



नेपाल राजपत्र

श्री ५ को सरकारद्वारा प्रकाशित

खण्ड ४६) काठमाडौं, पुस १ गते २०५३ साल (संख्या ३५)

भाग ३

श्री ५ को सरकार

गृह मन्त्रालयको सूचना

प्रहरी (चौथो संशोधन) नियमावली, २०५३

प्रहरी नियमावली, २०४६ लाई संशोधन गर्न वाञ्छनीय भएकोले,
प्रहरी ऐन, २०१२ को दफा ३६ ले दिएको अधिकार प्रयोग गरी श्री ५ को
सरकारले देहायका नियमहरू बनाएको छ ।

१. संक्षिप्त नाम र प्रारम्भ: (१) यी नियमहरूको नाम “प्रहरी (चौथो संशोधन)
नियमावली, २०५३” रहेको छ ।

(२) यी नियमावली श्री ५ को सरकारले नेपाल राजपत्रमा सूचना प्रकाशन
गरी तोकेको मितिदेखि प्रारम्भ हुनेछ ।

२. प्रहरी नियमावली, २०४६ को नियम ४ मा संशोधन: प्रहरी नियमावली, २०४६
(यस पछि “मूल नियमावली” भनिएको) को नियम ४ को उपनियम (२) को खण्ड
(क) र (ख) को सट्टा देहायका खण्ड (क) र (ख) राखिएका छन्:-

“(क) विशिष्ट श्रेणी- प्रहरी महानिरीक्षक

प्रहरी अतिरिक्त महानिरीक्षक

७३३

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

(ख) प्रथम श्रेणी- प्रहरी नायब महानिरीक्षक
प्रहरी वरिष्ठ उपरीक्षक”

३. मूल नियमावलीको नियम २७ मा संशोधन: मूल नियमावलीको नियम २७ को उपनियम (२) पछि देहायको उपनियम (३) थपिएको छ:-

“(३) उपनियम (२) मा जुनसुकै कुरा लेखिएको भएतापनि यो नियमावली प्रारम्भ हुँदाको बखत राजपत्राङ्कित प्रथम श्रेणीको प्रहरी अतिरिक्त महानिरीक्षक पदमा बहाल भइरहेको व्यक्तिलाई राजपत्राङ्कित विशिष्ट श्रेणीको प्रहरी अतिरिक्त महानिरीक्षक पदमा बढुवा गर्न बाधा पुर्याएको मानिने छैन।”

आज्ञाले,
पदमप्रसाद पोखरेल
श्री ५ को सरकारको सचिव

श्री ५ को सरकार
मन्त्रिपरिषद् सचिवालयको
सूचना

श्री ५ को सरकार (कार्य विभाजन) (चौथो संशोधन) नियमावली, २०५३

श्री ५ को सरकार (कार्य विभाजन) नियमावली, २०४७ लाई संशोधन गर्न वाञ्छनीय भएकोले,

श्री ५ महाराजाधिराजबाट नेपाल अधिराज्यको संविधान, २०४७ को धारा ४१ को उपधारा (१) बमोजिम मन्त्रिपरिषद्को सल्लाह र सम्मति अनुसार श्री ५ को सरकारको कार्य विभाजनको लागि देहायको नियमावली स्वीकृत गरिबक्सको छ।

१. संक्षिप्त नाम र प्रारम्भ: (१) यी नियमहरूको नाम ‘श्री ५ को सरकार (कार्य विभाजन) (चौथो संशोधन) नियमावली, २०५३’ रहेको छ।
- (२) यो नियमावली तुरुन्त प्रारम्भ हुनेछ।

(२)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

२. श्री ५ को सरकार (कार्य विभाजन) नियमावली, २०४७ को अनुसूची-२ मा संशोधन:-

श्री ५ को सरकार (कार्य विभाजन) नियमावली, २०४७ को अनुसूची-२ को,-

(१) शीर्षक नं. १० जलश्रोत मन्त्रालयको क्रमसंख्या ९ बाट 'जलवायु सम्बन्धी अध्ययन र भविष्यवाणी' हटाई सो क्रमसंख्या र त्यस पछिको क्रमसंख्या क्रमानुसार मिलाइएको छ ।

