

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, AUGUST 13, 2001

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

NARCOTICS CONTROL DIVISION

NOTIFICATION

Islamabad, the 13th August, 2001

S. R. O. 582 (I)/2001.—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 the 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 Narcotic Cases) Rules, 2001.**

(2) They shall come into force at once.

(3) These rules shall apply to :—

- (a) articles, other than a 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 narcotic offences under the Act.

(1)

Price : Rs. 5.00

NOTION
NOTE

2. **Definitions.**—(1) In this Act there is anything repugnant in the subject to context :—

- (a) “ *Act* ” means the Control of Narcotic Substances Act, 1997 (XXV of 1997);
- (b) “ *article* ” means and includes anything, other than conveyance or narcotics drug or psychotropic substance or controlled substance, used in the commission of an offence and seized, frozen or confiscated under the Act;
- (c) “ *auctioneer* ” means the Headquarters Anti-Narcotics Force and also includes The Regional Directorate Anti-Narcotics Force or an auction committee;
- (d) “ *authority* ” means Director-General, Anti Narcotics Force or the Regional Directors Anti Narcotics Force or any other officer but not below the rank of a Joint Director authorized by the competent authority;
- (e) “ *bid* ” means the price offered at an auction by a bidder for vehicles or any article put to auction;
- (f) “ *bidder* ” means the person who gives a bid;
- (g) “ *conveyance* ” means a conveyance of any description whatsoever and includes, any vehicle, vessel, ship, boat, aircraft, railways or animal, used for the commission of an offence and seized, frozen or confiscated under the Act;
- (h) “ *offer* ” means a private offer or tender submitted before or during the auction for acceptance of the bid.
- (j) “ *reserve price* ” means the minimum price acceptable to the authority for sale of a particular conveyance or article.

(2) The words and expressions used but not defined herein shall have the same meaning as are assigned to them in the Act.

3. **Approval of vehicles/articles for auction.**—(1) The concerned Regional Directorate Anti Narcotics Force shall, after submission of challan, forward list of seized, frozen and confiscated case property or vehicles required to be auctioned to the Director-General for approval. The list of vehicles should contain the following details, namely :—

- (a) first information report or case number;
- (b) model of the vehicle;

- (c) condition of the vehicle ;
- (d) approximate market value ;
- (e) photocopy of the registration book ;
- (f) photograph of the vehicle ; and
- (g) reserve price.

(2) The Director-General Anti Narcotics Force 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 articles liable to speedy and natural decay shall not be put to auction and be sold or disposed of through private offers or open auction at any time after approval of the special court in the manner as the auction committee may determine.

(5) 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 or Joint Director of respective Regional DirectorateChairman.
- (b) Joint Director (Enforcement) or Deputy Director (Enforcement) or Assistant Director (Enforcement)..... Member.
- (c) Mechanical Transport Officer (not below the rank of Captain/ Assistant Director) of concerned Regional Directorate.....Member.

5. **Duties of auction committee.**—(1) The Chairman of the committee, on receipt of clearance from Headquarters Anti Narcotics Force, shall ensure the following, namely :—

- (a) Prepare a detailed inventory schedule of each vehicle offered for auction ;
- (b) Prepare a list of vehicles to be auctioned indicating following :—
 - (i) vehicles make, type, model and registration ;
 - (ii) first information report of case number ;

- (iii) approximate market price ;
- (iv) reserve price ;
- (v) price at which auctioned (blank column) ;
- (vi) remarks (blank column) ; and
- (vii) signature block auction Committee.

(2) Approval of the Special Court, where the case is under trial shall be obtained prior for 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 vehicles 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 notice board (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 ;
- (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 Baluchistan and location of police stations, Regional Directorate Baluchistan (Quetta) for organizing separate auction at Dalbandin and Turbat shall also be advertised in two English language newspapers and two Urdu language newspapers from Karachi.

6. Qualification for bidder or tender.—A person, other than Anti Narcotics Force personnel, may participate in the auction by way of open bid, tender 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 (Chairman, Auction Committee) shall announce the make, type, registration no 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 vehicle may be sold to the second highest bidder or the higher offer or re-auctioned as may be deemed appropriate.

9. **Payment of amount.**—The balance of the amount of bid shall be paid by the successful bidder in cash or through bank draft in favour of “National Fund for Control of Drug Abuse” within a period of three days (excluding holidays) of the final acceptance of the bid, failing which the earnest money (that is twenty five per cent) deposited by the bidder shall be forfeited and deposited in the “National Fund for Control of Drug Abuse” and the vehicle shall be sold in next scheduled auction.

10. **Delivery order.**—(1) The authority concerned on receipt of the whole amount of the bid shall issue delivery order containing the following information, name'y :—

(a) name and National Identity Card of successful bidder ;

(b) make and type of vehicle ;

(c) model and registration no of vehicle ;

- (d) date and place of the auction ;
- (e) price at which vehicle is sold ;
- (f) the successful bidder shall present the delivery order issued to him to the concerned custodian Joint Director or Deputy Director deputed for the purpose ; and
- (g) the custodian shall release the vehicle.

(2) Concerned Regional Directorates 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 record the vehicle is found stolen, the matter shall be referred back to the Special Court for obtaining fresh decision. Authority letter by respective Regional Directorate shall be issued to the successful bidder addressed to Excise and Taxation Officer for registration of auctioned vehicle.

11. **Use of vehicles for operational purpose.**—(1) Regional Directorates, after Director General's approval, may retain certain confiscated vehicles only for operational purpose. Requirement in this regard shall be forwarded by respective Regional Directorate on the 1st January and 1st July of each year.

(2) All charges incurred on preparation of registration books or documents and transportation or movement of such confiscated vehicles shall be borne by the respective Regional Directorate. However, if required respective Regional Director may take up the case for prior sanction of all such expenditures through Joint Director (Accounts), Headquarters Anti Narcotics Force. Amount of expenditures sanctioned by the Director General shall be released by Joint Director (Accounts).

12. **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.

13. **Power of Director-General to cancel auction.**—Notwithstanding anything contained in these rules, the Director-General may :—

- (a) cancel the whole proceedings of an auction without assigning any reasons ;
- (b) accept or reject and 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.

[No. F. 11-6/95-Policy.]

MUHAMMAD ASHRAF CHEEMA,
Deputy Secretary,
Government of Pakistan
Narcotics Control Division
Islamabad.