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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF GILGIT-BALTISTAN

EXCISE TAXATION, ZAKAT & USHER, COOPERATIVES AND TRANSPORT DEPARTMENT.

NOTIFICATION

Islamabad, the 13th March, 2017

S.R.O. 820(I)/2017.—In exercise of the powers conferred by section 43 read with section 23 and sub-section (4) of section 25 of the Motor Vehicles Ordinance, 1965, the Government of the Gilgit-Baltistan is pleased to make the following rules, namely:—

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THE

GILGIT-BALTISTAN

SEIZURE AND DISPOSAL OF MOTOR VEHICLES RULES, 2017

CHAPTER-I

Preliminary

1. **Short Title and Commencement.**—(i) These rules may be called the Gilgit-Baltistan (Seizure and Disposal of Motor Vehicles) Rules, 2017.

(ii) They shall come into force at once.

2. **Definition.**—(I) In these rules, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them, that is to say,

(a) **"Secretary"** means the Secretary to the Government of the Gilgit-Baltistan Excise & Taxation Department;

(b) **"Director General"** means the Director General / Head of Excise & Taxation Department, Gilgit-Baltistan;

(c) **"Deputy Director"** means the Deputy Director Excise & Taxation, Gilgit-Baltistan;

(d) **"Deputy Director (Regional)"** means the Deputy Director (Regional) of the Directorate;

(e) **"District Officer"** means the Motor Registering Authority/Excise & Taxation Officer of the District concerned and includes the Officer Incharge entrusted with the work of motor vehicle registration and taxation;

(f) **"Allotment Committee"** means the Allotment Committee, constituted under rule 14 of these rules;

(g) **"Bureau of Intelligence and Investigation"** means the Bureau of Intelligence and Investigation of the Directorate, under direct supervision of the Director General/Head of Excise and Taxation department, which performs functions under rule 12;

(h) **"Confiscating authority"** means the District Excise and Taxation Officer, who confiscates the seized vehicles under these rules;

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(i) **"Department"** means the Excise and Taxation Department, Gilgit-Baltistan;

(j) **"Forms"** mean Forms specified in the Schedule;

(k) **"Government"** means the Government of the Gilgit-Baltistan;

(l) **"Ordinance"** means the Provincial Motor Vehicles Ordinance, 1965 (Ord. No. XIX of 1965);

(m) **"Schedule"** means the Schedule appended to these rules;

(n) **"Seizing officer"** means an officer of the Excise & Taxation, not below the rank of Inspector, duly authorized by the Deputy Director (Regional) or District Excise and Taxation Officer to seize the vehicles under these rules; and

(o) **"Warehouse"** means the Provincial warehouse of the department as notified by Government for the safe custody of seized vehicles and contraband items, etc.

(p) **"Motor Vehicle"** means a motor vehicle as defined in the Ordinance, which was seized under second proviso to sub-section (4) of Section 25 of the Ordinance;

(q) **"District Excise Police Officer"** means District Excise and Taxation Officer.

(r) **"Police Station"** means Excise Police Station or any place notified by the Provincial government for implementation of these rules and ordinance.

(II) The words and expressions used in these rules, but not defined shall have the same meanings as assigned to them in the Ordinance.

3. **Seizure of illegal vehicles.**—The seizing officer may seize the following vehicles:

(a) Having suspicious registration certificate, or the registration certificate of which has been suspended or cancelled under the first proviso to sub-section (4) of section 25 of the Ordinance; or

(b) Suspicious chassis number, cut and weld; or

(c) Tax defaulted vehicle; or

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(d) Snatched or lifted vehicle as per police record; or

(e) Non-production of valid registration documents or registration mark; or

(f) Vehicles used in suspicious subversive activities; or

(g) Vehicles with suspicious superdari documents; or

(h) Any suspicious vehicle found parked in the private premises including bargain centers and general bus stands etc.; or

(i) Vehicle wherein secret cavities are designed in such a way to facilitate the transportation of narcotic substances and other contraband items.

4. **Safe parking of seized vehicles.**—(1) The seizing officer, soon after taking possession of the vehicle under rule 3, shall prepare inventory in Form "A", in quadruplicate. One copy of the receipt shall be given to the person from whom the vehicle is taken into possession while the second copy, along with the vehicle, shall immediately be sent to the officer in charge of the warehouse for safe parking of the vehicle. The third copy shall forthwith be sent to the District Officer, along with a brief report, who shall inform the concerned Deputy Director and such Deputy Director shall further inform the Director General, accordingly. The fourth copy of the receipt shall be kept by the seizing officer for his own record.