(२) शीर्षक नं. २० विज्ञान तथा प्रविधि मन्त्रालयको क्रमसंख्या १२ पछि देहायका क्रमसंख्याहरू थपिएका छन्:-

१३. राष्ट्रिय कम्प्युटर केन्द्र,

१४. विज्ञान तथा प्रविधि परिषद्,

१५. जल तथा मौसम विज्ञान विभाग ।

आज्ञाले,

कर्णबहादुर चन्द

श्री ५ को सरकारको सचिव

७३२

(३)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

भाग ५

श्री ५ को सरकार

कानून तथा न्याय मन्त्रालयको सूचना

श्री ५ को सरकार, नेपाल र गणतन्त्र भारत सरकारका बीच २०४८ साल मंसिर २० गते तदनुसार डिसेम्बर ६, १९९१ का दिन सम्पन्न व्यापार सन्धि तथा अनधिकृत व्यापार नियन्त्रण सहयोग सम्झौताको अवधि थप गर्ने र उक्त सन्धि तथा सम्झौताहरू तथा सोही मितिमा सम्पन्न पारवहन सन्धिका केही प्रावधानहरूलाई संशोधन गर्ने सम्बन्धमा श्री ५ को सरकार र गणतन्त्र भारत सरकारका बीच २०५३ साल मंसिर १८ गते तदनुसार डिसेम्बर ३, १९९६ का दिन काठमाडौंमा आदान-प्रदान भएका पत्रहरू (Exchange of Letters) को प्रामाणिक प्रतिहरू नेपाल सन्धि ऐन, २०४७ को दफा १२ को प्रयोजनको लागि प्रकाशन गरिएको छ ।

०३६

(४)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

December 3, 1996

Kathmandu

Excellency,

Consequent upon the understandings reached between the Commerce Secretaries of His Majesty's Government of Nepal and Government of India during their meeting in Kathmandu on July 4-7, 1996, and subsequent follow-up action thereon, it has been agreed to further liberalise the provisions made in the Treaty of Trade signed between the two Governments on December 6, 1991 by replacing the existing Part/V of the Protocol to the Treaty of Trade by a new Part V of the Protocol enclosed herewith as Annexure 'A'.

2. Further, in terms of Article XII, this Treaty is due to expire on December 5, 1996. It has been agreed that the existing Treaty be extended by modifying the present provision of renewal in Article XII to Treaty of Trade to read as below:-

"ARTICLE XII

This Treaty shall remain in force upto December 5, 2001 and shall be automatically extended for further periods of five (5) years at a time, unless either of the parties gives to the other a written notice, three months in advance, of its intention to terminate the Treaty.

This Treaty may be amended or modified by mutual consent of the parties."

3. This letter and your Excellency's confirmation shall constitute an Agreement between our two Governments which shall enter into force from the date of your reply.
4. It is requested that these understandings may kindly be confirmed.

Please accept, Excellency, the assurance of my highest consideration.

Yours sincerely,

(Mohan Dev Pant)
Secretary

H.E. Tejendra Khanna
Commerce Secretary,
Government of India
New Delhi, India.

626

(५)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

PROTOCOL TO THE TREATY OF TRADE

With reference to Article V:

