

Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information;
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
- (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to such restrictions as shall only be such as are provided for by law.

CIVIL SOCIETY REPORT

on the Implementation of

Chapter II (Prevention) & Chapter V (Asset Recovery) of the

UNITED NATIONS CONVENTION AGAINST CORRUPTION

IN PAKISTAN

by Pakistan Institute of Legislative Development and
Transparency - PILDAT

Acknowledgements

This report has been prepared by Ms. Amna Kausar, Projects Manager PILDAT under the key guidance and supervision of Mr. Ahmed Bilal Mehboob, President of PILDAT.

We would like to thank the eminent personalities and institutions of Pakistan that provided their valuable input to us in the preparation of this report.

We wish to thank the UNCAC Coalition for their support in the preparation of this report. The UNCAC Coalition is a global network of more than 350 civil society organisations in over 100 countries, committed to the monitoring and implementation of the UN Convention against Corruption (UNCAC). The UNCAC is the only universal binding anticorruption mechanism and has been signed or ratified by 186 countries and the European Union.

With the aim of contributing to the national UNCAC review in Pakistan in its second cycle, this parallel report was written by PILDAT, using the guidance materials and report template designed by the UNCAC Coalition and Transparency International. The production of this report was supported by the UNCAC Coalition, made possible with funding provided by the Norwegian Agency for Development Cooperation (Norad) and the Ministry of Foreign Affairs of Denmark (Danida).

The findings in this report are those of the authors but do not necessarily reflect the views of the UNCAC Coalition and the donors who have made this report possible.

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of April 15, 2021. PILDAT has made every effort for accurate use of data and any omission or error, therefore, is not deliberate.

The report was reviewed by Yonatan Yakir, Denyse Degiorgio, Danella Newman and Mathias Huter from the UNCAC Coalition.

Pakistan Institute of Legislative Development and Transparency - PILDAT

Islamabad Office: P.O. Box 278, F-8, Postal Code: 44220, Islamabad, Pakistan

Lahore Office: P.O. Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore, Pakistan

E-mail: info@pildat.org | Website: www.pildat.org | Twitter: www.twitter.com/Pildat |

Youtube: www.youtube.com/pildatofficial | Facebook: www.facebook.com/PILDAT |

Instagram: www.instagram.com/pildatpak

PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

Table of Contents

<i>Acronyms and Abbreviations</i>	1
<i>List of Persons approached for consultation</i>	3
<i>I. Introduction</i>	4
<i>II. Executive Summary</i>	6
<i>III. Assessment of Review Process for Pakistan</i>	14
<i>IV. Assessment of Implementation of Chapter II and Chapter V Provisions</i>	16
<i>Chapter II</i>	16
Article 5 – Preventive anti-corruption policies and practices	16
Articles 6 and 13.2 – Preventive anti-corruption bodies	19
Article 7.1 – Public sector employment	23
Article 7.3 – Political financing	26
Articles 7.2, 7.4, 8.1, 8.2, 8.5, 8.6 and 12.2 – Code of conduct, Conflict of interest and Declaration of assets and interests	29
Articles 8.4 and 13.2 – Reporting mechanisms and Whistle blower protection	33
Article 9.1 – Public procurement	35
Articles 9.2 and 9.3 – Management of public finances	38
Articles 10 and 13.1 – Public reporting and Participation of society	41
Article 11 – Measures relating to the judiciary and prosecution services	48
Articles 12.1, 12.2 (c) and (f), 12.4 – Private sector	52
<i>Chapter V</i>	56
Articles 52.1, 52.2, 52.3, 52.4, 52.5, 52.6 and 58 – Anti-money laundering	56
Articles 53 and 56 – Measures for direct recovery of property and Special cooperation	62
Articles 51, 54.1(a) and (b), 54.2, 55.1, 55.2, 55.6, 56, 59 – International cooperation for purposes of confiscation and Bilateral and multilateral agreements and arrangements	64
<i>VII. Recommendations</i>	67
<i>VIII. Appendices</i>	69
Appendix A: PILDAT's Recommendations on finalizing the OGP National Action Plan	69
Appendix B: List of domestic legislations	70
<i>IX. Bibliography</i>	72

Acronyms and Abbreviations

AML	Anti-Money Laundering
AML/CFT/CPF	Anti-Money Laundering, Combating the Financing of Terrorism, Combating Proliferation Finances
ANF	Anti-Narcotics Force
APG	Asia Pacific Group
ARU	Asset Recovery Unit
BPS	Basic Pay Scale
CCP	Competition Commission of Pakistan
CDD	Customer Due Diligence
CDNS	Central Directorate for National Savings
CGA	Controller General of Accounts
CPDI	Centre for Peace and Development Initiatives
CSA	Civil Services Academy
CSB	Central Selection Board
CSR	Civil Service Regulations
CSS	Central Superior Services
CTD	Counter Terrorism Department
CTR	Currency Transaction Report
DFI	Development Finance Institution
DNFBPs	Designated Non-Financial Businesses and Professions
DPC	Departmental Promotion Committee
EC	European Commission
ECP	Election Commission of Pakistan
EmDD	Employees Due Diligence
EDD	Enhanced Due Diligence
FATF	Financial Action Task Force
FBR	Federal Board of Revenue
FIA	Federal Investigation Agency
FIR	First Information Report
FIU	Financial Intelligence Unit
FMU	Financial Monitoring Unit
FPSC	Federal Public Service Commission
FSA	Foreign Service Academy
FuR	Follow-up Report
GFMD	Global Forum of Media and Development
IFI	International Financial Institutions
IFMIS	Integrated Financial Management Information System
IMF	International Monetary Fund
IOSCO	International Organization of Securities Commissions
JuD	Jamat ud Dawa
JUI-F	Jamiat Ulema-e-Islam-Fazl
KP	Khyber Pakhtunkhwa
LEA	Law Enforcement Agency
MER	Mutual Evaluation Report
MFB	Micro-Finance Banking
ML	Money Laundering

MNA	Members of the National Assembly
Mol	Ministry of Interior
MoU	Memorandum of Understanding
NAB	National Accountability Bureau
NADRA	National Database and Registration Authority
NACS	National Anti-Corruption Strategy
NAO	National Accountability Ordinance
NEC	National Economic Council
NRA	National Risk Assessment
NSPP	National School of Public Policy
OGP	Open Government Partnership
PAS	Pakistan Administrative Services
PEC	Prevention of Electronic Crimes
PEMRA	Pakistan Electronic Media Regulatory Authority
PEPs	Politically Exposed Persons
PFMA	Public Finance Management Act
PIC	Pakistan Information Commission
PIO	Public Information Officer
PML-N	Pakistan Muslim League-Nawaz
PPF	Pakistan Press Foundation
PPP	Pakistan Peoples Party
PPRA	Public Procurement Regulatory Authority
PSP	Police Services Pakistan
PTI	Pakistan Tehreek-e-Insaf
RAI	Right of Access to Information
RE	Regulated Entities
ROPA	Representation of People's Act
RTI	Right to Information
SAARC	South East Asian Association for Cooperation
SAP	Systems Application Programme
SBP	State Bank of Pakistan
SDD	Simplified Due Diligence
SECP	Securities and Exchange Commission Pakistan
SJC	Supreme Judicial Council
STP	Specialized Training Programme
STR	Suspicious Transaction Report
ToR	Terms of Reference
WJP	World Justice Project

List of Persons approached for consultation

Person contacted	Designation	Organization	Scope of Consultation
Mr. Shafqat Mehmood	Additional Director, International Cooperation Wing	National Accountability Bureau (NAB)	Data requested on progress of review & implementation of various UNCAC articles
Mr. Shahid Hamid	Senior Advocate Supreme Court; former senior civil servant; former Federal Minister; former Governor	Supreme Court of Pakistan and Hamid Law Associates	Data requested on certain legal aspects pertaining to judiciary and civil service of Pakistan
Mr. Nohman Ishtiaq	Public Finance Expert	Consultant, Government of Pakistan	Data requested on public finance
Mr. Amir Khan	Chairman	Securities and Exchange Commission Pakistan (SECP)	Data requested on private sector transparency
Representative of the FMU Section of the State Bank of Pakistan	Compliance Officer	Financial Monitoring Unit (FMU)	Data requested on functions of the financial monitoring unit
Mr. Shahzad Akbar	Advisor to Prime Minister on Accountability and Interior with the status of Federal Minister	Prime Minister's Office & Asset Recovery Unit (ARU)	Data requested on asset recovery <i>Note: No response received</i>

I. Introduction

Pakistan signed the United Nations Convention against Corruption (UNCAC) on December 09, 2003 and ratified it on August 31, 2007 with a declaration that the provision of paragraph 2 of Article 66 does not bind it.¹ Moreover, Pakistan also declared that it does not take the Convention as the legal basis for cooperation on extradition with other States parties pursuant to Article 44, paragraph 6.

The first review cycle of Pakistan's compliance with the UNCAC, covering Chapters III on criminalization and law enforcement and IV on international cooperation, was carried out from June 2012 to March 2017. The country review report of the first cycle was approved by the Government of Pakistan but it was not published. Only the Executive Summary was made public, which is required by the procedures of the review process.²

This report, produced in parallel to the official process, reviews Pakistan's implementation of selected articles of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the UNCAC. The report is intended as a contribution to the official UNCAC implementation review process currently underway covering these chapters. Pakistan was selected by the UNCAC Implementation Review Group by drawing of lots for review to be conducted in 2019 by Qatar and Kenya, but has been facing delays due to COVID- 19. A draft of this parallel report was provided to the government of Pakistan.

Scope

The following UNCAC articles and topics have received particular attention in this report:

- Art. 5. on preventive anti-corruption policies and practices;
- Art. 6. and 13.2 on preventive anti-corruption bodies;
- Art. 7.1 on public sector employment;
- Art. 7.2, 7.4, 8.1, 8.2, 8.5, 8.6 and 12.2 on conflicts of interest and codes of conduct for elected and public officials;
- Art. 8.4 and 13.2 on reporting mechanism and whistle-blower protection;
- Art. 7.3 on political financing;
- Art. 9.1 on public procurement;
- Art. 10 and 13.1 on access to information and the participation of society;
- Art. 9.2, 9.3 on the management of public finances;
- Art. 11 on the judiciary and prosecution services;
- Art. 12 on private sector transparency;
- Art. 52.1-.6, 58 on anti-money laundering;
- Art. 53 and 56 on measures for direct recovery of property;

¹ Declarations and Reservations, UNODC, August 14, 2008, accessed on October 10, 2020, at <https://www.unodc.org/documents/treaties/UNCAC/ReservationsDeclarations/DeclarationsAndReservations14Aug2008.pdf>.

² UNODC Country Profile Pakistan, accessed on 30 April 2021 at <https://www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Fpak.html>.

- Art. 51, 54.1(a) and (b), 54.2, 55.1, 55.2, 55.6, 56, 59 on international cooperation for the purpose of confiscation of assets.

Structure

The report begins with an executive summary, including the condensed findings, conclusions and recommendations about the review process, the availability of information, as well as the implementation and enforcement of the selected UNCAC articles. It also covers the findings of the review process in Pakistan as well as access to information concerns. Subsequently, the implementation of the Convention is reviewed and examples of good practices along with deficiencies are provided. Lastly, recommendations for priority actions to improve the implementation of the UNCAC are given.

Methodology

The report was prepared by the Pakistan Institute of Legislative Development and Transparency (PILDAT) with technical and partial financial support from the UNCAC Coalition. PILDAT made efforts to obtain information for the report from government offices and to engage in dialogue with government officials. As part of this engagement, a draft of the report was made available to them, specifically the National Accountability Bureau, which is the main focal body coordinating on UNCAC. NAB reviewed the draft report and asked to make some changes to it. A list of legislations and some data received from SECP was incorporated on the request of NAB. A revised draft was shared again with NAB after which the report's final shape took place. The report was prepared using guidelines and a report template provided by the UNCAC Coalition and Transparency International for use by CSOs. These tools reflected but simplified the United Nations Office on Drugs and Crime (UNODC) checklist and called for relatively short assessments as compared to the detailed official self-assessment checklist. The report template included a set of questions about the review process and, in the section on implementation, asked for good practices and areas in need of improvement. It covers articles of the two UNCAC chapters that are reviewed in the second cycle: Chapter II on Preventive Measures and Chapter V on Asset Recovery.

II. Executive Summary

Pakistan signed the United Nations Convention against Corruption (UNCAC) on December 09, 2003, and ratified it on August 31, 2007.

This civil society report, produced in parallel to the official process, reviews Pakistan's implementation of selected articles of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the UNCAC. This report is intended as a contribution to the official UNCAC implementation review process covering these chapters and seeks to inform future reform efforts to strengthen the country's anti-corruption framework in both law and practice.

Political financing

Political parties have to report on contributions they received and on campaign expenses to the Election Commission of Pakistan (ECP), which is mandated to verify the receipt and returns immediately. This documentation is then accessible to the public, but only upon paying a fee to access it, and only for the duration of one year.

Cases of alleged financial irregularities of political parties have remained under investigation by the ECP for many years, including cases of alleged illegal foreign funding related to several mainstream parties, some of these cases dating back to 2014, exposing institutional weaknesses in the oversight of political financing.

Access to Information

Pakistan has access to information laws at the federal level, and in all four provinces. At the federal level, the 2017 Right of Access to Information (RAI) Act upgraded the previous legal framework, including expanding the scope of disclosure, reducing exemptions, and providing a right to appeal with a dedicated Pakistan Information Commission.

Different stakeholders are using the right to information laws, but in practice, the responses to their requests are often very limited. From 2015 to 2019, only 788 (29%) out of 2,635 information requests filed with the various departments of the Government of Pakistan were responded to. Similarly, in the province of Punjab, 1,778 requests were made but only 540 (30%) were answered over the same five-year period.

Some landmark cases of access to information have resulted in the release of information key to promoting accountability of decision-makers, such as the release of attendance records of members of the National Assembly and the Punjab Assembly. In 2017, the Chief Justice of the Lahore High Court Syed Mansoor Ali Shah took a historic initiative by revealing the details of his assets and liabilities.

In other areas important to the fight against corruption, access to information has been restricted: In November 2020, the Pakistan Information Commission ruled that asset declarations of top officers of the National Accountability Bureau (NAB) should not be disclosed due to privacy concerns.

Asset declarations of public and elected officials

Electoral candidates have to submit a declaration of assets and liabilities and extensive information including about the taxes paid to the Electoral Commission. While these statements used to be accessible to the public on the ECP's website, this is no longer the case but are made public through printed government notifications. The National Assembly has yet to adopt a national law addressing conflicts of interest of public officials after the competent committee of the Assembly has not recommended two draft bills on this matter for adoption. Meanwhile, the provinces of Punjab (in 2019) and Khyber Pakhtunkhwa (in 2016) have passed conflict of interest laws that are required to establish Conflict of Interest and Ethics Commissions. However, both these Commissions have not been constituted so far.

Budget transparency

While all elements of the budget, such as revenues and expenditures, are included in the budget documents and disclosed, the level of detail included in budget documents varies. While a performance-based budget report is regularly published online, the audit reports of the Auditor General are not made available on the website.

Parliamentary scrutiny of public finances has moved forward recently: The budget for the financial year 2020-2021 is the first one since the adoption of the 1973 Constitution that will be adopted by Parliament under the Public Finance Management Act (PFMA), 2019. The parliament had not adopted a law for 47 years to regulate the public accounts of the federation until the adoption of the PFMA 2019, which finally closed this gap.

Lack of public consultations

Civil society, the private sector, and other relevant stakeholders are generally not consulted during the drafting of new legislation. This was exemplified recently when new rules on the removal and blocking of online content deemed to be unlawful were drafted without the involvement of affected stakeholders. These rules will apply to all social media companies operating in Pakistan and may also affect reporting on alleged corruption and other forms of wrongdoing, as well as public access to free and open internet. The media, however, freely reports on the legislations while under consideration by the parliament. This, indirectly, involves public in the process but only to a limited extent.

Whistleblowing

Pakistan does not have a federal law on whistleblower protection and reporting mechanisms. The province of Khyber Pakhtunkhwa is the only province with a whistleblower law adopted in 2016. However, the province's Commission to protect whistleblowers created by this law has not been formed even five years after the adoption of the law.

Judicial independence

Higher judiciary is generally perceived as independent and of integrity. Some of the decisions involving top politicians and some judges of the superior judiciary in Pakistan

has created the perception among a section of the population that the judiciary may be subjected to pressure by powerful segments of society.

At the same time, the judiciary has yet to resolve problems facing the lower courts where ordinary Pakistani citizens remain much more likely to encounter the judicial system. Pendency of cases lying with Higher Judiciary is on a record high as 42,762 cases remain pending in the Supreme Court of Pakistan as of January 2020.³ The rate of pendency has risen almost 100% during the past five to seven years.

Politicisation of anti-corruption bodies

In recent times, there have been several cases filed against politicians and public officials. There are more cases against the opposition parties which reflect the suspected politicization of the NAB. Some members of the Government are also facing NAB cases. However, more cases against opposition party leaders have given rise to the suspicion that the NAB has become politicised and is targeting some particular people.

Members of the bureaucracy, business community, and politicians have been protesting about how the process of accountability is being conducted, but the most authoritative statement on the issue has been given by the then Chief Justice of Pakistan. Several judgments by the superior judiciary have raised serious questions about the competence and independence of NAB. The accountability process in Pakistan is continually perceived as a tool of political engineering by the government. For this purpose, attempts have been made to improve the National Accountability Ordinance (NAO) 1999, or the NAB law. Various meetings were held between the opposition parties and the government to discuss the proposed amendments to NAO, 1999 but still, no agreement could be reached.

Private sector transparency

Every company is required to maintain an up-to-date register of its ultimate beneficial owners. While the beneficial ownership information is available to law enforcement agencies like NAB and other stakeholders such as banks and financial intelligence units, this information is not accessible to the general public.

The company registry under the SECP e-services project does not publish the identities of the legal and natural persons involved in the establishment and management of corporate entities, however, their names are available in an online search. The company registry also does not disclose beneficial ownership to the public.

Anti-money laundering

Money laundering cases are being investigated. Between 2013 and 2018, Pakistan's law enforcement agencies undertook 2,420 investigations of suspected money laundering cases, resulting in 354 prosecutions.

³ Law and Justice Commission of Pakistan, Pendency of cases, as accessed on February 6, 2021, at http://ljcp.gov.pk/nljcp/assets/dist/news_pdf/courts.pdf.

The country has recently signed Memoranda of Understanding with several countries to improve international cooperation and the exchange of information in money laundering investigations.

Pakistan remains on the grey list of the Financial Action Task Force (FATF) and is currently implementing a FATF action plan to address gaps and weaknesses in its anti-money laundering framework. The FATF, however, has acknowledged after the last plenary session that Pakistan has made substantial progress and implemented a major part of the Action Plan.

Description of the Process

For the second cycle of the UNCAC implementation review, Pakistan's review was to be conducted in the fourth year, which corresponds to the year 2019. Qatar and Kenya are the reviewing State Parties. The NAB was made the designated central authority to coordinate Pakistan's review process as the focal point.

Due to COVID-19, the review process has been delayed. An updated schedule of the review process is yet to be finalised, according to the NAB.

The first draft of Pakistan's self-assessment questionnaire, which is the key document provided to the two reviewing countries and serves as the basis of Pakistan's review of UNCAC implementation, was reportedly shared by NAB with UNODC (which coordinates the review process) on 2 September, 2020. The NAB said that it consulted only Transparency International Pakistan in the preparation of the self-assessment. Upon request for the draft self-assessment to be shared with PILDAT, the NAB responded that it was not possible as work on it was still being undertaken. The NAB said that the 'final draft' of the self-assessment checklist will be shared with all relevant stakeholders. At the time this report was finalised, NAB said that the draft self-assessment checklist was being translated into Arabic for one of the reviewing countries.

A country visit of the two peer reviewers had yet to be scheduled at the time this report was being finalised.

Availability of Information

The public cannot readily access information concerning the implementation of the UNCAC at the national level as relevant information is often not published by authorities. Access to information laws exist at the Federal and Provincial levels in Pakistan that can be used for this purpose.

In the process of drafting this parallel report, PILDAT engaged with government authorities and exchanged a number of letters and emails with the NAB. The responses were usually received in a timely manner. PILDAT did not resort to submitting requests for information under the freedom of information legislation.

Based on our review of the Executive Summary of the Review Report of the 2017 UNCAC first cycle review for Pakistan,⁴ we learnt about several recommendations on criminalization and law enforcement, and international cooperation, including on the need for improvements in data collection, increasing the investigative, prosecutorial and enforcement capacities for corruption cases, and ensuring legislation is aligned with the Convention including laws on whistleblowers and witness protection. The reviewers also noted good practice in the enabling of the National Accountability Bureau (NAB)'s autonomous working and identified technical assistance needs related to the Convention. The full country report from this review cycle was not published on the UNODC website (which is only done upon request of the State under review). A request for the report was made by PILDAT to the NAB, however, the Bureau did not share it with the authors of this report.

TABLE 1: Implementation and enforcement summary

UNCAC articles	Status of implementation in law	Status of implementation and enforcement in practice
Art. 5 – Preventive anti-corruption policies and practices	Largely implemented	Moderate
Art. 6 – Preventive anti-corruption body or bodies	Fully implemented	Moderate
Art. 7.1 – Political financing	Partially implemented	Poor
Art. 7, 8 and 12 – Codes of conduct, conflicts of interest and asset declarations	Partially implemented	Poor
Art. 8.4 and 13.2 – Reporting mechanism and whistleblower protection	Not implemented	Poor
Art. 9.1 – Public procurement	Largely implemented	Moderate
Art. 9.2 – Management of public finances	Largely implemented	Moderate
Art. 10 and 13.1 – Access to information and the participation of society	Largely implemented	Poor
Art. 11 – Measures relating to the judiciary and prosecution services	Largely implemented	Moderate
Art. 12 – Private sector	Largely implemented	Moderate
Art. 14 – Measures to prevent money-laundering	Partially implemented	Moderate

⁴ UNODC, First Cycle UNCAC Review Executive Summary, available at <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries/V1705613e.pdf>.

Art. 52 and 58 – Prevention and detection of transfers of proceeds of crime and financial intelligence unit	Partially implemented	Moderate
Art. 51, 54, 55, 56 and 59 – International cooperation for purposes of confiscation and Bilateral and multilateral agreements and arrangements	Partially implemented	Moderate

TABLE 2: Performance of selected key institutions

Name of institution	Performance in relation to responsibilities covered by the report	Keywords explaining performance (e.g., resources, organisation, independence, technical skills)
National Accountability Bureau (NAB)	Moderate	Has resources and statutory independence but capacity of investigation and prosecution needs to be enhanced; superior courts have repeatedly raised questions about technical skills and neutrality of the institution.
Financial Intelligence Unit, State Bank of Pakistan	Moderate	Has resources & organization.
Election Commission of Pakistan	Good	Has resources, technical skills, organization, statutory independence and authority.
Pakistan Procurement Regulatory Authority	Good	Resources, organization and technical skills.
Asset Recovery Unit	Poor	Non-transparent institution with little to no public knowledge about its resources, organization, independence, technical skills.
Judiciary	Moderate	Superior Judiciary has resources, technical skills and statutory independence but there are individual cases of subjecting them to pressure. Lower judiciary has less resources, questionable technical skills, independence, and integrity.
Federal Public Service Commission	Good	Resources, organization and technical skills.

Pakistan Information Commission	Moderate	Statutory independence, organization and technical skills but limited resources.
Parliament of Pakistan	Moderate	Independence, resources & organization but members spend greater time attending to constituents' individual issues and little time and attention to policy debates and business within the parliament and committees.

Recommendations for Priority Actions

The following points are key recommendations for the government and other involved institutions in Pakistan for action or consideration in improving its compliance with UNCAC provisions:

1. Make the UNCAC review process more transparent including by involving the general public and civil society in particular. The government of Pakistan is also encouraged to share the self-assessment checklists and full country reports for both review cycles with at least the independent civil society organizations dealing with transparency. An update on the state of compliance with UNCAC should be published in the Annual Report of the National Accountability Bureau (NAB), which is the official focal institution for UNCAC in Pakistan.
2. Establish a clear parliamentary oversight mechanism for UNCAC implementation in Pakistan. The Parliamentary Standing Committees on Law, Justice and other relevant subjects should play a more active role on the oversight of implementation of UNCAC in Pakistan. Parliamentarians should demand that the Executive follows national and international obligations, and for the government to openly report to Parliament on the fulfilment of international obligations.
3. Amend the National Accountability Ordinance (NAO), 1999, also known as the NAB law in the light of superior court observations such as the provision of bail, collective decision-making for crucial decision-making such as arrests. The matters relating to other government organizations such as tax and regulation of businesses should be left for those organizations such as FBR and SECP to deal with.
4. Adequately identify, analyse and understand the country's Money Laundering and Terror Financing risks in order to be able to implement a risk-based approach to combating Money Laundering (ML) and Terror Financing (TF) in Pakistan.
5. The Election Commission of Pakistan (ECP) should make effective arrangements to strictly monitor election-related expenses for better enforcement of the law, in accordance with the Elections Act, 2017. There should be a greater and more professional scrutiny of financial statements submitted by political parties, election candidates and legislators.
6. Develop legislation to fix and enforce an election spending limit on political parties in Pakistan.
7. Provide the Election Commission of Pakistan (ECP) with sufficient human and financial resources in order to effectively enforce election expense-related laws. ECP should scrutinize critical documents such as the election expense returns, annual accounts submitted by political parties, and statements of assets and liabilities submitted by candidates and legislators. Furthermore, it is

recommended to install a well-staffed political finance division within the ECP under the guidance of a professional chartered accountant/auditor, who would be able to carry out a meaningful analysis of the statements of assets and liabilities.

