

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE NATIONAL ACCOUNTABILITY (AMENDMENT) BILL, 2021 (Ordinance No. V of 2021)

1. Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill further to amend the National Accountability Ordinance, 1999, [The National Accountability (Amendment) Bill, 2021] (Government's Bill) referred to the Committee on 1st April, 2021.

2. The Committee comprises the following:-

1. Mr. Riaz Fatyana	Chairman
2. Mr. Atta Ullah	Member
3. Mr. Lai Chand	Member
4. Mr. Muhammad Farooq Azam Malik	Member
5. Ms. Kishwer Zehra	Member
6. Ms. Maleeka Ali Bokhari	Member
7. Mr. Muhammad Sana Ullah Khan Masti Khel	Member
8. Malik Muhammad Ehsan Ullah Tiwana	Member
9. Agha Hassan Baloch	Member
10. Mr. Junaid Akbar	Member
11. Ms. Shunila Ruth	Member
12. Mr. Mohsin Nawaz Ranjha	Member
13. Rana Sana Ullah Khan	Member
14. Ch. Mehmood Bashir Virk	Member
15. Mr. Usman Ibrahim	Member
16. Khawaja Saad Rafique	Member
17. Syed Hussain Tariq	Member
18. Syed Naveed Qamar	Member
19. Dr. Nafisa Shah	Member
20. Ms. Aliya Kamran	Member
21. Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at **(Annex-A)**, in its meetings held on 6th May and 3rd June 2021, and recommended with majority, that the Bill placed at **(Annex-B)**, may be passed by the Assembly. However, Dissent Note of, Dr. Nafeesa shah, Syed Naveed Qamar, Syed Hussain Tariq, MNAs is placed as **Annex-C**, whereas Dissent Note of Ms. Aliya Kamran, MNA is placed as **Annex -D**.

Sd/-
TAHIR HUSSAIN
Secretary
Islamabad, the 9th June, 2021

Sd/-
(RIAZ FATYANA)
Chairman

AS INTRODUCED IN THE NATIONAL ASSEMBLY

ORDINANCE NO. V OF 2021

AN

ORDINANCE

to amend the National Accountability Ordinance, 1999

WHEREAS it is expedient further to amend the National Accountability Ordinance, 1999 (No. XVIII of 1999), for the purposes hereinafter appearing;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of powers conferred by clause(1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.**—This Ordinance may be called the National Accountability (Amendment) Ordinance, 2021.

(2) It shall come into force at once.

2. **Amendment of section 8, Ordinance XVIII of 1999.**—In the National Accountability Ordinance, 1999 (No. XVIII of 1999), for sub-clause (iii) of clause (a) of section 8, the following shall be substituted, namely:

“The Prosecutor General Accountability shall hold office for a period of three (03) years and shall be eligible for re-appointment for a similar term or terms.”

STATEMENT OF OBJECTS AND REASONS

Section 8 of the National Accountability Ordinance, 1999 (XVII of 1999) provides that the President of Pakistan, in consultation with the Chairman NAB, may appoint any person, who is qualified to be appointed as a Judge of the Supreme Court, as Prosecutor General Accountability for a term of three years. This provision of the Ordinance is very restrictive. To amend the said provision, so that the appointment of Prosecutor General becomes less restrictive, the National Accountability (Amendment) Ordinance, 2021 (V of 2021) has been made and promulgated by the President under Article 89(1) of the Constitution.

Minister-in-charge

AS REPORTED BY THE STANDING COMMITTEE

A

BILL

further to amend the National Accountability Ordinance, 1999

WHEREAS it is expedient further to amend the National Accountability *Ordinance*, 1999 (No. XVIII of 1999), for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement.** - This Act may be called the National Accountability (Amendment) Act, 2021.

(2) It shall come into force at once.

2. **Amendment of section 8, Act XVIII of 1999.**- In the National Accountability *Ordinance*, 1999 (No. XVIII of 1999), for sub-clause (iii) of clause (a) of section 8, the following shall be substituted, namely: -

“(iii) The Prosecutor General Accountability shall hold office for a period of three (03) years and shall be eligible for re-appointment for a similar term or terms.”.

STATEMENT OF SUBJECTS AND REASONS

Section 8 of the National Accountability Ordinance, 1999 (XVII of 1999) provides that the President of Pakistan, in consultation with the Chairman NAB, may appoint any person, who is qualified to be appointed as a Judge of the Supreme Court, as Prosecutor General Accountability for a term of three years. This provision of the Ordinance is very restrictive. To amend the said provision, so that the appointment of Prosecutor General becomes less restrictive, the National Accountability (Amendment) Ordinance, 2021 (V of 2021) has been made and promulgated by the President under Article 89(1) of the Constitution.

