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GOVERNMENT OF THE PUNJAB
LAW & PARLIAMENTARY AFFAIRS
DEPARTMENT

14th May 2011

From

Dr Syed Abul Hassan Najmee
Secretary
Law & Parliamentary Affairs Department
Government of the Punjab

To

1. Chairman,
P&D Board, Punjab
2. Senior Member, Board of Revenue,
Punjab
3. Additional Chief Secretary,
Government of the Punjab
4. Chairman,
CMIT, Punjab, Lahore
5. All Administrative Secretaries,
Government of the Punjab
6. Secretary,
Punjab Public Service Commission
7. All Heads of Statutory/Autonomous Bodies in the Punjab

Subject: **ENGAGEMENT OF LEGAL ADVISORS AND SPECIAL ADVOCATES
BY STATUTORY/AUTONOMOUS BODIES UNDER THE
ADMINISTRATIVE CONTROL OF THE GOVERNMENT OF THE
PUNJAB**

Sir,

I am directed to refer to the subject and to state that the Competent Authority has been pleased to direct that, till further orders, the following Instructions shall be strictly followed by all the statutory/autonomous bodies, companies and other institutions under the administrative control of the Government of the Punjab in matters relating to appointment, removal, fees/remuneration etc., standing Legal Advisors and Special Advocates.

INSTRUCTIONS

1. **Definitions.-** In these Instructions, unless the subject or context otherwise requires:

- a) "advocate" means an advocate as defined in the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973);

- b) "autonomous body" means and includes a body mentioned in column 4 of First Schedule of the Punjab Government Rules of Business 2011;
- c) "Government" means Government of the Punjab in the Law & Parliamentary Affairs Department;
- d) "legal advisor" means an Advocate appointed, on part-time basis, in accordance with these Instructions, and includes a senior legal advisor; and
- e) "special advocate" means a special advocate appointed for any particular case in accordance with these Instructions.

2. Qualifications for appointment. - (1) No person shall be appointed as Legal Advisor unless he is enrolled as an advocate of High Court and has been actively practicing as advocate for a period of not less than five years immediately before the last date fixed for the receipt of applications for appointment as a legal advisor.

(2) A senior legal advisor shall be an advocate of Supreme Court of Pakistan having at least twenty years active practice at the Bar.

(3) Notwithstanding anything in para (1), the Government, on a request from autonomous body, may revise the qualifications upward, if the circumstances in respect of any autonomous body so require.

3. Procedure for appointment.- (1) An autonomous body, for the purpose of engaging a legal advisor shall invite applications through advertisement in at least two national daily newspapers of wide circulation indicating requisite qualifications, minimum active practice as advocate as per para 2, the duties to be performed and the maximum remuneration offered.

(2) The autonomous body shall clearly indicate in the advertisement that a legal advisor may be offered appointment at a remuneration which may be lesser than the maximum remuneration offered in the advertisement.

(3) The candidates shall be advised to address their applications to the autonomous body.

 (4) The autonomous body shall forward to the Government all applications of the candidates along with a comparative statement and its recommendations.

(5) The recommendations received from the autonomous body shall be considered by a Selection Committee comprising the following:-

- (a) Minister for Law and Parliamentary Affairs (Chairperson);
- (b) Secretary to the Government, Law & Parliamentary Affairs Department;
- (c) Additional Secretary (Admn), Law & Parliamentary Affairs Department;
- (d) Representative of the Administrative Department not below the rank of Additional Secretary; and
- (e) Representative of the autonomous body, not below the rank of an officer of BS-19.

(6) The Government may, at any time, alter the constitution of the Selection Committee or increase or decrease the number of its members.

(7) The Selection Committee may co-opt any other member generally or for any particular meeting.

(8) Three members, including the chairperson, shall constitute the quorum for a meeting of the Selection Committee.

(9) The Government shall appoint the applicant(s) recommended by the Committee as Legal Advisor for the autonomous body concerned, on such terms and conditions as the Committee may fix.

4. Duties. - It shall be the duty of a legal advisor or an Advocate engaged by an autonomous body to tender legal advice to, and to appear in all types of legal proceedings on behalf of the autonomous body which has appointed or engaged him.

5. Remuneration. - (1) Subject to these Instructions, a legal advisor shall be paid such remuneration as the Government may fix by general or special order.

(2) Save as provided in para 8, the remuneration shall be fixed on monthly retainerhip fee or salary and shall not be paid on case to case basis.

 **6. Tenure.** - A legal advisor shall be appointed for two years, and subject to the procedure given in these Instructions, shall be eligible for reappointment.

7. Number of Legal Advisors.- (1) An autonomous body, on the basis of the work load, shall determine the number of legal advisors to be appointed, and shall submit its recommendations to the Government for approval. No change in the maximum number of legal advisors so approved shall be made, except with the prior approval, in writing, of the Government, and such approval may be granted if the work load and other relevant factors so justify in public interest.

