

Disposal of Vehicles and other Articles (Involved In the Narcotics Cases) Rules, 2013

[Gazette of Pakistan, Extraordinary, Part-II, Page No. 877-886, 12th March 2013]

S.R.O. 198(I)/2013, dated 11.3.2013.—In exercise of the powers conferred by sub-section (1) of Section 77 of the Control of Narcotics Substances Act, 1997 (XXV of 1997), read with second proviso to sub-section (2) of Section 33 thereof, the Federal Government is pleased to make the following rules, namely:—

1. Short title, commencement and application.—(1) These rules may be called the Disposal of Vehicles and other Articles (Involved in the Narcotics Cases) Rules, 2013.

(2) They shall come into force at once.

(3) These rules shall apply to—

(a) articles other than narcotic drug, psychotropic substance or controlled substance, connected with narcotic offences under the Act and other things which are liable to speedy and natural decay; and

(b) vehicles, vessels and other conveyances used for the commission of narcotics offences under the Act.

2. Definitions.—(1) In these rules, unless there is anything repugnant in the subject to contest—

(a) "Act" means the Control of Narcotic Substances Act, 1997 (XXV of 1997);

(b) "articles" means and includes anything, other than conveyance or narcotic drug or psychotropic substances or controlled substance used in commission of an offence and seized, frozen or confiscated under the Act;

(c) "auctioneer" means the Headquarters Anti-Narcotics Force and includes the Regional Directorates Anti-Narcotics Force or other Law Enforcement Agencies or auction committees;

following details, namely:—

(a) first information report or case number;

(b) Court order or decision;

(c) model of the vehicles;

(d) condition of the vehicles;

(e) photograph of the vehicles;

Disposal of Vehicles and other Articles (Involved in the Narcotics Cases) Rules, 947

2013

(f) approximate market value; and

(g) reserve price.

(2) The Director General Anti-Narcotics Force or Head of other Law Enforcement Agency shall, on receipt of above information or on his own motion, pass orders directing the sale of seized, frozen or confiscated vehicles and shall approve, or cause the reserved price determined for each vehicle separately.

(3) The reserve price shall consist of the appraised price, duties or tax and any other charges.

(4) The reserve price committee shall consist of following officers:—

(a) Regional Director of concerned Regional Directorate or an officer (BPS-20) of concerned other Law Enforcement Agencies. Chairman

(b) Joint Director (BPS-19) of respective Regional Directorate or an officer of (BPS-19) of other Law Enforcement Agencies. Member

(c) Representative of Enforcement Directorate Headquarters Anti-Narcotics Force (BPS-18/19) or an officer of (BPS-18/19) of other Law Enforcement Agencies. Member

(d) Mechanical Transport Officer or Mechanical Transport Junior Commissioned Officer of the concerned Regional Directorate or an officer of concerned other Law Enforcement Agencies. Member

(e) Representative of Ministry of Narcotics Control (BPS-19) or an officer of (BPS-19) of concerned Ministry or Department of other Law Enforcement Agencies. Member

(5) Reserve price i.e appraised price etc. for locally assembled or registered seized or confiscated vehicles to be ascertained or appraised by the reserve price committee by obtaining assessed prices based on type, model and physical ground conditions of the vehicles as per government rules or procedures, and the same will be forwarded to Headquarters Anti-Narcotics Force for approval by Director General Anti-Narcotics Force or Head of other Law Enforcement Agencies.

(6) Authority to approve Reserve Price for locally assembled or registered and imported vehicles having paid all Government taxes and properly registered shall rest with Director General Anti-Narcotics Force or an officer of BPS-20 of respective other Law Enforcement Agencies.

(7) Custom Duties and Taxes related to smuggled or imported un-registered vehicles be got appraised from custom authorities of respective Province

948 Disposal of Vehicles and other Articles (Involved in the Narcotics Cases) Rules,

2013

by concerned Regional Directorate, Anti-Narcotics Force or the concerned office of other Law Enforcement Agencies and be included in reserve price of the vehicles.

(8) The articles liable to speedy and natural decay shall be sold or disposed of by the concerned Force Commander or officer of BPS-20 of other Law Enforcement Agencies with the approval of authority in writing after approval of the Court.

(9) All articles or vehicles may be put to bid in convenient lots so as to obtain the highest possible bid.