Minister-in-charge

Note of Dissent

NAB Ordinance 2021

The frequent use of ordinances makes law whimsical and open to abuse of the executive.

It is extremely concerning to note that this government resorts to promulgation of ordinances for appointments, for terminations and for extensions of different offices.

PPP members reject this ordinance because it is mala fide and only seems to serve the agenda of the present regime to use NAB as an instrument of political engineering.

The extension of the term of NABs public prosecutor can serve no other purpose.

Sd/
Dr, Nafisa Shah
MNA

Sd/
Hussain Tariq
MNA

Sd/
Naveed Qamar,
MNA

NATIONAL ASSEMBLY SECRETARIAT

**Respected Mr. Riaz Fityana
Chairman standing committee
On law and Justice**

Assalam-o-alikum

It is hereby stated that the national accountability (Amendment) Bill, 2021 has been introduced to facilitate DG NAB. Hence the malafide of the Government is revealed and the nexus between the Government and NAB has been exposed. As per the original ordinance the appointment was only for one time. The ground is being prepared to reappoint the said person. Definitely it will be possible on the basis of majority. But it would not be acceptable on the basis of ethics and logic. However, note of dissent be recorded so that our view point be known to everyone.

**Sd/
Aliya Kamran
MNA**

قومی اسمبلی سیکرٹریٹ

قومی احتساب (ترمیمی) بل، ۲۰۲۱ء (آرڈیننس نمبر ۵۵ بابت ۲۰۲۱ء) پر قائمہ کمیٹی برائے قانون و انصاف کی رپورٹ۔

میں، چیئرمین قائمہ کمیٹی برائے قانون و انصاف یکم فروری، ۲۰۲۱ء کو کمیٹی کے سپرد کردہ قومی احتساب آرڈیننس، ۱۹۹۹ء میں مزید ترمیم کرنے کے بل [قومی احتساب (ترمیمی) بل، ۲۰۲۱ء] (سرکاری بل) پر رپورٹ ہذا پیش کرنے کا شرف حاصل کرتا ہوں۔

۲۔ کمیٹی درج ذیل اراکین پر مشتمل ہے:-

چیئرمین	۱۔ جناب ریاض قتیانہ
رکن	۲۔ جناب عطاء اللہ
رکن	۳۔ جناب لال چند
رکن	۴۔ جناب محمد فاروق اعظم ملک
رکن	۵۔ محترمہ کشور زہرا
رکن	۶۔ محترمہ ملیکہ علی بخاری
رکن	۷۔ جناب محمد ثناء اللہ خان مستی خیل
رکن	۸۔ ملک محمد احسان اللہ ٹوانہ
رکن	۹۔ آغا حسن بلوچ
رکن	۱۰۔ جناب شیر علی ارباب
رکن	۱۱۔ محترمہ شنیہ روت
رکن	۱۲۔ جناب سعد وسیم
رکن	۱۳۔ رانا ثناء اللہ خان
رکن	۱۴۔ چوہدری محمود بشیر ورک
رکن	۱۵۔ جناب عثمان ابراہیم
رکن	۱۶۔ خواجہ سعد رفیق
رکن	۱۷۔ سید حسین طارق
رکن	۱۸۔ سید نوید قمر
رکن	۱۹۔ ڈاکٹر نفیسہ شاہ
رکن	۲۰۔ محترمہ عالیہ کامران
رکن بلحاظ عہدہ	۲۱۔ بیرسٹر ڈاکٹر محمد فروغ نسیم

وزیر برائے قانون و انصاف

۳۔ کمیٹی نے ۶ مئی اور ۳ جون، ۲۰۲۱ء کو منعقدہ اپنے اجلاسوں میں منسلک۔ الف کے طور پر قومی اسمبلی میں پیش کردہ بل پر غور کیا اور اکثریت کی بنیاد پر سفارش کی کہ منسلک۔ ب پر دیئے گئے بل کی اسمبلی منظوری دے۔ تاہم ڈاکٹر نفیسہ شاہ، سید نوید قمر اور سید حسین طارق اراکین قومی اسمبلی کا اختلافی نوٹ منسلک۔ ج پر اور محترمہ عالیہ کامران، رکن قومی اسمبلی کا اختلافی نوٹ منسلک۔ د کے طور پر پیش ہے۔

دستخط۔
(ریاض قتیانہ)
چیئرمین

دستخط۔
(طاہر حسین)
سیکرٹری

اسلام آباد، ۹ جون، ۲۰۲۱ء