



KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 4th December, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/12952.—The Khyber Pakhtunkhwa Appointment of Law Officers Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 25th November, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 1st December, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA APPOINTMENT OF LAW OFFICERS ACT, 2014

(KHYBER PAKHTUNKHWA ACT NO. XXXVII OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 4th December, 2014).

AN
ACT

*to provide for the appointment of Law Officers
in the Province of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to provide for the appointment of Law Officers in the Province of the Khyber Pakhtunkhwa and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:

- 1. Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Appointment of Law Officers Act, 2014.

(2) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Government" means the Government of the Khyber Pakhtunkhwa;
- (b) "High Court" means any High Court in Pakistan;
- (c) "Law Officer" means an Additional Advocate General, an Advocate-on-Record and an Assistant Advocate General appointed under this Act; and
- (d) "Supreme Court" means the Supreme Court of Pakistan.

3. Appointment of Law Officers.---(1) Government may appoint such number of Law Officers in the Province of the Khyber Pakhtunkhwa, as it may consider necessary, for conducting Government litigation in the Supreme Court, High Court, Federal Shariat Court, Services Tribunal, Khyber Pakhtunkhwa and in any other Court in the Province of the Khyber Pakhtunkhwa.

(2) A Law Officer appointed under sub-section (1), shall hold office during the pleasure of Government and may be removed from office at any time without notice.

(3) A Law Officer shall receive such pay and allowances as Government may determine.

4. Qualification of Law Officers.---(1) No person shall be qualified for appointment under sub-section (1) of section 3, unless:

- (a) in case of Additional Advocate General and Advocate-on-Record:
 - (i) he is a citizen of Khyber Pakhtunkhwa;
 - (ii) he is enrolled as an Advocate of Supreme Court or High Court and has for a period of not less than ten (10) years been an Advocate of the High Court; and
 - (iii) furnish a list of thirty (30) cases conducted by him in the Supreme Court or the High Court.
- (b) in case of Assistant Advocate General:
 - (i) he is a citizen of Khyber Pakhtunkhwa;
 - (ii) he has for a period of not less than seven (07) years been an Advocate of High Court; and
 - (iii) furnish a list of twenty (20) cases conducted by him in the High Court.

(2) No person shall be appointed as a Law Officer, if he is or has been a judge of the Supreme Court or the High Court.

(3) An Additional Advocate General or an Advocate-on-Record shall not hold office, if they attain the age of sixty-five (65) years and an Assistant Advocate General shall not hold office, if he attains the age of sixty-two (62) years, unless they sooner resign or are removed from office, as the case may be.

5. Resignation.---A Law Officer, may at any time by writing under his hand, submit his resignation to Government.

6. Condition for services.---(1) A Law Officer shall not engage in private practice so long as he holds the office of Law Officer.

(2) A Law Officer shall be liable to serve anywhere in the Province of the Khyber Pakhtunkhwa and may from time to time be deputed either at principal seat of the Peshawar High Court or that of the Supreme Court or Federal Shariat Court, Services Tribunal, or at the benches of these Courts.

(3) A Law Officer shall perform such functions and duties as may be assigned to him, and in the performance of such functions and duties, he shall be subject to the general supervision and control of the Advocate General, Khyber Pakhtunkhwa and Government.

(4) A Law Officer appointed under this Act, shall be assigned such criminal or civil work during vacations as the Advocate General, Khyber Pakhtunkhwa, may deem fit.

7. Ban on appointment of Legal Advisors.---After the commencement of this Act, no Legal Advisor or Special Council shall be appointed by Government for conducting Government litigation except in circumstances which is unavoidable and is necessary in the public interest.

8. Saving.---The Law Officers appointed before the commencement of this Act, shall be deemed to have been validly appointed and shall hold office till the pleasure of Government.

9. Law Officers to be deemed to be Public Prosecutor.---Notwithstanding anything contained in any other law for the time being in force, a Law Officer shall be deemed to be a Public Prosecutor and shall be competent to institute, file and conduct any proceeding including appeal and revision for and on behalf of Government before any Court or Tribunal including a Special Court constituted under any law for the time being in force.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa