

STRATEGY DOCUMENT FOR INTERDICTION OF SMUGGLED VEHICLES

This document attempts on devising a strategy, in compliance with the orders of Honourable Supreme Court of Pakistan made in Constitution Petition No. 77 of 2010 at Quetta on 06.09.2012, regarding combating the menace of smuggling of vehicles and their widespread use in the country particularly within the province of Balochistan. The document is based on the inputs received from the experienced enforcement personnel of Pakistan Customs and the Law Enforcement Agencies of Balochistan.

Background:

Historically, smuggling, in one shape or the other, across Pak-Afghan and Pak-Iran borders has been taking place since long. The phenomenon is, basically, an off shoot of border trade partly encouraged by geo-political situation on either side of the border and partly by socio-economic conditions of the populace on the two sides. The aftermath of Russian invasion of Afghanistan has witnessed phenomenal increase in illicit movement of contrabands, narcotics, arms and non duty paid vehicles from the country. The smuggling across Pak-Iran border also traces back to post gulf war and the current economic sanctions against Iran. This was coupled with socio-economic conditions of the people living in the inhospitable terrain with little agricultural, industrial and educational infrastructure. Vested interest taking advantage of the situation and associated windfall has capitalized on this opportunity.

Aims & Objectives:

This strategy is being devised with special emphasis on impounding non-duty paid/smuggled vehicles & motorcycle. The issue in view, Pakistan Customs

has to play a pivotal role in curtailment of this menace. However, as per ground realities Pakistan Customs alone is not in a position to tackle the problem. Section 7 of the Customs Act, 1969, therefore, warrants on active and meaningful support from other Law Enforcement Agencies (LEAs), who have a vital role to play in terms of the overall law enforcement within areas of their jurisdiction. Therefore, a joint workable strategy acceptable to all concerned LEA needs to be put into place with a view to furthering the common national interest.

PART - A

Immediate Plan:

1. Directorate General Intelligence and Investigation-FBR nominated as lead agency:

Keeping in view the charter of functions, the Directorate General Intelligence and Investigation-FBR (I&I), has been designated, by the Federal Board of Revenue, as a lead agency to formulate a coordinated anti-smuggling strategy with a view to providing an effective direction and execution for the campaign against smuggled and non-duty paid vehicles. The Directorate General has been assigned/nominated to coordinate with the Collectorates as well as other Law Enforcement Agencies (LEAs) to ensure smooth implementation of the strategy and the compliance with the orders of the Apex Court. Following will be the operational modalities:

2. Pooling of Available Resources:

Overall monitoring of campaign against the smuggled vehicles and contraband goods will be carried out by the Directorate General I&I-FBR but keeping in view many constraints including meager human and logistic resources of regional/range offices of the Directorate General. The

Directorate General will associate the Collectorates whenever and wherever it is called for and the Collectorate's staff can also be asked to assume the lead role.

3. Constitution of Joint Anti-Smuggling Teams:

Regional / Range Offices of Directorate General shall liaise with the concerned Collectorates for deputing staff and logistics for Joint Anti-smuggling Teams (JASTs) with primary function of impounding smuggled vehicles and motorcycles. The Regional Directors and respective Collectorates will ensure smooth functioning of the JASTs. Human as well as logistic resources will be mutually pooled to ensure effectiveness of the campaign against those involved in crime. Both the Directorate and the MCC concerned will provide sufficient human resources and logistic support for the JASTs that will comprise the staff of MCCs and Regional Directorates. Each JAST will be headed by Assistant/Deputy Director or Assistant/Deputy Collector and will generally comprise three enforcement teams, each having Customs operational staff, supported by a legal team.

4. Dealing with Seized Vehicles:

Enforcement team will seize the vehicle and after completion of preliminary documentation, hand it over to the legal team for preparation of the detailed seizure reports, FIRs etc. Performance of JASTs will be monitored on daily basis by the respective heads of the field formations and reported to the FBR and DG (I&I) on fortnightly basis.

