

[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**