



SINDH HUMAN RIGHTS COMMISSION

MAPPING OF LEGAL AID MECHANISMS IN SINDH PROVINCE

2023



Mapping of Legal Aid Mechanisms in Sindh Province

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The Sindh Human Rights Commission (SHRC) was established under the Sindh Protection of Human Rights Act 2011 (amended in 2023) for the promotion and protection of human rights in the Province of Sindh. The Government of Sindh has constituted the SHRC under Section 3 (1) of the Act on 9th May 2013. The SHRC is currently headed by the Chairperson, Mr. Iqbal Ahmed Detho.

Foreword From Minister for Law, Religious Affairs, and Human Rights, Sindh

Legal aid is a constitutionally protected fundamental right, it is the cornerstone of justice, safeguarding the principles of equality and access to justice. In Pakistan, our Constitution, under Articles 4, 9, 10-A, 25, and 37(d), unequivocally establishes the right to legal aid by the State. These constitutional provisions stand as sentinels, ensuring that justice is not an exclusive privilege but a universal entitlement, regardless of one's financial status.



The recent judicial pronouncements in Pakistan, such as *Faisal v. The State* and *Nazir Ahmed v. The State*, have reaffirmed the state's obligation to provide legal aid to the indigent, underscoring the imperative role of the government in ensuring fair and just trials for all. Moreover, the Supreme Court's judgment in *Baz Muhammad Kakar v. Federation of Pakistan* highlights the inalienable right to access justice, which encompasses fair trials, proper legal representation, and impartial tribunals. These judgments are the legal compass guiding us toward a just society.

Sindh, the second most populous province in Pakistan, is diverse, with varying degrees of access to justice. A significant portion of our population, particularly in rural areas, faces multi-dimensional deprivation, compounded by limited financial resources and limited awareness of the legal aid mechanisms available to them. In such circumstances, legal aid emerges as a powerful tool to bridge the gap between those who can afford representation and those who cannot.

Our commitment to justice is further underscored by international assessments. The 2022 World Justice Project report placed Pakistan at 129 out of 140 countries on the rule of law index, highlighting the pressing need for improvement. These rankings are a stark reminder of the work that lies ahead, particularly in ensuring equitable access to justice.

The Sindh Human Rights Commission (SHRC), entrusted with a pivotal role under the Sindh Protection of Human Rights Act 2011, is embarking on a journey to map the legal aid mechanisms in Sindh.

At the national and provincial levels, we have put in place a range of legal aid mechanisms. These include the District Legal Empowerment Committee, the Pakistan Bar Council Free Legal Aid Rules, the Code of Civil Procedure's Rule 33, and Section 161A of the Code of Criminal Procedure. These mechanisms are fundamental pillars in the structure of legal aid, ensuring that justice is not a privilege but a right.

We are also acutely aware of the deficiencies in the system, such as a lack of data on the functioning of these mechanisms and a dearth of effective referral mechanisms between legal aid and protection mechanisms. To address these issues and strengthen our legal aid system, the

SHRC is taking the lead. We are determined to overcome these challenges, making legal aid accessible and effective for the marginalized and vulnerable sections of our society.

In our commitment to justice and equality, the Human Rights Department is playing a pivotal role. The department's mission is to uphold the principles of human rights, ensure the provision of legal aid to those who cannot afford it, and create a more just and equitable society. We envision a Sindh where justice is not a distant dream but a tangible reality for everyone.

I am deeply honored to contribute this foreword to this study titled "Mapping of Legal Aid Mechanisms in Sindh Province." This comprehensive document underscores the unwavering commitment to justice, human rights, and the rule of law.

As we embark on this journey to enhance legal aid, I am reminded of a famous legal maxim: "Justice delayed is justice denied." With determination, cooperation, and adherence to the rule of law, we shall strive to ensure that justice is neither delayed nor denied to anyone in Sindh.

Barrister Omer Soomro
Minister for Law,
Religious Affairs, and Human Rights, Sindh

Message from the Chairperson Sindh Human Rights Commission

It is with a deep sense of duty and responsibility that I introduce this methodically crafted and comprehensive policy brief, 'A Mapping of Legal Aid Mechanisms in Sindh Province'. This report represents a significant milestone in our tireless pursuit of justice, firmly grounded in the fundamental principles of constitutional law and the international human rights treaties and conventions.



At the Sindh Human Rights Commission, we have always held the view that the benchmark of a truly just society is the robust protection of the rights of its most vulnerable members. Our quest for this noble ideal aligns unequivocally with the core tenets enshrined in the Constitution of Pakistan and the binding international human rights instruments to which Pakistan is a signatory.

This report meticulously explores the complex web of legal aid mechanisms in Sindh, delving deeply into the constitutional provisions enshrined in Articles 4, 9, 10-A, 25, and 37(d) of the Constitution, which collectively establish legal aid as an incontrovertible fundamental right. These constitutional provisions and legal precedents uniformly accentuate the imperative role of the state in rendering justice accessible to all, irrespective of their economic means.

The international legal framework, firmly rooted in the Universal Declaration of Human Rights (UDHR), imposes upon Pakistan the international obligations and responsibilities emanating from the various human rights treaties it has ratified. They carry significant legal weight as binding international obligations. Therefore, it is imperative to acknowledge that free legal aid is a cornerstone in the propagation of the principles of equity, justice, and human rights within the justice system.

Therefore, this mapping of legal aid mechanisms in Sindh Province is being conducted by the Sindh Human Rights Commission under Section 4 (iii) "formulate, implement and regularly update policies with a view to protect human rights" (vii) "undertake and promote research in the field of human rights" (viii) "spread human rights literacy among various sections of society" and (ix) "promote awareness of the safeguards available for protection of human rights through print and electronic media, seminars and other available means" of the Sindh Protection of Human Rights Act 2011 (and its Amendment in 2022).

As the Chairperson of the SHRC, I wish to express my profound appreciation for Barrister Rida Tahir for her tireless efforts and dedication towards developing the policy brief. I would also like to extend my heartfelt gratitude to Mr. Justice (R) Arshad Noor Khan (Member Judicial- I) and Mr. Muhammad Aslam Shaikh (Member Judicial- II).

This policy brief, far from being a mere presentation of findings, offers an array of comprehensive recommendations. These recommendations are rooted in law and jurisprudence, providing a clear and structured pathway to fortify and streamline the legal aid

system in Sindh. I am sure that these legally sound recommendations will serve as a roadmap for policymakers and practitioners within the sphere of human rights and justice, guiding them in their endeavor to enhance access to justice for the citizens of Sindh.

In closing, I wish to underscore the incontestable legal imperative for accessible and equitable legal aid, rooted in both our domestic legal framework and international human rights obligations.

As Chairperson of the Sindh Human Rights Commission, I reiterate our unwavering commitment to fulfill this mandate. This report is emblematic of our steadfast dedication to this legal cause. We are confident that it will stand as a pathway for all stakeholders diligently working towards the realization of a more just and rights-conscious society, thus solidifying the very essence of the rule of law.

Mr. Iqbal Ahmed Detho
Chairperson, Sindh Human Rights
Commission



Table of Contents

Acronyms and Abbreviations	4
1. Introduction and the National Framework	8
2. International Framework on Free Legal Aid	10
3. Mapping and Scoping of Legal Aid Services in Sindh Province.....	14
3.1 Steering Committee for Human Rights Department regarding Legal Aid and Assistance	14
3.2 The Provincial Subcommittee on Diyat, Arsh and Daman.....	19
3.3 Committee for the Welfare of Prisoners (CWP)	25
4. Legal Aid Mechanisms at the Federal, Provincial, Divisional and District Level.....	26
4.1 District Legal Empowerment Committee (Constitution & Functions) Rules 2011 (DLEC Rules 2011)	27
4.2 The Pakistan Bar Council Free Legal Aid Rules 1999 (PBC Rules 1999)	30
4.3 Suit by Pauper Order 33 of Code of Civil Procedure (CRCP) 1908.....	31
4.4 Section 161 A of the Code of Criminal Procedure, 1898: Legal Representation of Victim of Rape, Etc.	31
4.5 Section 340 of Code of Criminal Procedure, 1898	32
4.6 The Sindh High Court (Appellate Side) Rules 2012.....	32
4.7 Destitute Litigant Fund Rules 1974 (DLFR 1974)	32
4.8 Women in Distress and Detention Fund Act 1996 (WDDF 1996).....	32
4.9 Legal Aid and Justice Authority Act 2020 (LAJA)	33
4.10 Legal assistance under the Juvenile Justice System Act 2018 (JJSA)	35
4.11 Public Defender and Legal Aid Office Ordinance 2009	37
5. Process for Obtaining/ Accessing State Funded Legal Aid	40
6. Official Referral Mechanism and Inter-departmental Referral and Coordination	40
7. Institutional protection mechanisms at the district level	43
7.1 Minority Facilitation Centers (Minority Affairs Department, Government of Sindh):	43
7.2 Sindh Legal Advisory Call Centre (SLACC):.....	43
7.3 Provincial Human Rights Vigilance Committee:	43
7.4 Human Rights Cell, Sindh Police:	45
7.5 Women and Children Police Stations (WCPCs):	45
7.6 Women and Children Protection Cells:	45
7.7 Female Help Desks (FHD):	45
7.8 Gender Protection Unit (GPU):.....	46
7.9 One-Stop Protection Centre (OSPC):	46
7.10 Anti-Rape Crisis Cells (ARCC):	46



7.11 Women Complaint Cells, Women Development Department (WDD):	46
7.12 Sindh Child Protection Unit (SCPU):	46
7.13 District Vigilance Committee, Labour Department (Government of Sindh):	47
7.14 Other protection mechanisms:	47
8. Public Awareness.....	49
9. Recommendations.....	49
10. Conclusion	52
11. Annexures.....	53
Annexure A: Notification of Steering Committee for Human Rights	53
Annexure B: Notification of Provincial Sub-Committee on Diyat, Arsh and Daman.....	54
Annexure C: Application Form Accessing the Relief and Revolving Fund for Legal Aid under Ministry of Human Rights, Government of Pakistan	55
Annexure D: Form of Application Provided Under PBC Rules 1999 for Access to Free Legal Aid.....	56

List of Figures

<i>Figure 1: Year of adoption of respective instruments by the UN</i>	10
<i>Figure 2: Year of ratification by Pakistan</i>	11
<i>Figure 3: The UN Standard Rules for the Treatment of Prisoners</i>	13
<i>Figure 4: Legal Aid Mechanisms provided by the Sindh Government</i>	14
<i>Figure 5: The first meeting of the Steering committee on 29 March 2023</i>	16
<i>Figure 6: The second meeting of the Steering Committee on 20th June 2023</i>	17
<i>Figure 7: Data provided by LAS through its report dated 16 December 2022 to the HRD.</i>	18
<i>Figure 8: SHRC Legal Adviser seeking details from the inmates</i>	21
<i>Figure 9: Letter written by the SHRC to process payment of diyat, daman and fine of convicted prisoners in Sindh</i>	22
<i>Figure 10: Statement of Government of Sindh in the case of Shahab Usto v. The Federation of Pakistan</i> ...	23
<i>Figure 11: Statement of Government of Sindh in the case of Shahab Usto v. The Federation of Pakistan</i> ...	24
<i>Figure 12: Legal aid mechanisms at various levels of the government</i>	26
<i>Figure 13: Letter written by SHRC for establishment of a mechanism for juveniles and children under Section 3 of JJSA 2018</i>	36
<i>Figure 14: News regarding the letter written by SHRC in the Dawn Newspaper</i>	37
<i>Figure 15: Litigation Budget for the Prosecutor General</i>	38
<i>Figure 16: Litigation Budget for the Law Department</i>	39
<i>Figure 17: MOU signing between SHRC and SLACC</i>	41
<i>Figure 18: Letters written by the HRD for a formal referral mechanism</i>	42
<i>Figure 19: Notification by the HRD dissolving the Provincial Human Rights Vigilance Committee</i>	44
<i>Figure 20: Institutional protection mechanisms in the Province of Sindh</i>	48

List of Tables

<i>Table 1: The Steering Committee for Human Rights Department</i>	15
<i>Table 2: Data provided by PLUS through its report dated 31 December 2022 to the HRD.</i>	19
<i>Table 3: the Provincial Subcommittee on Diyat, Arsh and Daman</i>	20
<i>Table 4: Summary of convicted prisoners confined in prisons for want of diyat, arsh and daman as of 6 June 2023</i>	21
<i>Table 5: Committee for the Welfare of Prisoners</i>	25
<i>Table 6: CWP achievements under litigation from the last 5 years i.e., 2018 – 2022</i>	26
<i>Table 7: legal aid and litigation figures for the latest year i.e., 1 July 2022 - 30 June 2022</i>	26

Acronyms and Abbreviations

ARCC	Anti-Rape Crises Cells
BPS	Basic Pay Scale
Beijing Rules	United Nations Standard Minimum Rules for the administration of Juvenile Justice
Bangkok Rules	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CJS	Criminal Justice System
CPO	Central Police Office
CPU	Child Protection Unit
CWP	Committee For the Welfare of Prisoners
CrPC	Criminal Procedure Code
DIG	Deputy Inspector General of Police
DLFR 1974	Destitute Litigation Fund Rules 1974
FHD	Female Help Desks
FIR	First Information Report
GBV	Gender-Based Violence
GPU	Gender Protection Unit
HRD	Human Rights Department
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
JJSA 2018	The Juvenile Justice System Act 2018
LAJA 2020	Legal Aid and Justice Authority Act 2020
Mandela Rules	Standard Minimum Rules for the Treatment of Prisoners
OSPC	One-Stop Protection Centre
PBC	Pakistan Bar Council
SGBV	Sexual and Gender-Based Violence
SCPA	Sindh Child Protection Authority



<i>SHC</i>	Sindh High Court
<i>SHRC</i>	Sindh Human Rights Commission
<i>SPHRA</i>	The Sindh Protection of Human Rights Act 2011 (2022 Amendment)
<i>UNPG</i>	United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems
<i>UDHR</i>	The Universal Declaration of Human Rights (UDHR)
<i>UNCAT</i>	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
<i>UNCRC</i>	UN Convention on the Rights of the Child
<i>UTP</i>	Under Trial Prisoner
<i>VAWG</i>	Violence Against Women and Girls
<i>WCC</i>	Women Complaint Cells
<i>WCPC</i>	Women and Child Protection Cell
<i>WCPS</i>	Women and Children Police Station
<i>WDD</i>	Women Development Department
<i>WDDF 1996</i>	Women In Distress and Detention Fund Act 1996



Executive Summary:

This policy brief, titled "Mapping of Legal Aid Mechanisms in Sindh Province," conducted by the Sindh Human Rights Commission, presents an exhaustive analysis of legal aid services in Sindh, Pakistan. The primary objective is to offer a holistic perspective on the legal aid landscape within both the provincial, national and international legal framework.

The report underscores the constitutional significance of free legal aid in Pakistan, highlighting its essential role as a fundamental right for ensuring equitable access to justice, as enshrined in Articles 4, 9, 10-A, 25, and 37(d) of the Constitution of Pakistan.

The report also examines the international framework, rooted in the Universal Declaration of Human Rights (UDHR), and the obligations arising from Pakistan's ratification of key human rights treaties. These international commitments stress the state's duty to provide free legal aid and assistance, even though they are not directly enforceable in domestic law. In conclusion, the report reiterates that free legal aid is pivotal in upholding principles of fairness, equality, and human rights within the justice system.

The legal aid framework in Pakistan operates at multiple administrative levels, including federal, provincial, divisional, and district levels, guided by national and provincial legislation, policies, and executive orders.

