

N. PASS BOOK SCHEME OF EXIM POLICY 1992-1997:

GENERAL EXEMPTION NO. 48

Exemption to materials imported into India, against a Self Declared Pass Book issued in terms of para 54 of the Export and Import Policy April 1992 to March, 1997.

[Notfn. No. 299/92-Cus., dt 30.11.1992 as amended by Notifn. Nos. 141/93, 183/93, 105/94, 137/94, 181/94, and 101/95.]

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts materials imported into India, against a **Self Declared Pass Book** issued in terms of para 54 of the Export and Import Policy, 1st April, 1992 - 31st March, 1997, from the **whole of the duty of Customs** leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and from the **whole of the additional duty** leviable thereon under section 3 of the said Customs Tariff Act, subject to the following conditions, namely:-

- (i) that the materials imported are covered by a Self Declared Pass Book (hereinafter referred to as the said Pass Book), issued in the format prescribed under Annexure II to the Public Notice of the Government of India in the Ministry of Commerce, No.37/92-97, dated the 12th August, 1992 as amended from time to time;
- (ii) that the importer at the time of clearance of the imported materials -
 - (a) produces proof of having executed a bond or a legal undertaking before the Licensing Authority concerned, for complying with the conditions of this Notification; and
 - (b) makes a declaration before the Assistant Commissioner of Customs binding himself to pay on demand an amount equal to the duty leviable but for the exemption, on the imported materials in respect of which the conditions specified in this Notification have not been complied with;

Provided that a bond or a legal undertaking and the declaration shall not be necessary in respect of imports made after discharge of export obligation in full, as evidenced by endorsement of Licensing Authority in the said Pass Book;

- (iii) that the said Pass Book is produced before the proper officer of Customs at the time of clearance of imported goods out of Customs control;

Provided that no such imported materials shall be permitted clearance under this Notification unless a debit entry has been made, in the said Pass Book, by the proper officer of Customs;

- (iv) that the imports and exports are undertaken from sea ports at Bombay, Calcutta, Cochin, Kandla, Mangalore, Mormgoa, Madras, Nhava Sheva, Paradeep, Tuticorin and Vishakapatnam or through any of the airports at Ahmedabad, Bangalore, Bombay, Calcutta, Delhi, Jaipur, Varanasi, Srinagar, Trivandrum, Hyderabad and Madras, or

through any of the Inland Container Depots at Bangalore, Coimbatore, Delhi, New Gauhati Goods Shed, Moradabad, Ludhiana and Hyderabad:

Provided that the Commissioner of Customs may by special order and subject to such conditions as may be specified by him, permit imports and exports from any other sea port, airport, land customs station or inland container depot;

- (v) that the export obligation is discharged, within two years of issue of the said Pass Book or within such extended period as may be granted by the Director General of Foreign Trade, by exporting goods manufactured in India in respect of which -
- (a) no input stage credit is obtained under rule 56A or 57A of the Central Excise Rules, 1944 (hereinafter referred to as the said Rules);
- (b) facility under rule 191 A or 191B as in force immediately before the 1st October, 1994, or rule 12(1)(b) or rule 13(1)(b) of the said rules, has not been availed; and
- (c) drawback has not been claimed either under section 74 of the Customs Act, 1962 or Customs and Central Excise Duties Rules, 1971 in case the said Pass Book has been issued without quantity restrictions for each of the items of import.

Provided that this restriction shall not apply to grant of drawback of Central Excise Duties paid on inputs not appearing in the said Pass Book in cases where the said Pass Book has been issued with quantity restriction on each of the items of import;

Provided further that in a case where the said Pass Book has been issued with quantity restriction on each of the items of import and any item included in the said Pass Book is not imported duty free, the drawback of both Customs and Central Excise duties on such item shall be admissible only after the Pass Book is modified by the Licensing Authority to delete that item from the said Pass Book;

- (vi) exempt materials shall not be disposed of or utilised in any manner, except for utilisation in discharge of export obligation, before the export obligation under the said Pass Book has been discharged and export proceeds realised:

Provided that exempt material may be transferred to supporting manufacturer whose name is entered in the said Pass Book ;

Provided further the Acetic Anhydride in respect of which the benefit of this notification is claimed shall be utilised by the importer in his own factory or in the factory of any other manufacturer indicated in the said pass book even after discharge of export obligation and realisation of export proceeds.

Explanation :- In this Notification -

- (i) "Export and Import Policy April 1992 - March 1997" means the Export and Import Policy 1 April 1992 - 31 March 1997 published vide Public Notice of the Government of India in the Ministry of Commerce No.1-ITC(PN)/92-97, dated the 31st March, 1992 as amended from time to time;

- (ii) "Licensing Authority" means the Director General of Foreign Trade appointed under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorised by him to grant licence under the said Act;
- (iii) "Materials" means:-
- (a) raw materials, components, intermediates, consumables, parts and computer software required for manufacture of export product;

Provided that nothing contained in this notification shall apply to import of Acetic Anhydride; against pass books issued after 24th November, 1993 except where such pass book together with the quantity required for manufacture of the export product mentioned therein have been issued with the approval of Advance Licencing Committee in the office of the Director General of Foreign Trade.

