

THE BALOCHISTAN PROVINCIAL LAW OFFICERS
(APPOINTMENT) RULES, 2015.

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'THE BALOCHISTAN PROVINCIAL LAW OFFICERS

' These rules have been issued by the Law and Parliamentary Affairs Department, Government of Balochistan vide its Notification No. 4-85/Admn/Law/Vol-III/8272-8316, dated 19" August, 2015; and published in the Balochistan Gazette

(APPOINTMENT) RULES, 2015

NOTIFICATION

[19" August, 2015]

No. 4-85/-Admn/Law/VOI-III/8272-8316. In exercise of the powers conferred by section 6 of the Balochistan Provincial Law Officers Ordinance, 2001! (Ordinance No. XX of 2001), the Government of Balochistan is pleased to make the following rules for regulating the appointments of Provincial Law Officers and prescribing terms and conditions for the persons

appointed as such, namely:—

1. Short title and commencement.— (1) These rules may be called the

Balochistan Provincial Law Officers (Appointment) Rules, 2015.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context,—

(a) "Advocate General" means the Advocate General Balochistan,

appointed under Article 140 of the Constitution of Islamic Republic of Pakistan, 1973; and the head of the attached Department as mentioned in column 4 of the Schedule II to the Balochistan Government Rules of Business, 20127;

(b) "Appointing Authority" means the Chief Minister Balochistan/Government;

(c) "Attached Department" means the office of the Advocate General

Balochistan as mentioned at S. No. 22 of the Schedule II to the Balochistan Government Rules of Business, 2012?;

(d) "Circuit Bench" means the Circuit Benches of the High Court and the Supreme Court;

(e) "Department" means the Law and Parliamentary Affairs Department, Government of Balochistan;

(f) "Government" means the Government of Balochistan;

(g) "High Court" means the Balochistan High Court;

(h) "Office" means the office of Advocate General Balochistan;

(Extraordinary) No. 139, dated 19" August, 2015.

' That is Balochistan Ordinance XX of 2001, published in the Balochistan Gazette (Extraordinary) No. 129, dated 9" September, 2001. Protected and declared continue in force by Article 270 AA of the Constitution of Pakistan (1973). Framed under Article 139 read with Article 129 of the Constitution of Pakistan (1973); and published in the Balochistan Gazette (Extraordinary) No. 115, dated 4" December, 2012.

(i) "Ordinance" means the Balochistan Provincial Law Officers Ordinance, 2001';

(G) "Provincial Law Officer" means and include the Additional Advocate General and the Assistant Advocate General in the office of Advocate General at the Principal seat of High Court or Supreme Court or at the seats of Circuit Benches;

(k) "Schedule" means the schedule I and II appended to these rules;-

(1) "Selection Committee" means the Selection Committee constituted under rule 9; and

(m) "Supreme Court" means the Supreme Court of Pakistan.

3. Appointment.— (1) All appointments to the post of Provincial Law

Officers i.e. Additional Advocate General or Assistant Advocate General shall be on contract basis and shall be made by the Government on the recommendation of the Selection

Committee constituted under rule 9.

(2) The Post shall be duly advertised in the leading newspaper.

4. Period of Appointment.— All the posts of Provincial Law Officers shall be

non-pensionable and shall be filled on contract basis initially for a period of one year and may be extendable on satisfactory performance, for a further period of two years and if not extended or terminated earlier will ipso facto cease to be continued. However, this period of

three years will be counted as a single term for further extension here under rules 5.

5. Renewal/Extension.— On the expiry of the contract period of appointment, the appointing authority may on the recommendations of the Department subject to the satisfactory performance of a Provincial Law Officers, may extend it for a further period of

three years or shorter:

Provided that the same shall in no case exceed to a maximum of three terms,

each consisting of a period of three years.

6. Eligibility — No person shall be appointed under rule 3, unless, he is a citizen of Pakistan and bona fide resident of Balochistan.

