NOTIFIED GOODS (PREVENTION OF ILLEGAL IMPORT) RULES, 1969

Notification No. 10-Cus., dated 3rd January,1969 as amended by Notification No.14-Cus., dated 11th January 1969., No.77-Cus., dated 10th October,1974., No.61-Cus., dated 3rd April 1976; No. 140-Cus; dated 1-7-1977; No.85-Cus., dated 29-4-1978 and No. 4-Cus., dated 7-1-1985.

In exercise of the powers conferred by sections 11C, 11D, 11E, 11F and 11G of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules, namely:—

RULE 1. Short title. — These rules may be called the Notified Goods (Prevention of Illegal Import) Rules, 1969.

RULE 2. Definition. — In these rules, "section" means a section of the Customs Act, 1962 (52 of 1962).

RULE 3. Particulars, etc. of statements under Section 11C. —

(1) The statement required to be delivered under sub-section (1) or sub-section (2) of section 11C shall contain the following particulars, namely :—

(a) name and full business address of the person required to deliver the statement;

(b) situation and description of the premises where the notified goods are kept or stored;

(c) particulars of the notified goods as specified in rule 9;

(d) the date of acquisition of the notified goods and the name and full address of the person from whom such goods were acquired.

(2) The statement referred to in sub-rule (1) shall be duly signed by the person required to deliver it under section 11C and shall be delivered in duplicate to the proper officer who shall, after recording acknowledgement thereof on the original copy, return that copy and retain the duplicate copy.

RULE 4. Particulars, etc. of transport voucher under section 11C. —

(1) The transport voucher required to be prepared under sub-section (6) of Section 11C shall contain the following particulars, namely:—

(a) name of the owner of the notified goods;

(b) name of the notified goods;

(c) particulars of the notified goods as specified in rule 9;

(d) location of the premises from where the notified goods are being taken out;

(e) location of the premises to which the notified goods are being taken;

(f) means of transport;

(g) where a motor vehicle is used for transport for the notified goods the registration number of the motor vehicle. (When a bus is used as a means of transport, it is not necessary to include the registration number of the bus);

(h) route to be followed for transport of the notified goods;

(i) time and date when transport of the notified goods begins; and

(j) time and date when the notified goods are likely to reach the destination.

(2) (a) The transport voucher referred to in sub-rule (1) shall be prepared in duplicate and both the copies shall be signed by the person required to prepare the same.

(b) The original copy of the transport voucher shall accompany the notified goods during the transport of such goods and the duplicate copy thereof shall be retained by the person who has prepared the same.

(c) All transport vouchers shall have consecutive serial numbers stamped on them.

(d) No transport voucher shall be issued except in the order of the serial number and in respect of the notified goods.

(e) All transport vouchers shall be kept in the order of their serial number in the form of a book.

RULE 5. Reasonable steps to be taken under section 11D. — The reasonable steps to be taken under section 11D by a person acquiring any notified goods shall be the following, namely:—

(1) If the notified goods are to be acquired from a hawker, the person so acquiring shall satisfy himself that the hawker has entered the acquisition by him of the notified goods, in the accounts maintained under sub-section (1) of section 11E and the said accounts have been certified by a gazetted officer of Customs.

(2) If the notified goods are in the use of any person, or are kept for the use of any person, in his residential premises and are to be acquired by any other person, the person so acquiring shall satisfy himself (except when he acquires any notified goods which are being used by any person and the market price of which has depreciated on account of the use to less than two-thirds of their market price if they are new) that the seller or transferor, as the case may be, has evidence of clearance of such goods by the Customs authorities on payment of fine in lieu of confiscation or has permission from a gazetted officer of Customs for the sale or transfer of such goods.

RULE 6. Form, etc. of accounts to be maintained under section 11E. —

(1) The accounts required to be maintained under section 11E of the Customs Act, 1962 (52 of 1962), shall contain the following particulars in respect of each acquisition or disposal (whether by sale or otherwise) of notified goods, namely :—

(a) name of the notified goods;

(b) name and full business address of the person from whom the notified goods have been acquired or in whose favour the notified goods have been parted with;

(c) serial number of the voucher or memorandum accompanying the notified goods acquired;

(d) particulars as specified in rule 9; and

(e) time and date of acquisition, or parting with, of the notified goods.

