

OFFICE OF THE DIRECTOR CYBERCRIME
FEDERAL INVESTIGATION AGENCY
ISLAMABAD

No. FIA/CCW- HQ/DIR OPS/ISB/2021/6435-42

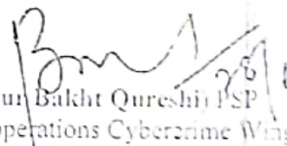
Dated: 28/06/2021

CIRCULAR

In pursuance to the directions passed by the *Honorable Chief Justice of Islamabad High Court* in para no. 4 and para no. 11 (i) of writ petition no. 2939/2020 (titled *Raza Muhammad Arshad V/S Federation of Pakistan etc*), all the enquiry officers/investigation officers are hereby directed to follow the below mentioned instructions while sending summon/notice of attendance to the alleged accused and witnesses who are well acquainted (under section 160 CRPC) in respective enquiries/cases. (Order dated: 03/11/2020 in W.P 2939/2020 is attached here with)

1. Name of Complainant:
2. Name of alleged accused:
3. Enquiry no/case no:
4. Date of registration of enquiry:
5. Gist of Allegations (fact, point, section of law applicable and specified matter):
6. Name and signature of concerned E/O/ I.O along with date of issuance of summon/ notice of attendance:

The E.O/I.O must follow the above instructions while issuing summons/attendance notices otherwise the concerned E.O/I.O will be served explanation/show cause, if he/she fails to comply the detailed instructions laid down in circular in true letter and spirit.


(Babur Bakht Qureshi) PSP
Director operations Cybercrime Wing-FIA

Copy to:

1. Copy to Registrar Islamabad High court with reference to Judgment
2. Additional Attorney General Islamabad High court
3. Director General FIA HQ Islamabad
4. Additional Director General Cyber Crime FIA HQ Islamabad
5. Director Cyber crime
6. Director Law FIA HQ Islamabad
7. Additional Director Ops Cybercrime Wing FIA
8. All circle in-charges of Cybercrime Wing

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Subject: DIRECTIONS AND GUIDELINES REGARDING VERIFICATION, ENQUIRY PROCEEDINGS, INVESTIGATION OF CASES, CHANGE / TRANSFER OF ENQUIRY / INVESTIGATION AND MATTERS CONNECTED THEREWITH.

1. SCOPE:

It has been observed that a number of Standing Orders have been issued in past on different aspect of complaints, enquiries, investigation, raids, search, seizure and arrests as well as the protocol regarding the disposal of these assignments. Resultantly, the field officers were confused and facing difficulties in apprehending and implementing the instructions contained in these Standing Orders. Furthermore, after the devolution of powers to Additional DGs and Zonal Directors to finalize field assignments, there was a need to revisit, consolidate and appropriately amend the existing instructions on the subject.

2. OBJECTIVES:

This consolidated Standing Order is aimed to improve public service delivery by enhancing the first hand knowledge of the IO's / EO's. It will further help in ensuring the quality of investigation and upgrading the supervisory / monitory mechanism of the field circles-units of FIA.

3. REGISTRATION AND DISPOSAL OF COMPLAINTS:

All complaints received in the office of Director General, Additional Directors General, Directors or In charge of the concerned Circles, through any mode, shall invariably be entered in the computerized Complaint Management Unit (CMU). The existing practice of entering complaints in **Centralized Complaint Register** at Zonal level shall cease.

Provision of CNIC number shall be a pre-requisite and before entering into the CMU, verification of the CNIC of the complainant(s) shall be carried out through 'Verisys'.

4. COMPETENT AUTHORITY TO DECIDE FIELD ASSIGNMENTS.

| Action | Authority |
|--|-------------------------------|
| Initiation or closure of verification | Circle Incharge |
| Initiation of enquiry | Circle Incharge |
| Closure of enquiry or registration of case | Zonal Director or Zonal Board |

| | |
|---|-------------------------------|
| Submission of Challan or closure of case | Zonal Director or Zonal Board |
| First time transfer of enquiry (within circle) | Circle Incharge |
| Transfer of enquiry out of the circle within Zone | Zonal Director |
| Transfer of enquiry from one Zone to the other | Regional ADG |
| First time transfer of investigation (within circle) | Zonal Director |
| Transfer of investigation out of circle within Zone | Zonal Director |
| Transfer of investigation out of Zone | Regional ADG |
| Second time transfer of enquiry | Zonal Director |
| Second time transfer of investigation | Regional ADG |
| Registration of enquiry or a case in Special Investigation Unit (SIU) of FIA at Islamabad | DG FIA |
| Closure of enquiry or registration of case in SIU | COS to DG FIA |
| Submission of Challan or closure of case in SIU | COS to DG FIA |
| Transfer of any enquiry or a case to and from Special Investigation Unit (SIU) at Islamabad | DG FIA |

Provided that:

- (i) If the circle in charge is below BS-18, he shall not be authorized to exercise aforementioned powers and shall forward the matter to the Zonal Director.
- (ii) In case of transfer of the EO / IO or his suspension or proceeding on long leave, the Circle In charge shall be authorized to transfer the enquiry or investigation to any other officer of the circle.
- (iii) Verification shall not be entrusted to an officer below the rank of ASI.

