

THE FEDERAL INVESTIGATION AGENCY
(INQUIRIES AND INVESTIGATIONS) RULES, 2002.

S.R.O 567 (1)/2002, - In exercise of the powers conferred by sub-section (1) of section 9 of the Federal Investigation Agency Act, 1974 (VIII of 1975), the Federal Government is pleased to make the following rules, namely:-

1. Short title and commencement:- (1) These Rules may be called the Federal Investigation Agency (Inquiries and Investigations) Rules, 2002.

(2.) They shall come into force at once.

2. Definitions,- (1) In these rules unless there is anything repugnant in the subject or context, ----

- (a) “Act” means the Federal Investigation Agency Act, 1974 (VIII of 1975);
 - (b) “Additional Secretary” means the Additional Secretary, Ministry of Interior, Government of Pakistan;
 - (c) “competent authority” means the authority to accord permission either to hold an inquiry or investigation, or to order registration of a criminal case, or drop the case after investigation, or decide departmental proceedings under these Rules;
 - (d) “Council” means the Federal Anti-Corruption Council (FACC);
 - (e) “Deputy Director” means the Deputy Director of the Agency;
 - (f) “Director” means the zonal and functional Director of the Agency;
 - (g) “Head of Department” means an officer incharge of a Department of the Federal Government Corporation or an autonomous body established by the Federal Government;
 - (h) “prosecution sanctioning authority” means the Federal Government or, as the case may be, a Provincial Government, corporation or an autonomous body established by the Federal Government;
 - (i) “Secretary” means the Secretary, Ministry of Interior, Government of Pakistan
- (2) The words and expressions used but not herein defined shall have the meanings assigned to them in the Act.

(3) Initiation of action by the Agency.—(1) The Agency may, subject to rules 4 and 5, initiate an inquiry or investigation either on its own initiative or on receipt of a complaint or oral or written information.

(2) After an inquiry or investigation has been registered the inquiry or investigation shall proceed with care and discretion and no undue publicity shall be given to it. Special care shall be taken to ensure that no unnecessary damage is caused to the prestige, reputation and dignity of any public servant involved in the case.

4. Verification of complaints against public servants.- The Deputy Director or an officer above the rank of Deputy Director may initiate verification of a complaint in order to ascertain the identity of the complainant or informer and genuineness of the complaint or information. No action shall be taken on an y anonymous or pseudonymous complaint.

5. Initiation of inquiry and registration of criminal case.

(1) An inquiry shall be initiated against an accused public servant specified in column (2) of table below with prior permission of the authority, specified in column (3) of that table.

TABLE

s.no	Basic Pay Scale of Public Servant	Authority
1	BPS 1-12 and equivalent	Deputy Director.
2	PBS 13-17 and equivalent	Director
3	PBS 18-19 and equivalent	Director General
4	PBS 20-21 and equivalent	Secretary
5	PBS 22 and equivalent	FACC

(2) Subject to sub-rule (3), a criminal case shall be registered against an accused public servant specified in column (2) of table below with prior permission of the authority specified in column

TABLE

s.no	Basic Pay Scale of Public Servant	Authority
1	BPS 1-12 and equivalent	Director.
2	PBS 13-17 and equivalent	Director- General

3	PBS 18-19 and equivalent	Additional Secretary
4	PBS 20-21 and equivalent	Secretary
5	PBS 22 and equivalent	FACC

(3) No prior permission under sub-rule (2) shall be required for registration of a case against a public servant caught as a result of the trap arranged by the Agency under the supervision of a Magistrate of the first class. In such case, a report within twenty four hours shall be of the department concerned and immediate superior of the public servant concerned.

(4) If no receipt of complaint, the competent authority decide not to initiate an inquiry or register a case it shall record reason there for.

6. Report regarding registration of case and arrest. The Registration of a case and consequential arrest of a public servant shall be reported to the Head of the Department of the accused within twenty four hours.

7. Power to call for the record of case. (1) The Secretary and Director General may suo moto or otherwise call for the record of any case or inquiry pending with the Agency for examination and give such directions as may be necessary for the speedy fair and just disposal of the case.

(2) A Director may suo moto or otherwise call for the record of any case or inquiry for purpose of satisfying himself as to the correctness or propriety or decision taken by a Deputy Director under these rules and may pass such orders as he may be deem fit.

8. Power to drop case and recommended departmental proceeding. (1) the authority specified in column (3) of the table below may drop a case and recommended departmental proceedings in respect of a public servant specified in column (2) of that table.

TABLE

s.no	Basic Pay Scale of Public Servant	Authority
1	BPS 1-16 and equivalent	Director General
2	PBS 17 and equivalent	Additional Secretary

3	PBS 18-19 and equivalent	Secretary
4	PBS 20-22 and equivalent	FACC

(2) When decision to hold departmental proceedings against a public servant is taken under sub-rule (1), the Agency shall forward facts the case statement of allegations, list of witnesses and documents if any to the concerned competent authority of the accused public servant for initiating departmental proceedings.

9. Federal Anti-Corruption Council. (1) There shall be a Federal Anti Corruption (FACC) which shall consist of—

(a)	Secretary	Chairman
(b)	Representative of the law, Justice and Human Rights Division not below the ranks of Joint Secretary	Member
(c)	Representative of an Establishment Division not below the rank of Joint Secretary	Member
(d)	Director General FIA	Member

(2) The Director General Federal Investigation Agency, shall acts as Secretary of the Council.

(3) The Federal Anti Corruption Council shall co-opt a representative of the concerned Ministry (not below the rank of Joint Secretary) who officer's case is before the Council.

10. Obtaining Sanction for prosecution. (1) On completion of an investigation a case found fit the prosecution for which sanction for prosecution is required under section 197 of the Code of Criminal Procedure,1898 (Act V of 1898), or under sub section (5) of section 6 of the Pakistan Criminal law Amendment Act, 1958 (XL of 1957), or the rules made there under, shall be submitted by the Agency to the Federal Government to accord sanction for prosecution alongwith full facts of the case, the opinion of the Legal Officer and statement of allegations.

(2) In case registered against officers working in PBS-20 and above, explanation of the accused officer, giving him fifteen days time shall be obtained by the Director General. Question asked and replies furnished by the concerned officer shall invariably be incorporated in the Confidential Final Report and shall be submitted to the Federal Anti Corruption Council alongwith relevant documents.

(3) In case of Officers working in PBS-19 and below, the prosecution sanctioning authority shall communicate full facts of the whom the public servant concerned is employed. The Ministry or Department under Department shall supply these documents to the public servant concurred and give him an opportunity to submit his reply within thirty days of its receipt.

(4) the Ministry of Department concerne4d to whom a case has been sent under sub rule (3) shall convey its recommendations alongwith the statement of the public servant concerned to the prosecution sanctioning authority within sixty days of its receipt.

(5) The prosecution sanctioning authority shall take into consideration the explanation of the accused public servant while making decision regarding disposal of the case.

(6) If the prosecution sanctioning authority decides to prosecute the accused public servant, sanction for prosecution under Section 197 of the Code of Criminal Procedure, 1898 (Act V of 1898), or, as the case may be sub section (5) of Section 6 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958), shall be given forthwith.

(7) If it is decide to hold departmental proceeding against the public servant is serving. The Ministry of Interior, Government of Pakistan or, as the case may be the Agency shall supply all material required for the departmental proceedings to the concerned Ministry, Division or Department under which the public servant concerned is employed.

11. Competent authority in cases where senior public servant is involved alongwith junior public servant. If more than one public servant is involved in a case, the competent authority for the public servant in the highest rank shall also be the competent authority for the junior public servant involved in the case.