



REPORT
OF
THE STANDING COMMITTEE ON SGA&CD
ON
GOVERNMENT BILL NO.21 OF 2017
THE SINDH ACCOUNTABILITY BILL, 2017

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INTRODUCTION

The Government Bill No.21 of 2017, the Sindh Accountability Bill, 2017 was referred to the Standing Committee on SGA&CD by the Assembly on the motion moved by Mr. Nisar Ahmed Khuro, Senior Minister for Parliamentary Affairs, Government of Sindh in its sitting held on 24th of July, 2017 for at-length and clause by clause consideration and amendments, if any, and subsequently submission of its report to the Provincial Assembly of Sindh.

Sd/-
(GHULAM MUJTUBA ISRAN)
CHAIRMAN
STANDING COMMITTEE ON SGA&CD

**CHAIRMAN/MEMBERS OF THE STANDING COMMITTEE ON SGA&CD FOR
GOVERNMENT BILL NO.21 OF 2017, THE SINDH ACCOUNTABILITY BILL, 2017**

The Standing Committee on SGA&CD for Government Bill No.21 of 2017 who considered the mentioned Government Bill was consisting upon the following members:-

- | | | |
|-----|--|--------------------------|
| 1. | Mr. Ghulam Mujtuba Isran, MPA | Chairman |
| 2. | Ms. Saniya, MPA | Member |
| 3. | Syed Sardar Ali Shah,
Minister for Culture & Tourism,
Government of Sindh | Member |
| 4. | Mr. Abdul Karim Soomro, MPA | Member |
| 5. | Mir Allah Bux Talpur, MPA | Member |
| 6. | Dr. Sajeela Leghari, MPA | Member |
| 7. | Mr. Abdul Haseeb, MPA | Member |
| 8. | Syed Shah Hussain Shah Shirazi, MPA | Member |
| 9. | Ms. Nusrat Bano Seher Abbasi, MPA | Member |
| 10. | Mr. Lal Chund Ukrani, MPA | Member |
| 11. | Mr. Tariq Masood Arain, MPA | Member |
| 11. | Mr. Nisar Ahmed Khuhro,
Minister for Food & Parliamentary Affairs,
Government of Sindh | Ex-Officio Member |
| 12. | Mr. Zia-Ul-Hassan Lanjar
Minister for Law & Prison,
Government of Sindh | Ex-Officio Member |

M.H.M Hassan Shah, Additional Secretary, Provincial Assembly of Sindh acted as Secretary to the Standing Committee on SGA&CD for Government Bill No.21 of 2017, the Sindh Accountability Bill, 2017.

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GOVERNMENT BILL NO.21 OF 2017-THE SINDH ACCOUNTABILITY BILL,
2017

A
BILL

to provide for the setting up of the Sindh Accountability Agency so as to eradicate corruption and corrupt practices and hold accountable all those accused of such practices;

PREAMBLE:

WHEREAS the Government of Sindh believes in transparent process of governance and intends to set up an effective and autonomous body for eradicating corruption and corrupt practices and recovering assets of province from those who misappropriate or receive such money or assets by misuse of official powers or authority;

AND WHEREAS the Government of Sindh is desirous of setting up a comprehensive mechanism to address the issue of graft in the province in order to take effective measures for combating corruption and corrupt practices, misappropriation of property, receiving kickbacks, commissions and for matters connected and ancillary or incidental thereto;

AND WHEREAS it is expedient and necessary to provide for effective measures for the detection, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices misuse or abuse of power or authority, misappropriation of property, taking of kickbacks, commissions and for matters connected and ancillary or incidental thereto;

NOW, THEREFORE, it is expedient to establish an autonomous and independent anti-graft institution in the Province of Sindh for promoting good governance and transparency in public sector departments or organizations.

It is hereby enacted as follows:

**CHAPTER-I
PRELIMINARY**

1. SHORT TITLE, EXTENT, APPLICATION AND COMMENCEMENT:

- (1) This Act may be called the **Sindh Accountability Act 2017**.
- (2) It shall extend to the whole of the Province of Sindh.
- (3) It shall apply to all office holders who are performing their functions in connection with affairs and employment of the Government funds in the Province of Sindh and includes all those persons who are involved and deal with the transaction and utilization of Government money.
- (4) It shall come into force at once;

2. DEFINITIONS:

In this Act, unless there is anything repugnant in the subject or context:

- (a) "accused" means a person in respect of whom there are reasonable grounds to believe that he is or has been involved in the commission of any offence triable under this Act or is the subject of an investigation or enquiry by the Agency;
- (b) "assets" means any property owned or controlled by or belonging to an accused whether directly or indirectly or held benami in the name of his spouse or relatives or associates, whether within or outside Pakistan which he cannot reasonably account for or for which he cannot prove payment of full and lawful consideration;
- (c) "associate" means:-
 - (i) any person who is or has been managing the affairs of or keeping accounts for the accused or who enjoys or has enjoyed any benefit from the assets;
 - (ii) any association of persons, body of individuals, partnership firm or Public or private limited company within the meaning of the Companies Ordinance, 1984 (Ord. No. XL VII of 1984), of which the accused is or has been a member, partner or director or which has been promoted, floated, established or run by the accused, whether singly or jointly, with other persons;
 - (iii) a trustee of any trust declared by the accused, or of which the accused is also trustee or a beneficiary; and

- (iv) a benamidar,
- (d) "Agency" means the Sindh Accountability Agency;
- (e) "benamidar" means any person, who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused;
- (f) "Commission" means the Sindh Accountability Commission established under section 4 of the Act;
- (g) "complaint" means, written instrument submitted by the complainant, signed and verified on oath, having his detailed particulars and copy of CNIC;
- (h) "corruption and corrupt practices" means the offences as specified under section 18 of the Act and schedule appended to this Act;
- (i) "Chief Minister" means the Chief Minister of the Province of Sindh;
- (j) "Chairman" means the Chairman of the Sindh Accountability Agency;
- (k) "competent authority" means the competent authority to accord permission either to hold an enquiry, or to order filing of a reference or to drop the case after investigation or decide departmental action;
- (l) "Director General" means the Director General of the Agency;
- (m) "Government" means the Government of Sindh;
- (n) "Holder of a public office" means and includes -
- (i) a public servant as defined under section 21 of Pakistan Penal Code; or
- (ii) a person holding a legislative, executive or administrative position in exercising the authority of the province, whether appointed or elected, permanent or temporary, paid or unpaid, irrespective of such persons seniority; or
- (iii) a person who performs a public function including for a public agency, public enterprise, foreign funded public program or any other person or entity utilizing public revenue of the province,

or provides a public service, as defined in the law for the time being in force; or

- (iv) any other person or entity owned or controlled by government directly or indirectly;
- (o) "illegal gain" means such assets of an accused as are determined by a Court to have been made or acquired, directly or indirectly in the course of, or as a consequence of an offence of corruption and corrupt practices;
- (p) "Prosecutor General" means Prosecutor General of the Agency;
- (q) "Provincial Assembly" means the Provincial Assembly of Sindh;
- (r) "Reference" means a challan filed before the Court under this Act and in accordance with provisions of Criminal procedure Code.
- (s) "Special Judge" means the Special Judge of Accountability Court appointed under this Act or any other law.

Chapter II

THE SINDH ACCOUNTABILITY AGENCY:

3. (1) There shall be a Sindh Accountability Agency headed by its Chairman and consisting of a Commission;

(2) Following shall be the Functions of Agency:

- (a) to receive or initiate and investigate allegations of corrupt practices;
- (b) to consider whether inquiry and or investigation is needed in relation to an allegation and, if so, whether the investigation must be carried out by the Agency or whether the matter should be referred to any other appropriate authority for investigation or action;
- (c) to consult, co-operate and exchange information with appropriate bodies or authorities, including authorities or bodies of other jurisdictions that are authorized to conduct inquiries or investigations in relation to corrupt practices;
- (d) to assemble evidence obtained in the course of its functions and to furnish -

- (i) to any appropriate authority or to prosecuting authority or any other suitable authority of another country, upon a formal request;
 - (ii) evidence which may be admissible in the prosecution of a person for a criminal offence or which may otherwise be relevant to the functions of that authority;
- (e) to investigate any conduct of a person employed by a public body or private body which in the opinion of the Agency may be connected with corrupt practices, and to report thereon to an appropriate authority within the public or private body;
- (f) to take measures for the prevention of corruption in public bodies and private bodies, including measures for -
- (i) examining the practices, systems and procedures of public bodies and private bodies to facilitate the discovery of corrupt practices and securing the revision of practices, systems or procedures which may be prone or conducive to corrupt practices;
 - (ii) advising public bodies and private bodies on ways of preventing corrupt practices and on changes of practices, systems and procedures compatible with the effective performance of their duties which are necessary to reduce the likelihood of the occurrence of corrupt practices;
 - (iii) educating the public and disseminating information on the dangers of corruption, including through the publication and distribution of brochures and pamphlets or the holding of public conferences;
 - (iv) enlisting and fostering public confidence and support in combating corruption;
- (g) to disseminate information to the public about the functions of the Agency;
- (h) to do anything else that the Agency is required or authorized to do under this Act or any other law or which is necessary or expedient to do for achieving the purpose of this Act.

4. ACCOUNTABILITY COMMISSION:

There shall be an Accountability Commission consisting of the following:-

- (a) Chairman of the Agency;
- (b) Advocate General, Sindh;
- (c) Prosecutor General of the Agency
- (d) Director General of the Agency
- (e) Director, Investigation,

5. FUNCTIONS OF THE COMMISSION:

(1) The Sindh Accountability Commission may -

- (a) review the progress of cases of corruption and corrupt practices in the Province;
- (b) record observations and make recommendations in respect of cases processed by the Agency;
- (c) highlight factors giving rise to corruption and make recommendations to the Government for remedial actions; and;
- (d) recommend to Government the steps for the eradication of corruption in the Province or for achieving the objectives of the Agency;
- (e) decide the staff requirements of the Agency.

(2) In absence Of Chairman or in case the office of chairman is vacant for any reason, the Director General shall act as the Chairman of the Commission.

(3) The decisions of the Commission shall be expressed in terms of majority.

6. SUPERINTENDENCE AND ADMINISTRATION OF THE AGENCY:

(1) The overall superintendence of the Agency shall vest in the Chairman.

