



## **SENATE SECRETARIAT**

**Report No. 19**

### **REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



**“THE LEGAL AID AND JUSTICE AUTHORITY BILL, 2020”**

**PRESENTED BY**

**Senator Muhammad Javed Abbasi  
Chairman  
Standing Committee on Law and Justice**

## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE LEGAL AID AND JUSTICE AUTHORITY BILL, 2020"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Legal Aid and Justice Authority Bill, 2020" as passed by the National Assembly and introduced in the Senate on 14<sup>th</sup> January, 2020. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Ghous Muhammad Khan Niazi	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Mustafa Nawaz Khokar	Member
10.	Senator Sana Jamali	Member
11.	Senator Walid Iqbal	Member
12.	Senator Zeeshan Khanzada	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meetings held on 24<sup>th</sup> January, 2020 and 13<sup>th</sup> February, 2020 under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 13<sup>th</sup> February, 2020, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Ghous Muhammad Khan Niazi
- iii. Senator Siraj ul Haq
- iv. Senator Syed Muzafar Hussain Shah
- v. Senator Zeeshan Khanzada
- vi. Senator Sana Jamali

4. The Secretary Ministry of Law and Justice briefed the Committee that the purpose of this Bill, introduced by the Government, is to establish a Legal Aid and Justice Authority (Authority) which shall provide legal, financial or other assistance and access to justice to the poor and vulnerable segments of the society in criminal cases. The Authority shall replace the deficient mechanism of judges and bureaucrats assessing/dispensing legal aid. As the law is applicable to criminal cases, it shall apply to whole of Pakistan. The head office of the Authority shall be in Islamabad and it will have as many offices all over the country as it deems fit. The Authority will have a Board that will administer the Authority. The Board will have representation of all the provinces. The day to day affairs and any functions assigned by the Board of the Authority will be managed by an appointed Director General. The Director General will have the same qualification as that of High Court Judge. The Authority is empowered to raise awareness in the society about their legal rights and to provide legal aid to the ones who are unable to retain a lawyer for themselves. Those who are unable to afford legal representation or pay for bail amounts or penalties/ fines in criminal cases will rank for legal aid. Disadvantaged women and children will be given preference, especially in case of sexual gender based violence (SGBV) and other serious offences. The eligibility criteria to apply for legal aid will be defined from time to time. A charged criminal offender can make an application for legal aid along with an affidavit plus certain documents as prescribed by the Authority. If the Authority comes to the conclusion that any documents submitted by an applicant are said to be false then, the Authority has the power to revoke the aid for that specific applicant. A panel of advocates including the Free Representation Unit, Will be monitored by the Authority and will work in all districts in Pakistan. A fund for the Authority will be created and will be financed by the government, or contributions from international institutions or corporations or other sources.

5. The Committee held extensive discussions. Senator Ghous Muhammad Khan Niazi drew attention towards provincial legislation of Punjab in this regard and stated that it shall be ensured that this Federal Law shall not rendered the provincial mechanism of granting aid dysfunctional. Senator Siraj ul Haq proposed that Members of Senate and National Assembly shall also be included in the composition of the Board. The Committee supported the suggestion made by Senator Siraj ul Haq and recommended that in Clause 5 of the Bill in sub-clause (1), after paragraph (ii), the following paragraphs (iii) and (iv) shall be inserted and remaining paragraphs shall be renumbered accordingly:-

**“(iii) One Member from the Senate of Pakistan  
to be nominated by the Chairman Senate**

**Member**

(iv) **One Member of the National Assembly** **Member**  
**to be appointed by the Speaker National Assembly"**

6. The Bill, as amended was unanimously passed by the Committee.

7. The Committee recommends that "The Legal Aid and Justice Authority Bill, 2020", as passed by the National Assembly and introduced in the Senate, as reported by the Committee may be passed by the Senate of Pakistan. (The Bill reported by the Committee is annexed as "A" and the Bill as passed by the National Assembly and introduced in the Senate is annexed as "B").



(RABEEA ANWAR )  
J.S / Secretary Committee



( SENATOR MUHAMMAD JAVED ABBASI)  
Chairman  
Standing Committee on Law & Justice

[AS REPORTED BY THE COMMITTEE]

A

Bill

to provide for the establishment of a Legal Aid and Justice Authority

WHEREAS, it is expedient to establish a Legal Aid and Justice Authority to provide legal, financial and added assistance for access to justice to the poor and vulnerable segments of the society in criminal cases and for matters ancillary thereto.

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Legal Aid and Justice Authority Act, 2020.

(2) It extends to the whole of Pakistan.

(3) This Act or any part thereof shall come into force on such date or dates as the Government may by notification in the official Gazette, appoint.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context:-

(a) "applicant" means any person who-

- (i) makes an application for legal aid under this Act or on whose behalf such an application is made; or
- (ii) a person who is of unsound mind or lunatic or minor;

(b) "Authority" means the Legal Aid and Justice Authority established under section 3;

(c) "Board" means the Board of Governors of the Authority constituted under section 4;

(d) "Chairperson" means Chairman of the Board and includes any person for the time being performing the functions of the Chairperson;

(e) "Court" means court established under any law for the time being in force;

(f) "Director-General" means the Director-General of the Authority;

(g) "Free Representation Unit" means a special unit comprising advocates and volunteers to provide legal or other social services on *pro bono* basis either on case to case basis or in respect of a group or set or type of cases other than the panel;

(h) "Government" means the Federal Government;



- (i) "legal aid" means the provision of assistance, to a person who is unable to afford legal assistance, representation and access to justice;
- (j) "Member" means a member of the Board;
- (k) "panel" means the list of advocates and volunteers prepared by the Authority under section 13;
- (l) "prescribed" means prescribed by rules or regulations under this Act, as the case may be;
- (m) "rules" mean the rules made under this Act;
- (n) "Secretary" means the Secretary of the Board; and
- (o) "Volunteer" means any person other than an Advocate who may provide legal or other services on *pro bono* or fee basis to the applicant.

