

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

further to amend the National Accountability Ordinance, 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 (Second Amendment) Bill, 2022.

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

2. Amendment of section 4, Ordinance XVIII of 1999.— In the National Accountability Ordinance, 1999 (XVIII of 1999), hereinafter referred to as the Ordinance, for section 4, the following shall be substituted, namely:—

“4. Application.— (1) This Ordinance extends to the whole of Pakistan and shall apply to all persons, including those persons who are or have been in the service of Pakistan, except persons and transactions specified in sub-section (2).

(2) The provisions of this Ordinance shall not be applicable to the following persons or transactions, namely:—

(a) all matters pertaining to Federal, Provincial or Local taxation, other levies or imposts, including refunds, or loss of exchequer pertaining to taxation;

(b) decisions of Federal or Provincial Cabinet, their Committees or Sub-Committees Council of Common Interests (CCI), National Economic Council (NEC), National Finance Commission (NFC), Executive Committee of the National

Economic Council (ECNEC), Central Development Working Party (CDWP), Provincial Development Working Party (PDWP), Departmental Development Working Party (DDWP), the State Bank of Pakistan and such other bodies except where the holder of the public office has received a monetary gain as a result of such decision;

- (c) any person or entity who, or transaction in relation thereto, which are not directly or indirectly connected with the holder of a public office except offences falling under clauses (ix), (x) and (xi) of sub-section (a) of section 9;
- (d) procedural lapses in performance of any public or governmental work or function, project or scheme, unless there is evidence to prove that a holder of public office or any other person acting on his behalf has been conferred or has received any monetary or other material benefit from that particular public or governmental work or function, whether directly or indirectly on account of such procedural lapses, which the said recipient was otherwise not entitled to receive;
- (e) a decision taken, an advice, report or opinion rendered or given by a public office holder or any other person in the course of his duty, unless there is sufficient evidence to show that the holder of public office or any other person acting on his behalf received or gained any monetary or other material benefit, from that decision, advice, report or opinion, whether directly or indirectly, which the said recipient was otherwise not entitled to receive; and

- (f) all matters, which have been decided by, or fall within the jurisdiction of a regulatory body established under a Federal or Provincial law.

(3) Upon the National Accountability (Second Amendment) Ordinance, 2021 (XXIII of 2021), coming into force, all pending inquiries, investigations, trials or proceedings under this Ordinance, relating to persons or transactions mentioned in clause (a) of sub-section (2), shall stand transferred to the concerned authorities, departments and Courts under the respective laws.”.

3. Substitution of section 5, Ordinance XVIII of 1999.— In the Ordinance, for section 5, the following shall be substituted, namely:—

“5. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) "accused" shall mean a person in respect of whom there are reasonable grounds to believe that he is or has been involved in the commission of any offence triable under this Ordinance or is subject of an investigation or inquiry by the National Accountability Bureau or any other agency authorised by the National Accountability Bureau in this regard under this Ordinance;
- (b) "appropriate Government" means in relation to any person serving in connection with the affairs of the Federation, including any person employed by a corporation, body, financial institution, bank, authority undertaking or any other organization set up, controlled or administered by or under the authority, of the Federal Government, the Federal Government and in other cases the Provincial Government or the local government concerned;

(c) "asset" includes all kinds of property owned by or belonging to an accused or held as *benami* whether within or outside Pakistan;

(d) "associates" means—

(i) any person who is or has been managing the affairs of or keeping accounts for the accused or who enjoys or has enjoyed any benefit from the assets;

(ii) any association of persons, body of individual, partnership firm or private limited company within the meaning of the Companies Act, 2017 (XIX of 2017), of which the accused is or has been a member, partner or director or which has been promoted, floated, established or run by the accused, whether singly or jointly, with other persons;

(iii) a trustee of any trust declared by the accused, or of which the accused is also a trustee or a beneficiary; and

(iv) a *Benamidar*.

(da) "*Benamidar*" means a person who ostensibly holds any property of an accused on his behalf for the benefit and enjoyment of the accused.

