

**THE FEDERAL TAX OMBUDSMAN
ISLAMABAD**

COMPLAINT NO.5557/LHR/CUST/2022

Dated: 20.12.2022 * RO Lahore

Mr. Muhammad Ilyas Bhatti,
House No.538, Street No.3, Block CC,
Mohallah Phase 4, DHA,
Lahore

... Complainant

Versus

The Secretary,
Revenue Division,
Islamabad

... Respondent

Dealing Officer	:	Ms. Adila Rehman, Advisor
Appraising Officer	:	Dr. Arslan Subuctageen, Advisor
Authorized Representative	:	Mr. Basalat Gujjar, Advocate Alongwith Mr. Ilyas Bhatti and Mr. Muhammad Shahbaz
Departmental Representative	:	Mr. Ali Asad, Deputy Director, Directorate of I&I-Customs, Lahore

FINDINGS/RECOMMENDATIONS

This Complaint was filed against Deputy Superintendent and other officials, Directorate of I&I-Customs, Lahore, in terms of Section 10(1) of the Federal Tax Ombudsman Ordinance, 2000 (FTO Ordinance), for initiation of Departmental legal proceedings for abuse of power, illegal harassment, demanding gratification/bribe from the Complainant.

2. Precisely, facts of case, as narrated in the Complaint, are that the Complainant submitted that his cousin Ch. Muhammad Shahbaz S/o Ch. Noor Muhammad was travelling on Ferozepur Road, Lahore opposite Central Park Housing Society on his Toyota Jeep Prado No.JAF-996. Mr. Rai Waqar, Deputy Superintendent alongwith other Staff of Directorate of I&I-Customs, Lahore surrounded his cousin Ch. Muhammad Shahbaz and twenty family members and harassed them. The Complainant's cousin showed original documents to the staff stating that the vehicle was purchased through Amnesty Scheme 2013. Mr. Rai Waqar, Deputy

*Date of registration in FTO Sectt.

Superintendent demanded bribe of Rs.0.500 million to release the vehicle. On refusal of bribe, the staff of Directorate took the vehicle in possession and released it on 07.12.2022 after verification which was not in its actual condition. The Complainant's vehicle was caused damage amounting to Rs.1.000 million. This fact could be verified from the cameras installed at the warehouse. The Complainant prayed that the Department be directed to take action against Mr. Rai Waqar, D.S alongwith other staff.

3. The Complaint was referred to Secretary, Revenue Division, for comments, in terms of Section 10(4) of the FTO Ordinance, read with Section 9(1) of the Federal Ombudsmen Institutional Reforms Act, 2013. In response thereto, Director, Directorate of I&I-Customs, Lahore, vide letter dated 04.01.2023, submitted parawise comments, stating therein that in pursuance of an information on 12.11.2022 at about 16.30 p.m the staff of Directorate of I&I-Customs, Lahore intercepted an used Toyota Jeep-Prado bearing Registration No.JAF-996/Quetta near Mustafa Abad Police Station, Kasur Road, Lahore from the possession of Shahbaz R/o Lahore. On cursory checking, prima facie, the said vehicle was suspected to be non-duty paid/smuggled one. Mr. Shahbaz provided WhatsApp images showing 13 pages comprising of Registration Book and Amnesty Scheme 2013 documents issued by MCC Quetta. The aforesaid documents also transpired to be suspicious and since their verification was required, therefore, the said vehicle was detained under Section 2(kk) further read with Section 186 & 187 of the Customs Act, 1969 for want and scrutiny of legal documents, forensic lab test etc. The documents provided by Mr. Shahbaz were sent to MCC, Quetta for verification and vehicle was also sent to P.F.S.A Lahore for examination of chassis number of the said vehicle. However, on

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receiving verification of documents from Quetta and examination report of chassis number of the said vehicle, the same was released on 07.12.2022 to Mr. Muhammad Shahbaz Choudhry. The Complainant namely Muhammad Ilyas Bhatti filed the complaint with the allegation of misbehaviour and politically motivated actions was baseless and frivolous as he had no concern with the said vehicle. The actual owner of vehicle Mr. Muhammad Shahbaz Choudhry did not raise any objection or filed any complaint regarding misbehaving of staff and alleged political intentions of Superintendent (AS) Rai Waqar Ahmad before the higher authority of Directorate.

4. The AR/Complainant and DR attended and reiterated what had been mentioned in written complaint and parawise comments. The Complainant further alleged mistreatment at the hands of the Department, especially Rai Waqar. The DR declared that all was done in good faith as per law, on receipt of information. The Complainant was asked to submit proof that the vehicle was damaged during the period it was in custody of the Department. The Complainant submitted that Rai Waqar was all in all and whole episode to the result of personal enmity and political rivalry. He also alleged that Rai Waqar, D.S had indirectly demanded money and also, that a number of parts of his vehicle, namely gear, radiator, fuel pump and battery had been replaced.

5. Arguments of both sides heard and record perused. It is evident that Complainant's vehicle was detained u/s 2(kk), read with Section 186 & 187 of the Customs Act, 1969 for want of verification from forensic lab and vehicle was released to actual owner i.e. Mr. Muhammad Shahbaz Choudhry on receipt of verification report. The DR contended that all was done in good faith as per law. The Complainant's contention regarding damage

caused to his vehicle needs to be investigated. There was no need to behave in such a manner with the family members, to off load them on the road side. This kind of treatment cannot be meted out to people on the basis of suspicion only. They were not criminals but ordinary citizens who have the right to be treated with courtesy and consideration. The staff could have escorted the vehicle to the airport/home and then taken control of the vehicle. This behaviour on the part of the staff was oppressive and uncalled for and amounts to maladministration. The demands of bribe also need to be investigated.

Recommendations:

6. FBR to direct the Director General, Directorate General of I&I (Customs), to:

- (i) conduct a fact finding inquiry into the incident regarding (a) misbehavior and attitude of official viz Rai Waqar Ahmed and others; (b) demands of bribe from the Complainant; (c) damage to vehicle, initiate necessary disciplinary proceedings against those found guilty;
- (ii) issue a standard operating procedure (SOP) for interception of suspected vehicles duly taking into the account, inter alia, the sanctity of families and ordinary citizens to curb the incidents of harassment by Customs field staff;
- (iii) direct all Regional Directors, Intelligence & Investigations – Customs to personally conduct training sessions for the field staff to inculcate a more professional, sympathetic and objective behavior in the Customs field staff; and
- (iv) report compliance within 45 days.


(Dr. Asif Mahmood Jah)
(Hilal-i-Imtiaz)(Sitara-i-Imtiaz)
Federal Tax Ombudsman

Dated: 1/3/2023
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Approved for reporting