5. CHANNEL TO DECIDE FIELD ASSIGNMENTS.

- i. Ordinarily the decision of closure of enquiry, registration of case, its closure or submission of challan would be taken by the Zonal Directors. The CFR of these enquiries / cases containing specific recommendations will be submitted by the EO / IO to the Circle In charge who will refer it to the Circle Law officer for legal opinion. On its receipt back, the In Charge Circle will decide whether the CFR is to be forwarded to Zonal Director or it requires further collection of evidence by the EO / IO. In case of his satisfaction regarding the recommendations made by the EO / IO in CFR as well as the Legal opinion of the Circle Law Officer, he will refer the matter to Zonal Director. Zonal Director will seek opinion from the DD Law of the Zone and give the final decision in the enquiry / case.
- ii. However, Regional ADG or the Zonal Director, where deemed to be necessary, may refer any enquiry or investigation to Zonal Board for decision. Such board shall comprise of the following officers:
 - a) Zonal Director
 - b) Concerned Circle In charge
 - c) DD(Law) of the zone
 - d) Law Officer of the concerned Circle

| |
|----------|
| Chairman |
| Member |
| Member |
| Member |

If a CFR of a case or enquiry is placed before the Zonal Board for decision and any member of the board has reservation against the recommendations made by the Inquiry Officer, he may write down his dissenting note. However, decision of the Zonal Director shall be final.

The request for reopening of a closed enquiry or case may also be presented before the board for decision.

In case of registration, transfer and disposal of verifications / enquiries / cases in SIU at Islamabad, DG FIA may delegate his powers to any subordinate officer through an order in writing.

The supervision of SIU will be conducted by an officer above the rank of Deputy Director (BS-18), nominated by the DG, FIA.

6. ACTION ON ANONYMOUS COMPLAINTS:

Anonymous complaints will be properly entered in the Complaint Management System (CMU) and submitted before the Zonal Director. No member of the ministerial staff would record any marginal note/ observations on any anonymous application. Anonymous letters/applications must, invariably be filed.

However, if the information provided in the application is specific or likely to be proved useful in any enquiry/case, already under process in the Zone, it should be immediately brought to the notice of the Regional Additional Director General FIA for information and necessary orders.

7. ACTION ON PSEUDONYMOUS COMPLAINTS:

If a complaint is found pseudonymous during verification, it may also be treated in the same way as enumerated in the case of anonymous complaint.

8. ACTION ON SOURCE REPORTS:

The source report submitted by any FIA officer for the grant of permission to hold enquiry will be forwarded to the Regional Additional Director General through Zonal Director for necessary orders. However, in case of any urgency, the Zonal Director may grant permission under intimation to the Regional ADG. If it is found that the source report was submitted with some malafide intention or for the sake of harassing someone or for some personal motive/grudge, action shall be taken against him, under the law.

9. VERIFICATION PROCEEDINGS:

- i. Verification shall be entrusted to an officer not below the rank of ASI.
- ii. Verification Officer (VO) shall issue a notice under section 160 Cr.P.C. requiring the complainant to appear before him at the given date, time and place. The time given to the complainant for appearance will be 5 working days.
- iii. The notice shall bear dispatch number of the register maintained in the circle for correspondence.
- iv. The notice shall also contain the reference of the complaint, information or documents which the complainant will be required to produce at the time of appearance.
- v. The notice shall contain name, designation and contact number of the VO.
- vi. In addition to the notice, the complainant may be contacted through Email, Telephone/Cell Phone or any other available communication channel.
- vii. In case, the complainant fails to respond to the first notice, second notice will be issued by giving him another 5 working days time.
- viii. If the complainant does not turn up within the given time in spite of service of both the notices, the complaint will be recommended for closure.

- ix. During verification process, VO will obtain all information from the complainant e.g. his full particulars, verified copy of his CNIC, contact numbers of accused persons (if available with him) and details of the allegations. He will also obtain commitment from the complainant in the form of affidavit to cooperate and pursue the matter during enquiry / investigation.
- x. If the VO is satisfied that the complainant has incriminating evidence in support of allegations leveled by him and the allegations prima facie fall within the functional and territorial jurisdiction of his circle, he will submit his verification report recommending initiation of enquiry.
- xi. If the VO feels that the allegations do not attract the functional jurisdiction of FIA or his circle, he will recommend for closure or transfer of the complaint to the concerned department or the concerned circle of FIA, as the case may be.
- xii. VO will neither summon the alleged person nor call for record from any department or bank etc.
- xiii. Verification proceedings will be finalized within 15 days of the entrustment.