(2) The administration of the Agency shall vest in the Director General.

7. CHAIRMAN:

No person shall be appointed as Chairman unless he -

- a) is a citizen of Pakistan and permanent resident of the province of Sindh;
- b) is an individual with good reputation and high integrity;
- c) has been a Judge of Sindh High Court or is qualified to be the Judge of High Court; or

- d) is or has been civil servant of grade 21 or above with proven competence, good reputation and high integrity.

8. Appointment of Chairman

- (1) Chairman of the Agency shall be nominated by a parliamentary Committee of Sindh Assembly consisting of six members, three each from treasury and opposition named by the Leader of the House and the leader of Opposition. The Committee shall be headed by the Speaker of the Sindh Assembly.
 - (2) The Parliamentary Committee shall recommend the nomination of Chairman by majority vote and in case of tie, the Speaker shall decide the matter and his decision shall be final.
 - (3) Such Nomination shall be sent to the government within a month of the coming into effect of this Act and subsequently three months before the term of the Chairman expires who shall be appointed as Chairman by the Government on such terms and Conditions as may be determined.
 - (4) The Chairman shall serve for period of three years and can be considered by the Parliamentary Committee for one more term;
 - (5) The Chairman shall not be removed except on the basis of physical and mental incapacity or charges of misconduct by the above named Parliamentary Committee after affording him opportunity of being heard.
7. The Chairman may, in writing under his hand addressed to the Chief Minister resign from his office.

9. DIRECTOR GENERAL:

- (1) No person shall be appointed as Director General unless he is a permanent resident of the Province and has an experience of at least seventeen (17) years and above as a Government officer of BS-17 and above in any Anti-graft Agency or Pakistan Administrative Service, Police Service or Provincial Civil Service with outstanding career and integrity.
- (2) The Chairman shall recommend three names to Government for appointment as Director General on such terms and conditions as may be determined under the rules.
- (3) Normal tenure of the office of the Director General shall be three years to be extended for a further period as the Chairman in consultation with Government may recommend.

- (4) Director General shall not be removed except on the grounds of misconduct or physical and mental incapacity after holding proper inquiry and affording him opportunity of being heard.
- (4) Such proceedings may be initiated by Government on the recommendation of the chairman of the Agency.

10. DIRECTORS:

- (1) There shall be one Director, Investigation possessing minimum ten (10) years of experience in investigation and inquiries of crimes as an officer of BS-17 and above in any Anti-graft agency, Provincial Civil Service, Police Service or Pakistan Administrative Service with outstanding career and Integrity.
- (2) There shall also be one Director internal monitoring, and internal control, Deputy Directors as regional heads and as many Assistant Directors and Inspectors and other staff as the Commission may decide.

11. FUNCTIONS AND POWERS OF DIRECTOR GENERAL, DIRECTOR INVESTIGATION:

(1) Functions and powers:

- (a) overall supervision of cases;
- (b) disposal of cases within stipulated timeline after investigating the complaints;
- (c) implementation of Policy envisaged by commission;
- (d) submission of progress in controlling corruption;
- (e) enforcement of law in letter and spirit.

(2) Administrative orders:

The Chairman may issue administrative orders, not inconsistent with this Act or any other law for the time being in force, on the general control, training, duties and responsibilities of staff members of the Agency, and for such other matters as may be necessary or expedient for the good administration of the Agency or the prevention of the abuse of power or neglect of duty, and generally for ensuring the efficient and effective functioning of the Agency.

12. (1) Subject to the provisions of this Act and rules made thereunder, the Director General and officers of the Agency working under him shall -

- (a) for the purpose of an enquiry or investigation under this Act, have throughout Sindh such powers including powers relating to causing attendance, search and arrest of persons and seizure of property, and such duties, privileges and liabilities as the officers of Provincial Police have in relation to the investigation of offences under the Code or any other law for the time being in force;
 - (b) for the purpose of an enquiry or investigation under this Act, exercise any of the powers of an officer-in-charge of a Police Station in any area in which he is for the time being and when so exercising such powers shall be deemed to be an officer-in-charge of a Police Station within the meaning of the Code discharging his functions as such within the local limits of said area;
- (2) Subject to control and directions of the Chairman, not inconsistent with any law for the time being in force, the Director General shall exercise, in respect of officers and men belonging to the Police Force and serving in the Agency, all the powers exercisable by the Secretary to the Government of Sindh.
 - (3) Director General and such other officers and staff of the Agency shall have and exercise for the purposes of inquiry or investigation powers to arrest any person and all powers of an officer in charge of the Police station under the Code and for that purpose may cause attendance of any person and when and if assistance of any other agency, police officer or any other official or agency is sought by such staff and officers, such officers or agency shall render such assistance provided that no person shall be arrested without the permission of the Chairman of the Agency or any officer duly authorized by him.
 - (4) An inquiry or Investigation under this Act shall be concluded within ninety days and a further time of 30 days could be granted by the Court on reasonable grounds only.

13. PROSECUTOR GENERAL:

- (1) No person shall be appointed Prosecutor General unless he is qualified to be appointed as a Judge of the High Court to fulfill such duties and responsibilities as specified in the Act.
- (2) Government shall appoint Prosecutor General out of a panel of three names recommended by the Chairman.
- (3) The Prosecutor General shall hold such office on a full time basis for non-extendable period of three years and shall not hold any other office concurrently during such term.

- (4) The Prosecutor General shall give advice to the Agency upon such legal matters as prescribed in this Act and perform such other duties of a legal character as may be referred or assigned to him by the agency. In performance of his duties, he shall have the right of audience in all Accountability Courts, High Court and the Supreme Court of Pakistan.
- (5) The Prosecutor General in consultation with Chairman shall recommend three names to the Chief Minister for each post of Additional Prosecutor General, Deputy Prosecutor General, Assistant Prosecutor General or Special Prosecutors, who shall be appointed by the Government in accordance with the rules of service of the Agency.
- (6) The Prosecutor General shall head the Prosecution Wing and shall be responsible for overseeing the performance of Additional Prosecutor General, Deputy Prosecutor General, Assistant Prosecutor General or Special Prosecutors, who have been appointed to conduct prosecution of cases and advocates that have been appointed to institute or defend cases, appeals, petitions, applications and all other matters before any Court or Tribunal including the High Courts and Supreme Court in matters arising out of or relating to proceedings under this Act.

14. REMOVAL OF PROSECUTOR GENERAL:

- (1) The Prosecutor General shall not be removed from his office unless he -
 - (a) has been convicted of an offence involving moral turpitude;
 - (b) has been adjudged insolvent;
 - (c) has been declared by a registered physician appointed by the Commission to be physically or mentally unfit;
 - (d) is found liable by the Committee Constituted by the Chairman on abuse of authority or misconduct, after conducting an enquiry and giving him an opportunity of being heard.
- (2) The Prosecutor General may, in writing under his hand addressed to the Chairman resign from his office.

15. The remuneration payable to the Chairman, Director General, Prosecutor General, Directors and other employees, staff and administrative expenses of the Agency shall be an expenditure charged upon the Provincial Consolidated Fund.

CHAPTER-III
OFFENCES AND COGNIZANCE

16. Cognizance of offences:

- (1) No Court shall take cognizance of any offence under this Act except on a reference made by the Chairman of the Agency or an officer of the Agency duly authorized by him.
- (2) A reference under this Act shall be initiated by the Agency on -
 - (i) a reference received from the Government;
 - (ii) on a receipt of complaint;
 - (iii) its own accord.

17. Notification to Agency of corrupt practice:

- (1) Any person may furnish to the Agency information in connection with any matter concerning corruption or corrupt practice.
- (2) Information referred to in subsection (1) may be furnished to the Agency orally or in writing, and if orally the informant's statement must be reduced to writing and signed by the informant.
- (3) The Director may require from an informant to furnish, in such form as the Director thinks fit, any further information as may be required for purposes of inquiry.

Receipt and examination of allegations:

- (4) The Agency shall receive information furnished to it by any person who alleges that another person has or is engaged, or is about to engage, in a corrupt practice and examine each alleged corrupt practice and decide whether or not an investigation in relation to the allegation is warranted on reasonable grounds.
- (5) When deciding whether an investigation into an alleged corrupt practice is warranted, the Agency may consider -
 - (a) the seriousness of the conduct or involvement to which the allegation relates;
 - (b) whether or not the allegation is frivolous or vexatious or is made in good faith;
 - (c) whether or not the conduct or involvement to which the allegation relates is or has been the subject of investigation or other action by any other appropriate authority for the purposes of any other law;

(d) Whether or not, in all the circumstances, the carrying out of an investigation for the purposes of this Act in relation to the allegation is justified and in the public interest.

(6) If the Agency decides that an investigation in relation to the allegation is warranted on reasonable grounds, it must decide whether the investigation should be carried out by the Agency or whether the allegation should be referred to another appropriate authority for investigation or action.

(7) For the purposes of performing functions under this section the Agency may make such preliminary inquiry as it considers necessary and consult any other appropriate authority.

(8) **Notification of decision to informant**

The Agency must in writing inform a person who has made an allegation in terms of section of any decision made by the Agency under section that further action in relation to the allegation for the purposes of this Act is not warranted on reasonable grounds, and if the matter is referred to another appropriate authority for further action and inform that person accordingly;

(9) **Initiating or assuming investigation of a complaint:**

(a) Investigation of a complaint or allegation of a corrupt practice may be initiated by the Agency of its own motion or on information furnished to the Agency in terms of this section.

(b) The Agency may assume the responsibility for any investigation into any complaint and may issue guidelines and standing orders;

18. Notwithstanding anything contained in any other law for the time being in force, the Agency shall conduct enquiry and investigation of offences set forth in the Schedule and under this Act.

