

The Text of the National Reconciliation Ordinance (NRO): Promulgated by former president Pervez Musharraf

"Ordinance No. LX of 2007

AN ORDINANCE

to promote national reconciliation

WHEREAS it is expedient to promote national reconciliation, foster mutual trust and confidence amongst holders of public office and remove the vestiges of political vendetta and victimisation, to make the election process more transparent and to amend certain laws for that purpose and for matters connected therewith and ancillary thereto;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist where render it necessary to make immediate action:

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1.Short title and commencement.-

(1) This Ordinance may be called the National Reconciliation Ordinance, 2007. (2) It shall come into force at once.

2. Amendment of Section 494, Act V of 1898.- In Code of Criminals Procedure, 1898 (Act of 1898), section 494 shall be renumbered as sub-section (1) thereof and after sub-section (1) renumbered as aforesaid, the following new sub-sections (2) and (3) shall be added namely:-

"(2) Notwithstanding anything to the contrary in sub-section (1), the Federal Government or a Provincial Government may, before the judgement is pronounced by a trial court, withdraw from the prosecution of any person including an absconding accused who is found to be falsely involved for political reasons or through political victimisation in any case initiated between 1st day of January, 1986 to 12th day of October, 1999 and upto such withdrawal clause (a) and clause (b) of sub-section (1) shall apply.

(3) For the purposes of exercise of powers under sub-section

(2) the Federal Government and the Provincial Government may each constitute a Review Board to review the entire record of the case and furnish recommendations as to their withdrawal or otherwise.

(4) The Review Board in case of Federal Government shall be headed by a retired judge of the Supreme Court with Attorney General and Federal Law Secretary as its members

and in case of Provincial Government it shall be headed by a retired judge of the High Court with Advocate-General and / or Prosecutor-General and Provincial Law Secretary as its members.

(5) A Review Board undertaking review of a case may direct the Public Prosecutor or any other concerned authority to furnish to it the record of the case.

3. Amendment of section 39, Act LXXXV of 1976.- (1) In the Representation of the People Act, 1976 (LXXXV of 1976), in section 39, after sub-section (6), the following new sub-section (7) shall be added, namely:-

"(7) After consolidation of results the Returning Officer shall give to such contesting candidates and their election agents as are present during the consolidation proceedings, a copy of the result of the count notified to the commission immediately against proper receipt and shall also post a copy thereof to the other candidates and elections agents."

4. Amendment of section 18, Ordinance XVIII of 1999.- In the National Accountability Ordinance, 1999 (XVIII of 1999), hereinafter referred to as the said Ordinance, in section 18, in clause (e), for the full stop at the end of colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that no sitting member of Parliament or a Provincial Assembly shall be arrested without taking into consideration the recommendations of the Special Parliamentary Committee on Ethics referred to in clause (aa) or Special Committee of the Provincial Assembly on Ethics referred to in clause (aaa) of section 24, respectively."

5. Amendment of Section 24, Ordinance XVII of 1999.- In the said ordinance, in section 24.-

(i) In clause (a) for the full stop at the end of colon shall be substituted and thereafter the following shall be inserted, namely:-

"Provided that no sitting member of Parliament or a Assembly shall be arrested without taking consideration the recommendations of Special Parliamentary Committee on Ethics or Special Committee the Provincial Assembly on Ethics referred to in (aa) and (aaa), respectively, before which the material and evidence shall be placed by the, NAB."; and

(ii) after clause (a), amended as aforesaid, the following new clauses (aa) and (aaa) shall be inserted, namely:-

"(aa) The Special Parliamentary Committee on Ethics referred to in the proviso to clause (a) above shall consist of a Chairman who shall be member of either House of and eight members each from the National and Senate to be selected by the Speaker, Assembly

and Chairman Senate, respectively, on recommendations of Leader of the House and Leader of Opposition of their respective Houses, with equal from both sides. (aaa) The Special Committee of the Provincial Assembly on Ethics shall consist of a Chairman and eight members to be selected by the Speaker of the Provincial Assembly on the recommendations of Leader of the House and Leader of the Opposition, with equal representation from both sides."

6. Amendment of section 31A, Ordinance XVIII of 1999.- In the said Ordinance, in section 31A, in clause (a), for the full stop at the end of colon shall be substituted and thereafter the following new, clause (aa) shall be inserted, namely:-

"(aa) An order or judgement passed by the Court in absentia against an accused is void ab initio and shall not be acted upon."

7. Insertion of new section, Ordinance XVIII of 1999. In the said Ordinance, after section 33E, the following new section shall be inserted, namely:-

"33F. Withdrawal and termination of prolonged pending proceedings initiated prior to 12th October, 1999.- (A) anything contained in this Ordinance or other law for the time being in force, proceedings investigation or pending in any court including a Court and the Supreme Court of Pakistan initiated or on a reference by the National Accountability inside or outside Pakistan including proceedings under section 33, requests for mutual and civil party to proceedings initiated by Federal Government before the 12th day of October, against holders of public office stand withdrawn terminated with immediate effect and such holders of office shall also not be liable to any action in as well under this Ordinance for acts having been in good faith before the said date:

Provided that those proceedings shall not be withdrawn and terminated which related to cases registered in connection the cooperative societies and other financial and companies or in which no appeal, revision or petition has been filed against final judgement order of the Court or in which an appellate or revisional or an other in constitutional petition has become final in which voluntary return or plea bargain has been accepted the Chairman, National Accountability Bureau under section or recommendations of the Conciliation Committee have been by the Governor, State Bank of Pakistan under section.

(2) No action or claim by way of suit, prosecution, or other civil or criminal proceeding shall against the Federal, Provincial or Local Government, National Accountability Bureau or any of and functionaries for any act or thing done or to be done in good faith pursuant to the and termination of cases under sub-section (1) unless they have deliberately misused authority in violation of law."