9 (A): Cognizable non-cognizable offences:

- i. In case of Cognizable offence has been committed under the Act, the Circle in-charge, after seeking legal opinion, shall order the registration of such case subject to the prior approval of Additional Director in the zone.
- ii. In-case of non-cognizable offence under the Act, the circle in-charge or the concerned E.O shall seek permission from the competent court for Enquiry/investigation under section 155 Cr.P.C

10. ENQUIRY PROCEEDINGS:

- i. On the entrustment of enquiry, the E.O will frame the issues to be probed and submit his action plan with timeline in writing for approval of the Circle In charge within 05 working days.
- ii. Enquiry officers shall issue a notice under section 160 Cr.P.C requiring the alleged accused or witness to appear before him or her at the given date, time and place. The following instruction must be followed while issuing notice u/s 160 Cr.P.C.
 1. Name of Complainant:
 2. Name of alleged accused:
 3. Enquiry no/case no:
 4. Date of registration of enquiry:
 5. Gist of Allegations (fact, point, section of law applicable and specified matter):
 6. Name and signature of concerned E/O/ I.O along with date of issuance of summon/ notice of attendance:
- iii. The notice shall bear dispatch number of the register maintained in the circle for correspondence and the time given to the Alleged Accused for appearance will be 5 working days.
- iv. In case, the alleged fails to respond to the first notice, second notice will be issued with same format as mentioned above by giving him another 3 working days' time.
- v. If the alleged does not turn up within the given time in spite of service of both the notices, further necessary action shall be taken against the accused in accordance with law.

- vi. The enquiry officer will restrict the scope of the probe to the extent of the issues / points approved by the Circle In charge and finalize the enquiry within 45 days (in case of AHTC / Cyber Crime) and 90 days (in case the enquiries of other specialized circles).
- vii. If the complaint is submitted by any Ministry, Division, Corporation, Department, Bank etc. is of urgent nature and it contains the attested copies of all the necessary incriminating documents including report of departmental enquiry, fixing the responsibilities of the delinquents, the matter may directly be considered for registration of enquiry or case with the permission of the Zonal Director.
- viii. The EO will properly place all the documents in the enquiry file in chronological order. He will number every page of the file and prepare its index Sheet. Copies of all the summons issued to the complainant/ witnesses/ accused persons and the letters addressed to different departments/ entities for the provision of record will be forwarded to the Circle In-Charge for information.
- ix. Enquiry Officer (EO) will record "Enquiry Diary" highlighting the proceedings conducted by him. Copies of these diaries will be submitted to the circle office. In case, no activity is made in the enquiry within fortnight, reasons will be recorded in the enquiry diary. Submission of at least one enquiry diary in a fortnight is compulsory. (Sample Performa of the enquiry diary is attached). The gist of such diary shall contain brief description of all the activity under taken by the EO during the period in question.
- x. In case, enquiry is not finalized within 45 days (AHTC / Cyber Crime enquiries) and 90 days (in the enquiries of other circles), due to its complex nature, wider scope or other justifiable reason, Zonal Director may grant an extension up to 90 days for its completion, on the basis of the sound reasons to be provided by the EO through Circle In charge.
- xi. If the enquiry officer, in spite of his best efforts, fails to complete the enquiry even in the extended period, he may seek further extension up to 90 days from the Regional Additional Director General through the concerned Director, by forwarding valid reasons in support of his request.
- xii. In case where EO fails to finalize enquiry even in 270 days and has cogent reasons for further extension of time, he shall forward his request to DG FIA through the Regional ADG for consideration and appropriate decision. All such requests shall be entered in the CMS for approval.
- xiii. Circle In charge shall conduct fortnightly meeting with enquiry officers and will physically inspect enquiry files and give necessary directions to the EOs in writing.
- xiv. If during the course of enquiry, certain new facts, other than the issues previously framed, come forth, the same will be immediately referred to the Circle In charge by the EO, seeking his permission for inclusion of the same in the same enquiry or to initiate another enquiry, as the case may be.
- xv. On completion of enquiry, the enquiry officer shall submit a detailed Confidential Final Report (CFR), containing all necessary information i.e. (1) the name, particulars, address, contact number and CNIC number of the complainant (2) gist of the allegations (3) name, particulars, address, contact number and CNIC number of the alleged persons/ public servant(s) (4) evidence collected to establish the allegations and (5) the details of the Expert opinion (if any).
- xvi. If the registration of a case is recommended in an enquiry, the name, particulars, contact No. and CNIC of the alleged persons / public servants shall be retrieved and entered in the CFR and CMS without fail. The non-collection of this information and its entry in CFR and CMS shall be viewed adversely. The Circle In charge has to justify the reasons for the non-

availability of this basic information related to the accused before referring the CFR to the Zonal Director for final decision.