CHAPTER-IV OFFENCES AND PUNISHMENTS

19. **CORRUPTION AND CORRUPT PRACTICES:**

(1) A public office holder, or any other person, shall be deemed to have committed an offence of corruption and corrupt practices -

(a) if he accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do, any official act, or for showing or forbearing to show,

- in the exercise of his official functions, favor or disfavor to any person or for rendering any service to any person; or
- (b) if he accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration, which he knows to be inadequate, from any person whom he knows to have been, or likely to be, concerned in any proceeding or business transacted or about to be transacted by him or having any connection with his official functions for himself or for any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the persons so concerned; or
 - (c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use, or for the use of any other person on his behalf, any property, amount or valuable thing entrusted to him, or under his control or willfully allows any other person so to do; or
 - (d) if he by corrupt, dishonest or illegal means or by otherwise abusing his official position, obtains or seeks to obtain for himself or for any other person on his behalf, any property, valuable thing or pecuniary advantage; or
 - (e) if he or any other person on his behalf possesses or has acquired right or title in any assets in which he cannot reasonably account for, of pecuniary resources or of property disproportionate to his known sources of income; or
 - (f) if he mis-uses his authority by accepting bribe; or
 - (g) if he has issued any directives, policy, or any other order which grants or attempts to grant any undue concession or benefit in any contract, allotment, taxation matter or law or otherwise so as to benefit himself or any relative or associates or a benamidar or any other person; or
 - (h) if he commits an offence of willful default; or
 - (i) if he commits the offence of cheating as defined in section 415 of the Pakistan Penal Code, 1860 (Act XLV of 1860), and thereby dishonestly induces members of the public at large to deliver any property including money or valuable security to any person; or
 - (j) if he commits the offence of criminal breach of trust as defined in section 405 of the Pakistan Penal Code, 1860 (Act XLV of 1860) with regard to any property including money or valuable security entrusted to him by members of the public at large;

- (k) if he, in his capacity as banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust as provided in section 409 of the Pakistan Penal Code, 1860 (Act XLV of 1860) in respect of property entrusted to him or over which he has dominion; and
- (l) if he aids, assists, abets, attempts or acts in conspiracy with a person or a public office holder accused of an offence as provided in clauses (a) to (k) above.

20. PUNISHMENT FOR CORRUPTION AND CORRUPT PRACTICES:

- (1) Whosoever is convicted of an offence of corruption and corrupt practices shall, if the illegal gain derived by him is not fully recovered, be sentenced to imprisonment for a term which may extend to maximum of fourteen years with or without fine:

Provided if illegal gain derived by the accused is fully recovered, the Court may reduce the sentence or fine;

- (2) The illegal gain derived by the person convicted of an offence of corruption and corrupt practices and recovered by the Agency shall be deposited into Government treasury within thirty days of the recovery.
- (3) The offences specified in the schedule to this Act shall be punishable in the manner as specified therein;
- (4) Where the accused is convicted for the offence of corruption and corrupt practices:-
 - (i) he shall stand disqualified from being elected for an electoral office or any other or from being appointed or nominated as a member or representative of any public body or any statutory or local authority or in the service of Pakistan for a period of five years reckoned from the date of his release after serving his sentence; and
 - (ii) if such person is in the service of Pakistan or any autonomous body, organization, institution, concern or establishment controlled or administered by or under the Government, shall stand dismissed from service without any pecuniary benefits and shall not be eligible to hold public office for a period of five years from the date of his dismissal.

21. TRIAL OF OFFENCES:

- (1) Subject to sub-section (2) and notwithstanding anything contained in any other law for the time being in force, the accused shall not be prosecuted for

an offence of corruption and corrupt practices under this Act except before a Court and the case shall be heard and disposed of expeditiously within a period not exceeding one year.

- (2) An accused shall ordinarily be tried by a Court within whose territorial jurisdiction; an offence is alleged to have been committed.

22. COURTS:

- (1) Government may establish as many Accountability Courts in the province as may be required for the purpose and such Courts shall be presided over by the District & Sessions Judges or persons qualified to be appointed as District & Sessions Judges.
- (2) The Presiding officers of the Accountability Courts shall be appointed by the government in Consultation with the Chief Justice of Sindh High Court on such terms and conditions as may be determined.
- (3) There shall be tenure of three years for the presiding officers of the Accountability Courts to be extended further by the government in consultation with the Chief Justice of the Sindh High Court.
- (4) The Courts established for the trial of offences under Sindh Enquiries and Anti-Corruption Act, 1991 shall be deemed to be Accountability Courts for the trial of the offences under the provisions of this Act and the Schedule appended with this Act.

23. All banks and financial institutions in the province of Sindh shall extend co-operation to the agency and provide such information as may be necessary for the investigation of the crime under this Act.

24. PROTECTION OF JUDGES, PROSECUTORS, WITNESSES, ETC:

Government, Agency or the Court, may, in the facts and circumstances of a case and within available resources take such measures as may be considered necessary for the safety, security and protection of witnesses, judges, public prosecutors, counsels and their families.

25. PROVISIONS OF THE CODE TO APPLY:

Notwithstanding anything contained in any other law for the time being in force, unless there is anything inconsistent with the provisions of this Act, the provisions of the Code shall apply to the enquiry or investigation and other proceedings under this Act.

26. **QANUN-E-SHAHADAT TO APPLY:**

The provisions of the Qanun-e-Shahadat, Order 1984 (P.O No.10 of 1984) shall apply to the proceedings under this Act.

27. **ACCUSED TO BE COMPETENT WITNESS:**

An accused shall be a competent witness for his defense and may adduce evidence on oath in disproof of the charges framed against him:

Provided that the accused shall not be compelled to be a witness against himself.

28. **COPY OF JUDGMENT TO BE GIVEN TO ACCUSED AND PROSECUTOR:**

In every case at the time of announcement of judgment, a copy of the judgment shall be given free of cost to the accused and the Prosecutor.

29. **APPEAL:**

- (1) Any person convicted, or the Prosecutor General if so directed by the Agency, aggrieved by the final judgment or order of the Court under this Act may, within thirty days of the judgment or the order, prefer an appeal to the High Court concerned:
- (2) An appeal under sub-section (1) shall be heard by the concerned High Court and shall be finally disposed of within 120 days of the filing of an appeal.

**CHAPTER-V
POWERS OF THE AGENCY**

30. **POWER TO FREEZE PROPERTY:**

- (1) The Agency or the Court trying an accused for any offence under this Act, may, at any time if there appear reasonable grounds for believing that the accused has committed such an offence, order the freezing of his property or part thereof, in his possession.
- (2) If the property ordered to be frozen under sub-section (1) is a debt or other movable property, the freezing may be made –
 - (i) by attachment; or
 - (ii) by prohibiting the sale of such property to any person; or
 - (iii) by prohibiting the payment of rent of such property to any person; or
 - (iv) by appointing a receiver for on-going business.

- (3) If the property ordered to be frozen is immovable, the freezing may be made by -
- (i) attachment; or
 - (ii) prohibiting sale of such property to any person; or
 - (iii) prohibiting of payment of rent of such property to any person;
- or
- (iv) any other method as the Court may deem fit in the interest of justice:

Provided, that any such order by the Agency shall remain in force for a period not exceeding fifteen days unless confirmed by the Court.

Provided further that notwithstanding anything to the contrary contained herein, the order of the Agency or the Court shall be effective from the time of passing thereof or proclamation thereof in a newspaper widely circulated and dispatched at the last known address of the accused either by registered post acknowledgment due or courier service or electronic media as the Court may deem proper having regard to the facts and circumstances of the case.

- (4) If the property ordered to be frozen consists of livestock or is of a perishable nature, the Agency or; the Court may, if it deems proper and expedient, order immediate sale thereof and proceeds of the sale may be deposited with the Agency or the Court, as it may direct and deem appropriate.
- (5) The powers, duties and liabilities of a receiver, if any, appointed under this section shall be the same as those of a receiver appointed under Order XL of the Code of Civil Procedure, 1908 (Act V of 1908).
- (6) The order of freezing provided for in sub-section (1) to (5) shall remain operative until final disposal of the case by the Court and in the event of the acquittal of the accused shall continue to remain operative for a period of thirty days after pronouncement of judgment or order, where after it shall be subject to an order by the Court in which an appeal, if any, is filed.
- (7) Any fine or other sum due under this Act as determined to be due by the Court shall be recoverable through sale by auction after public notice subject to confirmation by the Agency or the Court, as the case may be, and balance, if any, shall be returned to the owner of the property.

31. CLAIM OR OBJECTION AGAINST FREEZING:

- (1) Notwithstanding the provisions of any other law for the time being in force, the Court shall have exclusive jurisdiction to entertain and adjudicate upon all claims or objections against the freezing of any property.

- (2) Claims or objections against the freezing of any property shall be made before the Court within thirty days from the date of the order of freezing such property.

Provided, that the Court may, for sufficient cause, extend the time for filing such claims or objections.

- (3) The accused or any other aggrieved party, whose claim or objection against freezing of property has been dismissed by the Court, may within thirty days file an appeal against such order before the High Court concerned.

32. TRANSFER OF PROPERTY VOID:

- (1) Notwithstanding anything contained in any other law, for the time being in force, after the Agency has initiated an enquiry or investigation into any offence under the Act alleged to have been committed by holder of public office or any other person, he shall not by any means whatsoever create a charge on any property owned by him or in his possession while the enquiry, investigation or proceedings are pending before the Agency or the Court; and any transfer of any right, title or interest or creation of a charge on such property shall be void unless the transfer is made with the prior approval of the Agency or the Court subject to such terms and conditions as the Agency or Court, as the case may, deems fit.

- (2) Any person who deliberately circumvents the proceedings against him, transfers or creates a charge on property in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year and shall be liable to fine not exceeding the value of the property involved.

33. POWERS TO ORDER PRODUCTION OF DOCUMENTS, CALL FOR INFORMATION AND SEEK ASSISTANCE:

- (1) The Agency or any officer duly authorized by it in writing may, during the course of an enquiry or investigation of an offence under this Act -
- (a) require any person to produce or deliver any document or thing or information considered by the Agency to be useful or relevant to the enquiry or investigation.
 - (b) examine any person acquainted with the facts and circumstances of the case; and
 - (c) seek assistance, documents or information from any department of the Federal Government, Provincial Government, Local authority, bank, financial institution, person or any authority and institution or

- department in the public sector or the private sector for disposal of any property surrendered to or seized by the Agency.
- (2) The copies of documents obtained or information received or evidence collected under clauses (a), (b) or (c) shall be kept confidential and shall not be used for any purpose other than for legal proceedings under this Act.