8. Engage in legislative reform on the Finance Bill, so that it is presented to the Parliamentary Committee on Finance for detailed scrutiny before it can be debated and passed in the plenary. Budget proposals relating to each ministry or division should be scrutinised by the relevant parliamentary standing committees before the debate in the full house.
9. Increase the period of the annual budget debate in the Parliament from the current average of 14 days to at least 45 days.
10. Engage in legislative reform to allow the business, workers, civil society, economic experts and the general public to provide structured input before the passage of the annual budget.
11. Adopt a constitutional amendment to address Article 84 of the Constitution of Pakistan, which allows the Executive to amend the budget approved by Parliament in any way it finds fit during the year, without prior approval by the Parliament.
12. Introduce and pass a Federal Conflict of Interest Law.
13. Adopt a federal law regarding the reporting and protection of whistle-blowers, which includes adequate reporting mechanisms and protective measures.
14. Improve implementation and awareness of freedom of information laws in Pakistan. Adopt measures to promote an institutional culture of transparency, open data, open-door policies, and regular communication between the government and civil society.
15. Implement mechanisms that allow for civil society consultations in legislative development processes.
16. Substantially improve and effectively enforce Pakistan's MLA framework, including by making information on the number of incoming and outgoing requests easily available to the public.
17. Adopt a legal framework in order to establish a central asset recovery office for a coordinated, open, and transparent approach to asset recovery.

III. Assessment of Review Process for Pakistan

Report on the Review Process

The first draft of the Self-Assessment Checklist of the second cycle of the UNCAC review was submitted to United Nations Office on Drugs and Crime (UNODC) in Vienna, Austria, on September 02, 2020. At the time this report was finalized, the draft Self-Assessment Checklist was currently undergoing translation into Arabic by UNODC for the benefit of one of the reviewing countries, according to NAB. The review was originally scheduled to take place in year 4 (2019). Due to COVID-19, an updated schedule of the review is yet to be published.

TABLE 3: Transparency of the government and CSO participation in the UNCAC review process

Did the government disclose information about the country focal point?	Yes	The country focal point is Mr. Zahir Shah, Director General Operations Divisions, National Accountability Bureau (NAB).
Was the review schedule known?	Not yet	The review was originally scheduled to take place in year 4 (2019). Due to COVID-19, the schedule of the review is yet to be updated. Information on the schedule was not published on the NAB website.
Was civil society consulted in the preparation of the self-assessment?	Yes	As informed by NAB, they consulted only Transparency International Pakistan in the preparation of the self-assessment. Upon request for the draft to be shared with PILDAT, NAB responded that it was not possible as work on it was still being undertaken.
Was the self-assessment published online or provided to civil society?	Not yet	As reported by NAB, the final draft of the self-assessment will be shared with all relevant stakeholders.
Did the government agree to a country visit?	Yes	Yes.
Was a country visit undertaken?	Not yet	No schedule for country visit has been shared by UNODC with NAB till the time of writing of this report.
Was civil society invited to provide input to the official reviewers?	Not yet	The review has not gotten to this stage yet.
Was the private sector invited to provide input to the official reviewers?	Not yet	The review has not gotten to this stage yet.
Has the government committed to publishing the full country report?	No	The full country report was also not published for the first review cycle.

Access to Information

The public cannot readily access information concerning the implementation of the UNCAC at the national level. Although access to information laws exist at the Federal and Provincial levels in Pakistan and can be used for this purpose, PILDAT did not need to use the law to obtain information from NAB and other institutions. Several letters and emails were exchanged between PILDAT and NAB and responses were received regarding the questions asked by PILDAT. Unwillingness to share the self-assessment was expressed by NAB providing the reason stated above in Table 3.

Besides NAB, letters or requests for information were also sent to the head of the Securities Exchange Commission of Pakistan (SECP), the Financial Intelligence Unit in the State Bank of Pakistan, and the head of the Asset Recovery Unit in the Prime Minister's Office. Besides the Asset Recovery Unit, data requests were entertained by all entities and persons who were contacted. More details are given in the table on the list of persons consulted.

PILDAT also made use of reports published by organisations such as Transparency International, World Justice Project, Asia Pacific Group, along with PILDAT's own published work. Public portals of state bodies were also useful such as that of the Auditor General of Pakistan, Ombudsman's Secretariat, Pakistan Information Commission, and Pakistan Public Procurement Regulatory Authority. PILDAT also made use of annual reports and policy documents such as NAB's rules and procedures and code of conduct, judgments by the superior courts of Pakistan, and reports of the Election Commission of Pakistan, Federal Public Service Commission, and the Law and Justice Commission of Pakistan.

IV. Assessment of Implementation of Chapter II and Chapter V Provisions

Implementation of the Convention through Laws, Regulations and Practices

Chapter II

The following section addresses the implementation and enforcement of select UNCAC articles under Chapter II on Preventive measures.

Article 5 – Preventive Anti-Corruption Policies and Practices

Anti-Corruption Laws in Pakistan

A law called the National Accountability Ordinance, 1999 (NAO) is a key element of Pakistan's anti-corruption framework.⁵ In addition to this law, there are provincial-level laws on anti-corruption, such as the Punjab Anti-Corruption Establishment Ordinance, 1961 and Punjab Anti-Corruption Establishment Rules, 2014 passed by Governor of Punjab on February 07, 2014,⁶ the Sindh Enquiries and Anti-Corruption Act, 1991 (Sindh Act No. IV of 1992), the Khyber Pakhtunkhwa Ehtesab Commission (Repeal) Act, 2018 (Khyber Pakhtunkhwa Act No. V of 2019) passed by Provincial Assembly of KP in December 2018 and assented by Governor of the Khyber Pakhtunkhwa in January 2019,⁷ and the Balochistan Enquiries and Anti-Corruption Act XII of 2010 that was passed by the Provincial Assembly of Balochistan on October 14, 2010, and was assented by the Governor on October 15, 2010.⁸

According to Section 6 of the NAO, the National Accountability Bureau (NAB) was constituted for the whole of Pakistan. NAB is an anti-corruption organization with the responsibility of eliminating corruption adopting an approach of awareness, prevention, and enforcement. It operates under the NAO, 1999 with its headquarters in Islamabad. It takes cognizance of all offences falling within the NAO.

On July 08, 2020, the Supreme Court (SC) of Pakistan directed the Ministry of Law and Justice to establish 120 new accountability courts for speedy disposal of around 975 pending cases. The ministry, in its reply on July 23, 2020, informed the court that PKR 2.86 billion (approx. € 15.5 million per year) would be needed to establish these courts.⁹ The Ministry then finalized a comprehensive plan to establish additional

⁵ NAO, 1999, Ministry of Law & Justice, accessed on November 07, 2020, at <http://www.molaw.gov.pk/molaw/userfiles1/file/MOLAW/NABORDINANCE-1999.pdf>.

⁶ Punjab Anti-Corruption Establishment Ordinance, 1961, Anti-Corruption Establishment Punjab, accessed on November 07, 2020, at <https://ace.punjab.gov.pk/system/files/ACE%20Rules.pdf>.

⁷ KP Ehtesab Commission Repeal Act, 2018, Provincial Assembly of KP, accessed on November 07, 2020, at <https://www.pakp.gov.pk/wp-content/uploads/The-KP-Ehtesab-Comm-Repeal-Act-2018.pdf>.

⁸ Balochistan Anti-Corruption Act, 2010, accessed on November 07, 2020, at <https://balochistan.gov.pk/wp-content/uploads/2019/08/Anti-Corruption-Act-2010-and-Rules.pdf>.

⁹ 'Rs2.86 bn needed annually for 120 new courts', Dawn, July 24, 2020, accessed on November 07, 2020, at <https://www.dawn.com/news/1570823/rs286bn-needed-annually-for-120-new-courts-sc-told>.

accountability courts in a phased manner. Currently, 24 accountability courts are working in the country.¹⁰

Implementation of Anti-Corruption Laws in Pakistan

The NAB formulated a National Anti-Corruption Strategy (NACS, 2000), approved by the President of Pakistan on October 12, 2001. Its steering committee was formed on December 06, 2001.¹¹ The NACS project was conceived by NAB with this purpose in mind to propel Pakistan further on the long road to accountability and transparency. It also consists of an Implementation Action Plan. According to NAB, it evaluates the implementation of the NACS, action plan, and other anti-corruption policies through its Awareness and Prevention Division, and there is also a Chairman's Inspection and Monitoring Team (CI & MT) within NAB for this purpose. According to NAB's Annual Report 2019, monitoring is carried out based on Daily Occurrence Reports (DOR), Weekly Monitoring Reports (WMR), as well as a monthly analysis of weekly reports.

The Operations Division at NAB Headquarters steers the Regional Bureaus' direction. Investigation Wings at the Regional Bureaus are core operational units of NAB. NAB has also introduced a Combined Investigation Team (CIT) to benefit from senior supervisory officers. NAB's Annual Report for 2019 shows that the Bureau received 46,289 complaints. Consequently, a total number of 649 inquiries and 246 investigations had been authorized. After completing due process under the law, 183 references had been filed in the Accountability Courts. In 2019, a total of PKR 141.542 billion (approx. € 765 million) were recovered from corrupt persons.

Good Practices

Annual Reports of the NAB are available on their official website. The NAB organizes various events in the country including awareness walks, seminars and training workshops where civil society representatives participate along with other representatives of the society.¹² The NAB also conducts training, education and outreach programs throughout the country for the general public, media, civil society, students and NAB staff. As well, the International Anti-Corruption Day is celebrated each year on December 09.

According to the information provided by Mr. Shafqat Mahmood, Additional Director at the International Cooperation Wing of the NAB, the Bureau has an internal web-based Monitoring & Evaluation System (MES) specifically designed to cater to the operational requirements of the organization for keeping internal checks and balances. Each complaint is registered and allotted a unique number. After this, an acknowledgment letter is issued to the complainant. Each complaint passes through the various procedural steps and is forwarded to respective officers at each level.

¹⁰ 'Govt unveils plans to set up 120 accountability courts', DAWN, September 04, 2020, accessed on November 07, 2020, at <https://www.dawn.com/news/1577824/govt-unveils-plan-to-set-up-120-new-accountability-courts>.

¹¹ National Anti-Corruption Strategy, NAB, 2002, accessed on November 07, 2020, at <http://nab.gov.pk/Downloads/Doc/NACS.pdf>.

¹² NAB Annual Report 2019, as accessed on November 07, 2020, at <https://web.archive.org/web/20210524124528/https://nab.gov.pk/Downloads/NAB%20Annual%20Report%202019.pdf>.

As reported by the NAB, the Bureau participated in a National Risk Assessment (NRA) process and an NRA report was disseminated to investigators and prosecutors in the NAB's Regional Offices. Similarly, there has been an assessment of the existing legal and institutional framework to prevent and sanction acts of corruption. The NAB shared this information on September 14, 2020, against a questionnaire developed by PILDAT. However, it did not provide supporting evidence for this.

Pakistan is a member of various international and regional conventions and organizations that address anti-corruption including the UNCAC, The South East Asian Association for Cooperation (SAARC), and the Anti-Corruption Forum respectively. Pakistan also signed an MoU with China to eliminate corruption on November 08, 2016.

Deficiencies

The country saw a deterioration by three places in Transparency International's Corruption Perceptions Index 2019, ranking 120th out of 180 countries with a score of 32 out of 100, down from ranking 117th out of 180 countries with a score of 33 in 2018.¹³ In 2020, Pakistan further slipped four spots, ranking 124 out of 180,¹⁴ reflecting a continued deterioration in both rank and score.

The 2017 UNCAC first cycle review of Pakistan included several recommendations on criminalization and law enforcement, and international cooperation, including on the need for improvements in data collection, increasing the investigative, prosecutorial and enforcement capacities for corruption cases, and ensuring legislation is aligned with the Convention including laws on whistle blowers and witness protection. The reviewers also noted good practice in the enabling of NAB's autonomous working, and identified technical assistance needs related to the Convention. The full country report from this review cycle was not published on UNODC's website, and despite a request made by PILDAT to share the full report, NAB did not do so.

A report produced by the European Commission titled 'The EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) Assessment of Pakistan, 2018-19' indicated that NAB has strengthened over time institutionally.¹⁵ A special helpline for complaints is in place, and according to NAB's Annual Report 2019, it lodged 609 complaint investigations of which 340 are pending while the rest have been decided or disposed of during the year. However, NAB is being widely criticized by the opposition for 'nabbing' only the opposition parties and going slow on cases against the Government. In fact, the majority of complaint investigations are directed at opposition leaders. For example, a former Federal Minister was detained and jailed for 2 months and no evidence was found against him

¹³ Corruption Perceptions Index 2019, Transparency International, as accessed on November 07, 2020, at https://www.transparency.org/files/content/pages/2019_CPI_Report_EN.pdf.

¹⁴ Pakistan loses four spots in CPI, Dawn, as accessed on February 04, 2021, at <https://www.dawn.com/news/1604096>.

¹⁵ The EU Special Incentive Arrangement for Sustainable Development Good Governance Assessment of Pakistan, 2018-19, as accessed on Jan 30, 2021, at <https://op.europa.eu/en/publication-detail/-/publication/e01fc63a-5327-11ea-aece-01aa75ed71a1/language-en>.

till he was released on bail. NAB failed to file any reference against him.¹⁶ “I have been a guest of NAB for 77 days, [but] today for the first time the anti-corruption watchdog asked for my tax details,” said one of the former Prime Ministers of Pakistan belonging to the current opposition party, while speaking to the media outside NAB Rawalpindi in another instance.¹⁷ The President of the largest opposition party, the Pakistan Muslim League-Nawaz (PML-N), was in custody until he was granted bail on medical grounds. The current Leader of the opposition in the National Assembly who has been Chief Minister of the largest province of Pakistan continues to be in custody for corruption charges.

In a recent Supreme Court judgement, NAB’s conduct in dealing with a housing society corruption case was described as a clear manifestation of utter disregard to the law, fair play, equity and propriety. “The present case is a classic example of trampling of fundamental rights, unlawful deprivation of freedom, and liberty and the complete disregard for human dignity as guaranteed by the Constitution,”¹⁸ wrote the judge in a detailed verdict in the case. “Nonetheless, [an] investigation is often not concluded for months and cases remain pending for years. It is because of lack of professionalism, expertise and sincerity of cause that the conviction rate in NAB cases is abysmally low. The above is certainly not serving the national interest, rather causing irretrievable harm to the country, nation and society in multiple ways,” he stated. “Arrest of a person has to be justified not only by referring to prima facie evidence and adequate actionable material sufficiently connecting the person with the offence. The power of arrest should not be deployed as a tool of oppression and harassment,” the judgement emphasised. “The concept of the presumption of innocence is imperative, not only to protect an accused on trial but to secure and maintain public confidence in the fairness, impartiality, integrity and security of the criminal justice system.”¹⁹

Articles 6 and 13.2 – Preventive Anti-Corruption Bodies

NAB’s budget increased by 69% in the Annual Budget 2019-2020.²⁰ The amount was increased from PKR 2.63 billion (approx. € 14.2 million) to PKR 4.42 billion (approx. € 23.9 million).²¹ There was a further increase of 14% in the Annual Budget, 2020-2021,²² raising the budget to PKR 5.08 billion (approx. € 27.5 million).²³ According to NAB, it has adequate resources for its capacity development and improvement of its operations, as well as full management ability and control over the budgetary allocation.

¹⁶ ‘NAB fails to file any reference’, The News, June 27, 2020, accessed on Jan 20, 2021, at <https://www.thenews.com.pk/print/678581-nab-fails-to-file-reference-against-ahsan-iqbal>.

¹⁷ ‘NAB issued notice’, The News, May 14, 2020, accessed on Jan 30, 2021, at <https://www.geo.tv/latest/287941-shahid-khagan-abbasi-says-nab-issued-notice-after-he-slammed-govt-in-speech>.

¹⁸ ‘SC spots bias in NAB handling of case’, Dawn, July 21, 2020, accessed on April 14, 2021, at <https://www.dawn.com/news/1570266>.

¹⁹ Ibid.

²⁰ ‘NAB budget increased by 63 percent’, The Nation, June 12, 2019, accessed on November 07, 2020, at <https://www.thenews.com.pk/print/483431-nab-budget-increased-by-63pc>.

²¹ Annual Budget Statement, 2019, http://www.finance.gov.pk/budget/Annual_Budget_Statement_2019_20.pdf.

²² ‘NAB gets Rs. 5.080 b’, The News, June 13, 2020, accessed on Nov 07, 2020 at <https://www.thenews.com.pk/print/671986-nab-gets-rs5-080b>.

²³ Annual Budget Statement, 2020-21 http://www.finance.gov.pk/budget/Annual_budget_Statement_English_202021.pdf.

Section 6 of the NAO indicates that a Chairman of NAB should be appointed by the President in consultation with the leader of the House and the Leader of the Opposition in the National Assembly for a non-extendable period of four years.

According to section 34 A of the NAO, the Chairman of NAB may delegate any of his powers to and authorize the performance of any of his functions by, an officer of NAB as he may deem fit.

Section 36 of NAO states that no lawsuit, prosecution, or any other proceedings shall be directed against the Federal Government, Provincial Government, Chairman NAB, or any other member of the NAB.

In addition to the office of the chairman of the Monitoring and Inspection Team, there are accountability courts to prevent any abuse of power and the cases may transfer from one court to the other. NAB has also adopted a code of conduct which is available on their website for the public.²⁴

Under Section 22 of the NAO, the Chairman of NAB may inquire into and investigate any suspected offence, which appears to him on reasonable grounds to involve an offence, and has been referred to him, or of his own accord. The chairman may conduct any such investigation in conjunction with any other agency or any other person who is, in the opinion of the Chairman, a proper agency or person to be concerned in it.

Since 1999, three Chairmen of NAB either resigned or were removed from their positions as their appointments were ruled illegal in the Supreme Court of Pakistan: Mr. Naveed Ahsan, 2007-2010, resigned due to Supreme Court observation; Justice (Retd) Syed Deedar Hussain Shah, 2010-2011, was removed on March 10, 2011 by another Supreme Court ruling.²⁵ Retired Admiral Fasih Bokhari, 2011-2013, was also removed by the Supreme Court on May 28, 2013.²⁶

Good Practices

There are structures in place to effectively deal with grievances and complaints from citizens such as the NAB, Auditor General of Pakistan (AGP),²⁷ Federal Ombudsman,²⁸ Office of the Ombudsman Punjab,²⁹ Provincial Ombudsman

²⁴ Code of Conduct and Ethics, NAB, accessed on Nov 07, 2020, at http://nab.gov.pk/Downloads/Code_of_Conduct.asp.

²⁵ 'SC asks NAB chief Deedar Shah to pack up', Dawn, March 10, 2011, accessed on Nov 07, 2020, at <https://www.dawn.com/news/612221>.

²⁶ 'SC removes NAB chief Fasih Bokhari', Dawn, May 29, 2013, accessed on Nov 07, 2020, at <https://www.dawn.com/news/1014659/sc-removes-nab-chief-fasih-bokhari>.

²⁷ Auditor General of Pakistan, as accessed on November 08, 2020, at <https://agp.gov.pk/Feedback/Create>.

²⁸ Ombudsman's Secretariat, as accessed on November 08, 2020, at <https://web.archive.org/web/20201105054401/https://www.mohtasib.gov.pk/index.php?page=mac>.

²⁹ Punjab Ombudsman, as accessed on November 08, 2020 at https://ombudsmanpunjab.gov.pk/complaint_mgt_process

(Mohtasib) Sindh,³⁰ Provincial Ombudsman Khyber Pakhtunkhwa,³¹ and the Provincial Ombudsman Balochistan.

The Finance Wing of the NAB is responsible for the preparation, processing, allocation, and utilization of budget, maintenance of accounts, receipt, and disbursement of recoveries, and other financial matters. The NAB has sufficient financial resources to carry out its tasks in accordance with the budgetary resources, population, and land area. However, in its reply to the Supreme Court of Pakistan on July 25, 2020, the Chairman of the NAB informed the court that it was not possible to decide a corruption reference within 30 days due to shortage of accountability courts and judges in the country, the number of stay orders issued by the High Courts, and delay in mutual legal assistance from destinations.³² In the hearing of September 15, 2020, SC granted six weeks to the NAB to submit its rules.³³ The Prime Minister of Pakistan has approved a phased establishment of 120 accountability courts to end the backlog of cases.

Deficiencies

In recent times, several cases have been filed against politicians and public officials. While some members of the government have faced NAB cases, more such cases have been brought by the Bureau against leaders of opposition parties, suggesting a possible politicization of the NAB and political targeting of specific people. Some very old cases reflect undue pressure on the NAB, including those against the founder of the country's leading media organization, Jang Group, related to a property transaction that took place 34 years ago, and a case against the former Prime Minister of Pakistan related to a property allotment that took place almost 35 years ago.

The NAB is pursuing high-profile cases to eliminate corruption at the top level of government and society – according to its Annual Report 2019, the bureau prioritises cases against top-level officials: There are two cases of former Presidents and six cases are of former/sitting Prime Ministers which are under process by the NAB, and there are three cases against Former Presidents and eight cases against former and sitting Prime Ministers who are under trial at NAB Courts.³⁴

The World Justice Project (WJP) is an independent organization working to advance rule of law worldwide. WJP measures rule of law performance in 128 countries and jurisdictions across eight primary factors: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and Security,

³⁰ Sindh Ombudsman, as accessed on November 08, 2020, at <https://www.mohtasibsindh.gov.pk/index.php?page=making-a-complaint>.

³¹ KP Ombudsman, as accessed on November 08, 2020, at https://www.ombudsmankp.gov.pk/Who_Can_Lodge_a_Complaint.php

³² 'Impossible to conclude corruption in 30 days', The Nation, July 26, 2020, as accessed on November 07, 2020 at <https://nation.com.pk/26-Jul-2020/impossible-to-conclude-corruption-cases-in-30-days>.

³³ 'SC grants NAB six weeks to submit rules', The Nation, September 16, 2020, as accessed on November 07, 2020 at <https://nation.com.pk/16-Sep-2020/sc-grants-nab-six-weeks-to-submit-rules>.

³⁴ Nab.gov.pk. National Accountability Bureau Annual Report 2019, as accessed on October 25, 2020, at <https://web.archive.org/web/20210524124528/https://nab.gov.pk/Downloads/NAB%20Annual%20Report%202019.pdf>.

Regulatory Enforcement, Civil Justice, and Criminal Justice. The Index is one of the world's leading sources for original, independent data on the rule of law. In the WJP's Rule of Law Index (RLI) 2020, Pakistan secured a 0.39 score and placed the country on 120th position in the world ranking out of 128. Whereas in 2019 Pakistan's ranking was 117 and its total score was 0.39. The 'Absence of Corruption' considers three forms of corruption: bribery, improper influence by public or private interests, and misappropriation of public funds or other resources. They were examined with respect to government officers in the executive branch, the judiciary, the military, police, and the legislature. Pakistan fell down by four positions down to 116th place with a 0.31 score in the factor ranking the 'Absence of Corruption' in 2020. Whereas earlier in 2019, was ranked on 112th place with a 0.32 score.³⁵ Pakistan ranks among bottom one-fifth of over 200 countries and territories of the world in quality of governance on the World Bank Institute's Worldwide Governance Indicators (WGIs) which measure six dimensions of governance since 1996 and is considered one of the most reliable sources of information on the comparative governance indicators around the world. The 2020 edition of WGIs depicts the same dismal picture of governance in Pakistan as seen since the beginning of WGIs. In terms of Control of Corruption, Pakistan is placed at 21.15.

Members of the bureaucracy, business community and politicians have been protesting about how the process of accountability is being conducted, but the most authoritative statement on the issue was given by the Chief Justice of Pakistan: *"We ... feel that the growing perception that the process of accountability being pursued in the country at present is lopsided and is a part of political engineering, is a dangerous perception and some remedial steps need to be taken urgently so that the process does not lose credibility ... The recovery of stolen wealth of the citizenry is a noble cause and it must be legitimately and legally pursued where it is due, but if in the process the constitutional and legal morality of society and the recognised standards of fairness and impartiality are compromised then retrieval of the lost constitutional and legal morality may pose an even bigger challenge to the society at large in the days to come."*³⁶ Even after these powerful words by the country's topmost judicial authority, the concerned institutions did not take much notice nor was there much of a change in NAB's conduct.