- xvii. Circle In charge shall examine CFR and in case of satisfaction, refer it to the Law Officer for legal opinion. In case of unanimous recommendations of the EO and Law Officer, the Circle In-charge shall forward the CFR and the legal opinion to the Zonal Director for final decision.
- xviii. In case of difference of opinion between the EO and the Law Officer, the Circle In charge may refer the matter back to the EO for rectification of the observations of the Law Officer or agree with the recommendations of the EO and forward the same to the Director with his specific recommendations.
- xix. Circle In charge may partially agree with the EO/ Law Officer while referring the matter to the Zonal Director. In this case, he will record the reasons of his partial disagreement with the recommendations of EO/ Law Officer.
- xx. In case the enquiry is closed due to lack of evidence, the complainant will be informed in writing.
- xxi. The Specialists / Experts of Customs, Excise, Income Tax, Accounts Service, IBMS, CTW, Engineering and Technical Wing shall not be nominated as E.O. however their technical and forensic assistance may be sought during enquiries, whenever required.
- xxii. Cyber Crime enquiries will only be entrusted to the E.Os who had undergone the requisite investigation training.
- xxiii. The concerned Law officer and Specialist / Expert shall forward their opinions / forensic reports within 15 days on receipt of CFR / SCFR or the referral.
- xxiv. The EO will rectify the defects / lacunas pointed out by the Law Officer and submit SCFR within 30 days. However, in case of AHTC / Cyber Crime enquiry, SCFR will be submitted within 15 days.
- xxv. EOs shall regularly consult Law Officers of their Circles during Enquiry Proceedings and seek their written guidance to finalize the enquiry expeditiously. These guidelines shall be made part of the Enquiry File.
- xxvi. EOs, Law Officers, Circle In charges, Zonal Law Officers, Zonal Directors and all other stakeholders who had been provided access to the Case Management System (CMS) shall ensure their regular input in CMS in the shape of enquiry diaries without fail. These diaries should contain brief description of all the proceedings as well as the necessary information i.e. gist of allegations, summoning of witnesses, recording the statement of witnesses u/s 161 Cr.PC, requisition and collection of record, preparation of seizure memos, searches and the Writ Petition instituted against FIA (if any) etc.
- xxvii. During enquiry proceedings, the EO shall focus on the recovery of the loss caused to the national exchequer.

(a) MAINTENANCE OF ENQUIRY RECORD IN CIRCLE:

- i. An Enquiry Register shall be maintained by each circle and every enquiry registered in the circle will be entered in it. SHO of the circle will inspect this register fortnightly and Circle In-Charge will conduct monthly inspection to ensure its proper maintenance. SHO and Circle In charge will write down their inspection note over it.
- ii. Reader Branch of the concerned circle, will maintain its own parallel office Enquiry File containing the copy of the complaint, the order of the entrustment of the enquiry to the EO, the copies of the summon issued by the EO, copies of the letters written to different departments for the requisition of records, the statement of the witness, replies offered by the alleged person, directions

issued by the Circle In charge or Zonal Directors or FIA Head Quarters or any Court, copies of the CFR/SCFR and legal opinions.

(b) MONITORING OF ENQUIRY:

- i. The Circle In charge shall hold fortnightly meetings with the EOs to review the progress of enquiries and to provide them necessary guidance. The minutes of these fortnightly meeting shall be forwarded to Zonal Director.
- ii. The use of CMS now provides a perfect tool to the Circle In charge to closely supervise / monitor the progress of the EO's and to issue them necessary guidance for the finalization of the enquiry on merit expeditiously on daily basis. Hence, the working of Circle In Charge will be assessed on the basis of their efficiency as shown by the CMS regarding their input provided to the EO's during enquiry.
- iii. Zonal Director shall hold a monthly meeting with the Circles Heads to review the overdue enquiries. Minutes will be furnished to the Regional ADG.
- iv. In case, EO faces problem in obtaining record, the Circle in charge shall take up the matter with the concerned office at appropriate level and where necessary, he/she shall raise the level by involving Zonal Director.
- v. Delay in enquiry on the ground of non-availability of record by an EO shall be construed as inefficiency on the part of EO and Supervisory Officer except in enquiries where action u/s194 Cr. P.C followed by Sec.175 PPC has been taken and matter reported to Zonal Directorate through supervisory officer.
- vi. While forwarding reports of EOs, the Circle In charge will give his specific recommendations under their signatures.
- vii. No report (CFR/SCFR) other than progress report shall be forwarded to the Director without legal opinion.

11. REGISTRATION OF CASES AND INVESTIGATION PROCEEDINGS:

- i. No case shall be registered as a result of any enquiry without permission of the Director Zone or the Zonal Board as the case may be. However, in raid/trap cases, ex-post facto approval of the Zonal Director will be sought.
- ii. All day to day activities carried out by the IO during investigation shall be properly and timely incorporated in the case diaries as per law. In case, no action is taken in the investigation for certain time, reasons will be recorded in the case diary and at least one case diary in a fortnight will be submitted to the Circle In-charge without fail.
- iii. After the receipt of case diary, circle In-charge may pass appropriate directions to the IO in this respect to ensure expeditious finalization of the investigation of the case.
- iv. IOs, Law Officers, Circle In charges, Zonal Directors, Zonal Law Officers and all other stakeholders who had been provided access to the Case Management System (CMS) shall ensure their regular input in CMS. Their diaries should contain brief description of all the proceedings as well as the necessary information i.e. gist of allegations, summoning of witnesses, recording the statement of witnesses u/s 161 Cr.PC, requisition and collection of record, preparation of seizure memos, arrests, searches, remands, court

directions, issuance of warrants, proceedings u/s 87-88 Cr. PC, bails, submission of challans, writ petition instituted against FIA (if any) etc. (as the case may be). The Supervisory Officers should ensure timely process of the cases.