34. MEASURES FOR THE PREVENTION OF CORRUPTION AND CORRUPT PRACTICES:

- (1) The Agency shall, from time to time as it deems fit, constitute committees comprising officers of the Agency or other persons or organizations from the private or public sector to -
- (a) educate and advise public authorities, holders of public office and the community at large on measures to combat corruption and corrupt practices;
 - (b) develop, arrange, participate in or conduct educational programs or media campaigns and generally to disseminate information on the detrimental effect of corruption and corrupt practices and the importance of maintaining the integrity of public administration; and
 - (c) advise and assist any statutory or other public corporation or bodies or, upon request, any organization in the private and public sector on measures for the reduction and elimination of corruption and corrupt practices.

35. AGENCY TO SUBMIT ANNUAL REPORT:

The Agency through the Chairman shall in the month of January every year submit to the Provincial Assembly a report of its affairs for that year, which report shall be laid before the Assembly. The report shall be a public document and on its publication copies thereof shall be provided to the public at a reasonable cost.

36. INTERNATIONAL COOPERATION AND REQUEST FOR MUTUAL LEGAL ASSISTANCE:

- (1) Government, the Agency, or if so authorized by the Agency any Member or officer of the Agency, may request a Foreign State through Federal Government to do the following acts in accordance with the law:-
- (a) have evidence taken, documents, articles, assets or proceeds produced; and
 - (b) transfer to Pakistan any such evidence, documents, articles, assets or proceeds realized from the disposal of such articles or assets.

**CHAPTER-VI
MISCELLANEOUS**

37. ACTS IN GOOD FAITH:

No suit, prosecution or any other proceedings shall lie against the Government, Agency, or any other member of the Agency or officer of the Agency any person exercising any power or performing any function under this Act or the rules made thereunder for any act or thing which has been done or intended to be done in good faith under this Act or the rules thereof.

38. OVERRIDING EFFECT TO OTHER LAWS:

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force. The cognizance of offence related to province, involving provincial finances, as provided in this act shall be exclusive domain of Accountability Agency only. No other agency, Institution or organization, whatsoever, shall take simultaneous cognizance of offence already taken by Accountability Agency.

39. DIRECTOR GENERAL, DIRECTORS AND OFFICERS DEEMED TO BE PUBLIC SERVANTS:

The Director General, Prosecutor General, Directors and other officers of the Agency shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

40. POWER TO MAKE RULES:

The Agency may with notification in the official Gazette, make rules for carrying out the purposes of this Act.

41. LIMITATION PERIOD FOR INITIATING ENQUIRY OR INVESTIGATION:

The Agency shall not enquire or investigate into any complaint, if the same is made after the expiry of a period of thirty years from the date on which the offence mentioned in such complaint is alleged to have been committed:

Provided that this provision shall apply to acts of corruption and corrupt practices committed on and after the date of commencement of this Act.

42. **REMOVAL OF DIFFICULTY:**

If any difficulty arises in giving effect to any provision of this Act, the Government may, by notification, published in the official gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

43. **REPEAL AND SAVINGS:**

- (1) The Sindh Enquiries and Anti-Corruption Act, 1991 and Rules made thereunder are hereby repealed.
- (2) Notwithstanding the repeal of the Act and Rules under sub-section (1), everything done, action taken, obligation, liability or penalty incurred, enquiry or proceedings commenced, shall continue and be deemed to have been validly done, taken, incurred or commenced under this Act, and shall, for all intents and purposes, be governed by the provisions contained in section 4 of the West Pakistan General Clauses Act, 1956 (W.P. Act VI of 1956), and the provisions contained in Article 264 of the Constitution of the Islamic Republic of Pakistan.
- (3) On commencement of this Act -
 - (a) all cases pending with the Anti-Corruption Establishment under the repealed Act;
 - (b) employees working in the Anti-Corruption Establishment.
 - (c) and all assets and liabilities, including furniture, fixtures machinery and vehicles shall stand transferred to the Agency.
 - (d) The transition process shall be completed within a period of ninety days by a Committee comprising of Chairman of the Agency and Chairman, Enquiries and Anti-Corruption Establishment, Sindh.

SCHEDULE
(see section 18)

- (a) Offences punishable under sections 161 to 169, 217 and 218 of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith;
- (b) Offences punishable under sections 182, 186, 188, 189, 201, 211, 332, 353, 379 to 382, 403 to 409, 411, 417 to 420, 465 to 468, 471 and 477-A of the Pakistan Penal Code and as attempts, abetments and conspiracies in relation

thereto or connected therewith, when committed by any public servant such as, or by any person acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such; and

(c) Offences punishable under the Prevention of Corruption Act, 1947 and as attempts, abetments, and conspiracies in relation thereto or connected therewith.

(MEMBER-IN-CHARGE)

GOVERNMENT BILL NO.21 OF 2017, THE SINDH ACCOUNTABILITY BILL, 2017
AS AMENDED BY THE STANDING COMMITTEE

A
BILL

to provide for the setting up of the Sindh Accountability Agency so as to eradicate corruption and corrupt practices and hold accountable all those accused of such practices;

PREAMBLE:

WHEREAS the Government of Sindh believes in transparent process of governance and intends to set up an effective and autonomous body for eradicating corruption and corrupt practices and recovering assets of province from those who misappropriate or receive such money or assets by misuse of official powers or authority;

AND WHEREAS the Government of Sindh is desirous of setting up a comprehensive mechanism to address the issue of graft in the province in order to take effective measures for combating corruption and corrupt practices, misappropriation of property, receiving kickbacks, commissions and for matters connected and ancillary or incidental thereto;

AND WHEREAS it is expedient and necessary to provide for effective measures for the detection, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices misuse or abuse of power or authority, misappropriation of **funds**, taking of kickbacks, commissions and for matters connected and ancillary or incidental thereto;

NOW, THEREFORE, it is expedient to establish an autonomous and independent anti-graft institution in the Province of Sindh for **sustaining** good governance and transparency in public sector departments or organizations.

It is hereby enacted as follows:

CHAPTER-I
PRELIMINARY

1. SHORT TITLE, EXTENT, APPLICATION AND COMMENCEMENT:

(1) This Act may be called the **Sindh Accountability Act 2017**.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall apply to all office holders who are performing their functions in connection with affairs and employment of the Government funds in the Province of Sindh and includes all those persons who are involved and deal with the transaction and utilization of Government money.

(4) It shall come into force at once;

2. DEFINITIONS:

In this Act, unless there is anything repugnant in the subject or context:

(a) "accused" means a person in respect of whom there are reasonable grounds to believe that he is or has been involved in the commission of any offence triable under this Act or is the subject of an investigation or enquiry by the Agency;

(b) "assets" means any property owned or controlled by or belonging to an accused whether directly or indirectly or held benami in the name of his spouse or relatives or associates, whether within or outside Pakistan which he cannot reasonably account for or for which he cannot prove payment of full and lawful consideration;

(c) "associate" means:-

(i) any person who is or has been managing the affairs of or keeping accounts for the accused or who enjoys or has enjoyed any benefit from the assets;

(ii) any association of persons, body of individuals, partnership firm or Public or private limited company within the meaning of the Companies Ordinance, 1984 (Ord. No. XL VII of 1984), of which the accused is or has been a member, partner or director or which has been promoted, floated, established or run by the accused, whether singly or jointly, with other persons;

(iii) a trustee of any trust declared by the accused, or of which the accused is also trustee or a beneficiary; and

(iv) a benamidar,

(d) "Agency" means the Sindh Accountability Agency;

(e) "benamidar" means any person, who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused;

(f) "Board" means the Sindh Accountability Board established under section 4 of the Act;

(g) "complaint" means, written instrument submitted by the complainant, signed and verified on oath, having his detailed particulars and copy of CNIC;

(h) "corruption and corrupt practices" means the offences as specified under section 18 of the Act and schedule appended to this Act;

(i) "Chief Minister" means the Chief Minister of the Province of Sindh;

(j) "Chairman" means the Chairman of the Sindh Accountability Agency;

(k) "competent authority" means the competent authority to accord permission either to hold an enquiry, or to order filing of a reference or to drop the case after investigation or decide departmental action;

(l) "Director General" means the Director General of the Agency;

(m) "Government" means the Government of Sindh;

(n) "Holder of a public office" means and includes -

(i) a public servant as defined under section 21 of Pakistan Penal Code; or

(ii) a person holding a legislative, executive or administrative position in exercising the authority of the province, whether appointed or elected, permanent or temporary, paid or unpaid, irrespective of such persons seniority; or

(iii) a person who performs a public function including for a public agency, public enterprise, foreign funded public program or any other person or entity utilizing public revenue of the province, or provides a public service, as defined in the law for the time being in force; or

(iv) any other person or entity owned or controlled by government directly or indirectly;

(o) "illegal gain" means such assets of an accused as are determined by a Court to have been made or acquired, directly or indirectly in the course of, or as a consequence of an offence of corruption and corrupt practices;

(p) "Prosecutor General" means Prosecutor General of the Agency;

(q) "Provincial Assembly" means the Provincial Assembly of Sindh;

(r) "Reference" means a challan filed before the Court under this Act and in accordance with provisions of Criminal procedure Code.

(s) "Special Judge" means the Special Judge of Accountability Court appointed under this Act or any other law.

Chapter II THE SINDH ACCOUNTABILITY AGENCY:

3. (1) There shall be a Sindh Accountability Agency headed by its Chairman and consisting of a **Board**;

(2) Following shall be the Functions of Agency:

(a) to receive or initiate and investigate allegations of corrupt practices;

(b) to consider whether inquiry or investigation is needed in relation to an allegation and, if so, whether the investigation must be carried out by the Agency or whether the matter should be referred to any other appropriate authority for investigation or action;

(c) to consult, co-operate and exchange information with appropriate bodies or authorities, including authorities or bodies of other jurisdictions that are authorized to conduct inquiries or investigations in relation to corrupt practices;

(d) to assemble evidence obtained in the course of its functions and to furnish -

(i) to any appropriate authority or to prosecuting authority or any other suitable authority of another country, upon a formal request;

(ii) evidence which may be admissible in the prosecution of a person for a criminal offence or which may otherwise be relevant to the functions of that authority;

- (e) to investigate any conduct of a person employed by a public body or private body which in the opinion of the Agency may be connected with corrupt practices, and to report thereon to an appropriate authority within the public or private body;
- (f) to take measures for the prevention of corruption in public bodies and private bodies, including measures for -
- (j) examining the practices, systems and procedures of public bodies and private bodies to facilitate the discovery of corrupt practices and securing the revision of practices, systems or procedures which may be prone or conducive to corrupt practices;
 - (ii) advising public bodies and private bodies on ways of preventing corrupt practices and on changes of practices, systems and procedures compatible with the effective performance of their duties which are necessary to reduce the likelihood of the occurrence of corrupt practices;
 - (iii) educating the public and disseminating information on the dangers of corruption, including through the publication and distribution of brochures and pamphlets or the holding of public conferences;
 - (iv) enlisting and fostering public confidence and support in combating corruption;
- (g) to disseminate information to the public about the functions of the Agency;
- (h) to do anything else that the Agency is required or authorized to do under this Act or any other law or which is necessary or expedient to do for achieving the purpose of this Act.

