

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“THE NATIONAL ACCOUNTABILITY (AMENDMENT) BILL, 2017”

Report No. 37

PRESENTED BY

SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON “THE NATIONAL ACCOUNTABILITY (AMENDMENT) BILL, 2017”

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The National Accountability (Amendment) Bill, 2017” introduced by Mr. Zahid Hamid, Minister for Law and Justice in the Senate on 8th March, 2017. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

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

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

3. Initially, the Bill was sent to the Committee for consideration and report on 10th January, 2017. The Committee considered the Bill in its meetings held on 31st January, 2017 and 16th February, 2017, under the Chairmanship of Senator Muhammad Javed Abbasi and after extensive discussions the Committee recommended that the subject matter of the Bill may be referred to the Parliamentary Committee on National Accountability Law and the Government may withdraw the “The National Accountability (Amendment) Bill, 2017”. The report was presented in the House on 8th March, 2017, wherein the Chairman Senate referred back the Bill to the Committee for consideration and report within thirty days as the Committee had either to recommend the passage with amendment or without amendment of the Bill or it could recommend “that the Bill may not be passed”.

4. The Bill was considered in the meeting dated 27th March, 2017 which was held under the Chairmanship of Senator Muhammad Javed Abbasi and attended by the following hon'ble Members:-

- i. Senator Syed Muzafar Hussain Shah
- ii. Senator Ms. Ayesha Raza Farooq
- iii. Senator Nawabzada Saifullah Magsi
- iv. Senator Saeed Ghani
- v. Minister for Law and Justice (Ex-officio Member)

5. Ministry of Law and Justice briefed the Committee in the following terms:

- I. The provision for voluntary return contained in the National Accountability Ordinance, 1999 does not entail disqualification of a holder of public office or dismissal of a government servant who enters into voluntary return arrangements. Nor does it require approval of the Accountability Court. The result is that a corrupt person who voluntarily returns the proceeds of corruption can continue to be a holder of public office or a government servant as the case may be.
- II. The provision for plea bargain requires approval of the Court but disqualification to hold public office is for a period of ten years only.
- III. In view of the Government's clear policy to wipe out the scourge of corruption, as well as widespread and persistent public demand for amendment of the provisions relating to voluntary return and plea bargain, which are generally perceived to condone/ promote corruption, it is proposed to appropriately amend the law. Accordingly, the Bill merges the provisions relating to voluntary return/ plea bargain and provides inter-alia that a voluntary return arrangement will be subject to approval of the Court, and a corrupt person shall stand permanently disqualified from holding public office or from being a government servant.

6. The Committee was initially of the view that life time ban on the convict regarding holding of public office is against the spirit of Article 63 (1) (g), Constitution, 1973, however, the Minister for Law and Justice briefed the Committee that courts have previously held disqualifications over a period of five years as valid and made reference to the Asfandiyar Wali case in this regard. Thereafter, the Committee showed satisfaction on the contents of the Bill and termed this legislation as a required step to fill the vacuum keeping in view that the Parliamentary Committee on NAB Law is yet to complete its task.

7. All Members present voted in favour of the Bill.

8. In view of the above mentioned, the Committee recommends that “The National Accountability (Amendment) Bill, 2017”, as introduced in the Senate may be passed (the Bill is annexed).



(Rabeeha Anwar)
J.S / Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman

