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INTRODUCTION

The concept of “legal aid” is an integral component of access to justice.¹ The international legal framework² recognizes the right to legal aid as a fundamental human right and a guarantee to fair trial, prevention against discrimination and guarantee of equality before law. The Constitution of Islamic Republic of Pakistan also guarantees these fundamental rights.³

The national legal aid landscape is extensive including key legal instruments like the Legal Practitioners and Bar Councils Act, 1973⁴, Pakistan Bar Council Free Legal Aid Rules, 1999⁵, the Khyber Pakhtunkhwa Legal Practitioners and Bar Council Rules, 2010⁶, the Khyber Pakhtunkhwa Legal Aid Act, 2019, the Legal Aid and Justice Authority Act, 2020, the Juvenile Justice System Act, 2018⁷, the District Legal Empowerment Committee (Constitution & Function) Rules, 2011⁸ (DLEC Rules, 2011).

Effective implementation of legal aid instruments is one of the significant concerns, hindering access to justice. The DLEC Rules, 2011, were laid down to cater for the legal aid to the deserving litigants and to address issues relating to scarcity of the financial resources for the purpose.

DLEC is composed of District & Sessions Judge as its ex-officio Chairperson. Deputy Commissioner, Superintendent District/Central Jail, President District Bar and a representative of civil society as its members. Core function of the committee is provision of funds for legal aid to the deserving litigants. Any deserving litigant may file application for grant of legal aid to the Committee. The Superintendent Jail or any court may also forward any such application.

¹ Global Study on Legal Aid, UNODC Global Report available at https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global-Study-on-Legal-Aid_Report01.pdf accessed on 26.06.2023

² The Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, International Covenant on Economic, Social and Cultural Rights, 1966, Convention on the Elimination of All forms of Discrimination against Women, 1979, United Nations Convention on Rights of the Child, 1989, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990, Convention on Rights of the Persons with Disability, International Convention on the Protection of the Rights of All Migrant workers and Members of their Families, Convention relating to Status of Refugees, 1951 are few such international instruments providing for right to legal aid.

³ Articles 4, 10-A, 11 & 25 of the Constitution of Islamic Republic of Pakistan, 1973

⁴ Sec 10 (2)

⁵ Prescribed under sec 13 of the Legal Practitioner and Bar Council Act, 1973

⁶ Rule 16 (vi)

⁷ Sec 3

⁸ Prescribed under sec 9 of the Law and Justice Commission of Pakistan Ordinance, 1979

The Law & Justice Commission of Pakistan has so far placed Rs. 22.00 million at the disposal of District Courts of Khyber Pakhtunkhwa for the provision of the legal aid through DLECs. As of June, 2023, the District Courts have disbursed Rs. 12.70 million for legal aid to the deserving litigants. This indicates utilization of 58% of the allocated budget. The performance of DLECs was reviewed by the Governing Body of Access to Justice Development Fund (AJDF) in its meeting held on 9th December, 2022. The hon'ble Chief Justice of Pakistan, Chairman Governing body AJDF has desired exclusive training sessions for the District and Sessions Judges to enhance effectiveness of the Committees.

With this background in view, the Khyber Pakhtunkhwa Judicial Academy, after formal approval of the Peshawar High Court, arranged regional online consultative webinars on DLEC with focus on provision of the "Right to Legal Aid". Participants were the District & Sessions Judges being ex-officio chairpersons and all other nominated members of the DLECs.

OBJECTIVES

Objectives of the activity are to:

- enhance understanding of the DLEC Rules, 2011; and
- sensitize participants on effective implementation of the rules.

OUTCOMES

At conclusion of activity it is expected that the participants will be able to:

- have better understanding of the DLEC Rules, 2011;
- appreciate effective implementation strategy, and
- create awareness about provision of the legal aid amongst judicial officers and all the those concerned with administration of justice at district level.

PROCEEDINGS

Inaugural Session: The Khyber Pakhtunkhwa Judicial Academy conducted series of 05 webinars on "the Right to Legal Aid through District Legal Empowerment Committees (DLECs)." The webinars were held on 15th, 17th – 19th & 21st of July, 2023.

Each of the webinars was opened with an orientation session on the Right to Legal Aid, its international and national perspectives and on provision of Legal Aid through DLECs. It was followed by a deliberative session. Participants shared their views and experiences and suggested measures for improving the process of access to free legal aid and its effectiveness.