4. ACCOUNTABILITY BOARD:

There shall be an Accountability Board consisting of the following:-

- (a) Chairman of the Agency;
- (b) Advocate General, Sindh;
- (c) Prosecutor General of the Agency
- (d) Director General of the Agency
- (e) Director, Investigation,

5. FUNCTIONS OF THE BOARD:

(1) The Sindh Accountability Board may -

- (a) review the progress of cases of corruption and corrupt practices in the Province;
- (b) record observations and make recommendations in respect of cases processed by the Agency;

(c) highlight factors giving rise to corruption and make recommendations to the Government for remedial actions; and;

(d) recommend to Government the steps for the eradication of corruption in the Province or for achieving the objectives of the Agency;

(e) decide the staff requirements of the Agency.

(2) In absence Of Chairman or in case the office of chairman is vacant for any reason, the Chairman shall designate a **senior** person to act as the Chairman from the Board.

(3) The decisions of the Board shall be expressed in terms of majority.

6. SUPERINTENDENCE AND ADMINISTRATION OF THE AGENCY:

(1) The overall superintendence of the Agency shall vest in the Chairman.

(2) The administration of the Agency shall vest in the Director General.

7. CHAIRMAN:

No person shall be appointed as Chairman unless he -

- a) is a citizen of Pakistan and permanent resident of the province of Sindh;
- b) is an individual with good reputation and high integrity;
- c) has been a Judge of Sindh High Court or is qualified to be the Judge of High Court; or
- d) has been civil servant of grade 21 or above with proven competence, good reputation and high integrity.

8. Appointment of Chairman

- (1) Chairman of the Agency shall be nominated by a parliamentary Committee of Sindh Assembly consisting of six members, three each from treasury and opposition named by the Leader of the House and the leader of Opposition.
- (2) In case the Committee fails to nominate Chairman within a period of thirty days, the Speaker, Sindh Assembly shall nominate the Chairman within a period of seven days and his decision shall be final;
- (3) Such Nomination shall be sent to the government within a period of forty days of coming into force of this Act and subsequently three months before the term of the Chairman expires who shall be appointed as Chairman by the government on such terms and conditions as may be determined.
- (4) The Chairman shall serve for period of three years and can be considered by the Parliamentary Committee for one more term;
- (5) The Chairman shall not be removed except on the basis of physical and mental incapacity or charges of misconduct by the above named Parliamentary Committee after affording him opportunity of being heard.
- (6) The Chairman may, in writing under his hand addressed to the Chief Minister resign from his office.

9. DIRECTOR GENERAL:

- (1) No person shall be appointed as Director General unless he is a permanent resident of the Province and a government officer not below the grade-19 in any Anti-graft Agency or Pakistan Administrative Service, Police Service or Provincial Civil Service with outstanding career and integrity.
- (2) The Chairman shall recommend three names to Government for appointment as Director General on such terms and conditions as may be determined under the rules.
- (3) Normal tenure of the office of the Director General shall be three years to be extended for a further period as the Chairman in consultation with Government may recommend.
- (4) Director General shall not be removed except on the grounds of misconduct or physical and mental incapacity after holding proper inquiry and affording him opportunity of being heard.
- (5) Such proceedings may be initiated by Government on the recommendation of the chairman of the Agency.

10. DIRECTORS:

- (1) There shall be one Director, Investigation possessing minimum ten (10) years of experience in investigation and inquiries of crimes as an officer of BS-17 and above in any Anti-graft agency, Provincial Civil Service, Police Service or Pakistan Administrative Service with outstanding career and Integrity.
- (2) There shall also be one Director internal monitoring, and internal control, Deputy Directors as regional heads and as many Assistant Directors and Inspectors and other staff as the **Board** may decide.

11. FUNCTIONS AND POWERS OF DIRECTOR GENERAL, DIRECTOR INVESTIGATION:

(1) Functions and powers:

- (a) overall supervision of cases;
- (b) disposal of cases within stipulated timeline after investigating the complaints with the approval of the Board;
- (c) implementation of Policy envisaged by **Board**;
- (d) submission of progress in controlling corruption;
- (e) enforcement of law in letter and spirit.

(2) Administrative orders:

The Chairman may issue administrative orders, not inconsistent with this Act or any other law for the time being in force, on the general control, training, duties and responsibilities of staff members of the Agency, and for such other matters as may be necessary or expedient for the good administration of the Agency or the prevention of the abuse of power or neglect of duty, and generally for ensuring the efficient and effective functioning of the Agency.

- 12. (1)** Subject to the provisions of this Act and rules made thereunder, the Director General and officers of the Agency working under him shall -

- (a) for the purpose of an investigation under this Act, have throughout Sindh such powers including powers relating to causing attendance, search and arrest of persons and seizure of property, and such duties, privileges and liabilities as the officers of Provincial Police have in relation

to the investigation of offences under the Code or any other law for the time being in force;

(b) for the purpose of an investigation under this Act, exercise any of the powers of an officer-in-charge of a Police Station in any area in which he is for the time being and when so exercising such powers shall be deemed to be an officer-in-charge of a Police Station within the meaning of the Code discharging his functions as such within the local limits of said area;

(2) Subject to control and directions of the Chairman, not inconsistent with any law for the time being in force, the Director General shall exercise, in respect of officers and men belonging to the Police Force and serving in the Agency, all the powers exercisable by the Secretary to the Government of Sindh.

(3) Director General and such other officers and staff of the Agency shall have and exercise for the purposes of investigation powers to arrest any person and all powers of an officer in charge of the Police station under the Code and for that purpose may cause attendance of any person and when and if assistance of any other agency, police officer or any other official or agency is sought by such staff and officers, such officers or agency shall render such assistance provided that no person shall be arrested without the permission of the Chairman of the Agency or any officer duly authorized by him.

(4) An inquiry or Investigation under this Act shall be concluded within ninety days and a further time of 30 days could be granted by the Court on reasonable grounds only.

13. PROSECUTOR GENERAL:

(1) No person shall be appointed Prosecutor General unless he is qualified to be appointed as a Judge of the High Court to fulfill such duties and responsibilities as specified in the Act.

(2) Government shall appoint Prosecutor General out of a panel of three names recommended by the Chairman.

(3) The Prosecutor General shall hold such office on a full time basis for non-extendable period of three years and shall not hold any other office concurrently during such term.

(4) The Prosecutor General shall give advice to the Agency upon such legal matters as prescribed in this Act and perform such other duties of a legal character as may be referred or assigned to him by the agency. In

performance of his duties, he shall have the right of audience in all Accountability Courts, High Court and the Supreme Court of Pakistan.

- (5) The Prosecutor General in consultation with Chairman shall recommend three names to the Chief Minister for each post of Additional Prosecutor General, Deputy Prosecutor General, Assistant Prosecutor General or Special Prosecutors, who shall be appointed by the Government in accordance with the rules of service of the Agency.
- (6) The Prosecutor General shall head the Prosecution Wing and shall be responsible for overseeing the performance of Additional Prosecutor General, Deputy Prosecutor General, Assistant Prosecutor General or Special Prosecutors, who have been appointed to conduct prosecution of cases and advocates that have been appointed to institute or defend cases, appeals, petitions, applications and all other matters before any Court or Tribunal including the High Courts and Supreme Court in matters arising out of or relating to proceedings under this Act.

14. REMOVAL OF PROSECUTOR GENERAL:

- (1) The Prosecutor General shall not be removed from his office unless he -
 - (a) has been convicted of an offence involving moral turpitude;
 - (b) has been adjudged insolvent;
 - (c) has been declared by a registered physician appointed by the **Board** to be physically or mentally unfit;
 - (d) is found liable by the Committee Constituted by the Chairman on abuse of authority or misconduct, after conducting an enquiry and giving him an opportunity of being heard.
- (2) The Prosecutor General may, in writing under his hand addressed to the Chairman resign from his office.

15. The remuneration payable to the Chairman, Director General, Prosecutor General, Directors and other employees, staff and administrative expenses of the Agency shall be an expenditure charged upon the Provincial Consolidated Fund.

CHAPTER-III OFFENCES AND COGNIZANCE

16. Cognizance of offences:

- (1) No Court shall take cognizance of any offence under this Act except on a reference made by the Chairman of the Agency or an officer of the Agency duly authorized by him.

(2) A reference under this Act shall be initiated by the Agency on -

- (i) a reference received from the Government;
- (ii) on a receipt of complaint;
- (iii) its own accord.

17. Notification to Agency of corrupt practice:

(1) Any person may furnish to the Agency information in connection with any matter concerning corruption or corrupt practice.

(2) Information referred to in subsection (1) may be furnished to the Agency orally or in writing, and if orally the informant's statement must be reduced to writing and signed by the informant.

(3) The Director may require from an informant to furnish, in such form as the Director thinks fit, any further information as may be required for purposes of inquiry.

Receipt and examination of allegations:

(4) The Agency shall receive information furnished to it by any person who alleges that another person has or is engaged, or is about to engage, in a corrupt practice and examine each alleged corrupt practice and decide whether or not an investigation in relation to the allegation is warranted on reasonable grounds.

(5) When deciding whether an investigation into an alleged corrupt practice is warranted, the Agency may consider -

(a) the seriousness of the conduct or involvement to which the allegation relates;

(b) whether or not the allegation is frivolous or vexatious or is made in good faith;

(c) whether or not the conduct or involvement to which the allegation relates is or has been the subject of investigation or other action by any other appropriate authority for the purposes of any other law;

(d) Whether or not, in all the circumstances, the carrying out of an investigation for the purposes of this Act in relation to the allegation is justified and in the public interest.

