



FEDERAL INVESTIGATION AGENCY
GOVERNMENT OF PAKISTAN
ISLAMABAD



Subject: SOP FOR DEALING WITH COMPLAINTS/ RAIDS & TRAPS BY ANTI CORRUPTION WING.

INTRODUCTION:

After restoration of Anti Corruption Powers to FIA, the work load is likely to increase manifold. In view of the limited human / material resource and vast area of jurisdiction / activities, the following SOP is to be followed in letter and spirit:-

- a. FIA Anti Corruption Wing is required to take up only important cases in the national interest for smooth and prompt operational activities.
- b. When a complaint is received either in HQ Office or Zonal Offices, it will be scrutinized to find out whether it falls within the jurisdiction of FIA Anti Corruption and that it contains specific/ material information against the accused persons after that it will be referred to concerned circle/ zone for enquiry.
- c. Action may be taken on receipt of intelligence reports or information gathered through own sources by FIA, if it contains specific information, enquiry be initiated.
- d. If a complaint is found anonymous/ pseudonymous without specific information in respect of any criminal matter, it should be filed without further action.
- e. However, if the complaint contains specific allegations against any government official or is of national importance or huge amount of misappropriation / embezzlement is involved, it should be converted into enquiry.
- f. During the course of verification / initial probe if the complainant owns his complaint and produce or is ready to produce any documentary evidence to support his allegations against any individual / public servant, inquiry may be initiated after receipt of verification report

- g. The competent authority as prescribed vide rule 5 r/w rule 3 & 4 of FIA (Inquiries and Investigations) Rules, 2002 may accord permission accordingly and the inquiry shall be completed within three months period.
- h. Final report of the inquiry shall be scrutinized by the concerned law officer and be submitted to the concerned authority for permission of registration of a case or closure of the inquiry as the case may be in the light of rule 5 of the said rules. However, CFR/ Legal Comments may be sent to HQ for record/ scrutiny.
- i. Complaints pertaining to the provincial jurisdiction if received in HQ / Zone may be referred to the concerned Anti Corruption establishment for action at their end.
- j. Complaints involving petty matters / un-important and irrelevant issues against individuals shall be referred to the concerned department by HQ / Zone for their internal accountability.
- k. The existing Circles of Crime will function as Anti Corruption Circles under the supervision of Addl. Directors/Deputy Directors, Incharges of the regional circles. Two teams comprising of the following staff will be specially deputed for the task in each Circle :-
 - a. Assistant Director: 01
 - b. Inspector: 01
 - c. Sub Inspectors: 02
 - d. H.C/ Constables 1/4
- i. Each team will be provided with adequate transport and other essential where withal.
- ii. An intelligence gathering team comprising one Inspector, one ASI and 04 Constables will specially be formed in each circle which will gather specific information by deploying sources in various departments, and in turn feed these information to the Addl. Director/ Dy Directors, Incharge of Circles.
- iii. Trained and experienced men in Anti Corruption should be selected to form these teams. They can further be briefed regarding target departments and areas to be taken due care of.
- iv. Concerned heads of the departments which fall within the area of jurisdiction of Crime Circle will be requested by the Additional Director/ Dy Director for nomination of an expert to accompany raiding teams as per the requirement of the courts e.g. in case of a raid on corrupt officers/ officials on WAPDA installations, the requirement of electrical engineer to accompany that team is essential to report on the improvised arrangements, technically

made to steal the electricity with the connivance of the concerned WAPDA officials.

