

## **Scenario 190**

### **NAB AFFAIRS IN PERSPECTIVE**

Chairman Qamar Zaman Chaudhry, after assuming the office of Chairman NAB on 10<sup>th</sup> October 2013, introduced new standard operating procedure [SOP] to rationalise the workload and timelines for efficient, effective and expeditious disposal of cases putting a maximum limit of 10 months from complaint verification to inquiry to investigation and finally to a reference in the accountability court.

A system of CIT comprising director, additional director, investigation officer and a senior legal counsel was put in place in NAB – but all the schemes failed because the Chairman himself had shelved or dumped all the cases involving Sharifs, Zardari, Faryal Talpur, and the other key politicians of PML[N], PPP, MQM and other parties. He was openly siding with the corrupt politicians of every party thus the corruption within NAB started gaining heights.

#### **NAB's DODGY GIMMICKS AS USUAL:**

Let us start from days the new Chairman NAB assumed charge.

**On 26<sup>th</sup> November 2013**, the malfunctioning started when the Accountability Court Islamabad reopened the references pending against former president Mr Zardari after the expiry of his presidential immunity – on **28<sup>th</sup> May 2014**, the said Accountability Court acquitted Mr Zardari from the **polo ground corruption reference**; it was the start of the end-game.

**On 12<sup>th</sup> December 2014**, the Islamabad Accountability Court [IAC] acquitted former president Asif Ali Zardari in two more corruption references, out of remaining five, filed by the National Accountability Bureau [NAB] 17 years ago. The two cases were — the **ARY Gold graft case** and the **Ursus Tractors' case**. The NAB had lodged appeals in Islamabad High Court [IHC] against IAC's acquittal orders in both cases.

In the **Polo Ground reference**, Zardari was facing charges of illegally constructing a polo ground and other ancillary works at the PM House when his late wife Benazir Bhutto was the prime minister in 1990s. In the **Ursus Tractors' reference**, Zardari was accused of misappropriation in the purchase of 5,900 Russian and Polish tractors.

Another high profile case was adjudicated on 20<sup>th</sup> September 2014, when an Accountability Court in Rawalpindi acquitted PM Nawaz Sharif in two corruption references — **Hudaibiya Paper Mills and Raiwind Assets** — after the judge rejected the NAB's application seeking revival of the over a decade-old corruption cases.

*[Nawaz Sharif, Punjab Chief Minister Shahbaz Sharif, their late father Mian Muhammad Sharif, their mother Shamim Akhtar, Finance Minister Ishaq Dar, Nawaz's wife Kulsoom Nawaz, Hamza Shehbaz, Hussain Nawaz, Mian Abbas Sharif, Sabiha Abbas, Maryam Safdar and Hudaibiya Paper Mills' company Secretary Syed Ajmal Sibtain had been named in the references.]*

On 4<sup>th</sup> April 2001, while Sharifs were in exile in Saudi Arabia, proceedings into the two references were adjourned indefinitely. In 2011, the NAB filed an application to revive the cases, but the Lahore High Court [LHC] dismissed the request in May 2014. The NAB authorities, under the chairmanship of Ch Qamar Zaman never bothered to launch an appeal in the Supreme Court against LHC's verdict.

*[However, on **28<sup>th</sup> July 2017**, the SC in its Panama Leaks Case judgment ordered NAB to approach the SC to revive that Hudaibiya Case.]*

Three corruption references — **Oil and Gas Regulatory Authority** [OGRA], **Rental Power Projects** [RPP] and **Modaraba Scandal cases** — were still pending in accountability courts.

Cases regarding **Piranghaib, Multan**, and **Techno Engineering Services Sialkot**, were taken up by NAB in February 2013, the cases were of alleged corruption, corrupt practices and misuse of authority in awarding RPP contracts. Raja Pervez Ashraf, in his earlier capacity of Minister of Power, was charged with concealing facts in the RPP case and causing a loss of \$60 million to the national exchequer.

The third largest **Modaraba Scandal Case** — involving a fraud of Rs:7 billion — was still pending in the Accountability Court. The NAB had filed a reference in the court against Asif Javed alias Maulana Ibrahim, the main

accused in this case, Mufti Osama and nine others accused on charges of corruption and cheating the public at large in a ploy of Islamic mode of investment. The main culprits were still at large and the NAB authorities had failed to arrest them; thus the proceedings delayed.

**On 18<sup>th</sup> February 2015;** two different benches of the Supreme Court of Pakistan [SC] expressed disappointment over extreme mal-administration in the National Accountability Bureau [NAB]. The NAB Chairman Ch Qamar Zaman was personally present in the courtroom when matters relating to the bureau were taken up by the benches which expressed serious doubts over the efficiency and performance of the institution.

In the first case, a three-judge bench headed by Justice Jawwad S. Khawaja had summoned the NAB chief over the bureau's failure to arrest a proclaimed offender for his alleged role in a land scam in *Patoki* area of Kasur district in Punjab.

In the second case, a bench headed by Justice Amir Hani Muslim was critical of what the court believed misusing of NAO [National Accountability Ordinance] by closing a corruption inquiry against six officers of revenue and administration departments of Khyber PK who had allegedly misappropriated the compensation money meant for the victims of a 2006 bomb blast in D.I. Khan.

The NAB chief sought time to study the then on-going affairs. However, the apex court regretted that despite having Rs:6 billion in its kitty, NAB had failed to arrest a proclaimed offender for the past four years.

The case commenced when the apex court took up a bail application of one Fayyaz Ahmed Khan, an accountant who was arrested by NAB on 14<sup>th</sup> October 2013, although the three principal accused land developers and real brothers – M Amin, M Jameel and M Hameed – were declared proclaimed offenders by an accountability court in Lahore in 2014. Jameel and Hameed were arrested during the pendency of the case, while Amin was still at large.

The developers had acquired a sizeable land in *Patoki* in 2007 for Rs:80 million to develop ***Gulshan Dost Mohammad Housing Scheme***. A number of people who purchased plots in the housing scheme approached NAB when they failed to get their possessions despite making payments. NAB authorised an inquiry against the developers on 21<sup>st</sup> March 2011 and moved a corruption reference against them on 26<sup>th</sup> December 2013.

A day earlier, on 17<sup>th</sup> February 2015, the apex court had also taken notice of malpractices in the case and noted that:

*"Since Amin has still not been apprehended, there appears to be reason to believe that keeping in view the case diaries **there might have been assistance prima facie from within NAB** to enable Amin and his two brothers Jameel and Hameed now under arrest, to evade arrest; no property belonging to Amin had been attached so far."*

In addition, the apex court observed, seven delinquent NAB officers who had failed to arrest the absconder were still working in NAB and apparently no disciplinary proceedings were being pursued against them.

