

# REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



**“CONSIDERATION OF THE MATTER RAISED BY SENATOR SAEED GHANI REGARDING RECALLING/WITHDRAWAL OF ORDER BY THE CHAIRMAN NATIONAL ACCOUNTABILITY BUREAU (NAB) WHEREIN ACTING/CURRENT CHARGES WERE GIVEN TO VARIOUS OFFICERS OF NAB, IN VIOLATION OF RULES, AND REAPPOINTMENT OF SAME OFFICERS, ON THE SAME DAY, IN THE OWN PAY SCALE (OPS)”**

**Report No. 33**

**PRESENTED BY**

**SENATOR MUHAMMAD JAVED ABBASI  
CHAIRMAN**



## SENATE SECRETARIAT

**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON  
“THE MATTER RAISED BY SENATOR SAEED GHANI REGARDING  
RECALLING/WITHDRAWAL OF ORDER BY THE CHAIRMAN NATIONAL  
ACCOUNTABILITY BUREAU (NAB) WHEREIN ACTING/CURRENT CHARGES  
WERE GIVEN TO VARIOUS OFFICERS OF NAB, IN VIOLATION OF RULES,  
AND REAPPOINTMENT OF SAME OFFICERS, ON THE SAME DAY, IN THE OWN  
PAY SCALE (OPS)”**

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on a matter raised by Senator Saeed Ghani regarding recalling/withdrawal of Order by the Chairman National Accountability Bureau (NAB) wherein acting/current charges were given to various officers of NAB, in violation of rules, and reappointment of same officers, on the same day, in the Own Pay Scale (OPS). The matter was referred by the Chairman Senate to the Standing Committee on Law and Justice on 14<sup>th</sup> June, 2016, for consideration and Report.

2. The composition of Standing Committee on Law and Justice is as under:-

1. <i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2. <i>Senator Aitzaz Ahsan</i>	<i>Member</i>
3. <i>Senator Farooq Hamid Naek</i>	<i>Member</i>
4. <i>Senator Saleem Zia</i>	<i>Member</i>
5. <i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>
6. <i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
7. <i>Senator Nehal Hashmi</i>	<i>Member</i>
8. <i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
9. <i>Senator Nawabzada Saifullah Magsi</i>	<i>Member</i>
10. <i>Senator Saeed Ghani</i>	<i>Member</i>
11. <i>Senator Zaheer ud Din Babar Awan</i>	<i>Member</i>
12. <i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
13. <i>Minister for Law and Justice</i>	<i>Ex-Officio Member</i>

3. The Committee considered the matter in its meeting held on 21<sup>st</sup> June, 2016, 2<sup>nd</sup> August, 2016, 15<sup>th</sup> August, 2016, 23<sup>rd</sup> August, 2016, 2<sup>nd</sup> January, 2017 and 19<sup>th</sup> January, 2017.

4. The Committee examined various aspects of the matter and certain issues were flagged regarding the National Accountability Bureau (NAB) Employees Terms and Conditions of Services (TCS), 2002. The Committee noted that the same are devoid of being ‘Rules’ or ‘Regulations’ and there are many structural flaws in the said TCS, 2002, especially in section 3.32 which deals with conditions of deputation. section 14.03 dealing with “induction of employees of other Services” is not provided in the Civil Servants Act which is the guiding law for the public





servants, therefore, providing any such concept through a SRO is against the basic theory of service laws.

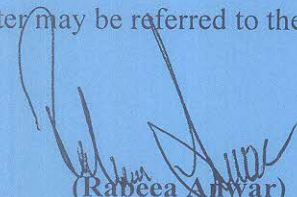
5. A sub-committee was constituted to review the National Accountability Bureau (NAB) Employees Terms and Conditions of Services (TCS), 2002 and to examine whether the same are in line with the parent law i.e. National Accountability Ordinance, 1999 and the basic theory/scheme of services laws as provided vide the Civil Servants Act, 1973. The composition of the sub-committee was as under:-

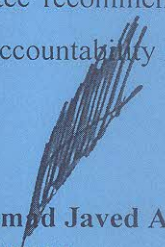
i.	Senator Farooq Hamid Naek	Convener
ii.	Senator Nehal Hashmi	Member
iii.	Senator Dr. Muhammad Ali Khan Saif	Member

6. In the mean time, a joint Parliamentary Committee was constituted to revisit the National Accountability Ordinance 1999 and recommend necessary amendments to it. The Committee has started working and it has a broad mandate of reviewing the entire NAB law, therefore, the Committee in its meeting dated 19<sup>th</sup> January, 2017, decided that the matter regarding illegal appointments, deputations, positing of officers in higher grades in the National Accountability Bureau and issue of Employees Terms and Conditions of Services (TCS), 2002 being against the basic service structure and service laws scheme, may be referred to the Parliamentary Committee on National Accountability Law for extensive for review and proposing extensive reforms in this regard. The meeting dated 19<sup>th</sup> January, 2017, was attended by the following members:-

i.	<b>Senator Muhammad Javed Abbasi</b>	<b>Chairman</b>
ii.	<i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
iii.	<i>Senator Nehal Hashmi</i>	<i>Member</i>
iv.	<i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
v.	<i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
vi.	<i>Senator Saleem Zia</i>	<i>Member</i>

7. In view of the position explained vide Para 6, the Committee recommends that the matter may be referred to the Parliamentary Committee on National Accountability Law

  
(Rabeeha Arwar)  
J.S / Secretary Committee

  
( Senator Muhammad Javed Abbasi)  
Chairman  
Standing Committee on Law and Justice