

[TO BE INTRODUCED IN 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), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**— (1) This Act shall be called the National Accountability (Second Amendment) Act, 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 said Ordinance, in section 4, in sub-section (2),-

- (i) in clause (a), after the word "taxation", occurring at the end, the expression ", transactions or amounts duly covered by amnesty schemes of Government of Pakistan" shall be inserted;
- (ii) in clause (b), after the expression "(DDWP),", the expression "Board of Directors of State Owned Enterprises (SOEs)," shall be inserted;
- (iii) in clause (e), the word "and" at the end shall be omitted; and

- (iv) in clause (f), for full stop at the end, a semi colon and the word "and" shall be substituted and thereafter the following new clause (g) shall be added, namely:-

"(g) all matters where the funds, property or interest not involving or belonging to the appropriate government, except for the offences under clauses (ix), (x) or (xi) of sub-section (a) of section 9."

3. Amendment of section 5, Ordinance XVIII of 1999.- In the said Ordinance, in section 5, in clause (o), after the word "Ordinance", occurring for the first time, the words "of the value not less than five hundred million rupees" shall be inserted.

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

"5A. Establishment of Courts and appointment of Judges.- (1) The Federal Government shall establish as many Courts as it may deem necessary to try offences under this Ordinance.

(2) A Judge shall be appointed by the Federal Government after consultation with the Chief Justice of the High Court concerned and shall hold office for a term of three years from the date of his initial appointment as such Judge.

(3) No person shall be appointed as Judge unless he is a serving District and Sessions Judge or Additional District and Sessions Judge.

(4) A Judge shall not ordinarily be removed or transferred by the Federal Government from his office before completion of his term, except after consultation with the Chief Justice of the High Court concerned."

5. Amendment of section 6, Ordinance XVIII of 1999.— In the said Ordinance, in section 6, sub-section (c) shall be omitted.

6. Amendment of section 8, Ordinance XVIII of 1999.— In the said Ordinance, in section 8, in sub-section (a),—

(a) in clause (i), for the expression "President of Pakistan, in consultation with", the expression "Federal Government, on recommendation of" shall be substituted; and

(b) in clause (iii), the expression "a non-" shall be omitted.

7. Omission of section 11, Ordinance XVIII of 1999.— In the said Ordinance, section 11 shall be omitted.

8. Amendment of section 16, Ordinance XVIII of 1999.— In the said Ordinance, in section 16, for sub-section (e), the following shall be substituted, namely:—

"(e) Notwithstanding anything contained in this section, an accused shall be tried for an offence under this Ordinance in the Court in whose territorial jurisdiction the offence is alleged to have been committed:

Provided that NAB shall file the reference, after the investigation is fully completed, which shall be treated as the final reference, and no supplementary reference shall be filed thereafter, unless investigation reveals new facts and with the permission of the Court."

9. Amendment of section 16A, Ordinance XVIII of 1999.— In the said Ordinance, in section 16A, after sub-section (c), the following new sub-section shall be added, namely:—

"(d) The provisions of this section shall *mutatis mutandis* apply to the Islamabad Capital Territory."

10. Amendment of section 17, Ordinance XVIII of 1999.- In the said Ordinance, in section 17, sub-section (c) shall be omitted.

11. Amendment of section 19, Ordinance XVIII of 1999.- In the said Ordinance, in section 19,-

- (i) in clause (a), after the words "any person" the words "with regard to particulars of the subject inquiry or investigation" shall be inserted;
- (ii) in clause (b), for the words "to the inquiry or investigation" the words "with regard to the subject inquiry or investigation" shall be substituted;
- (iii) in clause (c), after the word "case" the words "with regard to the subject inquiry or investigation" shall be inserted;
- (iv) in clause (d), after the words "with law" the words "with regard to the subject inquiry or investigation" shall be inserted; and
- (v) for clause (e), the following shall be substituted, namely:-

"(e) any person called to provide information in relation to an offence alleged to have been committed under this Ordinance, shall be informed if he is an accused person or otherwise, and if the person is alleged to have committed an offence he shall be informed of the allegations against him in such manner as would enable him to file his defence."

12. Amendment of section 20, Ordinance XVIII of 1999.— In the said Ordinance, in section 20, after sub-section (b), the following explanation shall be added, namely:—

“Explanation.— For the purposes of this section, a transaction in cash over two million Rupees shall be considered as an unusual or large transaction.”.

13. Amendment of section 24, Ordinance XVIII of 1999.— In the said Ordinance, in section 24, in sub-section (d), for the words “as soon as may be”, the words “at the time of arrest” shall be substituted.

14. Amendment of section 25, Ordinance XVIII of 1999.— In the said Ordinance, in section 25,—

- (i) in sub-section (b), for the existing proviso, the following two provisos shall be substituted, namely:—

“Provided that statement of an accused entering into plea bargain or voluntarily return shall not prejudice case of any other accused:

Provided further that in case of failure of accused to make payment in accordance with the plea bargain agreement approved by the Court, the agreement of plea bargain shall become inoperative to the rights of the parties immediately.”;

- (ii) after sub-section (b), amended as aforesaid, the following new sub-section (ba) shall be inserted, namely:—

“(ba) Where an accused challenges validity of order approving plea bargain or it comes to the knowledge of the Court otherwise that the plea bargain was a result of duress, coercion or any other illegal pressure exerted on the accused