman or a Member shall be entitled to draw such allowances as are admissible to a Group 'A' Central Government Officer of equivalent grade:

Provided that if the Chairman, a Vice-Chairman or a Member is in receipt of pension in respect of any previous service under the Government, such salary shall be reduced by the amount of pension and pension equivalent of gratuity or any other form of retirement benefits.


- The Chairman, Vice-Chairmen and Members shall be entitled to make contributions under the Contributory Provident Fund Rules, (India) 1962, subject to such conditions as are applicable to non-pensionable servant of the Central Government.

RULE 7. Tenure.

- A person appointed as the Chairman or a Vice-Chairman or a Member shall hold office for a period of five years or till he attains the age of sixty-two years, whichever is earlier, and shall not be entitled for reappointment:

Provided that a serving Vice-Chairman or a Member shall be eligible for appointment as Chairman or Vice-Chairman in the Commission, subject to the condition that his total service in the Commission shall not exceed five years or his age shall not exceed sixty-two years, whichever is earlier.

Provided further that the Chairman, Vice-Chairmen or Members of the Commission shall serve the Commission for at least two years before they may apply for or be appointed to any other post.

RULE 8. Other conditions of service.

- The conditions of service of the Chairman, Vice-Chairman and Members in respect of leave, travelling allowance, leave travel concession, accommodation, conveyance, medical facilities and matters for which no provision is made in these rules, shall be the same as may be applicable to other group 'A' officers of the Government of India of equivalent group.

RULE 9. Interpretation.

- If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.

RULE 10. Power to relax.

- Where the Central Government is of opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

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1. Substituted by Notification No.G.S.R.340(E), dated 11.05.2007
4. Substituted (w.e.f. 22.05.2000) by Notification No.G.S.R.604(E), dated 27.08.2002
5. Substituted by Notification No.G.S.R.340(E), dated 11.05.2007
Refund of Anti-Dumping Duty (Paid in Excess of Actual Margin of Dumping) Rules, 2012

Notification No. 05 /2012- Customs (N.T.) 19th January, 2012

G.S.R. (E). - In exercise of the powers conferred by sub-section (2) of section 9 AA of the Custom Tariff Act 1975 (51 of 1975), the Central Government hereby makes the following rules, namely:-

1. Short title, extent and commencement.- (1) These rules may be called the Refund of Anti-Dumping Duty (Paid in Excess of Actual Margin of Dumping) Rules, 2012.

(2) They extend to the whole of India.

(3) 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,-

(a) "Act" means the Customs Tariff Act, 1975 (51 of 1975);

(b) "designated authority", in relation to these rules, means any person who is appointed as the designated authority by the Central Government by notification in the Official Gazette in accordance with rule 3 of the Customs Tariff (Identification, Assessment and Collection of Anti dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995;

(c) "duty" means the anti-dumping duty imposed under sub-section (1) or sub-section (1A) of section 9A of the Act;

(d) "Fund" means the Consumer Welfare Fund established under section 12C of the Central Excise Act, 1944 (1 of 1944);

(e) "importer" means any person who has filed bill of entry for clearance of goods and while discharging duty liability on such goods has paid anti dumping duty in excess of the actual margin of dumping.

(f) Words and expressions used and not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Procedure for claiming refund of excess payment of Anti-dumping duty.- (1) Where an importer has paid any anti-dumping duty in excess of the actual margin of dumping in relation to any imported goods, he may submit an application as per format specified for refund of such excess duty to the Assistant Commissioner of Customs or the Deputy Commissioner of Customs, as the case may be, at the port of importation.

(2) The application referred to in sub-rule (1) shall be accompanied by documents evidencing payment of anti dumping duty in respect of which refund has been claimed.
4. **Time limit for filing refund.**— (1) Every application under these rules shall be filed within three months from the date of publication of notification, issued by the Central Government under sub-section (1) of section 9AA of the Act, in the Official Gazette.

(2) Where such duty becomes refundable as a consequence of judgment, decree, order or direction of the Court, Appellate Tribunal or Authority, the limitation of three months shall be computed from the date of such judgment, decree, order or direction.

5. **Deficiency in application for refund.**— (1) On receipt of the application, it shall be scrutinized for its completeness by the Assistant Commissioner of Customs or Deputy Commissioner of Customs and where the application is found to be deficient in any material particulars, it shall be returned to the importer within one month pointing out the deficiencies.

(2) The importer may re-submit the application after making good the deficiencies to the Assistant Commissioner of Customs or Deputy Commissioner of Customs within one month of receipt thereof.

6. **Disposal of refund claim.**— If, on receipt of any such refund application, the Assistant Commissioner of Customs or the Deputy Commissioner of Customs, is satisfied that the whole or part of the anti dumping duty, as notified by the Central Government, is refundable, he may make an order accordingly and the amount so determined shall be refunded to the importer within 90 days of the receipt of the application or application resubmitted after rectification of deficiency, as the case may be, under rule 5:

Provided that the amount of duty refundable under this rule shall, instead of being refunded to the importer be credited to the fund, if he had passed on the incidence of such duty to any other person.
1. Short title and commencement.-
   (1) These rules may be called the Indirect Tax Dispute Resolution Scheme Rules, 2016.
   (2) They shall come into force on the 1st day of June, 2016.

2. Definitions.- In these rules, unless the context otherwise requires, -
   (a) "Form" means the Form annexed to these rules;
   (b) "Scheme" means the Indirect Tax Dispute Resolution Scheme, 2016, specified under Chapter XI of the Finance Act, 2016 (28 of 2016);
   (c) "section" means section of the Finance Act, 2016 (28 of 2016);
   (d) words and expressions used in these rules and not defined in these rules but defined in the Scheme under Chapter XI of the Finance Act, 2016 (28 of 2016), shall have the meanings respectively assigned to them in that Scheme.

3. Form of declaration under sub section (1) of section 214 and manner of verification of such declaration in respect the amount payable.-
   (1) The declaration under sub section (1) of section 214 of the Scheme shall be made in Form 1 in respect of the amount payable under the Scheme.
   (2) The declaration under sub section (1) of section 214 shall be verified in the manner indicated therein and shall be signed by the person making such declaration or by any person competent to act on his behalf.
   (3) The declaration under sub-rule (1) shall be furnished in duplicate to the designated authority.
   (4) The designated authority, on receipt of declaration, shall issue a dated acknowledgement thereof in Form 2 as per sub section (1) of section 214 within seven days of the receipt of declaration.
   (5) Copy of the declaration made under sub-rule (1) and the acknowledgement issued by the designated authority under sub-rule (4) shall be furnished within fifteen days of the receipt of acknowledgement by the declarant to the concerned Commissioner (Appeals) before whom the appeal in respect of which the declaration has been made is pending.
   (6) On the receipt of the declaration and acknowledgement, Commissioner (Appeals) shall not proceed with the appeal in respect of which the declaration has been made for a period of sixty days from the date of receipt of information under sub-rule (5).
4. Form of reporting deposits made by declarant under sub-section (3) of section 214.-
   (1) Declarant shall, within fifteen days of the receipt of acknowledgement under sub-rule (4) of rule 3, deposit the amounts.
   (2) Declarant shall, within seven days of making the deposit, intimate the designated authority about the deposit made under subsection (3) of section 214 in Form 3.

