

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the National Accountability Ordinance, 1999 (XVIII of 1999)

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

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the National Accountability (Amendment) Act, 2016.
(2) It shall come into force at once.
2. **Amendment of section 6, Ordinance XVIII of 1999.**- In the National Accountability Ordinance, 1999 (XVIII of 1999), hereinafter referred to as the said Ordinance, in section 6,-
 - (a) in paragraph (b),-
 - (i) for sub-paragraph (i), the following shall be substituted namely:-
“(i) There shall be a Chairman NAB to be appointed by the President.”
 - (ii) after sub-paragraph (i), amended as aforesaid, the following new sub-paragraph shall be inserted and existing sub-paragraph (ii) shall be renumbered accordingly:-
“(ii) The Prime Minister, shall in consultation with the Leader of the Opposition in the National Assembly, forward three names for appointment of the Chairman to a Parliamentary Committee for hearing and confirmation of any one name;
 - (iii) The Parliamentary Committee to be constituted by the Speaker of the National Assembly, shall comprise equal representation from the Treasury and from the Opposition, based on their strength in Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary Leaders:
Provided that the total strength of the Parliamentary Committee shall be twelve members out of which one-third shall be from the Senate:
Provided further that when the National Assembly is dissolved and a vacancy occurs in the office of the Chairman NAB, total membership of the Parliamentary Committee shall consist of the members from the Senate only and the provisions of this clause shall, *mutatis mutandis* apply.
 - (iv) The Chairman NAB shall be appointed for a period of four years on such terms and conditions as may be determined by the President and shall not be removed from office except on the like grounds as a Judge of the Supreme Court.”.
3. **Amendment of section 25, Ordinance XVIII of 1999.**- In the said Ordinance, in section 25,-

- (a) paragraphs (a) and (b) shall be omitted and thereafter paragraph (c) shall be re-numbered as section 25; and
 - (b) in the existing paragraph (c),-
 - (i) for the words "The amount deposited by the accused", the words "In case the accused deposits some amounts", shall be substituted; and
 - (ii) after the word "NAB", occurring in the first line, the words "the amount", shall be added;
4. **Amendment of section 26, Ordinance XVIII of 1999.**- In the said Ordinance, in section 26,-
- (a) in paragraph (a),-
 - (i) the words "inquiry investigation or", occurring in second line, shall be omitted; and
 - (ii) for the words "tender a full or conditional pardon to such a person on condition of" occurring in fourth and fifth lines, the words "request the Court to consider a reduced sentence, if the accused is found guilty due to his", shall be substituted; and
 - (b) paragraphs (b), (c), (d) and (e), shall be omitted and paragraph (a) shall be re-numbered as section 26.
5. **Amendment of section 31B, Ordinance XVIII of 1999.**- In the said Ordinance, in section 31B, after the words "with the consent", the words "and satisfaction" shall be added.
6. **Amendment of section 33D, Ordinance XVIII of 1999.**- In the said Ordinance, in section 33D,-
- (i) after the words "submit to the President a", the words "complete and detailed", shall be added; and
 - (ii) after the words "report shall", the words "contain all facts and figures and", shall be added.

STATEMENT OF OBJECTS AND REASONS

In view of tremendous controversies in the process of accountability, this bill through amendments endeavors to:

1. Ensure that the appointment of Chairman NAB is made non-controversial and the process must include advice from the parliament as well as scrutiny and selection by a committee of the Parliament somewhat similar to the process carried out to appoint the Chief Election Commissioner.
2. The process of Plea Bargaining is unfair in the sense that after partial or complete recoveries the accused is pardoned. This is against established norms of justice and fairness. Those who have committed such crimes must bear responsibility and undergo punishment, so that others may be deterred. The belief and message that spreads, by the action of Plea Bargain is that "if a crime has been committed, and a person gets caught he can return part or all of the money, then he walks away completely laundered to start all over again or at least become an encouraging example for potential criminals". Furthermore this process involves negotiations with the officers of NAB, it

encourages corruption, in all three phases that of recovery, in accepting the offer, and in pardoning of the accused. Billions are involved, making the process very tempting and prone to miscarriage of justice.

3. NAB did not submit a detailed enough yearly report to the President of Pakistan as envisaged in the original ordinance and was ordered by the Supreme Court to do so, surprising the people of Pakistan who were unaware of the work that was pending and about the neglect which had taken place during the past few years. The amendment endeavors to ensure that relevant facts and figures are submitted yearly.

Sd/-

**DR. ARIF ALVI,
MAKHDOOM SHAH MAHMOOD HUSSAIN QURESHI
MR. MURAD SAEED,
MS. AEYSHA GULALAI,
DR. SHIREEN MEHRUNNISA MAZARI,
DR. IMRAN KHATTAK,
ENGINEER DAWAR KHAN KUNDI,
Members, National Assembly.**