

APPENDIX 38 B

Foreign Trade (Exemption from application of Rules in certain cases) Order, 1993

MINISTRY OF COMMERCE
(Director General of Foreign Trade)

ORDER

New Delhi the 31st December, 1993

S.O. 1056(E)- in exercise of the powers conferred by section 3, read with section 4, of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) and in supersession of the Imports (Control) Order, 1955 and the Exports (Control) Order, 1988, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following order, namely:-

1. Short title and commencement.

(1) This Order may be called the Foreign Trade (Exemption from application of Rules in certain cases) Order, 1993,

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

2. Definitions.

In this order, unless the context otherwise requires:-

- (a) "Act" means the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992);
- (b) "Import Trade Regulations" means the Act and the rules and order made thereunder and the export and import policy;
- (c) "Rules" means the Foreign Trade (Regulation) Rules, 1993;
- (d) Words and expressions used in this Order and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Exemption from the application of rules.-

(1) Nothing contained in the Rules shall apply to the import of any goods,

- (a) by the Central Government or agencies, undertakings owned and controlled by the Central Government for Defence purposes;
- (b) by the Central Government or any State Government Statutory Corporation, public body or Government Undertaking run as a joint Stock Company through the agency of the Purchase Organisations of the Ministry of Supply, that is India Supply Mission, London and India Supply Mission, Washington;
- (c) by the Central Government, any State Government or any statutory corporation or public body or Government Undertaking run as a joint Stock Company, orders in respect of which are placed through the Directorate General, Supplies and Disposals, New Delhi;
- (d) by transshipment or imported and bonded on arrival for re-export as ships stores to any country outside India except Nepal and Bhutan or imported and bonded on arrival for re-export as aforesaid but subsequently released for use of Diplomatic personnel, Consular Officers in India and the officials of the United Nations Organisation and its specialised agencies who are exempt from payment of duty under the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 3 dated 8th January, 1957 and the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947) respectively;
- (e) imported and bonded on arrival for sale at approved duty-free shops, whether to outgoing or incoming passengers, against payments in free foreign exchange;
- (f) which are in transit through India by post or otherwise, or are redirected by post or otherwise to a destination outside India, except Nepal and Bhutan provided that such goods while in India are always in the custody of the postal or customs authorities;
- (g) for transmission across India by air to Afghanistan or by land, to any other country outside India, except Nepal and Bhutan under claim for exemption from duty or for refund of duty either in whole or in part:

Provided that such goods are imported by or on behalf of the Government or a country bordering on India or that the importer undertakes to produce within a specified period evidence that such goods have crossed the borders of India or in default to pay such penalty as the proper officer of customs may deem fit to impose on such goods:

Provided further that nothing contained in this item will exempt any goods from the Import Trade Regulations;

- (h) by the person as passenger baggage to the extent admissible under the Baggage Rules for the time being in force except quinine exceeding five hundred tablets or 1/3 lb powder or one hundred ampoules:

Provided that in the case of imports by a tourist, articles of high value whose reexport is obligatory under rule 7 of the tourist Baggage Rules, 1978 shall be re-exported on his leaving India, failing which such goods shall be deemed to be goods of which the import has been prohibited under the Customs Act, 1962 (52 of 1962);

Provided further that the import of gold in any form including ornaments (but excluding ornaments studded with stones or pearls) will be allowed as part of baggage by passengers of Indian origin or a passenger holding a valid passport issued under the passports Act, 1967 (15 of 1967) subject to the following conditions namely:-