A four-member committee was formed on April 26, 2020 to draft an amendment to NAO, 1999 as the National Accountability (Second Amendment) Ordinance, 2019 was promulgated in December 2019 and expired after 120 days. This amendment was prepared keeping in view the remarks of the judiciary in various cases and demands from the business community bureaucrats:

According to section 4(2) of the Amendment, an exemption had been provided to certain transactions and persons from the applicability of the NAO 1999. For instance, the jurisdiction of NAB to entertain cases regarding taxes, imposts and levies had also

³⁵ 'World Justice project 2020: Pakistan slips down in absence of corruption, rule of law index, The News, November 01, 2020, as accessed on November 02, 2020, at <https://www.thenews.com.pk/print/737464-world-justice-project-2020-pakistan-slips-down-in-absence-of-corruption-rule-of-law-index>; WJP Rule of Law Index 2020 Report, as accessed on November 02, 2020, at https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf.

³⁶ 'Talk of lopsided accountability dangerous': CJP, Dawn, September 12, 2019, as accessed on April 13, 2021 at <https://www.dawn.com/news/1504713>.

been curtailed, with such cases to be decided by the relevant authorities and criminal courts directly dealing with such offences. Additionally, in order to hold any person (under the definition given in section 5(o) of NAO 1999) liable, two elements needed to be present: 1) breach of trust or cheating, 2) by a public official. The Amendment created more stringent criteria to prosecute public officials for corruption or corrupt practices. A higher standard of proof was introduced for public officials through a two-pronged test. The Amendment made changes to two sections in particular, namely section 4 and section 9. Apart from classifying the persons and transactions which would not lie within NAB's jurisdiction, the crux of the Amendment was basically that public office holders could not be held accountable for procedural deficiencies, misuse of authority, or acts done in good faith unless and until there was corroborative proof that they had materially benefited from any frozen or liquid assets which were disproportionate to their known sources of income or which could not be reasonably accounted for. Additionally, the NAO Amendment 2019 also protected businesspersons along with the holders of public office. According to section 5(o) of the NAO 1999, a 'person' also included the chair, chief executive, managing director, elected directors, and sponsors or guarantors of any company or a body corporate.³⁷

Various meetings were held between the opposition parties and the government to discuss the proposed amendment to NAO 1999 but still no agreement could be reached and the meetings ended in acrimony.

Article 7.1 – Public Sector Employment

The Federal Public service commission (FPSC) is a statutory body of the Government of Pakistan, constituted in 1947, that functions under Pakistan's Constitution and under the Federal Public Service Commission Ordinance 1977. The FPSC ordinance, drafted in 1977, requires that civil servants are appointed through a merit-based examination system starting with a written examination and followed by several interviews.³⁸

Good Practices

Section 5 of the Civil Servants Act, 1973, provides guidelines for recruitment and hiring, retention, and promotion of civil servants. With regards to the promotion of a Civil Servant, Section 9 of the Civil Servants Act, 1973, states the promotion procedures of public officials. Promotion of senior positions are made on the recommendations of a Selection Board that consists of a chairman and such other members as the Federal Government may appoint.³⁹

Advertisement for Employment in the Public Sector

³⁷ 'National Accountability (Second Amendment) Ordinance, 2019 – An analysis', Courting the Law, June 19, 2020, as accessed on Feb 05, 2021, at <https://courtingthelaw.com/2020/06/19/commentary/national-accountability-second-amendment-ordinance-2019-an-analysis/>.

³⁸ Federal Public Service Commission Ordinance 1977, as accessed on October 03, 2020, at <http://fpsc.gov.pk/sites/default/files/FPSC%20Ordinance%201977%20-2007.pdf>.

³⁹ Civil Servants Act, 1973, as accessed on October 03, 2020, at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99257/118391/F1180420505/PAK99257.pdf>.

As stated on the website of the FPSC, under the general recruitment guidelines, recruitment to BS-16 and higher positions (other than 12 occupational groups/services, which is made through Central Superior Services (CSS) Competitive Examination) is processed under the general recruitment system. The recruitment process is initiated by the FPSC upon receipt of a request to fill the posts from the concerned Ministry/Division, which is advertised in all the leading national dailies on the first Sunday of every month.⁴⁰

Recruitment of Senior Managers in Civil Service

Section 8 of the Civil Servants Act, 1973, describes the procedure for the recruitment of senior managers in civil service.⁴¹ According to the Civil Servants Promotion (BPS-18 to BPS-21) Rules, 2019, Article 4(3), subject to availability of a post, civil servants are accordingly considered for promotions, appointments to senior positions, etc. Selection boards and promotion committees are set up and carry out the process of recruitment.⁴²

Rotation Policy for Civil Servants

For the purpose of ensuring a transparent objective and equitable framework for transfer and posting to and from these governments, a policy framework known as Rotation Policy for public officials was introduced in 2000. According to Section 5 of the updated Rotation Policy 2020, it regulates the transfer/posting of public officials.⁴³

Appeal and Complaint against Human Resource Decisions

Section 22 of the Civil Servants Act, 1973, provides a mechanism for civil servants to exercise their right to appeal against any order that concerns their appointment.⁴⁴

The Federal Service Tribunal has been set up to adjudicate upon matters relating to the terms and conditions of Civil Servants. The Tribunal has exclusive jurisdiction to hear cases of appeal and complaint by the civil servants. The Tribunal mentions on its website the rules and procedure of filing an appeal against any decision of the authority.⁴⁵

Remuneration of Civil Servants

⁴⁰ Federal Public Service Commission, as accessed on October 04, 2020, at <http://www.fpsc.gov.pk/about/policies>.

⁴¹ Civil Servants Act, 1973, as accessed on October 03, 2020, at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99257/118391/F1180420505/PAK99257.pdf>.

⁴² Civil Servants Promotion, (BPS-18 to BPS-21) Rules, 2019, as accessed on October 03, 2020, at [http://establishment.gov.pk/userfiles1/file/Civil%20Servants%20Promotion%20\(BPS-18%20to%20BPS-21\)%20Rules%202019.pdf](http://establishment.gov.pk/userfiles1/file/Civil%20Servants%20Promotion%20(BPS-18%20to%20BPS-21)%20Rules%202019.pdf).

⁴³ Rotation Policy 2020, as accessed on October 04, 2020, at [http://establishment.gov.pk/SiteImage/Misc/files/Rotation%20policy\(updated%205-8-2020\).pdf](http://establishment.gov.pk/SiteImage/Misc/files/Rotation%20policy(updated%205-8-2020).pdf).

⁴⁴ Civil Servants Act, 1973, as accessed on October 04, 2020, at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99257/118391/F1180420505/PAK99257.pdf>.

⁴⁵ Procedure to File Appeal Before the Tribunal, Federal Service Tribunal, as accessed on October 04, 2020, at <https://fst.gov.pk/procedure>.

The Civil Service Regulations (CSR) which are applicable to the civil servants of Pakistan were last updated in 2018. These regulations are intended to define the conditions under which salaries, leaves, pension, and other allowances are earned by service in the Civil Departments and in what manner they are calculated. They do not deal otherwise than indirectly and incidentally with matters relating to recruitment, promotion, official duties, discipline, or the like. Under the CSR, the criteria of pay scales and the promotional elements are mentioned which are looked upon while promoting the Civil Servants.⁴⁶

According to the federal budget of 2019-2020, there was a 5 to 10 % increase in salaries of civil servants but at the same time, the income tax was also raised due to which the civil servants did not benefit much from the raised salaries. In the federal budget of 2020-2021, there was no increase in salaries.⁴⁷

Very effective and clear procedures are in place to recruit, train, and promote civil servants. The system of disciplinary action is also clearly laid out and followed accordingly. Having said that, political influences come into play quite often. There are favourites of political leaders who manage to get lucrative positions and speedy promotions and the not-so-favourite officials getting posted to far-flung areas. However, as we write this, the current system including promotion and performance evaluation is undergoing reforms. A Cabinet Committee on Institutional Reforms is working on a set of civil service reforms in the following major areas:

1. Civil Servants Promotion (BS-18 to BS-21) Rules, 2019
2. Civil Servants (Directory Retirement from Service) Rules, 2020
3. Efficiency and Discipline Rules, 2020
4. Revised MP (Management Professions) Scale Policy, 2020
5. Rotation Policy, 2020
6. Rationalisation of cadre strength — induction in PAS (Pakistan Administrative Service)

These new reforms in rules and procedures seem to be a significant improvement over the existing ones providing for a more transparent process of internal accountability of the civil bureaucracy. They are being formulated with the aim to ensure that those bureaucrats committing crime or misconduct do not get away with it. They also seem to give them an opportunity to be heard and prove their innocence though it is still unclear whether the officials would be allowed to keep their jobs during an investigation. Members of the bureaucracy have repeatedly complained and protested against the anti-corruption bodies building cases against them that they say have no merit. These rules, if implemented in an effective, transparent, and fair manner with timely resolution of cases, should help address some of these grievances as well.

Deficiencies

There is a high risk of corruption in Pakistan's public sector and there are many cases of bribery and other corrupt cases which present significant barriers to Pakistan's

⁴⁶ The Civil Service Regulations, 2018, as accessed on October 05, 2020, at http://www.finance.gov.pk/publications/civil_service_regulations_2018.pdf.

⁴⁷ 'The Myth of Civil Service', The News, June 20, 2020, as accessed on October 05, 2020, at <https://www.thenews.com.pk/print/674981-the-myth-of-civil-service>.

growth and development. Bribes and informal payments are common when seeking public services. In May 2016, the NAB raided the office of a former finance secretary of Balochistan province and arrested him. Together with the Sindh office of the NAB, they recovered properties worth PKR 1.25 billion (approx. € 6.5 million) in Karachi. The finance secretary's house was also raided and PKR 730 million in cash and jewellery worth PKR 40 million were seized.⁴⁸

The provinces of Sindh and Punjab have been infested with the problem of ghost teachers. Just in 2019, over 100,000 teachers employed in Sindh were identified who did not go to schools to teach: out of a total of 134,000 teachers, only 34,000 were found to be performing their duties.

Corruption at the lower levels of governments is common to the extent that citizens of Pakistan find it normal and often comply with corrupt practices in order to avail services.

Article 7.3 – Political Financing

Election Expenses

Section 132 (2), the Elections Act, 2017, states that the candidates are not allowed to spend more than PKR 4 million (approx. € 21,650) on an electoral campaign for the National Assembly, which is the lower house of Parliament, and PKR 2 million (approx. € 10,800) on an election campaign for a seat in a Provincial Assembly. The purpose of the expenditure in terms of the money utilized should be mentioned through receipts. Section 204 of the Elections Act, 2017, states that the fee, contribution, or donation made by a member or a supporter shall be duly recorded by the political party. Contributions or donations may include cash, in-kind contributions, stocks, transport, fuel and provision of other such facilities. Any contribution or donation made, directly or indirectly, by any foreign source including any foreign government, a multinational or public, or private company, firm, trade or professional association, or individual is prohibited. Section 211 of the Elections Act, 2017, requires a political party to provide to the ECP the list of contributors who have donated or contributed an amount equal to or more than PKR 100,000 (approx. € 540) to the political party for its election campaign expenses.

Verification of Election Expenses

According to Section 135 of the Elections Act, 2017, the income should be verified by the ECP immediately on receipt, the returns and documents submitted shall be sent by the Returning Officer to the Commission and shall, for a period of one year from the date of receipt by it, be open to inspection by any person on payment of the prescribed fee. The ECP can, on an application made on this behalf and on payment of the prescribed fee, give any person copies of any return or document.⁴⁹

⁴⁸ Balochistan NAB cracks mega corruption case, Tribune, Feb 15, 2018, as accessed on Feb 05, 2021, at <https://tribune.com.pk/story/1635699/mushtaq-raisani-case-nab-balochistan-transfers-karachi-properties-provincial-government>.

⁴⁹ Ibid.

The Elections Act, 2017 does not mention in any of its provisions a tax relief allowed on donations. It also does not mention any law or provision regulating the government's use of state resources for electoral processes. There are no public subsidies for election purposes.

Violation of Election Expense Regulations

Under Section 232 of the Elections Act, 2017, if a person has been convicted for any offence under the Act or has been found guilty of any corrupt or illegal practice by an Election Tribunal, he may be disqualified for a period not exceeding five years from being elected as a Member of an Assembly, the Senate or a Local Government.⁵⁰

According to Section 138, the ECP publishes in the official Gazette the statements of assets and liabilities received by it under section 137 and any person may obtain copies of a statement of assets and liabilities on payment of a prescribed fee. The donations are made public through these statements of parties' accounts.

Good Practices

The electoral system contained in various election laws in Pakistan did not see any major reform in the last forty years except for certain Constitutional amendments relating to the Election Commission of Pakistan (ECP) enacted through the Constitution (Eighteenth Amendment) Act, 2010 and some acts of parliament amending certain aspects of the election laws. After detailed deliberations spanning over about two years, the Elections Act, 2017 was finally enacted laying out various aspects of political and electoral finance as well.⁵¹ This has been a significant milestone in the political and electoral history of Pakistan.

Deficiencies

Oversight of Election Expenses

A major question that the Elections Act, 2017, has left unaddressed is the limit on election spending by political parties.⁵² Although Pakistan's election laws have traditionally set limits on election spending by individual candidates and these limits have been considerably improved in the new law, there has never been a limit placed on election spending by political parties. Political parties now play a much greater role and exercise a much greater influence on the election. As evidenced by the exit polls and through several other manifestations, the percentage of voters who vote based on party loyalties has steadily increased as politics matures in Pakistan. The expenses incurred by political parties have, therefore, have also increased in the three most recent elections – a particularly strong increase was observed since 2002, when electronic media became an important factor in electoral campaigns.⁵³

⁵⁰ Ibid.

⁵¹ Overview of Elections Act, 2017 by PILDAT, February 2018: <https://paktvoter.org/wp-content/uploads/2018/06/Overview-of-Elections-Act-2602184.pdf>.

⁵² 'Money and Politics' authored by PILDAT President, Dawn, March 06, 2018, as accessed on February 05, 2021, at <https://www.dawn.com/news/1393400/money-and-politics>.

⁵³ Ibid.

Political parties are increasingly using electronic media for their direct and indirect political messaging. These advertisements are not constituency-specific and, therefore, spending on these cannot be technically and legally counted towards the spending for a particular constituency for which there is a limit prescribed by the law. Advertisements in the electronic media are generally a big-ticket item and usually constitute the single largest item in election spending. Initial drafts of the Elections Act, 2017 did propose a limit of PKR 200 million for each party but the final version omitted this.

Despite the lapse on political parties' election spending limit, electoral laws in Pakistan contain reasonable checks and limits on political finance. The lingering problem, however, has always been the lack of adequate capacity and will to enforce such laws by scrutinising such critical documents as the election expense returns, annual accounts submitted by political parties, and statements of assets and liabilities submitted by candidates and legislators. It is critical that the Election Commission is supported in installing an effective political finance monitoring and enforcement secretariat adequately staffed by professionals.⁵⁴

Foreign Funding of Political Parties

According to Section 200 of the Elections Act, 2017, a political party must not be formed, organized, set up or convened as a foreign-aided political party. Section 204 (3) goes on to state: "Any contribution or donation made, directly or indirectly, by any foreign source including any foreign government, multi-national or public or private company, firm, trade or professional association or individual shall be prohibited."

Back in 2014, a founding member and former vice president of the ruling party, Pakistan Tehreek-e-Insaf (PTI), filed a petition with the ECP in order to seek an investigation into "financial malpractices in the party" and accountability of responsible persons behind it. He accused the PTI leadership of violating the provisions of the Political Parties Order, 2002 (an old law that has now been upgraded to the Elections Act, 2017). According to media reports, he has submitted the documentary evidence along with a copy of the party's funds and receipts of donations received from abroad in millions of rupees.⁵⁵ After almost four years, the ECP formed a Scrutiny Committee in March 2018, to scrutinize the funds of PTI and directed the committee to submit its report within a month but the committee did not furnish the report within the timeline. PTI submitted four pleas to the ECP and requested the commission to maintain 'secrecy' in the scrutiny of funding details of the party on the grounds that false news was being leaked about PTI funds but the ECP rejected all pleas in October 10, 2019. On August 27, 2020, the ECP rejected the report of the Scrutiny Committee, termed it incomplete and asked to refurnish it by October 22, 2020. Opposition parties demanded the daily hearing of the foreign funding case of the PTI. The PTI then requested the ECP to hear its case along with the case of foreign funding of PML-N and Pakistan Peoples Party (PPP) (two other mainstream political parties).⁵⁶ The ECP

⁵⁴ Ibid.

⁵⁵ 'PTI member seeks probe into misuse of party funds', Dawn, November 15, 2014, as accessed on November 07, 2020, at <https://www.dawn.com/news/1144656/pti-member-seeks-probe-into-misuse-of-party-funds>.

⁵⁶ 'ECP panel to hear foreign funding cases against PML-N, PPP today', Dawn, October 01, 2020, as accessed on November 07, 2020, at <https://www.dawn.com/news/1582549>.

accepted their requests and started hearing of the case from November 2020.⁵⁷ However, it is unfortunate that despite various hearings and deadlines given to the scrutiny committee and, still after six years, the case remains pending.

Currently, three more mainstream political parties are facing charges of receiving prohibited funds from foreign sources. Complaints against the PML-N and PPP were also filed by their opponents and just recently, some dissidents from the JUI-F blamed the party chief for receiving funds from some foreign countries based on which a complaint has been filed before the Election Commission.

There can be serious consequences in case it is confirmed that a party has accepted funding from a foreign source. Section 212 (1) of the Elections Act, 2017 states that “Where the Federal Government is satisfied on the basis of a reference from the Commission or information received from any other source that a political party is a foreign-aided political party ... the Government shall, by a notification, in the official Gazette, make such declaration”. Sub-sections 2 and 3 of this section further state that the Government shall refer the matter to the Supreme Court within 15 days of making the declaration and when the Supreme Court upholds the declaration made against the party, such political party shall stand dissolved. Section 213 explains that the elected legislators who are members of a dissolved party shall be disqualified for the remaining term of the legislature.⁵⁸

Articles 7.2, 7.4, 8.1, 8.2, 8.5, 8.6 and 12.2 – Codes of Conduct, Conflict of Interest and Declaration of Assets and Interests

According to Section 167 of the Elections Act, 2017, a person is guilty of the offence of corrupt practice if he is involved in:

- Bribery
- Impersonation
- Undue influence
- Tampering Documents
- Falsified Declaration of Assets⁵⁹

Declaration of Assets & Liabilities

Section 137 of the Election Rules, 2017, requires that every elected official submits to the Election Commission of Pakistan (ECP) on or before December 31st each year a copy of the statement of assets and liabilities including assets and liabilities of his spouse and dependent children as on the preceding 30th day of June on a form appended to the Act.⁶⁰ They are also required to do the same when filing their nomination papers before election for a seat in Parliament or any Provincial Assembly.

⁵⁷ Foreign funding case: ECP expresses ‘satisfaction’ over progress report, Business Recorder, October 24, 2020 as accessed on November 07, 2020 at <https://www.brecorder.com/news/40028342/foreign-funding-case-ecp-expresses-satisfaction-over-progress-report>.

⁵⁸ Foreign funding consequences, authored by President PILDAT, Dawn, January 30, 2021, as accessed on February 05, 2021, at <https://www.dawn.com/news/1604446>.

⁵⁹ The Elections Act, 2017, as accessed on October 06, 2020, at <https://www.ecp.gov.pk/Documents/laws2017/Election%20Act%202017.pdf>.

⁶⁰ The Election Rules 2017, as accessed on October 07, 2020, at <https://www.ecp.gov.pk/Documents/laws2017/electionrules2017.pdf>.

Further in Section 137, it is stated that in order to ascertain that the statements of assets and liabilities submitted by any member are not false in material particulars, the ECP may scrutinize or cause to be scrutinized the statement of assets and liabilities in such manner as it may deem necessary and for this purpose may seek assistance of any authority or department in the Federation or a Province. In case, after such scrutiny, the statement of assets and liabilities submitted by a member is found to be false in material particulars, the ECP may direct an authorized officer to file a complaint against such member for committing the offence of corrupt practice within 120 days from the date of submission of the statement of assets and liabilities.⁶¹

In line with Section 167 of the Elections Act, 2017, a person declaring his/her fake assets to be guilty of a corrupt activity and Section 174 imposes the penalty stating any person guilty of the offence of corrupt practice shall be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to PKR 1,000 (approx. € 5.5) or with both.⁶²

The ECP Code of Conduct Rules

Section 233 of the Elections Act, 2017, states that the ECP, in consultation with political parties, frames a Code of Conduct for political parties, contesting candidates, election agents, and polling agents. The ECP also frames a Code of Conduct for security personnel, media, and election observers. A political party, a candidate, an election agent, a polling agent, security personnel, media, and observers are required to follow the Code of Conduct during an election. The ECP publishes the Code of Conduct framed in the official Gazette and on its website for the public.⁶³

Code of Conduct for Civil Servants and Public Officials

According to Section 5 of the Conduct and Discipline Rules, 1964, Government Servants, except those belonging to Basic Pay Scale (BPS) 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount may be accepted and immediately deposited in the Treasury under the proper head of account.⁶⁴

Sanctions for Violation of Code of Conduct

Section 183 of the Elections Act, 2017, states that a person guilty of the offence of illegal practice will be punishable with imprisonment for a term which may extend to two years or with a fine which may extend to PKR 100,000 or with both.⁶⁵

⁶¹ Ibid.

⁶² Ibid.

⁶³ The Elections Act, 2017 on the website of ECP, as accessed on October 07, 2020, at <https://www.ecp.gov.pk/Documents/laws2017/Election%20Act%202017.pdf>.

⁶⁴ Conduct and Discipline, Pakistan Government Servants Rules, 1964, as accessed on October 07, 2020, at https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Pakistan_Government%20Servants%20Conduct%20Rules_1964_en.pdf.

⁶⁵ Ibid.

According to Sl. No 53 Section 2(iii)(C) of the Code and Discipline Rules, 1964 for Civil Servants, a government servant can be proceeded against if he is guilty of misconduct or is found to be engaged in subversive activities independently or in association with others under Rule 3 of the said Rules. For subversive activities, the penalty can be compulsory retirement, removal, or dismissal from service.⁶⁶

Disqualification under Elections Act, 2017

Media reports suggest that there have been cases where the ECP disqualified candidates under the Elections Act, 2017. Pakistan Tehreek-e-Insaf (PTI) candidate Mr. Nasir Cheema was disqualified for violating the code of conduct in 2018. Mr. Nasir Cheema was contesting for the seat of the National Assembly. Through the code, the ECP had barred political parties and contesting candidates to desist from displaying photos of irrelevant figures during their poll campaign. The ECP disqualified him after having held hearings twice on the matter. He was reported to the ECP for having displayed images of the former Chief Justice of Pakistan Justice and the Pakistan Army Chief during his election campaign.⁶⁷

Deficiencies

There are a total of seven qualifications listed in Article 62 of Pakistan's Constitution that a prospective member of Parliament is required to possess. Four of these are specific and, therefore, relatively easy to establish. However, the last provision has been a subject of great controversy.⁶⁸ Article 62(1)(f) of Pakistan's Constitution, which sets the pre-condition for the head of government to be truthful and honest, led to the disqualification of the former Prime Minister Mr. Muhammad Nawaz Sharif from holding public office in a judgement on the Panama Papers case by the Supreme Court of Pakistan.⁶⁹

Under the same provision, a designated bench of the Supreme Court of Pakistan, found the ruling party, PTI, former Secretary General, Mr. Jahangir Khan Tareen, to be dishonest under Article 62(1)(f) of the Constitution. PTI former Secretary General was disqualified for non-declaration of some of his assets in his nomination papers.⁷⁰

The qualifications that are rather difficult to establish include: to be "of good character and ... not commonly known as one who violates Islamic injunctions"; to have "adequate knowledge of Islamic teachings"; to be practicing the "obligatory duties prescribed by Islam"; to have abstained from "major sins"; and to have not "after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan". It is generally these non-specific provisions that place election

⁶⁶ Ibid.

⁶⁷ 'ECP disqualifies PTI Candidate', The News, July 10, 2018, as accessed on October 8, 2020, at <https://www.thenews.com.pk/print/339709-ecp-disqualifies-pti-candidate>.

⁶⁸ 'What makes scrutiny of candidates controversial' Herald, Authored by President PILDAT, Ahmed Bilal Mehboob, as accessed on February 05, 2021, at <https://herald.dawn.com/news/1398617/what-makes-scrutiny-of-candidates-controversial>.

⁶⁹ Nawaz Sharif steps down as PM after SC's disqualification verdict, Dawn, July 28, 2017, as accessed on Jan 30, 2021 at <https://www.dawn.com/news/1348191>.