- v. The I.O. through his Circle In charge shall give timely intimation of arrest, search and seizure made during the investigation of important cases. He should ensure prompt and immediate entry in CMS of arrests, bails etc.
- vi. In case, arrest of a serving officer of BS-20 or above is required or affected, Zonal Director will immediately inform the Regional Additional Director General FIA through a report containing gist of the allegations and the incriminating evidence collected against him. In case of arrest of such officer, intimation shall be sent to the head of his department within 24 hours of the arrested.
- vii. Investigation of cases of Cyber Crime shall only be entrusted to I.Os who had undergone the requisite investigation training.
- viii. Circle In charge shall ensure that reports regarding bail and other court matters connected with investigation are regularly submitted to the Zonal Law Officer. All such updates in CMS are also mandatory.
- ix. Circle In charge will ensure that no bail is granted on the basis of conceding statement of the IO, Prosecutor or any other officer/ official.
- x. Circle In charge will ensure that interim Challan of the case is submitted in the trial-court within stipulated period and that the court has been requested not to commence the trial on the basis of interim Challan.
- xi. On completion of investigation, I.O. shall submit CFR to the Circle In-charge. CFR shall contain all necessary information i.e. (1) name, particulars, address, contact number of the complainant (2) gist of the allegations (3) name, particulars, address, contact number and CNIC number of all accused (4) evidence collected by the IO to prove the allegations (5) Expert's opinion obtained during enquiry / investigation (6) details of the wrongful gain or wrongful loss involved or any undue monetary benefit obtained by the accused himself or given to any other person (7) detail of acts of commission and omission (8) detailed version of the accused persons and unambiguous recommendation of the IO to challan, close or transfer the investigation. Draft of final challan u/s-173 Cr.PC shall be prepared and attached with the CFR. (Format of the CFR of the case is attached). The details of the challan must be entered in the CMS.
- xii. In case, the investigation is not finalized within stipulated time (60 days for AHTC/ Cyber Crime cases and 180 days for ACW, ECW cases) due to its complex nature, wider scope or other justifiable reason, Zonal Director may grant an extension up to 30 days for AHTC/ Cyber Crime and 90 days for ACW, ECW cases for its completion on the basis of the sound reasons to be provided by the IO through Circle In charge.
- xiii. If the IO, in spite of his best efforts, fails to complete the investigation even in the extended period, he may seek further extension up to 90 days from the Regional Additional Director General through the concerned Director, by forwarding valid reasons in support of his request.
- xiv. In case where IO fails to finalize Investigation even in 360 days and has cogent reasons for further extension of time, he shall forward his request to

DG FIA through the Regional ADG for consideration and appropriate decision.

- xv. The Specialists / Experts of Customs, Excise, Income Tax, Accounts Service, IBMS, CTW, Engineering and Technical Wing shall not be nominated as I.O. However, their technical and forensic assistance may be sought during investigation, whenever required.
- xvi. The concerned Law Officer and Specialist / Expert shall forward their opinions / forensic reports within 15 days on receipt of CFR / SCFR or the referral.
- xvii. In case, the Law Officer points out some lacuna in the investigation, the IO will rectify such defects / lacunas and submit SCFR within 30 days.
- xviii. IOs shall regularly consult Law Officers of their Circles during investigation and seek their written guidance to finalize the case expeditiously. These guidelines shall be made part of the case file.
- xix. IOs, Law Officers, Circle In charges, Zonal Directors, Zonal Law Officers and all other stakeholders who had been provided access to the Case Management System (CMS) shall ensure their regular input in it without fail.
- xx. During investigation proceedings, the IO shall focus on the recovery of loss caused to the national exchequer.

(a) **MAINTENANCE OF CASE FILES**

- i. The IO shall ensure that the case investigation file is properly maintained, indexed and each page is numbered. Index of the FIR shall invariably be completed.
- ii. Case diaries shall invariably be sent to the Zonal Directorate on the very next morning and Reader to the Director shall be responsible for proper entry of the case diaries in the relevant register and put up the same for the perusal and necessary orders, if any, of the Director.
- iii. The Circle In charge shall ensure that Circle office file of each enquiry and case, Police File and the Judicial File is properly maintained. I.O. shall also be responsible to properly bifurcate Police and Judicial files. Only judicial file shall be submitted in the court whereas Police file shall remain with the I.O.
- iv. Delay in investigation on the ground of non-availability of record shall be construed as inefficiency on the part of IO and Supervisor Officer, except in cases where action u/s 194 Cr.PC followed by Sec. 175 PPC has been initiated and the matter reported to Zonal Directorate through the Supervisory Officer.
- v. If nature of any case requires association of an expert, whether from FIA or any other department, the I.O. shall, without undue delay, request the supervisory Director through his Circle In charge for arranging the required services.
- vi. While referring the matter for expert's opinion, the I.O. shall be responsible for sending all required documents to the expert in the first instance to avoid undue delay.
- vii. Every I.O. shall submit monthly progress report. However, in important cases progress report shall be submitted on weekly basis.
- viii. CFR/SCFR shall invariably be submitted on proper format.

