

## MANUAL - II

### POWERS & DUTIES

#### I. TECHNICAL

**A.** Under the **Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976**, the **powers** of this office are as under:-

- (ii) Power to issue notice for forfeiture of properties under section 6 or section 10 of the Act.
- (iii) Power to forfeit properties under section 7 of the Act.
- (iv) Power to impose fine in lieu of forfeiture under section 9 of the Act.
- (v) Powers of Civil Court u/s.15 of the Act in respect of the following matters:-
  - summoning and enforcing the attendance of any person and examine him on oath;
  - requiring the discovery and production of documents;
  - receiving evidence on affidavits;
  - requisitioning any public record or copy thereof from any Court of office;
  - issuing commissions for examination of witnesses or documents;
  - any other matter which may be prescribed.
- (vi) Power to seek information and assistance from certain officers, under sections 16 and 17.
- (vii) Power to cause enquiry through Department of Income Tax u/s.18 of the Act.

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**DUTIES:**

- (i) To ensure proper service of notice under section 6 of the Act
- (ii) To provide opportunity for a hearing under section 7 of the Act.
- (iii) To provide opportunity for a hearing under section 9 of the Act.
- (iv) To defend any appeal against any order before the Appellate Tribunal, High Court or Supreme Court.
- (v) To manage the properties under forfeiture till their disposal.
- (vi) To dispose off the properties forfeited.
- (vii) Any other function assigned by the Central Government.

**B. Under the Narcotic Drugs and Psychotropic Substances Act, 1985, the powers of this office are as under:-**

- (i) Power to confirm the seizing/freezing orders under section 68F (2).
- (ii) Power to issue notice for forfeiture of properties under section 68-H/68L of the Act.
- (iii) Power to forfeiture properties under section 68-I of the Act.
- (iv) Power to impose fine in lieu of forfeiture under section 68-K of the Act.
- (vi) Power to take seek assistance and information from certain officers under sections 68S and 68T.
- (vii) Power to possession of property under section 68-U of the Act.
- (viii) Powers of a Civil Court u/s.68-R of the Act, in respect of the following matters:-
  - (a) summoning and enforcing the attendance of any person and examine him on oath;
  - (b) requiring the discovery and production of documents;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any Court of office;
  - (e) issuing commissions for examination of witnesses or documents;
  - (f) any other mater which may be prescribed.

**DUTIES:**

- (i) To ensure proper service of notice under section 68-H of the Act.
- (ii) To provide opportunity for hearing under section 68-I of the Act.
- (iii) To provide opportunity for hearing under section 68-K of the Act.
- (iv) To defend any appeal against any order before the Appellate Tribunal, High Court or Supreme Court.
- (v) To manage the properties under forfeiture till their disposal.
- (vi) To dispose off the properties forfeited
- (vii) Any other function assigned by the Central Government.

**II. ADMINISTRATIVE**

- (i) The Competent Authority is the appointing authority upto Group C level employees, under the Recruitment Rules applicable to this office.
- (ii) The Competent Authority is also the disciplinary authority for the office under the CCS (CCA) Rules.