

Islamic Republic of Pakistan
NATIONAL ACCOUNTABILITY BUREAU

| <u>NAB Ordinance Summary</u> | | |
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| Sec 2 | <u>Commencement</u> | With effect from first day of January, 1985 |
| Sec 3 | <u>Application</u> | Whole of Pakistan / all persons in Pakistan including FATA/ PATA. |
| Sec 9 | <u>Corruption and Corrupt Practices</u> | Committed by holder of public office or any other person is cognizable under NAB Ordinance, 1999 |
| Sec 10 | <u>Punishment for corruption and corrupt practices</u> | Punishment upto 14 years imprisonment or fine or both. |
| Sec 11 | <u>Imposition of fine</u> | Shall not be less than the gains derived by the accused. |
| Sec 12 | <u>Power to freeze property</u> | Chairman or the Court competent to order freezing or movable or immovable property |
| Sec 13 | <u>Claim or objection against freezing.</u> | Objection against the freezing are to make within 14 days from the date of freezing. |
| Sec 14 | <u>Presumption against accused accepting illegal gratification.</u> | The burden of proof that the property is and assets were in accordance with his pecuniary resources on accused. |
| Sec 15 | <u>Disqualification to contest election to hold public office.</u> | Person convicted stands disqualified for 10 years. Shall cease to hold public office, if any, forthwith. |
| Sec 16 | <u>Trial of offences</u> | Accountability Court has the exclusive jurisdiction to try under NAB Ordinance, 1999. The Chairman, NAB has authority to file a reference. |
| Sec 16A | <u>Transfer of Cases</u> | The Chairman may apply that a case be transferred to the Accountability Court. |
| Sec 16B | <u>Contempt of Court</u> | Punishment for contempt of Court 6 months and with fine extending to Rs. 1. Million. |
| Sec 17 | <u>Provision of the Code to Apply</u> | The provision of CrPC shall apply The court may, dispense with any provision of the code and follow any procedure as it may deem fit. |
| Sec 18 | <u>Cognizance of offence</u> | The Accountability Court can only take cognizance of any offence upon a reference by the Chairman |

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| | | NAB or an officer of the NAB duly authorized by him. |
| Sec 19 | <u>Power to call for information</u> | The chairman NAB or any authorized officer may call for information from any person during inquiry/ investigation in connection with the provisions of the Ordinance. |
| Sec 20 | <u>Reporting of suspicious financial Transaction</u> | The bank and financial institution are to take notice of unusual or large transaction, which have no apparent economic or lawful purpose and shall be referred to Chairman, NAB. Failure to do so is punishable with imprisonment extending to 5 years or with fine or both. |
| Sec 21 | <u>International cooperation requested for mutual legal Assistance.</u> | The Chairman NAB or an officer authorized by the Federal government may request a Foreign State to have the evidence taken/ obtained, freeze assets, confiscate articles, transfer such evidence or articles or assets to Pakistan and transfer the person in custody to Pakistan. |
| Sec 22 | <u>Jurisdiction</u> | The Chairman NAB may inquire/ investigate any suspected offence in conjunction with any other agency or with any person. |
| Sec 23 | <u>Transfer of Property Void</u> | Once the Chairman NAB initiates investigation in the offence under the Ordinance no accused person shall transfer or create any charge on any property, and such transfer shall be void. The contravention is punishable upto 3 years imprisonment and fine not exceeding the value of the property. |
| Sec 24 | <u>Arrest</u> | The Chairman NAB has the power to direct the accused be arrested during investigation of the case. The Chairman NAB or an officer of NAB authorized by him may submit a reference before the court. Custody of NAB for the purposes of inquiry and investigation for a period not exceeding 90 days. |

