

HIGH COURT OF SINDH KARACHI

Email# pdajp@sindhhighcourt.gov.pk No 332 PD/ DLEC/PJDF/Correspondence

Dated: 30 November, 2023

From:

Project Director, Access to Justice Program
High Court of Sindh, Karachi

To:

All the Id. District & Sessions Judges,
in Sindh.

Sub: **AMENDMENTS IN DLECS RULES, 2011 AND AWARENESS
CAMPAIGN.**

Ref: Letter No. F.149198)/2005LJCP-Sindh/AJDF of LJCP, dated 20.11.2023.

Apropos the above subject, please find enclosed herewith a copy of referred letter alongwith copy of amended DLEC Rules as well as IEC's material received from LJCP, Islamabad with a request to share it with all stakeholders and to disseminate and display such material in court premises as well as on official website of your respective districts, to make ~~sure~~ general public aware about DLEC forum and access free legal aid therefrom.

30-11-2023
(SADAF ASIF)
Project Director

✓ Copy is forwarded to:

The Director, I.T. of this Court with the request to display the amended DLEC rules and relevant material on official website of this Court.

PH: 051-9207256
Fax: 051-9214797



F.14(198)/2005/LJCP-Sindh/AJDF
Law and Justice Commission of Pakistan
Supreme Court Building
Islamabad
www.ljcp.gov.pk

INWARD TO 9452
BRANCH 140
DATE 28/11/2023
HIGH COURT OF SINDH AT KARACHI

20th Novemebr, 2023

SUBJECT: AMENDMENTS IN DLECS RULES, 2011 AND AWARENESS CAMAPAIGN.

Dear Sir,

I am directed to inform that on the recommendations of the Governing Body, Access to Justice Development Fund (AJDF), the Law and Justice Commission of Pakistan (LJCP) in its meeting held on 11th August 2023 has increased the professional fee of legal practitioners to be appointed for free legal aid from Rs. 20,000/- to Rs. 40,000/- depending upon the nature of case. The Commission has also revised the eligibility criteria of legal practitioners from 05 years to 03 years standing at Bar and decided that list of legal practitioners shall be maintained in consultation with the President District Bar Association for period of 02 years. Accordingly, the DLEC Rules, 2011 are amended and notified. Copy of amended DLEC Rules is attached for ready reference. It would be highly appreciated, if the referred amendments may be shared with all the District & Sessions Judges/ Chairmen DLEC and other relevant stakeholders for their information.

02. It is pertinent to mention here that while reviewing performance of the DLECs, it has been observed that optimum benefit of this unique forum is not being achieved for want of awareness amongst the masses and even the relevant stakeholders are unaware about the existence of such committees at district level and their mandate.

03. I am directed to enclose herewith IEC material developed by the LJCP Secretariat that briefly highlights the mandate, functions, procedure and eligibility for getting free legal aid with request to disseminate and display in court premises and on official website informing the citizens about this forum and advising them how to access free legal aid.

04. Matter being important needs your personal attention.

With regards,

Encl: As above.

Yours sincerely


(Nasrullah Khan)
Joint Secretary

DISTRICT LEGAL EMPOWERMENT COMMITTEES (CONSTITUTION & FUNCTIONS) RULES, 2011

1. Short title and commencement. – (i) These Rules may be called the District Legal Empowerment Committees (Constitution & Functions) Rules, 2011.

(ii) They shall come into force at once.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context, -

(a) “Chairperson” means Chairperson of the District Legal Empowerment Committee;

(b) “Committee” means the District Legal Empowerment Committee constituted to administer and manage funds for the purpose of provision of legal aid to the deserving litigants;

(c) “Deserving Litigant” means a litigant who might otherwise be unable to obtain legal aid or assistance for protecting his genuine legal rights or interests, involved in litigation, on account of his limited financial resources.

(d) “District Legal Empowerment Fund” means an amount allocated for District Legal Empowerment Committee from the Legal Empowerment Fund Window of Access to Justice Development Fund or other grants or donations made by the Federal Government, Provincial Government or a Local Government.

(e) “Legal aid” means free legal aid or assistance extended to a deserving litigant by the Committee in areas hereinafter prescribed:

(f) “Member” means member of the District Legal Empowerment Committee.

3. Establishment of the Committee.- The Committee shall be constituted by the Law and Justice Commission of Pakistan with the concurrence of the concerned High Court and the Provincial Government.

4. Composition of Committee. – (i) The composition of the Committee shall be as under:-

(a) District & Sessions Judge / Zilla Qazi as ex-Officio chairperson;

(b) District Co-ordination Officer / Deputy Commissioner / Political Agent, member ex-officio.