4. Auction Committee.—The auction committee shall consist of following namely:—

- (a) Regional Director of respective Regional Directorate or an officer of BPS -20 of other Law Enforcement Agencies. Chairman
- (b) Joint Director (BPS-19) of respective Regional Directorate or an officer of (BPS-19) of other Law Enforcement Agencies. Member
- (c) Joint Director (Enforcement) or an officer of BPS-19 of Other Law Enforcement Agencies; or Deputy Director (Enforcement) or an officer of BPS-18 of Other Law Enforcement Agencies; or Assistant Director (Enforcement) or an officer of BPS-17 of other Law Enforcement Agencies. Member
- (d) Mechanical Transport Officer or Mechanical Transport Junior Commissioned Officer of the concerned Regional Directorate or an officer of concerned other Law Enforcement Agencies. Member
- (e) Representative of Ministry of Narcotics Control (BPS-19) or an officer (BPS- 19) of concerned Ministry or Department of other Law Enforcement Agencies. Member

5. Duties of auction committee.—(1) The Chairman of the committee on receipt of clearance from Headquarters Anti-Narcotics Force or Headquarter of concerned Law Enforcement Agencies, shall ensure the following namely:—

- (a) prepare detailed inventory schedule of each vehicles offered for auction; and
- (b) prepare a list of vehicles to be auctioned indicating following:—
 - (i) vehicles, make, type, model and Registration;

Disposal of Vehicles and other Articles (Involved in the Narcotics Cases) Rules, 949

2013

- (ii) first information report or case Number;
- (iii) approximate market price;
- (iv) reserve price;
- (v) price at which auctioned (blank column);
- (vi) remarks (blank columns); and
- (vii) signatures of auction committee (blank column).

(2) Approval of the special Court, where the case is under trial shall be obtained prior to proceeding with the public auction. After the auction, the proceedings of auction of the articles or vehicles complete in all respects shall be submitted to the special Court concerned for record so as to form part of the Court proceedings.

(3) After giving advertisement in classified columns of at least three leading English language and Urdu language daily newspapers (preferably Sunday issue) and any local language of the area at least five to seven days in advance of the date of auction specifying:-

- (a) date, time and place of auction in block letters;
- (b) the general description of vehicles to be auctioned. No advertisement or public notice in newspapers shall be required in respect of left over vehicle already notified and such vehicles shall be put to re-auction on display of notice on appropriate place, reception or gate of Regional Directorate or the concerned office of other Law Enforcement Agencies. Notice board shall be made approachable to common man at least two days before the date of re-auction;
- (c) display of such vehicles at a place convenient for inspection by interested parties, people or bidders; and
- (d) due notice to the owner of articles or vehicles seized and frozen at least seven days in advance of the date of auction, giving the above details with a copy thereof to the special Court.

(4) Considering the vast area of Balochistan and location of police stations, Regional Directorate Balochistan (Quetta) for organizing separate auction at Dalbandin and Turbat shall also be advertised in two English language newspapers and two Urdu newspapers from Karachi.

(5) Concerned Regional Directorates or the concerned offices of the other Law Enforcement Agencies shall ensure that all documents of vehicles are complete prior to their auction. However, deficiency, if any, shall be completed through Police and Excise and Taxation Office concerned. In case after verification from Police and Excise and Taxation record, the vehicles are found stolen or bank leased then the same shall not be auctioned and confirmation of claimant of these

**950 Disposal of Vehicles and other Articles (Involved in the Narcotics Cases) Rules,
2013**

vehicles shall be obtained through Provincial Inspector General of Police, Provincial Excise and Taxation offices and concerned banks. Subsequently the matter shall be referred back to the Court for obtaining fresh order or decision.

6. Qualification of bidder or tender.—A person, other than Anti-Narcotics Force personnel, or personnel of other Law Enforcement Agencies may participate in the auction by way of open bid, lender or re-bidding if he—

- (a) holds a valid National Identity Card and submits an attested photocopy thereof;
- (b) has not been disqualified by the authority to participate in auction; and
- (c) abides by these rules.

7. Manner of auction.—(1) Before the start of auction or bidding, the auctioneer shall announce the make, type, registration number and reserve price of vehicle.

(2) The auctioneer shall describe the procedure and rules prior to the start of auction.

(3) All auctions shall be on the principle of "as is, where is" basis.

(4) The first bid shall be not less than thirty per cent of the reserve price notified before, or at the time of auction.

(5) The bid amounts and the names of the highest and second highest bidders shall be recorded in the file maintained for that particular vehicle. Attested photocopies of National Identity Card as well as National Taxation Number of the successful bidder shall be kept in file.

8. Earnest money.—Twenty five per cent of the amount of the highest bid given at an auction shall be payable by the bidder in each case as earnest money immediately after the fall of the hammer, failing which the bid will be cancelled and the vehicles may be sold to the second highest bidder or the higher offer or re-auctioned as may be deemed appropriate.

9. Payment of amount.—(1) The balance of the amount of bid shall be paid by the successful bidder within a period of three days (excluding holidays) of the final acceptance of the bid failing which the earnest money (i.e. twenty five per cent) deposited by the bidder shall be forfeited and the vehicle shall be sold in next scheduled auction.

(2) The concerned Regional Directorate, Anti-Narcotics Force or the concerned office of other Law Enforcement Agencies on receipt of whole amount of sale proceeds of auctioned vehicles and other articles involved in narcotics cases may deposit the amount in their respective administration fund for a maximum period of three months awaiting the approval of auction proceedings from the Director General, Anti-Narcotics Force or head of the respective Law Enforcement Agencies.

