

AS
[TO BE INTRODUCED IN THE SENATE]

A
BILL

to provide a law for the appointment of Law Officers in the Islamabad Capital Territory and for matters connected therewith and ancillary thereto

WHEREAS it is expedient to provide a law for the appointment of the Law Officers and facilitating other matters related to their appointment in the Islamabad Capital Territory,

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Islamabad Capital Territory Law Officers Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) 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,-

(a) "**Government**" means the Federal Government;

(b) "**High Court**" means any High Court in Pakistan;

(c) "**Law Officer**" means an Additional Advocate General 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 Government may appoint such number of Law Officers in the Islamabad Capital Territory as it may consider necessary, for conducting Government litigation in the Supreme Court, High Court, Federal Shariat Court, Federal Service Tribunal and in any other Court in Islamabad Capital Territory.

(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 the 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:
 - (i) he is a citizen of Pakistan;
 - (ii) he is enrolled as an Advocate of Supreme Court or High Court and has for a period of not less than twelve years been an Advocate of the High Court;
 - (iii) furnish a list of twenty-five cases conducted by him in the Supreme Court or the High Court; and
 - (iv) he is registered voter member of the Islamabad Bar Council.
- (b) in case of Assistant Advocate General:
 - (i) he is a citizen of Pakistan;
 - (ii) he has for a period of not less than ten years been an Advocate of High Court;
 - (iii) furnish a list of twenty cases conducted by him in the High Court; and
 - (iv) he is registered voter member of the Islamabad Bar Council.

(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 shall not hold office, if he attains the age of sixty-five years and an Assistant Advocate General shall not hold office, if he attains the age of sixty-two years, unless they 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 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 in the Islamabad Capital Territory and may from time to time be deputed either at Islamabad High Court or that of the Supreme Court or Federal Shariat Court and Federal Service Tribunal.

(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 Islamabad Capital Territory and the Government.

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

7. Ban on appointment of Legal Advisors.- After the commencement of this Act, no Legal Advisor or Special counsel shall be appointed by the Government for conducting the litigation concerning the departments under administrative control of the Islamabad Capital Territory except in circumstances which are unavoidable and necessary in the public interest.

8. Powers to make Rules.- The Federal Government may, from time to time, make and amend Rules for the effective implementation and enforcement of the Act.

STATEMENT OF OBJECTS AND REASONS

The Islamabad Capital Territory has its own High Court and setup of the lower courts working under the Islamabad High Court. But there is no effective and sufficient law specifically dealing with the appointment of the law officers in the Islamabad Capital Territory. Hence, a law is immediately needed to deal with the issues related to the appointment of the law officers in the Islamabad Capital Territory.

SENATOR MUHAMMAD JAVED ABBASI
Member-in-Charge