(6) If the Agency decides that an investigation in relation to the allegation is warranted on reasonable grounds, it must decide whether the investigation should be carried out by the Agency or whether the allegation should be referred to another appropriate authority for investigation or action.

(7) For the purposes of performing functions under this section the Agency may make such preliminary inquiry as it considers necessary and consult any other appropriate authority.

(8) Notification of decision to informant

The Agency must in writing inform a person who has made an allegation in terms of section of any decision made by the Agency under section that further action in relation to the allegation for the purposes of this Act is not warranted on reasonable grounds, and if the matter is referred to another appropriate authority for further action and inform that person accordingly;

(9) Initiating or assuming investigation of a complaint:

(a) Investigation of a complaint or allegation of a corrupt practice may be initiated by the Agency of its own motion or on information furnished to the Agency in terms of this section.

(b) The Agency may assume the responsibility for any investigation into any complaint and may issue guidelines and standing orders;

18. Notwithstanding anything contained in any other law for the time being in force, the Agency shall conduct enquiry and investigation of offences set forth in the Schedule and under this Act.

**CHAPTER-IV
OFFENCES AND PUNISHMENTS**

19. CORRUPTION AND CORRUPT PRACTICES:

(1) A public office holder, or any other person, shall be deemed to have committed an offence of corruption and corrupt practices -

(a) if he accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person or for rendering any service to any person; or

(b) if he accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration, which he knows to be inadequate, from any person whom he knows to have been, or likely to be, concerned in any proceeding or business transacted or about to be transacted by him or having any connection with his official functions for himself or for any public servant to

whom he is subordinate, or from any person whom he knows to be interested in or related to the persons so concerned; or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use, or for the use of any other person on his behalf, any property, amount or valuable thing entrusted to him, or under his control or willfully allows any other person so to do; or

(d) if he by corrupt, dishonest or illegal means or by otherwise abusing his official position, obtains or seeks to obtain for himself or for any other person on his behalf, any property, valuable thing or pecuniary advantage; or

(e) if he or any other person on his behalf possesses or has acquired right or title in any assets in which he cannot reasonably account for, of pecuniary resources or of property disproportionate to his known sources of income; or

(f) if he mis-uses his authority by accepting bribe; or

(g) if he has issued any directives, policy, or any other order which grants or attempts to grant any undue concession or benefit in any contract, allotment, taxation matter or law or otherwise so as to benefit himself or any relative or associates or a benamidar or any other person; or

(h) if he commits an offence of willful default; or

(i) if he commits the offence of cheating as defined in section 415 of the Pakistan Penal Code, 1860 (Act XLV of 1860), and thereby dishonestly induces members of the public at large to deliver any property including money or valuable security to any person; or

(j) if he commits the offence of criminal breach of trust as defined in section 405 of the Pakistan Penal Code, 1860 (Act XLV of 1860) with regard to any property including money or valuable security entrusted to him by members of the public at large;

(k) if he, in his capacity as banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust as provided in section 409 of the Pakistan Penal Code, 1860 (Act XLV of 1860) in respect of property entrusted to him or over which he has dominion; and

(l) if he aids, assists, abets, attempts or acts in conspiracy with a person or a public office holder accused of an offence as provided in clauses (a) to (k) above.

20. PUNISHMENT FOR CORRUPTION AND CORRUPT PRACTICES:

(1) Whosoever is convicted of an offence of corruption and corrupt practices shall, if the illegal gain derived by him is not fully recovered, be sentenced to imprisonment for a term which may extend to maximum of fourteen years with or without fine:

Provided if illegal gain derived by the accused is fully recovered, the Court may reduce the sentence or fine;

(2) The illegal gain derived by the person convicted of an offence of corruption and corrupt practices and recovered by the Agency shall be deposited into Government treasury within thirty days of the recovery.

(3) The offences specified in the schedule to this Act shall be punishable in the manner as specified therein;

(4) Where the accused is convicted for the offence of corruption and corrupt practices:-

- (i) he shall stand disqualified from being elected for an electoral office or any other or from being appointed or nominated as a member or representative of any public body or any statutory or local authority or in the service of Pakistan for a period of five years reckoned from the date of his release after serving his sentence; and
- (ii) if such person is in the service of Pakistan or any autonomous body, organization, institution, concern or establishment controlled or administered by or under the Government, shall stand dismissed from service without any pecuniary benefits and shall not be eligible to hold public office for a period of five years from the date of his dismissal.

21. TRIAL OF OFFENCES:

(1) Subject to sub-section (2) and notwithstanding anything contained in any other law for the time being in force, the accused shall not be prosecuted for an offence of corruption and corrupt practices under this Act except before a Court and the case shall be heard and disposed of expeditiously within a period not exceeding one year.

(2) An accused shall ordinarily be tried by a Court within whose territorial jurisdiction; an offence is alleged to have been committed.

22. COURTS:

(1) Government may establish as many Accountability Courts in the province as may be required for the purpose and such Courts shall be presided over by the District & Sessions Judges or persons qualified to be appointed as District & Sessions Judges.

(2) The Presiding officers of the Accountability Courts shall be appointed by the government in Consultation with the Chief Justice of Sindh High Court on such terms and conditions as may be determined.

(3) There shall be tenure of three years for the presiding officers of the Accountability Courts to be extended further by the government in consultation with the Chief Justice of the Sindh High Court.

(4) The Courts established for the trial of offences under Sindh Enquiries and Anti-Corruption Act, 1991 shall be deemed to be Accountability Courts for the trial of the offences under the provisions of this Act and the Schedule appended with this Act.

23. All banks and financial institutions in the province of Sindh shall extend co-operation to the agency and provide such information as may be necessary for the investigation of the crime under this Act.

24. PROTECTION OF JUDGES, PROSECUTORS, WITNESSES, ETC:

Government, Agency or the Court, may, in the facts and circumstances of a case and within available resources take such measures as may be considered necessary for the safety, security and protection of witnesses, judges, public prosecutors, counsels and their families.

25. PROVISIONS OF THE CODE TO APPLY:

Notwithstanding anything contained in any other law for the time being in force, unless there is anything inconsistent with the provisions of this Act, the provisions of the Code shall apply to the enquiry or investigation and other proceedings under this Act.

26. QANUN-E-SHAHADAT TO APPLY:

The provisions of the Qanun-e-Shahadat, Order 1984 (P.O No.10 of 1984) shall apply to the proceedings under this Act.

27. ACCUSED TO BE COMPETENT WITNESS:

An accused shall be a competent witness for his defense and may adduce evidence on oath in disproof of the charges framed against him:

Provided that the accused shall not be compelled to be a witness against himself.

28. COPY OF JUDGMENT TO BE GIVEN TO ACCUSED AND PROSECUTOR:

In every case at the time of announcement of judgment, a copy of the judgment shall be given free of cost to the accused and the Prosecutor.

29. APPEAL:

(1) Any person convicted, or the Prosecutor General if so directed by the Agency, aggrieved by the final judgment or order of the Court under this Act may, within thirty days of the judgment or the order, prefer an appeal to the High Court concerned:

(2) An appeal under sub-section (1) shall be heard by the concerned High Court and shall be finally disposed of within 120 days of the filing of an appeal.

CHAPTER-V POWERS OF THE AGENCY

30. POWER TO FREEZE PROPERTY:

(1) The Agency or the Court trying an accused for any offence under this Act, may, at any time if there appear reasonable grounds for believing that the accused has committed such an offence, order the freezing of his property or part thereof, in his possession.

(2) If the property ordered to be frozen under sub-section (1) is a debt or other movable property, the freezing may be made –

- (i) by attachment; or
- (ii) by prohibiting the sale of such property to any person; or
- (iii) by prohibiting the payment of rent of such property to any person; or
- (iv) by appointing a receiver for on-going business.

(3) If the property ordered to be frozen is immovable, the freezing may be made by –
(i) attachment; or
(ii) prohibiting sale of such property to any person; or
(iii) prohibiting of payment of rent of such property to any person; or
(iv) any other method as the Court may deem fit in the interest of justice:

Provided, that any such order by the Agency shall remain in force for a period not exceeding fifteen days unless confirmed by the Court.

Provided further that notwithstanding anything to the contrary contained herein, the order of the Agency or the Court shall be effective from the time of passing thereof or proclamation thereof in a newspaper widely circulated and dispatched at the last known address of the accused either by registered post acknowledgment due or courier service or electronic media as the Court may deem proper having regard to the facts and circumstances of the case.

(4) If the property ordered to be frozen consists of livestock or is of a perishable nature, the Agency or; the Court may, if it deems proper and expedient, order immediate sale thereof and proceeds of the sale may be deposited with the Agency or the Court, as it may direct and deem appropriate.

(5) The powers, duties and liabilities of a receiver, if any, appointed under this section shall be the same as those of a receiver appointed under Order XL of the Code of Civil Procedure, 1908 (Act V of 1908).

(6) The order of freezing provided for in sub-section (1) to (5) shall remain operative until final disposal of the case by the Court and in the event of the acquittal of the accused shall continue to remain operative for a period of thirty days after pronouncement of judgment or order, where after it shall be subject to an order by the Court in which an appeal, if any, is filed.

(7) Any fine or other sum due under this Act as determined to be due by the Court shall be recoverable through sale by auction after public notice subject to confirmation by the Agency or the Court, as the case may be, and balance, if any, shall be returned to the owner of the property.

31. CLAIM OR OBJECTION AGAINST FREEZING:

(1) Notwithstanding the provisions of any other law for the time being in force, the Court shall have exclusive jurisdiction to entertain and adjudicate upon all claims or objections against the freezing of any property.

(2) Claims or objections against the freezing of any property shall be made before the Court within thirty days from the date of the order of freezing such property.

Provided, that the Court may, for sufficient cause, extend the time for filing such claims or objections.

(3) The accused or any other aggrieved party, whose claim or objection against freezing of property has been dismissed by the Court, may within thirty days file an appeal against such order before the High Court concerned.