- ix. In case of transfer of either the Case Officer or the Case File, the I.O. shall be bound to submit a case diary and progress report incorporating all the proceedings conducted by him till such transfer.
- x. All entries relating to case file like case diaries, CFR etc must be properly fed in the CMS.

b) SUPERVISION OF INVESTIGATIONS:

- i. Circle In charge shall inspect every case file at least once in a fortnight and record his remarks regarding progress of investigation besides giving necessary directions, if any.
- ii. The use of CMS now provides a perfect tool to the Circle In charge to closely supervise / monitor the progress of the IOs and to issue them necessary guidance for the finalization of the investigation on merit expeditiously on daily basis. Hence, the working of Circle In Charge will be assessed on the basis of their efficiency as shown by the CMS regarding their input provided to the IO's during investigation.
- iii. Zonal Director or any of his nominees not below the rank of Assistant Director shall scrutinize Case diaries at least once in a month and record his remarks regarding progress of investigation.
- iv. If IO feels difficulty in accessing witnesses or requisition of record, the Circle In charge shall take up the matter with the concerned office at appropriate level and where necessary, he shall raise the level by involving his supervisory Director.

12. RAID CASES:

- i. Zonal Director shall be the authority to accord permission to conduct a raid and to register a case in the light of the raid report. However, in emergent circumstances requiring prompt action, the Circle In charge may allow to conduct raid and in such cases, ex-post facto approval of the Zonal Director may be obtained.
- ii. Raiding Team in bribery / corruption cases shall be headed by an officer not below the rank of an Inspector. All other raids may be conducted by an officer not below the rank of Sub-Inspector.
- iii. The Circle In charge will interview the person arrested after any raid and verify the amount of money or any other article / item seized from him.
- iv. Special care shall be taken to ensure that no unnecessary damage is caused to the prestige, reputation and dignity of the accused public / government servants).

GUIDELINES FOR RAID CASES:

- i. The raiding Magistrates/Officers should search the complainant before taking him to pass on the bribe money to the accused on his demand. The Magistrates and members of raiding party should be searched to obviate any possibility of planting false money.
- ii. The raiding Magistrate/Officer must write down the serial numbers of the tainted money and may also sign the notes before delivery to the complaint under a memo.
- iii. In raid cases, it has to be proved that the money was passed as bribe, therefore arrangements should be made so that the members of raiding party should be

- able to see and overhear the conversation between the complainant and the accused.
- iv. It must be proved that the accused is a public servant and is demanding money for an official act in order to show favour to the complainant.
 - v. The money must be given openly and act in a clandestine manner i.e. by wrapping in a folded *paper* or an envelope "POTLE" or enclosed in a lock have been condemned and convictions set aside by the superior courts.
 - vi. It should be confirmed before the raid that the complainant has no other grudge or grouse against the accused.
 - vii. All the accompanying witness including the Magistrate should be disinterested and unbiassed. It is pertinent to mention here that a magistrate who had been a prosecutor before becoming a Magistrate was held to be a biased person in favour of the Police / FIA by the court in one of the case.
 - viii. In case the accused offers a plausible explanation for being in possession of the tainted money, that explanation must be looked into at that very moment, it should also be noted down by the Magistrate in his raid report because such explanations made at the time of raid are very crucial and are given greater importance by all the courts.
 - ix. The bribe giver is always treated as an accomplice in the case, therefore his testimony is always taken by the court with great care and caution. It is always advisable that the complainant should be made to declare in his statement that he does not wish to give the bribe but is being forced to do so.
 - x. In order to show the neutral position of the FIA, the tainted money should never be provided by the FIA, the complainant should be asked to provide the same because if the FIA provides the money it will show over zealousness and partisanship on the part of FIA. However if the amount is exorbitant and the complainant is unable to provide the same, FIA may provide the amount in question.
 - xi. Only one senior officer should accompany the Magistrate at the time of raid and he should himself complete the investigation. The raiding Magistrate is supposed to complete all the formalities personally viz recording the statement of the complainant, accused, the witnesses and preparation of a raid report. It should therefore take only a few days to finalize the investigation of such cases.