⁷⁰ Imran Khan not out, Jahangir Tareen disqualified for being 'Dishonest': Supreme Court, Dawn, January 30, 2018, as accessed on October 08, 2020, at <https://www.dawn.com/news/1376766>.

tribunals and superior courts in a rather difficult position during the scrutiny of election candidates.⁷¹

While the Election Rules and Elections Act, 2017 require the elected officials to declare their assets every year and upon entry to office, the non-elected public officials are only required to submit their statement of assets to their respective offices but they do not disclose them to the public.

The asset declarations submitted by elected officials often highlight discrepancies in cases where the opulent lifestyle of a candidate does not seem to match his or her income. The famous instance of a party chief always seen riding in an expensive vehicle, but stated to have not owned it, had been one of the most talked- about topics during the scrutiny process during the 2018 election cycle. A major issue that makes assets declaration statements rather confusing is the failure to lay down an unambiguous rule for evaluating the price and cost of assets and liabilities. Before the passage of the Election Act, 2017, these statements had two columns: one indicated the original price of an asset (which may be its purchase or transfer price); the other showed the present value of an asset. The revised statements under the current law contain only one column that requires mentioning the “Cost of the Asset”. Legal experts generally regard the term ‘cost’ as the original purchasing price of an asset but different candidates have interpreted it differently. This explains why the residence of PPP chief, was stated to have a value of only three million rupees though its market value might be 100 times more. His nomination papers, however, were accepted without any election forum objecting to the stated value of his property.⁷²

However, a different view was taken in a different case. An appellate tribunal judge rejected the nomination papers of former prime minister Shahid Khaqan Abbasi for a National Assembly seat in Islamabad. The judge disqualified Abbasi for life for misstating the value of a home in the federal capital that he had inherited from his father. The statements also highlight discrepancies in cases where the opulent lifestyle of a candidate does not seem to match his or her income. Many lawyers believe the statements have a sound format as far as purchased assets are concerned. A candidate can provide the purchase value of an asset, showing proof as to when it was purchased and at what price. But the forms leave it to candidates to evaluate their inherited assets. In the latter case, all given values can be arbitrary and discretionary unless a government agency assesses the assets and certifies their values. This confusion could have been avoided by adding an explicit and clear definition of the ‘cost’ of an asset in the declarations. A well-staffed political finance division within the ECP under the guidance of a professional chartered accountant/auditor would have also made it easy to carry out a meaningful analysis of the statements of assets and liabilities. This division could have scrutinised not only the statements submitted by election candidates but also those filed by elected legislators every year.⁷³

Another key deficiency in practice is that the statements of assets and liabilities used to be publicly available on the website of the ECP. However, this is no longer practiced.

Conflict of Interest

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

At the Federal level, the National Conflict of Interest Law was presented in the National Assembly of Pakistan in 2016 and was referred to a National Assembly Committee for consideration, but after a year, the committee did not recommend it to be passed by the National Assembly. Similarly, another bill on the same subject was moved in the Senate of Pakistan in 2017 but it is still pending and there is no progress on it.⁷⁴

However, at the provincial level, the Punjab Prevention of Conflict-of-Interest Act, 2019, exists, intending to prevent and minimize the possibility of conflicts arising between the private interests and public duties of public office holders and to provide for the resolution of those conflicts in the public interest should they arise. According to Section 3 of the Punjab Prevention of Conflict-of-Interest Act, 2019, the Government has to establish an independent Commission to be known as the Punjab Prevention of Conflict of Interest and Ethics Commission. The Commission will comprise of a Chairperson and two members appointed by the Government on the recommendation of a Selection Committee. Section 16 of the Punjab Prevention of Conflict-of-Interest Act, 2019, requires that the candidates declare if any conflict of interest exists with respect to their candidacy or otherwise will be violating the law and will be penalized.⁷⁵ It is important to note here that no Commission has so far been constituted.

Similarly, the Khyber Pakhtunkhwa Prevention of Conflict-of-Interest Act, 2016 was passed by Khyber Pakhtunkhwa Assembly on August 05, 2016, to establish clear conflict of interest and related post-employment principles for public office holders, to prevent and minimize the possibility of conflicts arising between the private interests and public duties of public office holders in this Province. According to Section 3 of the Khyber Pakhtunkhwa Prevention of Conflict-of-Interest Act, 2016, the Government needs to establish an independent Commission known as the Khyber Pakhtunkhwa Prevention of Conflict of Interest and Ethics Commission. According to Section 16 of the Act, a public office holder needs to declare publicly any Conflict of Interest – otherwise he will be penalized. Penalties, depending to the offence committed, include salary deductions or recoverables as arrears of land revenue. Further disciplinary action is decided by the Commission once the violator is publicly announced. The Commission is a body corporate, having perpetual succession and a common seal, with power to enter into agreements, acquire, hold, manage and dispose of property and by its name to sue and be sued.⁷⁶ Like Punjab, no Commission has so far been constituted for KP either.

Articles 8.4 and 13.2 – Reporting Mechanisms and Whistle-blower Protection

Pakistan has a federal law regarding the reporting and protection of witnesses, which is called the Witness Protection, Security and Benefit Act, 2017. However, there is no federal legislation on whistleblower protection. The only law of this nature that exists

⁷⁴ 'Conflict of Interest', The News, August 31, 2019, as accessed on November 07, 2020, at <https://www.thenews.com.pk/print/519732-conflict-of-interest>.

⁷⁵ The Punjab Prevention of Conflict of Interest Act, 2019, as accessed on November 7, 2020, at <http://punjablaws.gov.pk/laws/2727.html>.

⁷⁶ Khyber Pakhtunkhwa Prevention of Conflict of Interest Act, 2016, as accessed on November 7, 2020, at <http://www.pakp.gov.pk/2013/wp-content/uploads/Conflict-of-Interest.pdf>.

is in Khyber Pakhtunkhwa (KP) province, called The Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Act, 2016.⁷⁷

At the Federal level, there are channels in place for reporting violations of codes of conduct by officials. Every government ministry whether it is Federal or Provincial and any public office has its own mechanism for reporting and handling violations of codes of conduct. More recently, Pakistan Citizen's Portal was launched by the Federal Government on September 09, 2020.⁷⁸ Through this portal, citizens can lodge any sort of complaint and it will find its way to the Prime Minister's online complaint cell. The Prime Minister's Performance Delivery Unit manages this complaint cell.

Good Practices

Khyber Pakhtunkhwa's law is comprehensive and enables the public interest disclosure of all kinds of irregular, illegal or corrupt practices against the public interest. It provides mechanisms to protect those who report acts of corruption within the province. These are defined under the 'Disadvantageous Measures' of the Act. The disadvantageous measures include protection against dismissal, work reassignment, discrimination in performance evaluation, and intimidation. The Act also gives people the option to seek physical protection by filing an appeal with the Commission that is required to be formed under the law.

Deficiencies

Whistleblower protection laws are missing at the Federal level and in three out of the four provinces in Pakistan. The Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Act, 2016, was passed on September 19, 2016 but the Commission is still not formed yet that can carry out the functions of the law. However, nearly two years later, on September 02, 2018, the relevant officials told a local newspaper that the commissions (Conflict of Interest and Whistleblower Protection), whose formation was promised in both legislations (Conflict of Interest Act and the Whistleblower Protection Act) for the implementations of laws concerned, hadn't taken place yet. A scrutiny committee for the selection of the chairman and members of the KP Whistleblower Protection and Vigilance Commission was approved on December 24, 2019.⁷⁹

However, the Khyber Pakhtunkhwa government formed this search and scrutiny committee to fill the posts of Chairman and Commissioner for Whistleblower Protection and Vigilance Commission on July 15, 2020.⁸⁰

⁷⁷ Khyber Pakhtunkhwa Act No. XVI of 2016, as accessed on Dec 17, 2020, at <http://www.pakp.gov.pk/2013/wp-content/uploads/The-KPK-Whistleblower-protect-and-Vigilance-Commission-Act.pdf>.

⁷⁸ 'Web service of Pakistan Citizen Portal launched', Nation, Sep 10, 2020, as accessed on Dec 24, 2020 at <https://nation.com.pk/10-Sep-2020/web-service-of-pakistan-citizen-portal-launched>.

⁷⁹ 'Bill on governance, public sector delivery gets cabinet's nod', Dawn, Dec 25, 2020, as accessed on Dec 18, 2020, at <https://www.dawn.com/news/1524276>.

⁸⁰ 'KP Forms Committee to Appoints Heads Of WBPVC', Urdu Point, Jul 16, 2020, as accessed on Dec 18, 2020, at <https://www.urdupoint.com/en/pakistan/kp-forms-committee-to-appoints-heads-of-wbpvc-976369.html>.

In the private sector, banks and larger corporations have their own whistleblowing rules and regulations. However, there is no adequate protection provided for whistleblowers in the private sector. Former chairman of the Policy Board of the Securities and Exchange Commission of Pakistan (SECP) has reported to a local news agency that some people had disclosed cases and furnished information about prohibited company activities, including anti-competition practices and cartelisation, during his time as chairman of the Competition Commission of Pakistan (CCP) in 2010. “One whistle-blower had furnished all actionable evidence that suggested that the telecom companies had entered into a discreet agreement in cartelisation on back-end services, meaning all services other than call charges,” Mr. Mirza said. “This insider had produced evidence like emails and voice recordings that quite clearly implicated the telecom operators. “After I left the office of CCP chairman, the case was hushed up,” he added. Although the Competition Commission of Pakistan promises to keep the identity of the informant confidential under the Competition (Reward Payment to Informants) Regulations, potential whistle-blowers know that they will be identified and have to endure a hostile work environment, face the threat of losing their job and reprisal that can put their life at risk at the hands of the organisation or groups that they have accused.⁸¹

Currently, there does not seem to be much public discourse on the need for such laws neither is there any interest shown by lawmakers to start the conversation on such a law. There have been attempts to introduce legislation. These include a bill presented in the National Assembly, on May 2, 2019, Whistleblower Protection and Vigilance Commission Act, 2019.⁸² This bill was later withdrawn by the law ministry of Pakistan and hence deferred.⁸³ An ordinance – a bill promulgated by the President which expires after 120 days if the Parliament takes no action to adopt it – was another attempt at introducing legislation termed as Whistleblower Protection and Vigilance Commission Ordinance.⁸⁴ The constitution of Pakistan only allows for one extension of 120 days for an ordinance, therefore, it was extended for 120 days and then expired. The Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Act, 2016, can be used as a model for the entire country. However, along with legislation the Achilles heel is the implementation of legislation.

Article 9.1 – Public Procurement

Good Practices

Pakistan’s Regulatory Authority

Under the Public Procurement Regulatory Authority (PPRA) Ordinance, 2002, a Public Procurement Regulatory Authority (PPRA) is a corporate body with powers subject to the provisions of this Ordinance, to acquire and hold property, both moveable and

⁸¹ ‘The loneliness of a whistle-blower’, Dawn, Jul 27, 2020, as accessed on Dec 16, 2020, at <https://www.dawn.com/news/1571399>.

⁸² Whistleblower Protection and Vigilance Commission Act, 2019, as accessed on December 24, 2020, at http://na.gov.pk/uploads/documents/1556805307_895.pdf.

⁸³ ‘NA committee on law and justice meets, bill regarding “whistleblower protections” discarded’, The Frontier Post, Oct 21, 2020, as accessed on Dec 24, 2020, at <https://thefrontierpost.com/na-committee-on-law-and-justice-meets-bill-regarding-whistleblower-protections-discarded/>.

⁸⁴ Whistleblower Protection and Vigilance Commission Ordinance, November 01, 2019, as accessed on Dec 24, 2020, at http://na.gov.pk/uploads/documents/1573191052_320.pdf.

immovable, and, sue and be sued by PPRA.⁸⁵ On the basis of the Public Procurement Rules 2004, the Public Procurement Regulatory Authority monitors and supervises the adherence of the rules.⁸⁶

Pre-Qualifications of Bidders

The PPRA is an autonomous body that is given all the power and freedom to exercise transparency and fair review of the bids. According to Section 5 of the Public Procurement Rules, 2004, a procuring agency, prior to the announcement of tenders, invitation to proposals, or offers in procurement proceedings, may engage in pre-qualification of bidders in case of services, civil works, turnkey projects, and in case of procurement of expensive and technically complex equipment to ensure that only technically and financially capable firms having adequate managerial capabilities are invited to submit bids. After an effective pre-procurement process along with the criteria of qualification and disqualification, there will be a proper process followed for procurement. Procuring agencies use open competitive bidding as the principal method of procurement for goods, services, and works.⁸⁷

Public Bidding

In line with the Public Procurement Rules, 2004, Section 13, the procuring agency may decide the response time for receipt of bids or proposals (including proposals for pre-qualification) from the date of publication of an advertisement or notice, keeping in view the individual procurement's complexity, availability, and urgency. However, under no circumstances the response time shall be less than 15 days for national competitive bidding and 30 days for international competitive bidding from the date of publication of advertisement or notice.⁸⁸

According to the Public Procurement Rules, 2004, Section 20, the bidding is competitive and open to the public when the value of the procurement is more than PKR 100,000 and less than PKR 500,000.⁸⁹

E-procurement System

In line with Section 7 (A) of the Public Procurement Rules, 2004, the procuring agencies may carry out e-procurement process by using information and communication technologies or digital or electronic means, in such a manner as to cover any or all aspects of the procurement process, in accordance with the regulations or guidelines to be prescribed by the PPRA.⁹⁰

Advertisement of Tenders

⁸⁵Public Procurement Rules, 2004, as accessed on Dec 24, 2020, at <https://www.ppra.org.pk/doc/rules.pdf>.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Bid Papers Checklist, as accessed on October 25, 2020, at https://eproc.punjab.gov.pk/BiddingDocuments/78109_terms%20and%20Comditions%20Other%20%20Stores.pdf.

In line with Section 12 of the Public Procurement Rules, 2004, procurements over PKR 500,000 and up to the limit of PKR 30,000,000 shall be advertised on the Authority's website in the manner and format specified by PPRA from time to time. These procurement opportunities may also be advertised in print media, if deemed necessary, by the procuring agency. The information according to the tender announcement and tender award announcement is made openly and publicly by the procurement agencies on their websites as well as in newspapers.

Blacklisted Organizations

According to Section 19 of the Public Procurement Rules, 2004, the procuring agencies shall specify a mechanism and manner to permanently or temporarily bar, from participating in their respective procurement proceedings, suppliers and contractors who either consistently fail to provide satisfactory performances or are found to be indulging in corrupt or fraudulent practices. Such barring action shall be duly publicized and communicated to the Authority. The list of blacklisted organizations is available on the website of PPRA.⁹¹

The limited available evidence on the website of PPRA and the provincial level procurement authorities suggest that the public procurement procedures are being followed. Public tenders seem to be fair. Civil society organizations also keep track of public procurements. For example, the national chapter of Transparency International is acting as a watchdog organization of public procurements taking place in the country and has published various documents, including complaints received from the public on violation of procurements rules on their website.⁹²

Occasionally, cases of corruption in public procurements are reported by the media. A widely covered case is that of the purchase of 69 sub-standard locomotives from China in which billions of Pakistan Rupees were spent and it became a huge corruption scandal against the former President of the time (General (Rtd.) Pervez Musharraf) and Pakistan Railway.⁹³ This case was later taken up by NAB for investigation and action. Any malpractices or fraudulent activities identified by state institutions are communicated to the procurement authorities. The information that appears on the websites of all procurement regulating authorities tells that debarred and blacklisted organisations are updated and published on a regular basis.

Deficiencies

According to the PPRA Rules, 2004, Section 50, any unauthorized breach of procurement rules shall result in a failed procurement process.⁹⁴ Under Section 48 of the rules, disputes between the parties to the contract shall be settled by arbitration. The procuring agencies shall provide for a method of arbitration in the procurement

⁹¹ Blacklisted firms on PPRA Website as accessed on February 5, 2021, at <https://www.ppra.org.pk/blacklist.asp>.

⁹² Procurement Watch on Transparency International Pakistan, as accessed on February 5, 2021, at <http://www.transparency.org.pk/procurement-watch/>.

⁹³ Pakistan buying 150 railway engines in emergency, May 15, 2010, as accessed on April 13, 2021, at <https://www.thenews.com.pk/archive/print/671119-pakistan-buying-150-railway-engines-in-emergency>.

⁹⁴ Public Procurement Rules 2004, as accessed on February 05, 2021 at <https://www.ppra.org.pk/doc/rules.pdf>.

contract. However, nothing regarding screening and trainings procedures is mentioned.⁹⁵

The form for bids does not require information on beneficial owners to be provided.⁹⁶

Articles 9.2 and 9.3 – Management of Public Finances

Recording, Storing and Preserving the Financial Statements and other Documents

There are three main methods through which payments are made from the government treasury:

- i) Accounting offices: these offices report to the Controller General of Accounts which is an attached department of the Ministry of Finance,
- ii) Assignment accounts: these are zero-balance ledger accounts operated through the State Bank of Pakistan or its agent National Bank of Pakistan, and
- iii) Accounting sections of public entities that are given grants through the government's budget.⁹⁷

For the first and second type the government records, all transactions are in an Integrated Financial Management Information System (IFMIS). Pakistan uses Systems Application and Product Software (SAP) software for payment of salaries, pensions (except pension of junior retired military officers who are gradually being shifted to the main system), operating and capital expenses, debt and debt servicing, and other assets/liabilities. For the third type, information gets recorded in the IFMIS at the time of payment, usually single-line, however, detailed transactions are recorded by respective entities in their own accounting systems.

The data is stored safely in an SAP database. There are protocols and access restrictions being overseen by the office of the Controller General of Accounts. In addition, the policies include regular backups and disaster management procedures.

The manual records (invoices, sanctioned authority letters) are kept in accounting offices in a dedicated records facility and normally date back several years.⁹⁸

Economic Expenditures and Revenues

Section 34 of the Public Finance Management Act, 2019, mandates the Federal Government to prepare a mid-year review report before the National Assembly of Pakistan by 28 February of each year and then to publish this report on the official

⁹⁵ Ibid.

⁹⁶ Bid Papers Checklist, as accessed on October 25, 2020 at https://eproc.punjab.gov.pk/BiddingDocuments/78109_terms%20and%20Comditions%20Other%20%20Stores.pdf.

⁹⁷ Consultation with Mr. Nohman Ishtiaq, a public finance expert.

⁹⁸ Ibid.

website of the Finance Division.⁹⁹ There are also mid-year budget review reports published to highlight the expenditure and the revenue.¹⁰⁰

Public Access to Budget Documents

The publicly accessible budget documents include a commentary on revenues and expenditures including performance data.¹⁰¹

Disclosure of Documents

All elements of the budget, such as revenue, expenditure, etc., are included in the budget documents and disclosed, according to Mr. Nohman Ishtiaq, a Public Finance Expert. However, arguments can be made on the degree of details included in the budget documents.

Analyses of Budget Information

The available budget documents are created in a format that facilitates data analysis as these documents provide the preceding year's data on the budget along with the current budget as well as details of revenue and expenditures also presented in the same format.¹⁰²

Performance-Based Budget Report

The performance-based budget report is regularly published on the website of the Finance Division to comply with the requirement of Section 6 of the Public Finance Management Act, 2019.¹⁰³ The audit manuals are publicly available on the website of the Auditor General of Pakistan but the audit reports are not uploaded on the website.¹⁰⁴

The performance-based budget published on the website of the Finance Division includes goals of the organization, performance indicators, and targets along with expenditures, budget, and forecast estimates.¹⁰⁵

Identifying Issues concerning Government Revenues and Expenditure

⁹⁹ Public Finance Management Act, 2019, as accessed on November 07, 2020, at http://www.finance.gov.pk/PublicFinanceManagementAct_2019.pdf.

¹⁰⁰ Mid-Year Budget Review Report, as accessed on November 07, 2020, at http://www.finance.gov.pk/budget/Mid_Year_Budget_Review_Report_2019_20.pdf.

¹⁰¹ Federal Budget Publications 2019-20, as accessed on November 07, 2020, at http://www.finance.gov.pk/fb_2019_20.html.

¹⁰² Annual Budget Statement 2020-21, as accessed on November 02, 2020, at http://www.finance.gov.pk/budget/Annual_budget_Statement_English_202021.pdf.

¹⁰³ Performance Based Budget 2020-21 to 2022-23, as accessed on November 07, 2020, at http://www.finance.gov.pk/budget/MTPB_Budget_2020_23.pdf.

¹⁰⁴ Auditor General of Pakistan, as accessed on October 29, 2020 at <http://www.agp.gov.pk/PublicationDetail/YjkyZTIIMDItZTQwZC00Zjc2LTlhZWYtMTgwMTRiMmM0YmZi>.

¹⁰⁵ Performance Based Budget 2020-21 to 2022-23, as accessed on November 07, 2020, at http://www.finance.gov.pk/budget/MTPB_Budget_2020_23.pdf.

The audit reports normally identify issues related to control procedures related to government expenditures. Within these reports, at times the audit observations may include issues related to non/under realization of budgeted revenues or incorrect booking. Similarly, audit observations may also include the way government supplementary budgets are approved/spent, etc.¹⁰⁶

Financial Records Destroyed, Falsified, or Not Maintained

There is no known incident in which government records were destroyed.¹⁰⁷ In case of falsified accounting, reports and balances are regularly overseen by International Financial Institutions (IFIs). There are penalties if information is falsified. Some penalty was imposed on Pakistan in the late 1990s on a claim of incorrect financial information transmitted to the International Monetary Fund (IMF). However, there is no evidence of this information. There can be incidences of non-maintenance or incorrect maintenance. Each year, the government reports ‘statistical discrepancy’ e.g., PKR 87 billion discrepancy was reported in 2019-20¹⁰⁸ in books reconciliation with the bank account information. However, this discrepancy is generally not clearly visible in audited financial statements, which may mean that at the time of finalization of accounts, bank reconciliation process is completely followed.¹⁰⁹

Good practices

Public Finance Management Act, 2019

The budget for the next financial year (2020-21) will, for the first time since the adoption of the 1973 Constitution, be presented under a new law called the Public Finance Management Act (PFMA), 2019, instead of the stopgap arrangement of following the rules made by the president of Pakistan. Article 79 of the Constitution required parliament to frame a law to regulate the public accounts of the federation. However, 47 years went by without parliament framing such a law, and the presidential rules, by default, filled the vacuum as provided for in the Constitution. The cause of parliamentary scrutiny of public finances has moved forward with the passage of the law though the struggle for an effective parliamentary scrutiny of the budget framed by the executive continues.¹¹⁰

Deficiencies

To strengthen input of public representatives into the Federal Budget, it is crucial that the Budget Strategy Paper is first shared with the Parliamentary Standing Committees on Finance and their input is sought and added in the final budget strategy paper before it is presented to the Federal Government for its approval. In the current scenario, the budget strategy paper is presented only after the approval of the paper

¹⁰⁶ Data received from Mr. Nauman Ishtiaq, Public Finance Expert on October 14, 2020, via email.

¹⁰⁷ Ibid.

¹⁰⁸ Budget Summary, 2019-20, as accessed on October 27, 2020, at http://www.finance.gov.pk/fiscal/July_June_2019_20.pdf.

¹⁰⁹ Controller General Accounts of Pakistan, as accessed on October 27, 2020, at https://cga.gov.pk/Content/Index?PageCode=y1qB8wBsAa0*V.

¹¹⁰ Parliamentary Scrutiny authored by President PILDAT, Ahmed Bilal Mehboob, Dawn, June 07, 2020, as accessed on February 6, 2021 at <https://www.dawn.com/news/1561895/parliamentary-scrutiny>.

by the Federal Cabinet, which makes it more like a briefing to the committee instead of allowing for a real debate on the Budget and Public Finances. The law requires appropriate amendment in this regard. Secondly, Article 84 allows the Executive to alter the budget approved by the National Assembly in any way it deems fit during the year without prior approval by the Assembly. The Executive's unbridled powers to alter the approved budget runs counter to the basic principles of democracy and hence, requires an amendment too.¹¹¹

The Rules of Procedure and Conduct of Business in the National Assembly (Upper house of Parliament) to give powers to standing committees to review budget after its presentation in the Assembly requires amendment. Furthermore, the Rules to obligate the Federal Government to present a Quarterly Report on the execution of the budget passed by the Assembly also requires amendment.

Lastly, the time to debate and scrutinize the budget in the Standing Committees and the National Assembly needs to increase. The National Assembly should also extend its period of budget scrutiny and debate from the present average of 14 days to around 45 days so that the demands for grants of various ministries and divisions can be forwarded to the concerned committees for detailed scrutiny.

Articles 10 and 13.1 – Public Reporting and Participation of Society

Good Practices

Right to Information (RTI) Law

Pakistan has RTI laws at the Federal level and in all four provinces. Article 19-A of the Constitution says "Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law."

