

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT),

JAWAHARLAL NEHRU CUSTOM HOUSE, SHEVA,

TAL. : URAN, DISTT. : RAIGAD, MAHARASHTRA 400 707.

F. No. S/22 GEN - 136/2006 APPRG(M) (IMP/JCH)

Date :- .11.06

STANDING ORDER NO. _45 / 2006.

**Sub :- Import of Boric Acid- requirement of registration and import permit
from CIB & RC-reg**

Attention of all the officers is invited to Board's Letter No.528/9/2004-Cus(TU), dated 06.10.2006, on the above subject.

- 1) Attention of all is invited to the Ministry of Agriculture's letter D.O.No. AC/2006/35 dated 05.07.2006, where in they had referred to the clarification sought by Kolkata Customs and have stated that with a view to safeguard/prevent risk to human beings and animals such goods should not come into the hands of person who are not authorized under the Insecticides Act, 1968.

2) This issue was examined in the Tariff Conference of Chief Commissioners and it was explained that there is no need for reviewing the Board's Circulars No.61/2004 dated 28.10.2004 and 37/2005 dated 06.09.2005 in the matter of classification and following the prescribed conditions of import and registration. It was also informed to the Chief Commissioners that the amendment of the Import policy vide Notification No.2/RE-2006 dated 07.04.2006, making all insecticide restricted (whether falling under Chapter 28 or 38), the problem relating to doubts regarding ITC violation in respect of Boric Acid has been resolved.

3) The issue was further examined in the Board, in the light of the doubts raised by some Commissionerates that whether such goods can be released after imposition of fine and penalty. Presently all import of Boric Acid, whether insecticidal or non-insecticidal use, need to obtain necessary certificate of registration/import permit from the CIB&RC. In the absence of fulfillment of such conditions, the imported goods would be liable for confiscation under section 111 (d) of the Customs Act, 1962.

4) It is also stated that under Insecticides Act, 1968, Schedule notified under section 3(e), boric acid has been mentioned as one of the insecticides for which the certificate of registration/import permit is required to be taken from CIB&RC for its importation. Import without such a certificate of registration/import permit is an offence under the Act and liable for imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both in terms of section 29. However, the goods imported in contravention of these provisions are liable for seizure/confiscation only upon conviction of such person.

5) In view of the above, all are directed to ensure that in case of import of Boric Acid, the importer has to declare the fact whether he has obtained a certificate of registration/import permit from CIB & RC, at the time of filing their Bill of Entry. In case, no such certificates/import permit have been obtained, the importers should be asked to comply with the requirement of insecticides Act, 1968, and take necessary action for non-compliance with the import policy under FTP and Insecticides Act 1968, including seizure and absolute confiscation. It should be ensured that the goods should be released, before or after adjudication, as the case may be, only against a certificate of registration/import permit as per the Insecticides Act, 1968.

6) The modalities for disposal of confiscated goods, in such cases, shall be subjected to the provisions of the insecticides Act, 1968.

7) This would ensure that the requirement of the Insecticides Act, 1968, for protection of public health with a view to prevent risk to human beings and animals is fulfilled, in the process of customs clearance of such specified goods.

(NAJIB SHAH)

COMMISSIONER OF CUSTOMS(IMPORT)

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