



TRANSPARENCY INTERNATIONAL-PAKISTAN

4-C, Mezzanine Floor, Khayaban-e-Ittehad, Phase VII,
Defence Housing Authority, Karachi.
Tel: (92-21) 35390408, 35311897-8,
Fax: (92-21) 35390410
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk
10th August, 2017

Registrar,
Supreme Court of Pakistan,
Islamabad

For the kind attention of Human Right Cell

Sub: NAB's powers in Sindh curtailed as new accountability law comes into force

Dear Sir,

Transparency International Pakistan refers to the following news published on 10th August 2017.

“A controversial law repealing the National Accountability Ordinance (NAO) 1999 in Sindh came into effect on Thursday, ending the National Accountability Bureau's (NAB) powers to act against employees of the Sindh Government.”

This law is not only Ultra vires the constitution, but has been promulgated with malafide intentions and Ulterior motives to side line and/or avoid more than 500 corruption inquires, investigations, references of over Rs. 1000 billion against Sindh government departments, public office holders are pending in NAB and Accountability Courts . .


National Accountability Ordinance (NAO) 1999 can not be superseded by a provincial law as such act is in violation of Article 143 of the Constitution of Pakistan :

*Article: 143 Inconsistency between Federal and Provincial laws
143.—Inconsistency between Federal and Provincial law.— If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of Majlis-e-Shoora (Parliament) which Majlis-e-Shoora (Parliament) is competent to enact, then the Act of Majlis-e-Shoora (Parliament), whether passed before or after the Act of the Provincial Assembly, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.*

TI Pakistan prays for the interference by the Honorable Chief Justice of Pakistan seeking indulgence in this matter so that the law being promulgated by Sindh Government in violation of Article 143 of Constitution of Islamic Republic of Pakistan repealing the National Accountability Ordinance (NAO) 1999 in Sindh be prevented..

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 Muzaffar
Chairman, TI-P

DAWN

NAB's powers in Sindh curtailed as new accountability law comes into force

August 10, 2017

A controversial law repealing the National Accountability Ordinance (NAO) 1999 in Sindh came into effect on Thursday, ending the National Accountability Bureau's (NAB) powers to act against employees of the Sindh government.

A notification issued by the secretariat of Sindh Assembly issued directions for printing of the 'National Accountability Ordinance 1999 Sindh Repeal Act, 2017,' in the Sindh Government Gazette. After much frustration over NAB's proceedings against several powerful individuals accused of corruption, the PPP-led provincial government in Sindh last month passed the National Accountability Ordinance 1999 Repeal Bill, 2017 (now an act) to repeal the applicability of NAO, better known as the NAB law, to departments and autonomous bodies controlled by the provincial government.

The Sindh Assembly had also approved the establishment of an accountability agency that would replace the decades-old Anti-Corruption Establishment.

After the bill was first passed on July 3, Sindh Governor Mohammad Zubair had refused to sign it and sent it back with objections. The Sindh cabinet then discussed the observations of the governor and unanimously approved a new draft bill which was passed by the provincial assembly on July 27. The governor did not give his assent the second time either; Sindh Law Minister Ziaul Hasan Lanjar, however, told reporters that under Article 116 (3), a bill "automatically becomes an act" if the governor fails to give his assent the second time within 10 days.

After enactment of the law, NAB can still act against federal government's employees in Sindh, but not those employed with the provincial government.

What is the new law?

With the enactment of the law, the Sindh Enquiries and Anti-Corruption Act, 1991 and Rules made thereunder stand repealed and all cases pending with the Anti-Corruption Establishment, its employees, assets and liabilities are also transferred to the Sindh Accountability Agency.

Under the new law, the Sindh government would establish accountability courts in the province and such courts would be headed by a district and sessions judge (DJ), or a person qualified to be appointed as DJ.

There would also be an accountability commission comprising chairman of the agency, advocate general of the province, prosecutor general, director general and director investigation of the agency. The commission would review the progress of cases of corruption and recommend to the government steps for the eradication of corruption in Sindh.