1. The Government of India will provide access to the Indian market free of customs duties and the quantitative restrictions for all articles manufactured in Nepal.
- 2(i) Import of articles in accordance with the para "1" above shall be allowed by the Indian customs authorities on the basis of a Certificate of Origin to be issued by the agency designated by His Majesty's Government of Nepal in the format prescribed at Annexure 'B' for each consignment of articles exported from Nepal to India. However, this facility shall not be available for the articles listed at Annexure 'C'
- (ii) In the event of the above facility leading to a surge in the imports generally or in the import of any particular article, the two Governments shall enter into consultation with a view to taking appropriate measures.
- (iii) In the case of other articles made in Nepal which do not fulfil the conditions required by the Certificate of Origin prescribed at Annexure 'B' including those Articles listed at Annexure 'C' for the purpose of preferential treatment into India, the Government of India will provide normal access to the Indian market consistent with its MFN treatment.
3. On the basis of a Certificate issued, for each consignment of products manufactured in the small scale units in Nepal, by His Majesty's Government of Nepal, or by an agency designated by His Majesty's Government of Nepal that the relevant conditions applicable to the products manufactured in similar Small Scale Industrial units in India for relief in the levy of applicable Excise Duty rates are fulfilled for such a parity, Government of India will extend parity in the levy of Additional Duty on such Nepalese products equal to the treatment provided in the levy of effective Excise Duty on similar Indian products under the Indian Customs and Central Excise Tariff.

4. The "Additional Duty" rates equal to the effective Indian Excise duty rates applicable to similar Indian products under the Indian Customs & Central Excise Tariff will continue to be levied on the imports into India of products manufactured in the medium and large scale units in Nepal.
- 4(i) In regard to "additional duty" collected by the Government of India in respect of manufactured articles other than those manufactured in "small" units: Wherever it is established that the cost of production of an article is higher in Nepal than the cost of production in a corresponding unit in India, a sum representing such difference in the cost of production, but not exceeding 25 percent of the "additional duty" collected by the Government of India, will be paid to His Majesty's Government of Nepal provided His Majesty's Government of Nepal have given assistance to the same extent to the (manufacturers) exporters.
5. Export of consignments from Nepal accompanied by the Certificate of Origin will normally not be subjected to any detention/delays at the Indian Customs border checkpoints and other places enroute. In case any need for clarification arises, this will be obtained expeditiously, by the Indian border Customs authorities from the Indian and Nepalese authorities, as the case may be.
6. Where for social and economic reasons, the import of an item into India is permitted only through public sector agencies or where the import of an item is prohibited under the Indian Trade control regulations, the Government of India will consider any request of His Majesty's Government of Nepal for relaxation and will permit the import of such an item from Nepal in such a manner as may be found to be suitable.
7. For the purpose of calculation of import duties customs valuation procedures, as prescribed under the prevailing customs law, will be followed.

628

(७)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

ANNEXURE 'D'

CERTIFICATE OF ORIGIN

FOR EXPORTS FREE OF BASIC AND AUXILIARY
DUTIES UNDER THE TREATY OF TRADE
BETWEEN HIS MAJESTY'S GOVERNMENT
OF NEPAL AND THE GOVERNMENT OF INDIA

Reference No.

1. Articles consigned from (Exporter's business name, address)
2. Articles consigned to (Consignee's name, address)
3. Means of transport and route
4. Item Number (HS Tariff Line)
5. Marks and number of packages
6. Description of Articles
7. Gross weight or other quantity
8. Number and date of Invoice together with value
9. Declaration by the exporter:
The undersigned hereby declares that the details furnished above are correct, that the articles are produced in Nepal and that they comply with the Rules of Origin specified in the Treaty of Trade between His Majesty's Government of Nepal and the Government of India.

.....
(Place & Date, Signature of Authorised signatory)

10. Certification

It is certified that the articles herein referred to are eligible for preferential treatment as per provisions of the Treaty of Trade between His Majesty's Government of Nepal and the Government of India. It is further certified that:

1. The articles have been manufactured in Nepal at a factory situated at
(name of the place/district) by M/s
(name of the company);
2. The articles involve manufacturing activity in Nepal and that the manufacturing activity consists of converting (major inputs) into (output) through a process consisting of (brief description of manufacturing process).

(८)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

3. The above articles do not involve only assembly of parts/repacking operations;
4. The articles in question are not products of third country origin*

For His Majesty's Government of Nepal
(Place and Date, Signature & Stamp of Certifying authority)

* For the purpose of the above item No. 4, the articles which have undergone a manufacturing process in Nepal will not be treated as product of third country origin.