- (a) that the passenger importing the gold is coming to India after a period of not less than six months of stay abroad;
 - (b) the quantity of gold imported shall not exceed 5 kilograms per passenger;
 - (c) import duty on gold shall be paid in convertible foreign currency; and
 - (d) there will be no restriction on sale of such imported gold.
- (i) by any person through the post or otherwise for his personal use, or by any institution or hospital for its use except-
- (a) vegetable seeds exceeding one lb. In weight;
 - (b) bees;
 - (c) tea;
 - (d) books, magazines, journals and literature which are not allowed to be imported under the policy for the time being in force;
 - (e) goods, the import of which is canalised under the Policy;
 - (f) alcoholic beverages;
 - (g) fire arms and ammunition;
 - (h) consumer electronic items (except hearing aids and life saving equipments, apparatus and appliances and parts thereof) : Provided that the c.i.f value of goods imported as aforesaid at any one time shall not exceed rupees two thousand.
- (j) by or on behalf of diplomatic personnel, consular officers and Trade Commissioners in India who are exempted from payment of Customs duty under Notification No. 3 dated the 8th January, 1957 of the Government of India in the Ministry of Finance (Department of Revenue);
- (k) from any country, which are exempted from Customs duty on re- importation under section 20 of the Customs Act, 1962 (52 of 1962) or under Customs Notification Nos. 113 dated 16th May, 1957, 103 dated 25th March, 1958, 260 and 261 dated 11th October, 1958, 269, 271, 273, 274, 275 and 276 dated 25th October, 1958 and 204 dated 2nd August, 1976, of the Government of India, Ministry of Finance (Department of Revenue), or Notification No. 174 dated the 24th September, 1966 or Notification No. 103 dated the 16th May, 1978, of the Government of India, Ministry of Finance (Department of Revenue and Insurance) or Notification No. 80 dated 29th August, 1970;
- (l) of Indian manufacture and foreign made parts of such goods, exported and received back by the manufacturer from the consignee for repair and re-export: Provided that
- (i) the customs authorities are satisfied that the goods received back by the said manufacturers are the same which were so exported; and
 - (ii) in the case of goods other than those exempted from customs duty on re-importation under Customs Notification No. 132 dated 9th December, 1961 a bond is executed by the importer with the customs authority at the port concerned to the effect that the goods thus imported will be re-exported after repair within six months;
- (m) by officials of the United Nations Organisation and its specialised agencies who are exempted from payment of Customs duty under the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947);
- (n) by the Ford Foundation who are exempt from payment of Customs duty under an Agreement entered into between the Government of India and the Ford Foundation;
- (o) being vehicles as defined in Article I of the Customs Convention on the Temporary Importation of Private Road Vehicles or the component parts thereof referred to in Article 4 of the said Convention and which are exempted from payment of customs duty under the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 296 dated the 2nd August, 1976:
- Provided that
- (i) such vehicles or component parts are reexported within the period specified in the said notification or within such further period as the customs authorities may allow;
 - (ii) the provisions of the said notification or of the "triptyque or Carnel-De-Passage" permit are not contravened in relation to such vehicle or component parts;
- Provided further that nothing contained in this item shall prejudice the application to the said vehicles or component parts of any other prohibition or regulation affecting the import of goods that may be in force at the time of import of such goods;
- (p) being goods imported temporarily for display or use in fairs, exhibitions or similar events specified in Schedule I to the notification of the Government of India in the Ministry of Finance (Department of

Revenue) No.157/90/CUSTOMS, dated the 28th March, 1990 against ATA carnets under the Customs Convention on the ATA Carnets for temporary admission of goods (ATA Convention) done at Brussels on the 30th July, 1963;

Provided that

(i) such goods are exported within a period of six months from the date of clearance or such extended period as the Central Government may allow in each case; and

(ii) the provisions of the said notification or of the ATA convention are not contravened:

Provided further that nothing contained in this item shall prejudice the application to the said goods of any other prohibition or regulation affecting the import of goods that may be in force at the time of import of such goods;