(2) The officer incharge of the warehouse shall enter Form "A", and other particulars of the vehicle in a separate register to be maintained by him in Form "B", as well as in the database specially designed for the purpose, and such officer shall be responsible for the safe custody of the vehicle till its disposal in accordance with these rules.

(3) The officer incharge of the warehouse shall maintain a proper record of each vehicle, immediately upon receipt of seized vehicle, as per prescribed procedure. It shall be the responsibility of officer incharge of the warehouse to keep updated list of the vehicles with a copy sent to the Director General/Head of Excise and Taxation Directorate for information and record.

(4) The seizing officer shall record full detail of the person from whom the vehicle is taken into possession and to investigate such person if requires, in the manner as may be specified in Form "C".

(5) The seizing officer shall be in liaison with the confiscating authority and shall keep himself uptodate regarding the confiscation process.

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(6) Intimation of final disposal of the seized vehicle shall be communicated to the officer incharge of the warehouse immediately, by the confiscating authority for updation of record.

(7) The confiscating authority may authorize a Sub-Inspector or Assistant Sub-Inspector of the department, for the purpose of investigation as mentioned in clauses (a), (b), (c), (e) and (f) of rule 3.

(8) After verification regarding vehicle seized under clause (d) of rule 3, the officer incharge of the warehouse shall, on prior approval of the Secretary, transfer such vehicle to the incharge of the concerned police station through Home Department, if such police station is situated in any other province or in capital territory, as the case may be.

(9) The vehicle once transferred to the concerned police station under sub-rule (8), no further investigation is required to be made by the Department:

Provided that the Department may provide assistance to the concerned police station, on his request, as far as the investigation regarding such vehicle is concerned.

5. **Report to the Director General.**—(1) The officer incharge of the warehouse, shall send a monthly report to the Director General on the action taken under these rules. The report shall include all relevant particulars of the vehicles so seized.

(2) The Director General/head of Excise and Taxation department shall upload the said report in the official website of the Department for transparency and facilitation of police authorities of other provinces or capital territory, as the case may be, in tracing out the stolen or snatched vehicles.

CHAPTER-II

Investigation of Seized Vehicles

6. **Chemical examination.**—(1) The officer incharge of the warehouse after taking into possession of the seized vehicle, under sub-rule (2) of rule 4, shall send the vehicle to the Forensic Science Laboratory, for chemical examination, the notice to this effect shall also be given to the owner or last possessor of the vehicle. All the expenses, incurred on such chemical examination shall be borne by the Department.

(2) If a seized vehicle is sent to Forensic Science Laboratory other than Gilgit-Baltistan for chemical examination, prior approval of Director General, through officer incharge of the warehouse, is mandatory:

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7. **Verification of documents/registration.**—The seizing officer shall forward the documents of the vehicle to original registering authority for verification of its genuineness or otherwise.

8. **Notice to the owner or last possessor.**—(1) The confiscating authority shall issue notice to the owner or last possessor, as the case may be, of the seized vehicle through registered post with acknowledgement due, asking to appear before him, within fourteen (14) days, after the issue of such notice and to establish that he is *bonafide* owner or possessor, as the case may be, of the seized vehicle.

(2) In case the owner or last possessor appears and establishes his claim of ownership over the seized vehicle, the District Officer shall decide such claim within fourteen (14) days after hearing the owner or last possessor or any other claimant, as the case may be, if there is rival claimant. But if for some unavoidable reason the proceedings cannot be finalized within the stipulated period of time, the case shall be referred to the Director General, for extension of period, who may extend the period, not exceeding thirty (30) days.

(3) If the owner or possessor establishes his rightful ownership, the confiscating authority shall, under his seal issue release order, and direct the officer incharge of the warehouse to deliver the vehicle to him, along with accessories mentioned in **Form "A"** under intimation to the seizing officer.

9. **Procedure where no owner or last possessor appears.**—(1) In case the owner or last possessor, as the case may be, of the seized vehicle fails to respond to the notice given to him under sub-rule (1) of rule 8, the confiscating authority shall issue proclamation in two national daily newspapers, specifying the full particulars of the vehicle and require any person who may have any claim what so ever, thereto, to appear before him for establishing his claim within fourteen (14) days time from the date of publication of such proclamation.