11. For official use of Indian Customs

The consignment has been examined and allowed to be imported into India as it complies with the Rules of Origin specified in the Treaty of Trade between His Majesty's Government of Nepal and the Government of India.

Date:-
Place:-

Signature & Seal of the
certifying authority

[Signature]

689

(९)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

Annexure 'C'

**NEGATIVE LIST OF ARTICLES WHICH
WILL NOT BE ALLOWED
PREFERENTIAL ENTRY FROM
NEPAL TO INDIA ON THE BASIS OF
CERTIFICATE OF ORIGIN TO BE
GIVEN BY HIS MAJESTY'S
GOVERNMENT OF NEPAL**

1. (*) Alcoholic Liquors/Beverages and their concentrates except industrial spirits,
2. Perfumes and Cosmetics with non-Nepalese/non-Indian Brand names,
3. Cigarettes and Tobacco

Note: Government of India may, in consultation with His Majesty's Government of Nepal, modify the above list.

- (*) Nepalese beers can be imported into India on payment of the applicable liquor excise duty equal to the effective Excise duty as levied in India on Indian beers under the relevant rules and regulations of India.

Kathmandu
December 3, 1996

Excellency,

I have the honour to acknowledge the receipt of your letter dated December 3, 1996 which read as follows:

"Consequent upon the understandings reached between the Commerce Secretaries of His Majesty's Government of Nepal and Government of India during their meeting in Kathmandu on July 4-7, 1996, and subsequent follow-up action thereon, it has been agreed to further liberalise the provisions made in the Treaty of Trade signed between the two Governments on December 6, 1991 by replacing the existing Part V of the Protocol to the Treaty of Trade by a new Part V of the Protocol enclosed herewith as Annexure 'A'.

2. Further, in terms of Article XII, this Treaty is due to expire on December 5, 1996. It has been agreed that the existing Treaty be extended by modifying the present provision of renewal in Article XII to Treaty of Trade to read as below:-

"ARTICLE XII

This Treaty shall remain in force upto December 5, 2001 and shall be automatically extended for further periods of five (5) years at a time, unless either or the parties gives to the other a written notice, three months in advance, of its intention to terminate the Treaty.

This Treaty may be amended or modified by mutual consent of the parties."

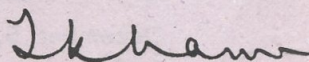
७४३
(११)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

3. This letter and your Excellency's confirmation shall constitute an Agreement between our two Governments which shall enter into force from the date of your reply.
4. It is requested that these understandings may kindly be confirmed."
2. I have further the honour to confirm on behalf of the Government of the Republic of India the foregoing understandings and to agree that Your Excellency's letter and this letter of confirmatory reply shall be regarded as constituting an agreement between our two Governments and shall enter into force from the date of this reply.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,


(Tejendra Khanna)
Commerce Secretary
Government of India

H.E. Mohan Dev Pant
Commerce Secretary
His Majesty's Government of Nepal
Kathmandu, Nepal

Annexure 'A'

PROTOCOL TO THE TREATY OF TRADE

V. With reference to Article V:

1. The Government of India will provide access to the Indian market free of customs duties and the quantitative restrictions for all articles manufactured in Nepal.
- 2(i) Import of articles in accordance with the para "1" above shall be allowed by the Indian customs authorities on the basis of a Certificate of Origin to be issued by the agency designated by His Majesty's Government of Nepal in the format prescribed at Annexure 'B' for each consignment of articles exported from Nepal to India. However, this facility shall not be available for the articles listed at Annexure 'C'.
- (ii) In the event of the above facility leading to a surge in the imports generally or in the import of any particular article, the two Governments shall enter into consultation with a view to taking appropriate measures.
- (iii) In the case of other articles made in Nepal which do not fulfill the conditions required by the Certificate of Origin prescribed at Annexure 'B' including those articles listed at Annexure 'C' for the purpose of preferential treatment into India, the Government of India will provide normal access to the Indian market consistent with its MFN treatment.