32. TRANSFER OF PROPERTY VOID:

(1) Notwithstanding anything contained in any other law, for the time being in force, after the Agency has initiated an enquiry or investigation into any offence under the Act alleged to have been committed by holder of public office or any other person, he shall not by any means whatsoever create a charge on any property owned by him or in his possession while the enquiry, investigation or proceedings are pending before the Agency or the Court; and any transfer of any right, title or interest or creation of a charge on such property shall be void unless the transfer is made with

the prior approval of the Agency or the Court subject to such terms and conditions as the Agency or Court, as the case may, deems fit.

(2) Any person who deliberately circumvents the proceedings against him, transfers or creates a charge on property in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year and shall be liable to fine not exceeding the value of the property involved.

33. POWERS TO ORDER PRODUCTION OF DOCUMENTS, CALL FOR INFORMATION AND SEEK ASSISTANCE:

(1) The Agency or any officer duly authorized by it in writing may, during the course of an enquiry or investigation of an offence under this Act -

(a) require any person to produce or deliver any document or thing or information considered by the Agency to be useful or relevant to the enquiry or investigation.

(b) examine any person acquainted with the facts and circumstances of the case; and

(c) seek assistance, documents or information from any department of the Federal Government, Provincial Government, Local authority, bank, financial institution, person or any authority and institution or department in the public sector or the private sector for disposal of any property surrendered to or seized by the Agency.

(2) The copies of documents obtained or information received or evidence collected under clauses (a), (b) or (c) shall be kept confidential and shall not be used for any purpose other than for legal proceedings under this Act.

34. MEASURES FOR THE PREVENTION OF CORRUPTION AND CORRUPT PRACTICES:

(1) The Agency shall, from time to time as it deems fit, constitute committees comprising officers of the Agency or other persons or organizations from the private or public sector to -

(a) educate and advise public authorities, holders of public office and the community at large on measures to combat corruption and corrupt practices;

(b) develop, arrange, participate in or conduct educational programs or media campaigns and generally to disseminate information on the detrimental effect of corruption and corrupt practices and the importance of maintaining the integrity of public administration; and

(c) advise and assist any statutory or other public corporation or bodies or, upon request, any organization in the private and public sector on measures for the reduction and elimination of corruption and corrupt practices.

35. AGENCY TO SUBMIT ANNUAL REPORT:

The Agency through the Chairman shall in the month of January every year submit to the Provincial Assembly a report of its affairs for that year, which report shall be laid before the Assembly. The report shall be a public document and on its publication copies thereof shall be provided to the public at a reasonable cost.

36. INTERNATIONAL COOPERATION AND REQUEST FOR MUTUAL LEGAL ASSISTANCE:

(1) Government, the Agency, or if so authorized by the Agency any Member or officer of the Agency, may request a Foreign State through Federal Government to do the following acts in accordance with the law:-

(a) have evidence taken, documents, articles, assets or proceeds produced; and

(b) transfer to Pakistan any such evidence, documents, articles, assets or proceeds realized from the disposal of such articles or assets.

**CHAPTER-VI
MISCELLANEOUS**

37. ACTS IN GOOD FAITH:

No suit, prosecution or any other proceedings shall lie against the Government, Agency, or any other member of the Agency or officer of the Agency any person exercising any power or performing any function under this Act or the rules made thereunder for any act or thing which has been done or intended to be done in good faith under this Act or the rules thereof.

38. OVERRIDING EFFECT TO OTHER LAWS:

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force. The cognizance of offence related to province, involving provincial finances, as provided in this act shall be exclusive domain of Accountability Agency only. No other agency, Institution or organization, whatsoever, shall take simultaneous cognizance of offence already taken by Accountability Agency.

39. DIRECTOR GENERAL, DIRECTORS AND OFFICERS DEEMED TO BE PUBLIC SERVANTS:

The Director General, Prosecutor General, Directors and other officers of the Agency shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

40. POWER TO MAKE RULES:

The Agency may with notification in the official Gazette, make rules for carrying out the purposes of this Act.

41. LIMITATION PERIOD FOR INITIATING ENQUIRY OR INVESTIGATION:

The Agency shall not enquire or investigate into any complaint, if the same is made after the expiry of a period of thirty years from the date on which the offence mentioned in such complaint is alleged to have been committed:

Provided that this provision shall apply to acts of corruption and corrupt practices committed on and after the date of commencement of this Act.

42. REMOVAL OF DIFFICULTY:

If any difficulty arises in giving effect to any provision of this Act, the Government may, by notification, published in the official gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

43. REPEAL AND SAVINGS:

(1) The Sindh Enquiries and Anti-Corruption Act, 1991 and Rules made thereunder are hereby repealed.

(2) Notwithstanding the repeal of the Act and Rules under sub-section (1), everything done, action taken, obligation, liability or penalty incurred, enquiry or proceedings commenced, shall continue and be deemed to have been validly done, taken, incurred or commenced under this Act, and shall, for all intents and purposes, be governed by the provisions contained in section 4 of the West Pakistan General Clauses Act, 1956 (W.P. Act VI of 1956), and the provisions contained in Article 264 of the Constitution of the Islamic Republic of Pakistan.

(3) On commencement of this Act -

(a) all cases pending with the Anti-Corruption Establishment under the repealed Act;

(b) employees working in the Anti-Corruption Establishment.

(c) and all assets and liabilities, including furniture, fixtures machinery and vehicles shall stand transferred to the Agency.

(d) The transition process shall be completed within a period of ninety days by a Committee comprising of Chairman of the Agency and Chairman, Enquiries and Anti-Corruption Establishment, Sindh.

SCHEDULE
(see section 18)

(a) Offences punishable under sections 161 to 169, 217 and 218 of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith;

(b) Offences punishable under sections 182, 186, 188, 189, 201, 211, 332, 353, 379 to 382, 403 to 409, 411, 417 to 420, 465 to 468, 471 and 477-A of the Pakistan Penal Code and as attempts, abetments and conspiracies in relation thereto or connected therewith, when committed by any public servant such as, or by any person acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such; and

(c) Offences punishable under the Prevention of Corruption Act, 1947 and as attempts, abetments, and conspiracies in relation thereto or connected therewith.

(d) **Offences under this Act.**

(MEMBER-IN-CHARGE)

GA, IAC & IPC WINGS HELD ON 25th OF JULY 2017
SERVICES GENERAL ADMINISTRATION & COORDINATION SERVICES
BRIEF MINUTES OF THE MEETING OF STANDING COMMITTEE ON

A meeting of the Standing Committee on Services General Administration & Coordination Services, GA, IAC & IPC Wings to consider the Government Bill No. 21 of 2017-The Sindh Accountability Bill, 2017 was held on 25th of July, 2017 at Committee Room No.3, Sindh Assembly Building, Karachi.

The following were present:-

MINUTES OF THE MEETING

	Minister for Culture & Tourism	1	
	Government of Sindh		
Member	Mr. Abdul Karim Soomro, MPA	2	
Member	Mr. Allah Bux Talpur, MPA	3	
Member	Dr. Saifeela Iqbal, MPA	4	
Member	Ms. Iqbal Bano Saeed, MPA	5	
Co-opted Member	Syed Saad Ahmad, MPA	6	
Ex-Officio Member	Mr. Nisar Ahmad Khuroo,	7	
	Senior Minister for Parliamentary Affairs		
	& Food, Government of Sindh		
Ex-Officio Member	Mr. Zia-ur-Razaq Khan,	8	
	Minister for Law		
	Government of Sindh		
Ex-Officio Member	Barista Zaher (Chairman)	9	
	Advocate General, Sindh		
Secretary to the Committee	M.H.M Hassan Shah,	10	
	Additional Secretary (Committee)		
	Provincial Assembly of Sindh		
	Mr.	11	
	Secretary, Law Department,		
	Government of Sindh		
	Mr. Bhatt,	12	
	Chairman		
	Anti Corruption Establishment, Sindh		

The proceedings of the meeting was commenced with the recitation from Holy Quran.

M.H.M Hassan Shah, Additional Secretary, Provincial Assembly of Sindh acted as Secretary to the Committee.

At the very outset Mr. Chairman welcomed all the Members of the Standing Committee, especially Senior Minister for Parliamentary Affairs, Government of Sindh, Minister for Law, Government of Sindh and Syed Saad Ahmad, MPA for spending their precious time.

**DRAFT MINUTES OF THE MEETING OF STANDING COMMITTEE ON
SERVICES GENERAL ADMINISTRATION & COORDINATION, SERVICES,
GA, I&C & IPC WINGS HELD ON 25TH OF JULY, 2017.**

A meeting of the Standing Committee on Services General Administration & Coordination, Services, GA, I&C & IPC Wings to consider the Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 was held on 25th of July, 2017 at Committee room No.2, Sindh Assembly Building, Karachi.

The following were present:-

- | | | |
|-----|---|-----------------------------------|
| 1. | Mr. Ghulam Mujtuba Isran, MPA | Chairman |
| 2. | Syed Sardar Ali Shah,
Minister for Culture & Tourism,
Government of Sindh | Member |
| 3. | Mr. Abdul Karim Soomro, MPA | Member |
| 4. | Mir Allah Bux Talpur, MPA | Member |
| 5. | Dr. Sajeela Leghari, MPA | Member |
| 6. | Ms. Nusrat Bano Seher Abbasi, MPA | Member |
| 7. | Syed Sardar Ahmed, MPA | Co-opted Member |
| 8. | Mr. Nisar Ahmed Khuhro,
Senior Minister for Parliamentary Affairs
& Food, Government of Sindh | Ex-Officio Member |
| 9. | Mr. Zia-ul-Hassan Lanjar,
Minister for Law,
Government of Sindh | Ex-Officio Member |
| 10. | Barrister Zameer Ghumro,
Advocate General, Sindh | Ex-Officio Member |
| 11. | M.H.M Hassan Shah,
Additional Secretary (Committees)
Provincial Assembly of Sindh | Secretary to the Committee |
| 12. | Mr.....
Secretary, Law Department,
Government of Sindh | |
| 13. | Mr. Bullo
Chairman,
Anti Corruption Establishment, Sindh | |

The proceedings of the meeting was commenced with the recitation from Holy Quran.

M.H.M Hassan Shah, Additional Secretary, Provincial Assembly of Sindh acted as Secretary to the Committee.

At the very outset Mr. Chairman welcomed all the Members of the Standing Committee, especially Senior Minister for Parliamentary Affairs, Government of Sindh, Minister for Law, Government of Sindh and Syed Sardar Ahmed, MPA for sparing their precious time.