Disposal of Vehicles and other Articles (Involved in the Narcotics Cases) Rules, 951

2013

(3) The concerned Regional Directorate, Anti-Narcotics Force or the concerned office of other Law Enforcement Agencies on receipt of whole amount of the bid after approval of Director General or the Head of the Other Law Enforcement Agencies shall deposit in National Fund for Control of Drug Abuse after deduction of auction expenditures from sale proceed, incurred on account of auction proceedings including advertisement in newspapers, laboratory test charges, expenditures on transportation, rent of auction premises (if applicable), auctioneer fee and administrative arrangements and the amount received on account of duties and taxes shall be deposited in the relevant head of account/Government Treasury, after approval of Director General or the Head of the other Law Enforcement Agencies.

10. Delivery order.—(1) The authority concerned on receipt of the whole amount of the bid shall issue delivery order containing the following information namely:--

- (a) name and National Identity Card of successful bidder;
- (b) make and type of vehicle;
- (c) engine and chasis number of vehicle;
- (d) model and registration number of vehicle;
- (e) date and place of the auction;
- (f) price at which vehicles is sold;
- (g) the successful bidder shall present the delivery order issued to him to the concerned custodian Joint Director or the officer of BPS-19 of other Law Enforcement Agencies or Deputy Director or the concerned officer of BPS-18 of other Law Enforcement Agencies deputed for the purpose; and
- (h) the custodian shall release the vehicle.

(2) Authority letter by respective Regional Directorate or respective offices of other law enforcement agencies shall be issued to the successful bidder addressed to Excise and Taxation Office for registration of auctioned vehicles within three months.

11. Disposal of tampered vehicles.—Vehicles with tampered chassis number will not be auctioned. However, tampered vehicles may be used by concerned departments or agencies or may be allocated to various Government Law Enforcement Agencies for operational or official use with the approval of Director General, Anti-Narcotics Force or head of respective other Law Enforcement Agencies, after approval and clearance from the Court. Separate series of registration numbers for such vehicles may be allocated by the Excise and Taxation Department. Those tampered vehicles which are at the stage of condemnation may be auctioned as scrap, with the approval of Director General, Anti-Narcotics Force or head of respective other Law Enforcement Agencies after approval and clearance

952 Disposal of Vehicles and other Articles (Involved in the Narcotics Cases) Rules.

2013

from the Court. Auction of tampered vehicles as scrap shall be governed by these rules.

12. Use of vehicles for operational purpose.—(1) Regional Directorates or concerned offices of other law enforcement agencies, after the approval of Director General or, as the case may be, Head of the other law enforcement agency, may retain certain seized and confiscated vehicles after obtaining an order in writing of such vehicles from the Court for operational or, official purpose. Requirement in this regard shall be forwarded by respective Regional Directorate or the respective office of other law enforcement agency to the Director General or Head of other Law Enforcement Agency for approval.

(2) All charges incurred on preparation of registration books or documents and transportation or movement of such confiscated and seized vehicles shall be borne by the respective Regional Directorate or the respective office of the other Law Enforcement Agency. The respective Regional Directorate may take up the case for prior sanction of all such expenditure through Joint Director (Accounts), Headquarters Anti-Narcotics Force and an officer of BPS -20 of respective office of the other Law Enforcement Agency, its Account Officer may take up the case for prior sanction of all such expenditures. Amount of expenditures sanctioned by the Director General or the Head of other Law Enforcement agency shall be released by Joint Director (Accounts) and account officer of other Law Enforcement Agency.

13. Refund of sale proceed of vehicles or articles.—On finality of the case, if the vehicle or an article so sold is found not liable to confiscation by the Court, the entire sale proceeds thereof shall be refunded to the owner through crossed cheque, after the approval of the Federal Government or, as the case may be, Provincial Government.

14. Power of Director General and Head of other Law Enforcement Agencies to cancel auction.—(1) Notwithstanding anything contained in these rules, the Director General or the Head of other Law Enforcement Agency may—

- (a) cancel the whole proceedings of an auction without assigning any reasons;
- (b) accept or reject any bid or offer or auction at any time before the vehicles are delivered to the successful bidder or private offerer. He may also recall the proceedings and recover the vehicles even after delivery of vehicles if it is proved that there has been a deliberate attempt to cause loss to the public exchequer; and
- (c) restrict or refuse the entry of persons to the premises where an auction is held or their taking part in the auction.

15. Rescission.—The Disposal of vehicles and other Articles (Involved in the Narcotics Cases) Rules, 2001, notified vide Notification No. S.R.O 582(I)/2001, dated the 13th August, 2001 and S.R.O 269(I)/2008, dated the 8th March 2008 are hereby rescinded.