

**Rules for Regulating the Functions of the
District Legal Empowerment Committees
(DLECs)**

Report No.119

RULES FOR REGULATING THE FUNCTIONS OF THE DISTRICT LEGAL EMPOWERMENT COMMITTEES (DLECs)

The sub-section (e) of section 6B of the Law and Justice Commission of Pakistan Ordinance, 1979 provides that 13.5% of the annual income generated by investment of endowment grant shall be allocated for the legal empowerment of the poor and underprivileged persons and for provision of legal aid or assistance to have access to justice in accordance with the criteria laid down by the Commission. Under the rules 70% out of the total 13.5% share of Legal Empowerment Fund Window is to be expended for legal empowerment by awarding projects to the civil society organizations or individuals working in the relevant fields while remaining. 30% of the amount shall be transferred to the District Legal Empowerment Committees (DLECs).

Pursuant to the AJDF Rules, 2002, the Law and Justice Commission of Pakistan with concurrence of the High Courts and Provincial Governments have constituted DLECs in selected districts of the provinces. The Governing Body in its meeting dated 11th October, 2009 approved share to be transferred to the High Courts for disbursement to the DLECs. It was also decided that the DLECs be constituted and shall hold meetings in respective districts on 7th November, 2009 to finalize the Rules for extending the funds as a legal aid to the deserving litigants pursuing their cases in the district judiciary. It was further directed that the recommendations of the DLECs shall be forwarded to Law and Justice Commission through respective Registrars of the Provincial High Courts for examination and framing uniform rules for placing before the Governing Body, AJDF.

On the basis of recommendations received from High Courts, draft Rules were framed and placed before the Governing Body, AJDF in its meeting dated 6th November, 2010. The Hon'ble Chief Justice of Pakistan/Chairman, LJCP advised desired that the draft Rules may be circulated amongst the Hon'ble Members of the Governing Body for consideration and comments. Accordingly, the draft was circulated to the Hon'ble Members of the Governing Body.

After receiving feedback, a fully revised draft was prepared to place before the Law and Justice Commission for approval.

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

S.R.O _____ 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 constitution and regulating the functions of the District Legal Empowerment Committees.

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

- (iii) The co-opted member may resign from his office by writing under his hand addressed to the Chairperson.
- (iv) 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, duly supported by an attestation from the Nazim/Councilor/Chairman, Local Zakat Committee. The application must clearly contain either the request is for payment of court fee or for provision of services of advocate 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 the President District Bar Association and approval of the Chief Justice of High Court shall maintain a list of legal practitioners to be appointed for the purpose.
- (ii) A legal practitioner having at least three years standing at the Bar would be eligible for appointment and in Juvenile cases the minimum experience shall be five years.
- (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.15,000/- in any circumstances for a case.
- (iv) The Committee on application or at its own 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 & 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.
- (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.

Commission’s Deliberation on 4th June, 2011

After deliberation, the Commission approved the Rules with following amendments:-

1. In Rule 4 (i) (b) “Deputy Commissioner” and “Political Agent” shall also be added in the Composition of Committee;
2. In Rule 7, Procedure for Grant of Legal Aid shall be further simplified in the following manner:-
 - (a) Requirement of application “duly supported by an attestation from the Nazim/Councilor/Chairman, Local Zakat Committee” shall be omitted.
 - (b) Instead of enumerating objectives for the request, same may be replaced with

“The application must clearly contain the request for payment as prescribed by Rule 5(ii), to plead his case before the Court” as Rule 5(ii) provides objectives for assistance.
 - (c) In Rule 8 (iii) fee of the legal practitioner shall be enhanced from “Rs.15,000/-” to “Rs.20,000/-”.
 - (d) In Rule 8 (iv) words “on application or at its own” shall be omitted.