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Thereafter the Committee took-up Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 clause by clause for consideration and decision thereupon by the esteemed forum of Standing Committee.

TITLE

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Title of the Bill to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved the title of the Bill.

PREAMBLE

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Preamble of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Syed Sardar Ahmed, MPA/Co-opted Member to the Committee suggested amendments under third and fourth paragraph, line-4 line-2 respectively, which was to the effect that, the word "funds" may be inserted before the word "property" and under fourth paragraph the word "Promoting" appearing under second line maybe substituted with the "sustaining"

Committee endorsed the views and directed to insert the word funds before the word property appearing under third paragraph, line-4 of the subject Bill.

After amendment under third paragraph, line-4, the preamble will be read as follows:-

AND WHEREAS it is expedient and necessary to provide for effective measures for the detection, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices, misuse or abuse of power or authority, misappropriation of funds, taking of kickbacks, commissions and for matters connected and ancillary or incidental thereto;

NOW, THEREFORE, it is expedient to establish an autonomous and independent anti-graft institution in the province of Sindh for sustaining good governance and transparency in public sector departments or organizations.

Committee unanimously approved amended Preamble of Government Bill No.21 of 2017-The Sindh Accountability, 2017.

CHAPTER-I
SHORT TITLE, EXTENT, APPLICATION
AND COMMENCEMENT

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-1(1)(2)(3) and (4) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-1(1)(2)(3) and (4) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Committee further decided that wherever the word "Commission" appearing in the under consideration Bill, the same shall be substituted with the word "Board"

DEFINITIONS

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-2(a)(b) and (c) (i)(ii) (iii) and (iv) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-2(a)(b)(c)(i)(ii)(iii) and (iv) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-2(d)(e)(f)(g)(h)(i)(j)(k)(l) and (m) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-2(d)(e)(f)(g)(h)(i)(j)(k)(l) and (m) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-2(n)(i)(ii)(iii) and (iv) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-2(n)(i)(ii)(iii) and (iv) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-2(o)(p)(q)(r) and (s) of Government Bill No.21 of

2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-2(o)(p)(q)(r) and (s) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

CHAPTER-II **THE SINDH ACCOUNTABILITY AGENCY**

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-3(1)(2)(a) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-3(1)(2)(a) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-3(2)(b) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee decided to delete the word "and" appearing in first line of subsection(b) of section-2.

After deletion the Clause-3(2)(b) will be read as follows:-

"to consider whether inquiry or investigation is needed in relation to an allegation and, if so, whether the investigation must be carried out by the Agency or whether the matter should be referred to any other appropriate authority for investigation or action;"

Committee unanimously approved amended Clause-3(2)(b) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-3(2)(c) and (d)(i) and (ii) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-3(2)(c) and (d)(i)(ii) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

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Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-3(2)(e)(f)(i)(ii)(iii) and (iv) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after threadbare deliberations unanimously approved Clause-3(2)(e)(f)(i)(ii)(iii) and (iv) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-3(2)(g) and (h) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after extensive deliberations unanimously approved Clause-3(2)(g) and (h) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

ACCOUNTABILITY BOARD

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-4(a)(b)(c)(d) and (e) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after prolonged deliberations unanimously approved Clause-4(a)(b)(c)(d) and (e) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

FUNCTIONS OF THE BOARD

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-5(1)(a)(b)(c)(d) and (e) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after prolonged deliberations unanimously approved Clause-5(a)(b)(c)(d) and (e) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-5(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

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Committee after prolonged deliberations amended Clause-5(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

After amendment the Clause-5(2) will be read as follows:-

“In absence of Chairman or in case the office of Chairman is vacant for any reason, the Chairman shall designate a person to act as a Chairman from the Board;”

Committee unanimously approved the amended Clause-5(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-5(3) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after at-length deliberations unanimously approved Clause-5(3) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

SUPERINTENDENCE AND ADMINISTRATION OF THE AGENCY

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-6(1) and (2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after prolonged deliberations unanimously approved Clause-6(1) and (2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

CHAIRMAN

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-7(a)(b) and (c) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after at-length deliberations unanimously approved Clause-7(a)(b) and (c) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-7(d) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

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Committee suggested to delete the words “is or” appearing in the beginning of the sub-section (d) of Clause-7.

After deletion the Clause-7(d) will be read as follows:-

“has been civil servant of grade-21 or above with proven competence, good reputation and high integrity”

Committee unanimously approved the amended Clause-7(d) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

APPOINTMENT OF CHAIRMAN

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-8(1) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee suggested to delete some portion of fourth and fifth line of under consideration clause.

After deletion the subject clause will be read as follows:-

“Chairman of the Agency shall be nominated by a Parliamentary Committee of Sindh Assembly consisting of six members, three each from treasury and opposition named by the Leader of the House and the Leader of the Opposition”

Committee unanimously approved the amended clause-8(1) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-8(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee decided to substitute the Clause-8(2) with the below mentioned Clause.

“In case the Committee fails to nominate its Chairman within a period of thirty days, the Speaker, Sindh Assembly shall nominate the Chairman within a period of seven days and his decision shall be final”

Committee unanimously approved the newly drafted clause as Clause-8(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

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Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-8(3) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee suggested amendment under consideration Clause, which will be read as follows:-

“Such nomination shall be sent to the government within a period of forty days of the coming into force of this Act and subsequently three months before the term of the Chairman expires who shall be appointed as Chairman by the Government on such terms and conditions as may be determined”

Committee after prolonged deliberations unanimously approved the amended Clause-8(3) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-8(4)(5) and (6) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-8(4)(5) and (6) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

DIRECTOR GENERAL

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-9(1) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee suggested amendment under the subject Clause and after amendment, the Clause-9(1) will be read as follows:-

“No person shall be appointed as Director General unless he is a permanent resident of the province and as a Government officer not below the grade-19 in any Anti-graft Agency or Pakistan Administrative Service, Police Service or Provincial Civil Service with outstanding career and integrity”

Committee unanimously approved the amended Clause-9(1) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

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Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-9(2)(3)(4) and (5) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-9(2)(3)(4) and (5) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

DIRECTORS

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-10(1) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-10(1) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-10(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee decided to substitute the word "Commission" with the word "Board" appearing in the second last line of the subject clause.

After deletion the Clause-10(2) will be read as follows:-

"There shall also be one Director Internal Monitoring and Internal Control, Deputy Directors as regional heads and as many Assistant Directors and Inspectors and other staff as the **Board** may decide"

Committee unanimously approved the amended Clause-10(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

**FUNCTIONS AND POWERS OF DIRECTOR GENERAL,
DIRECTOR INVESTIGATION**

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-11(1)(a) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

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Committee unanimously approved Clause-11(1)(a) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-11(1)(b) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee suggested amendment under subject clause, and after amendment the Clause-11(1)(b) will be read as follows:-

“disposal of cases within stipulated timeline after investigating the complaints with the approval of the Board”

Committee unanimously approved amended Clause-11(1)(b) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-11(1)(c)(d) and (e) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-11(1)(c)(d) and (e) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

ADMINISTRATIVE ORDERS

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-11(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-11(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-12(1)(a) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee suggested to delete the words “enquiry or” appearing under first line of the subject clause.

After deletion the Clause-12(1)(a) will be read as follows:-

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“for the purpose of any investigation under this Act, have throughout Sindh such powers including powers relating to causing attendance, search and arrest of persons and seizure of property, and such duties, privileges and liabilities as the officers of Provincial Police have in relation to the investigation of offences under the Code or any other law for the time being in force”

Committee unanimously approved the amended Clause-12(1)(a) of Government Bill No.21 of 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-12(1)(b) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee suggested to delete the words “enquiry or” appearing under first line of the subject clause.

After deletion the Clause-12(1)(a) will be read as follows:-

“for the purpose of an investigation under this Act, exercise any of the powers of an officer-in-charge of a Police Station in any area in which he is for the time being and when so exercising such powers shall be deemed to be an officer-in-charge of a Police Station within the meaning of the Code discharging his functions as such within the local limits of said area;”

Committee unanimously approved the amended Clause-12(1)(b) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-12(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after extensive deliberations unanimously approved Clause-12(2) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-12(3) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after extensive deliberations decided to delete the words “inquiry or” appearing under second line of subject clause.

After deletion the subject clause will be read as follows:-

“Director General and such other officers and staff of the Agency shall have and exercise for the purpose of investigation powers to arrest any person and all powers of an officer in charge of the Police Station under the Code and for that purpose may cause attendance of any person and when and if assistance of any other agency, police officer or any other official or agency is sought by such staff and officers, such officers or agency shall render such assistance, provided that no person shall be arrested without the permission of the Chairman of the Agency or any officer duly authorized by him”.

Committee unanimously approved the amended Clause-12(3) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-12(4) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee unanimously approved Clause-12(4) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over Clause-13 to Clause-43(3)(a)(b)(c) and (d) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after extensive on each and every clause unanimously approved Clause-13 to Clause-43(3)(a)(b)(c) and (d) of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017.

SCHEDULE

Mr. Nisar Ahmed Khuhro, Senior Minister for Parliamentary Affairs, Government of Sindh read over the Schedule of Government Bill No.21 of 2017-The Sindh Accountability Bill, 2017 to the Committee for its consideration and decision thereupon by the esteemed forum of Standing Committee.

Committee after extensive deliberations unanimously approved the Schedule of Government Bill No.21 of 2017, however suggested to include a sub section as (d), which will be as under:-

“Offences **under** this Act”

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Syed Sardar Ahmed, MPA/Co-opted Member to the Committee and Ms. Nusrat Seher Abbasi, MPA/Member to the Committee expressed their reservations in relation to competency of the Provincial Assembly for the purpose of enactment of such law which in their opinion was a federal subject.

Advocate General, Sindh briefed the both Honorable Members at-length about the Constitutional position and tried to satisfy both of the Members.

The meeting was then adjourned with a vote of thanks to all Members of the Committee, Senior Minister for Parliamentary Affairs, Government of Sindh, Minister for Law, Government of Sindh, Chairman, Anti Corruption Establishment, Sindh and other distinguished participants to the meeting of Standing Committee.

Sd/-
(GHULAM MUJTUBA ISRAN)
CHAIRMAN
STANDING COMMITTEE ON SGA&CD