

THE KHYBER PAKHTUNKHWA APPOINTMENT OF LAW OFFICERS
ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. XXXVII OF 2014)

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3 Added by Khyber Pakhtunkhwa Act No. XL of 2020.

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 Khyber Pakhtunkhwa (Extraordinary), dated the 4 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) [The Law, Parliamentary Affairs and Human Rights Department with the approval of the Chief Minister] 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 [Chief Minister] and may be removed from office at any time without notice.

1 Substituted vide Khyber Pakhtunkhwa Act No. XL of 2020.

2 Substituted vide Khyber Pakhtunkhwa Act No. XL of 2020.

(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 ![deleted]:

(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.

*[(aa) in the case of an Advocate-on-Record:

(i) he is a citizen of Khyber Pakhtunkhwa;

(i1) he has for a period not less than five years been an Advocate of the Supreme Court; and

(iii) he has signed the Roll o Advocates-on-Record maintained by the Registrar Supreme Court under the Supreme Court Rules, 1980 and his name shall appear on the said Roll.]

(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 °[deleted] shall not hold office, if “[he] 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 *[the Chief Minister].

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

1 Deleted vide Khyber Pakhtunkhwa Act No. XXXVI of 2021.

2 Inserted vide Khyber Pakhtunkhwa Act No. XXXVI of 2021.

3 Deleted vide Khyber Pakhtunkhwa Act No. XXXVI of 2021.

4 Substituted vide Khyber Pakhtunkhwa Act No. XXXVI of 2021.

5 Substituted vide Khyber Pakhtunkhwa Act No. XL of 2020.

(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.

17. Appointment of legal advisors, legal consultants and legal counsel.---For conducting Government cases in the Supreme Court, High Court or Federal Shariat Court, an Administrative Department of Government, its attached Department and any other Government entity may appoint legal advisors, legal consultants, legal counsels or special counsels, as the case may be, in consultation with Law, Parliamentary Affairs and Human Rights Department in compelling circumstances where such appointment 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.

218A. Exclusion from service of Pakistan.---The service of a Law Officer, who is appointed or has been appointed under this Act earlier, shall be excluded from service of Pakistan.]

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 [for all intents and purposes] 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.

4110. Power to make rules.---Government may make rules for carrying out the purposes of this Act.]

1 Substituted vide Khyber Pakhtunkhwa Act No. XL of 2020.

2 Added vide Khyber Pakhtunkhwa Act No. X of 2024.

3 Inserted vide Khyber Pakhtunkhwa Act No. XL of 2020..

4 Added vide Khyber Pakhtunkhwa Act No. XL of 2020.