Explanation.— A property shall only be held as a *Benami* property when the accused has paid the consideration of the property, and holds title documents and possession of the property with the intention and object of executing a *Benami* transaction.

(e) "Chairman National Accountability Bureau" means a person who is appointed as such by the Federal Government as mentioned in section 6 (b) hereafter;

- (f) "Code" means the Code of Criminal Procedure, 1898;
- (fa) "Conciliation Committee" means the Conciliation Committee constituted under section 25A;
- (g) "Court" means Accountability Court established under section 5A of this Ordinance;
- (h) "Judge" means a Judge appointed or deemed to have been appointed under section 5A of this Ordinance;
- (j) "Deputy Chairman National Accountability Bureau" means the person appointed as Deputy Chairman of the National Accountability Bureau by the Federal Government;
- (k) "National Accountability Bureau" means the Bureau set up and notified under this Ordinance, hereinafter referred to as NAB;
- (l) "Freezing" includes attachment, sealing, prohibiting, holding, controlling or managing any property either through a Receiver or otherwise as may be directed by the Court or Chairman NAB and in case it is deemed necessary the disposal thereof, by sale through auction or negotiation subject to confirmation by the Court or by Chairman NAB as the case may be after public notice;
- (m) "Holder of public office" means a person who—
 - (i) has been the President of Pakistan or the Governor of a Province;
 - (ii) is, or has been the Prime Minister, Chairman Senate, Speaker of the National Assembly, Deputy Speaker National Assembly, Federal Minister, Minister of State, Attorney General and other Law Officer appointed under the Central Law

Officers Ordinance, 1970, (VII of 1970) Advisor to the Prime Minister, Special Assistant to the Prime Minister, Federal Parliamentary Secretary, Member of Parliament, Auditor General, Political Secretary, Consultant to the Prime Minister and holds or has held a post or office with the rank or status of a Federal Minister or Minister of State;

- (iii) is, or has been, the Chief Minister, Speaker Provincial Assembly, Deputy Speaker Provincial Assembly, Provincial Minister, Advisor to the Chief Minister, Special Assistant to the Chief Minister, Provincial Parliamentary Secretary, Member of the Provincial Assembly, Advocate General including Additional Advocate General and Assistant Advocate General, Political Secretary, Consultant to the Chief Minister and who holds or has held a post or office with the rank or status of a Provincial Minister;
- (iv) is holding, or has held, an office or post in the service of Pakistan, or any service in connection with the affairs of the Federation, or of a Province, or of a local council constituted under any Federal or Provincial law relating to the constitution of local councils cooperative societies or in the management of corporations, banks, financial institutions firms, concerns, undertakings or any other institution or organization established, controlled or administered by or under the Federal Government or a Provincial Government, other than a person who is a member of any of the armed forces of Pakistan except a person who is, or has been a member of the said forces and is holding, or has held, a post or office in any public corporation, bank, financial institution, undertaking or other organization established, controlled or administered by or under the Federal

Government or a Provincial Government or, notwithstanding anything contained in the Pakistan Army Act, 1952 (XXXIX of 1952) or any other law for the time being in force, a person who is a civilian employee of the Armed Forces of Pakistan;

- (v) has been, the Chairman or Vice Chairman of a *zila council*, a municipal committee, a municipal corporation or a metropolitan corporation constituted under any Federal or Provincial law relating to local councils;
- (va) is or has been a District *Nazim* or *Naib Nazim*, *Tehsil Nazim* or *Naib Nazim* or Union *Nazim* or *Naib Nazim*.