In the second case, the bench headed by Justice Muslim was shocked to learn that inquiries against the six officers of KP's revenue departments had been closed by invoking Section 25(a) of NAO [plea bargain] by the NAB's provincial Director General when such authority could only be exercised by the bureau's chairman. The court ordered NAB to submit the list of cases where inquiries were closed under that NAO provision.

The apex court also ordered the six officers, including Mohsin Shah, Qaiser Naz, Azizullah Mehsud, Asadullah and M Abbas, to appear before it on 20<sup>th</sup> February 2015 and asked the KP's Advocate General to explain how these officers were reinstated in their jobs, although they had been held responsible for misappropriating the compensation money meant for the legal heirs of those who had lost their lives in the bomb blast.

### **150 MEGA-SCAMS LIST IN SC:**

**On 7<sup>th</sup> July 2015;** a three-member bench of the SC, headed by Justice Jawwad S. Khawaja, heard a case filed by Manzoor Ahmed Ghauri against Chairman NAB and its other officials. The case, initiated earlier that year, pertained to scrutiny of the anti-corruption body.

The said report, along with relevant files and documents, was placed before the apex court by Staff officer to DG NAB Brig Nasir, Additional Attorney General NAB Tariq Tarrar and Prosecutor General NAB Waqas Qadeer. In that connection the NAB officials submitted a 35 pages report containing mention of 150 mega corruption cases before the apex court.

NAB was conducting 22 inquiries and 13 investigations in financial scams, while 15 references had been filed. Twenty-nine inquiries and 13 investigations were still under way in land scams, while eight references had been filed. In cases of abuse of power, 20 inquiries and 15 investigations were being carried out, while 15 references were filed.

The NAB's Report on mega scams included cases against Prime Minister Nawaz Sharif, Finance Minister Ishaq Dar, Punjab Chief Minister Shahbaz Sharif, former president Asif Ali Zardari and top politicians and bureaucrats of the country. The report on scams was divided into three categories: financial scams, land scams and abuse of power.

The **Raiwind Assets Reference** charged the Sharifs of building palatial houses on vast tracts of land using finances disproportionate to their declared sources of income; which was coming pending since year 2000. It also included two investigations against them on charges of misusing their authority in **construction of a road from Raiwind to the Sharifs' family home**, thus misappropriating another amount of Rs:126 million.

*[Earlier, on 14<sup>th</sup> February 2015; the NAB had filed two appeals in the Lahore High Court [LHC] regarding two previous corruption cases against PM Nawaz Sharif; the LHC had then quashed the both - the Hudaibiya Paper Mills & the Raiwind reference.]*

Since 7<sup>th</sup> October 2000, an investigation was also under way against former interior minister **Aftab Khan Sherpao** for amassing assets beyond known sources of income.

Since 11<sup>th</sup> February 2000, an investigation was also under way against the **Finance Minister Ishaq Dar** for misusing his authority and to probe his assets worth over Rs:23 million, £3.488 million and \$1.25 billion.

In 2014, an inquiry was also launched against **ex-CM Nawab Aslam Khan Raisani** for amassing assets worth Rs:100 million beyond known sources of income; and 10 former provincial ministers of Balochistan. NAB was collecting concrete evidence in order to prove the charges of corruption against them.

An accountability court had indicted former prime minister Raja Pervez Ashraf, Chairman Tauqeer Sadiq, stock-broker Aqeel Karim Dhedhi and others in **Rs:76.6 billion OGRA Scam**. Tauqir Sadiq obtained bail from the Islamabad High Court in 2014 and hearing into the case showed no progress since then.

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In this reference, former premier Syed Yousaf Raza Gilani was also facing investigations for illegal appointment of Tauqir Sadiq as Chairman OGRA – ***not on merit but just on ONE consideration that he was brother in law of PPP's Senator Jehangir Badar.***

NAB also launched an inquiry more recently against former Federal Information **Minister Firdous Ashiq Awan** for misusing authority and embezzlement in movable property.

The bureau was also investigating **Federal Board of Revenue** [FBR] officials for misusing authority by sanctioning illegal inadmissible sales tax funds on dubious, bogus and flying invoices causing losses of Rs:2.5 billion to the exchequer.

In April 2015, an inquiry was initiated against officers of the **Rawalpindi Development Authority** [RDA] for misusing authority for irregular award of elevators and platform sliding doors for metro bus project.

NAB also revealed that on 6<sup>th</sup> June 2015, an inquiry was initiated against renowned businessman **Jahangir Siddiqui** for misappropriation of funds of Rs:2 billion.

On 15<sup>th</sup> June 2015, a probe was launched against **PM's Adviser Haroon Akhtar Khan** and his brother Ghazi Akhtar Khan for suspicious transaction worth Rs:700 million.

Prominent industrialist **Mian Mansha** was being investigated for corruption in the dubious sale of the **Muslim Commercial Bank** [MCB] but the case was lingering on since two decades because allegedly the Sharifs were also the silent partners in the deal.

A little mention of it made earlier; NAB's report also contained that an inquiry was on against the incumbent prime minister and his brother in a case, the Sharifs; pertaining to construction of a **road from Raiwind to Sharif family House** worth Rs:126 million.

A scam worth Rs:700m against Ghazi Akhtar of **Tandiyanwala Sugar Mills** was also being inquired by NAB.

The SC was told that inquiries were also underway against former **Chairman of National Insurance Company Limited** [NICL] Ayaz Khan Niazi over embezzlement charges worth Rs:2 billion and another ex-

Chairman of NICL Abid Jawed over a potential scam worth Rs:2 billion, besides some other figures.

Investigations had already been launched against **Schon Group** for alleged embezzlement of Rs:1.245 billion; **Younus Habib** for allegedly ill-intentioned default of three billion rupees.

A case of the same nature was also filed against the sitting **treasury minister Ishaq Dar**. He was under inquiry for three cases of £23 million, US \$3.488 billion and US \$1.250 billion separately.

**Hussain Haqqani**, former information secretary and Pak-envoy to US, was accused of embezzling funds, but NAB had till then failed to calculate the amount in that regard. He was also accused of issuing licenses of FM stations to three private companies.

A case was also being heard against **former president Asif Ali Zardari** for having assets beyond resources; for corruption of US \$22 billion and US \$1.5 billion in separate cases.

The apex court, however, expressed dissatisfaction over the report submitted by NAB, saying that the anti-graft body should add two columns that detail the dates of when the application against an individual was filed and when it was verified.

Coming back; [7<sup>th</sup> July 2015], seven investigations were 'still going on' against former premier **Raja Pervez Ashraf** for misusing his authority in awarding rental power plants' contracts.

