

# SENATE OF PAKISTAN



## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

[THE FEDERAL INVESTIGATION AGENCY (AMENDMENT), BILL, 2023]

[Amendment in section 5 of the FIA Act 1974]

PRIVATE MEMBER BILL

INTRODUCED BY

SENATOR ZARQA SUHARWARDI TAIMUR

ON 16<sup>TH</sup> JANUARY, 2023

PRESENTED BY

SENATOR MOHSIN AZIZ  
CHAIRMAN SSC ON INTERIOR

## SENATE SECRETARIAT

**SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE FEDERAL INVESTIGATION AGENCY (AMENDMENT), BILL, 2023.**

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on a Bill further to amend the Federal Investigation Agency Act, 1974, the Federal Investigation Agency (Amendment) Bill, 2023 introduced by Senator Zarqa Suhrawardy Taimur on 16th January, 2023. **[Amendment in Section 5 of Federal Investigation Agency Act, 1974].**

2. The composition of the Committee is as under: -

<b>Senator Mohsin Aziz</b>	<b>Chairman</b>
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Sherry Rehman	Member
Senator Saifullah Abro	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Faisal Subzwari	Member
Senator Fawzia Arshad	Member
Senator Danesh Kumra	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee finally considered the Bill in its meeting held on 28<sup>th</sup> September, 2023. The meeting was attended by the following Members:

1. Senator Mohsin Aziz	Chairman
2. Senator Saifullah Abro	Member
3. Senator Shahadat Awan	Member
4. Senator Kamil Ali Agha	Member
5. Senator Danesh Kumar	Member
6. Senator Fawzia Arshad	Member
7. Senator Samina Mumtaz Zehri	Member
8. Senator Sherry Rehman	Member
9. Senator Dilawar Khan	Member

4. The Mover was not present. The Committee was informed that the Mover has absented herself on two consecutive meetings when this Bill was placed on the agenda so in terms of Standing Order No.2.23, the Committee can take up the instant Bill in absence of the Mover. The Committee members unanimously decided to consider the Bill in absence of the Mover.

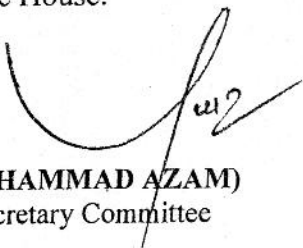
5. Director (Law) FIA appeared before the Committee that the powers vested with the Authority under section 5(1) like arrest and search and seizure of property are only in cognizable offences for which there is no need of warrant.

6. Senator Shahadat Awan was of the view that when the offence is cognizable offence then there is no need of warrant. Senator Samina Mumtaz Zehri was of the view that practically speaking the FIA exaggerates in exercise of their powers.


7. Thereafter, the Bill was put to the vote of the Committee which was unanimously rejected by the Committee with the recommendation that the Bill may not be passed by the



Senate. The Bill as introduced in the Senate is at Annexure-A. The Committee also gave approval of presentation of report of the Committee to the House. Hence, this report is presented to the House.



(MUHAMMAD AZAM)  
Secretary Committee



(SENATOR MOHSIN AZIZ)  
Chairman Committee

**INTRODUCED ON 16.01.2023.**  
**[AS INTRODUCED IN THE SENATE]**

**A**  
**Bill**

*further to amend the Federal Investigation Agency Act, 1974*

**WHEREAS** it is expedient further to amend the Federal Investigation Agency Act, 1974 (VIII of 1975) for the purposes hereinafter appearing;

It is hereby enacted as follows: -

**1. Short title and commencement.** - (1) This Act may be called the Federal Investigation Agency (Amendment) Act, 2023.

(2) It shall come into force at once.

**2. Amendment of section 5, Act VIII of 1975.-** In the Federal Investigation Agency Act, 1974 (VIII of 1975), in section 5,-

- i. in sub-section (1), for the full stop "." at the end, a colon ":" shall be substituted and thereafter, the following new proviso shall be added, namely:-

"Provided that such powers shall be subject to obtaining warrants from the Court having jurisdiction in the matter."

- ii. for sub-section (3), the following shall be substituted, namely:-

"(3) Without prejudice to the generality of the provisions of the sub-section (1) and sub-section (2), any member of the Agency not below the rank of Sub-Inspector authorized by the Director General in this behalf may arrest without warrant any person with respect to offenses referred to sub-section (1) of section 3, if,-

- (a) he is concerned in any cognizable offense;  
(b) against whom a reasonable complaint has been made;  
and  
(c) against whom credible information has been received that he is concerned with the commission of such offence."

**STATEMENT OF OBJECTS AND REASONS**

As per provisions of sub-section (1) of section 3 of the Federal Investigation Agency Act, 1974. FIA has jurisdiction to conduct an inquiry into and investigation of the offenses specified in the Schedule. But the same conduct of F.I.A has continuously remained in dispute and has been entertained by various Courts. It has been frequently observed in various cases that FIA officials conduct inquiries and investigations on their own without following the due legal procedure. In a recent instance, in May 2022, the Islamabad High Court has ordered FIA not to harass any journalist and strictly follow the SOPs while conducting investigations in this regard. Earlier, in February 2022, the Islamabad High Court highlighted the abuse of power by FIA which is so persistent and grave that its effect regarding fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, particularly Articles 19 and 19A are likely to be profound. Furthermore, the similar trend is manifested by FIA officials with respect to dealing with crimes under the Prevention of Electronic Crimes Act, 2016 (PECA).

2. It has been observed that FIA being the investigation agency designated under section 29 of the PECA invokes the provisions of the FIA, Act, 1974, for conducting inquiries in relation to offenses defined under PECA that may not be correct. While conducting inquiries and investigations houses of respected citizens are raided, and their personal items are seized in violation of provisions mentioned in section 54 of the Code of Criminal Procedure, 1898.

3. In order to stop such violations by an investigative agency an amendment in FIA Act, 1974, has been proposed through which the powers of investigation of the agency with respect to such crimes would be brought under legal and just limitations.

4. The Bill has been designed to achieve the aforementioned purpose.

**SENATOR DR. ZARQA SUHARWARDY TAIMUR**  
**MEMBER-IN-CHARGE**