

NATIONAL ACCOUNTABILITY ORDINANCE, 1999
ORDINANCE NO. XVIII OF 1999

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THE GAZETTE OF PAKISTAN
PART I
Acts, Ordinances, President's Orders and Regulations
Government of Pakistan
Ministry of Law, Justice, Human rights and
Parliamentary affairs
(Law, Justice and Human Rights Division)
Islamabad, the 16th November, 1999

F. No. 2(1)/99-Pub.—The following Ordinance made by the President is hereby published for general information:-

ORDINANCE NO. XVIII OF 1999
AN
ORDINANCE

to provide for the setting up of a National Accountability Bureau so as to eradicate corruption and corrupt practices and hold accountable all those persons accused of such practices and matters ancillary thereto;

Whereas it is expedient and necessary to provide for effective measures for the detection, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices, ¹[misuse or abuse] of power ²[or authority], misappropriation of property, ³[taking of] kickbacks, commissions and for matters connected and ancillary or incidental thereto;

And whereas there is an emergent need for the recovery of outstanding amounts from those persons who have committed default in the repayment of amounts to Banks, Financial Institutions, ⁴[Government agencies] and other agencies;

And whereas there is a grave and urgent need for the recovery of state money and other assets from those persons who have misappropriated or removed such ⁵[money or] assets through corruption, corrupt practices and misuse of power ⁶[Omitted] or authority;

¹[The word "misuse/abuse" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(a)(i).]

²[The words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(a) (ii).]

³[The words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(a) (iii).]

⁴[The words "government" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(b)]

⁵[The words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(c) (i).]

⁶[The words "and/" Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(c) (iii).]

¹[AND WHEREAS there is an increased international awareness that nations should co-operate in combating corruption and seek, obtain or give mutual legal assistance in matters concerning corruption and for matters connected, ancillary or incidental thereto;]

²[AND WHEREAS there is an urgent need to educate the society about the causes and effects of corruption and corrupt practices and to implement policies and procedures for the prevention of corruption in the society; and]

¹[After third paragraph the New paragraph Inserted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.2]

²[After the fourth paragraph the new paragraph Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(d)]

And whereas it is necessary that a National Accountability Bureau be set up so as to achieve the above aims;

And whereas the National Assembly and the Senate stand suspended in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, as amended;

And whereas the President is satisfied that circumstances exist which ¹[render] it necessary to take immediate action;

¹[The word “renders” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.2(e)]

Now therefore, in pursuance of the aforesaid Proclamation and Provisional Constitutional Order as well as Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. ¹[Short Title]:

This Ordinance may be called the National Accountability ²[Omitted] Ordinance, 1999 (No. XVIII of 1999).

¹[The word “Title” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.3(a)]

²[The word “Bureau” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.3(b)]

2. Commencement:

This ordinance shall come into force at once and shall be deemed to have come into force from the 1st day of January, 1985.

¹[3. Ordinance to override other laws:

The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.]

¹[Substituted by Ordinance No. XIX of 1999 dated 17.11.1999, S. 2, and shall be deemed always to have been so Substituted. Before this amendment the original Section was:

“3. This Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.”]

4. Application:

It extends to the whole of Pakistan and shall apply to all persons in Pakistan, ¹[all citizens of Pakistan] and persons who are or have been in the service of Pakistan wherever they may be including areas which are part of Federally and Provincially Administered Tribal Areas.

¹[The words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.4]

5. Definitions:

(a) “Accused” shall include a person in respect of whom there are reasonable grounds to believe ²[that he] is or has been involved in the commission of any offence ¹[triable] under this Ordinance ³[Omitted] or is subject of an investigation ⁴[or] inquiry by the National Accountability Bureau, or ⁵[any other agency authorised by the National Accountability Bureau in this regard under this Ordinance].

¹[The word Inserted by Ordinance No. IV of 2000, dated 3.2.2000, S.2 (i)]

²[The word “,” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5(a) (i).]

³[The word “and/” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (a) (ii).]

⁴[The word “/” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (a) (iii).]

⁵[The word “concerned Agency” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5(a) (iv).]

(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 ¹[, the Federal Government and in other cases] the Provincial Government ²[or the local government] concerned.

¹[The word “or” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (b) (i).]

²[The words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (b)(ii).]

- (c) “Assets” means any property owned, controlled by or belonging to any accused, whether directly or indirectly, or held benami in the name of his spouse or relatives or associates, whether within or outside Pakistan ¹[Omitted] which ²[he] cannot reasonably account ³[for], or for which ²[he] cannot prove payment of full and lawful consideration.

¹[The word “,for” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (c) (i).]

²[The word “they” occurring twice, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (c) (ii).]

³[The word “for” Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (c) (iii).]

- (d) “Associates” means-

- (i) any ¹[person] who is or has been managing the affairs ²[of] or keeping accounts ³[for] the accused or who enjoys or has enjoyed any benefit from the assets ⁴[Omitted].

¹[The word “individual” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (a) (i).]

²[The word “for” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (a) (ii).]

³[The word “of” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (a) (iii).]

⁴[The words “referred to above” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (a) (iv).]

- (ii) any association of persons, body of individuals, partnership ¹[firm] or private limited ²[company] within the meaning of Companies Ordinance 1984, of which ³[the accused] is or has been a member, partner or director or which ⁴[has] been promoted, floated, established or run by the ⁵[accused, whether singly or jointly, with other persons].

¹[The word “firms” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (b) (i).]

²[The word “Companies” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (b) (ii).]

³[The word “such a person” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (b) (iii).]

⁴[The word “have” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (b) (iv).]

⁵[The word “same group of persons” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (b) (v).]

¹[(iii) a trustee of any trust declared by the accused, or of which the accused is also a trustee or a beneficiary; and]

¹[Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (c). Before this amendment the Original sub clause (iii) of sub-section (d) of section 5 was: “(iii) Any trustee of a private trust; and”.]

¹[(iv) a benamidar;]

¹[Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (d) (d). Before this amendment the original sub clause (iv) of sub-section (d) of section 5 was: “(iv) any person who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused.”]

¹[(da) “benamidar” means any person who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused;]

¹[The new sub-section (da) of section 5, Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (e).]

(e) “Chairman National Accountability Bureau” means a person who is appointed as such by the President ¹[Omitted] as mentioned in Section 6(b) hereafter;

¹[The words “of the Islamic Republic of Pakistan” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (f).]

(f) “Code” means the Code of Criminal Procedure, 1898;

¹[(fa) “Conciliation Committee” means the Conciliation Committee constituted under section 25A;]

¹[The new clause (fa) Inserted by Ordinance No. IV of 2000, dated 3.2.2000, S.2 (ii)]

¹[(g) “Court” means an Accountability Court which shall consist of a Judge who shall be appointed by the President of Pakistan, in consultation with the Chief Justice of the High Court ²[of the Province] ³[Omitted] on such terms and conditions as may be determined by the President;]

¹[The clause “(g) of Section 5 Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 3 (i)]

²[The words “concerned” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (g) (i).]

³[The words “,and shall hold office for a period of three years” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (g) (ii).]

HISTORY OF CLAUSE (g) OF SECTION 5

The Original clause (g) of Section 5 read as under:

(g) “Court” means an Accountability Court which shall consist of a Judge who shall be appointed by the President of Pakistan after consultation with the Chief Justice of Pakistan through notification in the official Gazette;

Again the clause (g) of Section 5, Substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.2(1)]

[(g) “Court” means an Accountability Court which shall consist of a Judge who shall be appointed by the President of Pakistan after consultation with the Chief Justice of Pakistan by notification in the official Gazette, and a Judge, other than a serving District and Sessions Judge, shall hold office for a period of two years unless removed earlier by the President of Pakistan after consultation with the chief Justice of Pakistan;]

¹[(h) “Judge” means a Judge of a Court who shall be a serving District and Sessions Judge qualified to be appointed as Judge of the High Court and includes a Judge, whether serving or retired District and Sessions Judge, who was appointed Judge of a Court before the commencement of the National Accountability Bureau (Amendment) Ordinance, 2001;]

¹[The clause (h) section 5 Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 3 (ii).

Before this amendment the original clause “(h) of Section 5 was [(h) “Judge” means a person who has been a Judge of the High Court, is, or has been a District & Sessions Judge qualified to be a Judge of the High Court or any lawyer who is qualified to be a Judge of the High Court;”]

- ¹[(j) “Deputy Chairman National Accountability Bureau” means the person appointed as Deputy Chairman of the National Accountability Bureau by the President;]

¹[The sub-section (j) of Section 5, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (h).]

HISTORY OF CLAUSE (j) OF SECTION 5

The Original sub-section (j) of Section 5 read as under:

- (j) “Deputy Chairman” means the person appointed as Deputy Chairman of the National Accountability Bureau by the ¹[President] of the Islamic Republic of Pakistan;

¹[The word “Chief Executive” Substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.2 (2).]

- (k) “National Accountability Bureau” means the Bureau set up and notified under this Ordinance, (hereinafter ¹[referred to] as NAB);

¹[The words “known” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (i).]

- (l) “Freezing” includes attachment, sealing, ³[prohibiting], holding, controlling ⁴[Omitted] or managing any property either through a Receiver or otherwise as may be directed by the ¹[Omitted] Court or Chairman NAB, ²[Omitted] 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 ⁵[NAB] as the case may be after public notice.

¹[The word “Accountability” Omitted by ordinance No. IV of 2000 dated 3.2.2000, s.2 (iii) (a)]

²[The word “or an Accountability Court” Omitted by ordinance No. IV of 2000 dated 3.2.2000, s.2 (iii) (b)]

³[The word “prohibition” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (j) (a).]

⁴[The word “and/” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (j) (b).]

⁵[The words “National Accountability Bureau” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (j) (c).]

- (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, ¹[Omitted] 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, ¹[Omitted] Consultant to the Chief Minister and who holds or has held a post or office with the rank or status of a Provincial Minister;

¹[The words “Advisor or” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (k) (a&b).]

- (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, ³[co-operative societies] or in the management of corporations, banks, financial institutions, ⁴[¹[Omitted]] 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, ²[Omitted] 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 ⁵[,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];

¹[In sub-clause (iv) of clause (m) of Section 5 the words Inserted by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 3 (iii) (a).]

²[In sub-clause (iv) of clause (m) of Section 5 the words “or for the time being is subject to any law relating to any of the said forces,” Omitted by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 3 (iii) (b).]

³[In sub-clause (iv) of clause (m) of Section 5, After the word “councils” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (I) (i).]

⁴[the words “¹[co-operative societies,]” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (I) (ii).]

⁵[At the end after The words “Provincial Government” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (I) (iii).]

- (v) ¹[Omitted] 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; and

“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.

¹[The words “is, or” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (m).]

¹[(va) is or has been a District Nazim or Naib Nazim, Tehsil Nazim or Naib Nazim or Union Nazim or Naib Nazim;]

¹[A new sub-clause (va) of clause (m) of section 5, Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (n).]

(vi) ¹[Omitted] has served in and retired or resigned from or has been discharged or dismissed from the Armed Forces of Pakistan;

¹[The word “Any person who” Omitted by Ordinance No. IV of 2000 dated 3.2.2000, S. 2 (iv)]

(n) “Offence” means the offences of corruption and corrupt practices ²[and other offences] as defined in this Ordinance and includes ¹[the offences] specified in the Schedule to this Ordinance.

¹[The words “those offences as” Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 3 (iv).]

²[After The words “practices” Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (o).]

(o) “PERSON” ¹[,unless the context otherwise so requires] includes in the case of a ³[company or a body corporate], the sponsors, Chairman, Chief Executive, Managing Director, elected Directors, by whatever name called, and guarantors of the company ⁴[or body corporate] or any one exercising direction or control of the affairs of such ³[company or a body corporate], ²[Omitted]; and in the case of any firm, partnership or sole proprietorship, the partners, proprietor or any person having ⁵[any] interest in the said firm, partnership or proprietorship concern or direction or control thereof;

¹[The words Inserted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.3(a).]

²[The words “,but will not include employees appointed and designated as Director or Chief Executive”, Omitted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.3(b)].

³[The words “corporate body” occurring twice Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (p)(i).]

⁴[After the words “company” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (p)(ii).]

⁵[After the words “having” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (p)(iii).]

- (p) “Property” includes any or all movable and immovable properties situated within or outside Pakistan; ¹[Omitted]

¹[The word “and” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (q).]

- (q) “Government Property” means ¹[property] belonging to the Government and includes gifts, donations, financial assistance, grants, aid received or collected in whatever name or for whatever purpose ²[by a holder of public office during the tenure of office; and]

¹[The words “both movable and immovable properties” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (r)(i).]

²[The words “during the tenure of office.” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (r)(ii).]

*[(r) “wilful default”: a person ⁵[or a holder of public office] is said to commit an offence of wilful default under this ordinance if he does not pay ¹[or continues not to pay] or return or repay the amount ⁶[due from him] to any bank, financial institution, cooperative society, ⁷[Omitted] Government department ⁸[,] statutory body or an authority established or controlled by a Government on the date that it became due ²[as per agreement containing the obligation to pay, return or repay or] according to the laws, rules, regulations, instructions, issued or notified by ³[the State Bank of Pakistan or the bank], financial institution, cooperative society, Government Department, statutory body or an authority established or controlled by a Government, as the case may be, and a ⁴[thirty days notice has been given to ⁹[such person or holder of public office]]:

^{*}[The new clause (r) in section 5 Added by Ordinance No. IV of 2000, dated 3.2.2000, S.2(v)]

¹[The words inserted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.4 (a)]

²[The words Inserted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.4 (b)]

³[The words “a bank, including the State Bank of Pakistan” Substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.4 (c)].

⁴[The words “period of thirty days has expired thereafter” Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 3 (v) (i).]

⁵[After the words “person” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(i).]

⁶[After the words “amount” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s) (ii).]

⁷[the word “or a” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(iii).]

⁸[The word “or a” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(iv).]