The fact remained that NAB's said list of 150 cases inspired little confidence. Firstly, the list appeared as a casual exercise, giving only the names and the "***gist of allegations***", with amounts arbitrarily put down. Secondly, many of the cases were over a decade old, yet were listed as "***inquiry under progress***".

The list was simply a story of Pakistan's chequered history telling about repeated compromises struck between parties on account of political interference, the selective nature of the allegations, and political motivations behind many of the charges.

Daily the '**Dawn**' dated **9<sup>th</sup> July 2015** pointed out in its editorial that why was it that three Generals named in the Asghar Khan Case, against whom the Supreme Court ordered legal proceedings, had still not been enquired

into? The zeal with which Gen Musharraf promised to pursue corruption cases at the start of his decade in power was in the minds of many. This humiliating history ended with the NRO that saw Gen Musharraf in bargaining away most cases of corruption in return for political support.

Not a single nationalist ruler or judge was there in Pakistan's history ensuring that an anti-graft body should not be politicised – still it is a big challenge.

**On 13<sup>th</sup> July 2015;** the NAB submitted before the Supreme Court of Pakistan [SC] a **modified report** on earlier listed 150 mega corruption cases; as the apex court had shown its dissatisfaction over 7<sup>th</sup> July's report. The Supreme Court observed:

*"Was it our responsibility to let the bureau know that what was being submitted was meaningless to us - in the reference of the list of 150 mega scandals is without showing dates when NAB received a complaint and when it was verified or authorised by its officials concerned. You [the NAB] had received some complaints 15 years ago but these remained unattended till date."*

Thus, NAB was asked to include two additional columns in the report for further details. Interestingly, the NAB's earlier record lacked details of cases against some top figures too, including PM Nawaz Sharif, Shahbaz Sharif, Asif Zardari and Hussain Haqqani.

The NAB officials held that dates for filing and verification of further complaints against Sharif bothers were not available. But later it transpired that there was one - relating to illegal recruitment done by the PM Nawaz Sharif in the Federal Investigation Authority [FIA]; Maj Gen M.H. Ansari was the complainant. The complaint was filed on **22<sup>nd</sup> March 1999** and direct investigation was started.

The case filed by Manzoor Ghauri against Chairman NAB and other officials; the case, initiated earlier that year [2015] became 45 pages report listing the earlier mentioned 150 cases; this development had also drawn criticism from several political segments which raised questions on the credibility of NAB as an independent watch-dog. Referring to '**the Khaleej Times**' dated **19<sup>th</sup> July 2015:**

*".....even NAB's '**amended list**' of 13<sup>th</sup> July was not correct; of which 71 cases in three categories were in the inquiry stage and 41 in investigation, while 38 references had been filed and were pending in different accountability courts."*

*[Perhaps] the bureau officials had concealed the names of 'real offenders' to save them from accountability; the said screening was malafide and should have been considered obstruction in the process of justice."*

It was a fact too; as the list's serial No: 33 on page 24 had mentioned an investigation against **Mutual Housing Society** whereby an amount of **Rs:15 million was** stated as worth of the land scam. By any stretch of imagination such amount should not have been included in the list of mega land scams as done by NAB.

Similarly, in the list of financial scams there were eight cases of under Rs:200m while there were altogether 33 cases involving alleged embezzlement of less than Rs:1 billion. Thus, out of 50 cases of financial scam, 36 were minor, unclear or doubtful. Such misleading list only tarnished the image of NAB even more in the eyes of public at large.

In the list of land scams, there were eight cases wherein the alleged amount in jeopardy had been evaluated at Rs:100m or below. It was quite apparent that the major land scams were deliberately not included by NAB in its list, apparently to mislead the court and accommodate the actual culprits; that **"deliberate omission"** made open the guilt of the concerned NAB officials.

In the list of abuse of official position by public office-holders, there were eight cases with lowest amount stated to be Rs:3.1m. Inclusion of such negligible amounts in the list further dented the already diminished credibility of NAB. In fact, such concealment of material facts from the apex court amounted to contempt of the court under Article 204 of the Constitution.

**On 28<sup>th</sup> July 2015;** the NAB came up with **'yet another fresh list'** before the SC, in addition to its earlier list of 150 mega scams involving Rs:568 billion loss to national exchequer. The fresh list of 29 scandals included a Rs:4 billion case in the army-run National Logistics Cell [NLC] against its chief financial officer Saeedur Rehman for unauthorised investment in the stock market. See the unprofessional behaviour of the NAB then:

*"The competent authority in the NAB headquarters has taken a serious view of the lapse on your part because you were custodian of the cases in your jurisdictions. A detailed scrutiny of the list indicated that some major cases in the categories of financial, land*

*grabbing and misuse of authority were not reported - but conversely some cases of insignificant values were provided."*

This communication dated 27<sup>th</sup> July 2015 was attached to the new list on behalf of NAB's DG [operations] Syed Khalid Iqbal which was addressed to the Directors of four regional NAB offices. Later it transpired that the respective directorates had wilfully left out some very significant cases from the list for the SC – of course, for ulterior motives.

- *The fresh list contained an inquiry against officials of the Privatisation Commission and the management of **Etisalat**, which owned the **PTCL**, for deliberately avoiding a payment of **\$800 million** by the company to the government. The inquiry initiated in May 2013 was **STILL** in progress. Even till ending 2017, the money was not paid to the government.*
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- *The list also contained a complaint against officials of KASB Bank and State Bank of Pakistan for illegal sale / acquisition of shares of KASB Bank by **Bank Islami**; the amount involved in the case was over Rs:5bn.*
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- *Similarly, the list included inquiries against a former Director of **Bank of Punjab [BoP]**, Khurram Iftikhar, for misuse of authority and fraud worth Rs:6.2bn; against directors / owners of **Haq Bahu Sugar Mills Pvt Ltd** for non-delivery of sugar to the Trading Corporation of Pakistan [TCP] causing a loss of Rs:1.4bn to the national exchequer; and against **Haris Afzal** for misappropriation of funds and property of BoP worth Rs:1bn by obtaining illegal pecuniary advantage through "corrupt, dishonest and illegal means".*
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- *An inquiry was pending against the **Director of National Investment Trust Asif Javed**, and others for sale of **PECO's shares** by the NIT. This act caused a reduction in the government shareholding from 54.48 percent to 33.3pc without prior approval of the Privatisation Commission. The amount involved was Rs:4bn; later entering an agreement between the accused and the Commission for compensation through sale of lands etc.*
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- *The list contained a case against the Chief Executive Officer of **Callmate Telips** for cheating the public at large and causing a loss of Rs:5.6bn to the exchequer.*
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- *Under the head of land scam, an inquiry was in progress against the **DG Sindh Building Control Authority Karachi Manzoor Qadir**, for illegal conversion of streets and roads in Clifton's Block-3; the amount involved in the case was over Rs:50bn.*
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- *An investigation was pending against illegal allotment of plots in 350 acres of **Karachi Port Trust land on Clifton** shore worth Rs:350bn.*
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- *A case was pending against Hammad Arshad of **Globaco Pvt Ltd** [Later **Orange Holding Pvt Ltd**] and the management of DHA City Lahore worth Rs:16bn.*
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- *Under the head of abuse of official position, an inquiry was pending against officials of the Project Extension of **Pat Feeder Canal in Dera Murad Jamali** worth Rs:5.8bn and another against the **Project Director of Balochistan Police** worth Rs:5.5bn.*
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- *A case was pending against **Pepco's** former **MD Tahir Basharat Cheema** and officials of the **National Transmission and Dispatch Company** [& allied distribution companies] for causing a loss of Rs:13.3bn by introducing fake specifications and formula to justify the purchase of low-loss transformers and procurement of distribution transformers at exorbitant rates.*
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- *An inquiry was pending against officials of the **Ministry of Special Initiatives** for misappropriation of funds in a Rs:7bn project called **Clean Drinking Water for All**.*