3. On the basis of a Certificate issued, for each consignment of products manufactured in the small scale units in Nepal, by His Majesty's Government of Nepal, or by an agency designated by His Majesty's Government of Nepal that the relevant conditions applicable to the products manufactured in similar Small Scale Industrial units in India for relief in the levy of applicable Excise Duty rates are fulfilled for such a parity, Government of India will extend parity in the levy of Additional Duty on such Nepalese products equal to the treatment provided in the levy of effective Excise Duty on similar Indian products under the Indian Customs and Central Excise Tariff.
4. The "Additional Duty" rates equal to the effective Indian excise duty rates applicable to similar Indian products under the Indian Customs & Central Excise Tariff will continue to be levied on the imports into India of products manufactured in the medium and large scale units in Nepal.
- 4.1 In regard to additional duty collected by the Government of India in respect of manufactured articles other than those manufactured in "small" units; Wherever it is established that the cost of production of an article is higher in Nepal than the cost of production in a corresponding unit in India, a sum representing such difference in the cost of production, but not exceeding 25 per cent of the "additional duty" collected by the Government of India, will be paid to His Majesty's Government of Nepal provided His Majesty's Government of Nepal have given assistance to the same extent to the (manufacturers) exporters.

(१४)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

5. Export of consignments from Nepal accompanied by the Certificate of Origin will normally not be subjected to any detention / delays at the Indian customs border checkpoints and other places enroute. In case any need for clarification arises, this will be obtained expeditiously, by the Indian border Customs authorities from the Indian and Nepalese authorities, as the case may be.
6. Where for social and economic reasons, the import of an item into India is permitted only through public sector agencies or where the import of an item is prohibited under the Indian Trade control regulations, the Government of India will consider any request of His Majesty's Government of Nepal for relaxation and will permit the import of such an item from Nepal in such a manner as may be found to be suitable.
7. For the purpose of calculation of import duties customs valuation procedures, as prescribed under the prevailing customs law, will be followed.

ANNEXURE 'B'

CERTIFICATE OF ORIGIN

**FOR EXPORTS FREE OF BASIC AND AUXILIARY
DUTIES UNDER THE TREATY OF TRADE
BETWEEN HIS MAJESTY'S GOVERNMENT
OF NEPAL AND THE GOVERNMENT OF INDIA**

Reference No. _____

1. Articles consigned from (Exporter's business name, address)
2. Articles consigned to (Consignee's name, address)
3. Means of transport and route
4. Item Number (HS Tariff Line)
5. Marks and number of packages
6. Description of Articles
7. Gross weight or other quantity
8. Number and date of Invoice together with value
9. Declaration by the exporter:

The undersigned hereby declares that the details furnished above are correct, that the articles are produced in Nepal and that they comply with the Rules of Origin specified in the Treaty of Trade between His Majesty's Government of Nepal and the Government of India.

(Place & Date, Signature of authorised signatory).

10. Certification

It is certified that the articles herein referred to are eligible for preferential treatment as per provisions of the Treaty of Trade between His Majesty's Government of Nepal and the Government of India. It is further certified that:

1. The articles have been manufactured in Nepal at a factory situated at _____ (name of the place/ district)
by M/s _____ (name of the company);

2. The articles involve manufacturing activity in Nepal and that the manufacturing activity consists of converting _____ (major inputs) into _____ (output) through a process consisting of _____ (brief description of manufacturing process).
3. The above articles do not involve only assembly of parts / repacking operations;
4. The articles in question are not products of third country origin*.

For His Majesty's Government of Nepal

(Place and Date, Signature & Stamp of Certifying authority)

* For the purpose of the above item No. 4, the articles which have undergone a manufacturing process in Nepal will not be treated as product of third country origin.

