

SENATE OF PAKISTAN



REPORT NO. 31

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“The National Accountability (Amendment) Bill, 2023”

PRESENTED BY

Senator Syed Ali Zafar

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

Subject:- REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE NATIONAL ACCOUNTABILITY (AMENDMENT) BILL, 2023".

I, Senator, Syed Ali Zafar, Chairman Standing Committee on Law and Justice, have the honour to submit, on behalf of the committee, this report on "The National Accountability (Amendment) Bill, 2023", moved by Mr. Ahmed Irfan Aslam, Minister for Law and Justice in the Senate sitting held on 2nd November, 2023, and referred to the Committee for consideration and report (Attached as annexure-A).

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

1.	Senator Syed Ali Zafar	Chairman
2.	Senator Syed Muzafar Hussain Shah	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mian Raza Rabbani	Member
5.	Senator Manzoor Ahmed Kakar	Member
6.	Senator Musadik Masood Malik	Member
7.	Senator Samina Mumtaz Zehri	Member
8.	Senator Walid Iqbal	Member
9.	Senator Syed Shibli Faraz	Member
10.	Senator Muhammad Azam Khan Swati	Member
11.	Senator Kamran Murtaza	Member
12.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its sitting held on 6th December, 2022, at Old PIPS Hall, Parliament Lodges, Islamabad. The following members of the Committee attended the meeting:-

1.	Senator Syed Ali Zafar	Chairman
2.	Senator Farooq Hamid Naek	Member
3.	Senator Kamran Murtaza	Member
4.	Minister for Law & Justice	Ex-officio Member/Member in-charge
5.	Senator Gurdeep Singh	Mover
6.	Senator Sania Nishter	Mover

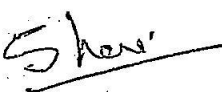
4. The Minister for Law and Justice apprised the Committee that the Bill under consideration is aimed at covering up the administrative constraints, procedural shortcomings and legal infirmities, which NAB authorities are practically facing in dealing with the pending inquiries, investigations and trials.


5. The Representative from NAB shared the salient features of the Amendment Ordinance, 2023, with the Committee, emphasizing that the aim of the amending Ordinance is

to eradicate corruption and corrupt practices in the country. Currently, NAO 1999 is handling a large number of inquiries and investigations, including mega corruption cases. Under the existing regime, numerous inquiries have been initiated by NAB; however, due to procedural shortcomings, the outcomes of such inquiries do not meet the required expectations. Therefore, the Section 28 of the NAO Amendment Bill must be passed. He further informed the Committee that section 14 of the said Ordinance is still in effect despite the order passed by the Supreme Court in the said Constitutional Petition.

6. The Committee raised their concerns on Section 14A of the said ordinance and emphasized on the critical nature of free-standing presumptions for offenses punishable under this amendment. Senator Farooq Hamid Naek opposed the whole amendments in the Ordinance except the Section 28; whereas the Senator Kamran Murtaza opposed the Bill.

7. Afterwards, the Committee decided to vote upon the said bill, and all the members opposed the bill except Section 28 of the bill; however, Senator Kamran Murtaza opposed the entire bill, and subsequently the Section 28 of bill, as amended, stood passed by majority of members. Copy of the Bill is annexed (Attached as annexure-B).


(MIR SHAI MAZAR BALOCH)
DG/Secretary Committee


(SENATOR SYED ALI ZAFAR)
Chairman
Senate Standing Committee on Law and Justice

[AS INTRODUCED IN THE SENATE]

A

Bill

further amend the National Accountability Ordinance, 1999

WHEREAS it is expedient further to amend the National Accountability Ordinance, 1999 (XVIII of 1999), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. - (1) This Ordinance may be called the National Accountability (Amendment) Bill, 2023.

(2) It shall come into force at once, and shall be deemed to have taken effect on and from the commencement of the National Accountability Ordinance, 1999 (XVIII of 1999).

2. Amendment of section 28, Ordinance XVIII of 1999.__ in the said Ordinance, in section 28,---

(A) in sub-section (a), for the words "National Accountability Bureau", the word "Chairman NAB" shall be substituted; and

(B) for sub-section (b), the following shall be substituted;

"(b) The Chairman NAB may appoint advisers, consultants and experts on payment of such fee or remuneration as he may determine to assist him in performing the functions of the NAB and the discharge of his duties under this Ordinance."

STATEMENT OF OBJECTS AND REASONS

The National Accountability Ordinance, 1999 was promulgated with the aim to curb corruption and corrupt practices in the country and thereunder National Accountability Bureau (NAB) was established to execute the aims and objectives of the said Ordinance. Currently NAB is dealing with a large number of inquiries and investigations in addition to handling mega corruption cases. Under the existing regime, a number of inquiries have been initiated by NAB, however, due to procedural shortcomings the outcome of such inquiries is not up to the required expectations. From time to time amendments were made in the said Ordinance as and when pointed out by NAB Authorities and Accountability Courts to address the procedural shortcomings. Although the said Ordinance was lastly amended through Act Nos. XI of 2022 and XXIV of 2023 to cover up the procedural shortcomings and legal infirmities, still NAB Authorities were practically facing such issues in dealing with the pending inquiries, investigations and trials with particular reference to presumption against accused accepting illegal gratification, non-arrest of accused if he is willfully not joining inquiry despite notices, period of detention of the accused in the custody of NAB was not sufficient enough to deal with the white collar crimes during their inquiry and investigation, procedure of tender of pardon, appointment of officers and staff in NAB, restriction on NAB officials on issuance of public statements and matter related to indemnity.

2. The National Accountability (Amendment) Ordinance, 2023 (I of 2023), deemed to be a Bill in terms of paragraph (b) of clause (3) of Article 89 of the Constitution of the Islamic Republic of Pakistan, has been designed to achieve the aforesaid objective..

MINISTER IN CHARGE