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SUB SECTION (ii)

GOVERNMENT OF INDIA MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION NO 4(RE-2001)/1997-2002 NEW DELHI. 31st MARCH,2001

S.O (E)-In exercise of powers conferred under section 5 of the Foreign Trade (Development and Regulation) Act, 1992. read with paragraph 1.3 and 4.1 of the Export and Import Policy, 1997-2002, the central Government hereby makes the following amendments in the ITC(HS) Classifications of Export and Import Items, 1997-2002 published on 31st March, 1997 (RE-98) as amended from time to time, namely-in the import licensing notes appearing in Chapter-87 of the said ITC(HS)Classification export & Import items, 97-2002, the following clauses shall be inserted in the end;

“(5) (I) **A second hand or used vehicle** (including all the vehicles other than Railway or Tramway) for the purposes of this Chapter shall mean a vehicle that-

- (a) has been sold, leased or loaned prior to importation into India; or
- (b) has been registered for use in any country according to the laws of that country, prior to importation into India;

(II) The import of second had or used vehicles shall be subject to the following conditions;-

- (a) The second hand or used vehicle shall not be older than three years from the date of manufacture;
- (b) The second hand or used vehicle shall
 - (i) have right hand steering, and controls (applicable on vehicles other than two and three wheelers);
 - (ii) have a speedometer indicating the speed in Kilometers; and
 - (iii) have photometry of the headlamps to suit "keep left" traffic
- (c) In addition to the conditions specified in (a) and (b) above, the second hand or used vehicle shall conform to the provisions of the Motor Vehicle Act, 1988 and the rules made the re under.
- (d) Who ever being an importer or dealer in motor vehicles who imports or offers to import a second hand or used vehicle into India shall,
 - (i) At the time of importation, submit a certificate issued by a testing agency, which the Central Government may notify into his regard, that the second hand or used vehicle being imported into India has been tested immediately before shipment for export to India and the said vehicle conforms to all the regulations specified in the Motor Vehicles Act, 1988 of India and the rules made the re under.

- (ii) At the time of importation, submit a certificate issued by a testing agency, which the Central Government may notify in this regard, that the second hand or used vehicle being imported into India has been tested immediately before shipment for export to India and the said vehicle conforms to the original homologation certificate issued at the time of manufacture.
 - (iii) On arrival at the Indian port but before clearance for home consumption, submit the vehicle for testing by the Vehicle Research and Development Establishment, Ahmednagar of the Ministry of Defense of the Government of India or Automotive research Association of India, Pune or Central Farm Machinery Training and Testing Institute, Budni, Madhya Pradesh for tractors, and such other agencies as may be specified by the Central Government, for granting a certificate by that agency as to the compliance of the provisions of the Motor Vehicles Act, 1988 and any rules made there under.
 - (iv) Import of these vehicles shall be allowed only through the customs port at Mumbai.
- (e) The second hand or used vehicles imported into India should have minimum road worthiness for a period of 5 years from the date of importation into India with assurance for providing service facilities within the country during the five year period. For this purpose, the importer shall, at the time of importation, submit a declaration indicating the period of roadworthiness in respect of every individual vehicle being imported, supported by a certificate issued by any of the testing agencies, which the Central Government may notify in this regard.

(6)(1) a **new imported vehicle** (including all the vehicles other than Railway or Tramway) for the purposes of this Chapter shall mean a vehicle that:-

- (a) has not been manufactured/assembled in India; and
- (b) has not been sold, leased or loaned prior to importation into India; or
- (c) Has not been registered for use in any country according to the laws of that country, prior to importation into India.

(II) The import of new vehicles shall be subject to the following condition:

a. the new vehicle shall

- (i) have a speedometer indicating the speed in Kilometers per hour;
- (ii) have right hand steering and controls (applicable on vehicles other than two and three wheelers);
- (iii) have photometry of the headlamps to suit "keep-left" traffic; and
- (iv) Be imported from the country of manufacture.

b. In addition to the conditions specified in (a) above, the new vehicle shall conform to the provisions of the Motor Vehicles Act, 1988 and the rules made there under, as applicable, on the date of import.

- c. Whoever being an importer or dealer in motor vehicles who imports or offers to import a new vehicle into India shall,
- (i) At the time of importation, have valid certificate of compliance as per the provisions of rule 126 of Central motor Vehicle Rules (CMVR), 1989, for the vehicle model being imported, issued by any of the testing model agencies, specified in the said rule;
 - (ii) Be responsible for all the provisions assign to the manufactures Rules 122 and 138 of CMVR, 1989 and for issuing Form 22, as per provisions of CMVR,1989, and
 - (iii) Given an undertaking in writhing that the proof of compliance to conformity of production as per rule 126A of CMVR, shall be submitted within six months of the imports. In case of failure to do so, no further import of new vehicle of that model shall be allowed thereafter.
 - (iv) The import of the new vehicles shall be permitted only through the customs port at Nhava Sheva, Calcutta and Chennai.
- e. The provisions of this notification will not apply to the import of the new vehicles.
- (i) for the purpose of the certification as per para c(i) above
 - (ii) for the purpose of the defense requirements and
 - (iii) For eh purpose of R&D by Vehicle manufactures".

These issues in Public interest

(N.L.LAKHANPAL)
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