

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights
Department

“Muzaffarabad”

Dated: 09.01.2015

No. LD/Legis-Act/1-14/2015. The following Act of Assembly received the assent of the President on the 6th day of January 2015, is hereby published for general information.

[Act I of 2015]

An
Act

to provide a law to regulate the terms and condition of law officers of Azad Jammu and Kashmir

Whereas, it is expedient to provide a comprehensive law for terms and conditions of Advocate General, Additional Advocate General and Assistant Advocate General for specific condition of Azad Jammu and Kashmir without parity with province of Punjab;

It is hereby enacted as follows:

- 1. Short title, Extent and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Law Officers (Terms and Conditions) Act, 2014.
(2) It shall come into force at once and shall be deemed to have taken effect from 8th April 2009.
(3) It shall be applicable to Advocate General, Additional Advocate General and Assistant Advocate General of Azad Jammu and Kashmir.
- 2. Definitions.**- In this Act, unless the context otherwise requires, the following terms and expression shall have the meaning respectively assigned to them, that is to say,-

- (a) "Advocate General" means the Advocate General for Azad Jammu and Kashmir;
- (b) "Additional Advocate General" means the Additional Advocate General for Azad Jammu and Kashmir;
- (c) "Assistant Advocate General" means the Assistant Advocate General for Azad Jammu and Kashmir;
- (d) "Constitution" means the Azad Jammu and Kashmir Interim Constitution Act, 1974;
- (e) "Government" means the Azad Government of the State of Jammu and Kashmir;
- (f) "High Court" means the High Court of Azad Jammu and Kashmir;
- (g) "Law Officers" means Advocate General, Additional Advocate General and Assistant Advocate General;
- (h) "Shariat Court" means the Shariat Court of Azad Jammu and Kashmir; and
- (i) "Supreme Court" means the Supreme Court of Azad Jammu and Kashmir.

3. Appointment of Law Officers- (1) Advocate General shall be appointed by the President in accordance with Section 20 of the Constitution.

(2) Additional Advocate General shall be appointed by the Government from amongst Advocates High Court having ten years of experience as an active practitioner:

Provided that Additional Advocate General already appointed shall be deemed to have been appointed under this Act.

(3) Assistant Advocate General shall be appointed by the Government from amongst Advocates High Court having five years of experience as an active practitioner:

Provided that Assistant Advocate General already appointed shall be deemed to have been appointed under this Act.

(4) No person shall be appointed as Additional Advocate General or Assistant Advocate General unless he is forty years and thirty five years of age respectively.

(5) No person shall be appointed as Law Officer unless he is a State Subject.

(6) The Law Officers shall hold their offices during the pleasure of the Government.

(7) The Advocate General may by writing under his hand address to the President resigns from his office.

(8) Additional Advocate General and Assistant Advocate General may by writing under their hands addressed to Government resign from their offices.

4. Qualification and Experience for Appointment.- (1)

No person shall be qualified for appointment as Additional Advocate General unless:-

- (i) he is not less than 40 years of age;
- (ii) he is enrolled as an Advocate of the Supreme Court or has for a period of not less than 10 years, being an Advocate of the High Court; and
- (iii) he has provided a list of at least 40 cases conducted by him in the Shariat Court, the High Court or the Supreme Court.

(2) No person shall be qualified for appointment of Assistant Advocate General unless:-

- (i) he is not less than 35 years of age;
- (ii) he is not less than 5 years been an Advocate of the High Court;
- (iii) he has provided a list of at least 20 cases conducted by him in the Shariat Court, High Court or the Supreme Court.

5. **Bar on Private Practice.**- The Law Officers shall be whole time Government servants and shall not be allowed private practice of any kind.

6. **Leave.**-The Law Officers shall be eligible for leave as follows:-

(a) leave on pay equivalent to full pay may be granted upto 1/11th of the period spent on duty as Law Officer:

Provided that leave of this kind shall not accumulate beyond four months;

(b) leave may be granted on medical certificate on pay equivalent to half, upto 2/11th of the period spent on duty as Law Officer subject to a maximum of three months at any one time;

(c) extra-ordinary leave may be granted without allowances subject to a maximum upto three months at any one time;

(d) leave of the various kinds may be granted in combination to a maximum of six months only at any one time;

(e) for the first two years of the appointment the Law Officer shall not be entitled to more than one month leave except on medical certificate in any other year.