5. Liaison with LEAs (Balochistan / Khyber Pakhtunkhwa)

- (i) Frontier Corps has been empowered for anti-smuggling in terms of SRO 1090 (I)/2010 dated 01-12-2010, as amended vide SRO 797(I)/2012 dated 20-6-2012. Besides, local agencies / administration is also empowered to seize smuggled goods within their respective jurisdictions in terms of SRO 60(1)/2000 dated 14.2.2000. In view of these legal empowerments and ground realities, **Frontier Corps, Police/ levies, Coast Guard and Rangers** are the most effective Law Enforcement Agencies in Balochistan, Khyber Pakhtunkhwa, and Sindh having their presence at strategic points including the routes generally used by the smugglers within these provinces.
- (ii) Pursuant to FBR's directions following the orders dated September 6, 2012 of the Honorable Supreme Court of Pakistan, DG (I&I) convened a meeting of LEAs in Quetta on September 18, 2012. The meeting was participated, besides the Collectors MCC Quetta and Gawadar, by the following:

1)	Mr. Kambar Dashti	Commissioner, Quetta Division
2)	Mr. Ayaz Ahmed	Additional Secretary, Home & Tribal Affairs, Quetta
3)	Mr. Muhammad Anwar	Director, Excise & Taxation, Quetta.
4)	Mr. Wazir Khan Nasar	DIG (Operations), Quetta.
5)	Mr. Muhammad Azam Khan Kakar	PRO North Region-II, Loralai.
6)	Col. Maqbool Shah	Commandant, Frontier Corps, Quetta.
7)	Lt. Col. Nasir Bhatti	Battalion Commander, Pakistan Coast Guards, Karachi.

(iii) LEAs have been requested to extend active support to Pakistan Customs (and to the organizations having delegated powers to make seizures under the Customs Act 1969) for performing their statutory anti-smuggling functions under the law. The importance of their role and support to make the drive successful was duly highlighted and appreciated. They agreed to extend the security cover to the Customs staff, whenever necessary, for operational requirements. Likewise, further coordination with IG Police, IG (Motorways and Highways), DG (Excise and Taxation) will be ensured for smoother operation and pre / post-seizure action. Pakistan Customs will be extending full assistance to the LEAs for their efforts in respect of seizing smuggled vehicles within their legal jurisdictions.

(iv) In pursuance of the orders of the Hon'ble Supreme Court of Pakistan in CP No. 77/2010, the Government of Balochistan has imposed complete ban on issuance of 'Rahdari' with effect from September 8, 2012. Ministry of Interior will be requested to ensure that similar instructions are issued to the authorities in other provinces, who may also be advised to deposit vehicles used under 'Rahdari' in Customs State Warehouses.

6. Activation of related sources:

The role of intelligence / information (Informants) is of crucial importance in terms of anti-smuggling activity. While recognizing this need, field formations will be required to make maximum use of it. FBR will ensure

availability of adequate funds to acquire such information and suitably reward the operational staff.

7. Actions against the premises storing smuggled vehicles:

Possibility for action against private premises / warehouses at different places including tribal areas where non-duty paid vehicles are stored will be explored in collaboration with the concerned LEAs for the purposes of joint action. Political / civil administration in such areas will be requested to extend security cover to the Operating staff. Periodical meetings with the LEAs will be convened to review the strategy in this behalf and progress of implementation.

8. Forensic Labs:

At the moment, forensic laboratories established by Police are available only in major cities of Karachi, Lahore, Islamabad, Peshawar and Quetta. It is inconvenient, time consuming and expensive for getting forensic examination over long distances. Ministry of Interior and Provincial Home Departments will be requested to establish such facilities at strategic locations like Multan, Faisalabad, DG Khan, Gujranwala, Bannu, Mardan, Abbotabad, Sukkur, Gawadar, Gaddani, Turbat and Loralai.

9. Data Verification Software:

- i. Data pertaining to imported / duty paid vehicles is available with PRAL; data relating to confiscated vehicles and those auctioned by Customs is being uploaded in the system. This data is being acquired from PRAL for analysis and sharing with Customs field formations.