Explanation.— For the purpose of this sub-clause the expressions "Chairman" and "Vice Chairman" shall include "Mayor" and "Deputy Mayor" as the case may be, and the respective councilors therein; and

- (vi) has served in and retired or resigned from or has been discharged or dismissed from the Armed Forces of Pakistan;
- (n) "Offence" means the offences of corruption and corrupt practices and other offences as defined in this Ordinance and includes the offences specified in the Schedule to this Ordinance;
- (o) "Person" unless the context otherwise so requires, includes in the case of a company or a body corporate, the sponsors, Chairman, Chief Executive, Managing Director, elected Directors, by whatever name called, and guarantors of the company or body corporate or any one exercising direction control of the affairs of such company or a body corporate; and in the case of any firm, partnership or sole proprietorship, the partners, proprietor or any person having any interest in the said firm, partnership or proprietorship concern or direction or control thereof;
- (oa) "Private Person" shall mean any person, other than a holder of public office;

- (p) "Property" includes any or all movable and immovable properties situated within or outside Pakistan;
- (pa) "Public at large" means at least one hundred persons;
- (q) "Government Property" means property belonging to the Government and includes gifts, donations, financial assistance, grants, aid received or collected in whatever name or for whatever purpose by a holder of public office during the tenure of office; and
- (r) "willful default" a person or a holder of public office is said to commit an offence of willful default under this Ordinance if he does not pay, or continues not to pay, or return or repay the amount due from him to any bank, financial institution, cooperative society, Government department or a statutory body or an authority established or controlled by a Government on the date that it became due as per agreement containing the obligation to pay, return or repay or according to the laws, rules, regulations, instructions, issued or notified by the State Bank of Pakistan, or the bank, financial institution, cooperatives society, Government department statutory body or an authority established or controlled by a Government, as the case may be, and a thirty days notice has been given to such person or holder of public office:

Provided that it is not willful default under this Ordinance if such person or holder of public office was unable to pay, return or repay the amount as aforesaid on account of any willful breach of agreement or obligation or failure to perform statutory duty on the part of any bank, financial institution, cooperative society or a Government department statutory body or an

authority established or controlled by Government:

Provided further that in the case of default concerning a bank or a financial institution a seven days notice has also been given to such person or holder of public office by the Governor, State Bank of Pakistan:

Provided also that the aforesaid thirty days or seven days notice shall not apply to cases pending trial at the time of promulgation of the National Accountability Bureau (Amendment) Ordinance, 2001.

4. Substitution of section 5A, Ordinance XVIII of 1999.— In the Ordinance, for section 5A, the following shall be substituted, namely:—

“5A. Term of a Judge.— (1) A Judge of a Court who is a serving District and Sessions Judge shall ordinarily hold office for a term of three years from the date of his initial appointment as such Judge.

(2) A Judge shall not be removed or transferred from his office before the completion of the term of his office without consultation of the Chief Justice of the High Court concerned.

5. Amendment of section 6, Ordinance XVIII of 1999.— In the Ordinance, sub-section (b) of section 6 shall be substituted by the following, namely:—

(b) Chairman, National Accountability Bureau:—

(i) There shall be a Chairman, National Accountability Bureau to be appointed by the Federal Government after consultation between the Leader of the House and the Leader of the Opposition in the National Assembly:

Provided that the consultation between Leader of the House and Leader of the Opposition shall be initiated two months prior to the expiry of the term of outgoing Chairman

and shall be concluded within the period of forty five days;

- (ii) If there is no consensus on the name of the Chairman, the names proposed by the Leader of the House and the Leader of the Opposition shall be forwarded by the Chairman of the Senate and Speaker of the National Assembly, as the case may be, to the Parliamentary Committee appointed under clause (iii), which may confirm any one name for appointment as Chairman:

Provided that the Leader of the House and Leader of the opposition shall propose two names each for consideration of the Parliamentary Committee;

- (iii) The Parliamentary Committee under clause (ii) shall be constituted by the Speaker, National Assembly, comprising fifty percent members from the treasury benches and fifty percent from the opposition benches, based on their strength in *Majlis-e-Shoora* (Parliament), to be nominated by the respective Parliamentary Leaders:

Provided that the Parliamentary Committee shall recommend the name of the Chairman not later than thirty days;

- (iv) The total strength of the Parliamentary Committee shall be twelve members out of which one third shall be from the Senate. If the National Assembly stands dissolved at the material time, all the members of the Committee shall be from the Senate;
- (v) The Chairman shall, on such terms and conditions as may be determined by the Federal

Government, hold office for a non-extendable term of three years and shall not be eligible for subsequent appointment as Chairman and shall not be removed from office except on the grounds and in the manner as provided in Article 209 of the Constitution:

Provided that upon the expiry of the term of Chairman and till the appointment of the new Chairman, the Deputy Chairman shall act as Chairman and in his absence, the Federal Government shall appoint an acting Chairman from amongst the senior officers of the NAB; and

- (vi) The Chairman may, by writing under his hand, addressed to the Federal Government, resign from his office.