At the Federal level, the first law that was enacted was called 'Freedom of Information Ordinance, 2002'. Due to limitations such as the fact that the law did not provide for a dedicated appeal institution such as the Information Commission, another law was passed by the Parliament on October 02, 2017, that was called the 'Right of Access to Information (RAI) Act, 2017' which included some of the basic principles of RTI including maximum disclosure, minimum exceptions, and right to appeal.¹¹²

At the Provincial level the following four laws exist:

- Balochistan Freedom of Information Act, 2005¹¹³
- Khyber Pakhtunkhwa Right to Information Act, 2013¹¹⁴
- Punjab Transparency and Right to Information Act, 2013¹¹⁵

¹¹¹ Ibid.

¹¹² Right of Access to Information Act, 2017, as accessed on October 23, 2020, at http://na.gov.pk/uploads/documents/1510039254_320.pdf.

¹¹³ Balochistan Freedom of information Act, 2005, as accessed on February 5, 2021, at <https://balochistan.gov.pk/wp-content/uploads/2019/08/Freedom-of-Information-Act-2005.pdf>.

¹¹⁴ Khyber Pakhtunkhwa Right to Information Act, 2013, as accessed on Feb 05, 2021, at <https://www.kpti.gov.pk/wp-content/uploads/2020/12/Right-to-Information-Act-2013-Eng.pdf>.

¹¹⁵ Punjab Transparency and Right to Information Act, 2013, as accessed on Feb 5, 2021, at <http://punjablaws.gov.pk/laws/2547.html>.

- The Sindh Transparency and Right to Information Act, 2016¹¹⁶

Means and Procedure for Access to Information

Section 11 of the Right of Access to Information (RAI) Act, 2017, states that a citizen of Pakistan may make a request to a public body through the designated official via in-person, mail, fax, online or e-mail.¹¹⁷ The information on means and procedures to access information is publicly available on the Federal and Provincial Information Commissions websites.¹¹⁸

Exemptions in the Disclosure of the Information

Section 7 of the RAI Act 2017, states that nothing contained in Section 6 (Declaration of Public Records) shall apply to certain record of all public bodies, such as record relating to defence forces, defence installations or connected matters and ancillary to defence and national security excluding all commercial and welfare activities or record declared as classified by the Minister-in-charge of the Federal Government.¹¹⁹

Section 16 of the RAI Act, 2017, states that a public body may not disclose exempt information,

- provided that where only part of a record of the information falls within the scope of the exceptions provided for in this Act, that part shall be severed and the residual record or information shall be provided to the applicant;
- if its disclosure is likely to cause damage to the interests of the Islamic Republic of Pakistan in the conduct of international relations.

Information may be exempt if its disclosure is likely to result in the commission of an offence or harm the detection, prevention, investigation, or inquiry in a particular case.

Response Time for Request

According to Section 14 of the RAI Act 2017, a public body is required to respond to a request as soon as possible and in any case within 10 working days of receipt of the request.¹²⁰

Appeal Mechanism

In line with Section 17 of the RAI Act, 2017, an applicant who is not satisfied by the decision of the designated official or where no decision has been communicated to him within the time fixed for such decision, may, within a period not exceeding 30 days

¹¹⁶ Sindh Transparency and Right to Information Act, 2016, as accessed on Feb 5, 2021, at <http://sindhlaws.gov.pk/setup/publications/PUB-17-000026.pdf>.

¹¹⁷ Right of Access to Information Act, 2017, as accessed on Feb 5, 2021, at http://na.gov.pk/uploads/documents/1510039254_320.pdf.

¹¹⁸ Punjab Request for information procedure, as accessed on October 23, 2021, at https://rti.punjab.gov.pk/application_procedure.

¹¹⁹ Right of Access to Information Act, 2017, as accessed on Feb 5, 2021, at http://na.gov.pk/uploads/documents/1510039254_320.pdf.

¹²⁰ Ibid.

after either receiving a decision or after the time-limit for such a decision has passed, appeal to the Information Commission.

Pakistan Information Commission

Pakistan Information Commission is an independent and autonomous enforcement body, established under Section 18 of the RAI, 2017, to ensure implementation of this Act. Its role is to establish mechanisms so that citizens of Pakistan can exercise their constitutional right of access to information in matters of public importance. In this connection, it takes steps for public awareness of the law, helps federal public bodies comply with the law, trains public information officers, monitors their performance, decides complaints, and takes action against those failing to comply with the provisions of the Right of Access to Information Act, 2017.¹²¹ The Information Commission established is required to decide an appeal within a period of 60 days. The public body shall, in an appeal, bear the burden of proof of showing that it acted in accordance with the provisions of this act.¹²² Appeals made to the Information Commission of Pakistan can be viewed in the 'Landmark orders' tab on its website.¹²³

Fee for Accessing Information

The Federal RAI Act, 2017, does not require any fee for accessing information. In the case of Punjab Information Commission, it is not required to pay any fee at the time of submitting an application. However, if the application for access to information is accepted, the Public Information Officer may communicate an actual cost of reproducing the information that has been requested. The cost of reproducing and providing information is calculated at the time and should be paid strictly in accordance with the Schedule of Costs notified by the Commission.¹²⁴

Similarly, in Khyber Pakhtunkhwa (KP) Information Commission, making an RTI request is free of charge as well. However, the applicant may be asked to pay for photocopying (20 photocopies are free) or any other charges incurred in giving the information requested. Each public body is required to have a schedule of fees for photocopying/other expenses. Applicants may check this to ensure that they are not being over-charged.¹²⁵

PILDAT's Freedom of Information Case

In July 2015, the President of Pakistan upheld PILDAT's Freedom of Information request for attendance records of members of the National Assembly (MNA) of Pakistan. This landmark decision spurred the National Assembly Secretariat to begin regularly updating MNA attendance records on the Assembly's official website. The Assembly's website now displays complete MNA attendance records every session.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Pakistan Information Commission, as accessed on Feb 5, 2021, at <http://rti.gov.pk/category/landmark-orders/>.

¹²⁴ Punjab Information Commission, as accessed on October 26, 2020, at <https://rti.punjab.gov.pk/faq#a10>.

¹²⁵ Introductory guide to citizens, Khyber Pakhtunkhwa Information Commission, as accessed on October 26, 2020, at <http://kp.gov.pk/uploads/2019/05/RTI-Introductory-Guide-to-Citizens.pdf>.

Similarly, a citizen, Mr. Amer Ejaz had filed an RTI request to the Punjab Assembly asking for the attendance information of the Members of the Assembly in 2015. He was denied the information after which he complained to the Punjab Information Commission stating that it was his right to know about the attendance of the members of the Assembly. Delivering the verdict on his appeal, the Commission directed the Punjab Assembly to provide the requested information to the complainant and submit a compliance report to the commission. When inquired why the information was not provided, the answer received was that the information requested could harm the legitimate privacy interests of the lawmakers. The Commission ruled out the justification given by the Punjab Assembly and stated that it is of paramount importance for the effective functioning of democracy that the voters receive the information they demand. As a result, now the list of the Attendance of the members is available for citizens to view on the Website of Punjab Assembly and is up to date.¹²⁶

Training on Corruption Ethics, Civic Rights, or Governance

Training and awareness programmes at both primary and secondary level, and in universities take place, according to the NAB's annual report 2019. The NAB Lahore arranged an Inter-Schools English Declamation Contest on the topic of "Corruption is the Mother of all Evils."¹²⁷

Deficiencies

There is a comprehensive list of exemptions in the disclosure of information section. While not all of them from the Federal Act has been mentioned here, two particular exemptions are noteworthy:

Information may be exempt if its disclosure is likely to:

- i) Cause prejudice to the effective formulation or development of public policy
- ii) Frustrate the success of policy by premature disclosure of that policy

The peculiar choice of language in the above allows room for a wide and vague interpretation, thus, denoting a lack of protection of legitimate interests of the government.

According to Section 19 (C) of the RAI Act, 2017, the information commission compiles a comprehensive bi-annual report both describing its own activities, including an overview of its audited accounts, and providing an overview of the activities undertaken by all public bodies to implement this Act. This report is laid before the

¹²⁶ 'Upload MPAs attendance on web, Punjab PA directed', The News, November 07, 2020, as accessed on October 3, 2020, at <https://www.thenews.com.pk/print/18142-upload-mpas-attendance-on-web-punjab-pa-directed>.

¹²⁷ Annual Report of NAB 2019, as accessed on October 23, 2020, at <https://web.archive.org/web/20210524124528/https://nab.gov.pk/Downloads/NAB%20Annual%20Report%202019.pdf>.

Parliament.¹²⁸ While it is clearly the requirement of the Act that it will publish its bi-annual report, only one report has so far been produced in 2018.¹²⁹

The KP Information Commission was able to resolve 6,010 complaints from citizens, according to their Annual Report 2018-2019.¹³⁰ The Punjab Information Commission also continued to remind public bodies about their responsibilities under the Act through letters, orders on complaints, and discussions during the training workshops of Public Information Officers. Section 2 ‘Responsibilities of Public Bodies’ of their Annual Report 2015-2016 describes this at length.¹³¹ However, this is the most recent report available which shows that annual reports are not being produced regularly by the Punjab Commission.

Media reports show that different stakeholder groups are using RTI Laws both in Federal and Provinces, but the responses to their requests are often very limited. From 2015-2019, out of 2,635 information requests filed with Pakistan Information Commission, only 788 (29%) were responded. Similarly, in Punjab, in the last 5 years, 1,778 requests were made but only 540 were answered. In Sindh in 2019, 100 requests were filed and in Balochistan, 62 requests were filed as reported by media.¹³²

The Global Forum for Media Development (GFMD), a not-for-profit, Belgian registered organization, is an international network of around 200 journalism support and media development organizations working across more than 70 countries.¹³³ Pakistan Press Foundation (PPF) was established in 1967 as a non-profit organization. PPF is an independent media documentation and training centre, non-governmental organization committed to promoting and defending freedom of expression.¹³⁴ GFMD along with PPF conducted an assessment of the implementation of RAI in 2019. Their assessment gave the following recommendations:

- i) institutions should include more detailed information on their websites;
- ii) institutions should respect the requirements of the law and respond to RTI Requests on time.¹³⁵

Measures to Ensure the Implementation of Existing Laws, Regulations, Policies, and Procedures

¹²⁸ Annual Report of NAB 2019, as accessed on October 23, 2020, at <http://nab.gov.pk/Downloads/NAB%20Annual%20Report%202019.pdf>.

¹²⁹ Annual Report 2018-19 of Pakistan Information Commission, as accessed on February 7, 2021, at <http://rti.gov.pk/annual-report-2018-19-the-implementation-of-the-right-of-access-to-information-act-2017-progress-and-challenges/>.

¹³⁰ Annual Report 2018-2019 of KP Information Commission, as accessed on October 23, 2020, at <https://www.kprti.gov.pk/wp-content/uploads/2020/12/Annual-Report-2018-19.pdf>

¹³¹ Annual Report 2015-16 of Punjab Information Commission, as accessed on October 23, 2020, at https://rti.punjab.gov.pk/system/files/Annual%20Report%202015-16_0.pdf.

¹³² ‘Implementation of RTI laws not ideal in Pakistan’, The News, as accessed on October 23, 2020, at <https://www.thenews.com.pk/print/491108-implementation-of-rti-laws-not-ideal-in-pakistan>.

¹³³ About GFMD, as accessed on October 23, 2020, at <https://gfmd.info/about-us/>.

¹³⁴ Pakistan Press Foundation website as accessed on October 26, 2020, at <https://www.pakistanpressfoundation.org/about-ppf/>.

¹³⁵ Measuring the implementation of RTI laws in Pakistan, GFMD, June 27, 2019, as accessed on October 26, 2020, at <https://gfmd.info/measuring-the-implementation-of-access-to-information-ati-laws-in-pakistan>.

According to the Khyber Pakhtunkhwa Information Commission, there have been various events and activities conducted in KP to promote public awareness.¹³⁶ Similarly, the Punjab Information Commission has held several capacity-building programs for PIOs and the general public to create awareness among the public.¹³⁷ The Pakistan Information Commission has not yet shared any data on this on its website. These measures are not widely known to the public but are accessible via websites and some of the awareness sessions held with the public at different places in the country.

In most areas, public information is available through the websites of the various public sector institutions in order to make the public more informed.

Public Involvement in Decision-Making

Generally, as such, there is no culture of public involvement, engagement, or consultation where important questions of policy or decision-making are directly concerned with citizens themselves. However, there are a few instances that shed light on such involvement:

Public consultations were held with different stakeholder groups in the case of the Lahore Orange Line Metro Train project. They included residents, business owners, and schools.¹³⁸ The Bus Rapid Transit (BRT) project is also an example that was funded by the Asian Development Bank and was approved after conducting community consultation meetings in which men and women from six different Union Councils participated.¹³⁹ However, in some cases, not enough measures are being taken to consult the media and civil society, one recent example being the Citizen Protection (Against Online Harm) Rules, 2020.¹⁴⁰ Digital Media Rights Foundation, a Pakistan non-profit organization, has criticised the government for not accepting any input in producing these rules.¹⁴¹ These rules are being prepared under the Pakistan Telecommunication (Re-organization) Act, 1996 and the Prevention of Electronic Crimes Act (PEC), 2016.

Access to Journalists, Civil Society Representatives, or Citizens

In November 2019, a citizen of Pakistan sought information about the costs of the trial of former Chief of Army Staff and former President of Pakistan General (Rtd.) Pervez Musharraf from the Ministry of Law and Justice under the Right of Access to

¹³⁶ Annual Report 2018-2019 of KP Information Commission, as accessed on October 23, 2020, at <https://www.kprti.gov.pk/wp-content/uploads/2020/12/Annual-Report-2018-19.pdf>.

¹³⁷ Punjab Information Commission, as accessed on October 26, 2020, at https://rti.punjab.gov.pk/capacity_building.

¹³⁸ EIA of Construction of Lahore Orange Line Metro Train Project, May, 2015, as accessed on October 26, 2020, at <https://epd.punjab.gov.pk/system/files/Section-5%20Public%20Consultation.pdf>.

¹³⁹ Climate Risk and Vulnerability Assessment, Asian Development Bank, March, 2017, as accessed on October 26, 2020, at <https://www.adb.org/sites/default/files/linked-documents/48289-002-Id-crva.pdf>.

¹⁴⁰ 'First Consultation on citizen protection rules questions regulation of fake news', Dawn, June 7, 2020, as accessed on October 26, 2020, at <https://www.dawn.com/news/1561910>.

¹⁴¹ 'Digital rights group slams govt's call for consultation on social media rules', The News, March 2, 2020, as accessed on October 26, 2020, at <https://www.thenews.com.pk/latest/622728-digital-rights-group-slams-govts-call-for-consultation-on-social-media-rules>.

Information Act, 2017. He wanted to know how judiciously public funds are being used by the ministry. Denying the requested information, the ministry declared itself a classified body exempt from answering requests for information. The Pakistan Information Commission corrected the ministry, stating that it was answerable under the Right of Access to Information Act, 2017.¹⁴² The Ministry of Law and Justice rejected the application seeking details of the legal team hired to prosecute former president General (Retd) Pervez Musharraf on treason charges, and the fees paid to them by saying that it is a classified matter. In a rejoinder sent to the ministry, the citizen said his application was rejected without being given due consideration as the ministry “has not even bothered to consider Article 19-A and the (Right of Access to Information) Act in the course of deciding my application.”¹⁴³

In January 2020, a citizen wrote to the Cabinet Division of Pakistan, requesting information about the number of trips the current Prime Minister of Pakistan, made through helicopters since assuming office. The answer to this question was still pending as this report was finalised.¹⁴⁴

The Pakistan Information Commission (PIC) announced a detailed verdict in November 2020, stating that the asset declaration of the Chairman, Deputy Chairman, and other officers of the NAB could not be disclosed to the public due the privacy issues. A request was filed by a citizen under the RTI Act, 2017, seeking information on the personal assets that had been declared by the currently serving officers in the NAB.¹⁴⁵

International Initiatives to Promote Transparency

Pakistan became a member of the Open Government Partnership (OGP) on December 07, 2016, in Paris at the 4th OGP Summit. A National Workshop on OGP was later organized in July 2017 in which PILDAT participated and submitted its recommendations for finalizing the OGP National Action Plan. The Recommendations can be found in Appendix A.

Following this, PILDAT was designated by the Ministry of Finance, as a member of the Interim Multi-stakeholder Forum for finalization of the first National Action Plan in September 2017. A meeting of this forum took place in October 2017 for the purpose of examining and reviewing the draft commitments received from the Federal Ministries and Provincial Departments in light of guidelines shared by the OGP Headquarters. PILDAT attended this meeting and shared its recommendations again.

Taking a step forward, PILDAT initiated in writing a list of propositions to the government for them to be incorporated in the OGP National Action Plan. PILDAT's recommendations pertained to the following thematic areas: Fiscal Transparency,

¹⁴² ‘Long wait for information about Musharraf’s trial’, The News, August 27, 2020, as accessed on October 26, 2020, at <https://www.thenews.com.pk/print/706498->.

¹⁴³ Ibid.

¹⁴⁴ Info about VIPs’ use of helicopters classified: officials, The News, July 17, 2020, as accessed October 26, 2020, at <https://www.thenews.com.pk/print/687949->.

¹⁴⁵ ‘Details of NAB Chairman’s assets cannot be disclosed’, The Frontier Post, November 03, 2020, as accessed on February 6, 2021, at <https://thefrontierpost.com/details-of-nab-chairmans-assets-could-not-be-disclosed-ic/>.

Access to Information, Public Officials Asset Disclosure, Citizens Engagement/Civil Liberties, Access to Justice, and Strengthening Accountability. PILDAT is aware that Pakistan has not yet finalized and submitted its National Action Plan to OGP and that the deadline to do so was October 31, 2017. The letter of recommendations was written to the ministry on October 13, 2017.

The political turmoil in the country at the time grossly affected the pace of work on the National Action Plan, however, PILDAT again wrote a letter to the Advisor to the Prime Minister of Pakistan on Finance, reminding him of the importance and urgency of completing the National Action Plan, and expediting the process of completion. PILDAT also met the Federal Minister of State for Finance and Economic Affairs to persuade him to follow up on the submission of the National Action Plan to OGP. Pakistan joined OGP in 2016 but did not deliver an action plan for three consecutive cycles (2017, 2018, and 2019), the OGP Steering Committee, under the provisions set out in its Articles of Governance, resolved to designate the Government of Pakistan as inactive in OGP on February 25, 2020.¹⁴⁶

In general, besides the passage of RTI laws in Pakistan (which is a landmark achievement in itself) and their somewhat weak implementation, no measures have been adopted to promote an institutional culture of transparency, open data, open-door policies, and regular communication between government and civil society. Public consultation on budget allocation to specific institutions is almost an alien concept.

In legislative drafting processes, the public, civil society, and other relevant stakeholders are not consulted. One of the most recent examples is the notification of the 'Removal and Blocking of Unlawful Online Content (Procedure, Oversight, and Safeguards) Rules 2020' under the Prevention of Electronic Crimes Act, which gives the government legal cover to issue blanket bans on digital content. The rules apply to any social media company operating in Pakistan. This is a tradition that despite initial promises of a discussion, the rules were gazetted without consultation with stakeholders, rights groups, and citizens. National and global digital rights groups have expressed outrage and concern over the rules for legitimate reasons. The Asia Internet Coalition which represents several social media platforms including Facebook, Google, and Apple has pointed out that the rules were passed without a discussion, labelling the demands draconian as the data localisation requirements will prevent people from accessing a free and open internet.

Article 11 – Measures Relating to the Judiciary and Prosecution Services

Good Practices

In line with Article 75 & 75A of the Constitution of Pakistan, the appointment of judges of the Supreme court is carried out by the Supreme Judicial Council which consists of

¹⁴⁶ Open Government Partnership: Pakistan, as accessed on 29 April 2021, at <https://www.opengovpartnership.org/members/pakistan/>.

different members from sitting judges, former judges, Federal Minister for Law, and Justice and Attorney General of Pakistan.¹⁴⁷

There is a code of conduct both for the judiciary and prosecution service.¹⁴⁸ The full text of the Code of Conduct has been published in the Gazette of Pakistan.¹⁴⁹ The Code of Conduct issued by the Supreme Judicial Council gave guidelines to the judges of the Supreme Court and High Courts on certain traditional requirements of behaviour in order to achieve a standard of justice worthy of the nation.¹⁵⁰

Article IV of the Code of Conduct is to be observed by judges of the Supreme Court of Pakistan and the High Courts of Pakistan (Supreme Judicial Council): a judge must decline resolutely to act in a case involving his own interest including cases of their friends and family members. Article VIII bans judges from accepting gifts from persons other than family members and close friends in order to avoid conflict of interest.¹⁵¹

Although there is no requirement for judges to publicly declare their assets, under High Court Rules, they are required to submit a return of their assets to the High Court annually (and provide updates when there are substantive changes in their assets). These declarations, however, are not made public. If a complaint is received about alleged bribery and/or corruption of judges and the building of illicit assets through unlawful proceeds, the High Court checks the statements filed by the accused judge and in case of irregularities, an explanation is requested from him/her.

Judges of higher judiciary are also highly paid, compared to their counterpart government servants. They receive perks such as housing, utilities, and a high pension. Due to these benefits and their high compensation, judges are seen to be less vulnerable to bribery and corruption.

Selection, Recruitment, and Removal

There are adequate measures to ensure transparency in the selection, recruitment, and removal process of the judiciary. Article 175A, 177 and 209 of Pakistan's Constitution covers this aspect. The Chief Justice of Pakistan is appointed by the President of Pakistan in accordance with Article 75A of the Constitution. The Supreme Judicial Council can remove a judge on its own or on the recommendations of the President. In this regard, the 19th Constitutional Amendment was assented by the President of Pakistan on January 01, 2010.¹⁵²

¹⁴⁷ Constitution of Pakistan, as accessed on September 25, 2020, at [http://www.senate.gov.pk/uploads/documents/Constitution%20of%20Pakistan%20\(25th%20amendment%20incorporated\).pdf](http://www.senate.gov.pk/uploads/documents/Constitution%20of%20Pakistan%20(25th%20amendment%20incorporated).pdf).

¹⁴⁸ Code of Conduct for Prosecutors, as accessed on September 23, 2020, at <https://cpd.punjab.gov.pk/system/files/Code-of-conduct.pdf>.

¹⁴⁹ Code of Conduct for Judges, September 02, as accessed on September 23, 2020, at https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/supreme_judicial_council/CODE_OF_CONDUCT_FOR_JUDGES.pdf.

¹⁵⁰ Data received from Mr. Shahid Hamid, Senior Lawyer, on September 25, 2020, via email.

¹⁵¹ Code of Conduct for Judges, September 02, 2009, as accessed on September 23, 2020, at https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/supreme_judicial_council/CODE_OF_CONDUCT_FOR_JUDGES.pdf.

¹⁵² Constitution (Nineteenth Amendment) Act, 2010, as accessed on October 27, 2020, at http://na.gov.pk/uploads/documents/1302135596_176.pdf.

Transparency & Safeguarding

Court proceedings are open to the public and the media.

Under the Supreme Court Rules, 1980, the constitution of benches is the discretion of the Chief Justice. If the judges hearing a petition or an appeal are equally divided in opinion, the petition or appeal, as the case may be, shall, in the discretion of the Chief Justice, be placed for hearing and disposal either before another judge or before a larger Bench to be nominated by the Chief Justice.¹⁵³

Similarly, in line with Article 186A of the Constitution of Pakistan, the Supreme Court may, if it considers it expedient to do so in the interest of justice, transfer any case, appeal, or other proceedings pending before any High Court to any other High Court.

Deficiencies

Independence and Integrity of Judiciary

In December 2017, a former Chief Justice of Pakistan likened the role of the judiciary to a “baba” (a Village elder), and said that “*this judiciary is your baba, do not doubt its integrity.*” The Chief Justice made these remarks in response to a mounting public perception that the judiciary had become part of any bigger plan or design.

An overview of recent developments also shows that instead of using its power and popularity to strengthen democracy and democratic institutions, the judiciary has been using its power to criticise, pick at, and almost desecrate other institutions of State, including the Executive and the Legislature. Senior judges continue to publicly lash out at elected leaders and political parties, and humiliate the civil bureaucracy. The judiciary appears to fail to recognise that its popularity and independence cannot be sustainable unless its powers are also used to empower representative institutions with strengthened governance capacities, democratic legitimacy, and sufficient power to resist the military and affiliated interests.

Despite resorting to populism, the judiciary has yet to put its own house in order. It has given surprisingly little attention to the problems facing the lower courts, where ordinary Pakistani citizens remain much more likely to encounter the judicial system. Pendency in cases lying with Higher Judiciary is on a record high as 42,762 cases remain pending in the Supreme Court of Pakistan as of January 2020.¹⁵⁴ The rate of pendency has risen almost 100% during the past five to seven years. In 2001, the number of cases in the Supreme Court backlog was recorded at 13,070, which have since multiplied several times.

In a recent relevant case, the Government of Pakistan had filed a reference under Article 209 of the Constitution against a Supreme Court judge, that claimed he was guilty of misconduct, for failing to disclose properties in the name of his family

¹⁵³ Supreme Court of Pakistan Rules, 1980, as accessed on October 27, 2020, at https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/Supreme_Court_Rules/SUPREME_COURT_RULES_1980_AMMENDED.pdf.