5. Form of order under sub-section (4) of section 214.
   (1) The designated authority shall, within fifteen days of receipt of the information about the deposit made under sub-section (3) of section 214, in Form 3, issue the order of discharge of dues in respect of the declaration made under sub-section (1) of section 214 in Form 4.
   (2) The declarant shall intimate the concerned Commissioner (Appeals) along with the copy of the order of discharge of dues issued by the designated authority under sub-rule (1) before the expiry of the period of sixty days specified in sub-rule (6) to rule 3.
   (3) On the receipt of the information along with the copy of the order of discharge of dues issued by the designated authority, Commissioner (Appeals) shall remove the appeal from the list of pending appeals with him and intimate the declarant within seven days of the receipt of information under sub-rule (2).

Form 1
[See rule 3(1)]

FORM OF DECLARATION UNDER SUB SECTION (1) OF SECTION 214 OF THE
FINANCE ACT, 2016 (28 OF 2016), IN RESPECT OF INDIRECT TAX DISPUTE
RESOLUTION SCHEME, 2016

IN
DUPLICATE

To,

The Designated Authority

Sir/Madam,

I hereby make a declaration under sub section (1) of section 214 of the Finance Act, 2016 (28 of 2016).

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of the declarant (in block letters)</td>
</tr>
<tr>
<td>2</td>
<td>Registration Number</td>
</tr>
<tr>
<td>3</td>
<td>Address (as mentioned in order in original against which appeal has been filed before)</td>
</tr>
<tr>
<td></td>
<td>Commissioner (Appeals)</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------</td>
</tr>
<tr>
<td>4</td>
<td>Telephone number</td>
</tr>
<tr>
<td>5</td>
<td>Order in original number</td>
</tr>
<tr>
<td>6</td>
<td>Date of order in original</td>
</tr>
<tr>
<td>7</td>
<td>Amounts demanded Duty/ Tax</td>
</tr>
<tr>
<td></td>
<td>Interest</td>
</tr>
<tr>
<td></td>
<td>Penalty</td>
</tr>
<tr>
<td>8</td>
<td>Commissioner (Appeals) before whom appeal is pending</td>
</tr>
<tr>
<td>9</td>
<td>Appeal No.</td>
</tr>
<tr>
<td>10</td>
<td>Amounts deposited Duty/ Tax</td>
</tr>
<tr>
<td></td>
<td>Interest</td>
</tr>
<tr>
<td></td>
<td>Penalty</td>
</tr>
<tr>
<td>11</td>
<td>Any other information</td>
</tr>
</tbody>
</table>

**VERIFICATION**

I, .................................................................................. (name in block letters) son/daughter/of Shri ................................................. solemnly declare that to the best of my knowledge and belief, -

(a) the information given in this declaration is correct and complete and amount due and other particulars shown therein are truly stated ;

(b) I am not disqualified in any manner from making a declaration under the Scheme with reference to the provisions of section 215 of Finance Act, 2016.

(c) I further declare that I am making this declaration in my capacity as .................................................... [(designation) (please specify if you are making a declaration on behalf of declarant)] and that I am
competent to make this declaration and verify it.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Place</td>
<td>Signature of person making declaration</td>
</tr>
<tr>
<td>Date</td>
<td>Name of person making declaration</td>
</tr>
</tbody>
</table>

**Instructions for filling the Form**

1. This Form should be submitted to the Commissioner of Customs or the Commissioner of Central Excise notified as designated authority under section 87(b)(ii) of the Finance (No. 2) Act, 1998.
2. Use separate Form for each appeal in respect of which declaration is being made.
3. No column shall be left blank. Wherever the entry is not relevant the column shall be filled in as 'Not applicable'.
4. In Row 2, registration number is to be filed only in respect of registered Central Excise and Service Tax Assessee. In respect of all others the row should be shown as "Not applicable".
5. In case of any deposits made in the matter against the amounts demanded please indicate the same in row 10.
6. Any other information relevant to the case may be briefly indicated under row 11.

**Form 2 [See rule 2(4)]**

**FORM OF ACKNOWLEDGEMENT UNDER SUB SECTION (2) OF SECTION 214 OF THE FINANCE ACT, 2016 IN RESPECT OF INDIRECT TAX DISPUTE RESOLUTION SCHEME, 2016**

Reference No………………

To,
…………………...
…………………...
…………………...

Sir/Madam,

Whereas Mr./Mrs./M/s………………………………………………………………. (hereinafter referred to as the declarant) has filed a declaration under sub-section (1) of section 214 of the Finance Act, 2016 (28 of 2016);

and the said declaration has been received on in the office of the designated authority.

The designated authority hereby acknowledges the receipt of the declaration made and directs the declarant to pay the amounts due from him along with interest at the rate applicable and penalty equivalent to twenty-five percent of the penalty imposed on him by the order in original No within fifteen days of the receipt of this acknowledgement.

The declarant shall within seven days of making the payment furnish to the designated authority as undersigned the intimation of making the payment in Form 3 along with the proof payment.

Signature of the designated authority .................................................................

Place ............................................................ Name of the designated authority .................................................................
FORM OF REPORTING THE PAYMENT UNDER SUB SECTION (3) OF SECTION 214 OF THE FINANCE ACT, 2016 (28 OF 2016) IN RESPECT OF INDIRECT TAX DISPUTE RESOLUTION SCHEME, 2016  

[IN DUPLICATE]

To,
The Designated Authority  
Sir/Madam,

Please refer to the declaration made by me in Form 1 dated ...........................................................................................................

and the acknowledgement issued by you in Form 2, vide your Reference No dated ..........................................................................

As required I have deposited the amounts as follows on .............................................................................................................

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount as per order in original</th>
<th>Amount deposited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Copy of the Challan dated above are enclosed.

Place ....................... Signature of person making declaration .......................................................

Date ....................... Name of person making declaration ............................................................

Form 4 [See rule 5(1)]
FORM OF ORDER OF DISCHARGE OF DUES UNDER SUBSECTION (4) SECTION 214 OF THE FINANCE ACT, 2016 (28 of 2016).  

Reference No  
Mr/ Mrs/ M/s (Name and  
address of the declarant) (hereinafter referred to as declarant) had made a declaration under sub-section (1) of  
section 214 of the Finance Act, 2016 (28 of 2016) on ; and  

The designated authority by acknowledgement of even number in Form 2 dated acknowledged the said  
declaration;

The Declarant has intimated as required under sub-section (3) of Section 214, the details of amount deposited  
by him against the said order in original in Form 3 dated

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 214 read with section 216 of  
the Finance Act, 2016, the designated authority hereby issues order of discharge of due the said declarant -  

(a) certifying the receipt of payment from the declarant towards full and final settlement of the amounts  
due from the declarant in terms of order in original No dated...........;

(b) granting immunity, from all from all proceedings under the Act, in respect of the indirect tax dispute  
for which the declaration has been made under this Scheme.

