

Govt-opposition working on proposals to change NAB laws

ISLAMABAD: The details of the proposed drafts of the government and opposition to amend the accountability laws have surfaced after the four-month negotiations remained unsuccessful.

Minister for Law and Justice Barrister Farogh Naseem made a statement in the National Assembly on Thursday in which he proposed creating of consensus on the NAB laws and other people-friendly legislations to reform the existing laws.

According to sources, four rounds of negotiations between the government and opposition were held to amend the NAB laws and in first meeting was held between Farogh Naseem and senior PML-N leader Sardar Ayaz Sadiq in which some of the amendments in the law were discussed.

The second meeting was held after one month. From the opposition, it was attended by Ayaz Sadiq, Zahid Hamid, Rana Sanaullah Khan, Senator Farooq H Naek and Syed Naveed Qamar at the chamber of the Speaker National Assembly in which Farooq Naek handed over a 40-point draft to the government and it was proposed that appointment of the NAB chairman should be made through parliamentary committee and the chairman and deputy chairman should not be from the judiciary. The proposals which the opposition presented to the government include:

- 1) Change the definition of the public office holder.
- 2) The NAB laws should not implemented on bank defaulters and on bank fraud.
- 3) Private persons should not come under the NAB laws.
- 4) NAB should not take the cases of less than Rs500 million.
- 5) The NAB chairman should not have the authority of arrest.
- 6) Arrest, if any, after reference filed, and it is only on the courts order.
- 7) Voluntary return only with the approval of the court.
- 8) No arrest during inquiry and investigation.
- 9) Plea bargain only with approval of court.
- 10) Secret inquiry and investigation and no information to be shared with media and if gets out investigation officer be suspended.
- 11) No delegation of powers to file reference to DG NAB of any region.
- 12) Disqualification in consonance with Article 62 of the Constitution.
- 13) NAB chairman to be appointed by parliamentary committee after open hearing.

- 14) NAB deputy chairman and prosecutor general also by parliamentary committee after open hearing.
- 15) No reference be filed before clearance by executive board comprising of chairman NAB, deputy chairman, prosecutor general and concerned investigation officer.
- 16) Compensation to accused if acquitted equal to amount he is charged with corruption.
- 17) Call up notice only on allegation. No Toving and Fishing enquiry.
- 18) New NAB laws be implement from 2008 only.
- 19) Assets beyond known sources of income must be from proceed of crime-prosecution to prove crime wherefrom assets have been purchased.
- 20) Persecution of guilt under Section 161 PC be finished.
- 21) NAB chairman or deputy chairman must not be a judge.
- 22) Reward to NAB officials be reviewed.
- 23) Mode and power of appointment of employees of the NAB cadre or non-cadre FPSS to be involved or not.
- 24) Qualification/criteria of various employees and prosecutors of NAB.
- 25) Duration of enquiry and investigation should have time limit.
- 26) Period of trial cases.
- 27) There should be time limit to present the case against the high court decision in the Supreme Court and case be rejected if it presents after the expiry of time limit.
- 28) Supreme Court role on high court decision.
- 29) Witness protection be ensured.
- 30) Mutual Legal Assistance -- when and how.
- 31) Limitation if cases not initiated then accused be discharged.
- 32) Period of enquiry and investigation.
- 33) Period of NAB police remands should be fixed.
- 34) Period of dates by courts when accused in jail should not be more than seven days.
- 36) Fixing the number of judges of trial courts.

- 37) No court has more than 10 cases for jurisdiction.
- 38) Automatic bail to women.
- 39) Bail to accused men subjected to freezing of their alleged corrupt property.
- 40) Flight risk-deposit of passport-accused can leave the country subject to approval of the court.
- 41) Accused should not be placed on ECL.

While the government presented 12-point draft proposal to amend the NAB laws that include:

- 1) The government proposed whether NAB or National Accountability Commission be formed through new law or amendment.
- 2) Retrospective or prospective.
- 3) Opposition view was sought whether the NAB laws be enforced for Federation or with provincial NABs.
- 4) Across the board accountability and definition of holder of public office.
- 5) Qualification and mode of appointment of chairman amendments in Section 6.
- 6) Definition of offense of “corruption and corrupt practices amendment in Section 5 of NABO 1999.
- 7) Amendment in Section 10 of the NABO, 1999 with regard to punishments and to include private persons.
- 8) Proposed amendment to Section 12 of the NABO,1999 that relates to grounds for exercise of powers and freeze the powers.
- 9) Repeal or amend special rules of evidence placing onus to prove innocence on accused in certain circumstances.
- 10) Accused to be arrested only on warrant of accountability court.
- 11) Provision of code of criminal procedure regarding arrest, remand and bail to apply.
- 12). Plea bargain/voluntary returns to be abolished.

When contacted, Sardar Ayaz Sadiq said the opposition has handed over the draft proposals to the government four months back and waiting for their response. He said he would make an explanation in the session of the National Assembly that why the government and opposition negotiations did not fetch positive results.

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