In Sindh Province, several legal aid mechanisms/procedures/windows have been established at the provincial, divisional and district level. However, three main and functioning committees have been formed to provide the citizens with free legal aid and assistance by the Sindh Government. A Steering Committee for legal aid and assistance to the vulnerable and marginalised segments of the society in Sindh Province has been formed under the Human Rights Department (HRD), Government of Sindh. Additionally, two committees have been formed under the Home Department for free legal aid and assistance: The Provincial Subcommittee on Diyat, Arsh and Daman (a federal government led initiative) and the Committee for the Welfare of Prisoners (CWP), a Sindh provincial government led initiative.

The Pakistan Bar Council Free Legal Aid Rules 1999 provide legal assistance to various categories, including the poor, destitute, orphans, widows, and other deserving litigants. These rules encompass a wide range of cases, from accidents and family laws to illegal detentions and public interest litigation. They establish Free Legal Aid Committees at different levels, including provincial and district committees, to facilitate legal aid provision.

Suits by paupers are governed by Rule 33 of the Code of Civil Procedure, ensuring that individuals who cannot pay court fees can pursue their cases. Section 161A of the Code of Criminal Procedure grants legal representation to victims of specific offenses, such as rape, with the police obliged to inform them of this right.

The Sindh High Court (Appellate Side) Rules 2012 empower the High Court to provide counsel at government expense in cases beyond poverty, guaranteeing accessible legal representation.



The Destitute Litigant Fund Rules 1974 enable destitute individuals to access legal aid in constitutional matters. These rules define a structured process for applying and require an investigation before assistance is granted.

The Women in Distress and Detention Fund Act 1996 aimed to provide financial and legal assistance to women in distress or detention but was later repealed under the Legal Aid and Justice Authority Act 2020 (LAJA).

The LAJA, enacted in 2020, aims to safeguard access to justice for the poor and vulnerable, covering criminal cases and providing legal, financial, and other assistance through the Legal Aid and Justice Authority.

The Juvenile Justice System Act 2018 ensures that every juvenile or child victim of an offense has the right to legal assistance at the expense of the State.

At the district level, the District Legal Empowerment Committee (DLEC) holds a crucial role. Established under the DLEC Rules 2011, the committee identifies "deserving litigants" who lack financial means for legal assistance. Chaired by the District & Sessions Judge, the committee encompasses various members, including representatives from the District Bar Association and civil society. The DLEC extends legal aid in areas like lawyer fees, court fees, copying charges, process fees, and more.

In addition to these legal aid mechanisms, institutional protection mechanisms operate at the district level to enhance access to justice. These mechanisms include the Human Rights Cell of the Sindh Police, Minority Facilitation Centers, and the Sindh Legal Advisory Call Centre, offering free legal advice on various issues.

In conclusion, diverse legal aid mechanisms are scattered across the province of Sindh for individuals unable to afford legal representation. Therefore, this study provides key recommendations for the effective utilization of the legal aid mechanisms for coordination among the various mechanisms and increased awareness of their existence and functions. One of the key recommendations is to establish a Provincial Legal Aid Agency/Authority to ensure a well-coordinated and efficient free legal aid mechanism in the province of Sindh.

1. Introduction and the National Framework

Legal aid is a welfare provision and a legal right by the state to people who could otherwise not afford counsel and redressal from the legal system. Free legal aid¹ is an essential element of a fair, humane and efficient criminal justice system (CJS). It is a key element of access to justice.

The right to legal aid has been enshrined in the Constitution of the Islamic Republic of Pakistan under Article 4 (due process), Article 9 (no person shall be deprived of life or liberty save in accordance with law), Article 10-A (right to fair trial), Article 25 (equality before the law) and Article 37 (d) (inexpensive and expeditious justice).

In *Faisal v. The State*,² the Sindh High Court (SHC) stated at paragraph 22 of the judgement that: "...it is manifest that the accused from the very stage of his arrest till final disposal of the case is required to be defended or represented by a legal expert viz. Advocate if he is poor, indigent or pauper and the State is responsible to provide such assistance to him on State expense."

The Court further stated at Paragraph 23 that: "The State is required to pay to arranged counsel such sum as the court may equitably fix because the State has prosecuted the prisoner and set in motion the process which deprived him of his liberty. The above beneficial prescriptions operate by force of Article 9 of the Constitution from the lowest to the highest Court where deprivation of life and personal liberty is in substantial peril."

Recently, the SHC in *Nazir Ahmed v. The State*³ reaffirmed the right to state provided legal aid while holding that every person has a right to a fair trial by a competent court in the spirit of the right to life and personal liberty. The SHC observed that object and purpose of providing competent legal aid to undefended and unrepresented accused persons were to see that the accused gets free and fair, just and reasonable trial of charge in a criminal case.

Similarly, in *Baz Muhammad Kakar v. Federation of Pakistan*,⁴ a five-member bench of the Supreme Court of Pakistan held at paragraph 56 of the judgement that "the right of access to justice to all is a well-recognized inviolable right enshrined in Article 9 of the Constitution. This right is equally found in the doctrine of "due process of law". The right of access to justice includes the right to be treated according to law, the right to have a fair and proper trial and a right to have an impartial Court or Tribunal."

The above judgements by the Superior Courts of Pakistan emphasizes the importance of the provision of free legal aid by the State to the public.

¹ For the purposes of this policy brief, 'legal aid' may encompass legal advice, assistance and representation.

² *Faisal vs. The State* (PLD 2007 Karachi 544)

³ *Nazir Ahmed v. The State and Others* (2022 Y L R Note 41)

⁴ *Baz Muhammad Kakar and Others v. Federation of Pakistan Through Ministry of Law and Justice and Others* (PLD 2012 Supreme Court 923)



Sindh with its 55.69 population stands second largest Province by population in Pakistan. The population of Sindh increased by 2.57 per cent in 2023.⁵ According to the Multiple Indicator Cluster Survey (MICS) for 2018-2019, the rural areas of Sindh face more multi-dimensional deprivation than the urban areas, with 24.8 Percentage of the urban population and 71.4 Percentage of the rural population of Sindh being multi-dimensionally poor.⁶

Therefore, a considerable section of the population in the province is unable to access justice through the formal legal system mainly due to lack of financial resources and awareness regarding the scattered legal aid mechanisms in the province.

An efficient legal aid system can significantly help improve access of vulnerable sections to justice and reduce legal exclusion. According to the 2022 report by the World Justice Project⁷, Pakistan stands at 97/140 on the criminal justice factor whereas it ranks at 125/140 on the civil justice factor. The country ranks at 123/140 on the fundamental rights factor. Overall, the country ranks at 129/140 on the rule of law index.

Additionally, Pakistan ranks 142 out of 146 countries in the World Economic Forums' global gender gap report of 2023.⁸

Therefore, it is of utmost importance to ensure that the vulnerable and marginalised citizens are provided with free legal aid and assistance by the State on a priority.

Therefore, this mapping of legal aid mechanisms in Sindh Province is being conducted by the Sindh Human Rights Commission under Section 4 (iii) "formulate, implement and regularly update policies with a view to protect human rights" (vii) "undertake and promote research in the field of human rights" (viii) "spread human rights literacy among various sections of society" and (ix) "promote awareness of the safeguards available for protection of human rights through print and electronic media, seminars and other available means" of the Sindh Protection of Human Rights Act 2011 (and its Amendment in 2022).

The aim of this mapping study by the SHRC is to ensure that access to justice through the provision of legal aid reaches the most marginalised and vulnerable sections of the society across all districts of Sindh, as envisioned by the Constitution of Pakistan.

⁵ Pakistan Bureau of Statistics (2023) '7th Population and Housing Census'. Available at <https://www.pbs.gov.pk/sites/default/files/population/2023/Press%20Release.pdf> (accessed 22.10.2023)

⁶ Planning & Development Department Government of Sindh, 'Multidimensional Poverty Index A Planning Tool for Sindh', Available at <https://rtw.sindh.gov.pk/storage/tenders/l8AyCNrrFtle0BKKjRjssKR34NxrYvgljgrn3bk1.pdf> (accessed 24.10.2023)

⁷ World Justice Project, Rule of Law Index Report 2022, Available at <https://worldjusticeproject.org/rule-of-lawindex/country/2022/Pakistan/> (accessed 22.10.2023)

⁸ World Economic Forum, 'Global Gender Gap Report', Available at <https://www.weforum.org/publications/global-gender-gap-report-2023/in-full/benchmarking-gender-gaps-2023/> (accessed 25.10.2023)

2. International Framework on Free Legal Aid

The right to access to justice is central to the **Universal Declaration of Human Rights (UDHR)**, a milestone document in the history of human rights. It was drafted by representatives with different legal and cultural backgrounds from all regions of- the world. The right to access to justice is stipulated in Article 7 of the UDHR. It states that “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.” Moreover, Article 8 provides that: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

The UDHR was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations.

Pakistan has ratified seven of the nine core human rights treaties and has international obligations to provide free legal aid and assistance.



Figure 1: Year of adoption of respective instruments by the UN

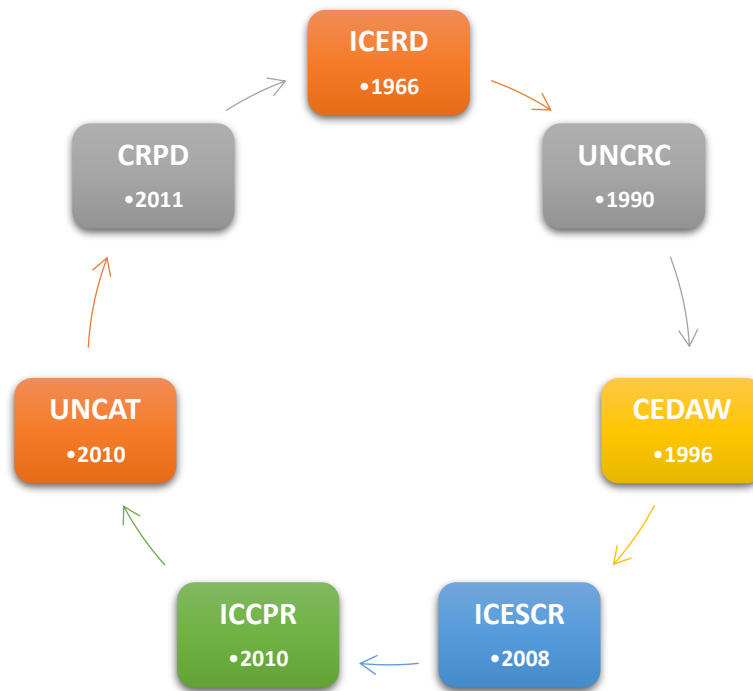


Figure 2: Year of ratification by Pakistan

Pakistan ratified the **International Convention on the Elimination of All Forms of Racial Discrimination** (CERD) on 21 September 1966.⁹ It provides in Article 5 that “...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (a) The right to equal treatment before the tribunals and all other organs administering justice”.

Moreover, Article 40 of UN **Convention on the Rights of the Child** (UNCRC), ratified by Pakistan on 12 November 1990, provides that when a child or young person receive legal help, they should get it without being discriminated against in any way. Their best interests must be considered. Further, the Committee on the Rights of the Child in General Comment 10: Children’s Rights in Juvenile Justice provided that “legal or other appropriate assistance in the preparation and presentation of his/her defence ... should be free of charge”¹⁰

Furthermore, Article 2(c) of **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW), ratified by Pakistan on 12 May 1996, requires States to ‘establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination’. Elaborating on this, the CEDAW Committee has determined

⁹ United Nations Treaty Database, ‘Ratification Status for Pakistan’. Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PAK&Lang=EN (accessed 30.10.2023)

¹⁰ Committee on the Rights of the Child, General Comment No. 10 on Children’s Rights in Juvenile Justice, 25 April 2007 (CRC/C/GC/10, para. 49) (accessed 30.10.2023)



that States must “ensure that women have recourse to affordable, accessible and timely remedies, with legal aid and assistance as necessary”.¹¹

While the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) does not expressly address the right to legal assistance, it asserts State parties’ obligation to uphold rights without discrimination of any kind as to “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” under Article 2(2). Pakistan ratified ICESCR on April 17, 2008.

Pakistan ratified the **International Covenant on Civil and Political Rights** (ICCPR) on June 23, 2010. Article 14 thereof provides that everyone charged with a criminal offence shall be entitled to be tried in his or her presence and to defend himself or herself in person or through legal assistance of his or her own choosing or assigned to him or her where the interests of justice so require.

The **Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment** (UNCAT), states in Article 7 (3): “Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.” Pakistan ratified UNCAT on 23 June 2010.

The **Convention on the Rights of Persons with Disability** (CRPD) also includes provisions on access to justice for persons with disabilities. Article 5(1) provides that “States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.” Furthermore, Article 13 (1) provides that the State “shall ensure effective access to justice for persons with disabilities on an equal basis with others ... in all legal proceedings, including at investigative and other preliminary stages.” Pakistan ratified CRPD in on 5 July 2011.

Although treaties do not become enforceable automatically in Pakistan’s domestic law simply by ratification, their ratification by the government creates long lasting and legally binding obligations on the State of Pakistan that are enforceable under international law.

Additionally, the UN has also adopted rules for prisoners’ rights and welfare, termed as “soft law”, which means they are not legally binding. The National law takes precedence. However, this does not mean they don’t matter. The UN General Assembly, which represents the international community, has adopted them as universally agreed minimum standards.

¹¹ Committee on the Elimination of Discrimination against Women (2010), General recommendation No. 28 on the core obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (16 December 2010), UN Doc CEDAW/C/GC/28, para 34. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/28&Lang=en (accessed 30.10.2023)

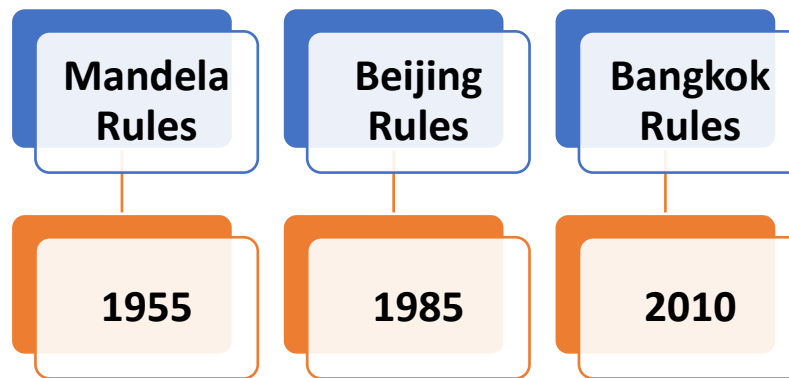


Figure 3: The UN Standard Rules for the Treatment of Prisoners

The Standard Minimum Rules for the Treatment of Prisoners was originally adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955. In December 2015, the UN General Assembly adopted the revised rules as the “**United Nations Standard Minimum Rules for the Treatment of Prisoners**”, which has been renamed as the “Mandela Rules”. Even though the Mandela Rules are not legally binding, they have been used as a reference to improve the prison system and guided policy reform in many countries and regions. Rule 61 (1) provides that “prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. ” Consultations may be within sight, but not within hearing, of prison staff. Moreover, Rule 61 (3) provides that “prisoners should have access to effective legal aid.”