11. For Official use of Indian Customs

The consignment has been examined and allowed to be imported into India as it complies with the Rules of Origin specified in the Treaty of Trade between His Majesty's Government of Nepal and the Government of India.

Signature & Seal of the
certifying authority

Date:
Place:

७४३ (१७)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

Annexure 'C'

**NEGATIVE LIST OF ARTICLES
WHICH WILL NOT BE ALLOWED
PREFERENTIAL ENTRY FROM
NEPAL TO INDIA ON THE BASIS OF
CERTIFICATE OF ORIGIN TO BE
GIVEN BY HIS MAJESTY'S
GOVERNMENT OF NEPAL**

1. (*) Alcoholic Liquors / Beverages and their concentrates except industrial spirits,
2. Perfumes and Cosmetics with non-Nepalese / non-Indian Brand names,
3. Cigarettes and Tobacco

Note: Government of India may, in consultation with His Majesty's Government of Nepal, modify the above list.

- (*) Nepalese beers can be imported into India on payment of the applicable liquor excise duty equal to the effective excise duty as levied in India on Indian beers under the relevant rules and regulations of India.

(१८)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

December 3, 1996
Kathmandu

Excellency,

In terms of Article VIII of the Agreement of Cooperation to Control Unauthorised Trade between His Majesty's Government of Nepal and the Government of India, this Agreement is due to expire on December 5, 1996. Consequent upon the understandings reached between the Commerce Secretaries of His Majesty's Government of Nepal and Government of India during their meeting in Kathmandu on July 4-7, 1996, and subsequent follow-up action thereon, it has been decided that this existing Agreement be extended by modifying the existing Article VIII to read as below:-

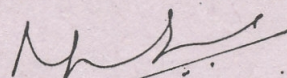
"ARTICLE VIII

This Agreement shall remain in force upto December 5, 2001. It may be renewed for further periods of five years, at a time, by mutual consent subject to such modifications as may be agreed upon."

2. Further, it has been agreed that the existing Article III of the Agreement be amended and replaced by a new Article III, enclosed herewith as Annexure 'A'.
3. This Agreement and the amendments to Article III shall enter into force from the date of confirmation.
4. It is requested that these understandings may kindly be confirmed.

Please accept, Excellency, the assurance of my highest consideration.

Yours sincerely,



(Mohan Dev Pant)
Secretary

H.E. Tejendra Khanna
Commerce Secretary,
Government of India
New Delhi, India.

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(१९)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

Annexure 'A'

**Agreement of Cooperation between
His Majesty's Government of Nepal and
the Government of India to
Control Unauthorised Trade**

ARTICLE III

Subject to such exceptions as may be mutually agreed upon, each Contracting Party shall prohibit and cooperate with the other to prevent:

- (a) re-exports from its territory to third countries of goods imported from the other Contracting Party without manufacturing activity;
- (b) re-exports to the territory of the other Contracting Party of goods imported from third countries without manufacturing activity.

Provided that (a) and (b) above shall not be applicable in the case of the exports of the Nepalese goods into India under the procedure set out in Protocol V to the Treaty of Trade between His Majesty's Government of Nepal and the Government of India.

Kathmandu
December 3, 1996

Excellency,

I have the honour to acknowledge the receipt of your letter dated December 3, 1996 which read as follows:

"In terms of Article VIII of the Agreement of Cooperation to Control Unauthorised Trade between His Majesty's Government of Nepal and the Government of India, this Agreement is due to expire on December 5, 1996. Consequent upon the understandings reached between the Commerce Secretaries of His Majesty's Government of Nepal and Government of India during their meeting in Kathmandu on July 4-7, 1996, and subsequent follow-up action thereon, it has been decided that this existing Agreement be extended by modifying the existing Article VIII to read as below:-

"ARTICLE VIII

This Agreement shall remain in force upto December 5, 2001. It may be renewed for further periods of five years, at a time, by mutual consent subject to such modifications as may be agreed upon."

2. Further, it has been agreed that the existing Article III of the Agreement be amended and replaced by a new Article III, enclosed herewith as Annexure 'A'.

