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## TOWARDS EQUITABLE ACCESS: ADVANCING LEGAL EDUCATION AND PRO BONO INITIATIVES IN INDIA

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### ABSTRACT

The legal aid movement and reports of numerous legal aid committees between the 1960s and the 1970s highlighted the value of experiential learning. In India, this is considered as an important period that contributed to the emergence of legal aid education in India. The lack of resources and the inaccessibility of the constitutional provision of 'Access of Justice' to all was the primary goal of enrolling law students in the national legal movement along with increasing their sense of responsibility to the society.

Roscoe Pound, one of the greatest philosophers of all times laid emphasis on the fact that the purpose of modern law is nothing but that of social engineering. There is a moral responsibility, therefore, on the lawyers to construct a society on this basis. However, there are two major challenges which the legal professionals face which include- the gaps in the learning mechanism of law and the gaps in the concept of law and justice. It is the need of the hour to overcome these difficulties and make legal education interactive and reachable not just among the legal fraternity but also amongst the society at large aiming for awareness and access to justice.

It is important to accept the fact that justice is not common for all and the law must strive to reach a middle ground to serve the maximum, which can only be achieved when social engineers step up to shape the society. Some of the methods other than involving themselves in pro bono activities are adoption of the workshop model, campaigns, group discussions through fish bowl method or sticky note methods.

Legal assistance in India has a very vast background and is supported by decades of law, constitutional reasoning, and several state-funded initiatives. The pro bono tradition, however, continues to be under development. The necessity for such services outweighs the availability, despite legal professionals, deemed universities and even non-governmental organisations offering their services.

### Introduction

*"The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."*<sup>2488</sup>

#### 1.1 Clinical Legal Education

Clinical legal education is a subjective term and can be defined in various ways by different jurists. Richard Lewis described clinical legal education as a multidisciplinary, flexible education that can foster the ideals and human resources required to improve the judicial institution. A graduate of such a schooling, an advocate, would be much better able to make a difference towards improving society and

<sup>2488</sup> India Const. art. 39.

national growth.<sup>2489</sup> “A learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced. It almost inevitably means that the student takes on some aspect of a case and conducts this as it would be conducted in the real world.”<sup>2490</sup> This was the definition given by N R Madhava Menon. Avrom Sheer made emphasis on the fact that understanding, imagination and the morals of impartiality are essential to clinical legal education. As a result, clinical legal education is crucial in ensuring that numerous low-income individuals have access to the judicial system. It accomplishes this not only by making learners of law aware of the legal challenges that the impoverished encounter, but also by giving them the opportunity to feel obligated to come up with innovative solutions to unmet legal requirements. In simpler language, clinical legal education is nothing but experimental learning or “Learning by Doing”.<sup>2491</sup>

The term “clinical” is used to suggest that a future physician would educate by seeing clients. Identical to this, clinical legal education describes a method by which aspiring attorneys can cross the divide between academic study and courtroom experience.

## 1.2 Pro Bono Activities

Pro bono is a shortened form of the Latin expression “pro bono publico,” which means “for the public good.” It commonly denotes professional services that are provided either for free or at a reduced rate. Various professionals from diverse fields offer pro bono services to non-profit organizations, including hospitals, universities, national charities, churches, and foundations. It is also feasible to offer pro bono work to individuals who cannot afford to pay for such services. The legal profession mainly employs the term pro bono. Pro bono lawyers provide free legal services to

people in need, serving the public interest instead of working for profit. They are believed to work for the greater good.

India's economic situation, where many people live below the poverty line, makes it challenging to provide efficient legal services. When a considerable percentage of the population struggles to acquire basic necessities of life, it is unreasonable to demand payment for legal expenses. It is also unjust for lawyers to charge fees that are not proportionate to their clients' economic circumstances.

The concept of providing free legal aid was initially observed in America during the pre-independence era in the 1770s. At that time, lawyer Adam defended British soldiers at Pro Bono, which led to criticism from their fellow countrymen. After gaining independence in 1776, the provision of free legal services to the needy gradually gained momentum and was eventually adopted by many countries.<sup>2492</sup>

India's constitution, specifically Article 39E, guarantees equal justice for all citizens. However, compared to many developed countries like the USA, UK, and South Korea, India has yet to make significant progress in pro bono activities. To supplement these constitutional guidelines, the government has passed the Legal Service Authority Act of 1987. This act empowers the central and state governments to establish free legal aid authorities at the national, state, and district levels.