Furthermore, the **United Nations Standard Minimum Rules for the Administration of Juvenile Justice**, commonly known as the “Beijing Rules” provide guidelines on how children should be treated while they are in the criminal justice system. The Beijing Rules were adopted by General Assembly resolution 40/33 of 29 November 1985. Rule 15.1 provides that the juvenile shall have the right to be represented by a legal adviser or to apply for free legal aid where there is provision for such aid in the country” though the proceedings. Furthermore, Rule 18 (a) provides juveniles should have “the right of legal counsel and be enabled to apply for free legal aid, where such aid is available and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications.”

The **United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders** commonly known as the “Bangkok Rules” were adopted by the UN General Assembly on 21 December 2010. Rule 7 provides that women who have been “diagnosed as having been abused in previous custody or prior to that, (by prison staff or other prisoners) should be fully informed of her right to complain and adequate assistance shall be provided to her to enable her to proceed with her complaint if she wishes...The provision of legal assistance to such women is essential. Such assistance may be provided by lawyers or qualified para-legal aid providers, at least in the first instance, in the absence of lawyers.” Further, Rule 25 (2) provides that “Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, shall receive...support and legal aid.”

The above treaties, conventions and rules emphasize the importance of free legal aid by the State to the public.

3. Mapping and Scoping of Legal Aid Services in Sindh Province

In Sindh Province, several legal aid mechanisms/procedures/windows have been established at the provincial, divisional and district level. However, three main and functioning committees have been formed to provide the citizens with free legal aid and assistance by the Sindh Government. A Steering Committee for legal aid and assistance to the vulnerable and marginalised segments of the society in Sindh Province has been formed under the Human Rights Department (HRD), Government of Sindh. Additionally, two committees have been formed under the Home Department for free legal aid and assistance: The Provincial Subcommittee on Diyat, Arsh and Daman (a federal government led initiative) and the Committee for the Welfare of Prisoners (CWP), a Sindh provincial government led initiative. Details on the formation and terms of reference (TORS) are provided in separate subsections.

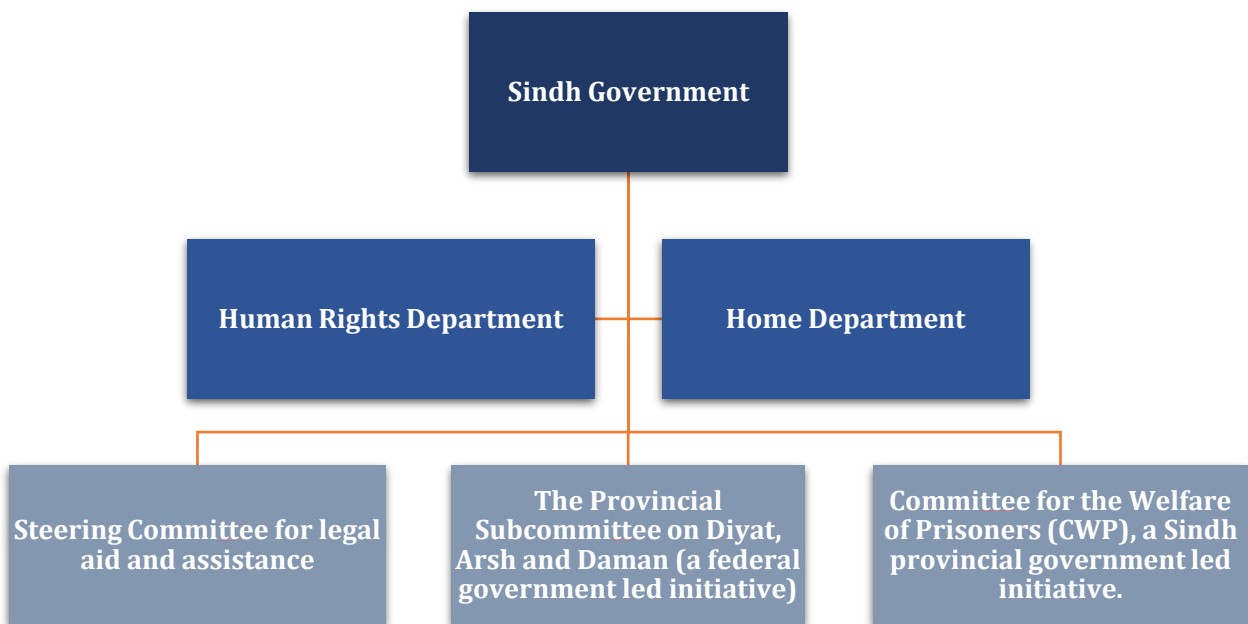


Figure 4: Legal Aid Mechanisms provided by the Sindh Government

3.1 Steering Committee for Human Rights Department regarding Legal Aid and Assistance

The Steering Committee for HRD regarding the Legal Aid Assistance to the vulnerable and marginalised segments of the society was re-notified on 6th April 2023 vide notification



NO.SO(B&F) HR/456/2023/2242. The Steering Committee for Human Rights Department includes the following members:

1	Secretary, Human Rights Department	Chairperson
2	Chairperson, Sindh Human Rights Commission	Co-Chairperson
3	Representative of Sindh Commission on Status of Women	Member
4	Representative of Sindh Child Protection Authority	Member
5	Representative of Women Development Department	Member
6	Representative of Minority Affairs Department	Member
7	Representative of Social Welfare Department	Member
8	Co-opted Member	Member

Table 1: The Steering Committee for Human Rights Department

As per the notification, the TORS of the committee include:

- Advise the HRD and its partner organizations on effective provision of legal aid to victims /survivors of human rights violations / abuses both in contact with law and referred by other civil societies under the said grant in aid;
- Forward eligible cases to the HRD and its partner organizations for legal aid;
- Review the progress and nature of the cases being provided legal aid and advise for their improvement wherever necessary;
- Facilitate the provision of legal aid to victims of human rights violations / abuses both in contact with law referred by other civil societies and through their own network and facilities;
- Extend support to HRD and its appointed partner organizations providing legal aid under the said grant.

The HRD, under the grant of the government of Sindh signed separate renewed Memorandum of Understandings (MoU) with its implementing partners Legal Aid Society (LAS) and Pakistan Legal United Society (PLUS) on 30th May, 2022 under the project titled "Legal Assistance and Awareness Program for Vulnerable Communities Across Sindh". The project commenced on 30th May, 2022 with the objective to provide direct free legal aid and assistance to victims of human rights violations and abuse in the province of Sindh, who are unable to access justice mechanisms due to poor socio-economic circumstances rendering them unable to cover litigation and other associated expenses.

The first meeting of the Steering committee was held on 29 March 2023 in the office of the SHRC. The agenda of the meeting was to decide about the disbursement of aid in grant for legal assistance to poor and marginalised people in Sindh to the implementing partners: LAS and PLUS according to their performance at the divisional and district levels under the chairmanship of the Secretary, Human Rights Department.



Figure 5: The first meeting of the Steering committee on 29 March 2023

After a detailed discussion with all members of Steering Committee, the following decisions were made:

- The disbursement of grant in aid to the NGOs LAS and PLUS will be on performance basis at divisional and district levels.
- Support institutions will send the cases to HRD and cases will be registered through HRD.
- MOU with the NGOs will be revised on the basis of fees/charges of the case.
- LAS and PLUS will establish our legal desk at HRD for monitoring the cases.
- The meeting of Steering Committee will be held regularly on a monthly basis.
- Three million of the grants may be fixed for third party validation.



Figure 6: The second meeting of the Steering Committee on 20th June 2023

The second meeting of the Steering Committee took place on 20th June 2023 following the MOU at the office of the SHRC. The minutes of the meeting are as follows:

1. The Steering Committee approved the eighty-three (83) cases submitted by the Pakistan Legal United Society (PLUS) with directions to fulfil minor lacking/short coming in the list and re-submit in the next meeting of Steering Committee.
2. The Steering Committee approved the forty-eight (47) cases submitted by the Legal Aid Society (LAS) with directions to fulfil minor lacking/short coming in the list and re-submit in the next meeting of Steering Committee.

3. In Vakalatnama, it shall be added that the case has been registered by the Human Rights Department, Government of Sindh for provision of free Legal Aid Assistance to marginalised people.
4. Advertisement shall be published in leading newspapers for hiring the services of law firms or individuals for legal provision under the Grant-in-Aid for Legal Assistance to Poor & Needy People.
5. The application/complaints shall be received through Line Departments and Bar Association.
6. The meeting of Steering Committee will be held on a regular basis every month.

However, the number of cases significantly improved by the end of the project year. As per the data provided by LAS through its report dated 16 December 2022 to the HRD, LAS filed 205 cases in courts across the target districts including 68 in Karachi, 26 in Sanghar, 33 in Hyderabad, 38 in Shaheed Benazirabad, 9 in Larkana, 7 in Dadu, 13 in Sukkur and 11 in Khairpur.

On the other hand, as per the data provided by PLUS through its report dated 31 December 2022 to the HRD, PLUS filed 307 cases in the courts while providing free legal advice in 252 cases. PLUS filed 175 cases in Karachi, 34 in Hyderabad, 48 in Sukkur and 5 in Larkana.

The most prevalent category of cases at LAS and PLUS where free legal aid and assistance was provided include the following:

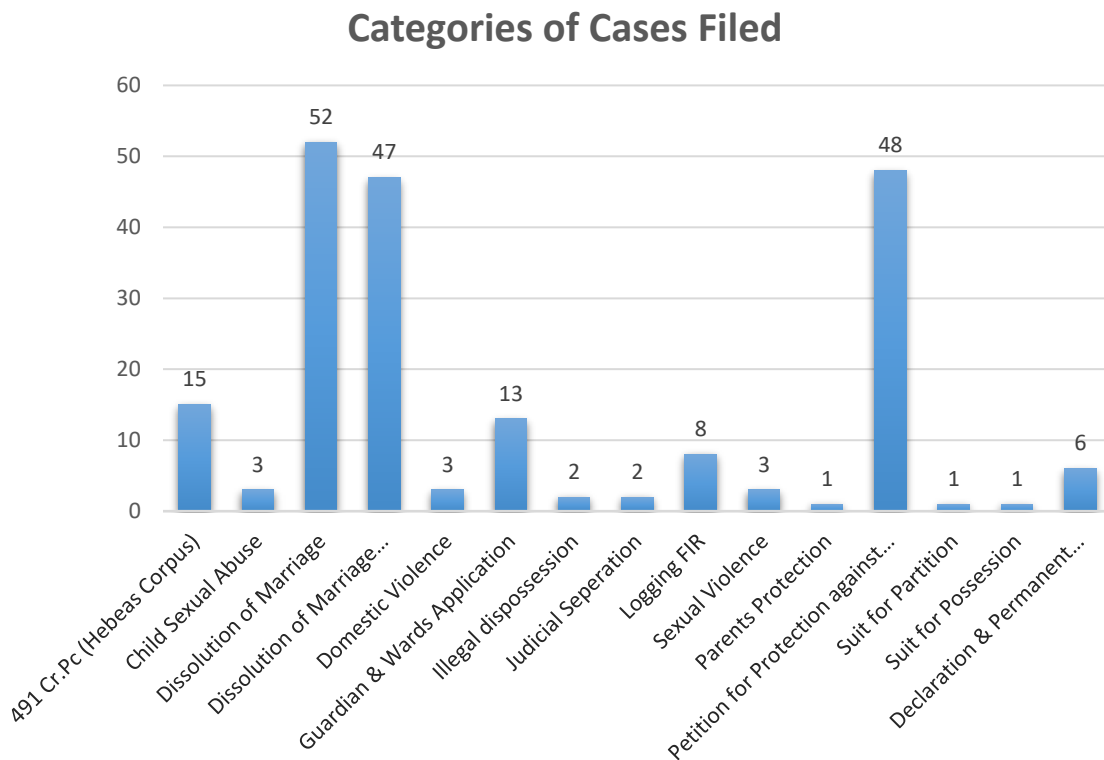


Figure 7: Data provided by LAS through its report dated 16 December 2022 to the HRD.

Sr. No.	Category	Referrals Served
1	Marital Abuse/torture and emotional abuse	227
2	Domestic Violence	34
3	Burning issues (kidnapping/rape and sodomy)	19
4	Release application/execution application/miscellaneous application/fair trial	156
5	Legal Protection & harassment	42
6	Right of share/financial abuse	13
7	Child welfare rights/child abuse	36
8	Violence against Persons with Disabilities (PWDs)	12
9	Citizen, security and human rights	9
10	Forced marriage	07
11	Wrongful confinement	04
	Total	559

Table 2: Data provided by PLUS through its report dated 31 December 2022 to the HRD.

In the Project closing report for the duration of the project (spanning from April 2023 to September 2023), LAS reported that it had filed a total of 108 legal cases across various districts. Of the 108 cases initiated, 87 cases remain pending in courts, awaiting their resolutions whereas 21 cases were disposed of through court orders. It's worth noting that out of the 21 successful cases, 18 cases were that of dissolution of marriage by way of Khula, resolved in favor of the complainant. On the other hand, PLUS reported that it had filed a total of 283 cases with 144 disposals and 139 pending cases.

3.2 The Provincial Subcommittee on Diyat, Arsh and Daman

The Federal Government established Diyat, Arsh and Daman Fund and framed its rules by invoking section 338G (2) of the Pakistan Penal Code (PPC) to provide financial assistance to the convicts who are confined in jails on account of non-payment of diyat, arsh and daman amount.

The Section states the following:

“338G. Rules. _ 3 [(1)] The Government may, in consultation with the Council of Islamic Ideology, by notification in the official Gazette, make such rules as it may consider necessary for carrying out the purposes of this Chapter.

(2) Notwithstanding anything contained in subsection (1), the Federal Government may, by Notification in the official Gazette, make rules regarding the following matters, namely: __

- (a) providing mechanism for creation of a fund, which shall be nonlapsable and exempted from taxes, for the purpose of making of payment of diyat, arsh and daman of the convicts, who, on account of poverty and weak financial position are confined in jails for want of making the said payment;
- (b) facility of extending soft loans out of the said fund to the convicts enabling them to satisfy the claim of legal heirs of the deceased or victims in respect of diyat, arsh and daman;
- (c) in appropriate cases release of such prisoners on parole by the court who after having served out the substantive sentence of imprisonment, if any, are confined in jails on account of nonpayment of diyat, arsh and daman;
- (d) providing jobs to the said convicts, other than the Government department in the work places attached with the jails or through the social organizations or philanthropists, enabling the convicts to disburse the amount paid out of the fund or extended through loans;
- (e) mechanism for protecting rights of the victims for the purpose of diyat, arsh and daman; and
- (f) any other matter for which the rules may be necessary to carry out the aforesaid purpose.]”

The preliminary purpose of this fund is to provide financial assistance to the prisoners who are languishing in jails on account of non-payment of diyat, arsh and daman amount to the legal heirs of victims due to poverty. Some loans or financial grants out of fund are being provided to the convict prisoners who fulfil the prescribed criteria.

The Federal Government placed this fund under the administrative control of Ministry of Law, Justice and Human Rights. As provided in Rule 5 of Diyat, Arsh and Daman Fund Rules 2007, the Administrative Committee delegated all powers to Provincial Subcommittees, to be chaired by Home Secretaries and having a member of the Federal Government for the disposal of business.