3. This Agreement and the amendments to Article III shall enter into force from the date of confirmation.

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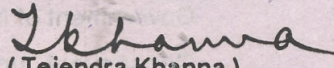
आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

4. It is requested that these understandings may kindly be confirmed."

2. I have further the honour to convey the confirmation on behalf of the Government of the Republic of India of the foregoing understanding and to agree that Your Excellency's letter and this letter of confirmatory reply shall be regarded as constituting an agreement between our two Governments and shall enter into force from the date of this reply.

Please accept, Excellency, the assurance of my highest consideration.

Yours sincerely,


(Tejendra Khanna)
Commerce Secretary
Government of India

H.E. Mohan Dev Pant
Commerce Secretary
His Majesty's Government of Nepal
Kathmandu, Nepal

(३२)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

Annexure 'A'

**Agreement of Cooperation between
His Majesty's Government of Nepal
and
the Government of India to
Control Unauthorised Trade**

ARTICLE III

Subject to such exceptions as may be mutually agreed upon each Contracting Party shall prohibit and cooperate with the other to prevent:

- (a) re-exports from its territory to third countries of goods imported from the other Contracting Party without manufacturing activity;
- (b) re-exports to the territory of the other Contracting Party of goods imported from third countries without manufacturing activity.

Provided that (a) and (b) above shall not be applicable in the case of the export of the Nepalese goods into India under the procedure set out in Protocol V to the Treaty of Trade between His Majesty's Government of Nepal and the Government of India.

७५५ (२३)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

December 3, 1996
Kathmandu

Excellency,

Consequent upon the understandings reached between the Commerce Secretaries of His Majesty's Government of Nepal and Government of India during their meeting in Kathmandu on July 4-7, 1996, and subsequent follow-up action thereon, the Government of India agreed to implement the following new simplified procedures for Nepalese containerized traffic in transit to and from Nepal so as to ensure the smooth and expeditious movement of Nepalese transit cargoes through the Indian customs authorities at Sea ports and Borders of India. Notwithstanding anything contained in the measures set out in the existing Protocol to the Treaty of Transit and Memorandum attached thereto signed between His Majesty's Government of Nepal and the Government of India on December 6, 1991, it was agreed that the following new procedures set out in this letter of exchange shall be applied in the clearance of Nepalese containerized traffic in transit to and from Nepal and these procedures shall come into force on and from date of confirmation. These measures set out in this letter of exchange shall be appended as Annexure 'A' to the Protocol to the Treaty of Transit signed between our two Governments on December 6, 1991, as given below:-

Annexure 'A' to the Protocol to the Treaty of Transit

- 1(i) On arrival of the Nepalese containerized traffic in transit, the Indian customs authorities posted at Seaports/Border Land Customs Stations, as the case may be, shall merely check the 'one time lock' of the container put on by the shipping agent or the carrier authorized by the shipping company and if found intact, shall allow transportation of the containerized cargoes, without examination of cargo unless there are valid reasons to do otherwise.
- (ii) In cases where the 'one time lock' on the container arriving at Seaports/Border Land Customs Stations in India are found broken/defective, the Indian customs authorities shall make due verification of the goods to check whether the goods are in accordance with the Customs Transit Declaration and shall put fresh 'one time lock' and allow the containers to move to the destination. The serial number of the new 'one time lock' shall be endorsed in the Customs Transit Declaration.
- (iii) The procedures set out in paragraph 1(i) and (ii) above shall be applicable to Nepalese containerized export and import cargoes moving to and from Seaports and Border Land Customs Stations in India.

७५६ (२४)

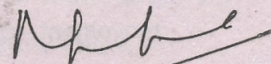
आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

2. The transit procedures in respect to the Nepalese containerized export and import cargoes as set out in para 1 above shall be continued and further streamlined for the expeditious movement of the containerized traffic in transit to and from the Inland Container Depots.
3. For Nepalese transit cargoes other than the containerized ones, the usual measures mentioned in the Protocol to the Treaty of Transit and Memorandum attached thereto shall be applicable.