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| | | The Chairman NAB has the authority to declare and notify any place as a Police Station or a sub-Jail at his discretion. |
| Sec 25 | <u>Voluntary return (plea bargaining)</u> | The Court or Chairman NAB with the approval of the Court or appellate Court, as the case may be, may release the accused. |
| Sec 25A | <u>Payment of Loans, etc</u> | Arrested or in custody accused regarding willful default can apply to the Governor, State Bank of Pakistan for reconciliation. |
| Sec 26 | <u>Tender of Pardon to accomplice /Plea-bargaining</u> | The Chairman NAB at any stage of investigation is empowered to tender full or conditional pardon to any accused with a view to obtain evidence of such person who is supposed to have been directly or indirectly concerned in or privy to the offence. |
| Sec 27 | <u>Power to seek assistance</u> | The Chairman, NAB or person authorized by him to seek full & complete assistance from any department, organization, office. |
| Sec 28 | <u>Appointment of Officer and Staff in the NAB</u> | The Chairman NAB is authorized to appoint officers & staff and the terms & conditions be determined with the approval of the Chief Executive. Provisions of Civil Servant Act, 1973 (LXXI of 1973) are not applicable to persons appointed in NAB. |
| Sec 29 | <u>Accused to be competent witness</u> | The accused is a competent witness for his defence but he cannot be compelled to make any statement. |
| Sec 30 | <u>False Evidence etc</u> | The Accountability Court is empowered to take cognizance of false evidence during the investigation or trial. |
| Sec 31 | <u>Prohibition to hamper investigation.</u> | Any person who compromise, hampers, misleads, jeopardizes or defeats an investigation of a case under process before NAB Ordinance is deemed to have committed / corrupt practices. However no person can be proceeded under this section except with the sanction of NAB committee |

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| | | comprising Cn NAB, Dy Cn, NAB and PGA. |
| Sec 31A | <u>Absconding to void service of Warrants</u> | Any person who has absconded to avoid service of process of Court or any authority or officer under NAB Ordinance is punishable with imprisonment extending to 3 years. |
| Sec 31B | <u>Withdrawal from prosecution</u> | The PGA may with the consent of the court, withdraw from the prosecution of any person and upon withdrawal the accused shall be released if not wanted in any other case. |
| Sec 31C | <u>Court to take cognizance of offence with prior approval of the Stat Bank</u> | No Court is competent to take cognizance against an officer or any employee of Bank with regard to writing off, waiving restructuring or refinancing any financial facility without approval of the State Bank of Pakistan |
| Sec 31D | <u>Inquiry, investigation or proceedings in respect</u> | The NAB is prohibited to initiate or conduct any inquiry/ investigation with regard to imprudent loans, defaulted loans or rescheduled loans without a reference for the Government State Bank of Pakistan. |
| Sec 31E | <u>Protection of witnesses</u> | The Chairman NAB or the Court can take measures for the safety, security and protection of witnesses and their families. |
| Sec 32 | <u>Appeal</u> | Any person convicted or the Prosecutor General Accountability, if so directed by the NAB, can file an appeal within 10 days of the final judgment before the High Court of the province where the Court is situated and such appeals are to be heard by a Bench comprising not less than two Judges constituted by the Chief Justice of High Court and are to be disposed off within thirty days. No appeal is maintainable against any interim order of the court. Similarly all Courts are restrained from granting any stay of the proceeding before the Court. |
| Sec 33 | <u>Transfer of pending proceedings</u> | All the proceedings i.e. references pending before the Courts constituted under Ehtesab Act, 1997 stood |

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| | | transferred to the respective Accountability Court. |
| Sec 33A | <u>Payment of bonuses etc</u> | There may be paid bonuses or ex-gratia payment to the officers and staff of the National Accountability Bureau and others |
| Sec 34 | <u>Rules</u> | The president of the Islamic Republic of Pakistan in consultation with the Chief Justices of Pakistan may make rules for carrying out the purposed of the NAB Ordinance. |
| Sec 34A | <u>Delegation of powers by the Chairman</u> | The Chairman NAB can delegate any of his powers and authorized performance of his functions to nay officer of NAB. |
| Sec 35 | <u>Repeal</u> | On coming into force of NAB Ordinance 1999, Ehtesab Act 1997, as also ordinance No. XX of 1997 stood repealed. |
| Sec 36 | <u>Indemnity</u> | No suit or prosecution is competent against Federal or Provincial govt. Chairman, or any person exercising any power or performing the functions or any thing done in good faith or intended to be done under this Ordinance. |
| Sec 37 | <u>Removal of Difficulties</u> | The President of Pakistan, in consultation with the Chief Justice of Pakistan, is competent to make any order for the purpose of removing any difficulties in respect of Ordinance. |