Therefore, the Provincial Subcommittee on Diyat, Arsh and Daman was formed under Rule 5 of Diyat, Arsh and Daman Fund Rules 2007 in Sindh Province on 8th October, 2011 vide notification No. SO (Prison-I)/ii-184/07. The Provincial Subcommittee processes the applications and forwards them to the Ministry of Human Rights (MOHR) for payment. The Subcommittee comprises of the following members:

1	Secretary Home Department, Government of Sindh	Chairperson
2	Secretary Social Welfare Department, Government of Sindh	Member
3	Secretary Health Department, Government of Sindh	Member
4	Inspector General of Prisons, Sindh	Member
5	Superintendent Jail Concerned, Sindh	Member
6	Regional Director, Ministry of Human Rights, Government of Pakistan.	Member

Table 3: the Provincial Subcommittee on Diyat, Arsh and Daman

The SHRC Chairperson, members and legal adviser visited various jails in the Sindh province under Section 4(iv) of the Sindh Protection of Human Rights Act 2011, which empowers SHRC to “visit, under intimation to Government, any jail or institution under the control of Government where persons are kept or detained or admitted for purpose of treatment, reformation or protection to see the living conditions of the inmates and make recommendations thereon;”. The SHRC compiled lists of those inmates which all within the prescribed criteria for release under the criteria prescribed within the Diyat, Arsh and Daman Fund Rules 2007.

The Summary of convicted prisoners confined in prisons for want of diyat, arsh and daman as of 06th June 2023:

Sr.#	Name of Prison	Number of prisoners	Diyat amount	Arsh amount	Daman amount	Total
1	Central Prison & C.F Karachi.	1	-	-	Rs. 25,000/-	Rs. 25,000/-
2	Central Prison & C.F Hyderabad.	5	Rs. 53,28,443/-	-	Rs. 50,000/-	Rs.53,78,443/-
3	Central Prison & C.F Sukkur.	10	Rs. 22,44,161.35/-	-	Rs. 300,000/-	Rs.25,44,161.35/-
4	Central Prison & C.F Mirpurkhas	3	-	Rs. 200,000/-	-	Rs.200,000/-
5	Central Prison & C.F Malir Karachi.	1	Rs. 18,54,569/-	-	-	Rs.18,54,569/-
	Total:	20	Rs. 94,27,173,35/-	Rs. 200,000/-	Rs. 375,000/-	Rs. 1,00,02,173.35/-

Table 4: Summary of convicted prisoners confined in prisons for want of diyat, arsh and daman as of 6 June 2023.



The SHRC also wrote letters to IG Prisons Sindh for submission of details of those inmates who were languishing in the jails of Sindh. Upon receiving the lists by Prison Department (Sindh), the SHRC wrote a letter dated 23rd June 2023 to the Regional Director of Ministry of Human Rights, Government of Pakistan. The SHRC recommended that the cases may be referred to Provincial Subcommittee on Diyat, Arsh and Daman for further process as per the provisions of the 2007 Rules in the interest of justice and human rights.

Figure 8: SHRC Legal Adviser seeking details from the inmates



Sindh Human Rights Commission

Government of Sindh

No:SHRC/GOS/14896/3302 12023

Karachi, Dated: 23rd June 2023

To,
The Secretary,
Home Department,
Government of Sindh, Karachi.

SUB: REFERRAL OF THE REQUEST TO PROCESS PAYMENT OF DIYAT, DAMAN AND FINE OF THE CONVICTED PRISONERS CONFINED IN VARIOUS DISTRICT PRISONS AND CORRECTIONAL FACILITIES IN THE PROVINCE OF SINDH

The Sindh Human Rights Commission (SHRC) is a statutory body established under Sindh Protection of Human Rights Act, 2011, with the mandate to protect and promote Human Rights in the province of Sindh. The Commission is tasked with investigating complaints of humans rights violations and recommend remedies to the Government for deterring rights violations in the Province. Some of the key areas that SHRC focuses on include protection of rights of minorities, women, children and marginalized communities, ensuring access to justice and fair treatment for all citizens, and promoting rule of law.

Besides above, the Commission is also empowered U/S 4(iv) Sindh Protection of Human Rights Act, 2011 and Amendment Act of 2023 to visit Jails, Darul Amans and other facilities where persons are kept or detained for the purpose of treatment or reformation. During the course of visits/inspection to various Jails of the province, the Commission came across numerous detainees who are languishing in Jail for non-payment of Diyat, fine, daman and Arsh.

The list of the same is attached herewith for your perusal as Annexure 'A' (List of cases from *Sukkur Jails (C.P-1 & C.P. 2 respectively)*, Annexure 'B' (List of cases from *Khairpur Jail*), Annexure 'C' (List of cases from *Larkana Jails*), Annexure 'D' (List of Cases from Central Prison from *Karachi*), Annexure 'E' (List of cases from *District Prison, Malir*), Annexure 'F' (List of cases from *Central Prison, Hyderabad*), Annexure 'G' (List of cases from *Central Prison Mirpurkhas*).

In view of the above, the Commission U/S 4(ii) Sindh Protection of Human Rights Act, 2011 recommends your good office for necessary action as per Diyat, Arsh and Daman Rules of 2007 in the interest of Justice and Human Rights under intimation to this office.

For, Iqbal Ahmed Detho
Chairperson (SHRC)

Adnan Ali Khaskhaly
Superintendent Complaints
Enquiries & Suo-Motu (SHRC)

Copy for information:-

1. The Secretary, Human Rights Department, Government of Sindh.
2. The Secretary, Social Welfare Department, Government of Sindh.
3. The Inspector General of Prisons, Government of Sindh, Karachi.

Head Office: Room No's 408, 414, 4th Floor, Sindh Secretariat Building No.03 (Old KDA Building), Kamal Ata Turk Road, Karachi - 74200.
Tel: 021-99217318, Fax: 021-99217317, ☎ 0333-9217323, Email: shrc.gos@gmail.com, Website: www.shrc.org.pk
Regional Office Sukkur: District Women Development Complex, Near SRSO Complex, Main Shikarpur Road,
National Highway, Opposite Govt. College of Physical Education, Sukkur.
Tel: 071-5824055, Fax: 071-5824053, Email: shrcsukkur.gos@gmail.com

Figure 9: Letter written by the SHRC to process payment of diyat, daman and fine of convicted prisoners in Sindh.

Additionally, in *Shahab Usto v. The Federation of Pakistan* (Constitutional Petition No. D-1210 of 2019), it was revealed that the Government of Sindh, through jail authorities, deposited an amount of Diyat of five prisoners to the amount of Rs. 261,093,194.00 through cheque No. 24305320 dated 15.05.2019 with the Nazir High Court of Sindh Karachi on account of their appeals. This highlights the fact that the Provincial Subcommittee on Diyat, Arsh and Daman is currently serving its purpose of providing financial assistance to those who are confined in jails on account of non-payment of diyat, arsh and daman amount.

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-1210 of 2019

Shahab Usto S/o Ziauddin Usto Petitioner

VERSUS

1. The Federation of Pakistan
Through Secretary Interior, Government of Pakistan, Islamabad.
2. The Secretary Ministry of Human Rights Government of Pakistan,
3. The State Bank of Pakistan
Head office Karachi.
4. The Government of Sindh through its
Home Secretary,
Sindh Secretariat, Karachi
5. The Inspector General of Prisons Sindh,
Karachi Respondents.

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973
READ WITH SECTION 561-A CR.P.C.**

STATEMENT OF RESPONDENT No. 4

In compliance to the orders of the Hon'ble High Court of Sindh Karachi passed in the subject Constitutional Petition, the Government of Sindh, through Jail authorities, has deposited an amount of Diyat of five (5) prisoners Rs. 261,093,194.00 through cheque No. 24305320 dated 15.05.2019 with the Nazir High Court of Sindh, Karachi on account of their appeals which were pending before the Hon'ble High Court of Sindh, at Karachi.

Brief fact of the case is that the Honorable High Court of Sindh vide order dated 08.03.2019 had directed to submit the list of prisoners confined in various jails of Sindh Province on account of non-payment of Diyat, Arsh and Daman. In response to the above directives / order, this department had submitted the list of all 37 prisoners. Later on, the Honorable Court had passed orders dated 19.03.2019 that the amount will be paid by the Government of Sindh. In compliance of the above orders Government of Sindh had deposited Diyat amount of 32 prisoners who were released after payment of Diyat, Arsh & Daman.

It is further submitted that on the orders of Honourable High Court of Sindh, the Government of Sindh, through Jail authorities, had deposited an amount of Diyat of remaining five (5) prisoners Rs. 261,093,194.00 through cheque No. 24305320 dated 15.05.2019 with the Nazir High Court of Sindh, Karachi on account of their appeals which were pending before the Hon'ble High Court of Sindh, at Karachi.

Out of five appeals, the Criminal Jail Appeal No. 04/2012 in favour of Muhammad Aslam S/o Rasool Bux has been finalized and dismissed by the Hon'ble High Court of Sindh and the Diyat amount Rs. 31, 55,542/- is available with the Nazir High Court of Sindh and this department's also intimated to the Honorable High court of Sindh (**Annex- I**).

Figure 10: Statement of Government of Sindh in the case of Shahab Usto v. The Federation of Pakistan

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-1210 of 2019

Shahab Usto S/o Ziauddin Usto Petitioner

VERSUS

1. The Federation of Pakistan
Through Secretary Interior, Government of Pakistan, Islamabad.
2. The Secretary Ministry of Human Rights Government of Pakistan,
3. The State Bank of Pakistan
Head office Karachi.
4. The Government of Sindh through its
Home Secretary,
Sindh Secretariat, Karachi
5. The Inspector General of Prisons Sindh,
Karachi Respondents.

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973
READ WITH SECTION 561-A CR.PC.**

STATEMENT OF RESPONDENT No. 4

In compliance of the orders of the Hon'ble High Court of Sindh Karachi passed in the subject Constitutional Petition. The Government of Sindh, through Jail authorities, has deposited an amount of Diyat of five (5) prisoners Rs. 261,093,194.00 through cheque No. 24305320 dated 15.05.2019 with the Nazir High Court of Sindh, Karachi on account of their appeals which are pending at Hon'ble High Court of Sindh, at Karachi including prisoner Muhammad Aslam S/o Rasool Bux confined in Central Prison Karachi.

Out of five appeals, the Criminal Jail Appeal No. 04/2012 in favour of Muhammad Aslam S/o Rasool Bux has been finalized by the Hon'ble High Court of Sindh and the Diyat amount of Rs. 31,55,542/- is available with the Nazir High Court of Sindh.

In view of the above position, the Hon'ble High Court of Sindh is requested to pass appropriate order in favour of prisoner Muhammad Aslam S/o Rasool Bux.



(Mir Muhammad Channa)
Focal Person for Court Matters
Home Department
On behalf of Respondent No. 4

Figure 11: Statement of Government of Sindh in the case of Shahab Usto v. The Federation of Pakistan

3.3 Committee for the Welfare of Prisoners (CWP)

The CWP was established in 2004 through an administrative order of the Home Department under the Chairpersonship of Justice (R) Nasir Aslam Zahid and its reconstitution more recently under Section 55 of Sindh Prisons & Correction Service Act 2019. The Committee operates under the administrative department and requires the approval of the Chief Minister of Sindh. It operates as a public-private partnership.

The tenure of the committee has been extended to 22nd December 2023 on 19 May 2022 vide notification No.HD/SO/(PRS-I)/10-01/2020 passed by the Home Secretary, Sindh. The composition of the committee is as follows:

1	Justice (R) Nasir Aslam Zahid	Chairperson
2	Inspector General of Prisons, Sindh	Member
3	Additional Secretary (Prisons), Sindh	Member
4	Home Department, Government of Sindh	Member
5	Women Development Department, Government of Sindh	Member
6	Deputy Inspector General of Prisons (concerned Region)	Member
7	Director, Women Development Department, Sindh	Member
8	Haya Emaan Zahid (Legal Expert nominated by the Chairman)	Secretary/Member

Table 5: Committee for the Welfare of Prisoners

As per the notification, the TORS of the committee include:

- i. To provide legal awareness and legal empowerment to prisoners;
- ii. To provide free legal aid, advice and assistance to prisoners;
- iii. To work for the welfare of juvenile prisoners, women prisoners and children living with their mothers in prisons, in the areas of education health, rehabilitation and livelihood support;
- iv. To review laws, rules, regulations and policies related to prisoners and prisons and suggest repeal, amendment or new legislation if needed;

As of May 15, 2023, Sindh's current prison population stands at 22,312. Out of these, 17,469 individuals are under-trial prisoners, which accounts for approximately 78% of the total prison population. This high percentage of under-trial prisoners highlights the need for efforts to expedite the justice system and address the backlog of pending cases. The CWP needs to prioritize and focus on provision of legal representation and legal aid to Under Trial Prisoners (UTP) implicated in petty offences with no past criminal history as such.

The salient achievements under litigation from the last 5 years i.e., 2018 - 2022 are as follows:

1	Number of prisoners provided with legal representation in Courts	10,645
2	Case Disposals (with certified judicial orders)	9,456
3	Acquittals obtained on merit	4,838
4	Bail applications granted for prisoners	4,683

Table 6: CWP achievements under litigation from the last 5 years i.e., 2018 – 2022

The legal aid and litigation figures for the latest year i.e., 1 July 2022 - 30 June 2022 are provided as follows:

1	Legal Aid Clinics (visits) conducted in 20 prisons	1,869
2	Number of prisoners interviewed & provided with legal advice by qualified lawyers	3,945
3	Number of prisoners provided with legal representation in Courts	3,279
4	Case disposals (with certified judicial orders)	2,581
5	Bail granted for prisoners	1,589

Table 7: legal aid and litigation figures for the latest year i.e., 1 July 2022 - 30 June 2022

The CWP has been at the forefront of repatriation dialogue and initiatives. Justice (R) Nasir Aslam Zahid has been a part of the India-Pakistan Judicial Committee on prisoners. The Committee has also undertaken a number of repatriation initiatives over the years: 311 Indian fishermen in 2012, 337 Indian fishermen in 2013 and 151 Indian fishermen in 2014 were repatriated through the CWP. The Committee utilized the budget of Rs, 85,015,007/- against sanctioned budget of Rs, 86,169,584/- in 2022-2023.

4. Legal Aid Mechanisms at the Federal, Provincial, Divisional and District Level

In addition to the above, information of the legal aid mechanisms at the federal, provincial, divisional and district level under various national and provincial legislation, policies and executive orders is provided in the section below.



