

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CMA No. 1522/2015
IN
CP No. 226-L/2010
CMA 4366/2015
IN
CP 2133/2014 etc

Report by the Secretary, Law and
Justice Commission of Pakistan.

Manzoor Ahmed Ghauri

.....Petitioner

VERSUS

Chairman NAB and others

.....Respondents

Progress on Compliance Report Regarding Matter of M&E Framework

INDEX

Sr. No.	Description of documents	Dated	Pages
1.	Report	5-8-2015	1-4
2.	Affidavit	5-8-2015	5

Certified that the paper book as bound is complete and correct

Date: 5-8-2015

Mohammed Sarwar Khan,
Secretary
Law and Justice Commission of Pakistan

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National Accountability Bureau's (NAB) submission to the Supreme Court of Pakistan, **Progress on Compliance Report Regarding Matter of M&E Framework**, CMA No. 4709 dated 30 July 2015, was reviewed by the Law & Justice Commission of Pakistan (LJCP) and the following was observed:

As well as the said progress report, this review is informed by a presentation by NAB to the Secretary LJCP on 29 July 2015.

A. Value Chain Analysis (VCA) – Transforming Service Delivery

1. NAB's **Transforming the Value Chain into NAB** document rightly notes that the VCA's objective is "improving the performance quantitatively and qualitatively" and describes the NAB operational processes in terms of functions and activities. Its "value measurements" is essentially a grading system that assesses performance against whether an "activity is not completed within the time allocated" incorporating complexity of the case i.e. normal, complex or mega. As such it is a quantitative grading system that does not reflect any qualitative criteria.

2. As part of the VCA, NAB has submitted an **activity analysis** based on the current process in the form of a flow chart and a gantt chart that attaches a timeframe to each activity. **The activity analysis is a first step in a VCA that identifies the various activities involved in each function, which, in NAB's case, is defined and structured around standard operating procedures (SOP). The**

7. In view of the aforementioned, at the very best, **the M&E framework and evaluation indicators are 30 percent complete** in that a basic framework has been devised.

C. Upgrading Operational Software and Website

8. Significant and rapid work has been done to complete and implement the operational software that has improved NAB's capacity to track cases but crucially, the software is based on current operations, processes and SOPs rather than the improved and revised SOPs and systems based on the VCA as required by the Court. Hence, the operational software is complete only with respect to NAB's current systems and **needs to be improved in line with VCA output recommendations and the revised SOPs and systems**. On this basis, the operational software cannot be said to be complete, and it is accepted that automation of M&E framework may be 10 percent complete.

9. Websites are now integral part of service delivery, communications and engagement with stakeholders – they are not simply “good to have” additions. NAB has sought to improve its transparency in response to SCP's direction i.e. reporting mega cases, plea bargaining and voluntary return settlements but again, NAB needs to document and present to the Court transparency and integrity standards that will be integrated in their operational system/s through revised SOPs.

10. Accordingly, NAB's website needs to be revamped keeping in view stakeholders' information needs, transparency and integrity requirements. Revised SOPs must provide for the development of a bi-lingual English and Urdu languages website that tracks cases, ensures transparency and is an integrity tool, as well as providing critical performance information based on its M&E framework. **The website is an on-going activity but it may be linked to the revised operational software that is completed and its functionality and transparency accordingly enhanced.**

D. Documentation on Transparency, performance and integrity standards and checks evaluated

11. **The Documentation on Transparency, Performance and Integrity Standards and Checks Adopted for Evaluation** document outlines NAB's present “transparency” standards that need to be better documented based on improved systems. Similarly, the integrity standards section outlines the Internal Accountability Mechanism (IAM) that is based on “receipts of complaints from general public and violations of SOPs and observations of the Courts”. **The**

sufficiency and effectiveness of the SOPs and the IAM need to be assessed as part of the VCA exercise.

12. In view of the aforesaid, documentation cannot be said to be anywhere near 100 percent complete. Present documentation is based on NAB's current systems and not on the improved and revised systems based on the VCA review as envisaged by the SCP. Accordingly, **NAB must therefore submit revised SOPs for LJCP's evaluation.**

Date: 5-8-2015

**Mohammed Sarwar Khan,
Secretary
Law and Justice Commission of
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AFFIDAVIT OF THE FACTS

I, Mohammed Sarwar Khan, Secretary Law and Justice Commission of Pakistan take oath and state as under:

1. That the facts as stated in the report are true and correct to the best of my knowledge and belief;
2. That the report is based on the information provided by the National Accountability Bureau

Sworn at Islamabad 5th day of August 2015

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functions identified include (i) complaint registration, (ii) complaint verification, (iii) inquiry, (iv) investigation and (v) prosecution/trial.

3. The **value analysis** is the critical transformative part of this exercise that identifies what factors would improve operations with respect to a particular activity and overall service delivery. **Given that NAB's working is based on and structured around its SOPs, NAB needs to critically examine its SOPs against key value-related factors and checks including transparency and integrity to effectively improve its performance.** This part of the exercise has only just been initiated with a draft table submitted to LJCP on 2 August 2015. Factors identified by NAB as crucial for improving service delivery include time, cost and other factors that may hinder timely and cost-effective service delivery. As well as time, cost and human resource factors, **NAB needs to state what other factors are critical and need to be tracked to ensure fairness, transparency, integrity, impact and reliability in their operations.**

4. The **evaluation and planning** stage involves the formulation of a monitoring and evaluation framework that will track both the critical assumptions and the factors **based on revised SOPs**, and identify corrective measures to ensure that operations do not deviate from the critical path.

5. Presently, NAB's monitoring and evaluation expert is leading the VCA exercise who has documented the current operations (as indicated above) but NAB would do well to immediately engage a VCA expert who can competently conduct a **critical review** of NAB's SOPs and processes and expedite this exercise, which is foundational for the final step (as per paragraph 3 above). In view of the aforesaid, **the VCA exercise is at best 30 per cent complete – namely, the activity analysis.** As a next step, **NAB must submit in Court revised SOPs based on the VCA review.**

B. Development of Evaluation Indicators by DG(M&E)

6. The evaluation indicators submitted are based on the **current** processes that have been subject to Supreme Court of Pakistan observations. At the same, NAB's CI&MT has a quantitative evaluation system but again based on the current system that needs to be reviewed as part of the VCA exercise. Whilst the draft evaluation indicators submitted may be regarded as an essential first step in this exercise, **the final evaluation indicators must be based on revised SOPs and form a part of the evaluation and planning stage.**