#### **NAB arrested PPP's Qasim Zia in fraud case:**

**On 8<sup>th</sup> August 2015;** the National Accountability Bureau [NAB] Lahore Wing arrested senior leader of the Pakistan Peoples Party [PPP] Qasim Zia in a fraud case pertaining to Rs:100 million; allegedly pertaining to cheating the public at large, misappropriation, embezzlement of funds and criminal breach of trust. The accused, along with other directors, fraudulently deprived general public of their hard earned money.

Qasim Zia was arrested for selling fraudulent shares of **Ali Osman Securities** of which he was one of the directors; another director of the company was also arrested.

A number of people had filed complaints with NAB over which they held an initial inquiry. The Accountability Court handed the accused persons on a

14-day physical remand to the investigating team. Elected twice from Faisalabad's constituency PP-59, Zia served as a member of Punjab Assembly from 2002-07, and from 2008-13. He functioned as Leader of Opposition in the Punjab Assembly during his earlier term from 2002-07.

*[Qasim Zia was appointed president of Pakistan Hockey Federation in 2008 and served as the federation's chief till 2013. He is an Olympic Gold Medallist in hockey, and also remained a member of the Pakistan's national hockey team from 1980-87.]*

**On 23<sup>rd</sup> September 2015;** the Lahore High Court [LHC] accepted the bail application of PPP's Qasim Zia, in that fraud case. A two-member bench of LHC comprising Justice Mehmood Maqbool Bajwa and Justice Farrukh Gulzar heard the bail plea filed by Zia and ordered his release while accepting the application.

During the hearing, NAB's Additional Deputy Prosecutor General informed the court that Qasim Zia had agreed to return the money which he had embezzled as Director of Ali Usman Securities through a plea bargain; he had agreed to return Rs:22.2 million of mis-appropriated money. Zia's plea bargain application had been approved by Chairman NAB Qamar Zaman Chaudhry; he had already submitted a bank draft of Rs:8 million, hence NAB had no objection over his release.

Qasim Zia was released from the Camp Jail Lahore on the same day afternoon.

Later, more facts appeared that Qasim Zia had left the company '**Ali Osman**' seven years before it committed the alleged fraud; he was kept in custody for 16 days but NAB could not establish his involvement in the scam. Zia had urged that the case was a result of mere political victimisation. PPP co-chairman Asif Ali Zardari had termed the arrest of Zia a '**calculated move to discredit political leaders**'.

#### **NAB's PLEA BARGAIN OPTION:**

**On 16<sup>th</sup> July 2015;** the Supreme Court directed the NAB to come up with an explanation about how much of the Rs:256 billion it had recovered from offenders over the past four years consisted of plea bargain and voluntary return. The directive was issued by a two-judge bench headed by J Jawwad S. Khawaja during the hearing of a case relating to NAB's mal-admin and poor performance. Amidst discussions over the list of 150 mega scandals, its

DG [operations] Syed Khalid Iqbal informed the apex court that the NAB had recovered Rs:256bn over the past four years.

*[Under NAB Laws in Pakistan; the voluntary return is an option under which an accused returns the plundered money during investigation before the filing of a corruption reference in an accountability court. The plea bargain option is used during the course of trial in the accountability court.]*

Additional Prosecutor General Akbar Tarar explained that the new NAB Chairman Ch Qamar Zaman had reactivated all the cases but the fact remained that not a single file about Big-Wigs like Sharifs and Zardari was taken up – their files were kept in the cold room.

Justice Dost Mohammad Khan asked about the timeframe in between converting an inquiry into investigation and eventually the filing of a reference. Mr Tarar said that usually it should be done in three months. The new chairman [*after spending two years in office he was STILL NEW!*] had streamlined many things and constituted a high-level committee to scrutinise all old cases. The committee had held 19 sessions and ordered the officers concerned to dispose of the cases as early as possible. Justice Khawaja retorted:

*"For the time being we accept that NAB is very efficient. Tell us when you learnt that the cases are in the cold storage for the last 15 years and did the bureau identify the persons who were inactive and in deep slumber – time? We are ready to give you another 15 years till 2030."*

Justice Dost Mohammad Khan regretted that delay in deciding cases was also a painful experience for the accused because the sword of the Damocles remained dangling over their heads.

**A Cogent Public View:** Much earlier; the issue of plea bargain required deeper analysis than the self-congratulatory recovery of a fraction of the ill-gotten wealth by the NAB. A person in authority makes one rupee as illegal gratification but he may be giving the contractor a benefit of ten rupees for a sub-standard building.

Instead of plea bargain, the culprit should be given exemplary punishment. In China, such persons are often given death sentence; many high-quality projects of public importance there are completed on time and within budget. In Pakistan, not a single government project completed in time and in the same budget. Why so?

**On 20<sup>th</sup> September 2015;** National Accountability Bureau [NAB] Chairman Qamar Zaman defended plea bargaining and voluntary return of money and reiterated that action would be taken against all those involved in major cases of corruption irrespective of party or social differentiation. NAB was facing severe criticism, especially from the PPP, that it was being used by the PML[N] government to victimise its political opponents.