⁹[the word “the defaulter” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(v).]

Provided that it is not wilful default under this Ordinance if ²[such person or holder of public office] was unable to pay, return or repay the amount as aforesaid on account of any wilful breach of agreement or obligation or failure to perform statutory duty on the part of any bank, financial institution, cooperative society ³[,] Government Department ⁴[,] statutory body or an authority established or controlled by Government[:]¹

¹[Provided further that in the case of default concerning a bank or a financial institution a seven days notice has also been given to ⁵[such person or holder of public office] by the Governor, State Bank of Pakistan:

Provided further that ⁶[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.]

¹[In the proviso, for the full stop at the end a colon substituted and thereafter the Proviso added in clause (r), of Section 5 by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 3 (v) (ii).]

²[the word "the accused" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(vi) (a).]

³[after the word society the word 'or a' Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(vi) (c).]

⁴[after the word department the words "or a" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(vi) (c).]

⁵[In second proviso the words "the defaulter" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(vii).]

⁶[In third proviso after the word "that" the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.5 (s)(viii).]

*[5A. Tenure ¹[omitted] of a Judge:-

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

*[The Sections 5A and 5B, Inserted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.4.]

¹[In marginal note, a letter "etc" Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.6 (a).]

(2) An incumbent Judge who on 24th April, 2001, is not a serving District and Sessions Judge and has exercised option to serve as a Judge shall continue for a period of three years from the date of his initial appointment as such Judge.

(3) An incumbent Judge who is a serving District and Sessions Judge and retires while serving as such Judge shall, subject to his option, continue for a period of three years from the date of his initial appointment as such Judge.

(4) A Judge shall not be removed or transferred from his office before the completion of the term of his office without consultation ¹[with] the Chief Justice of the High Court concerned.

¹[The word "of" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.6 (b).]

5-B. Pensionary benefits to serving District and Sessions Judge retiring while serving as Judge of a Court:-

Where a serving District and Sessions Judge retires while serving as a Judge of a Court, he shall be entitled to such pension as would have been admissible to him in his service as District and Sessions Judge, had he not been appointed as Judge of a Court, his service as a Judge of a Court being treated as service for the purpose of calculating that pension.

6. National Accountability Bureau:

- (a) There shall be constituted a National Accountability Bureau for the whole of Pakistan.

¹[(b) Chairman National Accountability Bureau;

- (i) There shall be a Chairman NAB to be appointed by the President in consultation with the ²[Leader of the House and the Leader of the Opposition in the National Assembly] for a ³[non-extendable] period of ⁴[four] years on such terms and conditions as may be determined by the President and shall not be removed except on the grounds of removal of Judge of Supreme Court of Pakistan ⁵[:]

⁵[Provided that the present incumbent of the office of Chairman, NAB, shall complete the period of four years from the date of his initial appointment.]

- (ii) The Chairman NAB may, in writing under his hand, addressed to the President, resign his office.]

¹[Sub-section (b) of Section 6, Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.5]

²[the words "Chief Justice of Pakistan" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7 (a)(i).]

³[before the word "period" the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7 (a)(ii).]

⁴[the words "three" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7(a)(iii).]

⁵[for the full stop at the end a colon Substituted and thereafter a proviso Added by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7 (a)(iv).]

HISTORY OF SUB-SECTION (b) OF SECTION 6

[Before Substitution The Original Sub-section (b) of Section 6 read as under:

(b) Chairman National Accountability Bureau:

(i) There shall be a Chairman NAB to be appointed by the President ¹[Omitted] ²[and he shall hold office during the pleasure of the President].

¹[The words “for such period as the Chief Executive of Pakistan may determine and consider proper and necessary” Omitted by Ordinance No. IV of 2000 dated 3.2.2000, S. 3(i).]

²[The words Inserted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.3 (1).]

(ii) The Chairman NAB shall be appointed on such terms and conditions and shall have the status and privileges as may be determined by the [President] ¹.

¹[The words “Chief Executive” Substituted by Ordinance No. IV of 2000 dated 3.2.2000, S. 3(ii).]

(iii) The Chairman NAB may resign his office by writing under his hand addressed to the ¹[President].

¹[The words “Chief Executive” Substituted by Ordinance No. IV of 2000 dated 3.2.2000, S. 3(iii).]

¹[(iv) The Chairman NAB may delegate any of his powers to, and authorise performance of any of his functions by, an officer of the NAB as he may deem fit and proper, subject to such conditions, if any, as may be specified in the order, for carrying out the purposes of this Ordinance.]

¹[In sub-section (b) of Section 6 after paragraph (iii) the new paragraph (iv) Added by Ordinance No. XXIV of 2000 dated 5.7.2000, S.3(2).]

¹[(ba) A person shall not be appointed as Chairman NAB unless he-

i) is a retired Chief Justice or a Judge of the Supreme Court or a Chief Justice of a High Court; or

(ii) is a retired officer of the Armed Forces of Pakistan equivalent to the rank of a Lieutenant General; or

(iii) is a retired Federal Government Officer in BPS 22 or equivalent.]

¹[after sub-section (b) new sub-section (ba) Added by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7 (b).]

(c) Acting Chairman, National Accountability Bureau:

As and when the chairman NAB is absent or unable to perform the functions of his office due to any reason whatsoever, the Deputy Chairman ¹[NAB] will act as the Chairman NAB, and in case the Deputy Chairman ¹[NAB] is absent or unable to perform the functions of the office, ²[any officer of the NAB] duly authorized by the Chairman NAB ³[shall] act as Chairman NAB.

¹[after the words "Deputy Chairman" occurring twice the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7 (c)(i).]

²[the words "any other person" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7 (c)(ii).]

³[the words " , to" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.7 (c)(iii).]

7. Deputy Chairman, National Accountability Bureau:

- (a) There shall be a Deputy Chairman, NAB appointed by the ¹[President] in consultation with the Chairman NAB. The Deputy Chairman ²[NAB] shall assist the Chairman ³[NAB] in the performance of his duties and ⁴[shall] carry out such functions as may be directed by the Chairman ³[NAB].

¹[The words "Chief Executive" Substituted by Ordinance No. IV of 2000 dated 3.2.2000, S. 4]

²[after the words "Deputy Chairman" occurring for the second time the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.8 (a)(i).]

³[after the words "Chairman" occurring twice Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.8 (a)(ii).]

⁴[after the word "and" the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.8 (a)(iii).]

- ¹[(aa) A person shall not be appointed as Deputy Chairman NAB unless he-
- i) is or has been an officer of the Armed Forces of Pakistan equivalent to the rank of a Major General; or
 - ii) is or has been a Federal Government officer in BPS 21 or equivalent;

¹[the new sub-section (aa) Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.8 (b).]

¹[(b) The Deputy Chairman ²[NAB] shall hold office for a ³[non-extendable] period of three years and shall not be removed except on the ground of misconduct as defined in sub-rule (4) of rule 2 of the Government Servants (Efficiency & Discipline) Rules, 1973.]

¹[Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.6. Before this amendment the Original Sub-section (b) of Section 7 was “(b) The Deputy Chairman shall serve at the pleasure of the President.”]

²[After the words “Chairman” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.8 (c)(i).]

³[After the words “a” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.8 (c)(ii).]

8. Prosecutor General Accountability:

¹(a) (i) The President of Pakistan, in consultation with the ²[Omitted] Chairman NAB may appoint any person, who is qualified to be appointed as a Judge of the Supreme Court, as Prosecutor General Accountability.

(ii) The Prosecutor General Accountability shall hold independent office on whole time basis and shall not hold any other office concurrently.

(iii) The Prosecutor General Accountability shall hold office for a ³[non-extendable] period of three years.

(iv) The Prosecutor General Accountability shall not be removed from office except on the grounds of removal of a Judge of Supreme Court of Pakistan.

(v) The Prosecutor General Accountability may, by writing under his hand addressed to the President of Pakistan, resign his office.]

¹[Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.7 (i).

Before this amendment the Original Sub-section (a) of Section 8 was: “(a) The Chairman NAB may appoint any person to act as the Prosecutor General Accountability, notwithstanding any other appointment or office the latter may concurrently hold, upon such terms and conditions as may be determined by the Chairman.”]

²[the words “Chief Justice of Pakistan” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.9 (a)(i).]

³[before the word “period” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.9 (a)(ii).]

- (b) The Prosecutor General ²[Accountability] shall give advice to the Chairman NAB upon such legal matters and perform such other duties of a legal character as may be referred or assigned to him by the Chairman NAB and in the performance of his duties, he shall have the right of audience in all ¹[Courts established under this ordinance and all other Courts ³[including the Supreme Court and a High Court] and Tribunals] in Pakistan.

¹[The words 'Accountability Courts and all Courts and Tribunals' Substituted by Ordinance No. IV of 2000 dated 3.2.2000, S. 5 (i).]

²[After the words "Prosecutor General" the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.9 (b) (i).]

³[the word "Court" occurring for the second time the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.9 (b) (ii).]

- ¹[(c) The Prosecutor General Accountability, with the approval of Chairman NAB, ²[Omitted] may appoint Special Prosecutors to conduct prosecution of cases and to appoint advocates to institute or defend cases, appeals, petitions, applications and all other matters before any court ³[or tribunal] including the High Courts and Supreme Court in matters arising out of or relating to proceedings under this Ordinance.]

¹[substituted by Ordinance XXXV of 2001, 10.8.2001, S.7(ii)]

²[the words "and in consultation with the Law and Justice Division, Government of Pakistan," Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.9 (c)(i).]

³[after the word "Court" the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.9 (c)(ii).]

HISTORY OF SUB-SECTION (c) OF SECTION 8

[The Original Sub-section (c) Section 8 read as under:

[The Prosecutor General Accountability Bureau ¹[in consultation with the Attorney General for Pakistan] may, with prior approval of the Chairman NAB, appoint Special Prosecutors to conduct prosecution of specific cases under this Ordinance, before any Accountability Court or any other Court or Tribunal.

¹[After the words 'Bureau' the words Inserted by Ordinance No. IV of 2000 dated 3.2.2000, S. 5 (ii)].

- ¹[(d) In case the Prosecutor General Accountability is absent or unable to perform the functions of his office due to any reason whatsoever, any other Law officer of the NAB, duly authorised by the Chairman NAB, shall act as the Prosecutor General Accountability.]

¹[The new sub-section (d) Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.9 (c)(iii).]

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 for-bearing to do any official act, or for showing or for-bearing 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 ¹[Omitted] or dependents or any other person, any property, valuable thing, or pecuniary advantage; or

¹[The word “and/” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(1) (b).]

- (v) if he or any of his dependents or benamidars owns, possesses, or has ¹[acquired] right or title in any ²[“assets” or holds irrevocable power of attorney in respect of any assets”] or pecuniary resources disproportionate to his known sources of income, which he cannot ³[reasonably] account for ⁴[or maintains a standard of living beyond that which is commensurate with his sources of income]; or

¹[The word “any” Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S. 4 (1) (i)].

²[The words “movable or immovable property” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(1) (c)(i).]

³[The word “reasonable” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(1) (c)(ii).]

³[After the words “for” at the end the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(1) (c)(iii).]

- (vi) ²[if he] misuses his authority so as to gain any benefit or favour for himself or any other person, or ³[renders or attempts to render] ¹[or wilfully fails to exercise his authority to prevent the grant, or rendition of any undue benefit or favour which he could have prevented by exercising his authority];

¹[The words Added by Ordinance No. XXIV of 2000, dated 5.7.2000, S. 4 (1) (ii)].

²[The word in the beginning before the word “misuses” Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(1) (d)(i & ii).]

³[The words “to render or attempt to do so” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(1) (d)(ii).]

- (vii) if he has issued any directive, policy, or any SRO (Statutory Regulatory Order) or any other order which grants or ⁵[attempts to grant] any ²[undue] concession or benefit in any taxation matter or law or otherwise so as to benefit himself or any relative or associate or a benamidar ³[or any other person] ¹[;or]

- ¹[(viii) if he commits an offence of wilful default ⁴[;or]]

¹[In Section 9, in sub-section (a), in clause (vii) for the full stop at the end the semicolon Substituted, and there after new clause (viii) Added by Ordinance No. IV of 2000 dated 3.2.2000, S.6 (i)]

²[The words Inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S. 4 (1) (iii) (a)].

³[The words Added by Ordinance No. XXIV of 2000, dated 5.7.2000, S. 4 (1) (iii) (b)].

⁴[In sub-section (a) in clause (viii) for the full stop at the end Substituted by Ordinance No. XXXV/2001, dated 10.8.2001, S.8(i).]

⁵[The word “enables” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10 (1) (e).]

- ¹[(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; or
- (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).]

¹[The clause (ix) of sub-section (a) of Section 9 Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(1) (f). Before this amendment the original clause (ix) of sub-section (a) of section 9, which was introduced by Ordinance No. xxxv of 2001 dated 10.8.2001 read as under:

[(ix) If he commits the offence of cheating as defined in section 415 of the Pakistan Penal Code and thereby dishonestly induces members of the public at large scale to deliver any property including money or valuable security to any person or he commits the offence of criminal breach of trust as defined in section 405 of the Pakistan Penal Code with regard to any property including money or valuable security entrusted to him by members of the public at large scale.]

- (b) All offences under this Ordinance shall be non-bailable and, notwithstanding anything contained in sections ¹[426, 491,] 497, 498 and 561-A or any other provision of the Code, or any other law for the time being in force no Court ³[²[Omitted]] shall have jurisdiction to grant bail to any person accused of any offence under this Ordinance.

¹[The words Inserted by Ordinance No. IV of 2000, dated 3.2.2000, S.6 (ii) (a)]

²[The words “including the High Court” Inserted by Ordinance No. IV of 2000, dated 3.2.2000, S.6 (ii) (a & b)]

³[Sub-Sections (b) of Section 9, the words “including the High Court” Omitted by Ordinance XXXV of 2001, 10.8.2001, S.8(ii)]

¹[(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.”]