¹⁵⁴ Law and Justice Commission of Pakistan, Pendency of cases, as accessed on February 6, 2021, at http://ljcp.gov.pk/nljcp/assets/dist/news_pdf/courts.pdf.

members (in particular his wife). This was challenged by the judge on the grounds that he cannot be held accountable for his (non-dependent) wife's properties, acquired through independent financial means, and that it was a tax issue that did not amount to 'misconduct'. Most importantly, the judge stated that information against him had been collected through illegal means, and the reference had been framed on the basis of mala fide and malice since he had annoyed 'certain powerhouses' in the country through a series of past judgments highlighting the role of Pakistan's security forces in the politics of the country. With a short order, dated June 19, 2020, the references were "quashed" against him by a 10-member bench. The detailed judgement released in October 2020 highlighted severe deficiencies in the government process. The court held that the current President did not form a considered opinion under Article 209(5) of the Constitution, hence the reference against the judge "suffered with multiple defects". It also said that since there was no valid authorisation for the investigation, the tax records of the judge were illegally accessed.¹⁵⁵

In 2017, the elected Prime Minister of Pakistan was disqualified in a landmark decision on the Panama Paper case.¹⁵⁶ The judges ruled that the former PM had been dishonest to the Parliament and the Courts in not disclosing his employment in a Dubai based company in his 2013 nomination papers, and thus could not be deemed fit for office. A member of Pakistan's intelligence agency was also included in a Joint Investigation Team that was constituted in this case, raising questions about the independence of the judiciary in this matter.¹⁵⁷ In 2019, a senior leader of PML-N and daughter of the former PM claimed that her father's entire judicial process was severely compromised. She played a secretly recorded video that featured a conversation between a party loyalist and an Accountability Court judge who had sentenced the former PM to seven years in jail for corruption. The video appeared to show that the judge convicted the former PM under duress. Later, in his affidavit, the judge denied the party's claim that he had been blackmailed by PML-N supporters through an "immoral video".

In October 2018, the President of Pakistan removed a judge of the Islamabad High Court (IHC), after the Supreme Judicial Council (SJC) recommended his removal. "The council is unanimously of the opinion that in the matter of making his speech before the District Bar Association, Rawalpindi on [July 21] [...] had displayed conduct unbecoming of a judge of a high court and was, thus, guilty of misconduct and he is, therefore, liable to be removed from his office under Article 209(6) of the Constitution," the communication read.¹⁵⁸ The SJC is a constitutional forum that examines the conduct of superior court judges and then recommends their removal from the top post. While addressing an audience at the Rawalpindi bar, the judge had claimed that personnel of the Inter-Services Intelligence (ISI) was manipulating judicial proceedings.¹⁵⁹ The judge submitted a petition against the SJC's recommendation to

¹⁵⁵ 'SC ruling highlights 'holes' in case against Isa', Dawn, October 24, 2020, as accessed on February 6, 2021, at <https://www.dawn.com/news/1586722/sc-ruling-highlights-holes-in-case-against-isa>.

¹⁵⁶ 'Nawaz Sharif steps down as PM', Dawn, July 28, 2017, as accessed on February 6, 2021, at <https://www.dawn.com/news/1348191>.

¹⁵⁷ The unmaking of Nawaz Sharif, Dawn, August 6, 2017, as accessed on February 6, 2021, at <https://www.dawn.com/news/1349557>.

¹⁵⁸ 'Justice Shaukat removed', Dawn, October 11, 2018, as accessed on February 6, 2021, at <https://www.dawn.com/news/1438358>.

¹⁵⁹ Ibid.

remove him contending that he had been deprived of his constitutional and legal rights including protection under Articles 4, 10A and 25 of Pakistan's Constitution. His petition remains pending to date while the judge will lose his term to serve in June 2021.

Articles 12.1, 12.2 (c) and (f), 12.4 – Private Sector

Good Practices

The Securities & Exchange Commission of Pakistan (SECP) is the financial regulatory agency in Pakistan whose objective is to develop a modern and efficient corporate sector and a capital market based on sound authority principles, in order to encourage investment and foster economic growth and prosperity in Pakistan. The SECP has launched an e-services project with the primary aim to increase the efficiency of the corporate sector of Pakistan.¹⁶⁰ The company registry in this e-services project only serves the purpose of looking up names of companies already taken or occupied. This helps people who are trying to form new companies avoid using names already taken. All private companies are governed by the comprehensive The Companies Act, 2017.¹⁶¹ This Act was enacted to expediently reform company law with the objective of facilitating corporatization and promoting the development of the corporate sector, encouraging use of technology and electronic means in conduct of business and regulation thereof, regulating corporate entities for protecting interests of shareholders, creditors, other stakeholders, and the general public, inculcating principles of good governance and safeguarding minority interests in corporate entities and providing an alternate mechanism for expeditious resolution of corporate disputes and matters arising out of corporate disputes.

Due to the comprehensive nature of the Companies Act, 2017, there are rules, regulations, and procedures in place for private companies regarding the maintenance of books and records, financial statement disclosure, as well as accounting and auditing standards. The Act in Article 249 makes it clear that companies should comply with international standards of auditing.

The Act forbids off-the-book accounts, making off-the-books or inadequately identified transactions. The Act also forbids recording non-existent expenditure and entering liabilities with incorrect identification of their objects. The Act further forbids using false documents and intentionally destroying book-keeping documents earlier than the prescribed period.

Every act that is forbidden under the Companies Act is followed by appropriate sanctions and penalties for failure to comply with relevant rules, regulations, and procedures.

The Companies Act, 2017, regulates transparency in the private sector. Further legislation to monitor private companies has also been introduced. This includes: A prohibition on the issuance of bearer shares or bearer share warrants, that has been imposed. Every company is required to maintain a register of its ultimate beneficial

¹⁶⁰ About Eservices Project, as accessed on Dec 17, 2020, <https://eservices.secp.gov.pk/eServices/>.

¹⁶¹ Companies Act, 2017, May 31, 2017, accessed on Dec 17, 2020, at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104943/128178/F-1907703579/PAK104943.pdf>.

owners and record their accurate and updated particulars, while the penalty for noncompliance with this is a fine up to one million rupees (approx. € 5,500), or up to ten million rupees (approx. € 55,000), for natural and legal persons respectively.

A responsibility on limited liability partnership is to maintain and timely update particulars of the ultimate beneficial owner of any person who is a partner. If it fails to comply with these requirements, a fine up to one million rupees, if a natural person, and up to ten million rupees, if limited liability partnership.¹⁶²

The SECP, recognizing the importance of international cooperation and assistance among jurisdictions, in 2016, inserted a new independent Section 42D regarding international cooperation and assistance to a foreign regulatory authority in the Act through SECP (Amendment) Act, 2016 (XXXVI of 2016) to address the concerns and needs of SECP's on the subject of international cooperation and assistance.¹⁶³ The section authorizes the Commission to seek and provide assistance on a reciprocal basis, to international regulators for assisting in any inquiry or investigation for contravention of laws relating to financial services. For effective regulation and supervision of securities and futures markets, SECP became a member of the International Organization of Securities Commissions (IOSCO) in 1998. Currently, SECP is a signatory to the IOSCO MMoU, however, SECP intends to submit an application for becoming a signatory to the IOSCO Enhanced Multilateral Memorandum of Understanding (EMMoU).

Prevention from Conflict of Interests

There are certain provisions contained in the Companies Act, 2017 aimed at minimizing the conflicts of interests arising from the acts of companies or their directors or officers. Sections 205 and 206 of the Act specify disclosure of interests to be made by directors and officers of companies, respectively. Section 207 restricts the interested directors to participate or vote in the proceedings of the board. Section 208 requires approval of a supermajority of shareholders in respect of related party transactions undertaken by a company and detailed disclosures.¹⁶⁴

Transparency of Legal Persons and Natural Persons

The measures taken for transparency and identification of legal and natural persons involved in the establishment and management of corporate entities entails all the companies, having legal persons as their members, to maintain information about natural persons who have not less than 10% of voting or control rights in the companies through such legal persons. This information can be sought by the relevant authorities as and when needed. Besides, there are a number of provisions in the Companies Act, 2017, that ensure transparency of the natural and legal persons in the companies, including the following:

The beneficial ownership information is available in case the subscriber or member of a company is a legal person, whether a local or foreigner, in terms of the provisions of

¹⁶² 'Reading the FATF laws - Part II', The News, Oct 24, 2020, as accessed on Dec 17, 2020.

<https://www.thenews.com.pk/print/733823-reading-the-fatf-laws-part-ii>.

¹⁶³ Data received from SECP through NAB on September 30, 2021.

¹⁶⁴ Ibid.

Companies (Incorporation) Regulations, 2017, and Companies (General Provisions & Forms) Regulations, 2018.

In terms of regulation 5(2) of the Companies (Incorporation) Regulations, 2017, at the time of company incorporation, a subscriber who is a legal person is required to provide certain particulars including its name, registration number (in case of local subscriber), and registered office address. Besides copies of documents including copy of NIC/valid passport of the natural person authorized by the BOD of the subscriber, and copy of the BOD resolution.

In case the subscribing legal person is a foreign company or body corporate, the additional information that needs to be provided include, but is not limited to, the profile of the company, detail of its directors, their nationality and country of origin, copy of its charter, statute or memorandum and articles, certified in the manner as specified in regulation 15 of Incorporation Regulations, 2017, as amended in 2018. Regulation 15(2) specifies that in case the subscriber to the memorandum is a foreign national residing outside Pakistan, he may be required to file additional documents as deemed necessary by the registrar. Further, security clearance from the Ministry of Interior is required in case of foreign subscribers/officers, as per the procedure specified in regulation 15(3).

After a company is formed, it is required to maintain a register of members in terms of regulation 19 of Companies (General Provisions & Forms) Regulations 2018, read with sections 119 and 122 of the Companies Act, 2017. Detailed particulars are required to be maintained in case of a nominee/authorized representative of a legal person if it is a member of the company. These include full name, NIC/Passport number, nationality, mobile number, email address, usual residential address, and occupation.

The annual return of the company required under section 130 of the Companies Act, 2017, contains an extract of the register of members and directors, is filed with the office of the registrar concerned, and becomes public record.

Further, section 465 of the Act read with regulation 14 of the Companies (General Provisions & Forms) Regulations, 2018, requires notification of change of more than 25% in shareholding or membership or voting rights of a company within 15 days of the change, containing information about the transferor as well as the transferee.¹⁶⁵

Audit of Financial Statement of Companies

Section 247 of the Act specifies a chartered accountant to be appointed as an auditor of a company if it is a public company or a private company that is a subsidiary of a public company or a private company having paid-up capital of three million rupees or more. Other companies can be audited either by chartered accountants or cost and management accountants. Further, the Third Schedule to the Companies Act, 2017, specifies the applicability of relevant accounting framework for different classes of companies in terms of which all the public interest and large-sized companies are subject to the requirements of International Financial Reporting Standards and either the Fourth Schedule or Fifth Schedule of the Act specifying disclosure requirements.

¹⁶⁵ Data received from SECP through NAB on September 30, 2021.

All other companies are required to follow the Accounting and Financial Reporting Standards for small-sized entities and the Fifth Schedule to the Act.¹⁶⁶

Deficiencies

The company registry under the SECP e-services project does not publish the identities of the legal and natural persons involved in the establishment and management of corporate entities, however, their names are available in an online search. The company registry also does not disclose beneficial ownership to the public.

While the beneficial ownership information is available to law enforcement agencies like NAB and other stakeholders like banks and financial intelligence units, this information is not accessible to the general public. Data regarding directors, representatives, and direct owners of enterprises which includes the date of establishment, company ID, address of registration, and historical data of previous owners, and directors can be requested though from SECP.

¹⁶⁶ Ibid.

Chapter V

The following section addresses the implementation and enforcement of select UNCAC articles under Chapter V on Asset Recovery.

Articles 52.1, 52.2, 52.3, 52.4, 52.5, 52.6 and 58 – Anti-Money Laundering *Additional requirements on banks and financial institutions; public officials; financial intelligence unit; measures to prevent money laundering.*

Pakistan's Anti-Money Laundering Act (AML) 2010 covers the prevention of money laundering, combating the financing of terrorism and forfeiture of property derived from, or involved in, money laundering or financing of terrorism. It consists of both regulatory and supervisory provisions that are managed by relevant bodies such as the Financial Monitoring Unit (FMU) and the State Bank of Pakistan (SBP).

By Article 6 of the AML Act 2010, a Financial Monitoring Unit was established that is housed in the State Bank of Pakistan. Among many other functions, the FMU receives Suspicious Transaction Reports (STR) and Currency Transaction Reports (CTR) from reporting entities. It also analyses the STRs and CTRs, and in that respect the FMU may call for records and information from any agency or person in Pakistan related to the transaction in question. All such agencies or persons are required to provide the requested records and information.¹⁶⁷ Every reporting entity, according to law, is required to maintain a record for STRs and CTRs for a period of ten years after the reporting of the transactions.

Good Practices

The 2019 Mutual Evaluation Report (MER)¹⁶⁸ found that Pakistan's FMU was not able to access detailed tax records. It also found that the FMU could not spontaneously or upon request disseminate information and the results of its analysis to provincial police counter terrorism departments (CTDs), which are the designated Terror Financing investigation authorities.

Since the 2019 MER, Pakistan has amended the Income Tax Ordinance, 2001, which now allows the FMU to have access to tax records and information maintained by the Federal Board of Revenue (FBR). In addition, provincial CTDs have been designated as investigation and prosecution agencies under the Anti-Money Laundering Act, 2010, which means the FMU can now disseminate information to them without a court order.¹⁶⁹ A copy of the National Risk Assessment (NRA) on Money Laundering and Terrorism Financing 2017 and 2019 has been requested from NAB and the FMU in order to further understand the government's views, but was not provided to the authors.

¹⁶⁷ Pakistan's Anti-Money laundering Act, 2010, as accessed on October 10, 2020, at <http://www.fmu.gov.pk/docs/Anti-Money-Laundering-Act-2010-amended-upto-Sep.%202020.pdf>.

¹⁶⁸ Mutual Evaluation Report of Pakistan, 2019, as accessed on February 6, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Pakistan-October%202019.pdf>.

¹⁶⁹ Asia Pacific Group, 2020, 1st Follow-Up Report, Mutual Evaluation of Pakistan, as accessed on February 6, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/APG-1st-Follow-Up-Report-Pakistan-2020.pdf>.

Due Diligence

Relevant regulations for the State Bank of Pakistan's Regulated Entities stipulate the following types of institutions are subject to due diligence:

- Banks
- Development Finance Institutions (DFIs)
- Microfinance Banks (MFBs)
- Exchange Companies (ECs)
- Payment System Operators
- Payment Service Providers
- Electronic Money Institutions, and
- Third Party payment service providers¹⁷⁰

These Regulated Entities are required to conduct Employees Due Diligence (EmDD), Customer Due Diligence (CDD), Enhanced Due Diligence (EDD) and Simplified Due Diligence (SDD).

Verification of beneficial ownership of accounts

Article 8 of the Anti-Money Laundering, Combating the Financing of Terrorism & Countering Proliferation Financing (AML/CFT/CPF) Regulations for the State Bank of Pakistan's Regulated Entities, states that SBP Regulated Entities (REs) shall identify the beneficial owner/s and take reasonable measures to do so, by using reliable and independent documents, data or sources of information.¹⁷¹

Extent to which the AML Act, 2010 is in line with the FATF Recommendations

The Asia Pacific Group (APG)'s first follow-up report of mutual evaluation of Pakistan that was released in September 2020 assessed Pakistan's compliance status as follows:

- i) Two FATF Recommendations: Recommendation 9 on Financial Institutions Secrecy Laws and Recommendation 29 on Financial Intelligence Units, have been rated completely compliant;
 - ii) Three FATF Recommendations: Recommendation 11 on Record Keeping, Recommendation 13 on Correspondence Banking and Recommendation 16 on Wire Transfers, have been rated largely compliant;
 - iii) Two FATF recommendations: Recommendation 22 on Designated Non-Financial Businesses and Professions (DNFBP): Customer Due Diligence and Recommendation 25 on Transparency and Beneficial Ownership of Legal Arrangements, are rated non-compliant;
- The remaining FATF Recommendations have been rated partially compliant.¹⁷²

¹⁷⁰ AML/CFT Regulations, as accessed on October 5, 2020, at <https://www.sbp.org.pk/bprd/2020/C5-Annex.pdf>.

¹⁷¹ Ibid.

¹⁷² Asia Pacific Group, 2020, 1st Follow-Up Report, Mutual Evaluation of Pakistan, as accessed on February 6, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/APG-1st-Follow-Up-Report-Pakistan-2020.pdf>.

Risks/Vulnerabilities in the AML Act, 2010

Pakistan carried out its first National Risk Assessment on Money Laundering (ML) and Terrorism Financing in 2017 and then in 2019. In the 2017 NRA, assessment risk was identified as 'perfunctory only' and it was found that the NRA had not been widely circulated to private sector stakeholders and that sectors assessed as higher risk or higher vulnerability in Pakistan were not yet subject to comprehensive AML/CFT measures. The 2019 NRA is a more comprehensive assessment which focused on inherent risks and addresses many of the deficiencies identified in the Asia Pacific Group's (APG) Mutual Evaluation Report of 2019, including clear sources of information, assessment of ML threats associated with all FATF designated categories of offence and identification of high threat predicates (like drug trafficking, corruption, bribery, smuggling, tax crimes and terror financing etc.).¹⁷³

The APG's first follow-up report of mutual evaluation of Pakistan rates the FATF Recommendation 27, Powers of Supervisors, as partially compliant. To address these Recommendations, the SBP and Securities and Exchange Commission of Pakistan (SECP) were authorized to impose sanctions, but the range of sanctions was limited. Both of these institutions revised their penalty policies to make them more risk-sensitive, and have since started disclosing penalties imposed on their websites.¹⁷⁴

According to the AML Act, 2010, Section 6A, sanctions include monetary and administrative penalties when in violation of any requirement in section 7(1), 7(3) to 7(6) and 7A to 7H and any rules or regulations made thereunder or failing to comply with the TFS regulations.

Terror Financing Cases in Pakistan

Jamat ud Dawa (JuD) Chief, Hafiz Muhammad Saeed was arrested in July 2019 as 23 First Information Reports (FIRs) were registered against him, along with JuD Naib Amir Abdul Rehman Makki in a case of terror financing, in which they were collecting massive funds through various NGOs and trusts. This was followed by a warning by FATF to Pakistan to deliver on its commitments to curb terror financing and money laundering. Jamat ud Dawa (JuD) Chief, Hafiz Muhammad Saeed was convicted and sentenced to five and a half years and a fine of PKR 15,000 (approx. € 80) in each case by the anti-terrorism court of Lahore on February 11, 2020.¹⁷⁵ He was also indicted in other cases of terror financing¹⁷⁶ alongside his aides, in August 2020.¹⁷⁷

Customer Due Diligence (CDD) in the AML

¹⁷³ Asia Pacific Group, 2020, 1st Follow-Up Report, Mutual Evaluation of Pakistan, as accessed on February 6, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/APG-1st-Follow-Up-Report-Pakistan-2020.pdf>.

¹⁷⁴ Ibid.

¹⁷⁵ Hafiz Saeed sentenced to five and a half years in prison for terror financing, Dawn, February 13, 2020, as accessed on October 30, 2020, at <https://www.dawn.com/news/1534025>.

¹⁷⁶ Hafiz Saeed indicted in another case of terror financing, Dawn, as accessed on October 30, 2020, at <https://www.dawn.com/news/1523459>.

¹⁷⁷ Three JuD leaders convicted of terror financing, Dawn, August 29, 2020, as accessed on October 30, 2020, at <https://www.dawn.com/news/1576926>.

Article 7A of the AML Act, 2010, requires every reporting entity¹⁷⁸ to conduct CDD as prescribed in accordance with the provisions of this Act in the following manner, namely:

- a) When entering into a business relationship;
- b) When conducting an occasional transaction above the prescribed threshold;
- c) Where there is a suspicion of money laundering or terrorist financing; or
- d) Where there are doubts about the veracity or adequacy of previously obtained data.

Article 7B of the AML Act 2010 states that a reporting entity may rely on a third party to perform CDD, and article 7C states that every reporting entity maintain a record of all transactions for a period of at least five years.¹⁷⁹

Politically Exposed Persons (PEPs)

The regulations of the State Bank of Pakistan extend the scope of CDD to Politically Exposed Persons (PEP) who are prominent political figures likely to be exposed to bribery, corruption and money laundering. Under the extension of CDD, the family and close associates of Politically Exposed Persons are likely to be subject of extended due diligence procedures.¹⁸⁰

Enhanced Due Diligence Record Keeping

In October 2020, the Government of Pakistan issued the counter-measures for High-Risk Jurisdictions Rules, 2020.¹⁸¹ Section 6 of these rules state that every reporting entity shall, proportionate to money laundering and/or terrorist financing risks, apply EDD measures to business relationships and transactions with natural and legal persons (including financial institutions) from any country on the high-risk countries list. These EDD may include: obtaining additional information on the customer including occupation, assets, intended nature of the business relationship, source of funds, performed transactions, approval of senior management to continue the business relationship, conducting enhanced monitoring of the business relationship, among others.¹⁸²

Collation of Suspicious Transaction Reports (STRs)

The key function of the FMU is to receive STRs, analyse and disseminate them to concerned investigation agencies and to create and maintain a database of all STRs and CTRs.¹⁸³ Between 2013 and 2018, the FMU received 2,420 cases of money laundering which were investigated by the NAB, ANF, FIA, Customs and Inland

¹⁷⁸ Legal definition: reporting entity means financial institutions and DNFBPs and any other person notified by the Federal Government in the official Gazette

¹⁷⁹ Anti-Money Laundering (second Amendment) Act, 2010, as accessed on October 30, 2020, at http://na.gov.pk/uploads/documents/1601023870_810.pdf.

¹⁸⁰ Ibid.

¹⁸¹ Counter measures for High Risk Jurisdiction rules 2020, FMU, as accessed on October 16, 2020, at <http://www.fmu.gov.pk/docs/Counter-measures-for-High-Risk-Jurisdictions-Rules-2020.pdf>.

¹⁸² Ibid.

¹⁸³ Functions of FMU, accessed on October 29, 2020, at <http://www.fmu.gov.pk/functions-of-fmu/>.

Revenue. Only 14% of the cases reached the prosecution stage. In total, NAB probed only thirty-two such cases, and no more than four were prosecuted.¹⁸⁴

As of December 31, 2019, since its inception (in 2004) the FMU has received 46,740 Suspicious Transactions Reports (STR).¹⁸⁵ During first quarter of 2020 (January-March), 6,483 STRs were received by the FMU. The FMU Statistical Report of April-June 2020 states that it received 6,913 STRs out of which 248 STRs have been disseminated to Law Enforcement Agencies (LEAs) and Regulators under the suspected offence of Predicate Offence of Terrorism.¹⁸⁶

The FMU has to submit an annual report to the NEC, containing recommendations and statistics regarding counter measures to combat ML. These reports provide an overall analysis and evaluation of STRs limited to details of the investigations and prosecutions that have been or are being conducted in relation to the offence of money laundering or financing of terrorism in Pakistan, and to call for periodic reports from investigating and prosecuting agencies.¹⁸⁷

Are allegations of money laundering being investigated?

Allegations of money laundering are being investigated in Pakistan. According to the 2019 Mutual Evaluation Report (MER), Pakistan Law Enforcement Agencies (LEAs) including the NAB, ANF, FIA, Customs and FBR have undertaken 2,420 ML investigations, resulting in 354 prosecutions.^{188 189}

Until the recent development of MLA (Criminal Matters) Act, 2020, Pakistan there was little transparency of how requests are coordinated nationally by law enforcement agencies. Recently, the strict action plan of the FATF has resulted in the FMU signing MoUs with countries such as China, Kazakhstan, Lebanon, Malawi, Qatar, Seychelles, Turkmenistan, Turkey, Iran, UAE and the UK to improve its informal information exchange.¹⁹⁰

Deficiencies

Money Laundering Cases in Pakistan

¹⁸⁴ Statistical Report of January-March, 2020, FMU, as accessed on October 27, 2020, at <http://www.fmu.gov.pk/docs/Statistical-Report-Jan-Mar.2020-Webload-New.pdf>.

¹⁸⁵ Statistical Report of December 31, 2019, FMU, as accessed on October 27, 2020, at <http://www.fmu.gov.pk/docs/Statistical-Report-as-on-31-Dec-2019-Webload.pdf>.

¹⁸⁶ Statistical Report as of June 30, 2020, FMU, as accessed on October 25, 2020, at <http://www.fmu.gov.pk/docs/FMU-Statistical-Report-As-on-30-Jun-2020.pdf>.

¹⁸⁷ Functions of FMU, accessed on October 29, 2020, at <http://www.fmu.gov.pk/functions-of-fmu/>

¹⁸⁸ Mutual Evaluation Report of Pakistan, 2019, as accessed on February 6, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Pakistan-October%202019.pdf>.