- (b) spares and mandatory spares, within a value limit of 5% of the C.I.F. value of the Pass Book issued upto 31st March 1993, which are required to be exported along with the export product; and
- (c) packaging materials required for packing of export product.

GENERAL EXEMPTION NO. 49

Exemption to Goods imported against a Pass Book issued by the designated authority under paragraph 54 of the Export and Import Policy 1992-97.

[Notfn. No. 104/95-Cus., dt. 30.5.1995 as amended by Notfn. Nos. 55/95, 33/96, 81/96, 24/97 and 12/99]

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods imported into India from

- (i) the **whole of the duty of customs** leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975); and
- (ii) the **whole of the additional duty** leviable under section 3 of the said Customs Tariff Act, where specifically claimed by the importer.

subject to the following conditions, namely:-

- (1) That the importer has been issued a **Pass Book** by the designated authority under paragraph 54 of the Export and Import Policy (hereinafter referred to as said Pass Book).
- (2) The importer has been permitted credit entries of the amounts equal to basic customs duties on the inputs used in the products exported by the importer as verified by an Assistant Commissioner of Customs or Deputy Commissioner of Customs.

Provided that credit shall not be allowed by the designated authority in respect of goods exported under a claim for drawback or in discharge of export obligation against a licence issued under Duty Exemption Scheme contained in Chapter VII of the Export and Import Policy or where export was from a port or airport or Inland Container Depot other than the ports or airports or Inland Container Depots at Bombay, Nhava Sheva, Calcutta, (including the land Customs Station at Petropole) Madras or Delhi.

Provided further that such credit -

- (i) shall be admissible only in respect of the import items (hereinafter referred to as the inputs) which are specified with quantity restrictions in the standard input-output norms published in the Hand-book of Procedures, Vol. II, by the Government of India in the Ministry of Commerce vide Public Notice No.121 (PN)/92-97 dated the 31st March, 1992, as amended from time to time (hereinafter referred to as the said norms), and which inputs are declared by the exporter to have been actually used in the product exported;
- (ii) shall be admissible only where the export product is declared and if necessary proved to the satisfaction of the Assistant Commissioner of Customs to have been manufactured out of inputs of prime quality, except where the said norms allow import of scrap or waste;
- (iii) shall be allowed,-
 - (a) at the rate of customs duties chargeable under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) read with notifications, if any, issued under section 25 of the said Customs Act on the inputs as if the inputs were imported on the date on which the order permitting the clearance and loading the Export product was made by the proper officer of the Customs under section 51 of the said Customs Act;
 - (b) where duties of customs are chargeable on any input by reference to its value, such value shall be determined by proceeding sequentially through the following methods, namely:-
 - (I) the value shall be deemed to be the price at which the same or similar inputs, known to be usable in the export product were imported at the place of exportation of such export product within 90 days prior to such export, or
 - (II) the price at which inputs of like kind were imported anywhere in India within 180 days prior to the export by the pass book holder himself or by any other person, or
 - (III) the price at which such inputs were exported from India within 90 days prior to the date of exports; or
 - (IV) the price published in a contemporary reputed journal which regularly publishes international prices of such inputs; or
 - (V) the price arrived at by following any other reasonable method which the Assistant Commissioner of Customs or Deputy Commissioner of Customs may deem fit.
- (iv) shall not be allowed in case the total value of inputs in respect of which credit is claimed exceeds 75% of the F.O.B. value of the products exported, unless otherwise permitted by a general or special order by the Director General of Foreign Trade, in the Ministry of Commerce, or any other officer authorised by him.
- (3) The said Pass Book is produced before the designated authority for debit of the duties leviable on the goods but for exemption contained herein:

Provided that exemption from duty shall not be admissible if there is insufficient credit in the said Pass Book for debiting the duty leviable on the goods but for this exemption.

- (4) The said Pass Book shall be valid for credits by the designated authority for two years from the date of issue thereof and any credit in the said Pass Book if not utilised within three years from the date of its issue shall lapse.

Provided that where the export has been effected upto and including, 31st March, 1997, and credit in the pass-book has not been granted, the pass-book shall be valid for credit upto and including 31st March, 1999.

- (5) The said Pass Book or the credit allowed therein shall not be transferable to any other person.
- (6) where the importer does not claim exemption from the additional duty of customs leviable under section 3 of the Customs Tariff Act, 1975 (51 of 1975), he shall be deemed not to have availed the exemption from the duty specified in the First Schedule to the said Customs Tariff Act for the purpose of calculation of the said additional duty of customs.

Explanation:- “Export and Import Policy” means the Export and Import Policy 1 April 1992 - 31 March 1997 (Revised Edition : March 1995) published vide notification of the Government of India in the Ministry of Commerce No.1 (RE-95)/92-97 dated the 31st March, 1995.