¹[The sub-section (c) of Section 9 Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(2).]

HISTORY OF SUB-SECTION (c) OF SECTION 9

The Original sub-section (c) of section 9 read as under:

(c) Where the Chairman NAB decides to release from custody or detention a holder of a public office or any other person accused of an offence under this Ordinance, he shall do so after considering the gravity of the charge against such person and where the accusation specifies any amount in respect of which the offence is alleged to have been committed, he shall not be released unless such amount is deposited with the NAB;

Provided that the Chairman NAB may impose other conditions for release from custody or detention.

Again sub-section (c) of section 9 was substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.4 (2)] as follows:

[(c) Where the Chairman NAB decides to release from custody or detention a holder of a public office or any other person accused of an offence under this Ordinance he shall do so after considering the gravity of the charge against such person and the accruing quantum of loss involved in the offence alleged to have been committed and may impose any reasonable conditions for such release.]

(d)....1[Omitted]

²[The sub-section (d) of Section 9 Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.10(3).]

HISTORY OF SUB-SECTION (d) OF SECTION 9

Before Omission of the sub-section (d) of section 9, which was added by Ordinance No. IV of 2000, dated 3.2.2000, S.6 (iii) read as under:

“(d) The amount deposited by the accused with the NAB shall be transferred to the Federal Government or, as the case may be, a Provincial Government or the concerned bank or financial institution, ¹[corporate body, cooperative society, statutory body or authority concerned], within one month from the date of such deposit.”]

¹[the words ‘etc.’ Substituted by Ordinance XXXV of 2001, 10.8.2001, S. 8(iii).]

10. Punishment for Corruption and Corrupt Practices:

- (a) ¹[A holder of public office or any other person] who commits the offence of corruption and corrupt practices shall be punishable with ²[rigorous] imprisonment for a term which may extend to 14 years, ³[and with fine] and such of the assets and ⁴[pecuniary resources] of such ⁵[holder of public office or person, as are] found to be disproportionate to the known sources of his income or which ⁶[are] acquired by money obtained through corruption and corrupt practices whether in his name or in the name of any of his dependents, or benamidars shall be ⁷[Omitted] forfeited to the appropriate Government ⁸[,or the concerned bank or financial institution as the case may be”].

¹[In sub-section (a) of Section 10 the words “A person” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(a).]

²[In sub-section (a) of Section 10 before the word “imprisonment” the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(b).]

³[In sub-section (a) of Section 10 the words “or with fine, or with both” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(c).]

⁴[In sub-section (a) of Section 10 the word “property” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(d).]

⁵[In sub-section (a) of Section 10 the words “person which is” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(e).]

⁶[In sub-section (a) of Section 10 the word “is” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(f).]

⁷[In sub-section (a) of Section 10 the word “liable to be” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(g).]

⁸[In sub-section (a) of Section 10 the word “Government” the words Added by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(1)(h).]

- ¹[“(b) The offences specified in the Schedule to this Ordinance shall be punishable in the manner specified therein.
- (c) The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.
- (d) Notwithstanding anything to the contrary contained in any other law for the time being in force an accused, convicted by the Courts of an offence under this Ordinance, shall not be entitled to any remission in his sentence.”]

¹[The sub-section (b) of Section 10 Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.11(2).

Before this amendment the Original sub-section (b) of Section 10 was:

“(b) Any person giving illegal gratification, or abetting, assisting or aiding a holder of a public office, or receiving or holding any property obtained or acquired by a holder of public office, through corruption or corrupt practices, or being a beneficiary of any asset, property or gain obtained through corruption or corrupt practices shall fall within the scope of this section and shall be liable to the same or a lesser punishment that may be awarded to a holder of a public office as may be deemed fit by the Court.”]

11. Imposition of Fine:

Where ¹[an accused] found guilty of an offence is sentenced to pay a fine, ²[Omitted] the amount of the fine shall in no case be less than the gain derived by the accused or any relative or associate ³[by the commission of the offence].

¹[the words "a person" Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.12 (a).]

²[the words "irrespective of whether or not a sentence of imprisonment is imposed," Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.12 (b).]

³[the words "which may be set off against the forfeited or frozen assets and property" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.12 (c).]

12. Power ¹[Omitted] to freeze property:-

- (a) The Chairman NAB or the Court trying ²[an accused] for any offence as specified under this Ordinance, may, at any time, if there appear reasonable grounds for believing that the accused has committed such an offence, order the freezing of his property, ³[Omitted] or part thereof, whether in his possession or in the possession of any relative, associate or person on his behalf.

¹[In the marginal note the words "of the Court" Omitted by Ordinance No. IV of 2000 dated 3.2.2000, S.7]

²[the words "a person" Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(1)(a).]

³[After the words property the words "movable or immovable," Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(1)(b).]

- (b) If the property ordered to be frozen under sub-section (a) is a debt or other movable property, the freezing may be made:
- (i) by seizure; or
 - (ii) by appointment of receiver; or
 - (iii) by prohibiting the delivery of such property to the accused or to anyone on his behalf; or
 - (iv) by all or any of such or other methods as the Court or the Chairman NAB, as the case may be, deem fit.

- (c) If the property ordered to be frozen is immovable, the freezing shall, in the case of land paying revenue, be made through the Collector of the district in which the land is situated, and in all other cases-
- (i) by taking possession; or
 - (ii) by appointment of receiver; or
 - (iii) by prohibiting the payment of rent or delivery of property to the accused or to any other person on his behalf; or
 - (iv) by all or any of such methods as the Chairman NAB or the Court may deem fit:

Provided that any order of seizure, freezing, attachment or any prohibitory order mentioned above by the Chairman NAB, shall remain in force for a period not exceeding ¹[fifteen] days unless confirmed by the ²[Omitted] Court, where the Reference under this ordinance shall be sent by ³[Chairman] NAB:

¹[In sub-section (c) of Section 12 in the first proviso the word '30' substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.9 (i)]

²[In sub-section (c) of Section 12 in the first proviso the word "Accountability" Omitted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(2)(a)(i).]

³[In sub-section (c) of Section 12 in the first proviso before the word "NAB" the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(2)(a)(ii).]

Provided further that notwithstanding ²[anything to the contrary contained herein,] the order of ³[Chairman] NAB or the Court shall be effective from the time of passing thereof or proclamation thereof in a newspaper, widely circulated and dispatch at the last known address of the accused ¹[either by registered post A.D. or courier service or ⁴[Omitted] electronic media as the ⁵[Court] may deem proper having regard to the facts and circumstances of the case].

¹[In sub-section (c) of Section 12 in the second proviso the words Added by Ordinance No. XXIV of 2000 dated 5.7.2000, S.5.]

²[In sub-section (c) of Section 12 in the second proviso the words “that” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(2)(b)(i).]

³[In sub-section (c) of Section 12 in the second proviso before the word “NAB” the word Inserted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(2)(b)(ii).]

⁴[In sub-section (c) of Section 12 in the second proviso the words “any other mode of” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(2)(b)(iii).]

⁵[In sub-section (c) of Section 12 in the second proviso the word “court” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(2)(b)(iv).]

- (d) If the property ordered to be frozen consists of livestock or is of a perishable nature, the Chairman NAB, or the Court may, if it deems proper and expedient, order the immediate sale thereof and the proceeds of the sale may be deposited with the Chairman NAB or the Court, or as either may direct as appropriate.
- (e) The powers, duties, and liabilities of a receiver, if any, appointed under this section shall be the same as those of a receiver appointed under Order XL of the Code of Civil Procedure, 1908 (Act V of 1908).
- ¹[(f) The order of freezing mentioned in sub-sections ‘a’ to ‘e’ shall remain operative until the final disposal of the case by the Court, and in the event of the acquittal ²[or release] of the accused, shall continue to remain operative for a period of ten days after receipt of certified copy of the order of acquittal by NAB, whereafter it shall be subject to an order by the court in which an appeal, if any is filed.]

¹[The sub-section (f) of section 12 Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.9 (ii).

Before this amendment the Original sub-section (f) of Section 12 was: “(f) That the order of freezing mentioned above in section 12(a) to (e) shall, as the case may be, remain operative until final disposal by the Accountability Court or the Appellate Forum, notwithstanding filing of or pendency of an appeal under this ordinance.”]

²[In sub-section (f) of Section 12, after the word “acquittal” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.13(3).]

13. Claim or objection against freezing:

- (a) Notwithstanding the provisions of any law for the time being in force, the ¹[Omitted] Court shall have exclusive jurisdiction to entertain and adjudicate upon all claims or objections against the freezing of any property under section 12 above. Such claims or objections shall be made before the ²[Omitted] Court within 14 days from the date of the order freezing such property.

¹[In sub-section (a) of Section 13, the word "Accountability" Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.14.]

²[In sub-section (a) of Section 13, the word "Accountability" Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.14.]

- (b) The Court may for sufficient cause extend the time for filing such claims or objections for a period not exceeding additional 14 days.

- ¹[(c) The accused or any other aggrieved party, whose claim or objection against freezing of property has been dismissed by the court, may, within ten days file an appeal against such order before the High Court.]

¹[Sub-section (c) of Section 13 Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.10]

HISTORY OF SUB-SECTION (c) OF SECTION 13

The Original sub-section (c) of section 13 read as under:

"(c) No appeal shall lie against an order made under Section 12 of this Ordinance ¹[Omitted]."

¹[The words "or against any interlocutory order except that an appeal shall lie against a final order which may be passed by the Accountability Court as hereafter provided" Omitted by Ordinance No. IV of 2000, dated 3.2.2000, S.8.]

14. Presumption against accused accepting illegal gratification:

- (a) Where in any trial of ¹[an offence under clauses (i),(ii),(iii) and (iv) of sub-section (a) of section 9] it is proved that an accused person has accepted or obtained, or has agreed to accept or attempted to obtain, for himself or for any other person any gratification, other than legal remuneration, or any valuable thing, or any pecuniary advantage from a person or any agent of a person, for any favour shown or promised to be shown by the accused, it shall be presumed, unless the contrary is proved, that he accepted or obtained, or agreed to accept or attempted to obtain, that gratification or that valuable thing or pecuniary advantage for himself or some other person, as the case may be, as a motive or a reward such as is specified in section 161 to 163 of the Pakistan Penal Code, 1860 (Act XLV of 1860), or, as the case may be, without consideration, or for a consideration which he believed to be inadequate.

¹[The words “a scheduled offence punishable under this ordinance,” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(1).]

- (b) Wherein any trial of an offence punishable under section 165A of the Pakistan Penal Code, 1860 (Act XLV of 1860) it is proved that any gratification other than legal remuneration or any valuable thing has been given, or offered to be given, or attempted to be given, by any accused person, it shall be presumed, unless the contrary is proved, that he gave, or offered to give, or attempted to give, that gratification, or that valuable thing, as the case may be, as a motive or a reward such as is specified in section 161 to 163 of the said Code, or, as the case may be, without consideration or for a consideration which he believed to be inadequate.

- (c) In any trial of an offence punishable under ¹[clause (v) of sub-section (a) of section 9 of] this ordinance, the fact that the accused person or any other person on his behalf, is in possession, for which the accused person cannot satisfactorily account, of ²[assets] or pecuniary resources disproportionate to his known sources of income, or that such person has, at or about the time of the commission of the offence with which he is charged, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, the Court shall presume, unless the contrary is proved, that the accused person is guilty of the offence of corruption and ³[Omitted] corrupt practices and his conviction ⁴[therefor] shall not be invalid by reason only that it is based solely on such presumption.

¹[In sub-section (c) of Section 14, after the word “under” the words inserted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(2)(a).]

²[In sub-section (c) of Section 14, the word “property” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(2)(b).]

³[In sub-section (c) of Section 14, the oblique and word “/or” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(2)(c).]

⁴[In sub-section (c) of Section 14, the word “therefore” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(2)(d).]

¹[(d) ³[In any trial] of an offence under ⁴[clause (vi) and (vii) of section 9], the burden of proof that he used his authority, or issued any directive, or authorised the issuance of any policy or statutory rule or order (SRO), or made any grant or allowed any concession, in the public interest, fairly, justly, and for the advancement of the purpose of the enactment under which the authority was used, directive or policy or rule or order was issued or grant was made or concession was allowed shall lie on ⁵[the accused], and in the absence of such proof the accused shall be guilty of the offence, and his conviction shall not be invalid by the reason that it is based solely on such presumption[:]²

²[Provided that the prosecution shall first make out a reasonable case against the accused charged under clause (vi) or (vii) of sub-section (a) of section 9.]

¹[after sub-section (c) of section 14, the new sub-section (d) Added by Ordinance No. IV of 2000, dated 3.2.2000, S.9]

²[In sub-section (d) of Section 14, for the full stop at the end a colon substituted and thereafter proviso added by Ordinance No. XXXV of 2001, dated 10.8.2001, S.11]

³[In sub-section (d) of Section 14, the words “Where a person is accused”, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(3)(a).]

⁴[In sub-section (d) of Section 14, the words, figures, brackets and letter “section 9(a)(vi) and (vii)” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(3)(b).]

⁵[In sub-section (d) of Section 14, the word “him” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.15(3)(c).]

15. Disqualification to contest elections ¹[or to hold public office]:

- ²(a) Where an accused person is convicted ³[of an offence under section 9 of this Ordinance], he shall forthwith cease to hold public office, if any, held by him and further he shall stand disqualified for a period of ten years, to be reckoned from the date he is released after serving the sentence, 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:

Provided that any accused person who has availed the benefit of ⁴[sub-section (b) of section] 25 shall also be deemed to have been convicted for an offence under this Ordinance, and shall forthwith cease to hold public office, if any, held by him and further he shall stand disqualified for a period of ten years, to be reckoned from the date he has discharged his liabilities relating to the matter or transaction in issue, 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.]

¹[In marginal note after the word “elections” the words Added by Ordinance No. IV of 2000, dated 3.2.2000, S.10 (i).]

