OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)
JAWAHARLAL NEHRU CUSTOM HOUSE,
NHAVA-SHEVA.
TAL-URAN, DISTRICT- RAIGAD. MAHARASHTRA

F.No.S/26-Misc-428 /2010 Gr.IIE Date: 07 /07/2011

STANDING ORDER NO. 55 /2011

(Referred / amended vide S.O.No. 61/2011)

Attention of all the officers, staff and other concerned is invited to the Standing Order No.07/2011 dated 04.02.2011 issued by this office in the matter of import of Insecticides, Pesticides, fungicides etc

2. Central Board of Excise & Customs (CBEC) had received references from the Trade & Industry regarding the difficulties faced in clearance of imported substances listed in Schedule 3 of the Insecticides Act, 1968 that are meant for non-insecticidal purposes.

The matter has been examined and the Board vide letter F.No.401/101/2011-Cus.III dated 22.06.2011 has issued instructions in this regard, the relevant extract of which is reproduced below

Section 38. Exemption

3. **Nothing in this Act shall apply to-**

   (a) the use of any insecticide by any person for his own household purposes or for kitchen, garden or in respect of any land under his cultivation.

   (b) Any substance specified or included in the Schedule or any preparation containing any one or more such substances, if such substance or preparation is intended for purposes other than preventing, destroying, repelling or mitigating any insects, rodents, fungi, weeds and other forms of plant or animal life not useful to human beings.

**
As may be seen, the aforementioned provisions of the said Section 38 of the Insecticides Act, 1968 are unambiguous and leave no scope for interpretation.Essentially, the exemption from the provisions of the said Act would apply to those insecticides that are used for household purposes etc or for other than insecticidal purposes. Thus, import of items listed under Schedule 3 of the said Act that are intended to be used for these purpose that are specified in the said Section 38 would be outside the ambit of the provisions contained in Insecticides Act, 1968. The implication is that the clearance of such imported items would not be subject to the requirement of registration/import permit from CIB & RC.

3. The above instructions issued by the Board (CBEC) is based on intended use of the imported chemical. The Actual User importers will be required to submit the End Use Bond at the time of clearance of the goods. In case of importers other than the Actual Users, the following procedure is prescribed:

(i) If the importer is not an Actual User and the goods are imported on behalf of an actual user, then the importer has to submit the documentary evidence in this regard and an Undertaking in the annexed format will be submitted by the importer as well as by the purchaser who is an actual user.

(ii) If the importer fails to furnish documents/evidence for the intended use of the goods at the time of clearance, the requirement of CIB & RC registration/import permit will be followed.

(iii) For the sake of convenience, the importers have to declare the intended purpose of the goods in the description column of the Bill of Entry without any ambiguity.

Sd/-
(B. RAVICHANDRAN)
COMMISSIONER OF CUSTOMS (IMPORT)
JNCH.

To,
All concerned.
Copy to :

1. The Chief Commissioner of Customs, Mumbai Zone-II
2. The Commissioner of Customs (Import), JNCH
3. All the Addl/Jt. Commissioner of Customs, JNCH
4. All the Asstt/Dy. Commissioner of Customs, JNCH

ANNEXURE

Legal Undertaking for import by Persons(Other than Actual Users)

I\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u.S/o\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u. R/o\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u\u

2.□□□□□□□□□ That I undertake to sell□□□□□□□□(quantity) from the above mentioned consignment of to M/s□□□□□□□□□□□□□□□□□□□□□□□□□who is the actual user of the said goods i.e □□□□□□□□□□.having manufacturing unit at address□□□□□□□□□□□□□□□□□□.

3.□□□□□□□□□□ That I undertake to maintain books and records of transaction of sale of goods imported vide Bill of Entry as above.

4.□□□□□□□□□□ That I undertake to allow the Customs Department to inspect the books and records as well as the actual usage of said item as and when required.

5.□□□□□□□□□□ I state the import document like Bill of Entry, etc clearly indicates the use of goods imported as□□□□□□□□□□□□□.

6.□□□□□□□□□□ That the data of my previous import is annexed with this undertaking (optional in cases of subsequent import).

7.□□□□□□□□□□ That the Legal undertaking of the actual user is annexed herewith which amongst other thing states clearly that the goods □□□□□□□.. shall be used for□□□□□□□□..purpose and not for purposes as insecticides, fungicides /pesticides/weedicide and it shall not be sold to anyone .

DEPONANT

VERIFICATION

Verified on this□□..day of □□□□□□.(Moth & Year) that the contents of my above undertaking are true and that no part it is false and that nothing material has been concealed here from.