Signature of the designated authority ..........................................................
Place ............................ Name of the designated authority for making the payment as ............................
Date ............................ Official Seal of the designated authority
Foreign Privileged Persons (Regulation of Customs Privileges) Rules, 1957


In exercise of the powers conferred by clause (c) of section 9 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Excise and Customs hereby makes the following rules for the purpose of laying down the procedure for the recovery of customs duty on goods imported free of such duty in the first instance and sold or otherwise disposed of later on in India by the officers referred to in Serial Nos. 1, 2, 3, 3A, 4, 4A, 5 and 6 in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 3-Customs, dated the 8th January, 1957.

1. Short title, commencement and application.-
(1) These rules may be called the Foreign Privileged Persons (Regulation of Customs Privileges) Rules, 1957.
(2) They shall come into force on the 8th January, 1957.
(3) They shall apply to the goods exempt from customs duty in accordance with the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 3-Customs, dated the 8th January, 1957.

2. Definitions.-
In these rules, unless the context otherwise requires,
(a) "goods" means all articles imported or purchased locally from bonded stocks free of duty in accordance with the notification referred to in sub-rule (3) of rule 1 and includes -
   (i) motor vehicles so imported or purchased; and
   (ii) all articles including motor vehicles purchased by any privileged persons from another privileged person, on which customs duty has not been paid;
(b) "privileged person" means a person entitled to import or purchase locally from bond goods free of duty for his personal use or for the use of any member of his family or for official use in his Mission, Consular Post or Office or in Deputy High Commission/Assistant High Commission;
(c) "Non-privileged person" means a person other than a privileged person.

3. Formalities to be observed at the time of clearance of the goods.-
(1) No goods shall be allowed to be cleared free of duty unless in addition to the formalities required to be observed ordinarily for clearing them, exemption from duty is claimed in writing at the time of the clearance of the goods through customs and such claim is accompanied by an exemption certificate in Triplicate in the Forms in Appendix IA, IB, IC,
ID, IIA, IIB, IIIA, IIIB, IIIC as the case may be. [See Form Numbers 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Part 5].

Such certificate shall be signed by - (2)

the Head of the Diplomatic Mission concerned or, in the case of a Diplomatic Mission having more than fifteen Diplomatic Officers, a Diplomatic Officer, duly authorised by the Head of the Mission for this purpose, if the goods are meant for official use in the Diplomatic Mission; or (a)

the Consular Officer or Deputy High Commissioner/Assistant High Commissioner or Trade Commissioner in-charge of the Consular Post or Deputy High Commission/Assistant High Commission or Trade Representation, or in the case of a Consular Post or Deputy High Commission/Assistant High Commission or Trade Representation having more than ten privileged persons a Consular Officer or a Diplomatic Officer or an Officer of the Deputy High Commission/Assistant High Commission or Trade Representation, authorised for this purpose by the Head of the Consular Post or Deputy High Commission/Assistant High Commission or Trade Representation, as the case may be, if the goods are meant for the official use in the Consular Post or Deputy High Commission/Assistant High Commission or Trade Representation; or (b)

the privileged person concerned if the goods are meant for his personal use or for the use of any member of his family: (c)

Provided that the certificate is countersigned by the Head of the Mission or the Consular Post or the Deputy High Commission/Assistant High Commission or Trade Representation, as the case may be, and if the privileged person is attached to a Diplomatic Mission or Consular Post or Deputy High Commission or Assistant High Commission or Trade Representation having more than ten privileged persons, by a Diplomatic Officer or Consular Officer or an officer of the Deputy High Commission/Assistant High Commission or of the Trade Representation, as the case may be, who is duly authorised.

(3) Two of the three copies of the exemption certificate referred to in sub-rule (1) shall be sent to the [Commissioner of Customs] of the port of importation of the goods and the other copy shall be sent to the Protocol Division, Ministry of External Affairs, Government of India.

(4) Where exemption from duty is claimed in respect of a motor vehicle, an exemption certificate in triplicate in the Form in Appendix IV-A, or Appendix IV-B (See Form No. 18 or 19 in Part 5), as the case may be, shall be given. The provisions of sub-rules (2) and (3) shall apply in relation to the signature, countersignature and transmission of copies of exemption certificates.

4. Permission for the sale or disposal of the goods.-

(1) No privileged person shall, without obtaining the prior concurrence of the Central Board of Excise and Customs, sell, or otherwise dispose of, to any privileged person or to any, non-privileged person, any goods in respect of which exemption from customs duty was given at the time of their importation or clearance from bond, within three years from the date on which they are imported.

(1A) Where the privileged person -

relinquishes his post, or (a)

is transferred out of India, (b)

within the period of three years referred to in sub-rule (1), he shall with the prior concurrence of the Central Board of Excise and Customs effects the sale, or the disposal otherwise, of
such goods before the expiry of three months from the date of the relinquishment of his office or, as the case may be, of his departure out of India or within such longer period as the Central Board of Excise and Customs may allow.

(1B) Nothing contained in sub-rule (1A) shall be deemed to affect the right of the privileged person to take away the goods with him on relinquishing his office or, as the case may be, on being transferred out of India.

(2) Every application for such concurrence shall be made by the privileged person in the Form in Appendix V (See Form No. 20 in Part 5) to the Central Board of Excise and Customs through the Protocol Division, Ministry of External Affairs, Government of India.

(3) A copy of the communication of the Central Board of Excise and Customs giving its concurrence to the sale or disposal of the goods shall be sent to the [Commissioner of Customs] nearest to the headquarters of the privileged person concerned in addition to each of the officers to whom copies of the exemption certificate, with undertaking if any, were sent under rule 3.

(4) Nothing in this rule shall apply to the sale or disposal otherwise of a motor vehicle in respect of which exemption from Customs duty was given at the time of its importation or clearance from Bond.

4A. Permission for the sale or disposal of motor vehicles.-

(1) No privileged person shall sell or otherwise dispose of any motor vehicle in respect of which exemption from customs duty was given at the time of its importation or clearance from bond except in accordance with sub-rule (2).

[(2) Any privileged person may -

(a) sell or otherwise dispose of any motor vehicle referred to in sub-rule (1) to another privileged person, with the permission of Central Board of Excise and Customs through the Ministry of External Affairs;

(b) re-export the motor vehicle, with the permission of the Ministry of External Affairs;

(c) sell or otherwise dispose of the motor vehicle to any non-privileged person, with the permission of Central Board of Excise and Customs through the Ministry of External Affairs, on payment of appropriate customs duty, on expiry of three years from the date on which such motor vehicle was imported:

Provided that a privileged person, on his transfer out of India, may sell or otherwise dispose of a motor vehicle, which was imported within one year of his posting in India, to a non-privileged person prior to expiry of above-said period of three years from the date on which such motor vehicle was imported;

(d) sell or otherwise dispose of an accidented / totally damaged motor vehicle, with the permission of Central Board of Excise and Customs, to the Insurance Company with whom the motor vehicle was insured without prejudice to his rights to sell or otherwise dispose of the motor vehicle in terms of clauses (a) and (b):

Provided that in case the insurance company declines to accept the offer for sale of the motor vehicle, the motor vehicle, with the permission of Central Board of Excise and Customs, may be sold to the Metal Scrap Trading Corporation or any other suitable disposal agency for scrapping.]