²[The sub-section (a) of Section 15, substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.11]

³[In sub-section (a) of Section 15, the words “for the offence of corruption or corrupt practices as specified in the Schedule to this Ordinance”, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.16 (a).]

⁴[In sub-section (a) of Section 15, the word, “section” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.16 (b).]

HISTORY OF SUB-SECTION (a) OF SECTION 15

The Original sub-section (a) of section 15 read as under:

- (a) Where an accused person is convicted for the offence of corruption or corrupt practices as specified in the Schedule to this Ordinance, he shall stand disqualified for 21 years for seeking, or from being elected chosen appointed or nominated as a member or representative of any public office, or any statutory or local authority of the Government of Pakistan:

Provided that any accused person who has availed the benefit of ¹[section 25] of this ordinance shall also be deemed to have been convicted for an offence under this ordinance, and shall stand disqualified for 21 years as above.]

¹[The words “sections 26 and 27” Substituted by Ordinance No. IV of 2000 dated 3.2.2000, S.10 (ii).]

- (b) Any person convicted of an offence ³[under section 9 of this Ordinance] shall not be allowed to apply for or be granted or allowed any financial facilities in the form of any loan or advances ¹[or other financial accommodation by] any bank or financial institution ²[owned or controlled by the Government], for a period of 10 years from the date of conviction.

¹[In sub-section (b) of section 15 the word “from” Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.6 (1)]

²[In sub-section (b) of section 15 the words “in the public sector” Substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.6(2)].

³[In sub-section (b) of section 15 the words “of corruption and/or corrupt practices as described at serial No. 1 of the Schedule”, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.16 (c).]

16. Trial of offences:

¹[(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 and the case shall be heard from day to day and shall be disposed of within thirty days.]

¹[Sub-section (a) of Section 16, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.17 (a).]

HISTORY OF SUB-SECTION (a) OF SECTION 16

Before amendment the Original sub-section (a) of section 16 read as under:

(a) Notwithstanding anything contained in any other law for the time being in force, all persons accused of a scheduled offence, shall be prosecuted for such offence by ¹[Omitted] Court established pursuant to this Ordinance exclusively as constituted under section 5 (g) and the case shall be heard from day to day and disposed of within 30 days.

¹[The words “an Accountability” Omitted by Ordinance No. IV of 2000, dated 3.2.2000,S.11 (i).]

¹[(b) The Court shall sit at such place or places as the ²[Federal] Government may, by order, specify in this behalf.

The Sub-Section (b) of Section 16, Substituted by Ordinance No. IV of 2000, dated 3.2.2000, and the new sub-sections (b),(c) and (d) are introduced.

Before this amendment the Original sub-section (b) of section 16 read as under:

¹[(b) “Where more than one Accountability Courts are constituted, and there is apprehension that the accused is likely to interfere with the course of justice, NAB may apply to the Chief Justice of the Province for transfer of the case/trial to the Accountability Court of another Division within the same Province, and the case may at any stage of proceedings, be transferred to another Court by the Chief Justice of the High Court of the Province.”]

²[In Sub-section (b) of Section 16, the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.17 (b).]

¹[(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 ²[Court] established at that place at any time prior to the framing of the charge.]

¹[The Sub-section (c) of Section 16, Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.13(i)]

²[In sub-section (c) of Section 16, the word “court”, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.16 (c).]

HISTORY OF SUB-SECTION (c) OF SECTION 16

Before Substitution the original sub-Section (c) of Section 16, introduced by Ordinance No. IV of 2000, dated 3.2.2000.

The Original sub-section (c) of section 16 read as under:

“(c) Where more Courts than one have been established for an area, the Chief Justice of the High Court of the Province concerned shall, keeping in view the seniority and status of the Judges of various Courts, designate a Judge of any such Court to be an Administrative Judge.”

¹[(cc) 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.]

¹[After sub-section (c) of Section 16, new sub-section (cc) Inserted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.13(ii).]

(d) 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 ²[Omitted] Court established anywhere in Pakistan, and such Court shall have the jurisdiction to try the same.]

¹[The Sub-section (b) substituted and new Sub-Section (b) (c) & (d) of Section 16, introduced by Ordinance No. IV of 2000, dated 3.2.2000.]

²[In sub-section (d) of Section 16, the word “Accountability” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.17 (d).]

¹[16A. Transfer of cases:-

- (a) Notwithstanding anything contained in any other law for the time being in force, the Chairman NAB may apply to any court of law or tribunal that any case involving ²[any] offence under this Ordinance pending before such court or tribunal shall be transferred to a Court established under this Ordinance, then such other Court or Tribunal shall transfer the said case to any Court established under this Ordinance and it shall ³[be deemed to be a reference under section 18 of the Ordinance, and it shall” not be necessary for the Court to recall any witness or again to record any evidence that may have been recorded.

¹[The New Section 16A. Added by Ordinance No. IV of 2000, dated 3.2.2000, S.12.]

²[In sub-section (a) of Section 16A, the word “a scheduled” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.18 (1)(a).]

³[In sub-section (a) of Section 16A, after the word “shall” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.18 (1) (b).]

¹[(b) In respect of any case pending before a Court, ²[if] the Prosecutor General Accountability or any Special Prosecutor authorised by him in this behalf, having regard to the facts and circumstances of the case and in the interest of justice and for the protection and safety of witnesses, considers it necessary that such case is transferred for trial, he may apply, for the transfer of the case from any such Court in one Province to a Court in another Province or from one Court in a Province to another Court in the same Province,

- (i) to the Supreme Court of Pakistan in case the transfer is intended from a Court in a Province to a Court in another Province; and
- (ii) to the High Court of the Province in case the transfer is intended from one Court in a Province to another Court in the same Province;

and the Supreme Court or the High Court, as the case may be, if it is in the interest of justice, transfer the case from one court to another court, and the case so transferred shall be tried under this Ordinance without recalling any witness whose evidence may have been recorded.

¹[The Sub-section (b) of Section 16A Substituted by Ordinance No. XXXV OF 2001, dated 10.8.2001, S.14]

²[In sub-section (b) of Section 16A, the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.18 (2)(a).]

HISTORY OF SUB-SECTION (b) OF SECTION 16A

Before this amendment the original Sub-Section (b) of Section 16A, was added by Ordinance NO. IV OF 2000, dated 3.2.2000, read as under:

“(b) In respect of any case pending before a Court established under this Ordinance, the Chairman NAB having regard to the facts and circumstances of the case and in the interest of justice and for the protection and safety of witnesses it is necessary that such case in transferred for trial may direct the Prosecutor General Accountability to apply for the transfer of the case from any such Court in one Province to a Court in another Province or from one Court to a Court in another Province or from one Court in a Province to another Court in the same Province,

Provided that:-

- (i) in case the transfer is intended from a Court in a Province to a Court in another Province to the Chief Justice of Pakistan; and
- (ii) in case the transfer in intended from one Court in a Province to another Court in the same Province to the Chief Justice of the High Court;

and if the Chief Justice of Pakistan or, as the case may be, the Chief Justice of High Court considers it expedient in the interest of justice so to do, he may transfer the case from one Court to another Court and case so transferred shall be tried under this Ordinance without recalling any witness whose evidence may have been recorded.]”

- (c) The accused may also make an application to the Supreme Court for the transfer of a case from a Court in one Province to a Court in another Province and to the High Court for transfer of a case from one Court in a Province to another Court in the same Province and the Supreme Court or the High Court, as the case may be, if it is in the interest of justice, transfer the case from one Court to another Court, and the case so transferred shall be tried under this Ordinance without recalling any witness whose evidence may have been recorded.]

¹[16B. Contempt of Court.-

The Court shall have the power to punish for contempt of court with imprisonment for a term which may extend to six months and with fine which may extend to one million rupees any person who--

- (a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order or direction of the Court;
- (b) scandalizes the Court or otherwise does anything which tends to bring the Court or a person constituting the Court into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending or most likely to come up before the Court; or
- (d) does anything which, by any other law, constitutes, contempt of court.

Explanation.-¹[Omitted]

¹[The New Section 16B Inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S. 7.]

²[In Explanation of section (d) of Section 16B, the words "In this section, the expression "Court" means an Accountability Court." Omitted by Ordinance XXXV of 2001, dated 10.8.2001, S.15.]

17. ¹[Provisions] of the Code to apply:

- (a) Notwithstanding anything contained in any other law for the time being in force, unless there is anything inconsistent with the provisions of this Ordinance, the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall mutatis mutandis, apply to the proceedings under this ²[Ordinance].
- (b) Subject to sub-section (a), the provisions of Chapter XXIIA of the Code shall apply to trials under this ordinance.
- (c) Notwithstanding anything contained in sub-section (a) or sub-section (b) or in any law for the time being in force, the ³[Omitted] Court may, for reasons to be recorded, dispense with any provision of the Code and follow such procedure as it may deem fit in the circumstances of the case.

¹[In Section 17, In marginal note the word "Provision", Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.19 (a).]

²[In sub-section (a) Section 17, the word "Order" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.19 (b).]

³[In sub-section (c) of Section 17, the word "Accountability" Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.19 (c).]

- ¹[(d) Notwithstanding anything in section 234 of the Code, a person accused of more offences than one of the same kind committed during the space of any number of years, from the first to the last of such offences, may be charged with and tried at one trial for any number of such offences.]

¹[In Section 17, a new sub-section (d) Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.19 (d).]

18. Cognizance of offences:

- (a) The ⁵[Omitted] Court shall not take cognizance of any offence under this Ordinance except on a reference made by ²[the Chairman NAB or an officer of the NAB duly authorised by him].
- (b) A reference under this ordinance shall be initiated by the ³[Omitted] National Accountability Bureau on-
- (i) a reference received from the ¹[Omitted] appropriate government; or
 - (ii) receipt of a complaint; or
 - (iii) ⁴[its] own accord.

¹[In sub-section (b)(i) of Section 18, The words "Chief Executive of an" Omitted by Ordinance No. IV of 2000, dated 3.2.2000 S.13(i)]

²[In sub-section (a) of Section 18, the words "or on behalf of the Chairman National Accountability Bureau" Substituted by Ordinance No. XXIV of dated 5.7.2000, S.8(1).]

³[In sub-section (b) of Section 18, The words "Chairman" Omitted by Ordinance No. XXIV of 2000, dated 5.7.2000 S. 8(2) (a).]

⁴[In sub-section (b)(iii) of Section 18, The word "his" Substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.8(2) (b).]

⁵[In sub-section (a) of Section 18, the word "Accountability" Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (a).]

- ¹[(c) Where the Chairman NAB, or an officer of the NAB duly authorised by him, is of the opinion that it is, or may be, necessary and appropriate to initiate proceedings against any person, he shall refer the matter for inquiry or investigation].

¹[Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.8 (3). Before this amendment the Sub-section (c) of Section 18, was:

“(c) Where the Chairman National Accountability Bureau is of the opinion that it is or may be necessary and appropriate to initiate proceedings against any person on receipt of a reference or complaint or on his own accord, as the case may be, he shall refer the matter to the Deputy Chairman National Accountability Bureau or to any other officer for inquiry and investigation.”]

- (d) The responsibility, for inquiry into and investigation of an offence alleged to have been committed under this Ordinance shall rest on the NAB to the exclusion of any other agency or authority, unless any such agency or authority is required to do so by the Chairman ²[NAB] ¹[or by an officer of the NAB duly authorised by him] NAB.

¹[In sub-section (d) of Section 18, the words “or/and Deputy Chairman” Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.8 (4).]

²[In sub-section (d) of Section 18, the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (b).]

- (e) The Chairman NAB and such members, officers ¹[Omitted] or servants of the NAB shall have and exercise, for the purposes of an inquiry ¹[Omitted] or investigation the power to arrest any person, and all the powers of an officer-in-charge of a Police Station under the Code, and for that purpose may cause the attendance of any person, and when and if the assistance of any agency, police officer or any other official or agency, as the case may be, is sought by the NAB such official or agency shall render such assistance provided that no person shall be arrested without the permission of the Chairman ²[NAB] or any officer ³[of NAB] duly authorised by the Chairman NAB.

¹[In sub-section (e) of Section 18, the word “and/” twice occurring, Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (c)(i) .]

²[In sub-section (e) of Section 18, the word after the word “Chairman” the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (c) (ii).]

³[In sub-section (e) of Section 18, the word after the word “officer” the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (c) (iii).]

- (f) Any inquiry ²[or] investigation under this ordinance shall be completed expeditiously ¹[Omitted] as may be practical and feasible.

¹[In sub-section (f) of Section 18, the words “but not exceeding a period of 75 days, or earlier as soon” Omitted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.8 (5).]

²[In sub-section (f) of Section 18, the word “and” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (d).]

- (g) The ¹[Omitted] Chairman NAB, ²[or ³[Omitted] an officer of the NAB duly authorised by him,] shall appraise the material and the evidence placed before him during the inquiry and the investigation, and if he decides that it would be proper and just to proceed further ⁴[and there is sufficient material to justify filing of a reference], he shall refer the matter to ⁵[a] Court.

¹[In Sub-section (g) of Section 18, the words “Deputy” Omitted by Ordinance No. IV of 2000, dated 3.2.2000 S.13 (ii)]

²[In Sub-section (g) of Section 18, the words Inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.8 (6)].

³[In Sub-section (g) of Section 18, the words “by” Omitted by Ordinance XXXV of 2001, dated 10.8.2001, S.16.]

⁴[In Sub-section (g) of Section 18, the words Inserted by Ordinance XXXV of 2001, dated 10.8.2001, S.16.]

⁵[In Section 18, sub-section (g) the word “an Accountability” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (e).]

- (h) If a complaint is inquired into and investigated by the NAB and it is concluded that the complaint received was prima facie frivolous or has been filed with intent to malign or defame any person, the Chairman ¹[NAB] or Deputy Chairman NAB or ²[an officer of the NAB duly authorised by the Chairman NAB], may refer the matter to the Court, and if the complainant is found guilty he shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

¹[In sub-section (h) of Section 18, after the word “Chairman” the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (f)(i).]

