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Name = Malikah Haq

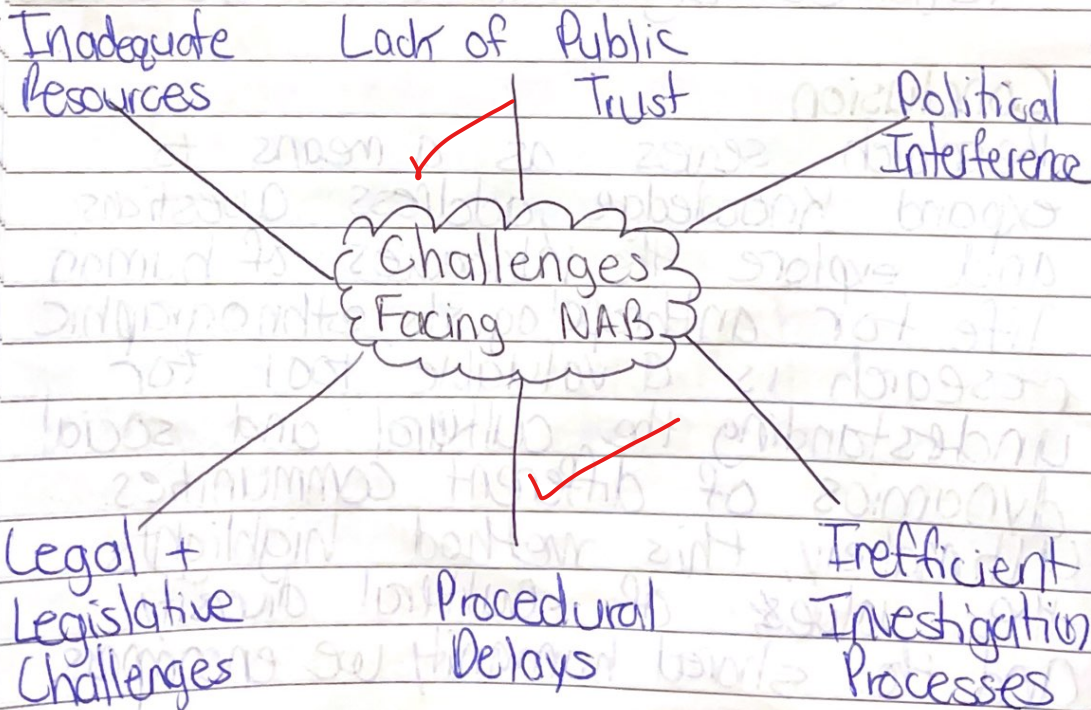
Subject = Criminology

Q.8)

Introduction

The National Accountability Bureau (NAB) of Pakistan is the country's apex anti-corruption institution, tasked with investigating and prosecuting corruption, economic crimes, and other financial irregularities. Despite its critical role, it faces significant challenges in handling high-profile corruption cases, such as political interference. Necessary reforms are needed to strengthen its capacity and credibility.

Challenges Faced by NAB



Date:

Sun Mon Tue Wed Thu Fri Sat

① Political Interference + Lack of Autonomy

→ successive governments have been accused of using NAB as a tool for political victimization rather than genuine accountability institution.

→ politicians often claim selective prosecution, alleging that cases against opposition leaders are expedited, while those against ruling party are delayed.

② Inefficient Investigation Processes + Lack of Expertise

→ high profile corruption cases often involve complex financial transactions, offshore accounts, and intricate schemes.

→ NAB frequently faces criticism for lacking technical expertise + modern tools:

E.g. In high profile Panama Case, NAB relied on external experts rather than developing own capabilities.

③ Procedural Delays + Weak Judicial Coordination

→ corruption cases often drag on for years due to procedural inefficiencies, adjournments, legal loopholes exploited by powerful defendants.

→ these delays allow accused

Date:

Sun Mon Tue Wed Thu Fri Sat

individuals to evade accountability
→ weakens NAB's effectiveness +
allows perception that individuals
can avoid justice

④ Lack of Public Trust + Perception of Bias

→ NAB often has been accused of bias,
w/ critics alleging that it targets
opposition leaders disproportionately while
ignoring cases against allies of
ruling party

E.g. In 2019, Supreme Court of Pakistan
highlighted NAB's "double standards"
in its judgements, noting that the
bureau was quick to arrest opposition
leaders while dragging its feet
in ruling party cases

