

PAKISTAN BAR COUNCIL

NOTIFICATION

September 8, 1999

S.R.O. 1095(1)/99.—Whereas it is expedient and necessary to make changes in the “Pakistan Bar Council Free Legal Aid Scheme, 1988” and to improve the same with the objective of providing free legal aid to indigent litigants, the Pakistan Bar Council, in exercise of its powers conferred by Section 13(1)(la) and (n) of the Legal Practitioners & Bar Councils Act, 1973 (Act XXXV of 1973) and all other enabling provisions in this behalf, hereby makes the following Rules:-

THE PAKISTAN BAR COUNCIL FREE LEGAL AID RULES, 1999

1. Name and commencement:

- (a) These Rules shall be called as “The Pakistan Bar Council Free Legal Aid Rules, 1999”.
- (b) They shall come into force at once.

2. Definitions:

In these Rules unless there is anything repugnant in the subject or context:

- (1) “Act” means the Legal Practitioners & Bar Councils Act, 1973.
- (2) “Poor”, “destitute”, “orphan”, “widow”, “indigent” and “deserving” means a person who is entitled to Zakat or his financial position and income resources are not sufficient to bear the expenses for engaging an Advocate to prosecute, defend and protect his legal rights in genuine litigation.
- (3) “Central Committee” means a Committee constituted under Rule 5.
- (4) “Provincial Committee” means a Committee constituted under Rule 6.
- (5) “District Committee” means a Committee constituted under Rule 7.
- (6) “Prescribed” means prescribed by these Rules.

3. Scope of the Rules:

- (a) These Rules shall provide free legal aid to the poor, destitute, orphan, widows, indigent and other deserving litigants involved in the following categories of cases:--
 - (i) Accidents.
 - (ii) Succession Certificate.
 - (iii) Family Laws.
 - (iv) Ejectment.
 - (v) Illegal Detention.

- (vi) Abuse of power and authority by the police, law enforcing agency and Executive.
 - (vii) Neglect of duties by Government departments, Local Councils/bodies and local authority/agency.
 - (viii) Public interest litigation.
 - (ix) Such other cases or category of cases as may be approved from time to time by the Central Committee.
- (b) These Rules aim to promote legal literacy and create awareness amongst the general public about their legal rights and their protection.

4. Free Legal Aid Committees:

There shall be constituted the following Committees for the purposes of rendering free legal aid under these Rules:--

- (i) Pakistan Bar Council Central Free Legal Aid Committee;
- ¹[(ii) Pakistan Bar Council Provincial Free Legal Aid Committee at principal seat of each High Court of the Province and at each Bench/Circuit of the respective High Courts.]
- (iii) Pakistan Bar Council District Free Legal Aid Committee for each District.

5. Central Free Legal Aid Committee:

- (a) This Committee shall consist of not more than five members of Pakistan Bar Council elected by it and having at least one member from each Province of Pakistan. The Committee as constituted at present shall continue for the remaining term of the sitting Pakistan Bar Council.
- (b) It shall provide free legal aid to a deserving person or a litigant in the Supreme Court or any Tribunal, Authority and/or a Court functioning at federal level including the Wafaqi Mohtasib.
- (c) The term of office of this Committee shall be co-extensive with the term of the Pakistan Bar Council electing the Committee.
- (d) The members of the Committee shall elect one of its elected members to be the Chairman of the Committee.
- (e) The decision of the Committee shall be taken by majority and the quorum of the Committee meetings shall be one third of the members.
- (f)
 - (i) The Chairman may authorize one of Members of the Committee to receive an application for free legal aid at each registry of the Supreme Court and deal with and decide the same in consultation with him.
 - (ii) The funds of the Pakistan Free Legal Aid Committee shall be deposited in a separate Bank account in a scheduled Bank to be approved by the

1. Substituted vide Notification of the Pakistan Bar Council dated 28-01-2002.

Committee and the account shall be jointly operated by the Chairman of the Committee and the Secretary of the Pakistan Bar Council.