[(3) Every application for sale or disposal otherwise of a motor vehicle to another privileged person or, as the case may be, to a non-privileged person under clauses (a) and (c) of sub-rule (2) respectively or sale or disposal of an accidented or totally damaged vehicle under clause (d) of sub-rule (2), shall be made to the Ministry of External Affairs, in the Form prescribed]
by the Ministry of External Affairs for the purpose, and that Ministry shall remit the
application to the Central Board of Excise and Customs.

Any special purpose vehicle such as communication vehicle or armoured vehicle may only
be;  
[(4)
sold to another privileged person; or  
(a)
re-exported; or  
(b)
surrendered to the nearest Custom House, for scrapping or authorising a suitable Indian
agency for scrapping and the sale proceeds, of scrap so obtained, if any, shall be reimbursed
to the privileged person after deducting the duty leviable for such vehicle.]

(c)

Permission to retain the motor vehicle after retirement, etc.- RULE [4B.

(1) Where a privileged person on retiring from service or relinquishing his post in India
decides to stay in India and retains the motor vehicle, in respect of which exemption from
customs duty was given at the time of its importation or purchase from bond, for his bona
fide use, the Central Board of Excise and Customs may, on an application made to it in this
behalf, allow the person concerned to do so without payment of customs duty subject to the
condition that the said motor vehicle has been used in India for a period of three years or
more on the date on which the said person ceases to be a privileged person or relinquishes his
post in India (hereinafter referred to as the relevant date).

(2) Where the motor vehicle has not been used in India for a period of three years or more on
the relevant date or if the said person chooses to sell or otherwise dispose of the motor
vehicle at a later date, customs duty shall become payable.

(3) Where the said person proposes to sell or otherwise dispose of the motor vehicle, he shall
offer the same to the State Trading Corporation for the said purpose with the permission of
the Central Board of Excise and Customs.

(4) The provisions of rule 5 shall apply mutatis mutandis to the customs duty payable under
this rule.

Recovery of goods sold or disposed of to non-privileged persons.- 5.

(1) Where goods, other than motor vehicle, are cleared free of customs duty by a privileged
person and they are sold or otherwise disposed of by him (other than re-exported) to a non-
privileged person within three years from the date of their importation, customs duty shall be
recovered from such privileged person by the [Principal Commissioner of
Customs or Commissioner of Customs , as the case may be] nearest to the
headquarters of the privileged person concerned. The duty to be recovered shall be assessed
in consultation with the [Principal Commissioner of Customs or Commissioner of
Customs , as the case may be] nearest to the headquarter of the privileged person in India
]

[(1A)

[(1B)] The custom duty on any vehicle sold or otherwise disposed of under clause (c) of sub-
rule (2) of rule 4A shall be paid to the [Principal Commissioner of Customs or
Commissioner of Customs , as the case may be] nearest to the headquarters in India of the
privileged person concerned, the duty to be recovered for such motor vehicle, except in case
of accidented or totally damaged vehicle, shall be assessed on the depreciated value arrived
after providing for depreciation at the scales specified by the Central Board of Excise and
Customs in case of import of second hand motor vehicles, and the rate of duty on such
vehicle and the exchange rate for conversion of foreign currency into Indian currency shall be
taken as applicable on the date of approval of such sale or otherwise disposal by the said
Board under clause (c) of sub-rule (2) of rule 4A:
Provided that the facility of duty-free sale of vehicles, after four years of import, shall be allowed on reciprocal basis to privileged persons of those countries, which are allowing similar facility of duty-free sale of vehicles to Indian privileged persons posted in those countries, and for this purpose applications made to the Ministry of External Affairs before the applicants leave India shall be entertained.

Provided further that the facility of duty free sale of vehicles, after four years of import, shall be allowed to all privileged persons belonging to the United Nations or any other International Organisation irrespective of the fact as to whether the United Nations or such other International Organization is allowing similar facility of duty free sale of vehicles to Indian privileged persons posted in the United Nations or such other International Organization, as the case may be.

[(1C) In the case of any accidented or totally damaged vehicle referred to in clause (d) in sub-rule (2) of rule 4A, the Customs duty shall be calculated taking the sale price as cum-duty price and rate of duty shall be taken as that applicable to such motor vehicle, if it had not been so accidented or damaged at the time of such sale.]

[(1D) in case a vehicle has been stolen, customs duty shall be calculated taking the amount of insurance claim as cum duty price and rate of duty shall be taken as that applicable to such motor vehicle.]

The privileged person concerned shall furnish such relevant information and documents relating to the goods as the officer who is to recover duty under sub-rule (1) may require and shall also arrange to produce the goods desired to be sold or sold before that officer or any customs officer for inspection so as to enable that officer to make a correct appraisement of the value of the goods for the purpose of assessing them to duty. (2)

(3) As soon as the amount of duty leviable has been paid, all the other authorities who received copies of the certificate together with the undertaking if any, in respect of the goods, shall be informed of this fact by the Collector who makes the recovery.

[(4) 6. Sale or disposal of goods to privileged person.-

(1) Where goods which were cleared free of customs duty by a privileged person are sold or otherwise disposed of by him in favour of any other privileged person within a period of three years from the date of their importation, it shall be the duty of the privileged person selling or disposing of such goods to obtain from the privileged person buying or taking them, an exemption certificate in duplicate, as required by sub-rules (1) and (2) of rule 3, and in the case of a motor vehicle, also an undertaking in duplicate as required by sub-rule (4) of that rule and to forward copies thereof to the persons referred to in sub-rule (3) of that rule and in every such case, a report shall be sent to the Central Board of Excise and Customs by the privileged person selling or disposing of the goods as well as by the privileged person buying or taking them.

(2) The provisions of this rule shall apply to the goods sold or disposed of under sub-rule (1) as often as they are sold or otherwise disposed of by a privileged person to another privileged person:

Provided that this rule shall cease to apply to such goods other than motor vehicles after the expiry of three years from the date of their importation.

7. Powers of **[Principal Commissioner or Commissioner].-**

A **[Principal Commissioner of Customs or Commissioner of Customs]** may adopt such procedure as he thinks necessary for the purpose of giving effect to these rules.
Substituted by Notification No.56/2014-Cus(N.T.), dated 6-8-2014.
DENATURED SPIRIT RULES, 1972

Notification No 7-customs, dated 8th January, 1972

In exercise of the powers conferred by sections 24 and 158 of the Customs Act, 1962 (52 of 1962) and in supersession of the "Denatured Spirit (Ascertaining and Determining) Rules, 1957", published with Notification No. 140-Customs, dated the 6th July, 1957, of the Government of India, Ministry of Finance (Late Department of Revenue), the Central Government hereby makes the following rules for causing imported spirit and spirit contents of imported spirituous preparations to be denatured at the request of the importer:

1. Short title.-
These rules may be called the "Denaturing of Spirit Rules, 1972".

2. Application by importer or agent.-
An importer or his agent (hereinafter referred to as the Applicant) shall make a request in writing to the proper officer of Customs for the denaturation of imported spirit or preparation containing spirit.