¹⁸⁹ APG report dissatisfied with steps on money laundering and terror financing, The News, October 9, 2019, as accessed on October 25, 2020, at <https://www.thenews.com.pk/print/538523-apg-report-dissatisfied-with-steps-on-money-laundering-and-terror-financing>.

¹⁹⁰ Asia Pacific Group, 2020, 1st Follow-Up Report, Mutual Evaluation of Pakistan, as accessed on February 6, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/fur/APG-1st-Follow-Up-Report-Pakistan-2020.pdf>.

As reported in the APG MER 2019, “While comprehensive and consistent statistics are not provided, discussions during the onsite visit suggested that LEAs are not focused on complex Money Laundering (ML) cases, but on self-laundering cases involving natural persons. Pakistan reported that most ML investigations, and its one conviction, are for self-laundering. There are some rare instances of third-party or standalone ML investigations and prosecutions. LEAs indicated that they have investigated a few ML cases in relation to foreign predicate offences, but information on these cases was not provided. Pakistan is not pursuing ML cases involving legal persons.”¹⁹¹

Pakistan on FATF grey-list

The Financial Action Task Force (FATF) put Pakistan on its 'grey list' in 2008, between 2012 and 2015 and again on June 29, 2018 when Pakistan was asked to address deficiencies in its money laundering and terror financing laws and to meet its assigned targets as stated in the FATF Action Plan within a period of fifteen months. At a plenary meeting of the FATF held in Paris in June 2018, it was decided by the FATF to extend the time given to Pakistan to February 2020 to implement its 27-point Action Plan.

To meet the FATF requirements, various laws were passed in the Parliament of Pakistan. On July 29, 2020, the National Assembly of Pakistan passed two FATF related bills in great haste to get Pakistan off the grey list: ‘The Anti-terrorism (Amendment) Bill, 2020 and ‘The United Nations (Security Council) (Amendment) Bill, 2020.¹⁹² The purpose of this legislation was to empower the Federal Government to direct authorities in Pakistan to improve various measures in the Security Council resolutions including freezing, seizure of assets, travel ban and arms etc. On August 12, 2020, the National Assembly passed another five FATF-related bills including the Anti-Terrorism (Amendment) Bill, 2020, the Limited Liability Partnership (Amendment) Bill, 2020, the Companies (Amendment) Bill, 2020, the Control of Narcotic Substances (Amendment) Bill, 2020 and the Islamabad Capital Territory Trust Bill, 2020. It was the result of a consensus between the government and the opposition to pass six out of eight FATF related bills.¹⁹³

On September 15, 2020 the National Assembly of Pakistan passed the Anti-Terrorism (Third Amendment) Bill. On September 16, 2020, a joint session of the parliament, passed three bills including Anti-Money Laundering (Second Amendment) Bill, the Islamabad Capital Territory Waqf Properties Bill and the Anti-Terrorism Act (Amendment) Bill, 2020.¹⁹⁴

¹⁹¹ Mutual Evaluation Report of Pakistan, 2019, as accessed on February 6, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Pakistan-October%202019.pdf>.

¹⁹² Parliament passes key bills to get Pakistan out of the FATF's grey list, The Nation, July 30, 2020, as accessed on September 30, 2020, at <https://nation.com.pk/30-Jul-2020/parliament-passes-key-bills-to-get-pakistan-out-of-fatf-s-grey-list>.

¹⁹³ Five FATF related bills sail through NA, Pakistan today, August 12, 2020, as accessed on September 25, 2020, at <https://www.pakistantoday.com.pk/2020/08/12/five-fatf-related-bills-sail-through-na/>.

¹⁹⁴ Parliament's Joint session adopts three FATF bills amid tumult, Dawn, September 17, 2020, as accessed on September 25, 2020, at <https://www.dawn.com/news/1580064/parliaments-joint-session-adopts-three-fatf-bills-amid-tumult>.

In September 2020, the Asia Pacific Group (APG) published its 1st Follow-Up Report (FUR) on the mutual evaluation of Pakistan. It analyses the progress of Pakistan in addressing the technical compliance of deficiencies identified in its Mutual Evaluation Report, 2019. This report also analyses progress made in implementing new requirements relating to FATF recommendations. In its report, the APG retained Pakistan on 'Enhanced Follow-Up' list ('grey list') for insufficient progress on the technical recommendations of FATF to fight money laundering and terror financing as it rated the level of compliance with the FATF action plan in Pakistan as partially compliant.

In October 2020, during a three-day plenary meeting, the FATF once again decided to stand by its decision for Pakistan, continuing to keep it in the 'grey list' for another 4 months.

Since June 2018, when Pakistan made a high-level political commitment to work with the FATF and APG to strengthen its AML/CFT regime and to address its strategic counter-terrorist financing-related deficiencies, Pakistan's continued political commitment has led to progress in a number of areas in its action plan, including taking action to identify and sanction illegal money or value transfer services, implementing cross-border currency, improving international cooperation in terrorist financing cases, passing amendments to the Anti-Terrorism Act to increase the sanctioning authority, financial institutions implementing targeted financial sanctions and applying sanctions for AML/CFT violations.

Pakistan also issued AML/CFT Rules for the Central Directorate of National Saving (CDNS) and Pakistan Post to impose AML/CFT obligations on these sectors and has established their supervisory boards to monitor the implementation of these rules. However, the rules do not constitute 'enforceable means', as no penalties for non-compliance have been specified yet.

The FATF took note of the significant progress made on a number of action plan items. To date, Pakistan has made progress across all action plan items and has now largely addressed 21 of the 27 action items. In February 2021, the FATF decided to keep Pakistan on the 'grey list', urged Pakistan to continue implementing the action plan, and said that it would review its status in June 2021.¹⁹⁵

Articles 53 and 56 – Measures for direct recovery of property and Special cooperation

The following information was provided by the NAB on March 31, 2021, on the UNCAC Articles on measures for direct recovery of property of data. It is being reproduced below as received:

¹⁹⁵ Jurisdiction under increased monitoring, FATF, as accessed on October 23, 2020, at <http://www.fatf-gafi.org/countries/d-i/iceland/documents/increased-monitoring-october-2020.html>; FATF keeps Pakistan on grey list until June despite 'significant progress', DAWN, February 25, 2021, as accessed on April 30, 2021, at <https://www.dawn.com/news/1609329#:~:text=The%20Financial%20Action%20Task%20Force,plenary%20session%20in%20June%202021.&text=As%20soon%20as%20Pakistan%20shows,members%20of%20FATF%20will%20vote.%22>.

The Code of Civil Procedure, 1908 is the relevant legislation with regards to this.

Territorial Competence Over Subject Matter of the Lawsuit: In accordance with Private International Law a court does not have competence to entertain an action regarding title to or possession of immovable property which is not stated in the territory of the state, from where the foreign judgment was obtained. A foreign court will be competent in terms of Sections 13 of Code of Civil Procedure (“CPC”), 1908, only if the property is situated within the boundaries of the state to which the foreign court owes allegiance. The question as to whether the foreign court had territorial jurisdiction over the property in accordance with the Municipal Law governing such court will be determined conclusively by such foreign court.

Territorial Competence Over the Defendant: In an action of a personal nature or in an action involving moveable property, the suit should be brought in the court to whose jurisdiction the defendant is subject at the time of institution of the suit (s). However, the mere fact that defendant possess property within the jurisdiction of the court will not confer jurisdiction in actions of a personal nature against him. In accordance with Private International Law as enunciated by courts, a court will have jurisdiction over a defendant in the following cases;

- 1) Where the defendant is citizen of the state where the foreign judgment was obtained.
- 2) Where the defendant is a resident of the state, from where the foreign judgment was obtained, at the time when the action was initiated. Such residence may be temporary or permanent.
- 3) Where the defendant has himself sued as a plaintiff in to the foreign court, and is subsequently sued there as a defendant.
- 4) Where the defendant had contracted to submit himself to the forum which the foreign judgment has been obtained.
- 5) Where the defendant had voluntarily appeared in the forum from which the foreign judgment has been obtained. Voluntarily appearance before a foreign court confers jurisdiction upon such court, for the reason that having taken the chance of a judgment in his favour, the defendant cannot be later on allowed to plead want of jurisdiction in the event of an adverse decision. Voluntary appearance with take place if the defendant:
 - a. Expressly agrees to submit to the jurisdiction of the foreign court; or
 - b. Voluntarily appears without protest, or even for the purpose for protesting jurisdiction; or
 - c. Himself invokes jurisdiction of the foreign court, or, makes an application to set aside an ex-parte decree, or engages a counsel and takes part in cross-examination, or gives a power of attorney to an agent, or files a written statement and questions jurisdiction, or where business is carried out in the jurisdiction of the court through an agent and a decree is passed on a summons to him. But this only be with regard to that particular action.

Once the foreign court obtains jurisdiction, it continues to have jurisdiction thereafter and even the legal representatives of the parties are bound. Irregularities not affecting jurisdiction do not vitiate a foreign judgment. The mere fact that a non-resident is a firm carrying on business in the jurisdiction of the court will not enable such court to pass a personal decree against such person. This is not so in case of companies. Where the property is not situated in the jurisdiction of the foreign court, or where the defendant is not resident within the jurisdiction of such court and did not submit to its jurisdiction, the foreign judgment is not conclusive.

It may however, be noted that in accordance with the Code, the judgment of Pakistani court against a non-resident foreigner will be valid and binding in Pakistan if the cause of action arose in Pakistan (see under section 20). Such judgment however, cannot have extra-territorial effect. The accrual of the cause of action within the territorial limits of a state does not confer territorial competence under International Law. Municipal Law cannot invest a judgment with any force outside the territorial limits of such state.

Articles 51, 54.1(a) and (b), 54.2, 55.1, 55.2, 55.6, 56, 59 – International cooperation for purposes of confiscation and Bilateral and multilateral agreements and arrangements

Good practices

Mutual Legal Assistance (MLA)

The Mutual Legal Assistance (Criminal Matters) Act 2020 was formulated in August 2020.¹⁹⁶ Under the MLA law, a foreign state can request an evidence gathering order or search warrant and the Ministry of Interior (MoI) approves the request of a country for the following purposes:

- a) Taking of a statement of testimony from a person;
- b) Production of documentary or other evidence in Pakistan, or
- c) Identification of a person, property or record.¹⁹⁷

According to the MLA (Criminal Matters) Act, 2020, if a foreign country requests the freezing and seizure of property in Pakistan, the MoI may approve the request and may apply to the court for a freezing or seizure order. The court may, after providing the person with the opportunity of being heard, issue a freezing or seizure order, in case:

- a) An offence has been committed by a person under the laws of the requesting country which if committed in Pakistan, also constitutes a criminal offence in Pakistan;

¹⁹⁶ Parliament Passes Mutual Legal Assistance Bill 2020, The Frontier Post, August 6, 2020, as accessed on October 25, 2020, at <https://thefrontierpost.com/parliament-passes-mutual-legal-assistance-bill-2020/>.

¹⁹⁷ Mutual Legal Assistance (Criminal Matters) Act, 2010, as accessed October 10, 2020, at http://www.na.gov.pk/uploads/documents/1597653825_608.pdf.

- b) An investigation or proceedings have commenced in the country relating to that offence;
- c) Properties derived by the person, by himself or any other person on his behalf, from the commission of the offence are located in Pakistan;
- d) An order has been made in the country having the effect of confiscating such properties.¹⁹⁸

Deficiencies

Pakistan is unable to provide MLA to foreign countries in the absence of a treaty for ML offences. The LEAs also lack powers to execute MLA requests. According to a local media report, the Ministry of Interior has received 4 MLAs in criminal matters from Peru, Hungary and Colombia.¹⁹⁹ But as the requesting countries have no MLA treaty with Pakistan, further course of action has yet to be decided.

According to Pakistan's Mutual Evaluation Report by APG (2019), since 2015, Pakistan has responded to 18 of 22 MLA requests (four were pending by late 2018) and no request has been refused. Pakistan itself has made over 140 outgoing MLA requests with most of them related to production of documents for predicate crimes. The status remains unclear for all these requests.

Asset Recovery Unit in Pakistan

An Asset Recovery Unit (ARU) was established in Pakistan in 2018. The Terms of Reference (TORs) for the Unit state that the ARU can seek assistance and information from relevant departments. The nature of the information that can be sought may include records of companies, revenue records, travel records or data from the National Database and Registration Authority (NADRA). The ARU may acquire information it deems necessary from any bank, department or agency of the federal or provincial governments, or any other organisation operating within Pakistan.²⁰⁰

The TORs of the ARU were not published by the body. However, in a recent judgement by the Supreme Court of Pakistan in which the constitution of the ARU was challenged, the TORs of the ARU were submitted along with its official notification of formation. These terms of references of the ARU make no mention of the Constitution, any Act of Parliament or even the Rules of Business, 1973. Instead, the ARU was created by the issuance of a Notification dated November 6, 2018 which the Government has not even published in the Gazette. The ARU is termed as a coordinating agency which brings under one umbrella the competent statutory authorities to stem the menace of tax evasion, money laundering and corruption. It is therefore an executive office, in particular an 'Attached Department' of the Cabinet Division, performing executive functions. The ARU does not act directly but instead operates through its members who have been borrowed from various statutory bodies of the country. These include:

¹⁹⁸ Mutual Legal Assistance (Criminal Matters) Act, 2010, as accessed October 10, 2020, at http://www.na.gov.pk/uploads/documents/1597653825_608.pdf.

¹⁹⁹ Cabinet to meet today, Business Recorder, October 27, 2020, as accessed on April 13, 2021, at <https://www.brecorder.com/news/40028921>.

²⁰⁰ Asset Recovery Unit can access any govt department, Express Tribune, September 15, 2018, as accessed on October 15, 2020, at <https://tribune.com.pk/story/1796272/assets-recovery-unit-can-access-govt-department>.

- i) The Federal Investigation Agency (FIA);
- ii) The National Accountability Bureau (NAB);
- iii) The FBR; and
- iv) The State Bank of Pakistan (SBP)

A senior political leader, Senator Raza Rabbani, questioned the formation of ARU and remarked that this organization was functioning without enabling law. The ARU can procure or pursue evidence or trace and detect information regarding Pakistani citizens with the help of state institutions including the NAB, FIA, FBR and law enforcement agencies but according to media reports, the ToRs empower the unit to request any intelligence agency at the Federal Government's command to assist it in the collection of data.²⁰¹

PILDAT has made several attempts in writing and via phone to request information on ARU to the Prime Minister's Special Assistant and the Prime Minister's office managing the unit but no response was received. There are also no specific reports or information on what the ARU has done so far in terms of asset recovery, aside from its officials making various international trips.

²⁰¹ Asset recovery unit functioning without enabling law, argues Rabbani in case against Isa reference, Dawn, January 23, 2020, as accessed on October 25, 2020, at <https://www.dawn.com/news/1530010>.

VII. Recommendations

The following points are key recommendations for the government and other involved institutions in Pakistan for action or consideration in improving its compliance with UNCAC provisions:

1. Make the UNCAC review process more transparent including by involving the general public, and civil society in particular. The government of Pakistan is also encouraged to share the self-assessment checklists and full country reports for both review cycles with at least the independent civil society organizations dealing with transparency. An update on the state of compliance with UNCAC should be published in the Annual Report of the National Accountability Bureau (NAB), which is the official focal institution for UNCAC in Pakistan.
2. Establish a clear parliamentary oversight mechanism for UNCAC implementation in Pakistan. The Parliamentary Standing Committees on Law, Justice, and other relevant subjects should play a more active role in the oversight of the implementation of UNCAC in Pakistan. Parliamentarians should demand that the Executive follows national and international obligations, and for the government to openly report to Parliament on the fulfilment of international obligations.
3. Amend the National Accountability Ordinance (NAO), 1999, also known as the NAB law in the light of superior court observations such as the provision of bail, collective decision-making for crucial decision-making such as arrests. The matters relating to other government organizations such as tax and regulation of businesses should be left for those organizations such as FBR and SECP to deal with them.
4. Adequately identify, analyse and understand the country's Money Laundering and Terror Financing risks in order to be able to implement a risk-based approach to combating Money Laundering (ML) and Terror Financing (TF) in Pakistan.
5. The Election Commission of Pakistan (ECP) should make effective arrangements to strictly monitor election-related expenses for better enforcement of the law, in accordance with the Elections Act, 2017. There should be a greater and more professional scrutiny of financial statements submitted by political parties, election candidates, and legislators.
6. Develop legislation to fix and enforce an election spending limit on political parties in Pakistan.
7. Provide the Election Commission of Pakistan (ECP) with sufficient human and financial resources in order to effectively enforce election expense-related laws. ECP should scrutinize critical documents such as the election expense returns, annual accounts submitted by political parties, and statements of assets and liabilities submitted by candidates and legislators. Furthermore, it is recommended to install a well-staffed political finance division within the ECP under the guidance of a professional chartered accountant/auditor, who would be able to carry out a meaningful analysis of the statements of assets and liabilities.
8. Engage in legislative reform on the Finance Bill, so that it is presented to the Parliamentary Committee on Finance for detailed scrutiny before it can be debated and passed in the plenary. Budget proposals relating to each ministry or division should be scrutinised by the relevant parliamentary standing committees before the debate in the full house.

9. Increase the period of the annual budget debate in the Parliament from the current average of 14 days to at least 45 days.
10. Engage in legislative reform to allow the business, workers, civil society, economic experts, and the general public to provide structured input before the passage of the annual budget.
11. Adopt a constitutional amendment to address Article 84 of the Constitution of Pakistan, which allows the Executive to amend the budget approved by Parliament in any way it finds fit during the year, without prior approval by the Parliament.
12. Introduce and pass a Federal Conflict of Interest Law.
13. Adopt a federal law regarding the reporting and protection of whistle-blowers, which includes adequate reporting mechanisms and protective measures.
14. Improve implementation and awareness of freedom of information laws in Pakistan. Adopt measures to promote an institutional culture of transparency, open data, open-door policies, and regular communication between the government and civil society.
15. Implement mechanisms that allow for civil society consultations in legislative development processes.
16. Substantially improve and effectively enforce Pakistan's MLA framework, including by making information on the number of incoming and outgoing requests easily available to the public.
17. Adopt a legal framework in order to establish a central asset recovery office for a coordinated, open, and transparent approach to asset recovery.

VIII. Appendices

Appendix A: PILDAT's Recommendations on finalizing the OGP National Action Plan

Commitment 1: Fiscal Transparency

The current draft wording of the commitment does not, in fact, commit anything new. Whatever is being committed is already being done. The commitments in the proposed NAP are about what *more* will be done during the coming three years. The commitment should be that the Government of Pakistan will draft and present a bill in the parliament to provide for a more effective parliamentary budget process which gives elected representatives more opportunity to study the budget documents and to give their feedback in the parliamentary committees and the plenary.

Commitment 2: Access to Information

The current draft commits better access to information through the proposed 'Journalists Welfare and Protection Bill, 2017'. A more direct commitment would be further improving the current 'Right of Access to Information Act, 2017', an effective implementation of the act by speedy training of Public Information Officers, and widely publicizing the act, so that the general public is aware its right to information.

Commitment 3: Public Officials Asset Disclosure

Although the draft commitment was still awaited from the establishment division, the suggestion is that the declaration of assets by all public officials in the civil, judicial, military and legislative branches of the government will be uploaded onto the websites of the concerned departments. Some departments have already adopted the practice which should be made a norm.

Commitment 4: Citizens Engagement/Civil Liberties

It is proposed that the commitment should be in line with what has been stated under commitment 9: Climate Change. The commitment should be 'Institutionalising the role of civil society in policymaking in all ministries and divisions of the federal government and later in all provincial departments.'

Commitment 5: Access to Justice

It is proposed that the Government of Pakistan should commit to making public, preferably through the concerned websites, the time of settlement of cases in the Supreme Court, all high courts, and all district and sessions courts through the respective high courts, on a fixed date each year. The Supreme Court has been making this information public in its annual reports and hence it is not something new.

Commitment 6: Strengthening Accountability

It is proposed to commit that the country review reports of Pakistan's UNCAC implementation will be made public and uploaded onto the NAB website.

Appendix B: List of Domestic Legislations

The Constitution of the Islamic Republic of Pakistan, 1973 provides for a federal parliamentary system with a President as Head of State and a popularly elected Prime Minister as Head of Government. The Federal Legislature consists of the Senate (upper house of the parliament and permanent legislative body) and the National Assembly (lower house of the parliament), which together with the President make up a body known as the Majlis-i-Shoora (i.e., Council of Advisers). Treaties are not self-executing in Pakistan but are incorporated into the domestic legal framework. The legal system of Pakistan is derived from English common law based on the 1973 Constitution (with amendments) and also some provisions of Sharia Law (Islamic Law). The laws referred to include the following:

1. The Constitution of Islamic Republic of Pakistan, 1973;
2. The Mutual Legal Assistance (Criminal Matter) Act, 2020;
3. The Auditor General Act, 2017;
4. The Controller General of Accounts ("CGA") Ordinance, 2001;
5. The Election Commission Act, 2017;
6. The National Accountability Ordinance ("NAO") (1999);
7. The Federal Board of Revenue Act, 2007
8. The Anti-Money Laundering Act ("AMLA") (2010);
9. The Federal Investigation Agency Act ("FIA") 1974 (VIII OF 1975);
10. The Prevention of Corruption Act ("PCA") (1947);
11. The Pakistan Penal Code ("PPC") (Act XLV of 1860);
12. The Code of Criminal Procedure ("CrPC") (1898);
13. The Civil Procedure Code ("CPC") (1908);
14. The Benami Transactions (Prohibition) Act, 2017;
15. The Federal Public Service Commission Act ("FPSC"), 1973;
16. The Extradition Act, 1972;
17. The Punjab Witness Protection Act, 2018;
18. The Companies Act, 2017;
19. The Witness Protection, Security and Benefit Act, 2017;
20. The Public Interest Disclosures Act, 2017;
21. The Balochistan Witness Protection Act, 2016;
22. The Sindh Transparency and Right to Information Act, 2016;
23. The Khyber Pakhtunkhwa Whistleblower Protection and Vigilance Commission Act, 2016;
24. The Civil Servant Act, 1973;
25. The Government Servants (Efficiency and Discipline) Rules, 1973;
26. The Elections Act, 2017;
27. The Law of Evidence (Qanoon-e-Shahadat Order (QSO)), 1984, read with Electronic Transaction Ordinance (ETO), 2002, with reference to admissibility of evidence collected through modern devices;
28. The Right of Access to Information Act, 2017;
29. The Punjab Transparency and Right to Information Act 2013;

30. Benami Transaction Act, 2017;
31. The Balochistan Freedom of Information Act, 2005;
32. The Khyber Pakhtunkhwa Right to Information Act, 2013;
33. The Federal Ombudsman Institutional Reforms Act, 2013;
34. The Punjab Office of the Ombudsman Act, 1997;
35. The Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991;
36. The Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010; and
37. The Establishment of the office of Ombudsman for the Province of Balochistan Ordinance, 2001.

IX. Bibliography

A messy affair: Pakistan pays Rs4.59 bn to British firm for lost case, Dawn, January 01, 2021, as accessed on January 25, 2021
<https://www.thenews.com.pk/print/767465-amessy-affair-pakistan-pays-rs4-59-bn-to-british-firm-for-lost-case>.

About E-services Project, as accessed on Dec 17, 2020,
<https://eservices.secp.gov.pk/eServices/>.

About GMFD, as accessed on October 23, 2020, at <https://gfmd.info/about-us/>.

Ahad Cheema released on bail, Dawn, April 14, 2021, as accessed on April 15, 2021, at <https://www.dawn.com/news/1618053>.

AML/CFT Regulations, September 30, 2020, as accessed on October 05, 2020, at <https://www.sbp.org.pk/bprd/2020/C5-Annex.pdf>.

Annual Budget Statement 2020-21, as accessed on November 02, 2020, at http://www.finance.gov.pk/budget/Annual_budget_Statement_English_202021.pdf.

Annual Budget Statement, 2019 at
http://www.finance.gov.pk/budget/Annual_Budget_Statement_2019_20.pdf.

Annual Report 2015-16 of Punjab Information Commission, as accessed on October 23, 2020, at https://rti.punjab.gov.pk/system/files/Annual%20Report%202015-16_0.pdf.

Annual Report 2018-19 of Pakistan Information Commission, as accessed on February 07, 2021, at <http://rti.gov.pk/annual-report-2018-19-the-implementation-of-the-right-of-access-to-information-act-2017-progress-and-challenges/>.

Annual Report 2018-2019 of KP Information Commission, as accessed on October 23, 2020, at http://www.kprti.gov.pk/documents/AnnualReport2018-19_1225.pdf.

Annual Report of NAB 2019, as accessed on October 23, 2020, at
<https://web.archive.org/web/20210524124528/https://nab.gov.pk/Downloads/NAB%20Annual%20Report%202019.pdf>.

