

## Supreme Court reinstates NAB amendments, reverses earlier decision

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The Supreme Court has overturned a previous ruling that nullified amendments to the National Accountability Bureau (NAB) laws, granting intra-court appeals filed by the federal government and other affected parties. In its 5-0 ruling, the apex court incorporated an additional note by Justice Athar Minallah, stating that the federal government's appeal is not maintainable. However, he also noted that the intra-court appeals of private parties have been accepted for hearing. The Supreme Court, in a unanimous decision, approved the government's appeals regarding the NAB amendments and declared the amendments valid. The court reinstated the changes made to the NAB laws during the previous PDM-led government. The ruling also overturned the majority decision by former Chief Justice Umar Ata Bandial and retired Justice Ijazul Ahsan, which had nullified the amendments. The verdict on the intra-court appeals

challenging the nullification of the NAB amendments was reserved by a five-member larger bench of the Supreme Court on June 6. Justice Hasan Azhar Rizvi authored a separate additional note, further elaborating on the court's findings. A five-member larger bench, headed by Chief Justice of Pakistan (CJP) Qazi Faez Isa, and comprising Justice Aminuddin Khan, Justice Jamal Khan Mandokhail, Justice Athar Minallah, and Justice Hasan Azhar Rizvi, had earlier reserved the verdict on June 6 after five hearings. Today, the verdict was announced by CJP Isa, who read the final paragraph of the reserved verdict. On June 6, an apex court bench of five judges reserved its decision on the federal government's appeal challenging the September 15 ruling, which had declared changes to the National Accountability Ordinance (NAO) unlawful. SC's Justice Jamal Khan Mandokhail remarked that while NAB had been misused against elected officials in the past, it was up to political leaders, not the judiciary, to address this issue. Justice Athar Minallah emphasized that the amendments to NAB laws did not signal an end to corruption cases, as these would still be referred to the relevant courts as per existing laws. The court also expressed skepticism over a NAB report claiming a \$10 billion recovery in the Reko Diq case, pressing the additional prosecutor general to clarify whether this figure was truthful or misleading. In 2022, Pakistan's accountability laws were amended by the Pakistan Democratic Movement-led government. The changes to the National Accountability Ordinance (NAO) 1999 included reducing

the terms of the NAB chairman and prosecutor general to three years. They also limited NAB's authority to cases involving amounts over Rs500 million and transferred pending investigations and trials to other authorities. Imran Khan challenged these amendments in the Supreme Court, arguing that the changes were designed to benefit influential figures and legitimise corruption. His petition claimed that the amendments would scrap corruption cases against top officials, including the president, prime minister, chief ministers, and ministers, while offering convicted public office holders a chance to overturn their convictions. In September 2023, after 53 hearings, the Supreme Court delivered a 2-1 verdict. It restored corruption cases against public officials that were dismissed under the amendments and upheld the maintainability of Imran's plea. A month later, a five-judge Supreme Court bench began hearing intra-court appeals against its September 15 judgment. The court also halted accountability courts from issuing final rulings in graft cases. However, Chief Justice Qazi Faez Isa suggested the proceedings could be restarted if the counsel presented a strong case, as earlier proceedings didn't meet the standards of the Supreme Court (Practice and Procedure) Act 2023. On May 14, the court resumed hearing the appeals, with Imran Khan joining subsequent hearings via video link, following court orders, since he was a petitioner in the case.