²[Provided that in case of urgency, the Chairman of Central Free Legal Aid Committee will be competent to take a decision on receipt of an application for free legal aid subject to formal approval of the Committee in its subsequent meeting.]

- (g) The Central Free Legal Aid Committee shall be in over all control of all its sub-committees and Committees of all Provinces and Districts in respect of distribution of free legal aid and may issue such directions, as it may deem fit, for implementation of the Rules subject to the policy laid down by the Pakistan Bar Council from time to time.

³**6. Pakistan Bar Council Provincial Free Legal Aid Committees:**

- (1) In each province of Pakistan there shall be constituted Provincial Committees to be known as Pakistan Bar Council Provincial Free Legal Aid Committees at the principal seat and at Benches/Circuits of the High Courts of Punjab, Sindh, NWFP and Baluchistan, as the case may be, and consisting of:-
- (i) One Member of the Pakistan Bar Council from the Province concerned to be nominated by the Central Free Legal Aid Committee of the Pakistan Bar Council.
 - (ii) Not more than two members of the concerned Provincial Bar Council from amongst the Members hailing from the respective territorial jurisdiction of the High Court, to be nominated by the Central Free Legal Aid Committee.
 - (iii) Presidents and Secretaries of the High Court Bar Association at the principal seat and at the Benches/Circuits, as the case may be, by virtue of their offices.
 - (iv) Two Advocates of not less than five years standing at the Bar who should be Members of the concerned High Court Bar Association to be nominated by the Central Free Legal Aid Committee.
 - (v) The Member of the Pakistan Bar Council nominated under clause (i) above, shall be the Chairman of the concerned Committee whereas the Secretary of the High Court Bar Association concerned shall be the Secretary of the respective Committee.

(2) The decisions of the Committee shall be taken by majority and presence of its 3 Members shall constitute the quorum for its meetings. However, in case of urgency, the Chairman will be competent to take a decision on receipt of an application subject to formal approval of the Committee in its subsequent meeting.

2. Added vide Notification of the Pakistan Bar Council dated 28-01-2002.

3. Substituted *ibid*.

(3) The concerned Committee will provide free legal aid to deserving person/litigant in the High Court and/or Tribunal, Authority or Court functioning at the provincial level including the Provincial Mohtasib, functioning within its territorial jurisdiction.

(4) The term of office of each member of the Committee shall be co-extensive with the term of office of such member by virtue of which he is on the Committee except the Members nominated from the Bar under clause (iv) of sub-rule (1) whose term of membership shall be subject to the substitution, if any, by the Central Free Legal Aid Committee:

Provided that in case of fresh elections for the said post or resignation from the said post of membership of the Committee or in case the member is unable to or incapable of performing his duties of such office or membership of Committee, the seat shall be deemed to have fallen vacant and the vacancy shall be filled in by reference to the relevant provisions of Rule 6(1) (i) (ii) (iii) (iv) and (v).]

7. Pakistan Bar Council District Free Legal Aid Committees:

- (a) In each District of a Province there shall be constituted a District Committee to be known as the Pakistan Bar Council District Free Legal Aid Committee for the District concerned and consisting of:--
- (i) Not more than one member of the Provincial Bar Council from the District concerned to be nominated by the ⁴[Central Free Legal Aid Committee of the Pakistan Bar Council.]
 - (ii) President and Secretary of the District Bar Association, respectively, by virtue of office.
 - ⁵[(iii) Two Advocates of not less than three years standing at the Bar who should be members of the concerned Distt. Bar Association.]
- (b) The District Committee shall provide free legal aid to a deserving person or a litigant in any Court or Tribunal or before any authority or Court functioning at the District level ⁶[or sub-divisional level.]
- (c) The term of office of each member of the Committee shall be co-extensive with the term of office of such member by virtue of which he is on the Committee and in case of fresh elections for the said post or in case of resignation from the said post or from the Membership of the Committee or in case the Member is unable to or incapable of performing his duties of such office or membership of the Committee, the seat shall be deemed to have fallen vacant and the vacancy shall be filled in by reference to the relevant provisions of para 7(a) above ⁷[except the members nominated from the Bar under clause (iii) of sub-rule (a) whose membership shall be subject to the substitution, if any, by the Central Free Legal Aid Committee]
- (d) The Member of Provincial Bar Council of the District concerned, as nominated, shall be the Chairman of the District Committee whereas the Secretary of the

