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FEDERAL INVESTIGATION AGENCY (INQUIRIES AND INVESTIGATIONS) RULES, 2002

[Gazette of Pakistan, Extraordinary, Part II, 27th August, 2002]

S.R.O. 567(I)/2002, dated 23-8-2002.--In exercise of the powers conferred by subsection (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 the 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, corruption 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 which may sanction for prosecution under section 197 of the Code of Criminal Procedure, 1898 (Act V of 1898), or, as the case may be, under subsection (5) of section 6 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958); and

(i) "Secretary" mean, 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 any 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)	(2) (3)
1.	BPS 1-12 and equivalent Deputy Director
2.	BPS 13-17 and equivalent Director
3.	BPS 18-19 and equivalent Director-General
4.	BPS 20-21 and equivalent Secretary
5.	BPS 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 (3) of that table.

TABLE

S. No.	Basic Pay Scale of public servant Authority
--------	---

- (1)
- (2)
- (3)
1. BPS 1-12 and equivalent  
Director
  2. BPS 13-17 and equivalent  
Director-General
  3. BPS 18-19 and equivalent  
Additional Secretary
  4. BPS 20-21 and equivalent  
Secretary
  5. BPS 22 and equivalent  
FACC

(3) No prior permission under sub-rule (2) shall be required for registration of case against a public servant caught as a result of trap arranged by the Agency under the supervision of a Magistrate of the First Class. In such case, report within twenty four hours shall be made to the Secretary of the Ministry or Division concerned or the Head of the Department concerned and immediate superior of the public servant concerned.

(4) If on receipt of a complaint, the competent authority decides not to initiate an inquiry or register a case, it shall record reasons therefor.

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 record of case.---(1) The Secretary and Director \*General may suo motu 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 motu or otherwise call for the record of any case or inquiry for the purpose of satisfying himself as to the correctness or propriety of decision taken by a Deputy Director under these rules and may pass such orders as he may be deem lit.

8. Power to drop case and recommend departmental proceeding.\*---(1) The authority specified in column (3) of the table below may drop a case and recommend 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)	(2)
(3)	
1	BPS 1-16 and equivalent Director-General
2	BPS 17 and equivalent Additional Secretary
3	BPS 18-19 and equivalent Secretary
4	BPS 20-22 and equivalent FACC

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(2) When decision to hold departmental proceedings against a public servant is taken under sub-rule (1), the Agency shall forward facts of 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 Council (FACC) which shall consist of-

(a) Secretary Chairman

(b) Representative of the Law, Justice and Human Rights Division not below the rank of Joint Secretary. Member

(c) Representative of the Establishment Division not below the rank of Joint Secretary. Member

(d) Director-General, FIA Member

(2) The Director-General, Federal Investigation Agency, shall act 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) whose officer's case is before the Council.

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

(2) In cases registered against officers working in BPS-20 and above, explanation of the accused officer, giving him fifteen days time shall be obtained by the Director-General. Questions 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 cases of officers working in BPS-19 and below, the prosecution sanctioning authority shall communicate full facts of the case and statement of allegations to the Ministry or Department under whom the public servant concerned is employed. The Ministry or Department shall supply these documents to the public servant concerned and give him an opportunity to submit his reply within thirty days of its receipt.

(4) The Ministry or Department concerned 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 a 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 subsection (5) of section 6 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958), shall be given forthwith:

(7) If it is decided to hold departmental proceedings against the public servant, it shall be held by the authority under whom 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.

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