

Access to Justice Development Fund Rules, 2002

Law and Justice Commission of Pakistan

Islamabad, the 31st December 2002

S.R.O. 980 (I)/2002. –In exercise of powers conferred by sub-section (1) of section 9 of the Law and Justice Commission of Pakistan Ordinance, 1979 (XIV of 1979) the Law and Justice Commission of Pakistan is pleased to make the following rules for administering and managing the Access to Justice Development Fund.-

1. **Short title and commencement.-** (i) These Rules may be called the Access to Justice Development Fund Rules, 2002.

(ii) They shall come into force at once.

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

- (a) 'Advisor' means an investment advisor or an investment company registered as such and includes an investment consultant;
- (b) 'Chairman' means Chairman of the Commission;
- (c) 'Commission' means Law and Justice Commission of Pakistan;
- (d)¹ 'Fund' means Access to Justice Development Fund;"
- (e)² 'Deputy Secretary' means Deputy Secretary of the Fund;
- (f) 'Secretary' means Secretary of the Commission;

¹ Substituted vide Notification dated 4th April, 2005

² Substituted vide Notification dated 4th April, 2005

- (g) 'Governing Body' means a Committee of the Commission to administer and manage the Fund;
- (h) 'Government' means the Federal or a Provincial Government as the case may be;
- (i) 'Member' means Member of the Commission;
- (j) 'Ordinance' means Law and Justice Commission of Pakistan Ordinance;
- (k) 'Organization' means a bar council, a bar association, an educational institution or any other organization formed with the permission or authority of the Government and includes a non-governmental organization; and
- (l) 'Rules' means rules made under the Law and Justice Commission of Pakistan Ordinance, 1979.

3. (1) The Commission shall have the possession, management and control of the Fund, its undertakings, properties and assets.

(2) The Fund shall be administered and managed by the Governing Body consisting of the Chairman, the Chief Justices of the High Courts, the Secretary, Ministry of Finance, the Secretary, Ministry of Law, Justice and Human Rights and the Secretary, Law and Justice Commission of Pakistan, members.

(3) The Governing Body shall regulate its own procedures and co-opt any member of civil society as may deem appropriate in discharge of its functions.

(4) Any defect in constitution of the Governing Body shall not invalidate anything done or any act performed by the Governing Body.

(5) The Governing Body shall hold its meeting at least once in three months.

(6) During the interval between meetings of the Governing Body the Chairman shall act in the best interest of the Fund.

(7)³ The Governing Body may delegate any of its powers and functions to any of its members.

4. **The Governing Body shall. –**

- (a) invest the Fund for generating income;
- (b) allocate the income earned on investment of Fund to the Fund windows specified under rule 9;
- (c)⁰ verify the annual and half yearly accounts of the Fund.
- (d)⁴ approve investment policy and schemes for investment in the Government approved securities, term finance certificates (TFCs), shares or in any other form of investment in accordance with the approved policy of the Government.
- (e) nominate director in a company in which an investment is made out of the Fund or there involves other special interest of Fund by virtue of contractual arrangement as provided by section 182 of the Companies Ordinance 1984;
- (f) file petition for winding up of an indebted company under sections 305, 306 and 309 Companies Ordinance.

5. (1) The Fund shall be operated through an account to be opened in a bank as authorized by the Governing Body;

³ Added vide Notification dated 4th April, 2005

⁰ The existing clause "C" of rule 4 rule 4 read as "draw or authorize to draw Fund from the bank accounts" is omitted vide Notification dated 4th April, 2005.

⁴ Renumbered clause (d) of rule 4 is substituted vide Notification dated 4th April, 2005.

(2)⁵ The Fund account shall be operated jointly by two Members of the Governing Body or by the Secretary and the Deputy Secretary authorized by it.

6⁶. The Chairman shall appoint a Deputy Secretary and other investment advisors, consultants, accountants, auditors and other employees of the Fund management on such terms and conditions as may be prescribed.

7⁷. The Deputy Secretary shall.-

- (a) prepare schemes for investment of the Fund for generating income.
- (b) purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of the Federal Government or any other securities of a legal description;
- (c) raise loans for various projects and undertakings and for this purpose may pledge or otherwise charge the corpus of the capital and properties of the Fund;
- (d) enter into contracts, agreements and arrangements, and execute necessary documents;
- (e) open current, fixed, overdraft, loan, cash, credit or other accounts in local or foreign currency, with any bank as may be necessary and deposit into or draw money from such accounts.
- (f) cause the preparation and submission of annual and half yearly accounts of the Fund within the prescribed period;

⁵ The words "Managing Director" are substituted by words "Deputy Secretary" vide Notification dated 4th April, 2005.

⁶ The words "Managing Director of the Fund from amongst officers not below the rank of joint Secretary of the commission" are substituted by the words "Deputy Secretary" Notification *ibid*.

⁷ The words "Managing Director" are substituted by words "Deputy Secretary" vide Notification *ibid*.

- (g) discharge any other function as authorized by the Governing Body;

8. (1) The Fund shall be invested with sound investment objectives with the advice of one or more professional investment managers, or advisors.

(2) The Governing Body may consider any investment criteria specified by a donor at the time of making donations to the Fund, but shall not follow such criteria if it is considered an imprudent investment of Fund by the advisor.