4. Substituted vide Notification of Pakistan Bar Council dated 28.1.2002.

5. Added *ibid*.

6. Inserted *ibid*.

7. Added vide Notification of the Pakistan Bar Council dated 28.1.2002.

concerned District Bar Association shall be the Secretary of the District Committee. In case of non-availability of Member of the Provincial Bar Council from the District concerned, the President of the District Bar Association will act as Chairman of the Committee.

Explanation

- (i) For Karachi, all the Districts of Karachi Division shall be deemed to be one District for the purposes of these Rules and the President and Secretary of Karachi Bar Association shall be the Member and the Secretary of the District Committee for Karachi.
- (ii) If there are more than one Secretary of any District Bar Association, the Senior Secretary shall be deemed to be the Secretary for the purpose of these Rules.
- (e) The decision of the Committee shall be taken by majority and ⁸[presence of its two members shall constitute the quorum of its meeting]. In case of urgency, the Chairman of District Committee will, however, be authorized to take a decision on receipt of an application subject to approval of the Committee in its next meeting.

8. Applications For Free Legal Aid and their disposal:

- (a) Any person desirous of free legal aid shall submit an application on the prescribed form ⁹[or on simple paper] to the appropriate Committee or Chairman/Member of the appropriate Committee so authorized and such application shall be supported by an affidavit of the applicant and accompanied by the judgments/orders and other necessary documents providing him cause of action for or against the suit, appeal or proceedings in a Court of law.
- (b) The application shall be decided by the respective Committee or its Chairman/Member in the manner stated herein above as soon as possible and each Committee or its Chairman/Member shall be free to grant free legal aid as provided in the schedule hereto or a part thereof.
- (c) The free legal aid for professional fees will only be granted in case no Advocate is available to take up or conduct the case free of charge.
- (d) Each Committee shall maintain the following panels of lawyers practicing within the area of its operation:-
 - (i) Lawyers voluntarily prepared to take up/conduct cases without charging any fee.
 - (ii) Lawyers prepared to take up/conduct cases on charging the fee or part thereof as set out in the schedule.
 - (iii) The above panels may be sub-divided category-wise according to choice of advocate concerned in respect of type of cases he would like to handle.

8. Substituted *ibid.*

9. Inserted *ibid.*

- (e) A Committee may request any advocate to conduct one case in a year free of charge.
- (f) Each member of Pakistan Bar Council and Provincial Bar Councils may conduct at least one case in a year that may be assigned to him by a Free Legal Aid Committee.

9. Funds of Committee:

The funds of the Central Free Legal Aid Committee shall consist of:--

- (i) Funds allocated by the Pakistan Bar Council, the grants sanctioned by any Government, Local or other body or authority and voluntary contributions made by the Bar Councils, Bar Associations, Advocates, any other Institution, Foundation, Trust, Organization or an individual.
- (ii) The funds of the Committee shall be spent and regulated as provided in these Rules and instructions issued by the Pakistan Bar Council from time to time.

10. Utilization of Funds:

- (1) The funds shall be controlled, utilized and disbursed only by the Central Committee for providing free legal aid in the manner and to the extent authorized under these Rules to cover any of the following type of expenses:--
 - (i) Court fee, process fee, copying charges, diet money and conveyance of Witness and/or all other charges payable in the Court or to the Tribunal or Authority concerned for initiating, prosecuting or defending the proceedings in the Court or before the Tribunal or Authority.
 - (ii) Professional fee payable to an advocate.
- (2) The Chairman, Central Free Legal Aid Committee shall be authorized to make payment of misc. expenses/court fee etc. and part payment of professional fee of an Advocate:
 - (a) on receipt of a request/recommendation from a Provincial Committee or District Committee; and
 - (b) in appropriate cases fall under the domain of the Central Committee.

