



**TRANSPARENCY
INTERNATIONAL-PAKISTAN**

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29th March, 2018

TL18/2903/12A

Mr. Justice (R) Javed Iqbal,
Chairman NAB,
Islamabad

Sub: Allegations of misuse of authority by Pakhtunkhwa Ehtesab Commission.

Dear Sir,

We, the Transparency International Pakistan draw your kind attention to a press report published on 27th March, 2018 wherein the allegations have been levied for misuse of authority by Pakhtunkhwa Ehtesab Commission, the copy of press report is being annexed as. **Annexure "A"** for ready reference.

The allegations are reproduced herein for the convenience:

1. Khyber Pakhtunkhwa Ehtesab Commission (KPEC) is a perfect case of alleged misuse of authority requiring probe by the National Accountability Bureau (NAB) after one of its commissioners has charged a provincial cabinet minister and a key official of the commission with illegal appointments and other wrongs.
2. Commissioner Syeda Sarwat Jehan has disclosed the irregularities, illegal appointments, concealment of facts and misuse of power by the KP Ehtesab Commission, which has already eaten up more than Rs. 600 million from public kitty without getting even a single corrupt convicted or a penny recovered so far.
3. The commissioner has formally approached the chief minister to express her serious concerns about the organization, which she said was "established for a noble cause" but "fell prey to 'person-specific' amendments and decisions".
4. The official communication contains a lot of ingredients which could invite the NAB attention and its pro-active chairman - Mr. Justice (R) Javed Iqbal.
5. Commissioner Syda Sarwat Jehan has pointed fingers at "one of the key position-holders of KPEC and a member of the provincial cabinet" for managing amendments to the law to get rid one of commission's director who had identified irregularities in the appointment in the body formed to check corruption and misuse of authority.
6. KPEC commissioner while issuing the charge sheet stated, "Getting rid of Director IM&PC (Internal Monitoring and Public Complaints) by managing to make amendment to the Act, supporting the illegal appointees boldly and regularizing the services of some of them, ignoring the commissioners in consultation process, making the apex body toothless by withdrawing the overseeing functions of the




commissioners, concealing the opinion of Law Department regarding the illegal status of the acting DG. Delaying the appointment of director general and director IM&PC through amendments, involving the Admn Committee of PHC in administrative issues of KPEC have thrown it into a deep ditch.”

7. Syda Sarwat Jehan explained that the Director IM&PC was responsible to monitor the performance of officers of the commission besides maintaining detailed credible record of the investigations and probing allegations of misconduct against officers of the Commission. “Brig (R) Mohammad Tariq was doing his job as per Act. After issuance of HR Report in which he identified the irregularities, he was ousted from the office by amendment to the Act by the Director General through the consultative meeting....”
8. Referring to amendments to the Act made in violation of the constitution, she said, “Currently the KPEC is in the state of suspension and there is a complete vacuum and black out as the powers of appointment and overseeing are neither with the commissioners nor with the PHC administrative committee. The position of DG has been vacant since February 2016 and the tenure of commissioners and prosecutor general is also expiring within the next few months. It is a big question as how much period will it take to make new legislation and to appoint the commissioner, DG and PG as their appointment only take 6 months.”

Transparency International-Pakistan feels that if these allegations are true or have some substance in it, them, prima facie these acts of KPEC are in violation of Section 9 of NAO 1999, and attract the provisions of Section 10 of the Ordinance of 1999 of which the Cognizance can be taken by the Honorable Chairman NAB. We will therefore request the Chairman NAB to look into the matter so to review the very serious allegations of the KPEC commissioner and if NAB finds the allegations correct/true, action may be taken under NAO 1999 so that such violations may not be repeated by any provincial agency in future.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,


Sohail Muzafar,
Chairman

Copies forwarded for the information and action under their authority to;

1. Secretary to Prime Minister, Islamabad.
2. Chief Minister, KPK, Peshawar.
3. Registrar, Supreme Court of Pakistan, Islamabad.

The NEW International

Will NAB nab KP minister, Ehtesab official?

27 Marh 2018

ISLAMABAD: Khyber Pakhtunkhwa Ehtesab Commission (KPEC) is a perfect case of alleged misuse of authority requiring probe by the National Accountability Bureau (NAB) after one of its commissioners has charged a provincial cabinet minister and a key official of the commission with illegal appointments and other wrongs.

The KP Ehtesab Commission, which has already eaten up more than Rs600 million from public kitty without getting even a single corrupt convicted or a penny recovered so far, is charged by the Commissioner Syda Sarawt Jehan with irregularities, illegal appointments, concealment of facts and misuse of power.

As reported in The News on Monday, the commissioner has formally approached the chief minister to express her serious concerns about the organisation, which she said was “established for a noble cause” but “fell prey to ‘person-specific’ amendments and decisions”.

The official communication contains a lot of ingredients which could invite the NAB attention and its pro-active chairman - Justice (R) Javed Iqbal.

The commissioner pointed her figure at “one of the key position-holders of KPEC and a member of the provincial cabinet” for managing amendments to the law to get rid one of commission’s director who had identified irregularities in the appointment in the body formed to check corruption and misuse of authority.

KPEC commissioner while issuing the charge sheet said, “Getting rid of Director IM&PC (Internal Monitoring and Public Complaints) by managing to make amendment to the Act, supporting the illegal appointees boldly and regularising the services of some of them, ignoring the commissioners in consultation process, making the apex body toothless by withdrawing the overseeing functions of the commissioners, concealing the opinion of Law Department regarding the illegal status of the acting DG. Delaying the appointment of director general and director IM&PC through amendments, involving the Admn Committee of PHC in administrative issues of KPEC have thrown it into a deep ditch.”

“For how long will this situation continues,” she asked, adding, “It is, therefore requested that a parliamentary committee may be constituted to verify all the facts given in this letter and also to unveil black sheep and evil forces behind the screen.”

Syda Sarawt Jehan explained that the Director IM&PC was responsible to monitor the performance of officers of the commission besides maintaining detailed credible record of the investigations and probing allegations of misconduct against officers of the Commission.

“Brig (R) Mohammad Tariq was doing his job as per Act. After issuance of HR Report in which he identified the irregularities, he was ousted from the office by amendment to the Act by the Director General through the consultative meeting....”

She lamented that the power of appointment of Director IM&PC has been withdrawn from the commissioners and the post has been lying vacant since March 2017. She added that the Director IM&PC is also responsible for preparing annual report analysing performance of the commission in discharging its statutory obligations under the Act. “In the absence of the Director IM&PC this report will either not be prepared or if prepared by some other person, will be violation of the Act.....”

The commissioner said, “Now there are no monthly meetings by the commissioner to oversee the performance of the Director General and no monitoring due to the absence of Director IM&PC. It is not known to any authority as to what is going on inside the Director General’s office which is quite comfortable with this arrangement.” “No head no headache,” Sarawt Jehan said.

Referring to amendments to the Act made in violation of the constitution, she said, “Currently the KPEC is in the state of suspension and there is a complete vacuum and black out as the powers of appointment and overseeing are neither with the commissioners nor with the PHC administrative committee. The position of DG has been vacant since February 2016 and the tenure of commissioners and prosecutor general is also expiring within the next a few months. It is a big question as how much period will it take to make new legislation and to appoint the commissioner, DG and PG as their appointment only take 6 months.”