9. (1) There shall be maintained seven windows for allocation of income of the Fund in the ratio given as under:-

- (i) provincial Subordinate Courts (60.3%);
- (ii) legal empowerment (13.5%);
- (iii) federal Judicial Academy where its activities are not covered by its budgetary provision (4.5%);
- (iv) innovations in or promotion of legal education (4.5%);
- (v) legal and judicial research (4.5%);
- (vi) fund management (2.7%); and
- (vii) special projects in the under developed provinces/areas (10%).

(2) Any amount allocated if not utilized for any category, shall be carried forward for the same purposes for the next two years.

(3) The allocative ceilings of various Fund windows shall be determined on a tri-annual basis in the light of actual experience and review.

10. The eligible expenditures of amount allocated to each Fund window under rule 9 shall be.-

(a) **Subordinate Courts window.-**

- (i) automation of the courts;
- (ii)⁸ court infrastructure;
- (iii) information kiosks;
- (iv) provision of court-related conveniences and amenities to the litigants; and
- (v) performance reward for the subordinate judiciary on the basis of supervision reports and recommendations submitted by the inspection team of the High Courts.

(b) **Legal empowerment window.-**

- (i) clinical legal aid to clients affected by violation of their fundamental rights by the executive, especially on matters concerned with criminal justice;
- (ii) representation in public interest litigation;
- (iii) public awareness and legal literacy campaigns; and
- (iv) awareness on environmental laws.

(c) **Legal innovations window.-**

- (i) innovations in teaching of legal education and development of curriculum, including funding of pilot projects;
- (ii) improving standard of legal education;
- (iii) efforts directed at improvements in professional standards of the legal professionals;

⁸ Substituted vide Notification dated 4th April, 2005.

(d) **Federal Judicial Academy window.-**

- (i) training programs for the judiciary including mobile training arrangements and facilities;
- (ii) development of new courses, especially attempts at innovations;
- (iii) training and education for non-judicial personnel, e.g. administrators, registrars and other support staff dealing in policy development and implementation, case flow management, budget, planning, information system and record management.

(e) **Judicial and legal research window.-**

- (i) legal and judicial research aimed at improving the delivery of judicial and legal services and the quality of the judgments;
- (ii) initiatives to reform laws and advocacy related endeavors.

(f) **Fund management window.-**

- (i) salaries of auditors, consultants, investment advisors and officers and staff of Fund management;
- (ii) purchase of equipment, vehicles and stationary etc;
- (iii) preparation of accounts and balance sheets of the Fund; and
- (iv) payment of fees, salaries, traveling, daily and other allowances and any other payment to be charged on the Fund.

(g) Under developed area window.-

The eligible expenditure under this window shall be as provided at clauses (a to c) or for any other special project.

11. A request for funding from legal empowerment, legal innovations and judicial and legal research windows shall be assessed in accordance with the criteria laid down by the Governing Body for each fund window and evaluated on the quality of the proposal, its technical soundness, the clarity with which estimates are set out and the extent to which its targets are realistic.

12. The financial year of the Fund shall commence from the first day of July each year, and end on the last day of June of the following year.

13.⁹ (1) The books of accounts of the Fund shall be prepared and kept in accordance with the procedure as may be prescribed.

(2) The books of accounts shall be kept at Head Office of the Commission at Islamabad or at such other place as the Governing Body deems appropriate, and shall always be open for inspection by the Members.

14.¹⁰ On the close of the financial year, the accounts of the Fund shall be balanced and audited and the income and expenditure statement and the balance sheet shall be prepared, in accordance with the accounting procedure laid by the Governing Body.

15. The name and logo of the Fund shall be inscribed on the seal of the Fund and shall be affixed on all agreements made by the Fund.

⁹ The words "these rules and where these rules are silent, in accordance with provisions of the Company Ordinance 1984" are substituted by the words "the procedures as may be prescribed" vide Notification dated 4th April, 2005.

¹⁰ Substituted vide Notification dated 4th April,

15A.¹¹ The Provisions of these rules except rules 9 and 10, shall, mutatis mutandis apply to any amount of AJDF; received to the commission under clauses (b) to (d) of sub-section (20) of section 6A of the Ordinance.

16. The Chairman, Members and other officers of the Commission, its auditors and legal advisors, and their heirs, executor and administrator respectively, shall be indemnified out of the assets of the Fund, from and against all suits, proceedings, costs, charges, issues, damages and expenses which they or any of them shall or may incur or sustain, by reason of any act or omission in or about the execution of their duty in their respective office or in discharge of their duties, except such, if any as they incur or sustain by or through their own willful neglect or willful default respectively, and no such person or officer or the auditor or the legal advisor, shall be answerable for the act, neglect or default of any other such person, officer or legal advisor or for joining in any receipt of the sake of conformity, or for the solvency or honesty of any banker or a corporate entity with whom any money or effects belonging to the Fund are be invested or for any other loss or damage due to any such causes aforesaid, or which may happen in or about the execution of their duties or discharge of their responsibilities, unless the same happens through their own willful neglect or willful default.

(F.No.(176)/2001/PLC)

¹¹ Added vide Notification dated 4th April, 2005.