- v. The Assistant Director Incharge of the team will strictly follow the provisions of FIA manual for conduct of raids.
 - vi. There is rampant corruption in departments, therefore it is necessary to assess the level of allegation and to fix minimum limit of Rs.5,00,000/- on which Crime Circle will take cognizance. This is a step to avoid overburdening the officials with petty complaints.
 - vii. Audit reports of the government departments should be obtained and examined to detect fraud and embezzlement, for which a separate officer of the rank of AD be deputed.
 - viii. The services of the sources and informers be used in the departments. This is a delicate and double edged issue which should be handled skillfully.
- l. The Zonal Directors will supervise, monitor and guide the Anti Corruption drive and keep the HQ apprised of all actions falling under the definition of "Special Report" cases already circulated to all.
 - m. Professional training of investigation in Anti Corruption and Anti Corruption Laws will be planned and imparted simultaneously as on the job training.
 - n. Raid/ Trap in important cases shall be arranged after discussing the matter by senior officers of FIA with the complainant/ trap agent at Zonal Level to assess the allegations and nature of grievances against the public servant and proper strategy shall be chalked out with follow up action plan.
 - o. The intended action shall be kept secret till, the IO is nominated for handling the job not below the rank of Inspector under the supervision of a Dy. Director/ Addl. Director Crime Circle concerned.
 - p. The Zonal authority shall also arrange the tainted amount out of SS Fund and be placed at the disposal of the IO.
 - q. The IO shall submit an application to the Session Court of the District concerned immediately for nomination of a Magistrate 1st Class for supervision of the internal raid without disclosure of the name/ department of the public servant in terms of Rule 5(3) of FIA (I&I), Rules, 2002.
 - r. The IO shall produce the complainant/ trap agent before the magistrate so nominated by the Session Court, to record his statement before raid and get initial on the tainted money with drafting the "Hawalgi Memo" duly

signed with date and time by the IO/ Complainant, PWs and attested by the magistrate.

- s. The Magistrate shall conduct personal search of the trap agent to recover any amount available with him and "Personal Search Memo" shall be drafted by the Magistrate himself or by the IO under the direction of Magistrate which shall be signed accordingly in the same manner mentioned in the same manner mentioned in the preceding Para.
- t. The raiding party shall proceed to the spot after proper briefing the trap agent about the manner of handing over tainted money to the accused public servant and agreed signal for the raiding party waiting at a reasonable distance.
- u. The tainted money shall be given to the accused in open form without planting in envelope or file cover and other papers.
- v. The raiding party then rush to the spot after receiving particular signal from the trap agent in a gentle manner without creating panic in the office.
- w. The raiding Magistrate introduce himself and raiding party to the accused and then his personal search be carried out to recover the tainted money and other personal belongings. The personal belongings shall be kept separately through personal search memo and recovery memo for tainted money be prepared on the spot.
- x. The relevant file/ papers pertaining to the grievance of the complainant shall also be taken into possession by the raiding Magistrate for establishing the malafide of the accused and relevancy of the facts/ allegations leveled by the complainant through a separate "Recovery Memo".
- y. The raiding magistrate then record statement plea of the accused explaining the matter in issue and reasons of demand/ acceptance of bribe from the complainant.
- z. The Magistrate shall prepare a raid report in his handwritten if convenient otherwise by the IO under his direction narrating the proceedings of raid starting from his nomination by the Session Court in pursuance of application made by the IO and other events as mentioned below in sequence: -
 - i.) Producing the application by the IO before him (MIC).

- ii.) Recording of statement of the complainant/ Trap Agent disclosing the reasons of demanding bribe by the accused public servant.
- iii.) Personal search memo of the complainant.
- iv.) Hawalgi memo for handing over tainted money to the trap agent after fixing initial by the Magistrate.
- v.) Personal search of the accused after handing over bribe money by the complainant/ trap agent.
- vi.) Recovery Memo of tainted money by mentioning numbers of currency notes/ denominations and Sr. Nos. of such notes.
- vii.) Statement of accused after arrest on the spot.
- viii.) Recovery of the relevant file/ papers leading to the grievance of the complainant/ trap agent.
- ix.) Special care shall be taken of time, date and signature of all documents by the Magistrate, IO and PWs.
- x.) The head of the department may be informed immediately if available in the office about the action against the accused public servant.
- xi.) The raiding Magistrate shall deliver all the said documents to the IO, along with accused for registration of FIR.
- xii.) The investigation shall be completed within 14 days and the challan of the case be submitted in the Court of Special Judge (Central) Anti Corruption by the IO after permission of the Authority in accordance with the provision of section 173 CrPC.
- xiii.) Copy of CFR/ Legal Comments and challan be submitted to HQ for record.