## Scope

Legal clinics are divided into three types majorly based on the actions they take, despite their aims and objectives being the same principle.<sup>2493</sup>

1. Real Client Clinics: These clinics housed in law schools provide supervised and regulated support and counselling to

<sup>2489</sup> Richard Lewis, Clinical Legal Education Revisited, Cardiff Univ. (2000), <http://www.law.cf.ac.uk/research/pubs/repository/212> (last visited Mar. 29, 2023).

<sup>2490</sup> N. R. Madhava Menon, Clinical Legal Education 25 (E. Book Co. 1998).

<sup>2491</sup> Sital Kalantry, Promoting Clinical Legal Education and Democracy in India, 8 NUJS L. Rev. 1 (2015).

<sup>2492</sup> Roger Williams University, History of Lawyers of Pro Bono Services, Roger Williams Univ. Sch. of Law Library Blog (Oct. 18, 2019), <https://law.rwu.edu/library/blog/history-lawyer-pro-bono-services> (last visited Mar. 21, 2023).

<sup>2493</sup> Kuljit Kaur, Legal Education and Social Transformation, Amity Law Sch., <http://alsonline.amity.edu/Docs/alwjlegkk.pdf> (last visited Mar. 29, 2023).

individuals seeking direct or written advice for their legal issues. The clinic can function as a full-service law firm or professional service provider.

2. **Out-House Clinic:** This type of clinic allows learners to practice their legal skills outside of educational institutions. They may only offer advice and are run by labour committees or quasi-statutory organizations. Examples include internships at law firms or chambers.
3. **Simulation Clinic:** These clinics use different models of legal practice to teach students through full-time or weekly sessions. The training covers all aspects of the proceedings, including negotiation, client interviewing, and transaction exercises.

**Relevance:**

Clinical legal education is a practical and innovative way of learning the law that involves a "learning by doing" approach.<sup>2494</sup> It provides opportunities for students to apply their knowledge and encourages critical evaluation, reflection, and self-examination, resulting in self-motivated and committed students. Additionally, it facilitates the acquisition of essential skills for lawyers, such as research, communication, interviewing clients and witnesses, counselling, drafting, negotiating, and problem-solving. This experiential learning enhances students' comprehensive understanding of law and prepares them for the challenges of practicing law in a court setting.

The benefits of Clinical Legal Education are as follows:

1. **Practical Approach:** This method of learning law is distinctive, as it focuses on identifying the scope of a client's problem and devising solutions to address it. It instils confidence in students, as their success is attributed to their own efforts rather than external

factors.<sup>2495</sup> The approach emphasizes the practical application of knowledge, but also encourages students to reflect on and examine their actions. Through this process, students have the opportunity to explore legal and social issues in greater depth and to engage in meaningful discussions to reconsider their approach.<sup>2496</sup>

2. **Development of Students:** Students are self-motivated and extremely dedicated and are more accountable in their work.
3. **Acquisition of Skill:** Lawyers require certain crucial skills that can be acquired through Clinical Legal Education, which emphasizes a practical approach to learning. These skills may include research, communication, interviewing clients and witnesses, counselling, drafting, negotiating, problem-solving, and others. Such skills are vital for a lawyer to possess.
4. **Ethics and Responsibility:** The study of ethics and professional responsibility and conduct of lawyers is increasingly important, especially as Clinical Legal Education incorporates practical training.
5. **Involvement with local community:** A law clinic can provide various benefits, such as reducing isolation by making the law school more connected to the community. This can be achieved through providing advice and assistance to local people. In addition, working with individuals from different backgrounds and generations can help students better comprehend various societal issues, increasing their maturity and sense of responsibility.

<sup>2494</sup> Frank S. Bloch & Iqbal Ishar, *Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States*, 12 *Mich. J. Int'l L.* 92 (1990).

<sup>2495</sup> N. R. Madhava Menon, *Clinical Legal Education*, ch. 2, at 25 (Eastern Book Co. 1998).

<sup>2496</sup> Richard Lewis, *Clinical Legal Education Revisited*, Cardiff Univ., at 7, 11 (2000), <http://www.law.cf.ac.uk/research/pubs/repository/212> (last visited Mar. 29, 2023).