7. **Pay, Allowances etc..**- (1) Notwithstanding any judgment of Supreme Court or High Court, or any other law for the time being enforce, pay, allowances etc., admissible to Law Officers shall be as follows:-

(a) Advocate General

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|------|--------------------------|----------------|
| i) | Retainership | Rs. 100,000/- |
| ii) | Non Practicing Allowance | Rs. 2,15,000/- |
| iii) | House Rent | Rs. 50,000/- |
| iv) | Transport | 1300cc car |

month	v)	Diesel/ Petrol	300 liters per
	vi)	Medical	As admissible to Secretary to Government
	vii)	Telephone	-do-
	viii)	DA/ TA	-do-
	(b)	Additional Advocate General	
	i)	Retainership	Rs. 55,000/-
	ii)	Non Practicing Allowance	Rs. 1, 00,000/-
	iii)	House Rent	Rs. 45,000/-
	iv)	Conveyance	1000cc car with POL 175 liters p.m.
	v)	Medical facilities to Officer	As admissible to Grade B-20
	vi)	Telephone	-do-
	vii)	DA/ TA	-do-
	(c)	Assistant Advocate General	
	i)	Salary	30,000/- p.m.
	ii)	Non Practicing Allowance	75,000/-p.m.
	iii)	House Rent	20,000/- p.m.
	iv)	Conveyance	1000cc car with POL 150 liter p.m.
	v)	Medical facilities to Officer	As admissible to Grade B-19
	vi)	Telephone	-do-
	vii)	DA/ TA	-do-

(2) A Law Officer appointed shall be deemed to have accepted the above terms and conditions including pay, allowances etc., and shall not be eligible for any enhancement or different terms and conditions.

(3) No fee shall be allowed to the Advocate General for opinion work of Government or for attending any proceeding of the Legislative Assembly of Azad Jammu and Kashmir.

(4) This pay package would be applicable from 01.07.2014.

(5) The dues of law officers from 01.11.2003 to 07.04.2009 shall be paid on availability of funds in due course of time.

8. Traveling Allowance.- (1) For the purposes of this Act, Azad Jammu and Kashmir Traveling Allowance Rules, 1971, or any other rule made thereafter shall be applicable to Law Officers.

(2) The Advocate General and Additional Advocate General shall be deemed to be an officer of Category I, and shall draw traveling mileage and daily allowance admissible to officer of that category:

Provided that they may use official vehicles subject to rule 8 and 11 of Azad Jammu and Kashmir Government Vehicles (Use and Maintenance) Rules, 1977.

9. Law Officers shall be deemed to be Public prosecutors.- Notwithstanding anything contained in any other law for the time being in force, Law Officers shall be deemed to be public prosecutors in term of Section 4(t) of Criminal Procedure Code, 1898 and shall be competent to institute, file and conduct any proceedings, including appeal and revision for and on behalf of the Government before any court or tribunal, including a special court constituted under any law.

10. Abolishment of parity with province of Punjab etc.- Notwithstanding any judgment of High Court or

Supreme Court or any law, order, notification, policy etc., in this behalf, there shall be no parity with province of Punjab for fixation of terms and conditions of Law Officers and any such existing parity shall be abolished forthwith.

- 11. Saving and validation.**- Notwithstanding any judgment, Order, proceeding etc., of Supreme Court or High Court, the terms and conditions provided by this Act shall be valid and be applicable for all persons who are or have been Law Officers of Azad Jammu and Kashmir.
- 12. Rules.**-Government may make rules to carry out the purpose of this Act.
- 13. Repeal.**- The Azad Jammu and Kashmir Law Officers (Terms and Conditions) Ordinance, 2014 (Ordinance XVI of 2014) is hereby repealed.

(Ch. Muhammad Nawaz)
Section Officer (Legislation)