Figure 12: Legal aid mechanisms at various levels of the government

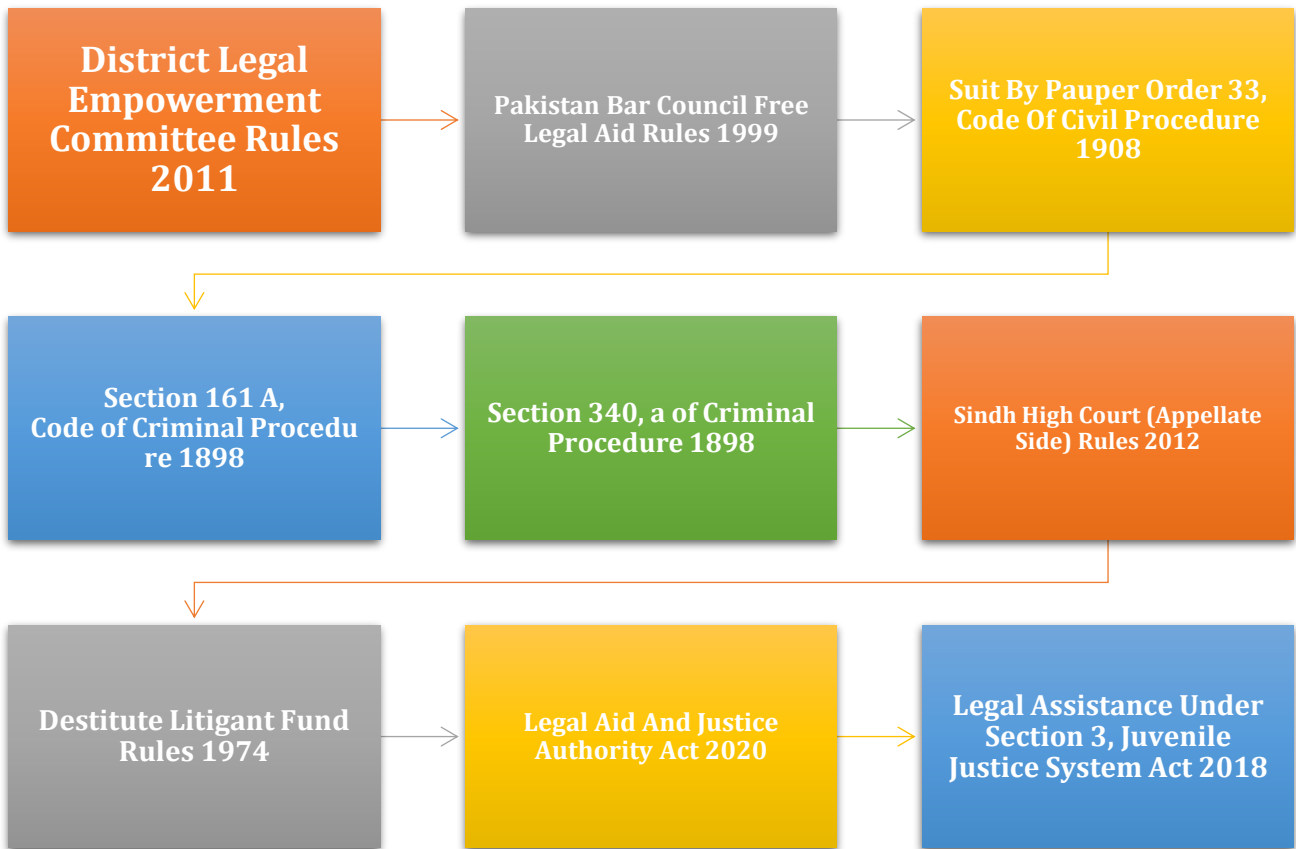


Figure 13: Legal Aid Mechanisms at the federal, provincial, divisional and district levels

4.1 District Legal Empowerment Committee (Constitution & Functions) Rules 2011 (DLEC Rules 2011)

The DLEC Rules 2011 were notified by the Law & Justice Commission of Pakistan in exercise of powers conferred by Section 9 (1) of the Law & Justice Commission of Pakistan Ordinance (XIV of 1979). Under Rule 2 (c) of the DLEC, a “Deserving Litigant” is defined as a litigation who is “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.” The DLEC is constituted by the Law and Justice Commission of Pakistan with the concurrence of the concerned High Court and the Provincial Government. The District & Sessions Judge serves as the chairperson of the DLEC.

The composition of the committee is stipulated in Rule 4 and includes:

District & Sessions Judge / Zilla Qazi	Ex-Officio Chairperson
District Co-ordination Officer/ Deputy Commissioner / Political Agent	Member Ex-officio
Superintendent, District / Central Jail	Member Ex-officio
President, District Bar Association	Member Ex-officio
A Representative of the Civil Society	Co-opted member of the Committee.

Table 8: composition of the DLEC committee

As per Rule 5, the functions of the DLEC include “. - (i)...extent 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.”

According to Rule 6, the DLEC must conduct a 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.

To be published in the next issue of
Gazette of Pakistan Extra Ordinary Part-II

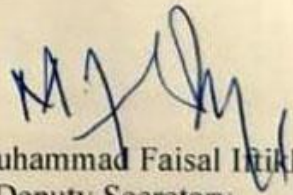
F.No.14/198/2005/LJC-AI
Government of Pakistan
Ministry of Law and Justice
Law and Justice Commission of Pakistan

Islamabad, the 12th October, 2023

S.R.OIn exercise of powers conferred by sub-section (1) of section 9 of the Law & Justice Commission of Pakistan Ordinance (XIV of 1979), the Law & Justice Commission is pleased to make following amendments in the District Legal Empowerment Committees (Constitution & Functions) Rules, 2011, namely:-

- (a) in sub-rule (i) of rule 8, the words “Vice Chairman, Provincial Bar Council” and words appearing after President District Bar Association “and approval of the Chief Justice of High Court” shall be omitted.
- (b) After sub-rule 8(i), a following new sub-rule (i-A) shall be inserted:-
“(i-A) The list of legal practitioners shall be notified for a period of 02 years”
- (c) In sub-rule (ii) of rule 8, for the word “five” the word “three” shall be substituted.
- (d) In sub-rule (iii) of rule 8, for the figure “20,000” the figure “40,000” shall be substituted.

F.No.14/198/2005/LJC-AI



Raja Muhammad Faisal Iftikhar
Deputy Secretary

Figure 14: Law and Justice Commission's 2023 amendment to the DLEC Rules 2011

In October 2023, the Law and Justice Commission made amendments to the DLEC Rules 2011. It has been inserted through a new sub-rule (iA) that the list of legal practitioners shall be notified for a period of 2 years.

4.2 The Pakistan Bar Council Free Legal Aid Rules 1999 (PBC Rules 1999)

The PBC Rules 1999 were notified by the Pakistan Bar Council, in exercise of its powers conferred by Section 13(1)(a) and (n) of the Legal Practitioners & Bar Councils Act, 1973 (Act XXXV of 1973).

Under Rule 2 (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.

Rule 3 provides the scope of the PBC Rules. It states that “(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.

As per Rule 3 (b), the aim of the Rules is to promote legal literacy and create awareness amongst the general public about their legal rights and their protection.

The Rules provide for Free Legal Aid Committees, under Rule 4. It states that: “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;
- 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.

Rule 6 establishes the Pakistan Bar Council Provincial Free Legal Aid Committees in each province of Pakistan. The Rule states that the committee will be established “at the principal seat and at Benches/Circuits of the High Courts of Punjab, Sindh, NWFP and Baluchistan.”

Rules 7 provides for a Pakistan Bar Council District Free Legal Aid Committees. It states that” 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.”

In 2020, the PBC in exercise of its powers upon Sections 13(1)(1a) and (n) of the Legal Practitioners & Bar Councils Act 1973 made and notified amendments in the PBC Free Legal Aid Rules 1999 under Schedule-II (Rate of Professional fees for conducting cases by Advocates). Through this amendment, the rate for profession fees was increased. For example, the fees for the fess for Bail in lower court cases mentioned in Clause 3(i) was increased form PKR Rs.2000/- to PKR Rs. 4000/-.

However, it is important to note that under Rule 8 (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.

4.3 Suit by Pauper Order 33 of Code of Civil Procedure (CRCP) 1908

A pauper has been defines as a person who “..is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or where no such fee is prescribed, when he is not entitled to property worth 2 [one thousand] rupees other than his necessary wearing apparel and the subject matter of the suit.”

The procedure is mentioned under Rule 8, “Where the application is granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted in the ordinary manner, except that plaintiff shall not be liable to pay [any court fee (other than fee payable for service of process) in respect of any petition, appointment of a pleader or other proceeding connected with the suit.”

4.4 Section 161 A of the Code of Criminal Procedure, 1898: Legal Representation of Victim of Rape, Etc.

According to this Section, where an offence under section 354A (Assault or use of criminal force to woman and stripping her of her clothes), section 376 (rape) , section 377 (unnatural offences) or section 377B (sexual abuse) of the Pakistan Penal Code, 1860 (Act XLV of 1860) has been committed or attempted to be committed, the police officer after recording the information under section 154 shall inform the victim, against whom such offences have been committed or attempted to be committed, of his right to legal representation. Further, if the victim under sub-section (1) requires free legal aid the police officer shall provide him the list of lawyers maintained by the Provincial Bar Councils for this purpose. In *Salman Akram Raja and another vs. Government of Punjab*,¹² the Supreme Court of Pakistan recommended that every police

¹² PLJ 2013 SC 107

station that receives rape complaints should involve “..reputable civil society organizations for the purpose of legal aid and counseling. A list of such organizations may be provided by bodies such as the National Commission on the Status of Women. Each Police Station to maintain a register of such organization. On receipt of information regarding the commission of rape, the Investigating Officer (IO)/Station House Officer (SHO) should inform such organizations at the earliest.”

4.5 Section 340 of Code of Criminal Procedure, 1898

It provides that, “ Any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code in any such Court, may of right be defended by a pleader.” By virtue of this section, the principle of the right to legal aid can be derived.

4.6 The Sindh High Court (Appellate Side) Rules 2012

According to Rule 106 in chapter X-A titled, “Rules Regarding Legal Assistance to Persons Charged with Capital Offences in The High Court”, the High Court may arrange counsel at Government expense in cases other than poverty. If the High Court decides that the accused is unable on account of poverty to engage counsel for his defence, the High Court shall make arrangements to employ counsel at Government expense. The High Court may also employ counsel, if it thinks fit, in every case when the accused is unrepresented, irrespective of consideration relative to the means of the accused to engage counsel.

4.7 Destitute Litigant Fund Rules 1974 (DLFR 1974)

These rules establish the right to legal aid in constitutional matters to destitute litigants. A destitute litigant is defined as “one who has no means to pay the court fee or other charges in respect of a writ petition”. Anyone may apply for assistance under the rules to the “Deputy Registrar (Judicial)” or another authorised person, who must make an investigation before accepting the application.

4.8 Women in Distress and Detention Fund Act 1996 (WDDF 1996)

WDDF was established under the Women in Distress and Detention Fund Act, 1996 (XV of 1996). The objects of this Fund were to provide financial and legal assistance to the women in distress or detention. “Women in distress and detention” had been defined as “a female or a class of females in need of financial assistance to elevate her or their miseries due to detention litigation or for similar connected matters.” It was applicable across Pakistan” under Section 2 (c) of the Act. However, it was repealed under Section 26 titled ‘repeal and savings of the LAJA 2020, which states that: The Women in Distress and Detention Act, 1996 (XV of 1996), hereinafter called as repealed Act, shall stand repealed. (2) Notwithstanding the repeal under sub-section (1), all funds and accounts constituted and maintained under the repealed Act shall be deemed to be in continuation of the corresponding funds and accounts constituted or maintained under this Act.”

4.9 Legal Aid and Justice Authority Act 2020 (LAJA)

LAJA was recently enacted in 2020 by the parliament of Pakistan. It is applicable across Pakistan. According to this Act, legal, financial and other assistance for the purpose of safeguarding access to justice to the poor and vulnerable is to be conducted through the Legal Aid and Justice Authority (LAJA) and its offices, in criminal cases.

According to Section 1 (a), an "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) is of unsound mind or lunatic or minor". Under Section 1 (i), "legal aid" is defines as the "the provision of assistance, to a person who is unable to afford legal assistance, representation and access to justice".

The composition of Board is provided in Section 5 and includes the following:

Federal Minister for Human Rights	Chairperson
Attorney General for Pakistan	Member
One member from the Senate of Pakistan to be nominated by the Chairman Senate	Member
One member of the National Assembly to be appointed by the Speaker National Assembly	Member
Advocate General of each province and Islamabad Capital Territory	Member
Secretary, Minister of Human Rights	Member
Secretary, Ministry of Finance	Member
Secretary ministry of law and justice	Member
Vice-Chairman of the Pakistan Bar Council	Member
One prominent female social worker	Member
Director General of the Authority	Member-cum Secretary

Table 9: Composition of LAJA Board

The powers and functions of LAJA are provided in section 8 of the Act, the LAJA has the functions to:

- “(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, moritoring 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 11, 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

(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 a offices and withhold funds from any offices;

(l) establish and monitor the representation 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.”

As per Section 9(5), while establishing the requirements for and providing legal, financial, or other assistance, priority shall be given to underprivileged women and children, especially in matters involving sexual offences.

As per section 2(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”. As per section 2(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.”

Currently, there is no coordination/ official referral mechanism between the existing mechanisms in Sindh and LAJA 2020. Therefore, it is important to note that applicants made under the LAJA 2021 for free legal aid can be channeled through the aforementioned pre-existing legal aid mechanisms in Sindh Province.

4.10 Legal assistance under the Juvenile Justice System Act (JJSA) 2018

Under Section 3 of the JJSA 2018, “ (1) Every juvenile or a child who is victim of an offence shall have the right of legal assistance at expense of the State. (2) A juvenile shall be informed about his rights available under the law by a legal practitioner within twenty-four hours of taking him into custody. (3) A legal practitioner appointed by the [Division concerned or relevant department of provincial Government] or by the Juvenile court for providing legal assistance to a child victim of an offence or a juvenile shall have at least seven years standing at the Bar.”

Section 4(v) of the Sindh Protection of Human Rights Act 2011 (and its amendment in 2023) provides the SHRC the power and functions to “review the safeguards provided by or under the Constitution or any law for the time being in force for protection of human rights and recommend measures for their effective implementation.”

Therefore, the SHRC wrote a letter to the Honorable Registrar of the SHC (as he/she is the highest administrative officer of the High Court and holds administrative control) and requested that he/she direct the divisions concerned to establish a mechanism for free legal assistance for juveniles and children as mandated under Section 3 of JJSA 2018.



SINDH HUMAN RIGHTS COMMISSION
GOVERNMENT OF SINDH



No: SHRC/GOS/15369, 058 /2023

Dated: 04th / 10 /2023

To,

The Honorable Registrar,
The Honorable Sindh High Court.

SUBJECT: ESTABLISHMENT OF A MECHANISM FOR FREE LEGAL ASSISTANCE FOR JUVENILES AND CHILDREN UNDER SECTION 3 OF THE JUVENILE JUSTICE SYSTEM ACT (JJSA) 2018

Dear Sir,

The Sindh Human Rights Commission (SHRC) was established under the Sindh Protection of Human Rights Act 2011 for the promotion and protection of human rights in the Province of Sindh. The Government of Sindh has constituted the SHRC under Section 3 (1) of the Act on 9th May 2013.

Under Section 4 of the Sindh Protection of Human Rights Act 2011, the SHRC has the powers and functions to "4 (v) "review the safeguards provided by or under the Constitution or any law for the time being in force for protection of human rights and recommend measures for their effective implementation. "

As per the data received by the Inspector General of Prisons and Corrections Service Sindh, as of 27.07.2023, there are 385 juvenile offenders (of these, 106 are under the age of 16, whereas 100 are under the age of 18) confined in the prisons of Sindh Province. Due to the sensitivity of their age, juveniles should be treated in a rehabilitative manner to reintegrate them back into the society. Therefore, it is essential to provide them with quality free legal aid.

Data containing age-wise summary of juvenile offenders confined in the prisons of Sindh province as of 27.07.2023 is attached herewith and marked as annexure 'A'.

Section 3 of the Juvenile Justice System Act (JJSA) 2018 States that: "Legal assistance. --- (1) Every juvenile or a child who is victim of an offence shall have the right of legal assistance at expense of the State. (2) A juvenile shall be informed about his rights available under the law by a legal practitioner within twenty four hours of taking him into custody. (3) A legal practitioner appointed by the [Division concerned or relevant department of provincial Government] or by the Juvenile court for providing legal assistance to a child victim of an offence or a juvenile shall have at least seven years standing at the Bar."

Furthermore, the right to legal aid has been enshrined in the Constitution of the Islamic Republic of Pakistan under Article 4 (due process), Article 9 (no person shall be deprived of life or liberty save in accordance with law), Article 10-A (right to fair trial), Article 25 (equality before the law) and Article 37 (d) (inexpensive and expeditious justice).