(c) Superintendent, District / Central Jail, member ex-officio;

(d) President, District Bar Association, member ex-officio; and

(e) A Representative of the Civil Society as co-opted member of the Committee.

(ii) The co-opted member shall be selected by the Committee, for a period of three years but shall be eligible for re-appointment for another term.

(iii) The co-opted member shall hold the office during the pleasure of the Committee and can be removed earlier by majority of its members.

(iv) The co-opted member may resign from his office by writing under his hand addressed to the Chairperson.

(v) The Committee may designate any of its members as Secretary to the Committee who shall act and perform such functions as may be assigned to him by the Committee.

5. Functions of the Committee.- (i) Subject to the provisions of any other law for the time being in force, the Committee shall extend funds for provision of legal aid to the deserving litigants.

(ii) Without prejudice to the generality of the provisions of sub-rule (i) of the Rule 4, the legal aid may be extended in following areas:-

(a) Professional fee / honorarium payable to lawyer;

(b) Court fee;

(c) Copying charges;

(d) Process fee; and

(e) Any other area which the Committee may deem appropriate in a particular case, for extending legal aid to the deserving litigant.

6. Meetings of the Committee. - (i) The Committee shall hold its meeting at least once in a month to consider applications of the deserving litigants for grant of legal aid for pursuing their cases in the Courts, however, it may hold special meetings in view of any such application warranting urgent disposal.

(ii) Presence of 50% members including chairperson shall constitute the quorum for a meeting.

(iii) All decisions of the Committee shall be expressed in terms of opinion of the majority of its members.

(iv) The Committee shall report its performance together with its recommendations, if any, to the Commission through High Court, within seven days of each meeting.

7. Procedure for Grant of Legal Aid. - (i) Any deserving litigant shall submit requests in writing on a plain paper addressed to the Chairperson or in a manner prescribed by the Committee. The application must clearly contain the request for payment as prescribed by Rule 5 (ii) to plead his case before the Court. The applications must be accompanied by National Identity Card or any other document of identity.

(ii) The Superintendent District Jail may also forward applications of the under trial or convicted prisoners, or any person confined in jail in relation to civil proceedings after necessary verification that the applicant is a deserving litigant.

(iii) The Committee may also consider cases referred by any Court for provision of legal aid to the person whose case is pending before such Court.

(iv) Office of the Chairperson shall register the applications in the relevant register with brief particulars and by assigning Diary No. The applications so registered shall be placed before the Chairperson who if thinks appropriate may refer the same to any other person for verification and report qua financial position of the applicant.

(v) The application shall be examined by the Committee in its monthly or special meeting, as the case may be, which shall determine the eligibility or otherwise of applicant for grant of legal aid, the manner, nature and extent of such aid:

Provided that a person shall not be entitled to legal aid, for whom an advocate or public prosecutor or government pleader has already been appointed in the same case, under any other law for the time being in force.

(vi) The decision of the Committee shall be final; however, this shall not debar the applicant litigant to apply again after furnishing sufficient proof that his financial condition has been weakened to bear the expenses of litigation.

8. Selection of Legal Practitioner. – (i) The Committee in consultation with President, District Bar Association shall maintain a list of legal practitioners to be appointed for the purpose¹.

(i-A) The list of legal practitioners shall be notified for a period of 02 years.²

(ii) A legal practitioner having at least [three]³ years standing at the Bar would be eligible for appointment.

(iii) The Committee shall determine the fee of the legal practitioner and it may vary from case to case however, it shall not be more than [Rs.40,000/-]⁴ in any circumstances for a case.

(iv) If the Committee is satisfied that performance of the lawyer appointed for the purpose is not satisfactory, may substitute him with another lawyer and delete his name from the list.

(v) The Committee shall examine the performance of each legal practitioner on annual basis and may amend the list on the basis of their efficiency and output.

9. Management and Accounts of the Fund. – (i) The District Legal Empowerment Fund shall be operated through an account to be opened in a branch of an authorized bank, which shall be operated by the Chairperson.

(ii) The Accountant of the District Court shall maintain all records of the District Legal Empowerment Fund including books of account, cash book, ledgers, cheques and other record.

(iii) The Accountant shall submit the accounts of the District Legal Empowerment Fund in the manner and form specified by the Committee and shall lay a statement of funds transferred from the Law and Justice Commission of Pakistan and or any other source and also maintain statements of expenditures and releases.

¹ The words "Vice Chairman, Provincial Bar Council," and "and approval of the Chief Justice of High Court" have been omitted vide Notification No. 14/198/2005/LJC-AI dated 12th October, 2023.