6. Amendment of section 7, Ordinance XVIII of 1999.- In the Ordinance, in section 7, in sub-section (a), for the word "President", the words "Federal Government" shall be substituted.

7. Amendment of section 8, Ordinance XVIII of 1999.- In the Ordinance, in section 8:-

- (1) in sub-section (a), clause (ii) shall be substituted, namely:-

"Subject to the provisions of the Ordinance, the Prosecutor General and Special Prosecutors shall render independent advice to the Chairman and shall ensure fair, consistent, uniform, non-discriminatory and expeditious prosecution of cases and in doing so shall protect and accord all lawful rights and interests of the accused persons."

- (1A) In sub-section (a),-

- (i) for clause (iii), the following shall be substituted, namely:-

"(iii) The Prosecutor General Accountability shall hold office for a non-extendable term of three years."; and

- (ii) in clause (v), for the words "President of Pakistan", the words "Federal Government" shall be substituted; and

(B) the existing paragraph (2) shall be omitted.

- (2) After sub-section (d), the following shall be inserted, namely:-

"(e) Chairman, NAB shall provide Investigation Report to the Prosecutor General and seek concurrence of the Prosecutor General for commencement or continuation of prosecution."

8. Substitution of section 9, Ordinance XVIII of 1999.— In the Ordinance, for section 9, the following shall be substituted, namely:—

"9. Corruption and corrupt practices.— (a) A holder of a public office, or any other person, is said to commit or to have committed the offence of corruption and corrupt practices—

- (i) if he accepts or obtains from any person or offers any gratification directly or indirectly, other than legal remuneration, as a motive or reward such as is specified in section 161 of the Pakistan Penal Code (Act XLV of 1860) for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person; or
- (ii) if he accepts or obtains or offers any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or likely to be, concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with his official functions or from any person whom he knows to be interested in or related to the person so concerned; or

- (iii) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use, or for the use of any other person, any property entrusted to him, or under his control, or willfully allows any other person so to do; or
- (iv) if he by corrupt, dishonest, or illegal means, obtains or, seeks to obtain for himself, or for his spouse or dependents or any other person, any property, valuable things or pecuniary advantage; or
- (v) if he or any of his dependents or other *Benamidars*, through corrupt and dishonest means, owns, possesses or acquires rights or title in assets substantially disproportionate to his known sources of income which he can not reasonably account for.

Explanation I.— The valuation of immovable property shall be reckoned on the date of purchase either according to the actual price shown in the relevant title documents or the applicable rates prescribed by District Collector or the Federal Board of Revenue whichever is higher. No evidence contrary to the later shall be admissible.

Explanation II.— For the purpose of calculation of movable assets, the sum total of credit entries of bank account shall not be treated as an asset. Bank balance of an account on the date of initiation of inquiry may be treated as a movable asset. A banking transaction shall not be treated as an asset unless there is evidence of creation of corresponding asset through that transaction.

- (vi) if he intentionally misuses his authority by disregarding law so as to gain any monetary benefit or favour for himself or any other person related to him or on his behalf.

Explanation I.— That an act done in good faith and in discharge of duties and performance of official function shall not constitute an offence under this clause.

Explanation II.— That nothing shall be an offence of misuse of authority unless it is proved through material evidence that the holder of public office has gained any monetary benefit or asset from the person in whose favour the act of misuse of authority has been rendered.

Explanation III.— That the authority of the holder of a public office shall be clearly specified as per the applicable Government rules and regulations.