3. Applicant to provide the ingredients for denaturation.-
The applicant shall provide all the ingredients (denaturants) of the quality as specified by the proper officer of Customs and in sufficient quantities for the denaturation.

4. Denaturation under Customs Supervision.-
All operations of denaturation shall be carried out by the applicant under the supervision of an officer of Customs at such place as may be approved by the proper officer of Customs.

5. Drawal of samples for test.-
After denaturation, arrangements shall be made by the applicant for drawal of samples from each cask or vessel for test in a Customs Laboratory. The sample drawn shall be in adequate quantities to permit more than one test, in case such a contingency arises.

6. Test of samples.-
Each sample drawn after denaturation shall be tested in a Customs Laboratory to determine whether denaturation has been properly done. The result of such tests shall be made available to the applicant.

7. Re-denaturation.-
Should any one of the samples on test be reported to be not properly denatured, the applicant may make a request for re-denaturation and the proper officer of Customs may, having regard to the reasons for which the request is made and all other circumstances of the case, allow the same:
Provided that the said officer shall not refuse to allow such request without giving the applicant a reasonable opportunity of being heard in the matter.

8. Appeal for re-test.-
Where a re-test of the sample is desired by the applicant and a request is made in that behalf within fifteen days of the date of receipt by the applicant of the results of the initial test, the [(Principal Commissioner of Customs or Commissioner of Customs as the case may be)] may, having regard to the reasons for which the request is made and all other circumstances of the case, allow such re-test to be conducted by the Chief Chemist, Central Revenues Control Laboratory:
Provided that the [(Principal Commissioner or Commissioner)] shall not refuse to allow such re-test without giving the applicant a reasonable opportunity of being heard in the matter.

9. Fees for test and re-test.-
For test and re-test of samples, fees at the following rates shall be paid by the applicant:
(a) Rupees twenty-five for test of each sample.
(b) Rupees fifty for re-test of each sample.

10. Other charges to be paid by the applicant.-
The applicant shall pay supervision charges and all other expenses in connection with the denaturation of spirit, drawal and despatch of samples for test and re-test where necessary, and other incidental charges connected therewith.

11. Disposal of remnants.-
Unconsumed samples, if no more required, shall be returned to the applicant.
Substituted by Notification No.56/2014-Cus(N.T.), dated 06.08.2014
Customs (Compounding of offences) Rules, 2005

In exercise of the powers conferred by clause (h) of sub-section (2) of section 156, read with sub-section (3) of section 137, of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely: -

RULE 1. Short title and commencement. - (1) These rules may be called the Customs (Compounding of Offences) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

RULE 2. Definitions. - In these rules, unless the context otherwise requires, -

(a) "Act" means the Customs Act, 1962 (52 of 1962);
(b) "applicant" means any importer, exporter or any other person, but shall not include officers of Customs as appointed by Board or [Principal Commissioner of Customs or Commissioner of Customs under section 4];
(c) "compounding authority" means the [Principal Commissioner of Customs or Chief Commissioner of Customs, having jurisdiction over the place where the offence under the Customs Act, 1962, has been alleged to have been committed;
(d) "form" means the form appended to these rules;
(e) "reporting authority" means the [Principal Commissioner of Customs or Commissioner of Customs, having jurisdiction over the place where the offence under the Act has been or alleged to have been committed or any other officer as may be authorized in this regard by the [Principal Commissioner of Customs or Chief Commissioner of Customs having jurisdiction over the place where such offence has been or alleged to have been committed;
(f) "section" means a section of the Act; and
(g) words and expressions used in these rules and not defined but defined in the Act shall have the respective meanings assigned to them in the Act.

RULE 3. Form and manner of application. - (1) An applicant may, either before or after institution of prosecution, make an application under sub-section (3) of section 137 in the form appended [See Customs Series Form No. 124 in Part 5] to these rules, to the compounding authority for compounding of the offence.

Explanation. - Where an offence has been committed at more than one place falling under the jurisdiction of more than one compounding authority, then the [Principal Commissioner of Customs or Chief Commissioner of Customs having jurisdiction over such place where the value of goods seized, or the amount of duty evaded or attempted to be evaded or amount of export incentives wrongly claimed or attempted to be claimed wrongly is more than others shall be the competent authority.

RULE 4. Procedure on receipt of application under rule 3. - (1) On receipt of an application under rule 3, the compounding authority shall call for a report from the reporting authority with reference to the particulars furnished in the application, or any other information, which may be considered relevant for examination of such application.

(2) Such report shall be furnished by the reporting authority within a period of one month or within such extended period as may be allowed by the compounding authority, from the date of receipt of communication from the compounding authority.

(3) The compounding authority after taking into account the contents of the said application may, by order, either allow the application indicating the compounding amount in terms of rule 5 and grant him immunity from prosecution in terms of rule 6 or reject such application:

Provided that application shall not be rejected unless an opportunity has been given to the applicant of being heard and the grounds of such rejection are mentioned in such order.

[Provided further that application shall not be allowed unless the duty, penalty and interest liable to be paid have been for the case for which application has been made.]

(4) A copy of every order under sub-rule (3) shall be sent to the applicant.

(5) The applicant shall, within a period of thirty days from the date of receipt of order under sub-rule (3) allowing the compounding of offences, pay the compounding amount, as ordered to be paid by the compounding authority and shall furnish the proof of such payment to the compounding authority.

(6) The compounding amount once paid shall not be refunded except in cases where the Court rejects grant of immunity from prosecution.

(7) The applicant cannot claim, as of right, that his offence shall be compounded.

RULE 5. Fixation of the Compounding amount. - For the purpose of compounding of offences under the various provisions of the Act, the compounding amount shall be as provided herein below:

...
Provided that if a person has, in respect of same goods, committed offences falling under more than one [category specified below] and where amount of duty evasion, or, amount of drawback exemption from duty, provided under the Act in connection with export goods; or amount of market value of the goods is same for all offences, the compounding amount, in such cases, shall be the amount determined for the offence for which a higher compounding amount has been prescribed.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Offence specified under section 132 of the Act</th>
<th>Compounding amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Offence specified under section 133 of the Act</td>
<td>Rupees fifty thousand for the first offence and to be increased by hundred per cent of this amount for each subsequent offence.</td>
</tr>
<tr>
<td></td>
<td>Offence specified under section 134 of the Act</td>
<td>Rupees fifty thousand for the first offence and to be increased by hundred per cent. of this amount for each subsequent offence.</td>
</tr>
<tr>
<td></td>
<td>Offence specified under section 135(1)(a) of the Act</td>
<td>Upto ten per cent of the amount of market value of the goods subject to minimum of one lakh rupees.</td>
</tr>
<tr>
<td></td>
<td>Offence specified under section 135(1)(b) of the Act</td>
<td>Upto five per cent of the amount of market value of the goods subject to minimum of one lakh rupees.</td>
</tr>
<tr>
<td></td>
<td>Offence specified under section 135(1)(c) of the Act</td>
<td>Upto ten per cent of the amount of market value of the goods subject to minimum of one lakh rupees.</td>
</tr>
<tr>
<td></td>
<td>Offence specified under section 135(1)(d) of the Act</td>
<td>Upto ten per cent of the amount of market value of the goods subject to minimum of one lakh rupees.</td>
</tr>
<tr>
<td></td>
<td>Offence specified under section 135A of the Act</td>
<td>Upto five per cent of the amount of market value of the goods subject to minimum of one lakh rupees.</td>
</tr>
</tbody>
</table>