²[In sub-section (h) of Section 18, the words “the prescribed law officer” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.20 (f) (ii).]

19. Power to call for information:

The Chairman NAB or ²[an officer of the NAB duly authorised by him] may, during the course of an inquiry ¹[or investigation] ³[of an offence under this Ordinance]:-

- (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Ordinance or any rule or order made thereunder;
- (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry ¹[or investigation];
- (c) examine any person acquainted with the facts and circumstances of the case; ⁴[Omitted]

¹[In Section 19 after the word “inquiry” wherever occurring the words “or investigation” Inserted by Ordinance No. IV of 2000, dated 3.2.2000 S.14.]

²[In Section 19, the word “any authorised officer”, substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.21 (a).]

³[In Section 19, the words “in connection with contravention of any provision of this Ordinance” Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.21 (b).]

⁴[In Sub-section (c) of Section 19, the word “and” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.21 (c).]

- ¹[(d) require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person whosoever, including copies of entries made in a bank’s or a financial institution’s books such as ledgers, day books, cash books and all other books including record of information and transactions saved in electronic or digital form, and the keepers of such books or records shall be obliged to certify the copies in accordance with law ²]; and]]

¹[Sub-Section (d) of Section 19 Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.17 (i)]

Before this amendment the original sub-section (d) of section 19 was: “(d) require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person whosoever.”]

²[Sub-section (d) of Section 19, for the full stop, Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.21 (d).]

¹[(e) where there is a reasonable suspicion that any person is involved in or is privy to an offence under this Ordinance, the Chairman NAB may, with the prior approval in writing of the High Court concerned, direct the surveillance of that person may be carried out through such means as may be necessary in the facts and circumstances of the case and the Chairman NAB, may in this regard seek the aid and assistance of any ²[Governmental] agency and the information so collected may be used as evidence in the trial under this Ordinance.

Provided that the copies obtained or information received or evidence collected under clauses (d) and (e) shall be ³[kept] confidential and shall not be used for any purpose other than for legal proceedings under this Ordinance.]

¹[New sub-Section (e) of Section 19 Inserted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.17 (ii)]

²[In Sub-section (e) of Section 19, the word "Government" Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.21 (e) (i).]

³[In Sub-section (e) of Section 19, in the Proviso after the word "be" the word Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.21 (e) (ii).]

20. Reporting of suspicious financial transactions:

- (a) Notwithstanding anything contained in any law for the time being in force, it shall be the duty of all banks and financial institutions to take prompt and immediate notice of all unusual or large transactions ¹[in an] account, which have no apparently genuine economic or lawful purpose and upon bona fide professional judgment of the Bank ²[or financial institution] that such transactions could constitute or be related to ⁴[an offence under this Ordinance], the manager or director of such ³[Bank or] financial institution shall report all such transactions to the Chairman NAB forthwith by the quickest possible mode of communication to be confirmed in writing.

¹[In sub-section (a) of Section 20 the word “with context to the” Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.18(a)]

²[In sub-section (a) of Section 20 the word “suspicion” Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.18 (b)]

³[In sub-section (a) of Section 20 after the word “such” occurring for the second time the words Inserted in Section 20 Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.18 (c)]

⁴[In sub-section (a) of Section 20, the word “illegal or illicit activities, corruption or corrupt practices” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.22 (a).]

- (b) Whoever fails to supply the information in accordance with sub-section (a) shall be punishable with rigorous imprisonment which may extend to 5 years, ¹[and] with fine ²[Omitted].

¹[In sub-section (b) of Section 20, the word “or” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.22 (b)(i).]

²[In sub-section (b) of Section 20, the words “,or with both” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.22 (b)(ii).]

- (c) ¹[Omitted]

¹[The Sub-section (c) of Section 20, Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.22 (c).]

Before Omission the original Sub-section (c) of section 20 was:

“(c) Where there are reasonable grounds to believe that the assets of a person or any part thereof were acquired through corruption or corrupt practices, and there was no other likely source of acquiring such assets or part thereof, it shall be presumed, unless proved to the contrary by the accused person, that such assets or part thereof were acquired, generated or obtained through corruption and corrupt practices.”]

21. International Cooperation-Request for mutual legal assistance:

The Chairman NAB or any officer authorised by the Federal Government may request a Foreign State to do ¹[any or all of] the following acts in accordance with the law of such State:-

- (a) have evidence taken, or documents or other articles produced;
- (b) obtain and execute search warrants or other lawful instruments authorizing search for things relevant to investigation or proceedings in Pakistan believed to be located in that State, and if found, seize them;

¹[In Section 21, after the word “do” the words Inserted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.23 (a).]

- (c) freeze assets, by whatever processes are lawfully available in that State, to the extent to which the assets are believed on reasonable grounds to be situated in that State;
- (d) confiscate articles and forfeit assets to the extent to which the articles or assets, as the case may be, are believed to be located in that State;
- (e) transfer to Pakistan any such evidence, documents, things, articles, assets or proceeds realized from the disposal of such articles or assets;
¹[Omitted]

¹[In Clause (e) of Section 21, the word “and” at the end Omitted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.19(i).]

- (f) transfer in custody to Pakistan a person detained in ²[that] State who consents to assist Pakistan in the relevant investigation or proceedings
¹ [; ³[Omitted]]

¹[In clause (f) of Section 21, for the full stop at the end the semi colon Substituted and thereafter the word “and” Added by Ordinance No. XXXV of 2001, dated 10.8.2001, S.19(ii)]

²[In sub-section (f) of Section 21, the word “the foreign” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.23 (b)(i).]

³[In sub-section (f) of Section 21, after the semicolon the word “and” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.23 (b)(ii).]

- ¹[(g) Notwithstanding anything contained in the Qanun-e-Shahadat Order 1984 (P.O. 10 of 1984) or any other law for the time being in force all evidence, documents or any other material transferred to Pakistan by a Foreign Government shall be receivable as evidence in legal proceedings under this Ordinance ²[;and]]

¹[The new clause (g) in Section 21, Added by Ordinance No. XXXV of 2001, dated 10.8.2001, S.19 (iii).]

²[In sub-section (g) of Section 20, for the full stop at the end Substituted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.23 (c).]

- ¹["(h) notwithstanding anything to the contrary contained hereinabove, the Chairman NAB may, on such terms and conditions as he deems fit, employ any person or organisation, whether in Pakistan or abroad, for detecting, tracing or identifying assets acquired by an accused in connection with an offence under this Ordinance, and secreted or hoarded abroad, or for recovery of an repatriation to Pakistan of such assets."]

¹[A new sub-section (h) in Section 21, Added by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.23 (c).]

22. Jurisdiction:

- (a) The Chairman NAB may ¹[inquire into and] investigate any suspected offence which appears to him on reasonable grounds to involve ²[an offence under] this Ordinance, and has been referred to him, or of his own accord.

¹[In sub-section (a) of Section 22, The words Inserted by Ordinance No. IV of 2000, dated 3.2.2000 S. 15.]

²[In sub-section (a) of Section 22, the words "serious offences as given in the Schedule to" Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.24 (a).]

- (b) The Chairman NAB may, if he thinks fit, conduct any such investigation in conjunction with any other agency or any other person ¹[Omitted] who is, in the opinion of the Chairman NAB, a proper Agency or person to be concerned in it.

¹[In sub-section (b) of Section 22, the word "which/" Omitted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.24 (b).]

23. Transfer of property void:

- (a) Notwithstanding anything contained in any other law for the time being in force after the Chairman NAB has initiated ¹[an inquiry or] investigation into ²[any offence] under this Ordinance, alleged to have been committed by an accused person, such ³[accused] person or any relative or associate of such ³[accused] person or any other person on his behalf, shall not transfer by any means whatsoever ⁴[or], create a charge on any ⁵[Omitted] property owned by him or in his possession, while the inquiry, investigation or proceedings are pending before the NAB or the ⁶[Omitted] Court; and any transfer of any right, title or interest or creation of a charge on such property shall be void.

¹[In sub-section (a) of Section 23, after the word “initiated” the words Inserted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.25 (a).]

²[In sub-section (a) of Section 23, “the offences” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.25 (b).]

³[In sub-section (a) of Section 23, after the word “such” for the first and second time, the word Inserted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.25 (c).]

⁴[In sub-section (a) of Section 23, after the word “whatsoever” the word Inserted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.25 (d).]

⁵[In sub-section (a) of Section 23, the words “movable or immovable” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.25 (e).]

⁶[In sub-section (a) of Section 23, the word “Accountability” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.25 (f).]

- (b) Any person who transfers, or creates a charge on property in contravention of sub-section (a) shall be punishable with rigorous imprisonment for a term, which may extend to three years and shall also be liable to fine not exceeding the value of the property involved ¹[:]

¹[Provided that such transfer of any right, title or interest or creation of a charge on such property shall not be void if made with the approval of the Court, subject to such terms and conditions as the Court may deem fit.]

¹[In Clause (b) of section 23 for the full stop at the end a colon Substituted and thereafter the Proviso Added by Ordinance No. XXXV of 2001, dated 10.8.2001, S.20.]

24. ¹[Arrest.-]

- (a) The Chairman NAB shall have the power, at any stage of the ²[inquiry or] investigation under this Ordinance, to direct that the accused, if not already arrested, shall be arrested.

¹[In Marginal note of Section 24 the word "Arrest" Inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.9 (a)].

²[In sub-section (a) of Section 24, before the word "investigation" the words Inserted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.26 (a).]

- (b) If the Chairman, NAB ²[,or an officer of the NAB duly authorised by him,] decides to refer the case to ¹[Omitted] Court, such reference shall contain the substance of the ³[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 ¹[Omitted] Court to which the case has been sent to try the accused, and another copy shall be delivered to the accused.

¹[In sub-section (b) of Section 24, the word "Accountability" occurring twice, Omitted by Ordinance No. IV of 2000, dated 3.2.2000 S.16 (i).]

²[In sub-section (b) of Section 24, the words Inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S. 9 (b)].

³[In sub-section (b) of Section 24, the words "offence/offences" Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.26 (b).]

- (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 ²[Court] ³[Omitted] within a period of twenty-four hours of arrest excluding the time necessary for the journey from the place of arrest to the ²[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 the purpose of inquiry and investigation for a period not exceeding ninety days ¹[and the Court may remand an accused person to custody not exceeding fifteen days at a time and for every subsequent remand the Court shall record reasons in writing copy of which shall be sent to the High Court.]

*[The Sub-section (d) of Section 24 Substituted by Ordinance No. IV of 2000, dated 3.2.2000 S.16 (ii).

Before this amendment the original Sub-section (d) of Section 24 was;

“(d) Notwithstanding the provisions of the Code, where the holder of a public office or any other person accused of an offence under this Ordinance is arrested under the orders of the Chairman NAB through a warrant, he may authorize his detention in custody for a term not exceeding 90 days and no accused arrested under this Ordinance shall be released without the written order of the Chairman NAB under his seal or under the orders of the Accountability Court.”.]

¹[In Clause (d) of section 24 for the words “provided that no accused arrested under this Ordinance shall be released without the written order of the Chairman NAB or the order of the Court” substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.21.]

²[In Section 24, sub-section (d) the word “court” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.26 (c) (i).]

³[In Section 24, sub-section (d), the words “established under this Ordinance” Omitted by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.26 (c) (ii).]

¹[(e) All persons presently in custody shall immediately upon coming into force of this sub-section, unless previously produced before ²[a] Court, be produced before such Court as provided in sub-section (d) and the Order authorising retention of custody by NAB shall be deemed to relate to the date of arrest.]

¹[The new sub-section (e) in Section 24 Added by Ordinance No. IV of 2000 dated 3.2.2000, S.16(iii).]

²[In sub-section (e) of Section 24, the word “an Accountability” Substituted, by Ordinance No. CXXXIII/2002, dated 15.11.2002, S.26 (c) (iii).]

¹[(f)] The Chairman, NAB may declare and notify any place as ¹[a police station or] a sub-jail at his discretion.

¹[Existing sub-section (e) renumbered as (f) and in the said sub-section so renumbered and after the word “as” the words “a police station or” Inserted by Ordinance No. IV of 2000, dated 3.2.2000 S.16 (iv).]

¹[25. Voluntary return and plea bargain.-

(a) Notwithstanding, anything contained in section 15 or in any other law for the time being in force, where a holder of public office or any other person, prior to the authorization of investigation against him, voluntarily comes forward and offers to return the assets or gains acquired or made by him in the course, or as the consequence, of any offence under this Ordinance, the Chairman NAB may accept such offer and after determination of the amount due from such person and its deposit with the NAB discharge such person from all his liability in respect of the matter or transaction in issue:

Provided that the matter is not *sub judice* in any court of law.

(b) Where at any time after the authorization of investigation, before or after the commencement of the trial or during the pendency of an appeal, the accused offers to return to the NAB the assets or gains acquired or made by him in the course, or as a consequence, of any offence under this Ordinance, the Chairman, NAB, may, in his discretion, after taking into consideration the facts the circumstances of the case, accept the offer on such terms and conditions as he may consider necessary and if the accused agrees to return to the NAB the amount determined by the Chairman, NAB, the Chairman, NAB, shall refer the case for the approval of the Court, or as the case may be, the Appellate Court and for the release of the accused.

(c) The amount deposited by the accused with the NAB shall be transferred to the Federal Government or, as the case may be, a Provincial Government or the concerned bank or financial institution, company, body corporate, co-operative society, statutory body, or authority concerned within one month from the date of such deposit.