The superior judiciary had also criticised NAB for **'letting suspects off the hook'** after striking plea bargain and voluntary return deals with them. Chairman NAB acknowledged that **the bureau had been accepting amounts lower than the determined booty and allowing the accused to escape prosecution.** Under NAB laws:

*"...the voluntary return is applicable at the time of initiation of inquiry; if the accused is willing to pay the principal amount plus mark-up, he has his rights to do so.*

*Once a case is upgraded to the investigation stage and then the accused offers to return the ill-gotten money, then it is termed plea bargaining. The accused is required to pay the full determined amount plus mark-up in three equal instalments. His offer is submitted to the respective accountability court."*

The plea bargaining had other implications because it was deemed a conviction. The accused was barred from holding a government job and public office and a businessman was not able to obtain loan from banks for 10 years. The amount determined by the bureau was non-negotiable and all of it had to be paid by the accused. The NAB argued that the question regarding accommodating the accused to reduced payments against the determined amount was not valid.

It remains a fact that with the departure of the Economic Crime Wing [ECW] to the FIA in 2008, a huge resource gap was created and NAB was left with only 40 per cent manpower to manage its activities. An effort was made to fill this gap through induction of 260 officers after training in 2014. Another batch of 134 officers was selected and for the first time the personnel were being trained at the Police Training College in Sihala.

***Once again, the superior judiciary went into slumber-mode for complete one year; no verdict about the voluntary return or plea bargain appeared in that high drama of 150 mega-scams proceedings. There was no progress seen in the NAB offices either.***

**On 8<sup>th</sup> September 2016;** the Chief Justice of Pakistan took *suo moto* notice on a note of Registrar, containing details of observations of a two-member bench passed in ***Civil Appeal No 82-K of 2015*** that due to the powers of NAB Chairman under Section 25(a) of the National Accountability Ordinance 1999 and effect of voluntary return in the NAB cases, the accused goes scot-free without any stigma.

A three-member bench of the apex court headed by Chief Justice Anwar Zaheer Jamali and comprising Justice Ameer Hani Muslim and Justice Sheikh Azmat Saeed heard the said *suo moto* case.

During the course of hearing, Justice Ameer Hani Muslim observed that with the amended section, the anti-graft body had created an environment of multiplying corruption; that the voluntary return and plea bargain section in the NAB allows the bureau to discharge an individual from **'all his liability'** in the matter. ***'The section 25(a) does not provide any disqualification, as against the disqualification provided under Section 25(b) of the NAB Ordinance'***.

Justice Sheikh Azmat Saeed observed that:

***"NAB is like a person standing in a busy marketplace screaming do corruption and return it voluntarily!"***

*"If a case goes to the FIA, there is no option of voluntary return, as one has to face the trial but when the same case goes to NAB, it was settled either through voluntary return or plea bargain. Isn't this unfair?"*

The fact remained that some time back, a two-member bench of the apex court at the Karachi Registry in a detailed order in NAB appeals against an Accountability Court's decision of refusing the remand of a private citizen in a fraud case had ruled that ***'the authority of the NAB Chairman to accept offer of voluntary return of the illegally earned money by corrupt public servants is prima facie in conflict with provisions of the Constitution'***.

The bench had directed its office to place the order before the Chief Justice of Pakistan for passing an appropriate order to treat the matter as a *suo moto* petition under Article 184(3) of the Constitution. Prima facie, it was a question of public importance having far-reaching effects and direct bearing on the fundamental rights of citizens of Pakistan in order to lay down the principles regarding cognizance of NAB in corruption matters under Section 9 of the NAB Ordinance.

**On 24<sup>th</sup> October 2016;** the Supreme Court of Pakistan stopped the National Accountability Bureau [NAB] from using its powers of Section 25 (a) NAB Ordinance 1999 under which the anti-corruption watchdog could drop charges against corrupt mafias through **'voluntary return and plea bargain deals'**.

The apex court observed that those who made the plea bargain law did not feel shame about the fact that *'the law denotes that people may do corruption and get back on their jobs after paying [back] money'*.

The ruling came during the hearing of a case pertaining to illegal appointments in the NAB; the CJP Anwar Zaheer Jamali remarked ***even the court was not entitled to exercise the powers NAB was using under plea bargain and voluntary return.***

In CJP's candid opinion Pakistan had become laughing stock in the foreign countries due to such laws. Justice Amir Hani Mulsim said the NAB received 25 percent of the money returned through plea bargain; the Prosecutor General NAB, however, denied that it was true.

The apex court held that NAB's Chairman was more powerful with respect to appointments in NAB than the chief executive of the country. NAB had absorbed 60 percent officials from outside ignoring major rules for deputations. The court observed that many MNAs, MPAs and high-ranking officials opted for plea bargain, but they were still enjoying the office.

According to the NAB report placed before the apex court, 1584 civil servants had entered into voluntary return and deposited Rs:2.022 billion. Of them, 165 were federal government servants while the rest were provincial employees.

Justice Muslim said acquitting an accused was a judicial matter and this power could not be given to the executive, especially when it entailed punishment. He said if a person embezzled Rs:200 million, but paid Rs:200,000 or Rs:50,000 to the NAB through voluntary return, he was allowed to go scot-free.

The Attorney General told the apex court that in the original law it was not there, but the provision of voluntary return was inserted later. On a question of **'return or payment in instalments'**, the NAB Prosecutor General Waqas Qadeer Dar told that there was a standard operating procedure of it and a person who entered into voluntary return had to pay 34 percent in the beginning.

Justice Hanif said Section 28 of NAO 1999 and the ***NAB Employees' Terms and Conditions of Services (TCS) Rules 2002*** were contrary to the constitutional provisions. He said the director generals who had come to the NAB on deputation were absorbed without the competitive exams, which was unlawful.

**WHO STOLE COURT'S ORIGINAL DOCS:**

Zardari had still to face two references — **SGS and Cotecna** — and on **22<sup>nd</sup> December 2014**, the court had rejected his acquittal plea and the cases were fixed for next date. The hearing continued at usual pace for about a year.

**On 12<sup>th</sup> November 2015**; the Islamabad Accountability Court [IAC] Judge Muhammad Bashir reserved the verdict after both parties concluded their arguments over acquittal applications of the PPP's co-chairman in the SGS and Cotecna corruption cases. The reserved verdict was then announced on 24<sup>th</sup> November 2015; see next paragraphs.

**[SGS Case** – *Swiss inspection, verification, testing and certification company; corruption case was the continuance of a reference filed in 1997 that accused late Benazir Bhutto and her spouse to have gained off a contract between the SGS and the government.*

**Cotecna Case** *was about the award of a contract to the Swiss company after allegedly receiving six percent bribe on revenue proceeds.]*

*Some more details of **SGS & Cotecna deals** are available in 'Judges & Generals in Pakistan Vol-II' Scenario-49, pps 567-570 [2012], GHP Surrey UK.*

In his arguments, Zardari's counsel, Farooq H Naek, reiterated that the real record of both references was not present and only photocopies were present before the court. In such a situation, he said, cases could not be taken forward and his client should be acquitted.