Therefore, the SHRC under Section 4(v) of the Sindh Protection of Human Rights Act 2011 (and its amendment in 2023) requests the Registrar, being the highest administrative officer of the High Court and holding administrative control to direct the divisions concerned to establish a mechanism for free legal assistance for juveniles and children as mandated under Section 3 of the Juvenile Justice System Act (JJSA) 2018.


Mr. Iqbal Ahmed Detho
Registrar
Sindh Human Rights Commission

Copy to:

I. Office Record

Head Office: Room No. 414, Building No-03, (Old KDA), Sindh Secretariat, Kamal Ata Turk Road, Karachi- 74200, Tel: 021-99217318-3328, WhatsApp: 0333-9217323, Fax: 021-99217317, Email: shrc.gos@gmail.com
Regional Office Sukkar: District Women Development Complex Near SRSO Complex, Main Shikarpur Road, National Highway Opposite Government College of Physical Education. Tel: 071-5824055, Fax: 071-5824053, Email: shrcsukkar.gos@gmail.com

Figure 13: Letter written by SHRC for establishment of a mechanism for juveniles and children under Section 3 of JJSA 2018

DAWN

OCTOBER 23, 2023

Call to provide free legal aid to 385 juvenile offenders in Sindh

By Ishaq Tanoli

KARACHI: The Sindh Human Rights Commission (SHRC) has sought a mechanism to provide free legal assistance to 385 juvenile offenders, who are being kept in three youthful offenders' industrial schools and correction facilities across the province.

The statistics, collected by the office of the inspector general (IG) of prisons and corrections service, Sindh, in July, said 168 juvenile offenders were 17 year old, 106 16 years old, 100 18 years old, eight 15 years old, two 14 years old and one offender was 13 years old.

The youthful offenders industrial school and correction facility at Karachi has the highest number of minors as it houses 338 inmates facing trial in dif-

ferent cases followed by the Hyderabad detention facility for underage with 35 and the one in Sukkur with 12 minors.

The SHRC has asked the Sindh High Court to devise a mechanism offering free legal aid to these children as mandated under several provisions of the Constitution and relevant law.

Initially, a separate legislation for child offenders, the Juvenile Justice System Ordinance (JJSO), was promulgated in 2000 about a decade after the UN Convention on the Rights of Child signing in 1990 to enable law offenders aged less than 18 years to enjoy special treatment in the eyes of law and bar the death penalty.

Thereafter, the Juvenile Justice System Act (JJSA) was enacted in 2018 repealing the Musharraf-era JJSO in order to provide more protection to the

underage facing criminal litigations across the country.

The latest legislation also centers around the "best interest of the child" and introducing the new concept of juvenile rehabilitation in the country.

The SHRC sent a letter on Oct 4 to the registrar of the high court, seeking establishment of a mechanism for free legal assistance to the child offenders.

According to the letter written by SHRC chairman Iqbal Ahmed Detho, there were 385 detained child offenders in the province as per the data provided by the IG prisons and due to sensitivity of their age, these juveniles should be treated in a rehabilitative manner to reintegrate them back into the society and thus, it was essential to offer them free quality legal aid as mandated in the JJSA as well as in the Constitution, it added.

Figure 14: News regarding the letter written by SHRC in the Dawn Newspaper

4.11 Public Defender and Legal Aid Office Ordinance 2009

This Ordinance was passed in 2009, "to establish and maintain a public defender and legal aid office to promote justice throughout Pakistan by providing quality and compassionate legal services, protecting individual rights, and advocating as a justice partner for effective defender services and a fair and rational justice system and to ensure equal protection of law to such persons through free legal assistance, advice and representation in the Courts or outside", as per the preamble of the Ordinance. It is important to note that this ordinance was unable to become a law and lapsed. It was re-promulgated in October 2009. Thereafter, it lapsed and is no longer applicable.

There is an absence of data on the proper functioning of the legal aid mechanisms mentioned above. There is also a lack of effective referral mechanism between the legal aid mechanisms and protection mechanisms mentioned below. Due to the lack of data and awareness among the citizens, the legal aid mechanisms are not able to achieve their objective of provision of quality legal aid to the vulnerable and marginalized segment of the public.

706

SC21118 (118)
Law & Parliamentary Affairs

031104 LITIGATION

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2022-2023	2023-2024	2022-2023	2022-2023	2023-2024
			Rs	Rs	Rs
03 PUBLIC ORDER AND SAFETY AFFAIRS					
031 LAW COURTS					
0311 LAW COURTS					
031104 LITIGATION					
KQ0392 PROSECUTOR GENERAL C.P.S.D KARACHI					
A038 TOTAL TRAVEL & TRANSPORTATION			<u>16,271,000</u>	<u>16,271,000</u>	<u>19,952,000</u>
A03805 Travelling Allowance			4,000,000	4,000,000	4,000,000
A03807 P.O.L Charges A.planes H.coptors S.Cars M/Cycle			12,271,000	12,271,000	15,952,000
A039 TOTAL GENERAL			<u>39,952,000</u>	<u>39,952,000</u>	<u>40,146,000</u>
A03901 Stationery			1,103,000	1,103,000	1,158,000
A03902 Printing and Publication			1,000,000	1,000,000	1,000,000
A03903 Conference/Seminars/Workshops/Sympo			293,000	293,000	293,000
A03905 Newspapers Periodicals and Books			444,000	444,000	466,000
A03906 Uniforms and Protective Clothing			889,000	889,000	933,000
A03917 Law Charges			35,000,000	35,000,000	35,000,000
A03919 Payments to other for Service Rendered			231,000	231,000	254,000
A03970 Others			<u>992,000</u>	<u>992,000</u>	<u>1,042,000</u>
I Others					1,042,000
A05 TOTAL GRANTS SUBSIDIES AND WRITE OF				<u>2,400,000</u>	
A052 TOTAL GRANTS-DOMESTIC				<u>2,400,000</u>	
A05216 Fin. Assis. to the families of G. Serv. who expire				2,400,000	
A09 TOTAL PHYSICAL ASSETS			<u>52,834,000</u>	<u>52,834,000</u>	<u>86,820,000</u>
A092 TOTAL COMPUTER EQUIPMENT			<u>1,150,000</u>	<u>1,150,000</u>	
A09201 Hardware			<u>1,150,000</u>	<u>1,150,000</u>	
I Hardware				1,150,000	
DB5 Five UPS			200,000		
FCO Five Computers with all Accessories			700,000		
VI,P Five Laser Printer			250,000		

Figure 15: Litigation Budget for the Prosecutor General

838

SC21118 (118)
Law & Parliamentary Affairs

036101 SECRETARIAT					
FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2022-2023	2023-2024	2022-2023	2022-2023	2023-2024
			Rs	Rs	Rs
03 PUBLIC ORDER AND SAFETY AFFAIRS					
036 ADMINISTRATION OF PUBLIC ORDER					
0361 ADMINISTRATION					
036101 SECRETARIAT					
KQ0350 LAW DEPARTMENT SECRETARIAT KARACHI					
A032 TOTAL COMMUNICATIONS			<u>4,210,000</u>	<u>4,250,000</u>	<u>5,169,000</u>
A03201 Postage and Telegraph			82,000	122,000	100,000
A03202 Telephone and Trunk call			4,128,000	3,428,000	4,334,000
A03204 Electronic Communication				700,000	735,000
A033 TOTAL UTILITIES			<u>1,289,000</u>		<u>1,418,000</u>
A03303 Electricity			1,289,000		1,418,000
A034 TOTAL OCCUPANCY COSTS			<u>210,000</u>	<u>210,000</u>	<u>500,000</u>
A03407 Rates and Taxes			210,000	210,000	500,000
A038 TOTAL TRAVEL & TRANSPORTATION			<u>13,569,000</u>	<u>17,669,000</u>	<u>17,550,000</u>
A03805 Travelling Allowance			551,000	1,651,000	600,000
A03807 P.O.L Charges A.planes H.coptors S.Cars M/Cycle			13,000,000	16,000,000	16,900,000
A03808 Conveyance Charges			18,000	18,000	50,000
A039 TOTAL GENERAL			<u>105,427,000</u>	<u>105,622,000</u>	<u>106,038,000</u>
A03901 Stationery			840,000	1,500,000	1,000,000
A03902 Printing and Publication			276,000	476,000	376,000
A03905 Newspapers Periodicals and Books			616,000	616,000	650,000
A03906 Uniforms and Protective Clothing			420,000	420,000	500,000
A03917 Law Charges			100,000,000	98,835,000	100,000,000
A03919 Payments to other for Service Rendered			770,000	770,000	847,000
A03936 Foreign/Inland Training Course Fee			1,665,000	1,665,000	1,665,000
A03970 Others			<u>840,000</u>	<u>1,340,000</u>	<u>1,000,000</u>
1 Others					1,000,000
A05 TOTAL GRANTS SUBSIDIES AND WRITE OF			<u>342,484,000</u>	<u>337,684,000</u>	<u>354,023,000</u>
A052 TOTAL GRANTS-DOMESTIC			<u>342,484,000</u>	<u>337,684,000</u>	<u>354,023,000</u>

Figure 16: Litigation Budget for the Law Department

5. Process for Obtaining/ Accessing State Funded Legal Aid

The process for obtaining state funded legal aid varies substantially. In order to obtain legal aid from the HRD Committee and CWP, their offices can be contacted. In other mechanisms, a person seeking free legal aid applies by submitting an application form to the appropriate committee.¹³

The application is then examined and processed. Provincial committees provide representation in the High Court and any provincial-level tribunal, while the district committees provide aid at district-level proceedings. The PBC 1999 Rules, in its schedule provide a template application letter for those seeking legal aid.¹⁴

6. Official Referral Mechanism and Inter-departmental Referral and Coordination

In order to provide quality free legal aid, it is essential to ensure official referral mechanisms and inter-departmental referral and coordination. Therefore, the SHRC signed a Memorandum of Understandings (MOUs) with SLACC for the provision of quality free legal aid to the public.

The SHRC and SLACC took a step forward in promoting legal awareness and providing free legal aid to vulnerable communities in Sindh. A MOU was signed, forging a strong partnership to ensure access to justice becomes a right, not a privilege for all members of society.¹⁵ The MoU aims to protect the rights of those who face legal issues and challenges but lack the means to hire a lawyer, leading to improved human rights protection and accountability for violations. This will lead to improved human rights protection and accountability for those responsible for violations and abuses. In addition to offering legal assistance, the collaboration between SHRC and the SLACC through the MOU aims to increased public awareness of legal rights and responsibilities of members of society in general.¹⁶

¹³ PILnet, 'Provision of Legal Aid for Asylum-Seekers, Refugees, and Others Forcibly Displaced in Asia - Country-Level Memorandum: Pakistan' Available at <https://www.pilnet.org/wp-content/uploads/2022/11/Legal-Aid-Memo-PAKISTAN.pdf> (accessed 22.10.2023)

¹⁴ Legal Aid in Pakistan presentation by Justice Ali Baqar Najafi, Judge Lahore High Court, Lahore, Pakistan, available at <https://www.judiciary.org.za/images/unep-colloquium/Lahore-Pakistan.pdf> (accessed 22.10.2023)

¹⁵ Express Tribune (01.08.2023), 'Free legal aid offered to vulnerable communities', Available at <https://tribune.com.pk/story/2428707/free-legal-aid-offered-to-vulnerable-communities> (accessed 22.10.2023)

¹⁶ Business Recorder (2023-08-01) 'Vulnerable communities: SHRC, LAS ink MoU for free legal aid', Available at <https://www.brecorder.com/news/40255522> (accessed 22.10.2023)



Figure 17: MOU signing between SHRC and SLACC

Additionally, existing official channels of referral mechanisms and coordination exist at the district level. The implementing partners of the Steering Committee for Human Rights Department regarding the Legal Aid Assistance have their own referral mechanisms. For example, the cases were referred to LAS particularly through community leaders in Karachi and other districts of Sindh, as well as through partnerships that LAS has forged with institutions such as Dar-ul-Amans (DUA), Sindh Child Protection Authority (SCPA), Child Protection Units (CPUs), Citizen Police Liaison Committee (CPLC) Women Protection Cells (WPC), Women Complaint Cells (WCC), Sindh Legal Aid Advisory Call Center (SLACC), Women Development Department (WDD), Human Rights Commission Pakistan (HRCP). LAS also provides legal



assistance to those who seek support through personal references, walk-in to the LAS offices or heard of LAS through online/offline marketing/legal awareness sessions within districts.

Whereas, PLUS (as an implementing partner of the HRD) has its own approach. During the project cycle, PLUS conducted visibility meetings with their referral partners and government stakeholders. These included the Department of Empowerment of Persons with Disabilities, Edhi Foundation, WDD, Sindh Police Department, HRCP, other civil society members, government stakeholders and private organizations.

Moreover, the following are examples of letters written for referral mechanisms by the Deputy Secretary of HRD, GOS for official referral mechanism within various departments including the Sindh Police, Commissioners and various other government departments such as the Labor and Human Resources Department, Population Welfare Department, Local Government Department, etc.

In order to ensure that there is a collaborative approach, it was also decided in the meeting of the Steering committee held on 29th March 2023 that the implementing partners will establish their legal desk at the HRD for monitoring the cases.

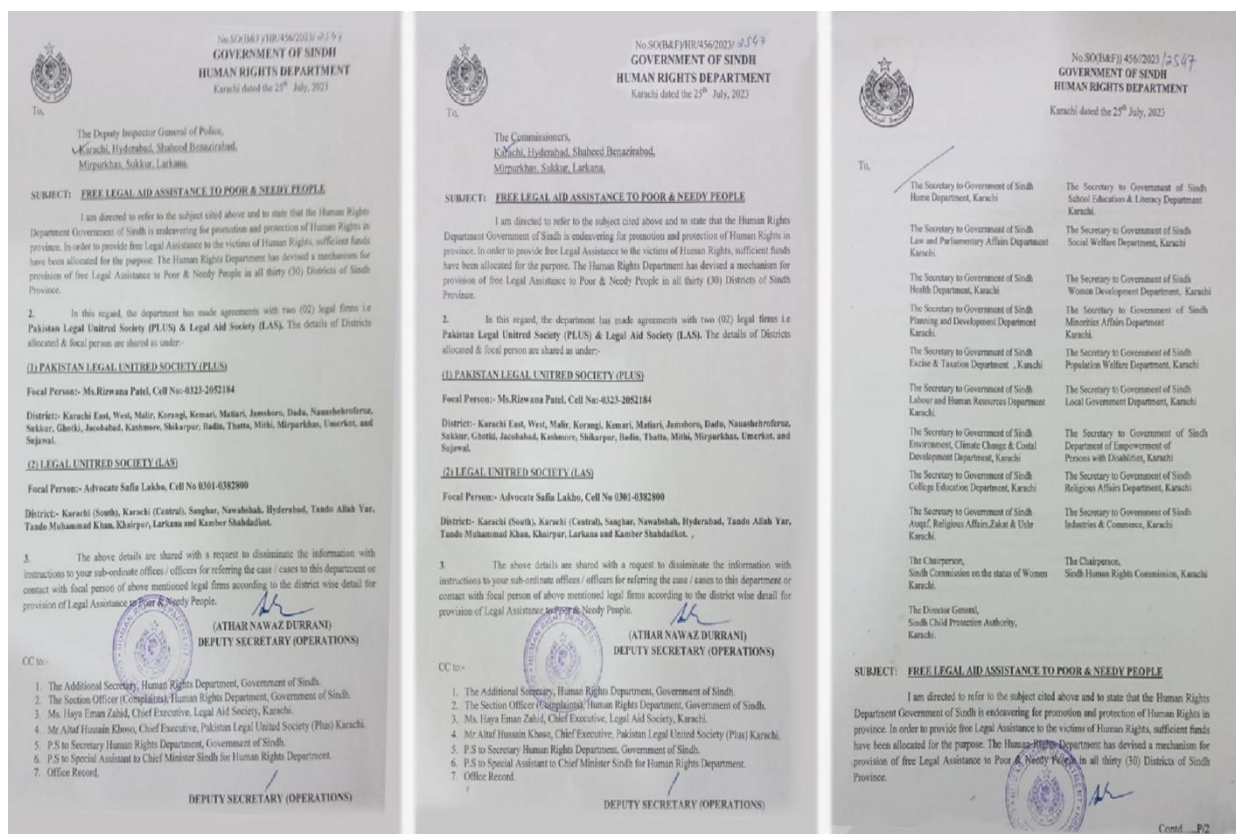


Figure 18: Letters written by the HRD for a formal referral mechanism

Therefore, there are examples of official referral mechanisms across the scattered legal aid mechanisms. However, a referral mechanism among all the legal aid mechanisms is missing.

