

परामर्शदाता (मुख्यालय)
Inspector General (HQ)

संज्ञी सं/ Diary No. 948
दिनांक/ Date 15-03-18

Government of India
Ministry of Home Affairs
PM Division/Prov. I Section

26, Man Singh Road,
Jaisalmer House, New Delhi

Subject: Amendment in the Foreign Trade (Exemption from application of Rules in certain cases) amendment Order, 2017

The undersigned is directed to refer to the above subject and to say that DGFT, Department of Commerce has amended the Foreign Trade (Exemption from application of Rules in certain cases), Amendment Order, 2017 vide their Notification No. 51/2015-2020 dated 20.02.2018. The said notification is being forwarded herewith for your information and taking necessary action accordingly.

Encl: As Above.

[Signature]
C. Baby Usha
Section Officer (Prov-I)
Tel No. 011-23386034

DsG: AR (Through LoAR)/BSF/CISF/CRPF/ITBP/NSG and SSB
MHA U.O. No.IV-11012/02/2009-Fin (Prov.I) (Part-II) Dated : 12.03.2018

Copy to: The Director, NIC for uploading in What's New category in the Website of MHA.

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To be published in the Gazette of India Extraordinary Part-II, Section 3, Sub-Section (ii)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan

Notification No. 535 /2015-2020
New Delhi, Dated: 26th February, 2018

Subject: Amendment in the Foreign Trade (Exemption from application of Rules in certain cases) Amendment Order, 2017

S.O. (E): In exercise of the powers conferred by section 3, read with section 4, of the Foreign Trade (Development and Regulation) Act, 1992, as amended from time to time, the Central Government hereby deletes the following Rule provisions of the Foreign Trade (Exemption from application of Rules in certain cases) Amendment Order, 2017 as under:

Section	Existing Provision	Revised provision
3(1)	<p>(a) by the Central Government or agencies, undertakings owned and controlled by the Central Government for Defence purposes;</p> <p>(b) by the Central Government or any State Government, Statutory Corporation, public body or Government Undertaking run as a joint Stock Company;</p> <p>(c) by the Central Government, any State Government or any statutory corporation or public body or Government Undertaking run as a joint Stock Company, orders in respect of which are placed through the Directorate General Supplies and Disposals, New Delhi</p>	<p>(a) by the Central Government or agencies, undertakings owned and controlled by the Central Government for Defence and Security purposes.</p> <p>(b) by the State Government for Security purposes</p> <p>(c) Deleted.</p>

2. Effect of this Notification: Modification in Section 3(1) (a), (b) and deletion of Section 3(1) (c) of the Foreign Trade (Exemption from application of Rules in certain cases) Amendment Order, 2017 is notified.

(Alok Vardhan Chaturvedi)
Director General of Foreign Trade
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{Issued from F.No. 01/93/180/16/AM-16/PC-2(B)}

(m) "technology" means any information (including information embodied in software), other than information in the public domain, that is capable of being used in—

- (i) the development, production or use of any goods or software;
- (ii) the development of, or the carrying out of, an industrial or commercial activity or the provision of service of any kind.

Explanation.— For the purpose of this clause—

(a) when technology is described wholly or partly by reference to the uses to which it (or the goods to which it relates) may be put, it shall include services which are provided or used, or which are capable of being used in the development, production or use of such technology or goods;

(b) "public domain" shall have the same meaning as assigned to it in clause (i) of section 4 of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.

21 of 2005.

3. In the principal Act, in sub-heading below "Chapter II", for the words "EXPORT AND IMPORT POLICY", the words "FOREIGN TRADE POLICY" shall be substituted.

Amendment
of title of
Chapter II.

4. In section 3 of the principal Act,—

Amendment
of section 3.

(a) in sub-section (2),—

(i) for the words "import or export of goods", the words "import or export of goods or services or technology" shall be substituted;

(ii) after sub-section (2), the following proviso shall be inserted, namely:—

"Provided that the provisions of this sub-section shall be applicable, in case of import or export of services or technology, only when the service or technology provider is availing benefits under the foreign trade policy or is dealing with specified services or specified technologies."

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) without prejudice to anything contained in any other law, rule, regulation, notification or order, no permit or licence shall be necessary for import or export of any goods, nor any goods shall be prohibited for import or export except, as may be required under this Act, or rules or orders made thereunder."

5. For section 5 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new section
for section 5.

"5. The Central Government may, from time to time, formulate and announce, by notification in the Official Gazette, the foreign trade policy and may also, in like manner, amend that policy:

Foreign Trade
Policy.

Provided that the Central Government may direct that, in respect of the Special Economic Zones, the foreign trade policy shall apply to the goods, services and technology with such exceptions, modifications and adaptations, as may be specified by it by notification in the Official Gazette."

6. In section 6 of the principal Act, in sub-section (2), for the words "export and import policy", the words "foreign trade policy" shall be substituted.

Amendment
of section 6.

7. In section 7 of the principal Act, the following proviso shall be inserted, namely:—

Amendment
of section 7.

"Provided that in case of import or export of services or technology, the Importer-exporter Code Number shall be necessary only when the service or technology provider is taking benefits under the foreign trade policy or is dealing with specified services or specified technologies."