(2) All particulars referred to in sub-rule (1) shall be entered in a register :

Provided that particulars in respect of each sale or other disposal of notified goods may be entered in a book of sale or disposal memos, in duplicate.

(3) The pages of the register and the book of sale or disposal memos, shall have consecutive serial numbers stamped thereon and the entries in respect of each transaction shall he made immediately after the transaction.

RULE 7. Particulars of voucher under section 11F. —

(1) The voucher required as evidence under section 11F shall contain the following particulars, namely :—

(a) name and full business address of the person selling or transferring the notified goods;

(b) particulars of the notified goods as specified in rule 9;

(c) name and full address of the person to whom the notified goods are sold or transferred; and

(d) time and date of sale or transfer.

(2) (a) The voucher referred to in sub-rule (1) shall be prepared in duplicate and both the copies shall be signed by the person required to prepare the same.

(b) The original copy of the voucher shall accompany the notified goods during the transport of such goods and the duplicate copy thereof shall be retained by the person who has prepared the same.

(c) All vouchers shall have consecutive serial numbers stamped on them.

(d) No voucher shall be issued except in the order of the serial number and in respect of the notified goods.

(e) All vouchers shall be kept in the order of their serial number in the form of a book.

RULE 8. Particulars of the memorandum under Section 11G. — The memorandum required to be issued under section 11G shall contain the following particulars, namely:—

(a) particulars of the notified goods as specified in rule 9;

(b) name and full address of the person to whom the notified goods are sold or transferred;

(c) time and date of sale or transfer of the notified goods;

(d) name, full address and signature of the seller or transferor of the notified goods; and

(e) where the market price of the notified goods sold or transferred has not depreciated on account of use to less than two-thirds of their market price, if they are new, the particulars of the permission given by a gazetted officer of Customs authorising the sale or transfer of the notified goods, or the number and date of the order passed by such officer evidencing clearance of such goods by the Customs on payment of fine in lieu of confiscation.

RULE 9. Particulars of notified goods. —

(1) The particulars of the notified goods required to be given under rules 3(l)(c); 4(l)(c); 6(l)(d); 7(l)(b) and 8(a) shall be the following, namely:—

(a) the description of the notified goods with such identifying particulars as are specified in sub-rule (2);

(b) quantity of the notified goods; and

(c) market price of the notified goods on the date of acquisition or sale of such goods.

(2) (a) The identifying particulars referred to in clause (a) of sub-rule (1) shall be the following, namely:—

(i) serial number, if any;

(ii) batch number, if any;

(iii) patent number, if any;

(iv) make, if any;

(v) brand, if any;

(vi) trade mark, if any and

(vii) country of origin, if any.

(b) In addition to the identifying particulars mentioned in clause (a), the particulars mentioned against each of the following articles shall also be given in respect of each such article :—

(i) watches—gents' or ladies'; hand-winding, automatic, quartz or electronic;size; shape; with or without centre-second; calendar or not; rolled-gold, chrome, stainless steel, palladium or plastic; luminous dial or not; type of numerals on dial; combination type or not;

(ii) watch movements—model; number; calibre; type—hand-winding or automatic; calendar or not;

(iii) watch dials—calibre; size;

(iv) watch cases—calibre; size; rolled-gold, chrome, stainless steel, palladium, or plastic;

(v) synthetic yarn—variety; denier;

(vi) metallised yarn—variety; colour; length of yam;

(vii) fabrics and sarees—variety of yarn; type of fabrics; colour;

(viii) knit-wear—variety of yam; gents', ladies' or children's size; colour; type;

(ix) fountain pens, ball-point pens—model; colour;

(x) perfumes—quantity of contents per bottle/vial;

(xi) T.V. Sets—model; colour or black and white; with or without remote control; screen size; number of channels; combination type or not;

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(xii) electronic calculators—model; with or without printer; combination type or not;

(xiii) Video cassette recorders, video cassette players—model; with or without remote control; combination type or not;

(xiv) Video cassette tapes—model; playing time;

(xv) Zip fasteners,—length; teeth material; colour.

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