¹[Section 25, Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.27]

HISTORY OF SECTION 25

The original Section 25 read as follows:

“25. Voluntary return/plea bargaining:

Where before the commencement of the trial at any time thereafter, with the leave of the Court, the holder of a public office or any other person accused of any offence under this Ordinance voluntarily returns to the NAB, the assets or gains acquired through corruption or corrupt practices and discloses the full particulars relating thereto, the Chairman NAB, may release the accused person with the leave of the Court, or, proceed with the trial subject to such conditions if any, as may be imposed by the Court.

Again Section 25 was Substituted by Ordinance No. IV of 2000, dated 3.2.2000, S.17, as follows:

[25. Voluntary Return (Plea Bargaining):

(a) Where at any time whether before or after the commencement of trial the holder of a public office or any other person accused of any offence under this Ordinance, returns to the NAB the assets or gains acquired through corruption or corrupt practices,-
(i) if the trial has not commenced, the Chairman NAB may release the accused; and

¹[(ii) if the Court has taken cognizance of the offence or the trial has commenced, the Chairman NAB may, with the approval of the Court, release the accused.]

(b) The amount deposited by the accused with the NAB shall be transferred to the Federal Government or, as the case may be, a Provincial Government or the concerned bank or financial institution, ²[corporate body, co-operative society, statutory body or authority concerned] etc., within one month from the date of such deposit.]

¹[The Sub-para ‘(ii) of sub-section (a) of Section 25, ’(ii) if the trial has commenced, the Court may, with the consent of the Chairman NAB, release the accused.’ Substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.10 (a).]

²[Sub-section (b) of Section 25, the word “etc” Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.22(ii)].

Again Sub-Section (a) of Section 25 was Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.22(i), as follows:

[(a) Where at any time whether before or after the commencement of trial the holder of a public office or any other person accused of any offence under this Ordinance, returns to the NAB the assets or gains acquired through corruption or corrupt practices, the Court or the Chairman NAB with the approval of the Court or the Appellate Court, as the case may be, may release the accused.]

¹[(3) Notwithstanding anything contained in section 15 or in any other law for the time being in force, where a holder of a public office or any other person voluntarily comes forward to return the illegal gain made by him or loss caused by him to the State exchequer through corruption and corrupt practices, the Chairman NAB may accept the offer and after determination of the amount of illegal gain or loss caused, as the case may be, and its deposit with NAB, discharge such person of all his liabilities relating to the matter or transactions in issue:

Provided that the matter is not under inquiry or investigation or subjudice in any court of law.]

¹[The new Sub-section 3 in Section 25, Added by Ordinance No. XXIV of 2000, dated 5.7.2000, S.10 (b).]

*[25A. Payment of loans, etc.-

¹(a) Where ²[an accused person] has been arrested or is in the custody of NAB or apprehends such arrest or custody for the investigation of the charge against him of committing an offence of wilful default on account of non-payment of dues to a bank or financial institution or Co-operative Society, he may at any stage before or after such arrest or before, during or after such custody or investigation apply to the Governor, State Bank of Pakistan for reconciliation of his liability through the Conciliation Committee and the Governor may, if he deems fit, refer the matter to the Conciliation Committee.

(aa) The Governor, State Bank of Pakistan shall constitute one or more Conciliation Committees for the purposes of this Ordinance.]

*[The New Section 25A. Inserted by Ordinance No. IV of 2000, dated 3.2.2000, S.18.]

¹[The Sub-section (a) of Section 25A, "Where a person has been arrested or is in the custody of NAB on the charge that he is guilty of committing the offence of wilful default on account of non-payment of dues to a bank of financial institution or cooperative society, he may apply to the Chairman NAB for the reconciliation of his liability through Conciliation Committee and the Chairman NAB may refer the matter to a Conciliation Committee." Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.11 (1)]

²[Sub-section (a) of Section 25A, the words "a person" Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(a).]

¹[(b) The Conciliation Committee shall consist of a nominee of the Governor, State Bank of Pakistan, being a senior officer of the State Bank well qualified in the profession of banking who shall be the Chairman of the Committee, two nominees of the NAB to be nominated by the Chairman NAB, two chartered accountants to be nominated by the Governor, State Bank of Pakistan, one Chartered Accountant to be nominated by the Council of the Institute of Chartered Accountants of Pakistan, Karachi, such nomination to be obtained by the Governor, State Bank of Pakistan, a Chartered Accountant to be nominated by the ²[accused] and a Chartered Accountant to be nominated by the lender bank or financial institution.

Explanation.- Where the ³[lender] is a consortium or group of banks or financial institutions, the lender means the lead bank or financial institution.

(bb) The Chairman of the ⁴[Conciliation] Committee shall convene the meetings and conduct proceedings of the committee in the manner he deems fit.]

¹[In the Sub-section (b) of Section 25A, Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.11 (2).

Before this amendment the original sub-section (b) of Section 25A was; “(b) The Conciliation Committee shall consist of a nominee of NAB, who shall be the Chairman of the Committee, a nominee of the Prosecutor General NAB, an officer of the Banking Cell of NAB nominated by the Chairman NAB, a nominee of the Governor of the State Bank of Pakistan being a senior officer of the State Bank well qualified in the profession of banking, a Chartered Accountant appointed by the State Bank of Pakistan, a Chartered Accountant appointed by the accused who will represent him and a Chartered Accountant appointed by the lender.

Explanation.—Where the lender is a consortium or group of banks or financial institutions, the lender means the lead bank or financial institution.”]

²[Sub-section (b) of Section 25A, the word “borrower”, Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(b)(i).]

³[In Explanation the word “leader” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(b) (ii).]

⁴[In sub-section (bb) before the word “Committee” the word Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(c).]

- ¹[(c) The Conciliation Committee after examination of the record of the lending bank or financial institution and the ²[accused] and after hearing the parties through their Chartered ³[Accountants], shall determine the amount outstanding against the ²[accused] calculated in accordance with law, rules, regulations and circulars of the State Bank of Pakistan and further determine the manner and the schedule of repayment having regard to the facts of each case. The ²[accused], if he so desires, shall be heard at commencement and before the conclusion of proceedings:

Provided that the ²[accused] shall have right to have access to, and instruct, the Chartered Accountant representing him before the Conciliation Committee even if the ²[accused] is in ⁴[Omitted] custody, during the proceedings of the Conciliation Committee.]

¹[The Sub-section (c) of Section 25A, Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.11 (3).

Before this amendment the original sub-section (c) of section 25A was; “(c) The Conciliation Committee after examining the record and accounts of the bank and the written evidence produced by the accused through his Chartered Accountant, if any, shall determine the amount outstanding against the accused calculated in accordance with law, circulars, rules and regulations of the State Bank of Pakistan and the manner and schedule of repayment. The accused, if he so desires, shall be heard at the commencement and before the conclusion of proceedings provided that the Chartered Accountant representing the accused shall have access to him for obtaining instructions during the proceedings of the Conciliation Committee.”]

²[In Sub-section (c) of Section 25A, the word “borrower” wherever occurring by the word “accused” Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(d)(i).]

³[In Sub-section (c) of Section 25A, the word “Accountant” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(d)(ii).]

⁴[In Sub-section (c) of Section 25A, in the proviso the word “the” Omitted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(d)(iii).]

- (d) The Conciliation Committee shall conclude the reference within thirty days and its recommendations shall be recorded by its Chairman and shall contain the views of all member of the ²[Conciliation] Committee. The recommendations of the Conciliation Committee shall be submitted to the ¹[Governor, State Bank of Pakistan].

¹[In sub-section (d) of section 25A, the words “Chairman NAB”, Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.11(4)].

²[Sub-section (d) of Section 25A, the words “Conciliation”, Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(e).]

¹[(e) The Governor, State Bank of Pakistan shall consider the recommendations submitted to him under sub-section (d) and may accept the recommendations or may, for reasons to be recorded, pass such other appropriate order thereon as he deems fit. The acceptance of the recommendations of the ²[Conciliation] Committee or passing any other order as aforesaid shall constitute the decision of the Governor, State Bank of Pakistan.]

¹[The Sub-section (e) of Section 25A Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.11 ((5).

Before this amendment the original sub-section (e) of section 25A was;
 “(e) The Chairman NAB shall consider the recommendations submitted to him under sub-section (d). The Chairman NAB may accept the recommendations or may, for reasons to be recorded, pass such appropriate order including rejecting or modifying the same as he may deem fit.”].

²[Sub-section (e) of Section 25A, before the word “Committee” the word Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(f).]

¹[(f) Where the ²[accused] undertakes to repay the amount as determined by the Conciliation Committee, the Chairman NAB, with the approval of the Court, may release the accused.]

¹[The sub-section (f) of Section 25A, Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S. 23(i).]

²[Sub-section (f) of Section 25A, the word “borrower” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(g).]

HISTORY OF SUB-SECTION (f) OF SECTION 25A

The sub-section (f) of 25A, introduced by the amendment through Ordinance No. IV of 2000, dated 3.2.2000, S. 18, read as under:

(f) “Where the ¹[borrower] undertakes to repay the amount as determined by the Conciliation Committee or the Chairman NAB, as the case may be, the Chairman NAB may release the accused for the purpose of this Ordinance.”

¹[In Sub-section (f) of Section 25A, the word “accused” Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.11 (6)].

¹[(g) The decision of the Governor State Bank of Pakistan shall be communicated to the Chairman NAB, which shall be binding on him, except for valid reasons to be recorded in writing subject to approval of the Court, to be accorded within a period of seven days.]

¹[Sub-section (g) of Section 25A Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.23 (ii).

Before this amendment the original sub-section (g) of section 25A was; “(g) Notwithstanding anything contained in this Ordinance or any other law for the time being in force, if the Chairman NAB is satisfied that any agreement entered into between a bank or a financial institution, a cooperative society and a lender is vitiated by the provisions of section 23 or any other provision of the Contract Act, 1872 (IX of 1872), or any other law or the same is collusive or is against public interest, he may refuse to take such agreement into consideration for the purposes of Conciliation Committee or the conclusion drawn by them.”]

¹[(h) In the event of failure either of the Conciliation Committee to conclude the reference within thirty days of the commencement of the conciliation proceedings or the failure of the ²[accused] to accept and implement the decision of the Governor, State Bank of Pakistan regarding the payment and matters relating thereto, such failure to accept or implement the decision shall be referred to the ³[Omitted] Court subject to the provisions of Section 31D and the Court may proceed with the case thereafter:

Provided that the period of the thirty days may be extended by the Governor, State Bank of Pakistan by such further period or periods as he may find necessary having regard to the facts and circumstances of the case and for reasons to be recorded.]

¹[The Sub-section (h) of Section 25A Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.11 (7).

Before this amendment the original sub-section (h) of section 25A was; “(h) In the event of failure either of the Conciliation Committee to conclude the reference within thirty days of the commencement of the conciliation proceedings or the failure of the accused to accept and implement the decision of the Chairman NAB regarding the payment and matters relating thereto, the case shall be proceeded with and referred to the Accountability Court.”]

²[In Sub-section (h) of Section 25A, the word “borrower” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(h) (i).]

³[In Sub-section (h) of Section 25A, the word “Accountability” Omitted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.28(h) (ii).]

26. Tender of pardon ²[Omitted]:

- (a) Notwithstanding anything contained in the Code, at any stage of ³[inquiry, investigation or trial], the Chairman ⁴[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 relating to the said offence including the names of the persons involved therein whether as principals or abettors or otherwise.
- (b) Every person accepting a tender of pardon under sub-section (a) shall be examined ¹[by a Magistrate and shall also be examined] as a witness in the subsequent trial.

¹[In sub-section (b) of section 26, the words Inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.12 (i).]

²[In Section 26, in the marginal note the words “to accomplice plea bargaining” Omitted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.29(a).]

³[In sub-section (a) of Section 26, the words “Investigation or inquiry” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.29(b) (i).]

⁴[In sub-section (a) of Section 26, after the word “Chairman” the word Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.29(b) (ii).]

- (c) Subject to sub-section (d), the person to whom pardon has been granted under this section shall not-
- (i) in the case of a full pardon be tried for the offence in respect of which the pardon was granted; and
 - (ii) in the case of a conditional pardon be awarded a punishment or penalty higher or other than that specified in the grant of pardon notwithstanding the punishment or penalty authorised by law.
- (d) Where the Chairman NAB certifies that in his opinion, any person who has accepted such tender has, either by willfully concealing anything essential or by giving false evidence through willful or reckless mis-statement, not complied with the condition on which the tender ¹[of pardon] was made, such a person may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the said matter including the offence of giving false evidence, which he knows or ought to know is false.

¹[In Sub-section (d) of Section 26, after the word “tender” the word Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.29(c).]

- (e) Any statement made before ¹[a magistrate] by a person who has accepted a tender of pardon may be given in evidence against him at ²[the] trial.

¹[In sub-section (e) of section 26, the words “the Chairman NAB or the Court”, Substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.12 (2) (i).]

²[In sub-section (e) of section 26, the word “such” substituted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.12 (2) (ii).]

27. Power to seek Assistance:

The Chairman NAB ¹[or an officer of the NAB duly authorised by him,] shall have the power to seek full and complete assistance and call for all or any documents and information relevant to or in connection with any matter or ²[inquiry or investigation] pending before the NAB, ³[or disposal of any property surrendered to or seized by the NAB] from any department of the Federal Government, Provincial Government, local authority, bank, financial Institution, person or any authority and institution of department in the public sector or the private sector, as he may deem it fit and proper to demand or require, provided that in any case in which a question of secrecy is involved or is raised at any time, the ⁴[Chairman NAB’s] decision shall be final.

¹[The words inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.13].

²[In Section 27, the word “proceedings” Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.30(a).]

³[In Section 27, before the word “from” the words Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.30(b).]

⁴[In Section 27, and the word “Chairman’s” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.30(c).]

*[28. Appointment of officers and staff in the National Accountability Bureau –

- ¹[(a) The Chairman NAB, or an officer of the NAB duly authorised by him, may appoint such officers and staff as he may consider necessary for the efficient performance of ²[the function of the NAB] and exercise of powers under this Ordinance.]

*[The Section 28 Substituted by Ordinance No. IV of 2000, dated 3.2.2000, S.19.