Overview of Proceedings: Overview of the proceedings is reflected in the schedule of activities as below:

S.NO	Region/Districts	Event Date	
1.	Newly Merged Districts (Bajaur, Khyber, Mohmand, Kurram, North Waziristan, Orakzai, South Waziristan)	15 th July, 2023	
2.	Malakand Division (Buner, Dir Lower, Dir Upper, Lower Chitral, Malakand at Batkhela, Shangla, Swat, Upper Chitral)	17 th July, 2023	
3.	Central Districts (Charsadda, Mardan, Nowshera, Peshawar, Swabi)	18 th July, 2023	
4.	Hazara Division (Abbottabad, Batagram, Haripur, Kolai-Palas, Lower Kohistan, Mansehra, Tor Ghar, Upper Kohistan)	19 th July, 2023	
5.	Southern Districts (Bannu, DI Khan, Hangu, Lakki Marwat, Karak, Kohat, Tank)	21 th July, 2023	
Schedule Of Activities			
S. No	Activities	Resource Person	Time
1.1	Recitation from the Holy Quran		08:30 – 08:35
1.2	Welcome Address	Director General	08: 35 – 08: 40
1.3	Provision of Legal Aid under DLECs <ul style="list-style-type: none"> • International Legal Framework on the Right to Legal Aid • National Legal Framework on the Right to Legal Aid • DLECs – Awareness & Effectiveness 	Ms. Farah Jamshed, Director General Khyber Pakhtunkhwa Judicial Academy/ Mr. Muhammad Shoaib, Dean Faculty	08: 40 – 09:00
1.4	Discussion, Q & A and Way Forward	Dean Faculty and all Directors	09:05 – 10:00

CONCLUSION

The webinars shed light on significance of the right to legal aid. Webinars provided opportunity to the District Legal Empowerment Committees to share their concerns and challenges and to deliberate upon the ways and means for providing effective and efficacious legal aid to the litigants. Recommendations of the webinars have been forwarded to the Law and Justice Commission of Pakistan and the Peshawar High Court. All the activities were conducted successfully.

ANNEXURES

ANNEXURE-A: CONSOLIDATED RECOMMENDATIONS

ANNEXURE-B: TRAINING IN PICTURE

Annexure-A: Consolidated Recommendations

During the webinars, participants shared the following recommendations for making DLECs more effective and efficacious:

- **Rule 8 sub rule (iii)** of the District Legal Empowerment Committee(Constitution & Functions) Rules, 2011 provides fee of legal practitioner maximum to Rs, 20,000/-; being scarce affects efficacy of DLECs for quality legal aid. Honorarium/legal fee needs to be enhanced and it is needed to be fixed by the Committee while keeping in view the nature of a case.
- Although **Rule 07 sub rule (iv)** gives a discretion to the committee to refer applicant for verification and report qua financial status of the applicants, yet it makes the proceedings cumbersome and causes delay. If at all verification is required, a simplified process be provided under the rules to curtail delays and hardships.
- Amendment in the list of legal practitioners is made contingent to the efficiency and performance of legal practitioner making it discretionary to amend each year. Amendment of list each year is required to be mandatorily revisited to add diversity to the selection of legal practitioners.
- Criteria of selection as under Rule 08, for the list of legal practitioners be made relaxed in terms of 05 years standing at the Bar instead selection be made open and as per choice of litigant from among the entire Bar.
- Additional grants for the provision of funds should be channelized promptly as apart from utilization of allocated funds, non provision of additional grants affects the efficacy of DLECs.

- In the bifurcated administrative unit, District Kohistan Lower the constitution of the Committee as required under Rule. 03, by the Law and Justice Commission of Pakistan with concurrence of Peshawar High Court is pending notification, requiring prompt action.
- Apart from awareness to free legal aid through judicial meetings, information kiosks at District Courts and publications by members of civil society at public places, government is also required to create awareness by using mediums of print/electronic and social media networks for creating awareness among general public.

Annexure-B: Training in Pictures



Consultative Webinar on “Role and Responsibilities of the District Legal Empowerment Committees in ensuring the Right to Legal Aid” (Newly Merged districts) 15th July, 2023



Consultative Webinar on “Role and Responsibilities of the District Legal Empowerment Committees in ensuring the Right to Legal Aid” (Malakand Division) 17th July, 2023



Consultative Webinar on “Role and Responsibilities of the District Legal Empowerment Committees in ensuring the Right to Legal Aid”(Central Districts) 18th July, 2023



Consultative Webinar on “Role and Responsibilities of the District Legal Empowerment Committees in ensuring the Right to Legal Aid” (Hazara Division) 19th July, 2023



Consultative Webinar on “Role and Responsibilities of the District Legal Empowerment Committees in ensuring the Right to Legal Aid” (Southern Districts) 21 July, 2023