- (q) covered by an import licence issued by His Majesty's Government of Nepal and the importer furnishes a bond to the proper officer of customs in the form prescribed by such officer with a Scheduled Bank as surety to the effect that he shall pay the duty and pay penalty imposed for contravening Import Trade Regulations in respect of the whole or any portion of the goods which is not proved to have entered the territory of Nepal;
- (r) of Indian manufacture or by the central Government or any State Government for repair and re-export to Indian Embassies abroad or to any other office of the Central Government or State Government in a foreign country;
- (s) being food grains, by Food Corporation of India: Provided that at the time of clearance, a declaration to the effect that the import in question has been approved by the Central Government, is furnished by the importer to the Customs authorities;
- (t) being articles of food and edible material, which are supplied as free gift by the agencies approved by the United Nation Organisation and which are exempted from payment of customs duty under the Notification of Government of India in the Ministry of Finance (Department of Revenue) No. GSR 766 dated 21st June, 1975.
- (2) Nothing contained in the Rules shall apply to -
- (a) any goods exported by or under the authority of the Central Government;
- (b) any goods other than food-stuffs constituting the stores or equipment of any outgoing vessel or conveyance;
- (c) any goods constituting the bona fide personal baggage of any person, including a passenger or member of a crew in any vessel or conveyance, going out of India:
Provided that the Wild Life (dead, alive or part thereof or produce therefrom) shall not be treated as part of such personal baggage;
- (d) any goods exported by post or by air under the conditions specified in postal notice issued by the Postal Authorities;
- (e) any goods transhipped at a port in India after having been manifested for such transshipment at the time of despatch from a port outside India;
- (f) any goods imported and bonded on arrival in India for re-export to any country outside India, except Nepal and Bhutan;
- (g) any goods in transit through India by post or any goods re- directed by post to a destination outside India except Nepal and Bhutan;
Provided that such goods while in India are always in the custody of the postal authorities;
- (h) any goods imported without a valid import licence and exported in accordance with an order for the export of such goods made by the proper officer of Customs;
- (i) products approved for manufacture in and export from the respective free Trade Zones/Export Processing Zones and 100 per cent Export Oriented Units except textile item covered by bilateral agreements, exports to Rupee Payment countries under the Annual Trade Protocol and Exports against payment in Indian Rupees to former Rupee payment countries;
Provided that conditions imposed in the latter of approval/letter of indent on Export Oriented Unit or Export Processing Zone will be binding on such a unit;
- (j) export of Blood group Oh (Bombay Phenotype) meant for scientific research or emergency medical treatment as life saving measure on humanitarian grounds by the Director, National Blood Group Reference Laboratory, Bombay on the basis of a certificate issued by him to this effect in each case;
- (k) export of samples of lubricating oil additives, Lube Oil, crude oil and other related petroleum products and raw materials used to manufacture Lube Additives by Lubrizols India Limited, Hindustan Petroleum Corporation Limited, and Bharat Petroleum Corporation Limited, from their installation in India to Lubrizol's Laboratories in the United States of America and the United Kingdom for evaluation and testing purposes.

[File No. 21/11/92-LS]

DR. P. L. SANJEEV REDDY,
Director General of Foreign Trade and
Ex-Officio Addl. Secy.

NOTIFICATION

New Delhi, the 31st December, 1993

S.O. 1057(E)- In exercise of the powers conferred by sub-section(1) of section 10 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), the Central government hereby authorises the officers specified in the Table below to exercise powers with respect to entering such premises and searching, inspecting and seizing of such goods, documents, things and conveyances as are specified in rule 17 of the Foreign Trade (Regulation) Rules, 1993, subject to the requirements prescribed therein.

TABLE

S.No. Designation of officer

1. Director General of Foreign Trade
2. Additional Director General of Foreign Trade
3. Joint Director General of Foreign Trade
4. Deputy Director General of Foreign Trade
5. Assistant Director General of Foreign Trade
6. Controller of Imports and Exports

[File No. 21/11/92-LS]

DR. P. L. SANJEEV REDDY, Director General of Foreign Trade and
Ex-Officio Addl. Secy.

NOTIFICATION

New Delhi, dated the 17th April 2009

S.O. (E) In exercise of the powers conferred by section 13 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) and in supersession of Notification S.O.24(E) dated 20th January 1999 as amended vide Notification S.O. 194(E) dated 6th March 2000 and Notification S.O.1534 (E) dated 14th September 2006, except as respects things done or omitted to be done before such supersession, the Central Government hereby authorizes the officers specified in column 2 of the table below for the purposes of exercising powers under Section 13 read with Section 11, subject to the limits specified against such officers in the corresponding entry in column 3 of the said Table , namely:-

TABLE

Sl.No.	Designation of Officer	Value of the goods in relation to which the power may be exercised
1	2	3
1	Additional Director General of Foreign Trade	Without limit
2	Zonal Jt. Director General of Foreign Trade/ Export Commissioner	Up to Rs. 50 crores
3	Joint Director General of Foreign Trade	Up to Rs. 25 crores
4	Deputy Director General of Foreign Trade	Up to Rs. 10 crores
5	Assistant Director General of Foreign Trade	Up to Rs. 2 crores
6	Foreign Trade Development Officer	Up to Rs. 1 crore
7	Development Commissioner, Special Economic Zones	Without limit in respect of Export Oriented Units and units in special Economic Zones

This issues in public interest

(R S Gujral)
Director General of Foreign Trade
and Ex-Officio Additional Secretary to Government of India

(Issued from F 18/27/HQ/06-07/ECA-II)

NOTIFICATION

New Delhi, the 31st December, 1993

S.O. 1059(E), In exercise of the powers conferred by clause(b) of sub-section(1) of section 15 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), the Central Government hereby authorises the officers specified in column 3 of the Table below to function as Appellate Authority against the orders passed by the Adjudicating Authorities authorised by the Central Government under section 13 of the said Act and specified in column 2 of the said Table.