² A new sub-rule 8 (i-A) is inserted vide Notification No. 14/198/2005/LJC-AI dated 12th October, 2023.

³ The word "five" has been substituted by "three" vide Notification No. 14/198/2005/LJC-AI dated 12th October, 2023.

⁴ The figure "20,000/-" has been substituted by "40,000/-" vide Notification No. 14/198/2005/LJC-AI dated 12th October, 2023.

(iv) The Committee shall submit half yearly and annual audited accounts of the District Legal Empowerment Fund to the Commission through High Court.

(v) All payments shall be made through cross cheques under the signature of the Chairperson subject to decision of the Committee.

(vi) The Committee shall release funds in favour of legal practitioner in two installments; first installment shall be paid at the time of assigning the case while the final installment shall be paid after verification of the fate of the case.

(vii) The Committee after receiving copy of final order with regard to the case assigned to a legal advisor may also call report from the concerned Court for the purpose of verification of disposal of the case.

(viii) The internal audit of the District Legal Empowerment Fund shall be conducted annually in accordance with the relevant laws, rules or bylaws of the Provincial Government.

(ix) The internal audit report shall be communicated to the Commission through High Court.

10. Relaxation of Rules. – The Chairperson may, for the reasons to be recorded in writing relax strict application of any rule in appropriate cases.

11. Interpretation of Rules. – Any question relating to the interpretation of these rules shall be decided by the Chairperson.

مفت قانونی امداد



قانون و انصاف کمیشن آف پاکستان

ہر وہ شخص ہے جو محدود مالی وسائل کی بنا پر اپنے قانونی حقوق کا دفاع نہ کر سکے مفت قانونی امداد کا حقدار ہے۔
غریب سائلین بلا تفریق اپنے فوجداری، دیوانی اور عائلی مقدمات کی پیروی کے لیے درج ذیل سہولیات حاصل کر سکتے ہیں۔

(۱) وکیل کی فیس (۲) کورٹ فیس (۳) نقول کے اخراجات (۴) اخراجات برائے سمناٹ (طلبی) وغیرہ (۵) دیگر اخراجات جو مقدمہ کی نوعیت اور حقائق کو مد نظر رکھتے ہوئے مناسب سمجھے جائیں۔

طریقہ کار

(۱) مستحق شخص سادہ کاغذ پر مقدمے کی تفصیل، اپنے کوائف یعنی نام، ولدیت، پتہ، فون نمبر وغیرہ درخواست کی صورت میں ڈسٹرکٹ اینڈ سیشن جج کو ارسال کر سکتا ہے۔

(۲) سزایافتہ یا زیر سماعت قیدی بھی اپنی درخواست بذریعہ سپرنٹنڈنٹ جیل ڈسٹرکٹ اینڈ سیشن جج کو ارسال کر سکتا ہے۔

(۳) موصول شدہ درخواست پر کمیٹی غور کرے گی اور کوائف کی جانچ پڑتال کے بعد مستحق شخص کو مفت قانونی امداد فراہم کی جائے گی۔

ضلعی کمیٹی برائے قانونی امداد (District Legal Empowerment Committee)

انصاف تک رسائی کو ممکن بنانے کے لیے قانون و انصاف کمیشن پاکستان نے ملک بھر میں ضلعی سطح پر 129 کمیٹیاں قائم کیں ہیں۔ جن کی سربراہی ڈسٹرکٹ اینڈ سیشن جج کرتے ہیں۔ جبکہ ڈپٹی کمشنر، سپرنٹنڈنٹ جیل، بار ایسوسی ایشن اور سول سوسائٹی کے نمائندگان اس کمیٹی کے رکن ہیں۔

رابطہ

اپنے فوجداری، دیوانی یا عائلی مقدمے میں مفت قانونی امداد کے لیے ڈسٹرکٹ اینڈ سیشن جج، چیئرمین ضلعی کمیٹی برائے قانونی امداد سے رابطہ کریں۔

مزید معلومات کے لیے قانون و انصاف کمیشن، پاکستان کی ویب سائٹ ملاحظہ کریں www.ljcp.gov.pk

ہماری ترجیح: حصول انصاف کو یقینی بنانا

مفت قانونی امداد



قانون و انصاف کمیشن آف پاکستان



قانون و انصاف کمیشن آف پاکستان

سپریم کورٹ بلڈنگ، شاہراہ دستور

G-5/2، اسلام آباد۔

051-9209412, ljcp@ljcp.gov.pk

سالانہ بنیاد پر وکلاء کی کارکردگی کا جائزہ لیتے ہوئے وکلاء کی فہرست میں
ترمیم بھی کر سکتی ہے۔