(2) Where an autonomous body has more than one legal advisor, one of them shall be designated, with the approval of the Government, as senior legal advisor and the others shall work under his general supervision and instructions.

(3) If the circumstances of an autonomous body so require, it may, with the prior approval of Government, have separate legal advisors for High Court and Supreme Court cases.

8. Special Advocates.- (1) Ordinarily, all cases of an autonomous body in all courts shall be conducted through the standing Legal Advisor(s). However, if an autonomous body does not have adequate number of court cases justifying the appointment of a legal advisor, or if, as a rare exception, there is sufficient justification in view of the special nature, or circumstances of a case, an autonomous body may propose to engage a special advocate. The reference for the purpose shall:

- (a) contain cogent reasons and special circumstances justifying the engagement of a special advocate, and an explanation as to why, in the opinion of the autonomous body, the case cannot be handled by the standing Legal Advisor(s);
- (b) be accompanied by all the documents necessary for the examination of the case;
- (c) include a panel of three advocates, in order of priority, mentioning the lump sum fee proposed to be paid to each of them; and
- (d) a certificate that the funds for the purpose are readily available.

(2) The reference mentioned in para (1) shall be sent to the Law & Parliamentary Affairs Department well before time so that sufficient opportunity is available to take appropriate decision in the matter.

 (3) The Law & PA Department may, if the circumstances so justify, approve the engagement of a special advocate in a case on such fee as may be

determined by that Department. If the circumstances of a case so require, the said Department may obtain orders of the Chief Minister.

(4) No autonomous body shall engage a special advocate in anticipation of the approval in the prescribed manner.

(5) An engagement of a special advocate, except in the manner given above, shall be construed as 'misconduct' on the part of the person(s) responsible for it, and appropriate disciplinary proceedings under the relevant law shall be initiated. Notwithstanding any such action, the professional fee payable to such a special advocate shall be borne by the officer(s) concerned.

9. Vacation of office. - (1) The office of a legal advisor shall stand vacated on the expiry of the term for which he had been appointed.

(2) Notwithstanding anything contained in sub-para (1), the services of a legal advisor may, at any time, be dispensed with by the Government under intimation to the autonomous body concerned subject to one month's notice or payment of remuneration for the said period or a legal advisor may give up his appointment likewise.

10. Transition. - (1) The autonomous body shall initiate the process of appointment of a legal advisor under these Instructions at least one hundred and twenty days before the expiry of the tenure of the existing legal advisor(s) appointed under these Instructions, and shall forward its recommendations to the Government at least forty five days before the expiry of the tenure.

(2) Notwithstanding anything in clause (1), where a vacancy of a legal advisor occurs on the expiry of his tenure or otherwise, he may, subject to the prior approval of the Government, continue to serve the autonomous body or the Government may appoint another legal advisor, pending appointment of Legal Advisor through the procedure herein contained, for such period not exceeding six months, and on such terms and conditions as the Government may determine.

11. Submission of periodic statement.- An Autonomous body shall forward to the Government, after every quarter of a year, a statement showing the progress of the cases dealt with by a legal advisor or a special advocate. The statement shall also contain a summary of the performance of the legal advisor during the period.

 **12. Bar against appointment.**- No Autonomous body shall appoint a legal advisor or a special advocate save in accordance with these Instructions, and the

services of an existing legal advisor, if any appointed otherwise than in accordance with these Instructions, shall stand dispensed with on appointment of a legal advisor under these Instructions.

13. General supervision.- Government may issue further instructions or directions generally or to an autonomous body specifically on matters relating to the appointment, functions and duties of legal advisors in respect of a case or cases generally, or may call for information in connection therewith as it may deem appropriate. The autonomous body shall comply with such instructions or directions.

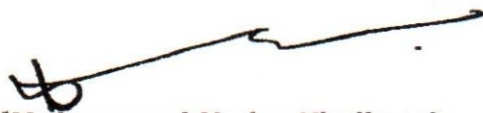
14. Residuary matters.- Any matter, not specifically provided for in these Instructions, shall be determined and regulated in such manner as the Government may determine.

15. These Instructions shall have effect subject to any law/rules governing the matter in respect of any autonomous body, and shall supersede all previous Instructions on the subject.

16. A schedule for the appointment of Legal Advisors in accordance with the above instructions, as approved by the Chief Minister, is Annexed.

17. These Instructions and the Schedule annexed may kindly be brought to the notice of all concerned for compliance in letter and spirit.

18. Kindly confirm to this department that the instructions have been conveyed to the concerned quarters.


(Muhammad Nader Khalique)
Deputy Secretary (Admn)

No and date Even:

A copy is forwarded for information and necessary action to:

1. Secretary to Chief Minister, Punjab.
2. Solicitor, Government of the Punjab
3. P.S to Minister for Law & PA, Punjab.
4. P.S to Chief Secretary, Government of the Punjab
5. P.Ss to Secretary (Services), Secretary (Regulation), Secretary (I&C), S&GAD.


(Muhammad Nader Khalique)
Deputy Secretary (Admn)
14.5.2011