(2) Subsequently the particulars of the seized vehicle shall be uploaded on the official website of the Department, as well as, intimated to other law enforcing agencies for the interest of *bonafide* and real owner of the seized vehicle and to ensure that the vehicle is not in the list of snatched or lifted vehicles as per police record.

(3) If the chassis frame, sheet, plate or number, as the case may be, of the seized vehicle is tampered or cut and welded or its original chassis number is found completely removed as per Forensic and Science Laboratory report, or if the registration book or other documents, as the case may be, is found fake and forged, the confiscating authority shall record its order for confiscation of the seized vehicle in favour of Government, subject to the provisions of rule 10.

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CHAPTER-III

Appeal

10. **Appeal.**—(1) Any person, aggrieved from the order passed by the confiscating authority, under sub-rule (3) of rule 9, may prefer an appeal to the concerned Deputy Director (Regional) within fifteen (15) days, after passing of such order. The concerned Deputy Director (Regional) shall decide the case within fifteen (15) days after filing the appeal.

(2) Any person, aggrieved from the order passed by the concerned Deputy Director (Regional), may prefer appeal to the Director General, within thirty (30) days of the order passed by the concerned Deputy Director (Regional). The Director General shall decide such appeal within fifteen (15) days after filing such appeal.

(3) The Director General or the Deputy Director (Regional), as the case may be, while deciding the appeal shall give an opportunity of both the parties to be heard.

(4) No vehicle shall be handed over to the owner, last possessor or other claimant, as the case may be, unless the time limit fixed for appeal is expired.

(5) The Secretary may, on its own accord or on an appeal petition, filed with it, by any aggrieved person within sixty (60) days of the orders of the Director General, call for the record of the case and may pass such orders as it deems fit. The decision of the Secretary in this respect shall be final.

(6) Any seized vehicle, thus, confiscated in favour of Government under these rules, shall be assigned special registration mark under the Ordinance and these rules after payment of fee and taxes, as may be notified by Government, from time to time.

CHAPTER-IV

Road Checking

11. **Road checking.**—(1) The District Excise Police Officer will exercise powers of 1st class magistrate and dispose-off cases through summary trial in accordance with the relevant provisions of CrPC and Section 116 of ordinance.

(2) The District Excise Police Officer may depute a District Mobile Squad, from time to time, headed by seizing officer, for launching extensive road checking campaign for the recovery of defaulted amount of motor vehicle taxes,

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seizure of illegal vehicles and other vehicle related crimes. The owner or driver of any vehicle, when called upon to stop the vehicle by seizing officer, shall stop the vehicle and cause it to remain stationary so long as may reasonably be, and produce record as required by the seizing officer. The seizing officer may verify that the tax has been duly paid in respect of the vehicle, and that a receipt of payment or token tax sticker has been obtained, from the concerned authority.

(3) The District Mobile Squad so deputed shall be fully equipped with the latest technology to find the tax collection data on the spot and vehicles with forged documents or displaying mark so as to avoid future complication.

(4) The seizing officer may withhold the registration certificate for verification of its genuineness or otherwise, or ask the owner or the possessor, as the case may be, to pay tax or show proof of payment, if the tax is already paid.

(5) The seizing officer, collecting vehicle taxes on road checking, shall ensure that the tax data is subsequently entered in the database, and tax token or sticker is issued accordingly.

(6) Road checking shall be conducted in official vehicles and in notified uniform unless otherwise directed by the Director General.

(7) Road checking shall be conducted by those officers or officials who have successfully completed the physical training from Police Training College at Gilgit:

Provided that the Director General may authorize any other officer or officials, as the case may be, for the time being, in case trained officers or officials are not available.

CHAPTER-V

Bureau of Intelligence and Investigation

12. **Establishment of Bureau of Intelligence and Investigation.**—(1) The Director General shall establish a Bureau to be known as the Bureau of Intelligence and Investigation, under his direct supervision and control throughout the Province and shall consist of such officers and officials of the Excise and Taxation, Gilgit-Baltistan, as the Director General may authorize from time to time.

(2) The Bureau of Intelligence and Investigation shall perform intelligence duties with regard to narcotic substances and contraband items on the specific directions of Director General, and progress report of which be sent to the Director General on monthly basis.