On a previous hearing, the judge had remarked that the record consisted of attested copies asking if the real record of the references could be obtained by the NAB. ***Naek had maintained that whoever certified the record***

***should come before the court*** and testify, adding NAB has already said that the real record of the references was not available.

***Naek had held that even the investigation officer has not seen the real record*** though; former Deputy Chairman NAB Hassan Waseem Afzal had recorded his statement in the cases.

In his statement, the former Deputy Chairman said that he himself had gone to Switzerland and ***brought back the original record of the SGS reference*** and submitted it in the Lahore High Court [LHC]. Afzal said that the original documents related to the agreements with the offshore companies and Swiss bank accounts were submitted in the court and the record should have been with the court or NAB.

During the 11<sup>th</sup> November hearing of the **SGS-Cotecna reference**, the ADPG NAB Ch Riaz had also said the NAB had submitted the relevant record before the court, and that ***the original record had gone missing from the custody of the Ehtesab Bench of the LHC***. Ch Riaz told that the NAB also produced witnesses to authenticate the evidence and it was up to the court to decide the fate of these documents.

***[It could be presumed that Mr Zardari had got 'removed' all that original record from the Lahore High Court during PPP's five years regime and thus the Accountability Court also found an excuse to acquit Mr Zardari from the said cases.]***

**On 24<sup>th</sup> November 2015**, the Accountability Court announced its judgment and declared **Mr Zardari innocent** in the said two cases. Former Federal Board of Revenue [FBR] Chairman AR Siddiqui had already been acquitted in the case.

**On 1<sup>st</sup> December 2015**, a large number of PPP workers and central leaders gathered in Karachi and demanded an apology from PM Nawaz Sharif for implicating PPP co-chairperson Asif Ali Zardari in false cases. The resolution was passed because Asif Ali Zardari had been acquitted of the SGS-Cotecna scam a day before.

However, the demand of **'public apology'** was immediately rejected by the PML[N] which said **"acquittal from the court does not mean that the corruption has not been committed,"** – a bitter truth it was. PML[N] Information Secretary Mushahidullah Khan commented that:

*"Mr Zardari's acquittal was caused by the prosecutor's failure to prove the charges. Mr Zardari has done PhD in two disciplines — how to commit corruption and how to save his skin."*

Addressing a press conference two days later, PPP's Secretary General Raja Pervez Ashraf held that 36 references were pending against Prime Minister Nawaz Sharif. He found it strange that the cases against PPP leaders were tried in courts but the Nandipur Scam involving PML[N] leaders had been investigated by the Auditor General – the government's own person.

Every one was speaking truth; all the high leadership of both PPP and PML[N] were hands-in-hands together while their gloves, full of diamonds of corruption, were lying in London and Dubai – poor populace of Pakistan was being made fool again with years 1861-88's CrPC and Evidence Act this time through NAB's gimmicks.

**On 7<sup>th</sup> January 2016;** there was explanation from the NAB HQ in Pakistani media in respect of **across the board accountability** that:

*'...it follows a policy of fair, impartial and across the board accountability; cases are inquired and investigated by NAB on pure merit and do not bear any special preference or prejudices of political victimisation against any individual.'*

Simultaneously, [the daily '**Nation**' dated **14<sup>th</sup> February 2016** is referred] the Planning Commission of Pakistan included a chapter devoted to issues of corruption in 11th five-year plan and the NAB intended to achieve the goals set in the plan. The NAB claimed that the Transparency International [TI] had placed it nine positions better as compared to previous year since the country improved the **Corruption Perception Index** [CPI] score - from 126 to 117 which was a positive development for Pakistan.

The Chairman NAB had told in his departmental meeting at Lahore that NAB recovered Rs:256 billion since its inception terming it as a record achievement. NAB had received 3,00,209 applications, authorised 6,662 inquiries, authorised 3,391 investigations and filed 2,451 corruption references in the respective accountability courts.

It was in that context that **PILDAT** in its report rated NAB's performance at 42% based on public survey. The rate of success of NAB's prosecution work in all the courts was rated at 70%. All appeared blatant lies. The general populace was doubtful about PILDAT's survey figures because in the later years it had allegedly become a part of the PML[N]'s Media Cell – thus had lost its whole credibility; a tragic death of another institution it was.

**SHARIF & ZARDARI THREATENED NAB:**

**On 17<sup>th</sup> February 2016;** PM Nawaz Sharif, addressing PML[N] workers at Bahawalpur warned the National Accountability Bureau [NAB]:

*'.... to stay **within limits** and stop threatening and harassing government employees or action will be taken against it. NAB must perform its duties responsibly. The NAB officials barge into houses and offices of innocent people and harass them without looking into the authenticity of cases. The NAB officials dishonour people in unlawful cases, cause hindrances and harass and terrify government officials.*

*I have brought this issue to the NAB chairman's notice. He must take corrective measures or the government will initiate necessary and legal action'.*

Most probably, the prime minister had shown his frustration over the NAB after it hinted at **'thoroughly investigating some of the projects like LNG, Metro Bus, Orange Train and LDA City'**. Besides, NAB had not yet cleared the premier in cases of recruitment in the FIA and **construction of Raiwind Road Lahore**. NAB spokesman Nawazish Ali remained tight-lipped when media-men asked him about the status of NAB investigations into above mentioned cases.

A couple of PML[N] legislators from Daska and Okara, Punjab Education and Sports Minister Rana Mashhood and a close aide to Chief Minister Shahbaz Sharif were also facing corruption inquiries.

***[The main thing bothering PM Sharif was that the NAB Chairman was an ex-Army officer – thus raised PM's suspicions about some kind of unofficial liaison between the NAB and the establishment.]***

Next day, commenting on Nawaz Sharif's remarks, former president Asif Ali Zardari said:

***"Mian Sahib, not only NAB but your FIA is also doing the same job. Dr Asim is not involved in corruption and one of your ministers has also conceded this.***

***We are more willing to clip the wings of NAB if you desire so. The PPP will fully support any amendment to the NAB law brought to parliament.”***

Earlier, the PPP’s Sindh government reprimanded NAB for laying hands only on its party.

The DG of the Khyber PK’s Ehtesab Commission, retired Lt Gen Mohammad Hamid Khan, resigned a week earlier ***in protest against promulgation of an ordinance by the provincial government that drastically amended the Ehtesab Act of 2015.***

PTI Chairman Imran Khan had already lost moral ground to raise voice against the PML[N] government’s possible move to bring NAB under its control after promulgation of the said ordinance, making approval of a five-member commission mandatory for the *Ehtesab Commission* to arrest a suspect and reduce the maximum period of physical custody of a suspect from 45 to 15 days.

