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Federal secretaries find NAB 'intolerable' and 'not acceptable'

ISLAMABAD: The federal secretaries who joined hands against the NAB and while finding its operation against bureaucrats as “intolerable” and “not acceptable”, issued a serious warning for immediate amendments to the NAB law before the Bureau permanently impairs the work ethics of the civil service.

They noted that the Bureau, instead of checking corruption to improve governance, has become a hindrance against better service delivery and good governance. The minutes of the recent secretaries committee meeting showed bureaucracy's complete no-confidence in the NAB and its working. The secretaries said, “The practice of arrest and summons on trivial grounds, aimed at humiliating well-respected civil servants, is against the principles of good governance, hence not acceptable.” The secretaries committee said, “Indiscriminate use of authority by the NAB officers by issuing summons and warrants of senior functionaries on issues related to policy formulation is completely intolerable.”

They lamented, “Despite verbal assurances in the past, there seems to be no let-up towards civil service as, even today, the officers are summoned and intimidated without substantive evidence against them.” They added, “The need of the hour is to transform such assurances into a legal protection by making substantive amendments to the law.”

The secretaries noted that the tragic episodes of arresting and disgracing retired officers will continue to haunt the officers and their families for a long time. “It is deplorable that Section 36 of NAO grants indemnity to actions taken by the NAB in good faith, whereas, all actions taken by other government functionaries are very frequently put under scrutiny being done with malafide intent, though Section 23A of Civil Servants Act provides similar indemnity to the civil services as well.” The committee said it is worrisome to note that actions against civil servants, in many cases, are based not on the material evidence of a wrongdoing but on the exercise of judgement in a particular case, which may appear to be flawed at a future point. “Ironically, most of the investigation officers of the NAB do not have sufficient experience and knowledge about the cases they are handling. The criminalisation of policy decisions would lead the civil servants to be cautious and indecisive, resulting in further slowdown of government processes and projects and there are clear signs that this is already happening.”

The secretaries said unfortunately the NAB in its pursuit of the corrupt has started questioning everyone involved in the decision-making process disregarding the fact that the decision are taken in good faith based on the information available at a certain time. “Recently, the NAB has taken to question the decision made by the collective wisdom of the cabinet and its committees. Indifference towards legitimate executive authorities will discourage innovation and ingenuity and promote risk-averse approach among civil servants and senior government functionaries,” the committee said, adding, “the adverse effects of these developments would eventually be felt by the public at large, as the government will not be able to implement its envisaged agenda, which requires strong commitment, initiative

and drive on the part of government functionaries at all levels.” The secretaries believe that the NAB, which was created to check corruption and improve governance, with its peculiar implementation of the law has led to a situation where it is more of a hindrance to improve service delivery and good governance rather than being a catalyst.

The secretaries are of the view that the economic transformation envisaged by the government requires civil servants to be innovative, proactive, willing to take risk in good faith, and out of the box thinkers. But such decision-making can take place only in a fair and congenial environment, free from the fear of unnecessary harassment and retribution. “Currently there are no decisions that can be taken without a tacit risk of being questioned by the accountability institution at a later stage.” The secretaries were opposed to any realignment of the mandate of NAB in the absence of any change in the relevant laws. They noted, “It would be in the fitness of things, if the provisions of the accountability law are revisited before it permanently impairs the work ethics of the civil service making its risk-averse, sluggish, over-cautious, and apathetic bureaucracy putting public interest on a back burner, contrary to the vision of the government of transforming it into a vibrant, intelligent, hardworking and passionate public service.”

The secretaries committee also identified some important aspects of the NAB law which require immediate redressal such as defining a threshold for a corrupt practice to be cognisable by the NAB; condition covering arrest of a public servant; restrictions on grant of remand and bail; cognisance by NAB on the basis of procedural lapses; and linkage between misuse of authority and corresponding increase in assets. The secretaries observed that the amendments to the law could take time, therefore, some actions are required to be taken immediately to address the grievances within the current legal framework. “Setting up of a screening committee, outside the purview of the NAB, which shall scrutinise the matters before they are taken cognisance of by the Bureau was thus strongly recommended,” the minutes of the meeting read.