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(3) The Bureau of Intelligence and Investigation may inspect District Mobile Squads with regard to their progress and road checking record and to submit their report to the Director General in this respect.

(4) The Director General, on the approval of the Secretary, may authorize the Bureau of Intelligence and Investigation to take necessary action against the defaulted vehicles, registered in the Province or the registration of which has been cancelled but plying in other provinces or in capital territory, as the case may be:

Provided that prior notice to the concerned authority in other provinces, or capital territory, as the case may be, must be given.

(5) The Director General may assign any other task to the Bureau of Intelligence and Investigation, from time to time.

CHAPTER-VI

Disposal of Confiscated Vehicles

13. **Disposal.**—(1) The confiscated vehicle shall be disposed of by way of sale in an open auction, through an Auction Committee constituted by the Administration Department. The total amount of the sale proceeds out of the auction of confiscated vehicles shall, after clearance of dues or taxes of Government or of Federal Government, if any, in the form of custom duty, sales tax etc., be paid into Government treasury in the relevant head of account.

(2) In case of confiscated non custom or non-duty paid vehicles, the successful bidder shall be responsible for clearance of all Federal and Provincial taxes and duties levieable.

(3) Vehicles with refitted or rewelded chasis sheet or plate, as the case may be, shall not be put to sale by way of auction. Such vehicles shall be retained in the Department or allotted to other Departments of Government for performance of official duties, by the Allotment Committee, in accordance with the entitlement, after fulfilling all the codel formalities.

14. **Allotment Committee.**—(1) Government shall also constitute a Committee, to be known as the Allotment Committee, which shall consist of—

(a) Secretary, Excise and Taxation Department; *Chairman*

(b) Director General, Excise and Taxation, Gilgit-Baltistan; *Member*

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(c) Excise and Taxation Officer (Concerned District) — *Member*

(d) Deputy Secretary, Finance Department; — *Member*

(e) Deputy Director, Excise and Taxation Department. — *Member*

(f) Motor Vehicle Examiner, Transport Department; — *Member*

(g) Officer Incharge of the warehouse. — *Member*

(2) Functions of the Allotment Committee are to:

(a) Examine or oversee the request made by the other Department, for allotment of confiscated vehicles;

(b) Approve or disapprove the allotment of confiscated vehicles; and

(c) Determine the actual cost of the allotted vehicle and recovery of an amount, in case of theft or damage, as the case may be, from the Department to which such allotment has made.

(3) The request for allotment of confiscated vehicles shall be self-contained in **Form "D"**, with brief justification made by the head of the Administrative Department, and shall be routed through Administration Department of Government.

(4) All the vehicles, allotted by the Allotment Committee shall be handed over to the head of the Administrative Department through **Form "E"**, which contains all the details of the accessories of the allotted vehicles. Such Form shall be duly signed by the head of the Administrative Department.

(5) Once a vehicle allotted shall not be replaced for a period of three years.

15. **General conditions as to allotment.**—(1) All vehicles shall be allotted by the Allotment Committee in the name of the head of the Administrative Department, by virtue of his office and no allotment shall be made in the name of individual.

(2) Vehicles once allotted, shall be maintained by the concerned Administrative Department and all expenditure in this respect, including PoL, repair, maintenance etc., shall be borne by such Administrative Department.

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(3) Vehicles, allotted by the Allotment Committee, shall be handed over to the Administration Department of Government through proper channel for onward allotment to the Administrative Departments, after fulfilling all legal and codal formalities, under the Government Transport Rules in force for the time being.

(4) Allotted vehicles shall be returned to the Administration Department of Government, along with condemnation certificate by the head of the Administrative Department, when the vehicle is reached a stage of beyond economic repair and shall be recommended by the Administrative Department, for auction as scrape by the Administration Department of Government, in accordance with applicable rules.

CHAPTER-VII

Retrieval of Allotted Vehicles

16. **Retrieval.**—(1) Vehicles allotted by the Allotment Committee shall be retrieved by the Administration Department of Government, from such Administrative Department, as and when required by the Department or any Court of law.

(2) In case of retirement or death of an employee of the Department to whom vehicle has allotted, the retrieval or retention of allotted vehicle shall be the responsibility of concerned Deputy Director (Regional).

[ALA-1(2)/2016(GBLA).]

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