I shall be grateful if you could kindly confirm that the foregoing correctly sets out the understanding reached between our two Governments.

Please accept, Excellency, the assurance of my highest consideration.

Yours sincerely,



(Mohan Dev Pant)
Secretary

H.E. Tejendra Khanna
Commerce Secretary
Government of India
New Delhi, India.

७५७ (२५)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

Kathmandu
December 3, 1996

Excellency,

I have the honour to acknowledge the receipt of your letter dated December 3, 1996 which read as follows:

"Consequent upon the understandings reached between the Commerce Secretaries of His Majesty's Government of Nepal and Government of India during their meeting in Kathmandu on July 4-7, 1996 and subsequent follow-up action thereon, the Government of India agreed to implement the following new simplified procedures for Nepalese containerized traffic in transit to and from Nepal so as to ensure the smooth and expeditious movement of Nepalese transit cargoes through the Indian customs authorities at Sea ports and Borders of India. Notwithstanding any thing contained in the measures set out in the existing Protocol to the Treaty of Transit and memorandum attached thereto signed between His Majesty's Government of Nepal and the Government of India on December 6, 1991, it was agreed that the following new procedures set out in this letter of exchange shall be applied in the clearance of Nepalese containerized traffic in transit to and from Nepal and these procedures shall come into force on and from date of confirmation. These measures set out in this letter of exchange shall be appended as Annexure "A" to the Protocol to the Treaty of Transit signed between our two Governments on December 6, 1991, as given below:-

Annexure "A" to the Protocol to the Treaty of Transit

- (1)(i) On arrival of the Nepalese containerized traffic-in-transit, the Indian customs authorities posted at Seaports / Border Land Customs Stations, as the case may be, shall merely check the 'one time lock' of the container put on by the shipping agent or

६५८ (२६)

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

the carrier authorized by the shipping company and if found intact, shall allow transportation of the containerized cargoes, without examination of cargo unless there are valid reasons to do otherwise.

- (ii) In cases where the 'one time lock' on the container arriving at Seaports / Border Land Customs Stations in India are found broken / defective, the Indian customs authorities shall make due verification of the goods to check whether the goods are in accordance with the Customs Transit Declaration and shall put fresh 'one time lock' and allow the containers to move to the destination. The serial number of the new 'one time lock' shall be endorsed in the Customs Transit Declaration.

- (iii) The procedures set out in paragraph 1(i) and (ii) above shall be applicable to Nepalese containerized export and import cargoes moving to and from Seaports and Border Land Customs Stations in India.

- (2). The transit procedures in respect to the Nepalese containerized export and import cargoes as set out in para 1 above shall be continued and further streamlined for the expeditious movement of the containerized traffic in transit to and from the Inland Container Depots.

- (3). For Nepalese transit cargoes other than the containerized ones, the usual measures mentioned in the Protocol to the Treaty of Transit and Memorandum attached thereto shall be applicable.

६५९ (२७)

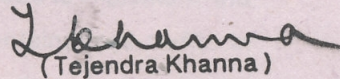
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2. I have further the honour to convey the confirmation on behalf of the Government of the Republic of India of the foregoing understanding and to agree that Your Excellency's letter and this letter of confirmatory reply shall be regarded as constituting an agreement between our two Governments and shall enter into force from the date of this reply.

Please accept, Excellency, the assurance of my highest consideration.

Yours sincerely,


(Tejendra Khanna)
Commerce Secretary
Government of India



H.E. Mohan Dev Pant
Commerce Secretary
His Majesty's Government of Nepal
Kathmandu, Nepal

आज्ञाले,
नरेन्द्रमान श्रेष्ठ
उप-सचिव

६६०

(२८)

मुद्रण विभाग, सिंहदरबार, काठमाण्डौमा मुद्रित ।

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएको छ, मात्र लागु हुनेछ।