Before this Amendment the original Section 28 was:

“28. Appointment of members of the staff and officers of the National Accountability Bureau (NAB):

- (a) All members of the staff and officers of the NAB shall be appointed by the Chairman NAB.
- (b) The members of the staff, officers and other employees of the NAB, shall be entitled to such salary, allowances and other terms and conditions of service as may be determined by the Chairman, NAB.
- (c) The provisions of the Civil Servants Act 1973 shall not apply to the persons employed in NAB, whose terms and conditions of service shall be determined and governed by the instructions of the Chief Executive of the Islamic Republic of Pakistan and the Rules made pursuant hereunder and thereto.”]

¹[The Sub-section (a) of Section 28 Substituted by Ordinance No. XXIV of 2000 dated 5.7.2000, S.14.

Before this amendment the original sub-section (a) of section 28 which was introduced by Ordinance No. IV of 2000 dated 3.2.2000 S.19, which read as under:

- “(a) The NAB may appoint such officers and staff as it may consider necessary for the efficient performance of its functions and exercise of its powers under this Ordinance.”]

²[In Sub-section (a) of Section 28, the word “his functions” Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.31(a).]

- (b) ¹[Omitted]

¹[In Sub-section (b) of Section 28 Omitted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.31(b).

Before Omission of sub-section (b) of section 28 which was introduced by Ordinance No. IV of 2000 dated 3.2.2000 S.19, which read as under:

- “(b) The officers and members of staff shall be appointed by the Chairman NAB or by a person authorized by the Chairman NAB.]
-

- (c) The officers and members of staff ¹[of the NAB] shall be entitled to such salary, allowances and other terms and conditions of services as the Chairman NAB may, with the approval of the ²[President], determine.

¹[In sub-section (c) of Section 28, after the word "staff" the words Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.31(c)(i).]

²[In sub-section (c) of Section 28, the word "Chief Executive" Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.31(c) (ii).]

- (d) Subject to sub-section (e) the provisions of the Civil Servants Act, 1973 (LXXI of 1973), shall not apply to the persons appointed in ¹[, or employed by, the] NAB.

¹[In Sub-section (d) of Section 28, after the word "in" the words Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.31(d).]

- (e) Nothing contained in sub-section (d) shall apply to a person who is a civil servant within the meaning of the law relating to appointments as civil ¹[servants] of the Federation or a Province and is deputed to or posted in NAB.]

¹[In Sub-section (e) of Section 28, the word "servant" Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.31(e).]

- ¹[(f) The Chairman NAB, may appoint advisers, consultants and experts, on payment of such fee or remuneration as he may determine, to assist him in performing the functions of the NAB and the discharge of his duties under this Ordinance.

- (g) Notwithstanding anything to the contrary contained herein, or in any law for the time being in force, the Chairman NAB, shall not be required to consult the Federal Public Service Commission for making appointments and on matters relating to qualifications of persons for such appointments and methods of their recruitment and the qualifications for appointments and methods of recruitment shall be such as he may by rules prescribe.]

¹[New Sub-section (f & g) in Section 28, Added by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.31(f).]

29. Accused to be competent witness:

¹[An accused] shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him:

Provided that the accused shall not be compelled to be a witness against himself:

Provided further that, where an accused ²[Omitted] appears as a witness of his own choice and refuses to answer any question, the Court may draw such adverse inference from such refusal as it may think proper.

¹[In Section 29, the words “Any person charged with an offence punishable under this Act” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 32(a).]

¹[In Section 29, the words “person” Omitted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 32(b).]

30. False evidence etc:

(a) Notwithstanding anything ¹[to the contrary] contained in ²[this Ordinance] or any other law ³[for the time being] in force, on pronouncement of judgment, the ⁴[Omitted] Court shall have the jurisdiction and power to take cognizance of an offence committed in the course of the investigation or trial of a case by any officer, any witness, including an expert, who has tendered false evidence in the case, whether he deposed in court or not, or any other person, under sections 176 to 182 of Chapter X, or sections 191 to 204, or 211 to 223, or 225-A of Chapter XI, of the Pakistan Penal Code, 1860 (Act XLV of 1860), or under any other law relating to false evidence and offences against public justice, and to summarily try him and award punishment provided for the offence under the law.

¹[In sub-section (a) Section 30, after the word “anything” the words Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 33 (a)(i).]

²[In sub-section (a) Section 30, the words “the preceding provisions” by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 33 (a) (ii).]

³[In sub-section (a) Section 30, the word “already” Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 33 (a) (iii).]

⁴[In sub-section (a) Section 30, the word “Accountability” Omitted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 33 (a) (iv).]

- (b) For the purpose of trial under sub-section (a), the Court may, as nearly as may be, follow the procedure specified in Chapter XXII of the Code.
- (c) The proceeding under sub-section (a) may be initiated by the ¹[Omitted] Court on its own accord at any time after the decision of the case or, in the event that there is an appeal, after the decision thereof, or an application made by the ¹[Omitted] ²[prosecution] ³[or the accused] tried by the Court, within thirty days.

¹[In sub-section (c) of Section 30, the words "Special" occurring twice, Omitted by Ordinance No. IV of 2000, dated. 3.2.2000, S.20.]

²[In sub-section (c) of Section 30, the word "Prosecutor" Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.24.]

³[In sub-section (c) of Section 30, the words "or the person accused of an offence" substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 33 (b).]

31. ¹[Omitted]

- (a) Notwithstanding anything contained in any other law for the time being in force, if any person concerned with the inquiry ²[,] investigation and prosecution of a case consciously and deliberately and with malice ³[Omitted] compromises, hampers, misleads, jeopardizes or defeats an ⁴[inquiry or] investigation of a case under process before NAB or any concerned agency or authority or ^{1a}[Omitted] ⁵[the Court or any other court] he shall be ⁶[guilty of an offence under this Ordinance punishable with rigorous imprisonment for a term which may extend to ten years].

¹[In Section 31, the words in the marginal note "Prohibition to hamper investigation" Omitted by Ordinance No. IV of 2000, dated 3.2.2000, S.21.]

^{1a}[In Sub-Section (a) of Section 31 the word "Accountability" Omitted by Ordinance No. IV of 2000, dated 3.2.2000, S.21.]

²[In sub-section (a) of Section 31, the words "and" Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 34(a) (a).]

³[In sub-section (a) of Section 31, the word "aforethought" Omitted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 34(a) (b).]

⁴[In sub-section (a) of Section 31, before the word investigation the words Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 34(a) (c).]

⁵[In sub-section (a) of Section 31, the words "any Court or a ^{1a}[Omitted] Court," Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 34(a)(d).]

⁶[In sub-section (a) of Section 31, the words "deemed to have committed the scheduled offence of corrupt practice and/or corruption" Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 34(a)(e).]

- (b) No person will be proceeded ¹[against] under this section except with the sanction of a Committee ²[comprising] the Chairman NAB, Deputy Chairman NAB and the Prosecutor General Accountability.

¹[In sub-section (b) of Section 31, the words "with" Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 34(b) (i).]

²[In sub-section (b) of Section 31, the words "composing" Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 34(b) (ii).]

*[31A. Absconding to avoid service of warrants.-

- ¹(a) Whoever absconds in order to avoid being served with any process issued by any Court or any other authority or officer under this Ordinance or in any manner prevents, avoids or evades the service on himself of such process or conceals himself to screen himself from the proceedings or punishment under this Ordinance shall be guilty of an offence ²[under this Ordinance] punishable with imprisonment which may extend to three years notwithstanding the provisions of section 87 and 88 of ³[Code], or any other law for the time being in force.

- ⁴(b) Notwithstanding the provisions of section 18 it shall not be necessary to file a reference under this section in cases where a reference is pending before the Court.]

*[The New Sections 31A, 31B & 31C, Inserted by Ordinance No. IV of 2000, dated 3.2.2000.]

¹[In Section 31A, re-lettered as sub-section "(a)" by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 35(a).]

²[In sub-section (a) of Section 31A, the words "offence" Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 35(a)(i).]

³[In sub-section (a) of Section 31A, the words "Code of Criminal Procedure, 1898" Substituted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 35(a)(ii).]

⁴[After sub-section (a) of Section 31A, the new sub-section "(b)" Added, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 35(b).]

¹[31B. Withdrawal from prosecution:-

The Prosecutor General Accountability may, with the consent of the Court, withdraw from the prosecution of any ²[accused] person generally or in respect of any one or more of the offences for which he is tried and upon such withdrawal;

- (i) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences, and
- (ii) if it is made after a charge has been framed, he shall be acquitted in respect of such offence or offences.]

¹[The Section 31B, Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.25.

Before this amendment the original section 31B was:

“31B. Withdrawal from prosecution.-

Where at any stage of the proceedings, the Chairman NAB is of the opinion that ends of justice so require he may direct the Prosecutor General Accountability to withdraw from prosecution of any person under this Ordinance and upon such withdrawal the accused shall be released if not required in any other case under this Ordinance.”]

²[In Section 31B, before the word “person” the word Inserted, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S. 36.]

31C. ¹[Court to take cognizance of offence with prior approval of the State Bank]

No Court established under this Ordinance shall take cognizance of an offence against an officer or an employee of a bank or financial institution for writing off, waiving, restructuring or refinancing any financial facility, interest or mark-up without prior approval of the State Bank of Pakistan.]

¹[The words inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.15]

¹[31D. Inquiry, investigation or proceedings in respect of imprudent bank loans, etc.-

Notwithstanding any thing contained in this Ordinance or any other law for the time being in force, no inquiry, investigation or proceedings in respect of imprudent loans, defaulted loans or rescheduled loans shall be initiated or conducted by the National Accountability Bureau against any person, company or financial institution without reference from Governor, State Bank of Pakistan;

Provided that cases pending before any Accountability Court before coming into force of the National Accountability Bureau (Second Amendment) Ordinance, 2000, shall continue to be prosecuted and conduct without reference from the Governor, State Bank of Pakistan.]

¹[The new Section 31D, Inserted by Ordinance No. XXIV of 2000, dated 5.7.2000, S.16]

¹[31E. Protection of witnesses:-

The Chairman NAB or the Court may in the facts and circumstances of a case take such measures as may be considered necessary for the safety, security and protection of witnesses and their families.

¹[The new Section 31-E Inserted by Ordinance XXXV of 2001, dated 10.8.2001, S.26]

32. Appeal ³[and revision]:

(a) Any ¹[person convicted or the Prosecutor General Accountability, if so directed by ⁴[the Chairman] NAB,] aggrieved by the final judgment and order of the Court under this Ordinance may, within ten days of the final judgment and order of the ⁵[Omitted] Court prefer an appeal to the High Court of the Province where the Court is situated²[:]

²[Provided that no appeal shall lie against any interlocutory order of the Court.]

¹[In sub-section (a) of section 32 for the words “party to the proceedings” Substituted by Ordinance No. IV of 2000, dated 3.2.2000, S.23 (i)]

²[In sub-section (a) of section 32 for the full stop at the end a colon Substituted and thereafter proviso Inserted by Ordinance XXXV of 2001, dated 10.8.2001, S.27 (i).]

³[In Section 32, in the marginal note after the word “Appeal” the words Added, by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.37 (a)]

⁴[In sub-section (a) Section 32, after the word “by” the words Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.37 (b(i)]

⁵[In sub-section (a) Section 32, the word “Accountability” Omitted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.37 (b)(ii)]

(b) All appeals against the final Judgment ¹[Omitted] filed before the High Court will be heard by a Bench of not less than two judges constituted by the Chief Justice of the High Court and shall be finally disposed of within thirty days of the filing of the appeal.

¹[In sub-section (b) of section 32 the words “and order” Omitted by Ordinance No. IV of 2000, dated 3.2.2000, S.23 (ii)]

¹[(c) No revision shall lie against any interlocutory order of the Court.]

¹[Sub-section (c) of section 32 Substituted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.37 (c).]

HISTORY OF SUB-SECTION (C) OF SECTION 32

The Original Sub-section (c) of section 32 read as under:

“Notwithstanding any other law for the time being in force or this Ordinance, no appeal against any interlocutory order of the ¹[Omitted] Court during the proceedings pending before it under this Ordinance, shall lie and an appeal shall lie only against the Final Judgment of the Accountability Court.

¹[In sub-section (c) the word “Accountability” Omitted by Ordinance No. IV of 2000, dated 3.2.2000, S.23 (iii)]

[Again Sub-section (c) of section 32 Substituted by Ordinance XXXV of 2001, dated 10.8.2001, S.27 (ii) as follows:]

[(c) No revision shall lie against any interlocutory order of the Court unless the Court has exercised a jurisdiction not vested in it by law or has failed to exercise a jurisdiction so vested or has acted in the exercise of its jurisdiction illegally.

Provided that where a person makes an application for revision under this sub-section, he shall, in support of such application, furnish copies of the reference, documents and order of the Court and the High Court shall dispose of such application within thirty days without calling for the record of the Court.

Provided further that such application shall be made within ten days of the decision of the Court, which shall provide a copy of such decision within three days thereof.]

¹[(d)....[Omitted]

¹[Sub-section (d) of section 32 Omitted by Ordinance XXXV of 2001, dated 10.8.2001, S.27 (iii). Before omission of sub-section (d) of Section 32 was as under:

“(d) No stay of proceedings before the ¹[Omitted] Court shall be granted by any Court on any ground whatsoever, nor proceedings thereof be suspended or stayed by any Court on any ground whatsoever.

¹[In sub-section (d) the word “Accountability” Omitted by Ordinance No. IV of 2000, dated 3.2.2000, S.23 (iv)]”]

¹[33. Transfer of pending proceedings:

Any and all proceedings pending before a ²[court] under the Ehtesab Act, 1997 (IX of 1997), shall stand transferred to ³[a] Court as soon as it is constituted under this Ordinance within the same Province, and it shall not be necessary to recall any witness or again to record any evidence that may have been recorded.]