Anti-Money Laundering (second Amendment) Act, 2010, as accessed on October 30, 2020, http://na.gov.pk/uploads/documents/1601023870_810.pdf.

APG report dissatisfied with steps on money laundering and terror financing, The News, October 09, 2019, as accessed on October 25, 2020, at
<https://www.thenews.com.pk/print/538523-apg-report-dissatisfied-with-steps-on-money-laundering-and-terror-financing>.

Asia Pacific Group, 2020, 1st Follow-Up Report, Mutual Evaluation of Pakistan, as accessed on February 06, 2021, at <https://www.fatf->

gafi.org/media/fatf/documents/reports/fur/APG-1st-Follow-Up-Report-Pakistan-2020.pdf.

Asset Recovery Unit can access any govt department, Express Tribune, September 15, 2018, as accessed on October 15, 2020, at <https://tribune.com.pk/story/1796272/assets-recovery-unit-can-access-govt-department>.

Asset recovery unit functioning without enabling law, argues Rabbani in case against Isa reference, Dawn, January 23, 2020, as accessed on October 25, 2020, at <https://www.dawn.com/news/1530010>.

Auditor General of Pakistan, as accessed on November 08, 2020, at <http://www.agp.gov.pk//Feedback/Create>.

Auditor General of Pakistan, as accessed on October 29, 2020, at <http://www.agp.gov.pk/PublicationDetail/YjkyZTIIMDIhZTQwZC00Zjc2LTJhZWYtMTgwMTRiMmM0YmZi>.

Balochistan Anti-Corruption Act, 2010, as accessed on November 07, 2020, at <https://balochistan.gov.pk/wp-content/uploads/2019/08/Anti-Corruption-Act-2010-and-Rules.pdf>.

Balochistan Freedom of information Act, 2005, as accessed on February 05, 2021, at <https://balochistan.gov.pk/wp-content/uploads/2019/08/Freedom-of-Information-Act-2005.pdf>.

Balochistan NAB cracks mega corruption case, Tribune, February 15, 2018 as accessed on Feb 05, 2021, at <https://tribune.com.pk/story/1635699/mushtaq-raisani-case-nab-balochistan-transfers-karachi-properties-provincial-government>.

Bid Papers Checklist, as accessed on October 25, 2020, at https://eproc.punjab.gov.pk/BiddingDocuments/78109_terms%20and%20Comditions%20Other%20%20Stores.pdf.

Bill on governance, public sector delivery gets cabinet's nod, Dawn, Dec 25, 2020, as accessed on Dec 18, 2020, at <https://www.dawn.com/news/1524276>.

Blacklisted firms on PPRA Website, as accessed on February 05, 2021, at <https://www.ppra.org.pk/blacklist.asp>.

Budget Summary, 2019-20, as accessed on October 27, 2020, at http://www.finance.gov.pk/fiscal/July_June_2019_20.pdf.

Cabinet to meet today, Business Recorder, October 27, 2020, as accessed on April 13, 2021, at <https://www.brecorder.com/news/40028921>.

Civil Servants Act, 1973, as accessed on October 03, 2020, at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99257/118391/F1180420505/PAK99257.pdf>.

Civil Servants Promotion, (BPS-18 to BPS-21) Rules, 2019, as accessed on October 03, 2020, at

[http://establishment.gov.pk/userfiles1/file/Civil%20Servants%20Promotion%20\(BPS-18%20to%20BPS-21\)%20Rules%202019.pdf](http://establishment.gov.pk/userfiles1/file/Civil%20Servants%20Promotion%20(BPS-18%20to%20BPS-21)%20Rules%202019.pdf).

Climate Risk and Vulnerability Assessment, Asian Development Bank, March 2017, as accessed on October 26, 2020, at <https://www.adb.org/sites/default/files/linked-documents/48289-002-ld-crva.pdf>.

Code of Conduct for Judges, as accessed on September 23, 2020, at https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/supreme_judicial_council/CODE_OF_CONDUCT_FOR_JUDGES.pdf.

Code of Conduct for Prosecutors, as accessed on September 23, 2020, at <https://cpd.punjab.gov.pk/system/files/Code-of-conduct.pdf>.

Code of Conduct, NAB, as accessed on Nov 07, 2020, at http://nab.gov.pk/Downloads/Code_of_Conduct.asp.

Companies Act, 2017, May 31, 2017, accessed on Dec 17, 2020, at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104943/128178/F-1907703579/PAK104943.pdf>.

Conduct and Discipline, Pakistan Government Servants Rules, 1964, as accessed on October 07, 2020, at

https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Pakistan_Government%20Servants%20Conduct%20Rules_1964_en.pdf.

Conflict of Interest, The News, August 31, 2019, as accessed on November 07, 2020, at <https://www.thenews.com.pk/print/519732-conflict-of-interest>.

Constitution (Nineteenth Amendment) Act, 2010, as accessed on October 27, 2020, at http://na.gov.pk/uploads/documents/1302135596_176.pdf.

Constitution of Pakistan, as accessed on September 25, 2020, at [http://www.senate.gov.pk/uploads/documents/Constitution%20of%20Pakistan%20\(25th%20amendment%20incorporated\).pdf](http://www.senate.gov.pk/uploads/documents/Constitution%20of%20Pakistan%20(25th%20amendment%20incorporated).pdf).

Controller General Accounts of Pakistan, as accessed on October 27, 2020, at https://cga.gov.pk/Content/Index?PageCode=y1qB8wBsAa0*V.

Corruption Perceptions Index 2019, Transparency International, as accessed on November 07, 2020, at

https://www.transparency.org/files/content/pages/2019_CPI_Report_EN.pdf.

Counter measures for High-Risk Jurisdiction rules, 2020, FMU, as accessed on October 16, 2020, at <http://www.fmu.gov.pk/docs/Counter-measures-for-High-Risk-Jurisdictions-Rules-2020.pdf>.

Data received from Mr. Nauman Ishtiaq, Public Finance Expert on October 14, 2020 via email.

Data received from Mr. Shahid Hamid, Senior Lawyer, on September 25, 2020 via email.

Declarations and Reservations, UNODC, August 14, 2008, as accessed on October 10, 2020, at <https://www.unodc.org/documents/treaties/UNCAC/ReservationsDeclarations/DeclarationsAndReservations14Aug2008.pdf>.

Details of NAB Chairman's assets cannot be disclosed, The Frontier Post, November, 2020, as accessed on February 06, 2021, at <https://thefrontierpost.com/details-of-nab-chairmans-assets-could-not-be-disclosed-ic/>.

Digital rights group slams govt's call for consultation on social media rules, The News, March 02, 2020, as accessed on October 26, 2020, at <https://www.thenews.com.pk/latest/622728-digital-rights-group-slams-govts-call-for-consultation-on-social-media-rules>.

ECP disqualifies PTI Candidate, The News, July 10, 2018, as accessed on October 8, 2020, at <https://www.thenews.com.pk/print/339709-ecp-disqualifies-pti-candidate>.

ECP panel to hear foreign funding cases against PML-N, PPP today, Dawn, October 01, 2020 as accessed on November 07, 2020, at <https://www.dawn.com/news/1582549>.

EIA of Construction of Lahore Orange Line Metro Train Project, May, 2015, as accessed on October 26, 2020, at <https://epd.punjab.gov.pk/system/files/Section-5%20Public%20Consultation.pdf>.

Federal Budget Publications 2019-20, as accessed on November 07, 2020, at http://www.finance.gov.pk/fb_2019_20.html.

Federal Public Service Commission Ordinance 1977, as accessed on October 03, 2020 at <http://fpsc.gov.pk/sites/default/files/FPSC%20Ordinance%201977%20-2007.pdf>.

Federal Public Service Commission, as accessed on October 04, 2020, at <http://www.fpsc.gov.pk/about/policies>.

First Consultation on citizen protection rules questions regulation of fake news, Dawn, June 07, 2020, as accessed on October 26, 2020, at <https://www.dawn.com/news/1561910>.

Five FATF related bills sail through NA, Pakistan today, August 12, 2020, as accessed on September 25, 2020, at <https://www.pakistantoday.com.pk/2020/08/12/five-fatf-related-bills-sail-through-na/>.

Foreign funding case: ECP expresses 'satisfaction' over progress report, Business Recorder, October 24, 2020, as accessed on November 07, 2020, at <https://www.brecorder.com/news/40028342/foreign-funding-case-ecp-expresses-satisfaction-over-progress-report>.

Foreign funding consequences, authored by the President of PILDAT, Ahmed Bilal Mehboob, Dawn, as accessed on February 05, 2021, at <https://www.dawn.com/news/1604446>.

Functions of FMU, accessed on October 29, 2020, at <http://www.fmu.gov.pk/functions-of-fmu/>.

Govt unveils plans to set up 120 accountability courts, Dawn, September 04, 2020, as accessed on November 07, 2020, at <https://www.dawn.com/news/1577824/govt-unveils-plan-to-set-up-120-new-accountability-courts>.

Hafiz Saeed indicted in another case of terror financing, Dawn, as accessed on October 30, 2020, at <https://www.dawn.com/news/1523459>.

Hafiz Saeed sentenced to five and a half years in prison for terror financing, Dawn, February 13, 2020, as accessed on October 30, 2020, at <https://www.dawn.com/news/1534025>.

Implementation of RTI laws not ideal in Pakistan, The News, as accessed on October 23, 2020, at <https://www.thenews.com.pk/print/491108-implementation-of-rti-laws-not-ideal-in-pakistan>.

Impossible to conclude corruption in 30 days, The Nation, July 26, 2020, as accessed on November 07, 2020, at <https://nation.com.pk/26-Jul-2020/impossible-to-conclude-corruption-cases-in-30-days>.

Imran Khan not out, Jahangir Tareen disqualified for being 'Dishonest': Supreme Court, January 30, 2018, as accessed on October 08, 2020, at <https://www.dawn.com/news/1376766>.

Info about VIPs' use of helicopters classified: officials, The News, July 17, 2020, as accessed October 26, 2020, at <https://www.thenews.com.pk/print/687949->.

Introductory guide to citizens, as accessed on October 26, 2020 at <http://kp.gov.pk/uploads/2019/05/RTI-Introductory-Guide-to-Citizens.pdf>.

Jurisdiction under increased monitoring, FATF, October 23, 2020, as accessed on October 23, 2020 at <http://www.fatf-gafi.org/countries/d-iceland/documents/increased-monitoring-october-2020.html>.

Justice Shaukat removed, Dawn, October 11, 2018, as accessed on February 6, 2010, at <https://www.dawn.com/news/1438358>.

Khyber Pakhtunkhwa Act No. XVI of 2016, as accessed on Dec 17, 2020, at <http://www.pakp.gov.pk/2013/wp-content/uploads/The-KPK-Whistleblower-protect-and-Vigilance-Commision-Act.pdf>.

Khyber Pakhtunkhwa Prevention of Conflict-of-Interest Act, 2016, as accessed on November 07, 2020, at <http://www.pakp.gov.pk/2013/wp-content/uploads/Conflict-of-Interest.pdf>.

Khyber Pakhtunkhwa Right to Information Act, 2013, as accessed on Feb 05, 2021, at <https://www.kprti.gov.pk/wp-content/uploads/2020/12/Right-to-Information-Act-2013-Eng.pdf>.

KP Ehtesab Commission Repeal Act, 2018, Provincial Assembly of KP, as accessed on November 07, 2020, at <https://www.pakp.gov.pk/wp-content/uploads/The-KP-Ehtesab-Comm-Repeal-Act-2018.pdf>.

KP Forms Committee to Appoint Heads Of WBPVC, Urdu Point, Jul 16, 2020, as accessed on Dec 18, 2020, at <https://www.urdupoint.com/en/pakistan/kp-forms-committee-to-appoints-heads-of-wbpvc-976369.html>.

KP Ombudsman, as accessed on November 08, 2020, at https://www.ombudsmankp.gov.pk/Who_Can_Lodge_a_Complaint.php.

Law and Justice Commission of Pakistan, Pendency of cases, as accessed on February 06, 2021, at http://ljcp.gov.pk/nljcp/assets/dist/news_pdf/courts.pdf

Long wait for information about Musharraf's trial, The News, August 27, 2020, as accessed on October 26, 2020, at <https://www.thenews.com.pk/print/706498->.

Measuring the implementation of RTI laws in Pakistan, GMFD, June 27, 2019, as accessed on October 26, 2020 at <https://gfmd.info/measuring-the-implementation-of-access-to-information-ati-laws-in-pakistan>.

Mid-Year Budget Review Report, 2019-2020, as accessed on November 07, 2020, at http://www.finance.gov.pk/budget/Mid_Year_Budget_Review_Report_2019_20.pdf.

Money and Politics authored by PILDAT President, Dawn, March 06, 2018, as accessed on February 05, 2021, at <https://www.dawn.com/news/1393400/money-and-politics>.

Mutual Evaluation Report of Pakistan, 2019, as accessed on February 06, 2021, at <https://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Pakistan-October%202019.pdf>.

Mutual Legal Assistance (Criminal Matters) Act, 2010, as accessed October 10, 2020, at http://www.na.gov.pk/uploads/documents/1597653825_608.pdf.

NA committee on law and justice meets, bill regarding "whistleblower protections" discarded, The Frontier Post, Oct 21, 2020, as accessed on Dec 24, 2020, at

<https://thefrontierpost.com/na-committee-on-law-and-justice-meets-bill-regarding-whistleblower-protections-discarded/>.

NAB Annual Report 2019, as accessed on November 07, 2020, at <http://nab.gov.pk/Downloads/NAB%20Annual%20Report%202019.pdf>.

NAB budget increased by 63 percent, The Nation, June 12, 2019, as accessed on November 07, 2020, at <https://www.thenews.com.pk/print/483431-nab-budget-increased-by-63pc>.

NAB fails to file any reference, The News, June 27, 2020, as accessed on Jan 20, 2021, at <https://www.thenews.com.pk/print/678581-nab-fails-to-file-reference-against-ahsan-iqbal>.

NAB gets Rs. 5.8 b, The News, June 13, 2020, as accessed on Nov 07, 2020, at <https://www.thenews.com.pk/print/671986-nab-gets-rs5-080b>.

NAB issued notice, The News, May 14, 2020, as accessed on Jan 30, 2021, at <https://www.geo.tv/latest/287941-shahid-khaqan-abbasi-says-nab-issued-notice-after-he-slammed-govt-in-speech>.

NAO, 1999, Ministry of Law & Justice, accessed on November 07, 2020, at <http://www.molaw.gov.pk/molaw/userfiles1/file/MOLAW/NABORDINANCE-1999.pdf>.

National Accountability (Second Amendment) Ordinance, 2019 – An analysis, Courting the Law, as accessed on Feb 05, 2021, at <https://courtingthelaw.com/2020/06/19/commentary/national-accountability-second-amendment-ordinance-2019-an-analysis/>.

National Anti-Corruption Strategy, NAB, 2002, as accessed on November 07, 2020, at <http://nab.gov.pk/Downloads/Doc/NACS.pdf>.

Nawaz Sharif steps down as PM after SC's disqualification verdict, Dawn, July 28, 2017, as accessed on Jan 30, 2021 at <https://www.dawn.com/news/1348191>.

Ombudsman's Secretariat, as accessed on November 08, 2020 at <http://www.mohtasib.gov.pk/index.php?page=mac>.

Overview of Elections Act, 2017 by PILDAT: <https://pakvoter.org/wp-content/uploads/2018/06/Overview-of-Elections-Act-2602184.pdf>.

Pakistan buying 150 railway engines in emergency, May 15, 2010, as accessed on April 13, 2021, at <https://www.thenews.com.pk/archive/print/671119-pakistan-buying-150-railway-engines-in-emergency>.

Pakistan Information Commission, as accessed on Feb 05, 2021, at <http://rti.gov.pk/category/landmark-orders/>.

Pakistan loses four spots in CPI, Dawn, January 28, 2021, as accessed on February 04, 2021, at <https://www.dawn.com/news/1604096>.

Pakistan Press Foundation website as accessed on October 26, 2020, at <https://www.pakistanpressfoundation.org/about-ppf/>.

Pakistan's Anti-Money laundering Act, 2010, as accessed on October 10, 2020, at <http://www.fmu.gov.pk/docs/Anti-Money-Laundering-Act-2010-amended-upto-Sep.%202020.pdf>.

Parliament passes key bills to get Pakistan out of the FATF's grey list, The Nation, July 30, 2020, as accessed on September 30, 2020, at <https://nation.com.pk/30-Jul-2020/parliament-passes-key-bills-to-get-pakistan-out-of-fatf-s-grey-list>.

Parliament Passes Mutual Legal Assistance Bill 2020, The Frontier Post, August 06, 2020, as accessed on October 25, 2020, at <https://thefrontierpost.com/parliament-passes-mutual-legal-assistance-bill-2020/>.

Parliament's Joint session adopts three FATF bills amid tumult, Dawn, September 17, 2020, as accessed on September 25, 2020, at <https://www.dawn.com/news/1580064/parliaments-joint-session-adopts-three-fatf-bills-amid-tumult>.

Parliamentary Scrutiny authored by President PILDAT, Ahmed Bilal Mehboob, Dawn, June 07, 2020 as accessed on February 06, 2021, at <https://www.dawn.com/news/1561895/parliamentary-scrutiny> .

Performance Based Budget 2020-21 to 2022-23, as accessed on November 07, 2020, at http://www.finance.gov.pk/budget/MTPB_Budget_2020_23.pdf.

Procedure to File appeal before the tribunal, Federal Service Tribunal, as accessed on October 04, 2020, at <https://fst.gov.pk/procedure>.

Procurement Watch on Transparency International Pakistan, as accessed on February 05, 2021, at <http://www.transparency.org.pk/procurement-watch/>.

PTI member seeks probe into misuse of party funds, Dawn, November 15, 2014, as accessed on November 07, 2020, at <https://www.dawn.com/news/1144656/pti-member-seeks-probe-into-misuse-of-party-funds>.

Public Finance Management Act, 2019, as accessed on November 07, 2020, at http://www.finance.gov.pk/PublicFinanceManagementAct_2019.pdf.

Public Procurement Rules 2004, as accessed on February 05, 2021, at <https://www.ppra.org.pk/doc/rules.pdf>.

Punjab Anti-Corruption Establishment Ordinance, 1961, Anti-Corruption Establishment Punjab, as accessed on November 07, 2020, at <https://ace.punjab.gov.pk/system/files/ACE%20Rules.pdf>.

Punjab Information Commission, as accessed on October 26, 2020, at <https://rti.punjab.gov.pk/faq#a10>.

Punjab Information Commission, as accessed on October 26, 2020, at https://rti.punjab.gov.pk/capacity_building.

Punjab Ombudsman, as accessed on November 08, 2020, at https://ombudsmanpunjab.gov.pk/complaint_mgt_process.

Punjab Transparency and Right to Information Act, 2013, as accessed on Feb 05, 2021, at <http://punjablaws.gov.pk/laws/2547.html>.

Reading the FATF laws - Part II, The News, Oct 24, 2020, as accessed on Dec 17, 2020, at <https://www.thenews.com.pk/print/733823-reading-the-fatf-laws-part-ii>

Request for information procedure, as accessed on October 23, 202 at https://rti.punjab.gov.pk/application_procedure.

Right of Access to Information Act, 2017, as accessed on Feb 05, 2021, at http://na.gov.pk/uploads/documents/1510039254_320.pdf.

Rotation Policy 2020, as accessed on October 04, 2020, at [http://establishment.gov.pk/SiteImage/Misc/files/Rotation%20policy\(updated%205-8-2020\).pdf](http://establishment.gov.pk/SiteImage/Misc/files/Rotation%20policy(updated%205-8-2020).pdf).

Rs. 286 bn needed annually for 120 new courts, Dawn, July 24, 2020, accessed on November 07, 2020, at <https://www.dawn.com/news/1570823/rs286bn-needed-annually-for-120-new-courts-sc-told>.

SC asks NAB chief to pack up, Dawn, March 10, 2011, as accessed on Nov 07, 2020, at <https://www.dawn.com/news/612221>.

SC grants NAB six weeks to submit rules, The Nation, September 16, 2020, as accessed on November 07, 2020, at <https://nation.com.pk/16-Sep-2020/sc-grants-nab-six-weeks-to-submit-rules>.

SC removes NAB chief, Dawn, May 29, 2013, as accessed on Nov 07, 2020, at <https://www.dawn.com/news/1014659/sc-removes-nab-chief-fasih-bokhari>.

SC ruling highlights 'holes' in case against Isa, Dawn, October 24 ,2020, as accessed on February 06, 2021 at <https://www.dawn.com/news/1586722/sc-ruling-highlights-holes-in-case-against-isa>.

SC spots bias in NAB handling of case, Dawn, July 21, 2020, as accessed on April 14, 2021, at <https://www.dawn.com/news/1570266>.

Sindh Ombudsman, as accessed on November 08, 2020, at <https://www.mohtasibsindh.gov.pk/index.php?page=making-a-complaint>.

Sindh Transparency and Right to Information Act, 2016, as accessed on Feb 05, 2021, at <http://sindhlaws.gov.pk/setup/publications/PUB-17-000026.pdf>.

Statistical Report as of June 30, 2020, FMU, as accessed on October 25, 2020, at <http://www.fmu.gov.pk/docs/FMU-Statistical-Report-As-on-30-Jun-2020.pdf>.

Statistical Report of December 31, 2019, FMU, as accessed on October 27, 2020, at <http://www.fmu.gov.pk/docs/Statistical-Report-as-on-31-Dec-2019-Webload.pdf>.

Statistical Report of January-March, 2020, FMU, as accessed on October 27, 2020, at <http://www.fmu.gov.pk/docs/Statistical-Report-Jan-Mar.2020-Webload-New.pdf>.

Supreme Court of Pakistan Rules, 1980, as accessed on October 27, 2020, at https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/Supreme_Court_Rules/SUPREME_COURT_RULES_1980_AMMENDEED.pdf.

Talk of lopsided accountability dangerous: CJP, September 12, 2019, as accessed on April 13, 2021 at <https://www.dawn.com/news/1504713>.

The Civil Service Regulations, as accessed on October 05, 2020, at http://www.finance.gov.pk/publications/civil_service_regulations_2018.pdf.

The Election Rules 2017, as accessed on October 07, 2020, at <https://www.ecp.gov.pk/Documents/laws2017/electionrules2017.pdf>.

The Elections Act, 2017, on the website of ECP, as accessed on October 07, 2020 at <https://www.ecp.gov.pk/Documents/laws2017/Election%20Act%202017.pdf>.

The EU Special Incentive Arrangement for Sustainable Development Good Governance Assessment of Pakistan, 2018-19, as accessed on Jan 30, 2021, at <https://op.europa.eu/en/publication-detail/-/publication/e01fc63a-5327-11ea-aece-01aa75ed71a1/language-en>.

The loneliness of a whistle-blower, Dawn, Jul 27, 2020, as accessed on Dec 16, 2020, at <https://www.dawn.com/news/1571399>.

The Myth of Civil Service, The News, June 20, 2020, as accessed on October 05, 2020, at <https://www.thenews.com.pk/print/674981-the-myth-of-civil-service>.

The Punjab Prevention of Conflict-of-Interest Act, 2019, as accessed on November 07, 2020, at <http://punjablaws.gov.pk/laws/2727.html>.

The unmaking of Nawaz Sharif, Dawn, August 06, 2017, as accessed on February 06, 2021, at <https://www.dawn.com/news/1349557>.

Three JuD leaders convicted of terror financing, Dawn, August 29, 2020, as accessed on October 30, 2020, at <https://www.dawn.com/news/1576926>.

UK judge rebukes NAB in Broadsheet ruling, Dawn, January 19, 2021, as accessed on January 25, 2021, at <https://www.dawn.com/news/1602301/uk-judge-rebukes-nab-in-broadsheet-ruling>.

Upload MPAs attendance on web, Punjab PA directed, The News, November 07, 2020, as accessed on October 03, 2020, at <https://www.thenews.com.pk/print/18142-upload-mpas-attendance-on-web-punjab-pa-directed>.

Web service of Pakistan Citizen Portal launched, Nation, Sep 10, 2020, as accessed on Dec 24, 2020, at <https://nation.com.pk/10-Sep-2020/web-service-of-pakistan-citizen-portal-launched>.

What makes scrutiny of candidates controversial? Herald, Authored by President PILDAT, Ahmed Bilal Mehboob, July 30, 2018, as accessed on February 05, 2021 at <https://herald.dawn.com/news/1398617/what-makes-scrutiny-of-candidates-controversial>.

Whistleblower Protection and Vigilance Commission Act, 2019, as accessed on December 24, 2020, at http://na.gov.pk/uploads/documents/1556805307_895.pdf.

WJP Rule of Law Index 2020 Report, as accessed on November 02, 2020, at https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf.

World Justice project 2020: Pakistan slips down in absence of corruption, rule of law index, as accessed on November 02, 2020, at <https://www.thenews.com.pk/print/737464-world-justice-project-2020-pakistan-slips-down-in-absence-of-corruption-rule-of-law-index>.