While PM Sharif kept mum when government servants in Sindh were harassed or arrested, ignoring protests from Sindh CM, he started complaining that NAB was persecuting innocent government officers when the flames of *Ehtesab’s* fire reached Punjab. Apprehensive Punjab government also insisted that the Rangers were not needed in the province to take action against terrorists or go after the corrupt.

The media had the clues that the PML[N] government had planned to bring an ordinance before tabling a bill in parliament to make NAB like ***Ehtesab Bureau of Saifur Rehman***. The displeasure the prime minister showed about the NAB indicated the he intended to curtail the powers of its chairman. Under Section 270 of Pakistan’s Constitution, the NAB chief is independent in administrative affairs and is not answerable to anyone. **Through amendment the Chairman NAB was being made answerable to the prime minister.**

**On 18<sup>th</sup> February 2016;** the Senate of Pakistan was told that consequent upon the PM’s threats to NAB, the NAB Chairman Qamar Zaman Ch had refused to see PM Sharif while a mutual meeting was scheduled on that day. Contrarily the media discussions made it open that a proposal was finally planned for an Ehtesab Commission under the supervision of a retired judge; lawyers and retired officers were also to be appointed in the proposed commission.

***The NAB was to be made bound to get prior permission from the Commission before arresting any political figure on corruption***

**charges.** The NAB would produce evidence and other relevant details before the commission to justify their request for arrest.

It was decided that political parties would be taken into confidence before implementing the proposal. Evidently, the PPP was already protesting against the anti-graft body while PTI had also gone on back foot as detailed earlier.

**VC OF BZU MULTAN ARRESTED:**

**On 16<sup>th</sup> September 2016;** the administration of Bahauddin Zakariya University [BZU] Multan issued a notification in connection with a meeting of the syndicate held a day before in which, it claimed, that the syndicate approved establishment of the sub-campus by the West Continental Group [WCG]. The notification contained:

*"The syndicate, in its meeting, reiterated its earlier decision of May 25-26, 2013, regarding the establishment of sub-campus at Lahore for the promotion of higher education; with WCG in the light of the direction issued by the government of Punjab vide Letter No SO (Univ) 6-7/2012-P on March 13, 2013.*

*The redrafting of agreement will be taken up by retired Justice Zafar Yasin (member syndicate) and Malik Rafique Rajwana (legal adviser BZU; later Governor Punjab) along with legal experts nominated by the vice chancellor."*

The issuance of the notification angered four members of the syndicate, namely Justice [rtd] Zafar Yasin, Dr Ashiq Durrani, Dr Jamil Anwar and Ms Farkhanda Mumtaz, who wrote a letter to the Governor Punjab, also the chancellor, and other authorities, mentioning that the syndicate, in its meeting held on 15<sup>th</sup> September, had not approved the BZU sub-campus at Lahore 'owned' by Munir Bhatti and others; adding that:

***"We are of the opinion that the sub-campus is illegal and unlawful whereas VC Prof Dr Kh Alqama gave an unlawful approval and under his unlawful orders, the registrar issued an unlawful notification, which comes under the definition of fraud and fabrication of documents and rules."***

The four members held that during the meeting, syndicate member Prof Dr Jamil Anwar, [HEC nominee] questioned the validity of the meeting as a stay order was issued by a local court in Lahore on 3rd September 2014 besides a direction was also issued by the Higher Education Department [HED] on 30<sup>th</sup> June 2014, restraining the BZU not to convene any meeting until finalisation of the inquiry ordered by the chief minister [Punjab] regarding misdeeds and misappropriation in the new campus.

The four members also held that:

***"The BZU registrar had assured the HED that no further step would be taken on the item of sub-campus.***

*The VC was asked to explain the position which he was unable to do as he had no proof. Upon this, **we walked out** of meeting and during our absence, the VC and members from the university could not proceed as the syndicate meeting became illegal due to quorum."*

That day the meeting had started with 10 members but later the above four members, along with Muhammad Ashraf [nominee of finance department], walked out of the meeting while breaking the quorum as presence of nine members was necessary to maintain the quorum. The walked-out syndicate members requested the chancellor to initiate an inquiry into the matter immediately.

Another member of BZU syndicate, Dr Shaukat Malik, also asked the university administration to consult with him for signature verification before notifying anything regarding the sub-campus, especially in connection with the syndicate meeting of 15<sup>th</sup> September 2015.

Farkhanda Mumtaz, a syndicate member, said that they had given written suggestions to the VC to resolve the issue of the Lahore sub-campus. A new formula was suggested to rescue the VC and to benefit the university but the university administration mishandled the matter.

Surprisingly, it was the second time university administration was claiming that the approval had been given by the syndicate in favour of the WCG to open a sub-campus in Lahore; the first approval by the syndicate was given on 25-26<sup>th</sup> May 2013, through a circulation among the members.

The university administration was claiming the campus was approved on the direction of Chief Minister Shahbaz Sharif in favour of the WCG [*using*

*the CM's reference was correct or wrong – never verified*], but the fact remained that the university administration had sent a letter on 19<sup>th</sup> February 2013, to the Punjab education minister requesting permission to allow the WCG to establish the sub-campus.

Also a fact that the BZU and WCG had signed an MoU much earlier under the Public-Private Partnership to establish a sub-campus at Lahore AND then an approval of the Government of Punjab was sought. Under Article 13 of Public Private Partnership Act 2012, the university administration was bound to hold proper competitive public tendering before going into any public private deal – which was never done.

**On 29<sup>th</sup> October 2015;** the National Accountability Bureau [NAB] arrested Syed Khuwaja Alqama, Ex- Vice Chancellor [VC] Bahauddin Zakariya University [BZU] Multan and Hamza Munir, Director Lahore Campus BZU, on the charges of misuse of authority & cheating public at large by opening an illegal Sub Campus of the university at Lahore; the action was taken by DG NAB Multan.

Syed Khuwaja Alqama, Malik Munir Hussain [Registrar] BZU, and Munir Bhatti & his son Hamza Munir who were jointly the proprietors of West Continental Group [WCG], opened a Sub Campus at Lahore in violation of University's rules & policies.

The accused, Ex-VC illegally signed the Deed of Agreement by exercising the emergency powers vested with his office whereas the power to enter into such an agreement had vested with the University Syndicate. He allegedly collaborated with the Registrar BZU Multan to issue the NOC to the M/s West Continental Group [WCG], without getting prior approval from the University Syndicate.

***The proprietors of the WCG, who were running the Sub Campus of BZU at Lahore, thus alleged of collecting approximately Rs:925 million as admission fees & other dues etc through cheating and fraud.***

**On 25<sup>th</sup> November 2015;** the Multan bench of Lahore High Court [LHC] rejected the bail plea of former BZU Registrar Malik Munir.