7. Age.— (1) No person shall be appointed under rule 3, unless,—

(a) in case of Additional Advocate General, he is less than forty five years or more than sixty-two years of age:

Provided that no appointment shall be made

or extension shall be given for a term during which
he attains the age of sixty-five years; and

¹ That is Balochistan Ordinance XX of 2001, published in the Balochistan Gazette (Extraordinary) No. 129, dated 9

September, 2001. Protected and declared continue in force by Article 270 AA of the Constitution of Pakistan (1973).

(b) In case of Assistant Advocate General, he is less than forty years or more than sixty years of age:

Provided that no appointment shall be made or extension shall be given for a term during which he attains the age of sixty-two years;

(2) Age shall be reckoned for appointment of a Provincial Law Officer, as on the day the Selection Committee recommends it for approval of the Competent Authority, while in all other cases of extension, as on the last date whereon his period of

contract expires.

8. Qualification.— No person shall be appointed under rule 3, unless,—

(a) in case of an Additional Advocate General, he possess the qualification as

provided in section 4 (a) of the Ordinance, and

(b) in case of Assistant Advocate General, he possesses the qualification as provided in section 4 (b) of the Ordinance.

9. Constitution of Selection Committee.— There Shall be a Committee to search and recommend suitable and efficient Advocates for appointment under these rules, to represent the Government, its Departments and officers and to defend the interest of Government in the High Court, Federal Shariat Court and Supreme Court etc, which shall

consist of the following members, namely:—

1. The Secretary, Government of Balochistan, Law Member/ Department, Chairperson.

2. The Secretary, Government of Balochistan, Finance Member. Department.

3. The Secretary, Government of Balochistan, Services and Member.

General Administration Department.

4. The Advocate General, Balochistan. Member.

5. The Additional/Deputy Secretary (Admn:), Law Member/ Department. Secretary.

10. Termination and resignation.— (1) — All persons appointed under

rule 3, sub-rule (1) shall hold office during the pleasure of the Government and shall be liable

to be removed from their office at any time before completion of their contact period.

(2) Save as otherwise provided hereunder in sub-rule (3) and subject to the provision of sub-rule (1) here above, the appointment of a Provincial Law Officer shall not be

terminated except by one month notice in writing or payment in lieu of such notice, of a sum

equivalent to the amount of his retainer-ship/ pay of that month or for the period which the notice fall short of one month i.e. thirty days.

(3) A Provincial Law Officer desiring to give up his services under the Government, shall be required to give one month notice in writing to the Government or to deposit a sum equivalent to the amount of his one month retainer-ship/pay with his resignation. However, he shall not be permitted to leave the service unless the Competent

Authority accepts his resignation which may be conveyed to him in writing.

Provided that if after the resignation and before its acceptance by Government he absents himself from duty he shall be liable to disciplinary action for misconduct.

11. Remuneration and Fee.— The Provincial Law Officers appointed under sub-tule (1) of rule 3, shall be paid such remuneration/as may be prescribed/specified in the Schedule and as may be determined by Government from time to time by means of

amendments in the Schedule by notification in the official Gazette.

12. Accommodation.— The Provincial Law Officers will be provided with an official residence up to the rent ceiling applicable to a Government Officer in basic pay scale 20, on payment of rent at the rate of 5% of the retainer-ship/pay. In case no official residence is provided, he will be entitled to house rent as admissible to a Government officer in basic pay scale 20.

13. Staffcar— Subject to availability, the Provincial Law Officer will be provided a

staff car for official use from the vehicles available in the office of Advocate General:

Provided that the Additional Advocate Generals according to their seniority, shall be given preference over the other Provincial Law Officers, for allotment of Staff car out of the lot available in the office:

Provided further that if no vehicle is available in the office for allotment the personal car of the Provincial Law Officer may be allowed to be used as his staff car with such ceiling of POL and maintenance expenditure as the Finance Department may sanction with approval of the Competent Authority.

14. Travelling and daily allowances. The Provincial Law Officers shall be eligible for TA/DA as admissible to other Government Officers of same pay scale under the Government Policies issued from time to time.

15. Leave.— The Provincial Law Officers shall be eligible for leave as admissible

to other government officers of same pay scale under the Government policies issued from time to time.

16. Medical benefits— The Provincial Law Officer shall be eligible for Medical Benefits as admissible to other Government officers of the same pay scale under the Government policies issued from time to time.