7. Institutional protection mechanisms at the district level

There are institutional protection mechanisms at the district level to increase access to justice and encourage reporting to the criminal justice system (CJS). These mechanisms and referral pathways are available to a complainant/survivor/ victim when accessing the CJS in Sindh. In a state of vulnerability, it is often difficult for a complainant to realize which one of the above should be their first point of contact with the CJS. This often depends on the type of offense. Due to the lack of awareness of the functions of each reporting mechanism/referral pathway, complainants are often unable to take the most suitable course of action. These differences between the various reporting mechanisms and referral pathways are outlined in more detail in this section.

7.1 Minority Facilitation Centers (Minority Affairs Department, Government of Sindh):

In 2016, the Minority Affairs Department established five Minority Facilitation Centers in all the divisional headquarters of Sindh province. An 18-grade officer of the Department acts as the in-charge of each Center to hear grievances from the general public as well as people belonging to minority communities and to take steps for their redressals.¹⁷

7.2 Sindh Legal Advisory Call Centre (SLACC):

The Sindh government, under the Legal Empowerment of People Program in Sindh (LEPPS), provides invaluable support to SLACC, offering high-quality, free legal advice to citizens across the country. The service, accessible at 0800-70806, has been a beacon of guidance for citizens on legal issues ranging from domestic disputes to violence, socio-economic matters, Zakat and Ushr, business disputes, etc. Headed by a former Supreme Court judge, Khilji Arif Hussain, a panel of expert lawyers operates the call center daily from 9am to 5pm, providing real-time advice to callers facing legal dilemma.¹⁸

7.3 Provincial Human Rights Vigilance Committee:

The Members of Provincial Human Rights Vigilance Committee (PHRVC) are officially notified by Human Rights Department, Government of Sindh. They are volunteers and well known to public as educationists, journalists, artists, advocates and political / social / human rights

¹⁷ Daily Times (2016), 'Sindh establishes 5 facilitation centers for minorities'. Available at <https://dailytimes.com.pk/60032/sindh-establishes-5-facilitation-centers-for-minorities/> (accessed 22.10.2023)

¹⁸ SAMMA (01.10.2023), 'Sindh Legal Advisory Call Centre -- priceless gift for the helpless'. Available at <https://www.samaa.tv/208731875-sindh-legal-advisory-call-centre-priceless-gift-for-the-helpless>(accessed 13.10.2023)

activists. They belong to different districts of Sindh to observe human rights violation cases, physically visit the victims / officials for redressal and report to the HRD.¹⁹ However, the PHRVC were dissolved on 06.09.2023 through vide notification No.SO (GA)HR/PHR/341/2020-21 by the HRD.



**GOVERNMENT OF SINDH
HUMAN RIGHTS DEPARTMENT**

Karachi dated the, 06th September, 2023

NOTIFICATION

NO.SO(GA)HR/PHR/341/2020-21: In pursuance of this Department's Notifications of even numbers dated 05.10.2021, 27.07.2022, 09.02.2023, 22.02.2023, 08.03.2023 and 13.03.2023; respectively all the Provincial Human Rights Vigilance Committees are hereby dissolved with immediate effect, till further orders.

**-JAWED SIBGHATULLAH MAHAR-
SECRETARY TO GOVERNMENT OF SINDH**

NO.SO(GA)HR/PHR/341/2020-21/

Karachi, dated the 06th September, 2023.

A copy is forwarded for information and necessary action to:-

- The Secretary, Home Department, Government of Sindh, Karachi;
- The Inspector General of Police, Karachi.
- The Commissioners (All).
- The Additional Inspector General of Police, Karachi (Human Right Cell).
- Members concerned.
- The Deputy Director (HRD), (All).
- The PS to Minister for Law, Parliamentary Affairs & Human Rights Department.
- The PS to Secretary Human Rights Department, Government of Sindh, Karachi;
- Officer concerned;
- Office order file.




SECTION OFFICER (GA)
for Secretary to Government of Sindh

Figure 19: Notification by the HRD dissolving the Provincial Human Rights Vigilance Committee

¹⁹ Human Rights Department, Government of Sindh, 'Provincial Human Rights Vigilance Committee (PHRVC)' Available at <https://humanrights.sindh.gov.pk/provincial-human-rights-vigilance-committee> (accessed 23.10.2023)

7.4 Human Rights Cell, Sindh Police:

In 2019, a Human Rights Cell was established by the Sindh Police. The human rights cell is a specialized unit which operates as a supervisory body responsible for focusing on issues of human rights. The cell functions under the command of DIG (headquarters). There are three major sections within the cell, addressing the issues of minorities, women and children. The cell takes up matters of human rights related to regular policing from all parts of the province.²⁰

7.5 Women and Children Police Stations (WCPCs):

The WCPCs were first established in 1994 as female survivors are often reluctant to approach male police officers. WCPCs contains female staff, who provide assistance to complainants/victims/survivors, including registration of the FIR (First Information Report), and referral to legal aid services and shelter homes, such as Dar-ul-Aman and NGOs providing free legal aid and advice. The first women's police station in Karachi was established in November 2009.²¹

7.6 Women and Children Protection Cells:

These Cells function as facilitation centers for aggrieved women and children. They first came into being in 2017 whereby the first facility was established in the Deputy Inspector General's Office, Hyderabad Range. WCPCs were notified across Sindh on 02.08.2021 vide notification number: ADDL: IGP/PCA/WCPC/2021 by the Additional Inspector General of Police. The Cells cannot register an FIR, which starts the court process. They can only provide referral services and engage in an attempt to resolve disputes/cases. In many cases, which are not heinous in nature but are minor disputes of civil law nature, complainants and applicants prefer to resolve the cases with the help of the in-charges of the WCPCs rather than lodging an FIR and invoking the jurisdiction of the courts. Examples of such cases include disputes over dowry, maintenance, and bridal gifts.

7.7 Female Help Desks (FHD):

These are also known as Women Support Desks, Women Help Desks, and Violence against Women Desks and have been established across the province. These operate as designated desks under the supervision of female police officers, who provide support and facilitation in the lodging of complaints and the FIR. Research has indicated that they have been successful in encouraging women and children to report crimes. Since FHD are based inside the police stations, they have the power to register an FIR.

²⁰ Dawn News (2019), 'Sindh police sets up human rights cell'. Available at <https://www.dawn.com/news/1502421> (accessed 2.11.2023)

²¹ Dawn News (2009), 'Women police station opened in Karachi'. Available at <https://www.dawn.com/news/879284/women-police-station-opened-in-karachi> (accessed 2.11.2023)

7.8 Gender Protection Unit (GPU):

It has been established by the Sindh Police in Karachi (East District). It is a specialized unit which operates as a supervisory body responsible for focusing on issues of gender rights, including women, children and trans individuals.

7.9 One-Stop Protection Centre (OSPC):

This was a Pilot Project established by the Sindh Police at the Women Police Station in district South, Karachi. The OSPC places legal and police services within proximity to one another.

7.10 Anti-Rape Crisis Cells (ARCC):

The first ARCC was established in Karachi under Section 4 of the recently enacted Anti-Rape (Investigation and Trial) Act 2021. The ARCCs will be established in public hospitals with adequate medical facilities across the country. The ARCC will also provide an expedited medico-legal examination, collection, and gathering of evidence, forensic analysis or examination, and registration of FIR by the police.

7.11 Women Complaint Cells, Women Development Department (WDD):

These have been established at Sanghar, Kamber, Kashmore, Jamshoro, Khairpur, Shikarpur, Badin, Ghotki, Naushero Feroze, Thatta, T.A. Yar, Umerkot, Tharparkar, Dadu & Matiari by the Women Development Department (WDD) in order to protect and promote the right of women and girls.

7.12 Sindh Child Protection Unit (SCPU):

Under Section 16. (1) of the Sindh Child Protection Authority Act 2011 (Amendment 2021), the establishment of a child protection unit has been mandated. It provides that: "The Authority may establish a child protection unit for district level (3) The unit shall exercise such powers and perform functions as may be prescribed by rules." In the recent 2021 Amendment, new powers and functions have been stipulated, which include: "(q-i) to facilitate and ensure the registration of a First Incident Report (F.I.R.) with the police or any law enforcement agency in relation to any child in need of special protection measures who is reported to the Authority as missing or abducted, within four hours of the child being reported missing or abducted."

Further, the functions of the SCPUs have also been provided under Rule 17 of the Sindh Child Protection Authority Rules 2016. It includes: " (a) liaise with child protection community structures and support, as far as possible. initiate for the prevention of abuse, neglect and exploitation of children, (b) receive register, refer where possible, manage and monitor cases of children in need of special protection measures accordance with applicable minimum standards. and procedures prescribed by the Authority (c) perform all other acts and duties as may be



delegated by the Authority under the Act” As per data received by the SHRC from the Sindh Child Protection Authority (SCPA), they have been established across all districts of Sindh.

Additionally, the SCPA has also established a helpline called “Sindh Child Helpline”, which functions 24/7 and responds to people seeking help from all the districts of Sindh on its number “1121”.

7.13 District Vigilance Committee, Labour Department (Government of Sindh):

Prior to 18 amendments, a Legal Aid Service Unit (LASU) by the Federal Labour Department was functioning at the district level in the Sindh Province. However, post the 18th Amendment, the Sindh Bonded Labour System (Abolition) Act 2015 was enacted by the Provincial Assembly of Sindh. A District Vigilance Committee was provided under Section 15. (1): It states “Vigilance Committees shall be set up at the district level in the prescribed manner, consisting, of elected representatives of the area, representatives of the District Administration, Bar Associations, press, recognized Social Services and Labour Department of the Government of Sindh. (2) The following shall be the functions of the Vigilance Committees, namely; - (a) to advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in proper manner, to help in the rehabilitation of the freed bonded labourer; (b) to keep an eye on the working of the law; and (c) to provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law.”

Furthermore, Rule 9 of the Sindh Bonded Labour (Abolition) Rules 2021 provides for a fund for “...the rehabilitation and welfare of the freed bonded labourer...”. However, as per information received by the SHRC from the Labour Department (Government of Sindh), the Fund has not yet been established.

7.14 Other protection mechanisms:

These include Child Coordination Committee by the Sindh Child Protection Authority, District Zakat Committee by the Zakat and Ushr Department, Government of Sindh.

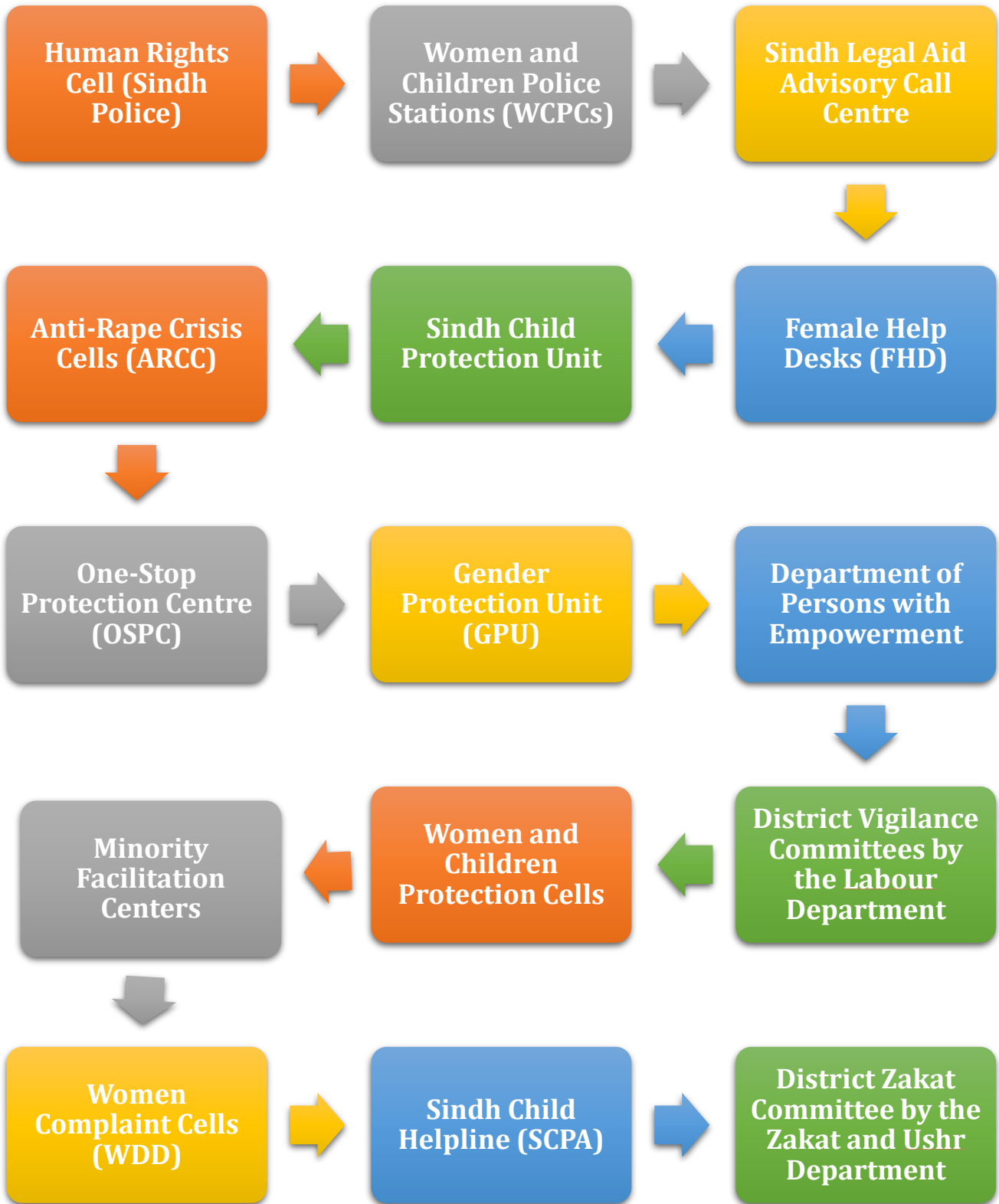


Figure 20: Institutional protection mechanisms in the Province of Sindh

8. Public Awareness

Spreading awareness and information to the public is always a challenge. However, various efforts have been made to ensure that there is sufficient public awareness so that the citizens may take advantage of the free legal aid and assistance provided by the State. In order to ensure there is public awareness, the implementing partners of the HRD conduct visibility meetings to constantly improve the access of marginalized communities to legal justice in Sindh. In this regard, PLUS made significant efforts by conducting 75 visibility and networking meetings from 1st June to 31st December 2022; 15 in Karachi, 19 in Hyderabad, 7 in Mirpurkhas, 12 in Nawabshah, 13 in Sukkur and 9 in Larkana.