- ii. Most of the motor registration data has been obtained from the Motor Registration Authorities (MRAs) throughout the country, to ascertain the genuineness of vehicles. Vehicle manufacturers in the country will also be advised to provide Vehicle Identification / Chassis number for verification purposes.
- iii. Information Technology solutions are being developed whereby vehicle registration information would be collected in a central data base against identifiable chassis numbers as cleared from Customs. This would eliminate the possibility of duplication in chassis numbers during vehicle registration as well as ensuring that vehicles brought illegally into the country are not registered.

10. Focal Point / Help Line:

In order to facilitate LEAs, field formations and other stakeholders, focal persons have been notified along with the helpline contacts as below. Round the clock helplines are being established to provide / seek information about smuggled vehicles. Focal Points / Help lines can be reached as follows:

Station	Address	Landline No.	Fax	Cell No
Quetta	MCC, Custom House, Airport Road, Quetta	081-9202829	081-9202560	0321-4447634
Karachi	Directorate General I&I-FBR, Karachi,	021-34526482	021-34302413	0300-2752360
Lahore	Directorate General I&I-FBR, Lahore	042-37801258	042-37801110	0300-4904494
Peshawar	MCC, Custom House Jamrud Road, University Town, Peshawar	091-9216037	091-9216040	0300-5864225

Multan	MCC, Custom House, LMQ Road, Multan	061-9200376	061-9200924	0302-7164193
Faisalabad	MCC, Custom House, Faisalabad Dryport, Jumla Road, Faisalabad	041-9230221	041-9230105	0321-9420479
Islamabad	Directorate General I&I-FBR, Islamabad	051-9106216	051-9106206	0300-5146396

11. Publicity awareness campaign:

A publicity awareness campaign through electronic and print media will be launched to sensitize all the stakeholders about the seriousness of the problem and government's determination to tackle it in an effective manner.

12. Data Compilation and Reporting:

Steps will be taken to document list of smugglers of vehicles, their accomplices and financiers. A specific central data base will be created, into which information / reporting will be done by each MCC and Directorate General's regional offices. A 'Case Management' software will be developed, through which seizing officer will be required to feed the information relating to, inter-alia, detention, seizure, FIR, show cause notice, and order in original, up to the final disposal of the vehicle. This will help maintain a comprehensive data base regarding seizure of the vehicles as well as the relevant proceedings.

PART - B

Long Term Plan:

- (i) The creation of a new Customs Border Force (CBF) is being considered to counter smuggling/challenges in the border areas. This will help

ensure effective law enforcement in the border areas in Balochistan as well as Khyber Pakhtunkhwa coupled with coastal areas of Sindh and Balochistan. FBR, after due thought process and firming up the proposal, will pursue this matter with the concerned quarters for policy decisions. A well trained CBF will be an effective tool to guard the economic frontier of the country. Once CBF is set up, Customs Border Patrolling Posts (CBPP) can be established on part of this Force. Meanwhile and pending creation of CBF, setting up of joint check posts in collaboration with other law enforcement agencies will be explored in order to develop a coordinated approach vis a vis the campaign.

- (ii) Electronic Data Interchange (EDI) with Afghanistan, Iran, China and India will also be worked out in order to reconcile the trade data (emanating from transit trade) and to ensure that the goods transited have been reported to their system.
- (iii) The vehicles plying in the country are either legally imported /purchased through local manufacture/auction, or are smuggled/NDP. The prevalent system of physical checking of vehicles in order to verify their bonafide possession suffers from several pitfalls on account of lack of scientific approach. This results in repetition of the identical exercise by the same or other organizations to the considerable inconvenience of the owners. In order to address this, appropriate electronic solutions will be devised for unique identification of legally imported vehicles once for all, in consultation with IT experts, Motor Registering Authorities and NADRA.

- (iv) No recruitment in the different cadres of Customs, including operational levels has taken place for the past 15 years, resulting in a thinner and aging force, mostly provided through promotion of staff in the executive cadre, with their suitability cum fitness always subject to question. In order to strengthen the force with competent and skilled manpower that can meet the mounting challenges of the law enforcement in the given situation, the Federal Government would be approached to order fresh recruitment against a re-valuated human resource requirement in addition to provision of equipment, training and resources.

Finally, it is important to mention that this document will be reviewed for purposes of improvement, when and where it is required, in the light of the experience as well as the input that might be coming forth from the agencies/personnel engaged in this area of activity.