

(14)

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE LEGAL AID AND JUSTICE AUTHORITY (AMENDMENT) BILL, 2020

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill, further to amend the Legal Aid and Justice Authority Act, 2020 [The Legal Aid and Justice Authority (Amendment) Bill, 2022] (Private Member's Bill) referred to the Committee on 20th October, 2020.

2. The Committee comprises the following:-

1. Mr. Riaz Fatyana	Chairman
2. Mr. Atta Ullah	Member
3. Mr. Lal Chand	Member
4. Mr. Muhammad Farooq Azam Malik	Member
5. Ms. Kishwer Zehra	Member
6. Ms. Maleeka Ali Bokhari	Member
7. Mr. Mehboob Shah	Member
8. Malik Muhammad Ehsan Ullah Tiwana	Member
9. Malik Umer Aslam Khan	Member
10. Mr. Junaid Akbar	Member
11. Ms. Shunila Ruth	Member
12. Mr. Mohsin Nawaz Ranjha	Member
13. Rana Sana Ullah Khan	Member
14. Ch. Mehmood Bashir Virk	Member
15. Mr. Usman Ibrahim	Member
16. Khawaja Saad Rafique	Member
17. Mr. Qadir Khan Mandokhail	Member
18. Syed Naveed Qamar	Member
19. Dr. Nafisa Shah	Member
20. Ms. Aliya Kamran	Member
21. Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-A), in its meetings held on 17th February, 17th March, 5th May, 3rd June, 15th July, 8th September, 6th October, 3rd November, 18th November, 2021, 14th January, 26th January, 28th January and 2nd March, 2022. The Committee proposed the following amendments therein: -

Clause 2

In Clause 2,

1)- Sub-Clause (ii) shall be substituted with the following namely; -

“ii). after paragraph(i), following new paragraph (ia) shall be inserted namely: -

“(ia) “Legal aid Services” means the services including the legal advice or legal assistance, legal information, representation in courts for adults or juveniles as well as in customary and informational systems of justice, legal education, pleading and convincing and legal advocacy; and”

ii)- Sub-Clause (iii), shall be substituted with the following namely; -

“iii). after paragraph (n), following new paragraphs (na) and (nb) shall be inserted namely: -

“(na). “Victims of crime” mean person including transgender, who individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic or financial loss or substantial impairment of their fundamental rights through acts or omissions in violation of criminal laws

(nb). “Vulnerable person” mean person including transgender, who is in need of special protection because of age, gender, sexual orientation, illness, disability, national, social or personal status, or other status, including but not limited to children, refugees, internally displaced persons, stateless persons, asylum seekers, victims of human trafficking and of gender-based violence, illiterate persons, minorities, migrants and migrant workers, persons who do not speak and understand the language of the proceedings, elderly persons, persons with disabilities, persons with mental illnesses, persons living with HIV and other serious contagious diseases, persons in custody and drug users or any other person as may be prescribed.”

Clause 4

Clause 4, shall be substituted with the following namely: -

“4. **Insertion of sections 9A, Act XVI of 2018.**- In the said Act, after section 9, the following new section 9A, shall be inserted: -

“(9A) **Criteria for giving legal aid services.** – Every person who has to file or defend a case shall be entitled to legal services if that person is a vulnerable person under this Act.”

4. The Committee recommended that the Bill as reported by the Committee placed at (Annex-B), may be passed by the Assembly.

Sd/-
TAHIR HUSSAIN
Secretary

Islamabad, the 13th May, 2022

Sd/-
(RIAZ FATYANA)
Chairman

A
BILL

to amend the Legal Aid and Justice Authority Act, 2020

Whereas it is expedient to amend the Legal Aid and Justice Authority Act, 2020 (XVI of 2020), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.** - (1) This Act may be called the Legal Aid and Justice Authority (Amendment) Act 2020.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XVI of 2020.**- In the Legal Aid and Justice Authority Act 2020, hereinafter referred to as the said Act, in section 2, in sub-section (1),- in paragraph (a), for sub-paragraph (i), the following shall be substituted, namely:-

"(i) "Legal aid" means the provision of legal advice, assistance and representation at the expense of the State on the conditions and in accordance with the procedures established under the said Law and its regulations for persons detained, arrested or imprisoned; for persons suspected or accused or charged with or convicted of a criminal offence; and for victims and witnesses in the criminal justice process. Legal aid includes legal education, access to legal information and other services provided through alternative dispute resolution mechanisms and restorative justice processes."

(ii) after paragraph (i), the following sub-paragraph (ia), shall be inserted, namely:-

"(ia) Legal aid services" means the services including: the provision of legal advice; the provision of legal assistance; the provision of legal information; the provision of legal representation in national and regional courts, for adults or juveniles, as well as in customary and informal systems of justice; legal education; legal drafting; and legal advocacy."; and

(iii) after paragraph "o" the following new paragraphs shall be inserted, namely:-

"(p) "Victims of a crime" mean person who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic or financial loss or substantial impairment of their fundamental rights through acts or omissions in violation of criminal laws.

"(q) "volunteer" means any person other than an advocate who may provide legal or other services as an pro bono basis to the applicant; and

"(r) "Vulnerable person" means a person who is in need of special protection because of age, gender, sexual orientation, illness, disability, national, social or personal status, or other status, including but not limited to children, refugees, internally displaced persons, stateless persons, asylum seekers, victims of human trafficking and of gender-based violence, illiterate persons, minorities, migrants and migrant workers, persons who do not speak or understand the language of the proceedings, elderly persons, persons with disabilities, persons with mental illnesses, persons living with HIV and other serious contagious diseases, persons in custody and drug users.