TABLE

<u>S.No.</u>	<u>Designation of Adjudicating Authority</u>	<u>Appellate Authority</u>
1.	Foreign Trade Development Officer	Additional Director General of Foreign Trade
2.		Assistant Director General of Foreign Trade
3.		Deputy Director General of Foreign Trade
4.		Joint Director General of Foreign Trade
5.	Additional Director General of Foreign Trade	Additional Secretary in the Ministry of Commerce aided by two Joint Secretaries and a Director of that Ministry.

[File No. 21/11/92-LS]

DR. P. L. SANJEEV REDDY, Director General of Foreign Trade and Ex-Officio
Addl. Secy.

NOTIFICATION

New Delhi, the 6th March, 2000

S.O.193(E).- In exercise of the powers conferred by clause (b) of sub-section(1) of section 15 of the Foreign Trade (Development and regulation) Act,1992 (22 of 1992), the Central Government hereby authorises the officers specified in column (3) of the table below to function as Appellate Authority against the orders passed by the Adjudicating Authorities authorised by the Central Government under section 13 of the said Act and specified in column (2) of the said Table, and makes the following amendments in the notification of the Government of India in the Ministry of Commerce No.S.O.1059(E), dated the 31st December, 1993, namely :-

In the said notification in the table, after serial number 5 and the entries relating thereto, the following serial number and the entries shall be inserted, namely :-

(1) (2) (3)

6 Development Commissioner Additional Secretary in the
Export Processing Zone Ministry of Commerce aided

By two Joint Secretaries &
a Director of that Ministry"

[F.No. 18/9/97-98/ECA-III/I]

N.L.Lakhanpal, Director General of
Foreign Trade & Ex-Officio Addl.Secretary.

ORDER

New Delhi, the 31st December, 1993

S.O. 1060(E), In exercise of the powers conferred by sub-sections (2) and (4) of section 9 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), the Director General authorises the officers mentioned in the Table below to grant or renew or refuse to grant or to suspend or to cancel a licence for the purposes of import or export of goods.

TABLE

<u>S.No.</u>	<u>The Designation of the Officers</u>	<u>The Territorial areas in respect of which the jurisdiction is to be exercised</u>
1.	Additional Director General of Foreign Trade	Throughout India
2.	The Exprot Commissioner	Throughout India
3.	The Joint Director General of Foreign Trade	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
4.	The Deputy Director General of Foreign Trade	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade, New Delhi	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
5.	The Assistant Director General of Foreign Trade	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade, New Delhi	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
6.	The Controller of Imports and Exports:	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
7.	The Development Commissioner/ Joint Development Commissioner/ Deputy Development Commissioner/ Assistant Development Commissioner of a Free Trade Zone or an Export Processing Zone.	Respective territorial jurisdiction of such authority.

[File No. 21/11/92-LS]

DR. P. L. SANJEEV REDDY, Director General of Foreign Trade

ORDER

New Delhi, the 31st December, 1993

S.O. 1061(E), In exercise of the powers conferred by sections 7 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), the Director General authorises the officers mentioned in the Table below to grant importer-exporter Code number in accordance with the provisions of the aforesaid section.

<u>S.No.</u>	<u>The Designation of the Officers</u>	<u>The Territorial areas in respect of which the jurisdiction is to be exercised</u>
1.	Additional Director General of Foreign Trade	Throughout India
2.	The Exprot Commissioner	Throughout India
3.	The Joint Director General of Foreign Trade	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
4.	The Deputy Director General of Foreign Trade	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade, New Delhi	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
5.	The Assistant Director General of Foreign Trade	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade, New Delhi	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
6.	The Controller of Imports and Exports:	Throughout India
(a)	In the Headquarters office of the Director General of Foreign Trade	Throughout India
(b)	In the Regional Licensing Authority	Respective territorial jurisdiction of such authority.
7.	The Development Commissioner/ Joint Development Commissioner/ Deputy Development Commissioner/ Assistant Development Commissioner of a Free Trade Zone or an Export Processing Zone.	Respective territorial jurisdiction of such authority.

[File No. 21/11/92-LS]

DR. P. L. SANJEEV REDDY, Director General of Foreign Trade.