⑤ Inadequate Resources + Overburdened Infrastructure

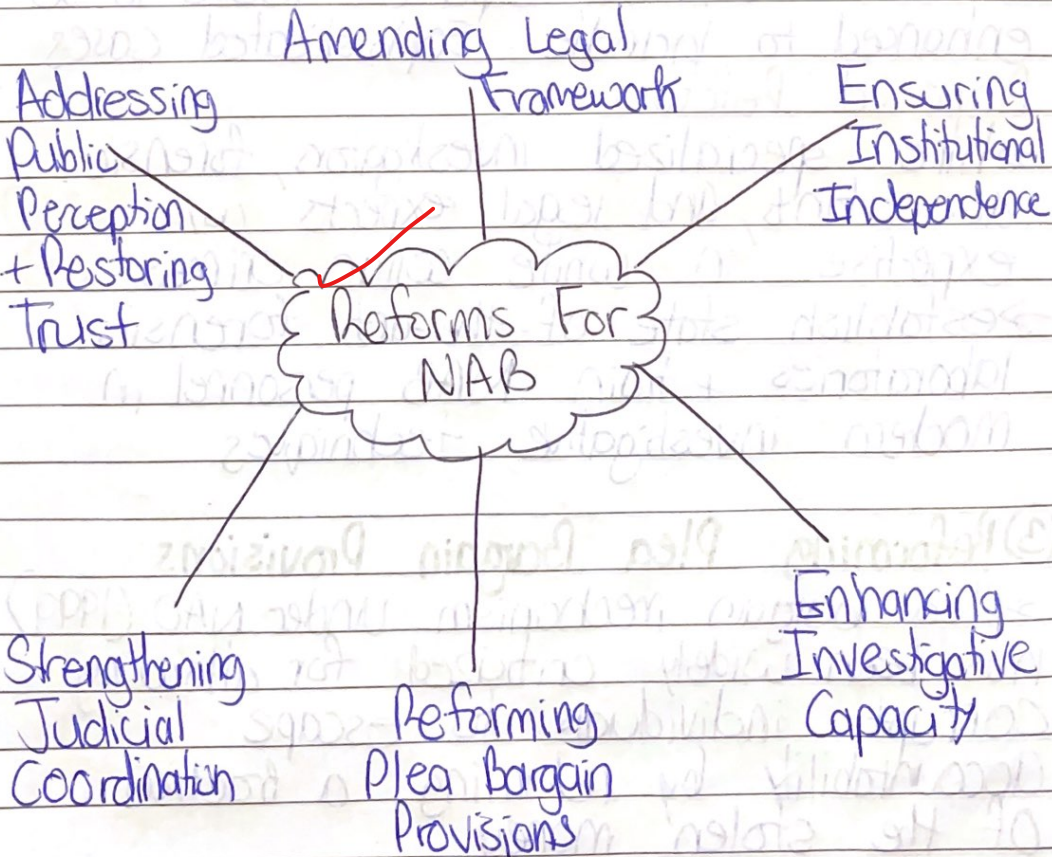
→ high profile corruption cases often
require extensive financial resources,
manpower, and technical equipment, which
are often available / insufficient
→ backlog of cases has grown significantly
in recent years, with thousands of
pending inquiries + investigations
→ resource limitations reduce
bureau's efficiency

⑥ Legal + Legislative Challenges

→ ambiguities in the National Accountability Ordinance (NAO) 1999 under which NAB operates, have led to frequent controversies + challenges in prosecuting high-profile corruption cases

→ critics argue that the law gives NAB excessive powers, which are sometimes misused, while also containing loopholes that defendants exploit

Reforms Needed to Enhance NAB's Effectiveness:



Date:.....

Sun Mon Tue Wed Thu Fri Sat

① Ensuring Institutional Independence

→ most pressing reform for NAB is to establish its operational + administrative independence

Proposed Reforms:

→ appoint NAB chairman through a bipartisan parliamentary committee rather than relying solely on PM / Leader of Opposition

→ shift administrative control of NAB from the executive branch to an independent accountability commission

② Enhancing Investigative Capacity + Expertise

→ NAB's technical expertise needs to be enhanced to handle sophisticated cases

Proposed Reforms:

→ hire specialized investigators, forensic accountants, and legal experts w/ expertise in white collar crimes

→ establish state-of-the-art forensic laboratories + train NAB personnel in modern investigative techniques

③ Reforming Plea Bargain Provisions

→ plea bargain mechanism under NAO (1999) has been widely criticized for allowing corrupt individuals to escape accountability by returning a fraction of the stolen money

Date:.....

Sun Mon Tue Wed Thu Fri Sat

Proposed Reforms:

→ revise the plea bargain provision to include stricter conditions, ~~set~~ such as mandatory imprisonment for offenders alongside the recovery of misappropriated funds

④ Strengthening Judicial Coordination and Streamlining Process

→ NAB must work in tandem w/ judiciary to expedite cases while ensuring due process + fairness

Proposed Reforms:

→ establish dedicated accountability courts w/ trained judges to handle corruption cases on a priority basis

⑤ Amending the Legal Framework for Greater Transparency + Accountability

→ NAO (1999), which governs NAB, requires amendments to address ambiguities

Proposed Reforms:

→ clearly define offenses under the NAA, to eliminate vagueness and ensure fairness in prosecutions

→ introduce safeguards to prevent arbitrary arrests and detentions, ensuring adherence to due process and human rights

Date:

Sun Mon Tue Wed Thu Fri Sat

⑥ Addressing Public Perception + Restoring Trust

→ NAB must address the widespread public perception of bias

Proposed Reforms:

→ implement a transparent case-selection process to ensure that investigations are merit-based and not politically motivated

→ Launch public awareness campaigns to educate citizens about NAB's role and mandate, reducing misinformation + fostering trust

Conclusion

The challenges faced by the NAB in prosecuting high-profile corruption cases highlight the pressing need for comprehensive reforms to enhance its independence, efficiency, and transparency.

By implementing reforms that ensure operational autonomy, judicial oversight, capacity building, and public accountability, the NAB can emerge as a robust institution capable of upholding the principles of justice + transparency in Pakistan.