17. Functions and duties.— (1) The Provincial Law Officers shall perform such functions and duties as may be assigned to them by the Advocate General/ Government; and in the performance of such functions and duties they shall be subject to the general supervision and control of the Advocate General:
Provided that Department may also assign the duties in a Special Court in the High Court of the sister province or Tribunal constituted under any Law for the time being in force.

(2) The Provincial Law officers may be assigned such work during the vacations as the Advocate General may deem fit.

18. Liability to serve— All the Provincial Law Officers shall be liable to serve anywhere i.e. either at the principal seat of the High Court or Supreme Court or at the Circuit Benches, under the orders of the Advocate General issued with the prior approval of the Law Department as per requirements of the Courts.

19. Prohibition of private practice, trade business etc.— (1) The Provincial Law Officer shall be a whole time officer and shall not be allowed private practice, trade, business or employment of any whatsoever.

(2) At the time of his appointment if he is employed or engaged with any government, semi-government or private organization, local body, firm, company or any other institution, as legal advisor or counsel or any other capacity, he shall resign his such engagement/employment immediately before joining his new assignment as Provincial Law Officer.

20. Prohibition to take part in politics.— (1) The Provincial Law Officers shall not take part, subscribe in aid or assist in any way any political party or movement in Pakistan or shall take part in election of any legislative or local body.

(2) At the time of his appointment if he is a member of any legislative or local body, he shall resign from his membership immediately.

21. Prohibition to disclose information.— Save as may be required for the purpose of any case in which the Provincial Law Officers appears on behalf of Government, he shall not without the permission of the Advocate General or the Department communicate directly or indirectly to any person any document or information which has come into his knowledge or possession in the course of his duties.

22. Application of Conduct Rules.— The Balochistan Government Servants

(Conduct) Rules, 1979! shall apply to the Provincial Law officers.

23. General Rules.— In all matters not expressly provided for in these rules, the Provincial Law Officers shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them or otherwise as already prescribed by the Government.

24. Delegation.— Government may delegate all or any of its powers under these rules to any officer subordinate to it.

BY ORDER OF
GOVERNOR BALOCHISTAN

SECRETARY LAW

(See Schedule on next page)

' These rules were framed under Civil Servant Act, 1974 (Act IX of 1974); and published in the Balochistan Gazette (Extraordinary) No. 84, dated 29" July, 1979.

SCHEDULE - I
(See Rule 3 (2) and (11)

ADDITIONAL ADVOCATE GENERAL

Non-Practicing Allowance Rs. 50,000/- per month.

3. | Accommodation of House Rent Rs. 20,000/- per month if accommodation is not provided.

4. | Fee for all work before the Supreme | Rs. 6,000 per day.

Court of Pakistan

Fee in Criminal Case in High Court | Rs. 800/- per case per day.

6] Civil Work Rs. 600/- per case per appearance.

7. | Fee for Misc: work including Rs. 600/- per case per appearance.

written petition

Telephone (i) Office: No Limit;

(11) Residence: 1500 calls per month;

(iii) Cellular Phone: Rs. 3000/- per month.

Transport 1000cc Car for official use with 175 liters POL per month or in case of non availability of staff car a conveyance allowance of Rs. 10,000/- per month.

TA/ DA As admissible to Grade- 21 Officer.

Medical Facility As admissible to Grade- 21 Officer.

No Private Practice shall be allowed.

ASSISTANT ADVOCATE GENERAL

2. | Non-Practicing Allowance Rs. 75,000/- per month.

3. | Accommodation or House Rent Rs. 20,000/- per month if accommodation is not provided.

4. | Telephone (i) Office: No Limit;

(ii) Residence: 1000 calls per month;

(iii) | Cellular Phone: Rs. 2000/- per month.

5. | Transport 1000cc Car for official use with 150 liters POL per

month or in case of non availability of staff car a conveyance allowance of Rs. 10,000/- per month.

6] TA/ DA As admissible to Grade- 20 Officer.

Medical Facility As admissible to Grade- 20 Officer.

| 8] Private Practice | No Private Practice shall be allowed.