RULE 6. Power of Compounding authority to grant immunity from prosecution. -

The compounding authority, if he is satisfied that any person who has made the application for compounding of offence under these rules has co-operated in the proceedings before him and has made full and true disclosure of facts relating to the case, grant to such person, subject to such conditions as he may think fit to impose, immunity from prosecution for any offence under the Customs Act, 1962 with respect to the case covered by the compounding of offence.

RULE 7. Withdrawal of Immunity from Prosecution in certain conditions. -

(1) An immunity granted to a person under rule 6 shall stand withdrawn if such person fails to pay any sum specified in the order of compounding passed by the Compounding authority, under sub-rule (3) of rule 4 within the time specified in such order or fails to comply with any other condition subject to which the immunity was granted and thereupon the provisions of the Customs Act, 1962 shall apply as if no such immunity had been granted.

(2) An immunity granted to a person under sub-rule (1) above may, at any time, be withdrawn by the Compounding authority, if he is satisfied that such person had, in the course of the compounding proceedings, concealed any particulars, material or had given false evidence, and thereupon such person may be tried for the offence with respect to which immunity was granted or for any other offence that appears to have been committed by him in connection with the compounding proceedings and thereupon the provisions of the Customs Act, 1962 shall apply as if no such immunity had been granted.

## Substituted by Notfn. No.56/2014-Cus(N.T.)dated 06.08.2014
In exercise of the powers conferred by section 156 read with section 142 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely :-

CHAPTER I PRELIMINARY

RULE 1. Short Title and Commencement. - (1) These rules may be called the Customs (Attachment of Property of Defaulters for Recovery of Government Dues) Rules, 1995.
(2) They shall come into force on the date of their publication in the Official Gazette.

RULE 2. Definition. - In these rules, unless the context otherwise requires -
(i) 'Act' means the Customs Act, 1962 (52 of 1962);
(ii) 'Government dues' means any duty or drawback to be recovered from any person or any interest or penalty payable by any person under the Act and has not been paid.
(iii) 'Certificate' means the certificate required to be issued by an Assistant Commissioner of Customs or Deputy Commissioner of Customs under clause (c) of sub-section (1) of section 142 of the Act.
(iv) 'Commissioner' means any person appointed as Principal Commissioner of Customs or Commissioner of Customs or Commissioner of Central Excise under the Act.
(v) 'Proper Officer' means an officer subordinate to the Commissioner and not below the rank of Assistant Commissioner of Customs or Assistant Commissioner of Customs and Central Excise, who is authorised by the Commissioner for the purpose of attachment and sale of defaulter's property and for realising the amount mentioned in the certificate.
(vi) 'Defaulter' means any person from whom government dues are recoverable under the Act.
(vii) Other words or terms used in these rules shall have the same meaning assigned to them under the Act.

CHAPTER II

PROCEDURE FOR ATTACHMENT OF PROPERTY

RULE 3. Issue of Certificate. - Where any Government dues are not paid by any defaulter, the Assistant Commissioner of Customs or Deputy Commissioner of Customs may prepare a Certificate signed by him specifying the amount due from such person and send the same to the Commissioner of Customs or Commissioner of Central Excise having jurisdiction over the place in which the defaulter owns any movable or immovable property or resides or carries on his business or has his bank accounts.

RULE 4. Issue of Notice. - On receipt of the Certificate mentioned in rule 3 above, the Commissioner of Customs or Commissioner of Central Excise may authorise any officer subordinate to him to cause notice to be served upon the defaulter requiring the defaulter to pay the amount specified in the Certificate within seven days from the date of the service of the notice and intimate that in default, such subordinate officer is authorised to take steps to realise the amount mentioned in the Certificate in terms of these rules.

RULE 5. Attachment of property. - If the amount mentioned in the notice issued in terms of the preceding rule is not paid within seven days from the date of service of this notice, the Proper Officer may proceed to realise the amount by attachment and sale of defaulter's property. For this purpose, the proper officer may detain the defaulter's property until the amount mentioned in the Certificate together with the cost of detention is paid by the defaulter.

RULE 6. Attachment not to be excessive. - Attachment by arrest or distrain of the property shall not be excessive, that is to say, the property attached shall be as nearer as possible proportionate to the amount specified in the Certificate.

RULE 7. Attachment between Sunrise and Sunset. - The attachment of the property of the defaulter by arrest or distrain shall be made after sunrise and before sunset and not otherwise.

RULE 8. Inventory. - After attachment of the property of the defaulter, the Proper Officer shall prepare
an inventory of the property attached and specify in it the place where it is lodged or kept and shall hand over a

copy of the same to the defaulter or the person from whose charge the property is distrained.]

RULE 9. Private alienation to be void in certain cases. - (i) Where a notice has been served on a
defaulter under rule 4, the defaulter or his representative in interest shall not be competent to mortgage, charge,
lease or otherwise deal with any property belonging to him except with the written permission of the Proper
Officer.

(ii) Where an attachment has been made under these rules, any private transfer or delivery of the
property attached or of any debt, dividend or other moneys contrary to such attachment, shall be void as against
all claims enforceable under the attachment.

RULE 10. Share in property. - Where the property to be attached consists of the share or interest of the
defaulter in property belonging to him and another as co-owners, the attachment shall be made by a notice to
the defaulter prohibiting him from transferring the share or interest or charging it in any way.

RULE 11. Attachment of property in custody of court or public officer. -

Where the property to be attached is in the custody of any court or Public Officer, the attachment shall be
made by a notice to such court or officer, requesting that such property, and any interest or dividend
becoming payable thereon, may be held subject to the further orders of the Proper Officer by whom the notice is issued.

Provided that, where such property is in the custody of a court, any question of title or priority arising
between the Proper Officer and any other person, not being the defaulter, claiming to be interested in such
property by virtue of any assignment, attachment or otherwise, shall be determined by such court.

RULE 12. Service of notice of attachment. - A copy of the order of attachment shall be served on the
defaulter in the same manner as prescribed for the service of order or decision in section 153 of the Act.

RULE 13. Proclamation of attachment. - The order of attachment shall be proclaimed at some place on
or adjacent to the property attached by beat of drum or other customary mode, and a copy of the order shall be
affixed on a conspicuous part of the property and on the notice board of the office of the Proper Officer.

RULE 14. Property exempt from attachment. - (i) All such property as is by the Code of Civil
Procedure, 1908 (5 of 1908), exempted from attachment and sale for execution of a decree of a Civil Court shall
be exempt from attachment and sale under these rules.