- (vii) Omitted;
- (viii) if he commits an offence of willful default; or
- (ix) if he commits the offence of cheating as defined in section 415 of the Pakistan Penal Code, 1860 (Act XLV of 1860) and thereby dishonestly induces members of the public at large to deliver any property including money or valuable security to any person:

Provided that nothing shall be an offence under clause (ix) unless it is established that there was an intention of cheating at the time of initiation of a transaction.

Explanation.— The civil and commercial disputes between parties shall not be triable under the provisions of this Ordinance.

Illustration I: A runs a Ponzi scheme and gives profit to its investors with intent to allure public. A is said to have committed cheating.

Illustration II: A receives investments in a lawful business and continued to pay agreed profits to the investors. Later the business runs into losses and defaults on his obligations. A has not committed cheating.

- (x) if he commits the offence of criminal breach of trust as defined in section 405 of the Pakistan Penal Code, 1860 (Act XLV of 1860) with regard to any property including money or valuable security entrusted to him by members of the public at large;
 - (xi) if he, in his capacity as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust as provided in section 409 of the Pakistan Penal Code, 1860 (Act XLV of 1860) in respect of property entrusted to him or over which he has dominion; and
 - (xii) if he aids, assists, abets, attempts or acts in conspiracy with a person or a holder of public office accused of an offence as provided in clauses (i) to (xi).
- (b) Subject to the provisions contained in sections 439, 496, 497, 498 and 498A of the Code, no court other than the Court established under this Ordinance shall have powers to grant bail or order release of the accused.
- (c) If after completing the investigation of an offence against a holder of public office or any other person, the Chairman NAB is satisfied that no *prima facie* case is made out against him and the case may be closed, the Chairman NAB shall refer the matter to a Court for

approval and for the release of the accused, if in custody.

- (d) The closure of an inquiry or investigation shall be communicated to the accused and such inquiry and investigation shall not be reopened without prior permission of the Court.

9. Amendment of section 10, Ordinance XVIII of 1999.— In the Ordinance, in section 10,—

- (A) in sub-section (a), for the figure “14”, the word “fourteen” shall be substituted;
- (B) in sub-section (a), for full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:—

Provided that the convict shall be entitled to benefit under section 382-B of the Code.”; and

- (C) sub-section (d) shall be omitted.

10. Omission of section 14, Ordinance XVIII of 1999.— In the Ordinance, section 14 shall be omitted.

11. Amendment of section 15, Ordinance XVIII of 1999.— In the said Ordinance, in the proviso to sub-section (a) of section 15, the expression “sub-section (b)” shall be omitted and shall always be deemed to have been so omitted.

12. Substitution of section 16, Ordinance XVIII of 1999.— In the said Ordinance, for section 16, the following shall be substituted, namely:—

“16. Case management and trial of offences.— (a) Notwithstanding anything contained in any other law for the time being in force, an accused shall be prosecuted for an offence under this Ordinance in the Court established under this Ordinance and the case shall be disposed of within one year.

(b) The Court shall sit at such place or places as the Federal Government may, by order, specify in this behalf.

(c) Where more Courts than one have been established at a place, the Chief Justice of the High Court of the Province concerned shall designate a Judge of any such Court to be an administrative Judge and a case triable under this Ordinance shall be filed before the Court of the Administrative Judge who may either try the case himself or, assign it for trial by any other court established at that place at any time prior to the framing of the charge.

(d) In respect of a case assigned to a Court under sub-section (c), all orders made or proceedings taken before the assignment shall be deemed to have been made or taken by the Court to which the case has been assigned.

(e) Notwithstanding anything contained in this section, if in respect of any case relating to an offence triable under this Ordinance, the Chairman NAB, having regard to the facts and circumstances of the case may file a reference before any Court established anywhere in Pakistan, and such Court shall have the jurisdiction to try the same.

13. Amendment of section 18, Ordinance XVIII of 1999.— In the Ordinance, in section 18,—

- (A) in sub-section (c), for the expression “or investigation.”, the expression “. If after completion of inquiry the allegations of commission of an offence under this Ordinance are substantiated with material evidence, the matter shall be converted into investigation:

Provided that the report of the inquiry shall be provided to the accused.”;

- (B) in sub-section (d), the letters “NAB”, at the end shall be omitted;
- (C) sub-section (e) shall be omitted; and
- (D) in sub-section (f), for the words “expeditiously as may be practical and feasible”, the words “within six months” shall be substituted.

