Circular No. 15/2003 - Customs
11th March, 2003

F. NO. - 528/20/2003 - CUS(T.U.)
Government of India
Ministry of Finance & Company Affairs
Department of Revenue
(Tariff Unit)

Subject: Imports of free gifts under Bilateral Agreement.

I am directed to refer to the subject mentioned above and to say that it has been brought to notice of the Board that, in some cases, Commissioners are insisting on submission of distribution certificates in respect of commodities imported duty free under notification No. 148/94-Cus., Sl. 8. (under a Bilateral Agreement).

2. Notification No. 148/94-Cus. dated 13.07.1994, Sl. 8 exempts from customs duty goods gifted free of cost under a bilateral agreement between the Government of India and a Foreign Government. It does not prescribe any condition whatsoever in column (3) of the Table. The only inherent condition is that the imports should have been made in terms of the provisions of the bilateral agreement. The condition requiring submission of a certificate that goods have been distributed to the poor and the needy without any distinction of caste, creed or race is prescribed against Sl. No. 1 of the notification only.

3. The above notification may be applied strictly in accordance with its provisions. For imports under Sl. 8 of notification 148/94-Cus., distribution certificate should not be asked for. However, the imports should comply with conditions/provisions of the bilateral agreement.

4. Suitable Public Notice may be issued for the benefit of the trade.

5. Receipt of this circular may be acknowledged.

6. Hindi version will follow.

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