(ii) The decision of the Proper Officer as to what property is so entitled to exemption shall be
final.

CHAPTER III PART A

PROCEDURE FOR SALE OF PROPERTY

RULE 15. Sale of property. - If the amount mentioned in the Certificate together with the cost of
detention of the property is not paid within a period of thirty days from the date of attachment of the property, the

Principal Commissioner of Customs or Commissioner may authorise the Proper Officer
to proceed to realise the amount by sale of the defaulter's property in public auction:

Provided that the Principal Commissioner of Customs or Commissioner shall be
competent to fix the reserve price in respect of any property of the defaulter to be sold in public auction and
order that any bid shall be accepted only on the condition that it is not less than such reserve price.

RULE 16. Negotiable instruments and shares in a corporation. - Notwithstanding anything contained
in these rules, where the property to be sold is a negotiable instrument or a share in a corporation, the Proper
Officer may, instead of directing the sale to be made by public auction, authorise the sale of such instrument or
share through a broker.

PART B

SPECIAL PROVISIONS IN RESPECT OF SALE OF IMMOVABLE PROPERTY

RULE 17. Proclamation of sale. - Where any immovable property is ordered to be sold, the Proper
Officer shall cause a proclamation of the intended sale to be made in the language of the district.

RULE 18. Contents of proclamation. - A proclamation of sale of immovable property shall be drawn up
after notice to the defaulter, and shall state the time and place of sale, and shall specify, as fairly and accurately
as possible -

(a) the property to be sold;
(b) the revenue, if any, assessed upon the property or any part thereof;
(c) the amount for the recovery of which sale is ordered;
(d) the reserve price, if any, below which the property may not be sold; and
(e) any other thing which the Proper Officer considers it material for a purchaser to know in order to judge
the nature and value of the property.

RULE 19. Mode of making proclamation. - (i) Every proclamation for the sale of immovable property
shall be made at some place on or near such property by beat of drum or other customary mode, and a copy of
the proclamation shall be affixed on a conspicuous part of the property and also upon a conspicuous part of the
office of the Proper Officer.
(ii) Where the Proper Officer so directs, such proclamation shall also be published in a local newspaper
and the cost of such publication shall be deemed to be costs of the sale.
(iii) Where the property is divided into lots for the purpose of being sold separately, it shall not be necessary
to make a separate proclamation for each lot, unless proper notice of the sale cannot, in the opinion of the
Proper Officer, otherwise be given.

RULE 20. Setting aside of sale where defaulter has not saleable interest.
At any time within thirty days of the sale, the purchaser may apply to the Proper Officer to set aside the
sale on the ground that the defaulter has no saleable interest in the property sold.

(i) Where no application is made for setting aside the sale under the
foregoing rule or where such an application is made and disallowed by the Proper Officer, the Proper Officer
shall (if the full amount of the purchase money has been paid) make an order confirming the sale, and,
thereupon, the sale shall become absolute.
(ii) Where such application is made and allowed and where, in the case of any application made to set
aside the sale on deposit of the amount and penalty and charges, the deposit is made within thirty days from the
date of the sale, the Proper Officer shall make an order setting aside the sale:
Provided that no order shall be made unless notice of the application has been given to the person
affected thereby.

RULE 22. Sale Certificate.
(i) Where sale of any immovable property has become absolute under
these rules, the Proper Officer shall grant a certificate specifying the property sold and the name of the person
who at the time of sale is declared to be the purchaser.
(ii) Such certificate shall state the date on which the sale became absolute.

RULE 23. Purchaser's title.
(i) Where any property is sold in terms of these rules, there shall vest in
purchaser's the right, title and interest of the defaulter at the time of the sale even though the property itself be
specified.
(ii) Where immovable property is sold in terms of these rules and such sale has become absolute, the
purchaser's right, title and interest shall be deemed to have vested in him from the time when the property is
sold, and not from the time when the sale becomes absolute.

RULE 24. Irregularity not to vitiate sale, but any person injured may sue.
No irregularity in the conduction of sale of any property shall vitiate the sale but any person sustaining
substantial injury by reason of such irregularity at the hand of any other person may institute a suit in a Civil
Court against him for compensation, or if (such other person is the purchaser), for the recovery of specific
property and for compensation in default of such recovery.

RULE 25. Prohibition against bidding or purchase by officer.
No officer or other person having any
duty to perform in connection with any sale under these rules, either directly or indirectly, shall bid for, acquire or
attempt to acquire any interest in the property sold.

RULE 26. Prohibition against sale on holidays.
No sale under these rules shall take place on a
Sunday or other general holiday recognised by the State Government or on any day which has been notified by
the State Government a local holiday for the area in which the sale is to take place.

CHAPTER IV
MISCELLANEOUS

RULE 27. Disposal of the sale proceeds.
The sale proceeds of the property of the defaulter shall be
utilised in the following manner, namely :-
(a) the sale proceeds shall first be utilised for meeting the cost of sale;
(b) the balance shall be utilised for satisfaction of the amount mentioned in the Certificate issued under rule
3 together with the cost of detention of the property;
(c) the balance, if any, shall be utilised for recovery of any other Government dues payable by the
defaulter; and
(d) the balance, if any, shall be paid to the defaulter.

If at any time after the Certificate has been issued by the
[Assistant Commissioner of Customs or Deputy Commissioner of Customs], the defaulter dies, the proceedings
under these rules may be continued against the legal representatives of the defaulter, and the provisions of
these rules shall apply as if the legal representatives were the defaulter.

## Substituted by Notfn. 56/2014-Cus(N.T.) dated 06.08.2014
DEFERRED PAYMENT OF IMPORT DUTY RULES, 2016  
[Notification No. 134/2016-Cus. (N.T.), dated 2-11-2016.]

In exercise of the powers conferred by the proviso to sub-section (1) of sections 47 and section 156 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely:—

RULE 1. Short title and commencement. — (1) These rules may be called the Deferred Payment of Import Duty Rules, 2016.

(2) They shall come into force on the 16th day of November, 2016.

RULE 2. Definitions. — (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Customs Act, 1962 (52 of 1962);
(b) "due date" means the date specified in rule 5 of these rules;
(c) "eligible importer" means any class of importers notified under proviso to sub-section (1) of section 47 of the Act.

(2) Words and expressions used and not defined herein but defined in the Act, shall have the meanings respectively assigned to them in the Act.

RULE 3. Application. — These rules shall apply to eligible importer who have been notified under the proviso to sub-section (1) of section 47 of the Act.

RULE 4. Information about intent to avail benefit of notification. — (1) An eligible importer who intends to avail the benefit under sub-section (1) of section 47 of the Act shall intimate to the Principal Commissioner of Customs or the Commissioner of Customs, as the case may be, having jurisdiction over the port of clearance, his intention to avail the said benefit.

(2) The Principal Commissioner of Customs or the Commissioner of Customs, as the case may be, shall, upon being satisfied with the eligibility of the importer to pay the duty under these rules, allow the eligible importer to pay the duty by due dates specified in rule 5.