The following common defects and lacunae have been observed in raid cases which subsequently damage the prosecution. Special attentions may be paid to these aspects in bribery raid cases:

- i. While arranging raid, proper places / positions are not selected to see passing of the tainted amount and to overhear the conversation between the complainant and the accused.
- ii. The personal search of the complainant is not done properly while handing over the tainted money to him for passing on the same to the accused on his demand.
- iii. Supporting evidence regarding the demand and acceptance of bribe by the accused is not collected or arranged.
- iv. The relevant documents are not secured and sometimes the accused is not

- examined by the raiding officer / Magistrate to ascertain his defense.
- v. Evidence showing official position of the accused and his capability to help the complainant is not procured.
 - vi. Plea of accused is not verified immediately.
 - vii. The raid proceedings, statements of the witnesses and raid reports are prepared by the IO instead of raiding magistrate, which is not desirable and adversely affect the sanctity of such proceedings / reports. They are open to objection from defense side on the plea that the Magistrate acted under the thumb of FIA and was made to sign the same.
 - viii. In case of false involvement, action u/s. 165-A, 182 PPC may be taken against the complainant.

13. ARREST PROTOCOL:

- i. FIA Officers & staff, while making arrest and search should remain calm and quite. They should avoid any gesture which infuriates the public. Abusive language and disrespectful attitude may also be avoided.
- ii. Abusive language and disrespectful conduct / behavior of the accused shall not be taken seriously as it may disrupt / distract important official work. People usually use these tactics to engage the public and deteriorate the situation so that FIA may not succeed to accomplish its task.
- iii. While making arrest, FIA officer shall actually touch the body of the person to be arrested and inform him regarding the reasons of his arrest.
- iv. If arrest is being made on the warrants, the Officer will show the warrant of arrest on demand of the accused.
- v. If IO has reason to believe that the accused person has entered into or present within a place, owner or person in charge of such place shall be asked to get the accused arrested or to facilitate his arrest. Upon denial, FIA members may enter into such place and to open any outer or inner door or window of any house or place.
- vi. FIA officers who are making arrest, will decided to hand cuff the arrested accused or otherwise.
- vii. During investigation, finger prints and photographs of the accused shall be obtained. CNIC and other antecedents of the arrested person shall be obtained/checked and verified as soon as possible.
- viii. Any person, against whom an FIR has been registered and sufficient evidence has been recorded can be arrested without warrant.
- ix. As and when arrest of an accused is made his/her relatives/next of kins and the senior management of FIA shall be intimated immediately.
- x. Area Magistrate shall be informed within 24 hours.
- xi. Upon arrest of a Senator, MNA and MPA, in any case, a written report shall be immediately sent to the Chairman Senate or Speaker National / Provincial Assembly.

- xii. During session of Senate or National / Provincial Assembly, any elected member shall not be arrested without prior written permission of Chairman Senate and Speaker National Assembly / Provincial Assembly.
- xiii. Information of the intended arrest of a public servant shall, if possible, be given to such public servant's immediate superior officer before the arrest is made otherwise information shall be given immediately after arrest.
- xiv. In case of arrest of any person belonging to Army, Navy or Air force, nearest commanding officer of concerned Force unit or Military / Navy / Air force shall be informed. Zonal Director shall also be informed immediately.
- xv. While making arrest of an old age / under age / sick accused persons, special care shall be taken.
- xvi. Arrest of a woman shall be made through a lady FIA / Police officer. If lady staff is not available and immediate arrest is required, a senior Sub Inspector or above rank officer shall make the arrest. In case arrest is made by a lower rank officer, he shall record reasons in writing.
- xvii. As and when arrest of a female accused is made, information shall immediately be sent to the concerned Zonal Director.
- xviii. Arrested woman shall be immediately sent to women Police station, if available and will be produced before the magistrate for judicial custody.
- xix. Request for physical remand of arrested woman shall only be made with the prior permission of Zonal Director.
- xx. Whenever it is necessary to conduct search of a woman, it shall be made through another woman following the decency.
- xxi. Women will only be summoned in enquiries / investigations during office hours in a working day. They must be accompanied by an adult male family member and dealt with decency.
- xxii. Senior citizen, disable persons and children visiting FIA Offices in connection with an enquiry or investigation will be taken special care of.
- xxiii. All persons arrested by the FIA, shall be thoroughly searched, soon after arrest. Except clothing, all their belongings i.e. arms, knife, mobile phone, wallet and other precious things shall be taken into custody through personal search memo.
- xxiv. Arrested person shall immediately be shifted to the FIA Police Station It shall be ensured that arrested person is not bodily harmed by the members of opposite party.
- xxv. After arrest, No abusive language or physical torture will be inflicted upon the arrested accused.
- xxvi. Arrested accused shall be produced before the court concerned, within 24 hours.
- xxvii. If identification parade is necessary for an arrested accused. His/her face shall be covered immediately and shifted to jail through court. Concerned court shall also be requested to order the Jail administration that no outsider should be allowed to see the face of accused and accused should not change his physical appearance.
- xxviii. After arrest of an accused, an interrogation team comprising of at least two officers, headed by the I.O, will be constituted by the Circle In charge, who will

interrogate the accused and submit the interrogation report for the perusal of Circle In charge / Zonal Director. (Sample proforma of the interrogation report is attached)

14. DOCUMENTATION OF THE ACCUSED PERSONS:

During investigation of the case, following documentation pertaining to the accused should invariably be secured and made part of the investigation file:-