11. Control of Committees:

- (i) The Pakistan Bar Council may from time to time issue directions to the Central, Provincial and District Committees for the effective and smooth implementation of the Rules and such directions shall be binding upon them.
- (ii) These Rules may be amended from time to time by the Pakistan Bar Council.

12. Repeal:

- (1) The Free Legal Aid Scheme published under S.R.O. No. 135 (1)/88 dated 22nd February, 1988, is hereby rescinded and repealed.
- (2) The Rules of Guidance for Provincial Bar Councils to provide free legal aid as framed by the Pakistan Bar Council and published in Gazette of Pakistan, Extra (Part-II), dated 29-12-85, since have not been adhered to and implemented by the Provincial Bar Councils and therefore, the Pakistan Bar Council had

launched/framed its own free legal aid scheme/Rules which have been put in operation, are hereby repealed.

SCHEDULE

I. FORM OF APPLICATION:

[See Rule 8(a)]

- 1. The Chairman,
Pakistan Bar Council,
Central Free Legal Aid Committee, Islamabad.
- 2. The Chairman,
Pakistan Bar Council,
Provincial Free Legal Aid Committee Punjab at Lahore/Sindh
at Karachi/N.W.F.P (KP) at Peshawar/Baluchistan at Quetta.
- 3. The Chairman,
Pakistan Bar Council,
District Free Legal Aid Committee.

SUB: PROVISION OF FREE LEGAL AID.

Dear Sir,

I, being very poor, hereby apply for free legal aid under the "Pakistan Bar Council Free Legal Aid Rules, 1999" for pursuing my case pending/to be instituted/filed in the _____ Court. The nature and particulars of my case are detailed as under:--

- (1) _____

- (2) _____

- (3) _____

- (4) _____

- (5) _____

2. Copies of the relevant documents/orders/judgments as detailed below, are enclosed.

- (1) _____

- (2) _____
- (3) _____
- (4) _____
- (5) _____

3. My other particulars are given below:

- (1) Name: _____
- (2) Father's Name: _____
- (3) CNIC No: _____
- (4) Source of earning/ _____
Livelihood
- (5) Monthly income from all sources _____
- (6) Whether the applicant _____
possess any moveable/
immoveable and/or other
property/assets, if yes, the
particulars and detail thereof.
- (7) If the applicant _____
possess any property/
assets, the reason
of seeking, fee legal aid.
- (8) Whether the _____
Applicant is liable to pay
Wealth Tax/Income tax.
- (9) Whether the _____
Applicant is entitled to
Payment of Zakat

I hereby state on solemn affirmation that the contents of my application are true and correct. If any of the above mentioned particulars/facts are found incorrect or false, I shall be liable to pay to the Pakistan Bar Council all the expenses incurred by it for providing me the free legal aid.

I also undertake that the cost, if any, awarded in my favour by the Court, shall accrue for the benefit of free legal aid funds of the Pakistan Bar Council.

Signatures of the
Applicant/Deponent.
Full Address.

II. **Rate of Professional fees for conducting cases by Advocates.**
[See Rule 8(b)].

1. CASES IN THE SUPREME COURT:

- (i) Advocate: Maximum upto Rs. 5000/-
(ii) Advocate-on-Record: Maximum upto Rs. 1000/-

2. CASES IN THE HIGH COURT:

- (i) Detention/Habeas/Bail: Maximum upto Rs. 2000/-
(ii) Regular Appeals/Writ: Maximum upto Rs. 3000/-

3. CASES IN THE LOWER COURTS:

- (i) Bail: } Maximum upto Rs. 2000/-
(ii) }

Others

Sd/-
(Sh. Muhammad Naeem Goreja)
Vice-Chairman

Sd/-
(Muhammad Arshed)
Secretary
