

# THE PUNJAB LOCAL GOVERNMENT LEGAL ADVISORS RULES, 2003

*[29<sup>th</sup> July, 2003]*

<b>CONTENTS</b>
-----------------

1. **Short title, commencement**
2. **Definitions**
3. **Qualifications**
4. **Procedure for appointment**
5. **Duties**
6. **Remuneration**
7. **Tenure**
8. **Number of Legal Advisers**
9. **Vacation of office**
10. **Transition**
11. **Submission of periodic statement**
12. **Bar against appointments**
13. **General supervision**
14. **Savings**
15. **Repeal**

## THE PUNJAB LOCAL GOVERNMENT LEGAL ADVISORS RULES, 2003

[SOV(LG)1-4/2003]

[29<sup>th</sup> July, 2003]

**1. Short title and commencement.** - (1) These rules may be called the Punjab Local Governments (Legal Advisers) Rules, 2003.

(2) They shall come into force at once.

**2. Definitions.** - In these rules, 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) "Government" means Government of the Punjab in the Law & Parliamentary Affairs Department;
- (c) "Local Government" means a Local Government as defined in the Ordinance; and
- (d) "Ordinance" means the Punjab Local Government Ordinance 2001 (XIII of 2001).

**3. Qualifications.**- (1) A Legal Adviser shall be an Advocate who has been practicing as such for not less than five years immediately before the last date fixed for the receipt of applications for appointment as a Legal Adviser.

(2) A Senior Legal Adviser shall be an Advocate of Supreme Court of Pakistan having at least twenty years experience at the Bar.

**4. Procedure for appointment** - (1) A Local Government desirous of engaging a Legal Adviser on regular basis shall invite applications through advertisement at least in two National daily newspapers indicating the requisite qualifications, experience, standing of the advocate and the maximum remuneration offered:

Provided that it would be clearly indicated in the advertisement that a Legal Adviser may be appointed at a remuneration, which may be less than the remuneration offered: Provided further that where the remuneration to be paid does not exceed one thousand rupees, the advertisement may be dispensed with.

- (2) The candidates shall be advised to address their applications to the Local Government concerned and also forward a copy of the application along with annexure to Government.
- (3) The Local Government concerned shall forward to Government all applications of the candidates along with its recommendations.
- (4) The recommendations received from the Local Government concerned shall be considered by a Selection Committee comprising the following:-
  - (i) Law Minister Chairman
  - (ii) Secretary to Government of the Punjab,  
Law & Parliamentary Affairs Department, Member
  - (iii) representative of the Local Government &  
Rural Development Department who shall  
be an officer not below the rank of BPS-18; and Member
  - (iv) representative of the DCO: Member

Provided that Government may at any time alter the constitution of the committee or increase or decrease the number of its members.

- (5) The committee shall approve the name of the Advocate to be appointed as a Legal Adviser and the remuneration to be paid to him.
- (6) The Advocate approved by the committee shall be appointed by the Local Government concerned on the terms and conditions fixed by Government.

**5. Duties<sup>1</sup>.** – (1) It shall be the duty of a Legal Adviser or an Advocate engaged by a Local Government to tender legal advice to and to appear in legal proceedings on behalf of the Local Government which has appointed or engaged him as the case may be.

- (2) The Legal Advisor appointed or Advocate engaged shall not, without seeking prior approval of the Local Government concerned, make a statement before any court, tribunal or authority that may amount to admission, compromise, adjustment of claim or materially affect the case of the Local Government.
- (3) If a statement is made in violation of sub-rule (2), a Legal Advisor or an Advocate, as the case may be, shall be personally responsible to the Local Government concerned for any loss caused to it by such statement.
- (4) For this purpose, the Local Government concerned shall make a reference to the Secretary, Law & Parliamentary Affairs Department, Government of the Punjab, against the Legal Advisor or an Advocate, as the case may be.
- (5) On receipt of reference, unless rejected summarily, the Secretary, Law & Parliamentary Affairs Department, Government of the Punjab, shall appoint an enquiry officer to conduct the enquiry and submit his findings within thirty days including as to the loss, if any, caused to the Local Government by such statement and proposing the action to be taken against the delinquent Legal Advisor or an Advocate, as the case may be.
- (6) The Secretary Law & Parliamentary Affairs Department, Government of the Punjab, shall, after affording the Legal Advisor or an already retired and existing personnel of Local Councils Services constituted under Punjab Local Government Ordinance, 1979.

**6. Remuneration.** - (1) Subject to these rules, a Legal Adviser shall be paid such remuneration as may be fixed by Government.

(2) Save as provided in sub rule (4) of rule 8, the remuneration shall be fixed on monthly retainerhip fee or salary and shall not be on case to case basis.

**7. Tenure.** - A Legal Adviser shall be appointed for two years:

Provided that the same person may again be appointed as a Legal Adviser in accordance with these rules.

**8. Number of Legal Advisers.** - (1) except with the prior approval of the Government a Local Government shall not have more than one Legal Adviser.

- (2) Where a Local Government has more than one legal Adviser, one of them shall be designated, with the approval of the Government, as the Senior Legal Adviser and the others shall work under his instructions.
- (3) If the circumstances of a Local Government so require, it may, with the prior approval of Government, have separate Legal Advisers for High Court and Supreme Court cases.
- (4) If a Local Government does not have adequate number of court cases justifying the appointment of a Legal Adviser on regular basis, or if any case of importance requires the engagement of a Special Advocate, it may engage advocates on case

---

<sup>1</sup> [Rule (5) is amended on dated 27<sup>th</sup> July, 2005]

to case basis with the prior approval of Government and on such terms and fees as may be fixed by Government.

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

(2) Notwithstanding anything contained in sub-rule (1) the services of a Legal Adviser may, at any time, be dispensed with by Government under intimation to the Local Government concerned on service of one month's notice or payment of remuneration for the said period and a Legal Adviser may give up his appointment likewise.

**10. Transition.** - Where a vacancy of a Legal Adviser occurs on the expiry of his tenure or otherwise, he may, subject to the approval of Government continue to serve or the Government may appoint a Legal Advisor, pending appointment of Legal Adviser through the procedure herein contained, for such period and on such terms and conditions as may be determined by Government.

**11. Submission of periodic statement.** - A Local Government shall forward to Government, after every quarter of a year, a statement showing the progress of the cases dealt with by its Legal Advisors or Advocates engaged by it.

**12. Bar against appointments.** - No Local Government shall appoint a Legal Adviser or engage an Advocate save in accordance with these rules.

**13. General supervision.** - Government may issue instructions or directions generally or to a Local Government 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 instructions or directions shall be complied with by the Local Government concerned.

**14. Savings.** - Nothing in these rules shall apply to the appointment of a Civil Servant as a Legal Adviser in subject to the Punjab Civil Servants Rules for the time being in force.

**15. Repeal.** - On promulgation of these rules, (i) Punjab Local Councils (Legal Advisors) Rules, 1987 shall stand repealed.

Provided that the all actions taken in pursuance of Punjab Local Council (Legal Advisors) Rules, 1987 and not inconsistent with any provision of these rules or the Ordinance shall have effect, as if these were taken under these rules.