RULE 5. Payment of duty. — The eligible importer shall pay the duty by the dates specified hereunder inclusive of the period (excluding holidays) as mentioned in sub-section (2) of section 47 of the Act, namely:—

(a) for goods corresponding to Bill of Entry returned for payment from 1st day to 15th day of any month, the duty shall be paid by the 17th day of that month;
(b) for goods corresponding to Bill of Entry returned for payment from 16th day till the last day of any month other than March the duty shall be paid by the 2nd day of the following month;
(c) for goods corresponding to Bill of Entry returned for payment from 16th day till the 29th day of March, the duty shall be paid by the 31st March;
(d) for goods corresponding to Bill of Entry returned for payment from 30th day of March to 31st day of March, the duty shall be paid by the 2nd April.

RULE 6. Manner of payment. — The eligible importer shall pay the duty electronically:

Provided that the Assistant Commissioner or the Deputy Commissioner of Customs, as the case may be, for reasons to be recorded in writing, may allow payment of duty by any mode other than electronic payment.

RULE 7. Deferred payment not to apply in certain cases. — An eligible importer who fails to pay duty in full by due date more than once in a period of three consecutive months shall not be permitted to make deferred payment:

Provided that the facility of deferred payment shall not be restored unless the eligible importer has paid the duty in full along with the interest.

RULE 8. Exemption in respect of certain goods. — Nothing contained in these rules shall apply to the goods which have not been assessed or not declared by the importer in the entry made under the Act.
[Ministry of Commerce and Industry Notification No. 313 (I) Tr. (MM)/46, dated 4th June, 1949.]

In exercise of the powers conferred by sub-section (2) of section 19-A of the Sea Customs Act, 1878 (8 of 1878), and section 19 and sub-section (1) of section 20 of the Indian Merchandise Marks Act, 1889 (4 of 1889), and in supersession of the rules and orders published with the notification of the Government of India in the late Department of Finance and Commerce No. 1430, dated the 6th April, 1891, the Central Government is pleased to make the following rules the same having been previously published as required under sub-section (6) of section 20 of the last named Act, namely :—

(1) These rules may be called the Stamping of Piece-goods and Testing of Yarn Rules, 1949.

(2) They shall come into force on the 1st day of November, 1949.

**Stamping of Piece-goods**

**Rule - 02**

**Piece-goods of mixed fabrics**

Piece-goods such as are ordinarily sold by length or by the piece, shall be deemed to include cotton piece-goods, woollen piece-goods, silk piece-goods, art-silk piece-goods and other piece-goods of mixed fabrics, except the description noted below :—

- Alhambras, except alhambras quiltings.
- Blankets.
- Blind Cloth in cut-pieces.
- Book Binding cloth in cut-pieces.
- Buckrams in cut-pieces.
- Carpets (in rolls).
- Counterpanes.
- Dusters in woven pieces.
- Embroidered Flounces.
- Embroidered all-overs and Embroidered Sarees of all sorts.
- Glass cloth in woven pieces.
Handkerchiefs in woven pieces.
Lace curtain cloth.
Pillow calico (Tubular).
Prayer Mats.
Press cloth in cut-pieces.
Quilts.
Rugs.
Sarongs up to $2\frac{1}{2}$ yards in length.

Shawls (finished) with ends hemmed or fringed, imported singly or in pieces, containing two or more shawls.
Sponge cloth (for swabs).
Teddy Bear or imitation Seal Skin Cloth.
Towels in woven pieces.
Woollen knitted cloth.
Filter Cloth.
Woollen cleaner cloth.
Woollen roller cloth.
Woollen sizing flannel.
Decasting wrappers:

Provided that the Commissioner of Customs shall not detain any unstamped piece-goods if he is satisfied that, although they are not named in the preceding list, they are of such a nature that they would be liable to serious depreciation in value if stamped.

**NOTE 1.** — Whenever a Commissioner exercises his discretion under this proviso he should forthwith report the cases, sending a sample of the goods, to the Government of India through the Central Board of Revenue, so that the question of issuing general orders in favour of such goods may be considered.

**NOTE 2.** — The mention of any items in the list of exemptions has no bearing upon the question whether that item if consisting of cotton is assessable under the Tariff head "Cotton piece-goods".

**NOTE 3.** — Unstamped cotton and woollen piece-goods imported for the personal
use of individuals or private Association of individuals and not for trade purpose shall not be detained.

**NOTE 4.** — Examination of packages to ascertain whether the goods mentioned in rule 3 are stamped shall be made at frequent intervals at the discretion of the **[Principal Commissioner of Customs or Commissioner]** either under his personal instructions or under general orders or instructions given by him to an **[Assistant Commissioner or Deputy Commissioner of Customs]**.

**NOTE 5.** — The piece-goods contained in the packages examined need not be examined when found to be stamped, to test the accuracy of the stamping, except on information received or when the **[Principal Commissioner of Customs or Commissioner]** has reason to suspect that the stamping is false.

**NOTE 6.** — All measurements of piece-goods shall be made on the table.

**Testing of Yarns**

**NOTE 7.** — Yarns need not be examined or measured except on information received or when the **[Principal Commissioner of Customs or Commissioner]** has reason to suspect that the trade description is false.

**NOTE 8.** — An examination of yarns to test the accuracy of the description of count or length shall be made, in the first instance up to the limit of one bundle in every one hundred bales or fractions of one hundred bales in the consignments.

**NOTE 9.** — If on such examination the difference between the average count or length and the described count or length is in excess of the variation permitted in paragraphs III and IV of the notification of the Government of India in the late Home Department, No. 1474-(Judicial), dated the 13th November, 1891, the importer may require a further examination stated in rule II.

**NOTE 10.** — The test to determine length of yarns shall be applied as follows:— From every one hundred bales, or fraction of 100 bales, in a consignment one bundle should be selected at random. The hanks in this bundle should then be measured on the wrap wheel one after the other in the presence of the representative of the importer, and the length noted, the process being continued (within the limit of the bundle) until either the importer is satisfied that the yarn is short, or the average of the lengths noted shows that it is of full length.

When the importer is dissatisfied with this test he may, on payment of the costs, require the **[Principal Commissioner of Customs or Commissioner]** to measure more hanks up to 1 per cent of the total consignment, such hank being taken at random by an officer of the Customs out of any bundle in the consignments.

**NOTE 11.** — The **[Principal Commissioner of Customs or Commissioner]** may require from any informant a security not exceeding five hundred rupees. If the **[Principal Commissioner of Customs or Commissioner]** is satisfied that the information given is wilfully false, the security shall be forfeited.
2. Substituted vide Notfn 56/2014-Cus.(N.T.) dated 06.08.2014
3. Changed vide Notfn No. 29/99 Cus.(N.T.) dated 11.05.99
5. Substituted vide Notfn 56/2014-Cus.(N.T.) dated 06.08.2014
7. Substituted vide Notfn 56/2014-Cus.(N.T.) dated 06.08.2014
8. Substituted vide Notfn 56/2014-Cus.(N.T.) dated 06.08.2014