14. Amendment of section 21, Ordinance XVIII of 1999.— In the Ordinance, in section 21, in clause (f), after the semi colon, the word “and” shall be added and thereafter clause (g) shall be omitted.

15. Omission of section 23, Ordinance XVIII of 1999.— In the Ordinance, section 23 shall be omitted.

16. Substitution of section 24, Ordinance XVIII of 1999.— In the Ordinance, for section 24, the following shall be substituted, namely:—

“24. Arrest.— (a) The Chairman NAB may issue warrant of arrest during the course of investigation under this Ordinance, if—

- (i) the accused is intentionally or willfully not joining the investigation after repeated notices;
- (ii) the accused is attempting to abscond;
- (iii) there are sufficient grounds that the accused would temper with the prosecution evidence; or
- (iv) there is credible information regarding repetition or continuation of offence under this Ordinance.

(b) If the Chairman, NAB, or an officer of the NAB duly authorized by him, decides to refer the case to a Court, such reference alongwith report of Investigation Officer shall contain the substance of the offence or offences as the case may be, alleged to have been committed by the accused and a copy of such reference shall be forwarded to the Registrar of the Court to which the case has been sent to try the accused, and another copy shall be delivered to the accused.

(c) The provisions of sub-section (a) shall also apply to cases, which have already been referred to the Court.

(d) Notwithstanding anything contained in the Code, where the holder of a public office or any other person accused of an offence is arrested by NAB under this Ordinance, NAB shall, as soon as may be, inform him of the grounds and substance on the basis of which he has been arrested and produce him before, the Court within a period of twenty four hours of arrest excluding the time necessary for the journey from the place of arrest to the Court and such person shall, having regard to the facts and circumstances of the case, be liable to

be detained in the custody of NAB for purpose of inquiry and investigation for a period not exceeding fourteen days.”.

17. Amendment of section 25, Ordinance XVIII of 1999.— In the Ordinance, in section 25, in sub-section (b), for full stop at the end, a colon shall be substituted and thereafter the proviso shall be added, namely:—

“Provided that statement or witness of any accused entering into plea bargain or voluntarily return shall not prejudice case of any other accused.”.

18. Amendment of section 26, Ordinance XVIII of 1999.— In the Ordinance, in section 26, for sub-sections (a) and (b), the following shall be substituted, namely:—

“26. Tender of pardon.— (a) Notwithstanding anything contained in the Code, at any stage of inquiry, investigation or trial, the Chairman NAB may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to any offence, tender a full or conditional pardon to such a person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge based on material relating to the said offence including the names of the persons involved therein whether as principals or abettors or otherwise:

Provided that such person shall stand disqualified for a period of ten years, to be reckoned from the date of termination of the trial, for seeking or from being elected, chosen appointed or nominated as a member or representative of any public body or any statutory or local authority or in service of Pakistan or of any Province.

(b) Every person accepting a tender of pardon under sub-section (a) shall be examined by a Magistrate in the presence of the accused who shall be given an opportunity of cross-examining the person and the person shall also be examined as a witness in the subsequent trial.”.

19. Substitution of section 28, Ordinance XVIII of 1999.— In the Ordinance, for section 28, the following shall be substituted, namely:—

“28. Appointment of officers and staff in the National Accountability Bureau.— (a) The National Accountability Bureau may, in such manner and on such term and conditions of service, efficiency, discipline and conduct etc. as may be prescribed by rules, appoint such officers and staff as may be considered necessary for the efficient performance of its functions.

(b) The National Accountability Bureau, may appoint advisers, consultants and experts, on payment of such fee or remuneration as may be prescribed by rules to perform its functions and exercise its powers under this Ordinance.