عوامی آگاہی مہم

ضلعی کمیٹی برائے مفت قانونی امداد کا قیام انصاف تک رسائی ممکن
بنانے کی جانب ایک اہم سنگ میل ہے۔ اس اقدام سے فائدہ
اٹھانے کے لیے لازم ہے کہ عوام کو اس بارے میں آگاہی فراہم کی
جائے تاکہ وہ اپنے حقوق کے تحفظ کے لیے ان سے رجوع کر سکے۔
مزید معلومات کے لیے متعلقہ ضلعی کمیٹی برائے قانونی امداد یا
قانون و انصاف کمیشن آف پاکستان سے رابطہ کریں۔

ہماری ترجیح : حصول انصاف کو یقینی بنانا

ڈسٹرکٹ سپرنٹنڈنٹ جیل بھی ایسے نادار قیدی (زیر سماعت یا سزا یافتہ) جو مالی وسائل میسر نہ ہونے کی وجہ سے اپنے مقدمات میں دفاع کے لیے وکلاء کی خدمات حاصل نہیں کر سکتے کی درخواستیں مفت قانونی امداد کے لیے کمیٹی کو بھیجا سکتا ہے۔ اس کے علاوہ کوئی عدالت بھی از خود کسی زیر سماعت مقدمے میں مستحق فرد کی مفت قانونی امداد کے لیے کمیٹی سے استدعا کر سکتی ہے۔

قانونی معاونت کے لیے وکلاء کی تقرری:-

کمیٹی درخواست کی جانچ پڑتال اور درخواست دہندہ کی مالی حیثیت کے تعین کے بعد مفت قانونی امداد کی فراہمی کے لیے منظم شدہ فہرست سے وکیل مقرر کرے گی کمیٹی مقدمے کی نوعیت کو دیکھتے ہوئے اگر مناسب سمجھے تو دیگر عدالتی اخراجات کی ادائیگی بھی کر سکتی ہے۔

وکلاء کی کارکردگی کا جائزہ:-

کمیٹی مقرر کردہ وکیل کی کارکردگی کا جائزہ لینے کی مجاز ہے اور ناقص کارکردگی کی صورت میں دوسرے وکیل کا تقرر کر سکتی ہے۔ کمیٹی

مفت قانونی امداد کا حقدار:

ہر وہ شخص جو محدود مالی وسائل کی وجہ سے اپنے قانونی حقوق کا دفاع نہ کر سکے مفت قانونی امداد کا حقدار ہے۔ مفت قانونی امداد فوجداری، دیوانی اور عائلی مقدمات میں دی جاتی ہے۔

مفت قانونی امداد کی نوعیت:

مفت قانونی امداد، وکیل کی فیس، کورٹ فیس، نقول کے اخراجات، پراسیس فیس یا کسی دیگر مد میں جو انصاف کے حصول میں معاون ثابت ہو، کی صورت میں حاصل کی جاسکتی ہے۔ جیل میں مقید ملزمان (زیر سماعت یا سز یافتہ) بھی اس سہولت سے مستفید ہو سکتے ہیں۔

مفت قانونی امداد کے حصول کا طریقہ:-

مستحق شخص سادہ کاغذ پر مفت قانونی امداد کیلئے متعلقہ ڈسٹرکٹ اینڈ سیشن جج کو درخواست دے سکتا ہے۔ درخواست کے ہمراہ صرف شناختی کارڈ کی نقل یا کوئی اور شناختی دستاویز ناگزیروری ہے۔

مفت قانونی امداد

انصاف تک رسائی ہر شخص کا بنیادی حق ہے اور اس کے حصول کو ممکن بنانا حکومت کی اولین ذمہ داری ہے۔ بعض افراد مفلسی اور مالی وسائل کی کمی کے باعث اپنے حقوق یا مقدمات کا دفاع کرنے کی استعداد نہیں رکھتے لہذا ایسے افراد کی انصاف تک رسائی اور مفت قانونی امداد کیلئے قانون و انصاف کمیشن پاکستان نے ملک کے ۱۲۹ اضلاع میں ضلعی کمیٹیاں برائے قانونی امداد قائم کیں ہیں۔

ضلعی کمیٹی برائے قانونی امداد۔

کمیٹی کی سربراہی ڈسٹرکٹ اینڈ سیشن جج / ضلع قاضی صاحب کرتے ہیں جبکہ اس کے ممبران میں ڈپٹی کمشنر / پولیٹیکل ایجنٹ، سپرنٹنڈنٹ ضلعی جیل، صدر ڈسٹرکٹ بار ایسوسی ایشن اور سول سوسائٹی کا نمائندہ شامل ہیں۔