(2) A word or expression used in the Act and not defined shall have the same meaning as is assigned to it in the Code of Criminal Procedure, 1898 (V of 1898) or the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973).

3. **Establishment of the Authority.**—(1) The Government, by notification in the official Gazette, shall establish a Legal Aid and Justice Authority to carry out the purposes of this Act.

(2) The headquarters of the Authority shall be at Islamabad and it may, with the prior approval of the Government, set up as many offices all over the country as, when and where required.

4. **Management.**—(1) The general direction and administration of the Authority and its affairs shall vest in the Board, which shall exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board shall, in the discharge of its functions, be guided on questions of policy by such directions as the Government may give from time to time.

(3) If any question arises as to whether any matter is a matter of policy or not, the decision of the Government in respect thereof shall be final.

5. **Composition of the Board.**—(1) The Board of Governors shall consist of the following members, namely:—

(i)	Federal Minister for Human Rights	Chairperson
(ii)	Attorney-General for Pakistan	Member
(iii)	One Member from the Senate of Pakistan to be nominated by the Chairman Senate	Member
(iv)	One Member of the National Assembly to be appointed by the Speaker National Assembly	Member
(v)	Advocate General of each Province and Islamabad Capital Territory	Members
(vi)	Secretary, Ministry of Human Rights	Member
(vii)	Secretary, Ministry of Finance	Member
(viii)	Secretary, Ministry of Law and Justice	Member
(ix)	Vice Chairman, Pakistan Bar Council	Member
(x)	One Prominent Female Social Worker	Member
(xi)	Director General, of the Authority	Member/Secretary

(2) The Chairperson shall preside at every meeting of the Board and in case of his absence for any reason, the Government may designate any other Minister as a Chairperson.

(3) The Authority may, with the prior approval of the Government, co-opt any other person as a member.

(4) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy, or any defect, in the constitution of the Board.

(5) If an *ex-officio* Member is unable to attend a meeting of the Board, he may authorize a representative not below BPS-20 to attend the meeting.

**6. Meetings of the Board.**— (1) The Chairperson may convene meetings of the Board at such time and place as he considers necessary for the efficient performance of the functions of the Board.

(2) At any meeting of the Board the quorum shall be seven Members.

(3) All issues arising at any meeting of the Board shall be decided by the majority of votes of the Members present and voting.

(4) Subject to the provisions of this Act, the Chairperson may give directions regarding the procedure to be followed at or in connection with any meeting of the Board.

**7. Director-General.**— (1) There shall be a Director-General of the Authority who shall be appointed by the Government at such remuneration and on such terms and conditions as it thinks fit.

(2) No person shall be appointed as a Director-General unless he is qualified to be appointed as a judge of a High Court.

(3) The Director-General shall be responsible to the Authority for the day-to-day administration of the business of the Authority and shall discharge such duties and perform such functions as are assigned to him by the Board.

(4) In case the Director-General is absent or unable to act and no acting appointment has been made by the Authority, the Authority may authorize an officer of the Authority to perform temporarily the functions of the Director-General.

(5) Until the Board is duly constituted, the Director-General shall, subject to such directions as the Government may give from time to time, exercise the powers, and perform the functions of the Board.

(6) The officers of the Authority shall have such powers and shall perform such functions as may be assigned to them by the Director-General.

**8. Powers and functions of the Authority.-** (1) The Authority shall-

- (a) make policies, principles and guidelines for providing legal aid and financial or other assistance including the prescription of criteria for qualification to obtain legal aid and financial and other assistance;
- (b) design and establish an effective mechanism for provision, monitoring and evaluation of legal aid;
- (c) promote or cause to be promoted programmes designed to enhance public awareness of the legal aid system in Pakistan;
- (d) undertake and promote research in the field of legal aid with special reference to the need of such aid to the persons;
- (e) advise the Government or any other agency in regard to enforcement of the right to fair trial and due process of law;
- (f) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate poor and vulnerable sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;
- (g) establish panels of advocates and volunteers in respect of each office in the prescribed manner and, subject to sub-section (2) of section 12, to add to or remove from that panel any advocate and volunteer where the Authority is satisfied that the advocate or volunteer has derelicted his duty or it is in the interest of justice to do so;
- (h) devise and prescribe structure of fees for legal aid to advocates and volunteers on panels;
- (i) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (j) manage and administer the resources of the Authority;
- (k) allocate funds, monitor the expenditure of funds at all offices and withhold funds from any office;
- (l) establish and monitor the implementation of standards and procedures for the operation of all offices;
- (m) undertake any enquiry or investigation which the Authority thinks necessary or desirable in relation to the discharge of its functions;
- (n) perform such other functions as may be assigned to it by the Government; and
- (o) do such other things as may be expedient or necessary for the proper performance of its functions under this Act.

(2) In discharge of its functions, the Authority shall, wherever appropriate, act in coordination and cooperation with other individuals governmental and non-governmental agencies, departments, bodies, authorities, universities engaged in the work of promoting the cause of legal services to the poor and vulnerable sections of the society.