20. Insertion of new section 31DD, Ordinance XVIII of 1999.— In the said Ordinance after section 31D, the following new section shall be inserted, namely:—

“31DD. Approval of the State Bank of Pakistan.— Notwithstanding anything contained in this Ordinance or any other law for the time being in force, no inquiry, investigation or proceedings in respect of a decision of a Board of a Bank or financial institution, shall be initiated without the prior approval of the Governor, State Bank of Pakistan.”

21. Amendment of section 32, Ordinance XVIII of 1999.— In the Ordinance, in section 32,—

- (a) in sub-section (a), for the word “ten”, the word “thirty” shall be substituted; and
- (b) in sub-section (b), for the expression “and shall be disposed of within thirty days of the filing of the appeal.”, the expression “The provisions contained in section 426 of the Code shall apply *mutatis mutandis* in case of an appeal filed against order of conviction.” shall be substituted.

22. Amendment of section 33D, Ordinance XVIII of 1999.— In the Ordinance, in section 33D, for the word “President”, the words “National Assembly and the Senate” shall be substituted.

23. Insertion of new section 33F, Ordinance XVIII of 1999.— In the said Ordinance, after section 33E, the following new section shall be inserted, namely:—

“33F. Restriction on issuance of public statements.— No official of NAB, in any capacity, shall make any statement in public or to the media regarding persons involved in any inquiry or investigation conducted by NAB until a reference has been filed against such persons.”

24. Insertion of new section 33G, Ordinance XVIII of 1999.— In the Ordinance, after section 33F, substituted as aforesaid, the following new section shall be inserted, namely:—

“33G. Punishment for making public statements.— Whoever contravenes the provisions of section 33F shall be punished with imprisonment for a term which may extend to one year but shall not be less than one month and with a fine of one million Rupees.”.

25. Substitution of section 34, Ordinance XVIII of 1999.— In the Ordinance, for section 34, the following shall be substituted, namely:—

“34. Power to make rules.— The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.”.

26. Amendment of section 36, Ordinance XVIII of 1999.— In the Ordinance, in section 36, for full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:—

Provided that if the accused has been acquitted by the Court on the ground that the case was initiated with *malafide* intention or based on false or fabricated evidence, the person responsible shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

27. Amendment of section 37, Ordinance XVIII of 1999.— In the Ordinance, in section 37, for the word “President”, the words “Federal Government” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Currently National Accountability Bureau (NAB) is dealing with a large number of inquiries and investigation in addition to handling mega corruption cases. Under the existing regime a number of inquiries have been initiated against the holders of Public Office and government servants on account of procedural lapses where no actual corruption is involved. This has enhanced NAB's burden and had an adverse impact on the workings of the Federal Government. Additionally, NAB has also assumed parallel jurisdiction and is inquiring into matters pertaining to taxation, imposition of levies etc., and therefore interfering in the domain of tax regulatory bodies. As such, a number of amendments have been proposed to redefine the operational domain of NAB.

2. Under the proposed amendment a mechanism for establishment of Accountability Courts, appointment, removal and terms and conditions of Judges of said Courts have been provided. In order to curb delays and bring the trial procedures in line with modern practices, a new mechanism for recording of evidence has been devised whereby the evidence of all witnesses and the accused shall be recorded through electronic audio-video means or any other modern devices. Also, if any of the witness is unable to attend the trial in person, his evidence may be recorded through a video link.

3. There is no authority or forum for seeking bail under the existing regime and the accused has to file constitutional petitions before High Courts for grant of bail, but through an amendment a power to exercise the grant of bail has been given to the trial Court.

4. Presently, on completion of the tenure of the Chairman NAB, the office falls vacant till the appointment of the new Chairman which stymies the operations of the bureau during that period. To overcome this impediment, the amendment proposes that till the appointment of Chairman NAB, the outgoing Chairman shall continue to act, exercise authority and function as the Chairman under the NAO 1999.

5. The National Accountability (Second Amendment) Ordinance, 2021 (XXIII of 2021) laid before the National Assembly under sub-paragraph (ii) of paragraph (a) of clause (2) of Article 89 of the Constitution and deemed under paragraph (b) of clause (3) of the said Article 89 to be a Bill has been designed to achieve the aforesaid objectives.

Minister-in-charge