- i. Finger Prints
- ii. Photographs
- iii. Copy of Passport (if held)
- iv. Copy of the CNIC and any other documents

15. SEIZURE AND CUSTODY OF THE CASE PROPERTY.

During the course of Enquiry / investigation, if any article is taken into custody of FIA, following instructions shall be followed:

- i. Under Section 5 of the Federal investigation Agency Act, 1974 (VIII of 1975), a member of the Agency, not below the rank of Sub-Inspector, is empowered, for the purpose of any enquiry or investigation under the Act, to exercise any of the powers of an officer in charge of Police Station, in any area in which he is posted. under the provisions of the Criminal Procedure Code or any other law for the time being in force, he can, therefore, seize tainted money, misappropriated amounts, articles and weapons etc as case property.
- ii. The EO / IO shall take into custody any article / item, the subject matter of enquiry and investigation by adopting formal procedure. He shall prepare a formal Seizure-memo. Seizure Memo should bear the name of the Police Station / Circle, reference number / title of enquiry / case, the date of seizer, complete description / quantity of the items seized. This memo shall contain the signatures of the EO / IO / witnesses / the producer.
- iii. Each article of property seized under the above provisions shall invariably be marked / Labeled with the particulars of case, name of the person from whom or place from where it was seized and a reference to the case diary or recovery memo.
- iv. Immediately after seizure of the aforesaid articles, the Investigating Officer/Enquiry Officer shall deposit the same in the MALKHANA of the Circle / Sub-Circle under a proper receipt.
- v. The seized items shall be packed / sealed in an envelope / bag and Enquiry / Case number along with the name of the EO / IO / Circle with particulars from whom the items were taken into custody shall be mentioned over it.
- vi. It will be placed under lock in MALKHANA and no seized article / item shall be accessible to any irrelevant person.
- vii. Details of case properties handed over to MALKHANA shall also be entered in Daily Diary / Roznamcha.
- viii. In all cases in wh ch the property consists of bullion, cash, currency notes or jewelry, exceeding in value of Rs.25,000/-, the Deputy Director of the Circle Office / Assistant Director of Sub Circle, shall arrange its handing over to the Treasury Officer for safe custody in the Treasury.
- ix. In cases of jewelry and other valuable property which is not covered unde Instructions 6 above shall be kept locked in strong box in the MALKHANA. Thi case property shall invariably be kept locked in such box.

- x. The I.O shall ensure the recovery of the misappropriated / looted amount.
- xi. Recovery of the case property is substantial evidence in the trial of the case.
- xii. Failure of the IO to affect the recovery of the misappropriated amount during investigation of the case shall be assumed as inefficiency on his part.
- xiii. The digital/electronic equipment (Mobile Phone/Laptop etc) seized during arrest/raid shall be sealed and sent for forensic analysis to the designated expert without lapse of time.

16. CASE PROPERTY RELATING TO PROCLAIMED OFFENDER:

A register in the same pattern as discussed above, shall be maintained for entry of property connected with the case in which the accused is a proclaimed offender and the same is likely to be of material advantage to the prosecution. This property shall be placed in the strong box in the MALKHANA, for 50 years as the file of an absconder is kept pending un-disposed off for this period. The property thereafter shall be handed over to the Treasury Officer.

(a) ISSUE AND RETURN OF CASE PROPERTY:

In case of transportation of seized articles / item to / from concerned court or any other authorized place / office, formal rules / procedures shall be followed.

The Head of the Legal Branch shall also maintain a register (of issue from and the return) to the MALKHANA of all case properties relating to the cases pending in courts on the prescribed Performas already in practice. The properties taken out from the MALKHANA for production in Court and their return shall be duly acknowledged by the Court Orderly and the Moharrar MALKHANA.

(b) SAFE CUSTODY OF PROPERTY:

The Head of the Legal Branch shall be responsible for the safe receipt, custody and disposal of all the properties kept in the MALKHANA till the decision of the case.

(c) VERIFICATION OF THE CASE PROPERTY:


The Head of the Legal Branch shall submit a certificate to the Circle In charge, on 10th day of the each quarter, certifying that the articles lying in the MALKHANA have been checked physically and have been found correct.

17. TRANSFER OF ENQUIRY / INVESTIGATION PROTOCOL:

- i. If a request for the transfer of the any enquiry / investigation is received and the competent authority, after due consideration, reaches the conclusion that the matter does warrant change of enquiry / investigation, the same will be assigned to one-step higher officer than the previous E.O / I.O, with the specific directions to fill-up the grey areas / lacunas cropped up during examination.
- ii. After transfer of enquiry / investigation, the next E.O/I.O shall submit his progress report before the circle in charge within next fourteen (14) days without fail.
- iii. If Four (04) enquiries/cases are changed from one E.O / I.O on complaints, it will be reflected in his/her personal service record.

19. OVERRIDING EFFECT:

The instructions issued vide this standing order will have overriding effect, if found inconsistent to any other previous standing order.


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