Munir had been nabbed by the Anti-Corruption Establishment in connection with the bogus appointment of 16 administrative officials at the varsity. A Special Anti-Corruption Court had remanded him in ACE custody for investigation. Munir's counsel had requested the court to accept his post-arrest bail petition and cancel the remand.

Justice Aslam Javed Minhas had summoned the case record from the ACE, seen it and rejected bail plea of the petitioner following the conclusion of arguments. The erstwhile BZU registrar was sent to jail on a 14-day judicial remand.

Scores of BZU students held demonstrations on Bosan Road Multan to protest against discriminatory attitude towards Dr Alqama. The students held placards and banners demanding his release; mainly urging:

***"The difference in treatment meted out to model Ayyan Ali and Dr Alqama, both awaiting trial, is a matter of shame for state institutions and all citizens.***

*VIP protocol is given to model Ayyan Ali when she appears in court, while Dr Alqama, one of the most respected instructors in the country, is treated like a common criminal."*

**On 2<sup>nd</sup> November 2016;** students of BZU Lahore campus ended their sit-in after the varsity's Multan VC ensured degrees would be awarded to those who had passed out from the Lahore campus. VC Dr Tahir Amin went to the protest site himself for giving the said assurance as the busy Canal Road of Lahore [*where the BZU's campus was located*] was blocked by the protesters.

Thereafter, the BZU admin notified students of its Lahore campus to get enrolled in the main Multan campus till 20<sup>th</sup> December 2016 as a result of assurances given by the government to safeguard students' future.

The decision carried approval of the university syndicate which had taken the decision in its meeting on 11<sup>th</sup> November 2016 in pursuance of the orders of the Lahore High Court. The advisory also stated:

*"The students will be enrolled in a semester of the continuing programme / degrees as determined by BZU based on the results submitted by each student.*

*Only those students will be considered for enrolment whose record has already been provided by [private] management of disputed BZU Lahore campus, under the **Court Order dated 31<sup>st</sup> August 2016.**"*

As per record provided in compliance of court order, the passed out students were also directed to get themselves enrolled till 20<sup>th</sup> December for onward processing of their special examination and award of degrees.

Meanwhile, some students of BS Technology and Doctor of Pharmacy were to be accommodated through the HEC and HED Punjab in relevant institutions of Lahore as per the information supplied by the nominee of HEC in the April 2016's meeting of the BZU, Multan Syndicate - as these programmes were not taught in the Multan campus.

There were again protests on Lahore's roads because the 1,200 students enrolled in the above two programmes were told by the BZU officials that they would be admitted to University of Engineering and Technology [UET] Lahore and University of Health Sciences [UHS]. On the other side, the UET and UHS had denied admissions to them.

**On 9<sup>th</sup> January 2017;** the Lahore High Court [LHC] directed the Punjab Advocate General to present the government's original summary for allowing the establishment of BZU sub-campus in Lahore. A full bench headed by Justice Mazahar Ali Akbar Naqvi issued these directions while hearing a petition filed by BZU students against the varsity administration after the Higher Education Commission [HEC] declared the campus illegal and forced its closure.

Justice Mazahar pointed out that neither the BZU's act of 1974 allowed a sub-campus nor had it been approved by its syndicate.

Dr Alqama, the then VC of BZU submitted that in 2011, the university faced a deficit of Rs:450 million in its annual budget and asked the government for a grant. The authorities refused the proposal, asking the varsity to generate funds on its own. He then studied cases of different universities and introduced this public-private partnership system. There were 11 sub-campuses of different universities in different cities then.

HEC Chairman Dr Mukhtar Ahmed contended different universities indeed had sub-campuses but the public-private partnership adopted by the BZU was different altogether. He pointed out that education had become an industry but franchises of the universities were not to be allowed like those of fast food chains.

Dr Mukhtar recalled he had written a letter to the BZU vice-chancellor when he was serving as the HEC Executive Director in 2014, highlighting the illegality of its sub-campus but nothing was done. The court asked for the records of different universities about sub-campuses. The judges also

ordered the West Continental Group [WCG], which used to run the BZU campus, to submit details of students, courses and financial benefits derived from the campus.

**On 19<sup>th</sup> January 2017;** the LHC sought the record of PML[N]'s Zaeem Qadri's appointment as the chief minister's Special Assistant on education, questioning the lawmaker's authority for approving the establishment of BZU sub-campus in Lahore back in 2013.

On that day, the LHC's full bench headed by Justice S Mazahar Ali Akbar Naqvi also asked the Punjab Advocate General to inform the court under what law Zaeem Qadri had signed the summary for approval of the BZU Multan sub-campus - the AGP had no answer. The judges asked the law officer to come up with the complete record of Zaeem's appointment as the CM's special assistant and his powers.

The court also asked the law officer to explain that why the names of people, who gave approval to the BZU sub-campus at Lahore, were not included in the NAB reference. The bench barred the NAB court from deciding the reference and directed the Punjab government to furnish the record of all varsities with sub-campus in the province.

**On 30<sup>th</sup> January 2017;** the Lahore High Court [LHC] summoned the NAB's Chairman and a Deputy Director who investigated the illegalities in the establishment of BZU Multan's sub-campus in Lahore.

Justice S Mazahar Ali Akbar Naqvi observed that ***students deposited their fee to the university but did not get a recognised degree.*** The BZU vice-chancellor also presented the complete record of the students enrolled at the Lahore sub-campus. No decision was announced as the bench put off the hearing till further.

**On 13<sup>th</sup> February 2017;** the LHC directed the BZU to issue, as an interim measure, degrees to students who passed their examinations at Lahore sub-campus. The court expressed dismay over the National Accountability Bureau [NAB] for preparing a weak reference on illegality committed in establishment of a sub-campus of Bahauddin Zakariya University of Multan at Lahore.

NAB Chairman Qamaruz Zaman, its Prosecutor General Waqar Qadeer Dar, Advocate General Punjab Shakilur Rehman and Minister Zaeem Qadri were present in the court to attend hearing of a set of petitions against illegal establishment of BZU's Lahore sub-campus and non-registration of the students . Responding to a court's query, the PG said eleven suspects

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involved in the scam were not arrested following a stay order issued by a single bench of the high court.

However, he failed to satisfy the bench as to whether the stay order was not challenged by the NAB.

The bench also directed the BZU management to ensure enrollment of the students without fail by next hearing. The university's registrar would be charged if the grievances of the students were not addresses, Justice Naqvi said. The judge directed the Advocate General to ensure compliance of the order and remove reservations of the students.