¹[The Section 33 substituted by Ordinance No. XIX of 1999, dated 17.11.1999, S.3, and shall be deemed always to have been so substituted.

Before this amendment the Original Section 33 was as under:

“33. Ordinance to over-ride other laws:

- (a) The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.
- (b) Any and all proceedings pending before a Court under the Ehtesab Act, 1997 shall stand transferred to an Accountability Court as soon as it is constituted under this Ordinance within the same Province and it shall not be necessary to recall any witness or again to record any evidence that may have been recorded.”]

²[In Section 33 the word “Court” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.38 (a).]

³[In Section 33 the word “an Accountability” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.38 (b).]

*¹[33A. Payment of bonuses etc:-

There may be paid bonuses or ex-gratia ¹[payments] to the officers and staff of the ²[NAB], other Government servants, public servants and rewards to members of public for rendering commendable services in detection, investigation and prosecution of ³[any offence under this Ordinance] as may be prescribed by rules.

*[The New Section 33-A Inserted Ordinance No. XXXV of 2001, dated 10.8.2001, S.28.]

¹[In Section 33A the word “payment” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.39 (a).]

²[In Section 33A the word “National Accountability Bureau” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.39 (b).]

³[In Section 33A the word “cases relating to corruption and corrupt practices” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.39 (c).]

*[33B. Reporting of public contracts.-

All Ministries, Divisions and Attached Departments of the Federal Government, all departments of Provincial and local governments, statutory corporations or authorities established by the Federal Government or Provincial Government and holders of public office shall furnish to NAB a copy of any contract, entered into by such Ministries, divisions and Attached Departments of the Federal Government, all departments of Provincial Government or local government, statutory corporations or authorities established by the Federal Government or Provincial Government or such holder of public office on its behalf, as the case may be, of the minimum monetary value of fifty million rupees or more, within such time as is reasonably practicable from the date of signing such contract.

33C. Measures for the prevention of corruption and corrupt practices.-

The Chairman NAB, shall from time to time as he deems fit, constitute committees comprising officers of the NAB or other persons or organisations from the private or public sectors to—

- (a) educate and advise public authorities, holders of public office and the community at large on measures to combat corruption and corrupt practices;
- (b) develop, arrange, supervise, participate in or conduct educational programmes or media campaigns, and generally to disseminate information on the detrimental effects of corruption and corrupt practices and the importance of the maintaining the integrity of public administration;
- (c) examine the laws in force, and also rules and regulations relating to the practice and procedure of various ministries, departments of the Federal Government or Provincial Government, statutory or other public corporations or bodies, and the conduct of holders of public office and to recommend amendments in such laws, rules or regulations, as the case may be, in order to eliminate corruption and corrupt practices;
- (d) instruct, advise and assist any statutory or other public corporation or bodies or upon request any organisation in the private and public sector on measures for the reduction and elimination of corruption and corrupt practices; and
- (e) monitor the implementation of the instructions and advice as aforesaid and to assess and evaluate the success or otherwise of such instructions and advice on the reduction and elimination of corruption and corrupt practices.

*[The New Sections 33B, 33C, 33D and 33E, Inserted by Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.40.]

33D. NAB to submit an annual report.-

The Chairman NAB shall as soon as possible after the end of every calendar year but before the last day of March next following, submit to the President a report of its affairs for that year which report shall be a public document and on its publication copies thereof shall be provided to the public at a reasonable cost.

33E. Recovery of amount of fines, etc., as arrears of land revenue.-

Any fine or other sum due under this Ordinance, or as determined to be due by a Court, shall be recoverable as arrears of land revenue.]

*[34. Power to make rules.

The Chairman NAB may, with the approval of the President by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.]

*[The Section 34 Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.41.

Before this amendment the original Section was as under:

“34. To make Rules.

The President of the Islamic Republic of Pakistan in consultation with the Chief Justice of the ¹[Pakistan] may make rules for carrying out the purposes of this Ordinance and the said Rules, shall on promulgation be a part of this Ordinance.”.]

¹[The words “the High Court of the concerned Province” Substituted by Ordinance No. IV of 2000, dated 3.2.2000, S. 24.”].

*[34A. Delegation of Powers:-

The Chairman NAB may, by an order in writing, delegate any of his powers to and authorize performance of any of his functions by, an officer of the NAB as he may deem fit and proper, subject to such conditions, if any, as may be specified in the order, for carrying out the purposes of this Ordinance.]

*[The new Section 34-A Inserted by Ordinance No .XXXV of 2001, dated 10.8.2001, S.29.]

35. Repeal:

- (a) The Ehtesab Act, 1997 (Act IX of 1997) shall stand repealed from the date of promulgation of this Ordinance, provided that notwithstanding the repeal of the said Act, any proceedings pending under Ordinance CXI of 1996, Ordinance of XX of 1997 and the Ehtesab Act, 1997 before any Court established under the said Act of 1997 ⁴[Omitted] or any of the aforesaid Ordinances amending the same, shall ²[¹[...],continue under this Ordinance as transferred under ³[Omitted] section 33 to ⁵[a] Court].

¹[In sub-section (a) of section 35 after the word shall, occurring for the second time the words “subject to the provision of section 33,” Inserted by Ordinance No. XIX of 1999, dated 17.11.99, S.4, and shall be deemed always to have been so inserted.]

²[In sub-section (a) of section 35 the words “subject to the provision of section 33 continue as if the said Act and Ordinances have not been repealed” Substituted by Ordinance No. IV of 2000, dated 3.2.2000, S.25 (i) and shall be deemed always to have been so made.]

³[In sub-section (a) of Section 35, the words “sub-section (b) of” Omitted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.30.]

⁴[In Section 35, in sub-section (a) the word “and/” Omitted, by Ordinance CXXXIII of 2002, dated 15.11.2002, S.42 (a)(i).]

⁵[In Section 35, in sub-section (a) the word “an Accountability” Substituted, by Ordinance CXXXIII of 2002, dated 15.11.2002, S.42 (a) (ii).]

- ¹[(b) Any case or proceeding pending under the aforesaid Ordinances and the Act of 1997 immediately before the commencement of this Ordinance and transferred to any ²[Court] ³[Omitted] shall be proceeded with and all subsequent proceedings shall be completed in accordance with, and under the provisions of, this Ordinance.]

¹[The Sub-section (b) of Section 35 Substituted by Ordinance IV of 2000, dated 3.2.200, and shall be deemed always to have been so made. Before this amendment the original sub-section (b) was as under:

“(b) Any appointments, made under the Ehtesab Ordinance and the Ehtesab Act shall stand terminated forthwith.”]

²[In sub-section (b) of Section 35, the word “court” Substituted, by Ordinance CXXXIII of 2002, dated 15.11.2002, S.42 (b) (i).]

³[In Section 35, the word “established under this ordinance” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.42 (b) (ii).]

36. Indemnity:

No Suit, prosecution, or any other proceedings shall lie against the Federal Government, Provincial Government, Chairman NAB, or any other member of the NAB or any person exercising any power or performing any function under this Ordinance or the Rules made hereunder for any act or thing which has been done in good faith or intended to be done under this Ordinance or the rules thereof.

¹[37. Removal of difficulties :-

If any difficulty arises in giving effect to any provision of this Ordinance, the ²[Chairman NAB], ³[with the approval of the President], may make such order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing such difficulty.]

¹[The section 37 Substituted by Ordinance No. XXXV of 2001, dated 10.8.2001, S.31.

Before this amendment the original section was as under:

“37. Removal of Difficulties Order:

The President may for the purpose of removing any difficulties in the enforcement of this Ordinance may make modifications, additions or omissions as may be deemed necessary or expedient for the interest of the State.”]

²[In Section 37 the word “President” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.43 (a).]

³[In Section 37 the word “in consultation with the Chief Justice of Pakistan” Substituted by Ordinance CXXXIII of 2002, dated 15.11.2002, S.43 (b).]

The Schedule Substituted by the Ordinance No. CXXXIII of 2002, dated 15.11.2002, S.44, read as under:

“THE SCHEDULE
[See section 10 (b)]

S.NO. (1)	OFFENCES (2)	PUNISHMENT (3)
1	Any person who aids, abets or through any wilful act or omission is instrumental in the commission of the offence of wilful default or with wrongful intent for illegal gratification by misuse of power, authority, influence, nepotism, favouritism writes off, waives, restructures or reliances illegally, improperly or without sufficient justification the principal amount of loan on any financial facility, interest or mark-up on any loan or financial facility provided to any person by any bank or financial institution, a co-operative society, a Government department or an authority established or controlled by the Government shall have committed or be deemed to have committed the offence of corruption or corrupt practices.	Rigorous imprisonment for a term which may extend to fourteen years and fine.
2.	Refuses to answer questions, or to provide information to any member of the NAB or any other agency when required to do so.	Rigorous imprisonment for a term which may extend to five years.
3	Giving false information or fabricating false evidence during inquiry into or investigation of an offence by the NAB or any agency authorised by the NAB in this regard when given by- (a) a complaint, witness or an accused person or any inquiry officer; and (b) the investigator of the National Accountability Bureau or concerned agency.	Rigorous imprisonment for a term which may extend to five years. Rigorous imprisonment for a term which may extend to ten years.
4.	Misuse of authority or power in committing any offence specified above, by any person holding a public office including any offence under section 161 to 165A of the Pakistan Penal Code (Act XLV of 1860).	Rigorous imprisonment for a term which may extend to fourteen years.
5	Deceitfully, fraudulently or dishonestly causing loss to a bank, a financial institution, a co-operative society, a Government department, a statutory body or an authority established or controlled by the Federal Government, a Provincial Government or a local government.	Rigorous imprisonment for a term which may extend to fourteen years.]

² [¹ [6	* * * * <i>Omitted</i>	
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15	When given by complainant/witness/accused	A 5 year of less
16	When given by any inquiry officer, investigator of the National Accountability Bureau or concerned agency.	10 year of less

¹ [Entries in Sr. No. 6 to 14 Added by Notification No. SRO 1065 (1)/2003, Dated 20th November, 2003.]

² [Omitted by S.R.O 1119(I)/2008, dt:24-10-2008.]

HISTORY OF SCHEDULE

The Original Schedule read as under:

SCHEDULE OF OFFENCES

S. NO.	OFFENCES	PUNISHMENT	¹ [Omitted]
1.	Corruption and corrupt Practices:	14 years or less along with fine	
	(a) ² [Wilful] default in repayment of outstanding dues to a Bank or a Financial Institution ³ [,a cooperative society, a Government department or an authority established or controlled by the Government] shall be an offence or deemed to be an offence of corruption and/or corrupt practices.	14 years or less plus fine	As defined in the Sections of the Order read with Anti-Corruption Act.
	(b) Any person who aids, abets or through any willful act or omission is instrumental in the commission of the offence specified at Serial 1(a) above of this Schedule or with wrongful intent for illegal gratification by misuse of power, authority, influence, nepotism, favouritism writes off, waives, restructures or refinances illegally, improperly or without sufficient justification the principal amount of loan on any financial facility, interest or mark-up on any loan or financial facility provided to any person by any bank or financial institution shall have committed or be deemed to have committed the offence of corruption and/or corrupt practices.	14 years or less plus fine amounting to the loss incurred.	
2.	Criminal conspiracy/attempt to commit any scheduled offence.	10 years or less	
3.	Knowingly furnished false information to any member of the National Accountability Bureau or to any agency investigating any alleged offence.	10 years or less	To be read with Sections 175-177 PPC
4.	Refuses to answer questions, or to provide information to the National Accountability Bureau or any other agency when required to do so.	5 years or less	To read with Sections 180-182 PPC
5.	Giving or fabricating false evidence during inquiry, investigation of an offence by the National Accountability Bureau or any agency:		To be read with following sections of PPC:- 193,195,197,198, 199,200,201,202, 203,204,211
	* When given by a complainant/witness/accused.	5 years or less	

	* When given by any inquiry officer, investigator of the National Accountability Bureau or concerned agency.	10 years or less	
6.	⁴ [offence under section 409 PPC]	14 years or less	
7.	Misuse of authority/power in committing any offence above, by any person holding a public office ⁵ [including any offence under sections 161 to 165A of the Pakistan Penal Code].	14 years or less	
8.	Fraud ⁷ [that is to say deceit-fully, fraudulently and dishonestly causing loss to a bank, a financial institution, a cooperative society, a government department, a statutory body or an authority established or controlled by the Federal Government or a Provincial Government].	14 years or less	
9.	Acquisition, retention and possession of assets derived from corrupt practices by corrupt or/and illegal means in abuse of power and/or authority.	14 years or less along with fine and confiscation of property.	
⁶ [10.	Section 31A of this Ordinance	3 years]	

¹[The entry in the column under the heading "Remarks" Omitted by Ordinance No. IV of 2000, dated 3.2.2000, S. 26 (i)].

²[In the column under the heading "Offences" in paragraph (a) the word "willful", substituted by Ordinance No. IV of 2000, dated 3.2.2000, S.26 (i) (2) (a)].

³[In Serial No. 1, in the column under the heading "Offences" in paragraph (a) after the word "Institution", Inserted by Ordinance No. IV of 2000, dated 3.2.2000, S.26 (i) (2) (b)].

⁴[In Serial No. 6, in the column under the heading "Offences" the word "Embezzlement", Substituted by Ordinance No. IV of 2000, dated 3.2.2000, S.26 (ii)].

⁵[In Serial No. 7, in the column under the heading "Offences" after the word "office", the words added by Ordinance No. IV of 2000, dated 3.2.2000, S.26 (iii)].

⁶[After Serial No. 9, and the entries relating thereto, the new serial number 10 and entries relating thereto added by Ordinance No. IV of 2000, dated 3.2.2000, S.26 (iv)].

⁷[In Serial No.8 in second column after the word "Fraud" the words Added by Ordinance No. XXIV of 2000 dated 5.7.2000, S.17.]