Besides that, for the social mobilizing and community outreach of the project, LAS and Plus have an active social media account where they also receive cases for free legal aid. The organisations also write in print media; regional newspapers and other magazines where the free legal aid by the HRD is promoted. The organisations also appear in media occasionally to spread awareness on free legal aid and assistance, such as local tv channels including Sindh TV, Venus HD TV.



9. Recommendations

To improve the status of the scattered legal aid mechanisms in Sindh Province, the following recommendations are provided:

Recommendations for legislative bodies:

- Currently, the legal aid mechanism in Sindh is scattered across various departments in the government. Legal aid is being provided to the public through implementing partners. This is creating a confusing state of affairs for the beneficiaries. While at the federal level, the Legal Aid and Justice Authority Act 2020 was enacted, post the 18th Amendment to Pakistan's Constitution, legal aid is a Provincial subject. In Punjab, the Provincial Punjab Legal Aid Agency has been established on 29 October 2019 under Punjab Legal Aid Act 2018. Similarly, the Khyber Pakhtunkhwa Legal Aid Act 2019 was enacted in Khyber Pakhtunkhwa. The Acts are similar in nature. They provide for a Provincial Legal Aid Agency and stipulate the functions for the agency. By way of example, Section 4 of the Punjab Legal Aid Act, 2018 stipulates the following functions for the agency:

"Section 4 Functions of the Agency: The Agency Shall

(a) evolve policies, principles and guidelines for providing legal aid;

- (b) design and establish an effective mechanism for provision, monitoring and evaluation of legal aid;*
- (c) advise the Government or any other agency in regard to enforcement of the right to fair trial and due process;*
- (d) undertake and promote research in the field of legal aid with special reference to the need of such aid to the indigent persons;*
- (e) devise and recommend structure of fees for legal aid for approval of the Government;*
- (f) perform such other functions as may be assigned to it by the Government;*
- and*
- (g) do all other things necessary for carrying out the purposes of the Act''*

The Acts also mandate a panel of advocates under Section 10 and a Code of Conduct under Section 11, which is essential to adopt when providing legal aid to the beneficiaries.

Therefore, it is recommended that special legislation is enacted in the Sindh Province to institutionalize the legal aid mechanism and to channel the legal aid mechanism through a uniform and well-coordinated mechanism and standard.

- The existing legal aid mechanism at the federal, provincial divisional and district levels such as the DLEC Rules 2011, PBC Rules 1999, DLFR Rules 1974 must be put into and aligned with single administrative mechanism the provision of quality free legal aid.

Recommendations for the relevant administrative department:

- The provincial rules under the JJSA 2018 must be notified at a priority to effectively implement the Act and to ensure the best interests of the child are at the center when taking any decisions regarding him/her.
- Lack of awareness of legal rights, entitlements and forums available for redressal is a key issue that plagues our justice system. The State must spread awareness to the beneficiaries on the existing legal aid systems.

Recommendations for civil society organizations:

- Until special legislation on legal aid is enacted, the implementing partners must adopt a uniform code of conduct (CoC)/ standard operating procedures (SOPs) to ensure the highest level of quality in dispensing legal aid to the vulnerable and marginalised segments of the public. The COC/SOPs should be designed in a way to ensure people-centred legal and justice services by taking note of the availability, accessibility, and quality of a continuum of legal and justice-related services. It should take into account the rights and possible vulnerabilities, justice needs, preferences and capabilities of the beneficiaries.

- The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (adopted by the General Assembly on the report of the Third Committee (A/67/458)) should be kept at the centre of the provision of legal aid and should be incorporated into the CoC/SOPs document. The Guidelines are drawn from international standards and recognized good practices and aim to provide guidance to States on the fundamental principles on which a legal aid system in criminal justice should be based and to outline the specific elements required for an effective and sustainable provincial legal aid system, to strengthen access to legal aid.
- To avoid a situation of conflict of interest, the implementing partners should ensure the independence of legal aid providers in the performance of their functions.
- The approved panel of advocates should be provided by the implementing partners, and it should be ensured that the beneficiaries are assisted by a lawyer of their own choice upon arrest or detention, when charged with a criminal offence or when seeking legal aid in cases of a civil nature.
- It should be ensured by the implementing partners that lawyers have appropriate education and training and are aware of the ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law. This objective can be achieved through periodic trainings.
- There should be a gender-balanced recruitment of the panel of advocates by the implementing partners of HRD.
- There should not be any geographic limitations when accessing legal aid. It should be accessible throughout the province to the marginalized and vulnerable segments of the society.
- It must be ensured that the panel of advocates provides legal aid to women, transgender individuals and children are gender-sensitized and provide legal aid without discrimination of any form. Sexual harassment, discrimination and abuse of authority must not be tolerated.
- It should be ensured by the implementing partners that the lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

Recommendations for the Academia:

- It should be kept in mind that there are various methods of providing legal aid and that the intervention of a fully trained lawyer at every stage in the criminal procedure is not required. Therefore, supplementary models should also be



developed, such as paralegals, who have basic knowledge about the law, legal system and procedures play an important role in ensuring the rights of defendants and an efficient justice system. Academia, through the legal aid clinics can play a key role in this regard.

10. Conclusion

Sindh Province has three major mechanisms for legal aid and assistance. While two committees have been formed under the Home Department for free legal aid (the Provincial Subcommittee on Diyat, Arsh and Daman and the Committee for the Welfare of Prisoners), a Steering Committee for legal aid assistance to the vulnerable and marginalised has been formed under the Human Rights Department (HRD), Government of Sindh. These committees provide legal aid and assistance in both criminal and civil cases. Moreover, the committees also ensure that the rights of prisoners are upheld.

Additionally, several mechanisms exist at the provincial, divisional and district levels under various federal laws, rules, policies and procedures. However, there is a lack of referral mechanism between them. Furthermore, the citizens are mostly unaware of these legal aid mechanisms.

In order to ensure quality legal aid to the vulnerable and marginalized citizens, it is of utmost importance to ensure that the recommendations outlined above are followed. Most particularly, the recommendation for legislative bodies regarding the enactment of special legislation in the Sindh Province to institutionalize the legal aid mechanism and to channel the legal aid mechanism through a uniform and well-coordinated mechanism and standard.

11. Annexures

Annexure A: Notification of Steering Committee for Human Rights



HUMAN RIGHTS DEPARTMENT GOVERNMENT OF SINDH

CORRIGENDUM

No.SO(B&F)/HR/456/2023/2242 :-In partial modification of this office earlier Corrigendum No.SO(Admn)/HR/456/2022/1922 dated 1st August, 2022 (copy enclosed) and with the approval of the Competent Authority, a Steering Committee is constituted for Human Rights Department (HRD) regarding the Legal Aid Assistance to the poor & needy people comprising the following members:-

1	Secretary, Human Rights Department	Chairman
2	Chairperson, Sindh Human Rights Commission	Co-Chairman
3	Representative of Sindh Commission on Status of Women	Member
4	Representative of Sindh Child Protection Authority	Member
5	Representative of Women Development Department	Member
6	Representative of Minority Affairs Department	Member
7	Representative of Social Welfare Department	Member
8	Coopted Member	Member

Terms of References (TORs)

- Advise the Human Rights Department and its partner organizations on effective provision of Legal Aid to victims /survivors of human rights violations / abuses both in contact with law referred by other civil societies under the said Grant in Aid;
- Forward eligible cases to the HRD and its partner organizations for Legal Aid ;
- Review the progress and nature of the cases being provided Legal Aid and advise for their improvement where ever necessary;
- Facilitate the provision of Legal Aid to victims of human rights violations / abuses both in contact with law referred by other civil societies and through their own network and facilities;
- Extend support to HRD and its appointed partner organizations providing Legal Aid under the said Grant.

JAWED SIBGHATULLAH MAHAR
SECRETARY TO GOVERNMENT OF SINDH
HUMAN RIGHTS DEPARTMENT

No.SO(b&f)/ HR/456/2023/2242

Karachi, dated the 6th April , 2023


Copy for information and necessary action to:-

1. The Special Secretary, Finance Department, Government of Sindh, Karachi;
2. P.S to Special Assistant to Chief Minister Sindh, for Human Rights, Sindh, Karachi;
3. P.S to Secretary, Human Rights Department, Government of Sindh, Karachi;
4. Members (All);
5. Office Order File.




(ATHAR NAWAZ DURRANI)
SECTION OFFICER (B&F)
for Secretary to Government of Sindh

Annexure B: Notification of Provincial Sub-Committee on Diyat, Arsh and Daman



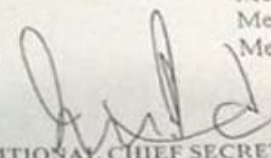
HOME
DEPARTMENT
Karachi, dated the 8th Oct. 2011

NOTIFICATION

NO. SO(Prison-I)/11-184/07: Pursuant to the Minutes of the First Meeting of the Administrative Committee of Diyat, Arsh & Daman vide No: 3-3 (P) / 2008-B&A dated: 10-08-2011 and subsequent delegation of Powers to the Sub-Committee by (Director General), Ministry of Human Right, Government of Pakistan, Islamabad, the Home Department, Government of Sindh are pleased to constitute Provincial Sub-Committee as provided under Rule-5 of Diyat, Arsh and Daman fund Rules-2007. The provincial Sub-Committee would process the applications for Diyat, Arsh, and Daman and forward to DDO Ministry of Human Rights for payment.

The Sub-Committee comprises the following:

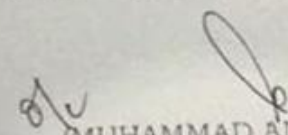
01.	Secretary Home Department, Government of Sindh	Chairman
02.	Secretary Social Welfare Department, Government of Sindh	Member
03.	Secretary Health Department, Government of Sindh	Member
04.	Inspector General of Prisons, Sindh	Member
05.	Superintendent Jail Concerned	Member
06.	Regional Director, Ministry of Human Rights, Government of Pakistan.	Member


ADDITIONAL CHIEF SECRETARY HOME
GOVERNMENT OF SINDH

NO. SO (Prison-I) / 11-184 / 07 : Karachi, dated the 8th Oct. 2011

A copy is forwarded for information and necessary action to:-

01. The Secretary Social Welfare Department, Government of Sindh Karachi.
02. The Secretary Health Department, Government of Sindh, Karachi.
03. The Inspector General of Prisons, Sindh, Karachi.
04. The Superintendent, Jails in Sindh (All).
05. The Director General, (H.R), Ministry of Human Rights, Government of Pakistan, Islamabad.
06. The Regional Director, Ministry of Human Rights, Government of Pakistan, Islamabad.


(MUHAMMAD ANWAR MALIK)
SECTION OFFICER (PRISON-I)

Annexure C: Application Form Accessing the Relief and Revolving Fund for Legal Aid under Ministry of Human Rights, Government of Pakistan

حکومت پاکستان
وزارت قانون انصاف و انسانی حقوق
اسٹیٹ لائف بلڈنگ نمبر 5، چائے چوک بیوار یا، اسلام آباد -
051-9212010



درخواست فارم برائے حصول مالی امداد "ہیومن رائٹس ریلیف ایروالونگ فنڈ"

- 1) درخواست دہندہ کا نام _____ (2) ولدیت / ازدواجیت _____
- 3) شناختی کارڈ نمبر _____ (4) رابطہ نمبر _____
- 5) مکمل پتہ _____
- 6) بصورت پائی انسانی حقوق، سے متاثرہ فرد کا نام و ولدیت / ازدواجیت _____
- 7) متاثرہ فرد کی عمر _____ (8) متاثرہ فرد کی جنس _____ (9) متاثرہ فرد کی ازدواجی حیثیت _____
- 10) متاثرہ فرد کا درخواست دہندہ سے رشتہ _____ (11) متاثرہ فرد کی حالت ہے۔ ہاں / نہیں
- 12) متاثرہ فرد کا شناختی کارڈ نمبر: _____ (13) متاثرہ فرد کا رابطہ نمبر: _____
- 14) متاثرہ فرد کا مکمل پتہ: _____

15) مطلوبہ بانی۔ کس مقصد کے لئے درکار ہے:

- ☆ قانونی پیارہ جوئی برائے حصول انصاف ☆ بصورت جسمانی تشدد / زیادتی، علاج کے لئے اخراجات
- ☆ بصورت پائی انسانی حقوق، متاثرہ فرد کی جسمانی و ذہنی معافی کے لیے
- ☆ بصورت پائی انسانی حقوق، متاثرہ خیمہ کی کفالت کے لیے
- 16) پائی انسانی حقوق کی صورت میں سولے کی نوعیت:

- ☆ اخرا ☆ زنا بلیغ ☆ ادارے عدالت قتل ☆ پولیس متاثرہ ☆ تشدد ☆ خلاف قانون خاتون کی گرفتاری
- 17) بیان حلفی سائل اساتذہ

میں حلفاً بیان کرتا کرتی ہوں کہ درخواست کے مندرجات باکل درست اور حقائق پر مبنی ہیں۔ کوئی بات مخفی نہیں رکھی گئی ہے۔ مزید برآں اس ضمن میں پہلے کسی مالی بندہ حاصل نہ کی ہے۔ مطلوبہ رقم لے کر صورت میں یہ رقم ہی مقصد کیلئے خرچ کر دوں گا گی جس کیلئے حاصل کی گئی ہے۔ اگر مطلوبہ رقم کا غلط استعمال کیا تو رقم مطلوبہ فنڈ میں واپس کرانے کا پابند ہوں گا گی اگر غلط بیانی ثابت ہوگی تو قانون کے مطابق ترمیمی سزا کا مستحق ہوں گا گی۔

تاریخ: _____ دستخط و درخواست دہندہ: _____ نشان انگوٹھا و درخواست دہندہ: _____

18) گواہان

- 1) نام مجھ ولدیت _____ پتہ و رابطہ نمبر _____ شناختی کارڈ نمبر: _____
- 2) نام مجھ ولدیت _____ پتہ و رابطہ نمبر _____ شناختی کارڈ نمبر _____

سفارشات ریجنل ڈائریکٹر ہیومن رائٹس

برطانیق قواعد نمبر کو درخواست کے کوائف و منسلک دستاویزات کی تصدیق کرنی گئی ہے لہذا اساتذہ کی درخواست برائے مالی مدد کئی برائے ہیومن رائٹس ریلیف ایروالونگ فنڈ کی منظوری کے لیے سفارش کی جاتی ہے۔

نام ریجنل ڈائریکٹر _____ دستخط _____ مہر _____ تاریخ _____

منظوری ہیومن رائٹس ریلیف ایروالونگ فنڈ کئی

برطانیق فیصلہ "ہیومن رائٹس ریلیف ایروالونگ فنڈ کئی" اعلان مقصدہ مقصدہ:

سائل اساتذہ: _____ کیلئے مبلغ: _____ برائے: _____

منظور کیے جاتے ہیں۔

چیرمین ہیومن رائٹس ریلیف ایروالونگ فنڈ کئی

سیکرٹری ہیومن رائٹس ریلیف ایروالونگ فنڈ کئی



Annexure D: Form of Application Provided Under PBC Rules 1999 for Access to Free Legal Aid

Pakistan Bar Council Free Legal Aid Rules, 1999

141

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



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