## Historical Background and Evolution of Clinical Legal Education:

The ancient concept of law in India was based on Dharma, which was considered a branch of law. The Vedas were seen as the original sources of law and Smritis conveyed their message. The Smritikars were revered as great jurists during that time. The King or appointees, who were known for their integrity and impartiality, were responsible for dispensing justice. Legal historians have recorded instances of legal practitioners, such as Pleaders and Niryogis, representing parties in litigation since the time of Manu Smriti. Dr Kane stated that a person who was knowledgeable in Dharma Shastra and legal procedure could be appointed as a representative.<sup>2497</sup> In 1855, formal legal education began with the introduction of the first professorship of law at the Government Elphinstone College. Three universities in Bombay, Madras and Calcutta introduced legal education in 1857.<sup>2498</sup>

In the era of British rule, legal education in India was modelled after the general colonial approach of training clerks rather than managers or advocates. The primary aim was to support England's financial interests, rather than reforming the local legal profession. After India gained independence, legal education was expected to align the legal system with the country's social, economic, and political aspirations. In 1949, The Bombay Legal Education Committee<sup>2499</sup> recommended practical courses should be mandatory for law students who plan to enter the legal profession, and the teaching methods should include seminars, group discussions, moot court competitions, and other practical approaches.

Legal aid is not limited to those who are involved in legal disputes. It is accessible to anyone in need. Justice Blackmun emphasized

this in the case of Jackson v. Bishop<sup>2500</sup>, stating that the pursuit of justice should not be dependent on financial resources. He argued that seeking justice is not the same as seeking monetary gain.

The 14th Report of the Law Commission of India, published in 1958<sup>2501</sup>, emphasized the significance of professional education and suggested a combination of academic and practical training. The report recommended a professional course after university education specifically designed for those intending to practice in the courts.<sup>2502</sup> The commission aimed to institutionalize and enhance the quality of legal education by focusing on overall standards. It also recommended different teaching methods, including seminars, discussions, mock trials, and simulation exercises.

Clinical Legal Education began to emerge in the 1960s, with the introduction of legal aid programs in law schools being the first step towards establishing a framework in India.<sup>2503</sup> The legal aid movement of the 1960s recognized that law schools could play a crucial role in providing legal services,<sup>2504</sup> and believed that reform was necessary to support India's young democracy and achieve the objectives of good governance outlined in the Indian Constitution by producing capable legal professionals.

Before being formally included in the curriculum, Clinical Legal Education in India underwent various stages of development. Some of these stages include:

1. Clinical Legal Education in India began in the late 1960s when Delhi University introduced the case method and

<sup>2497</sup>Pandurang Vamankane, History of Dharmasastra (Ancient and Medieval Religious and Civil Law), at 288 (1st ed. Bhandarkar Oriental Research Inst. 1946).

<sup>2498</sup> A.S. Anand, Legal Education in India — Past, Present and Future, 1998 SCC (Jour) 1.

<sup>2499</sup> Report of the Legal Education Committee, Bombay, South Asia Archive (1949).

<sup>2500</sup> Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968).

<sup>2501</sup> Law Commission of India, Report on Reforms of Judicial Administration, available at <http://lawcommissionofindia.nic.in/1-50/index1-50.html> (last visited Mar. 26, 2023).

<sup>2502</sup> Ibid.

<sup>2503</sup> SP Sarker, Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India, 2015 Northumbria Journals.

<sup>2504</sup> Frank S. Bloch, Access to Justice and the Global Clinical Movement, 2008 WUJLP 111.

- established a Legal Service Clinic in 1969, but the efforts were voluntary.<sup>2505</sup>
2. Banaras Hindu University was the first to introduce a course on Clinical Legal Education in the early 1970s<sup>2506</sup>, centred around its Legal Aid Clinic supervised by a retired judge who was paid a token honorarium.
  3. In 1973, the Ministry of Law and Justice's Expert Committee on Legal Aid, chaired by Justice V. R. Krishna Iyer<sup>2507</sup>, issued the first significant report on legal aid, recommending networks of legal aid organizations, a self-governing national legal aid authority, compulsory public service, prioritizing social sympathies for judicial and police positions, and introducing clinical legal education focusing on poverty issues.
  4. The Bar Council of India agreed unanimously to launch the 5-year LLB course with practical training in July 1982, and the Juridicare Committee expected law schools to provide legal aid and to establish legal aid clinics. The committee also believed that student participation in legal aid would not only help them acquire necessary legal skills but also develop a humanistic perspective and a social orientation. The report emphasized the need to develop clinical law teachers and introduce subjects such as law and poverty and law and society. In 1977, the Bar Council of India (BCI) recommended practical training in the curriculum, and subsequently, the University Grants Commission (UGC) report highlighted the importance of teaching various skills and sensibilities to develop legal education as a hermeneutical profession.
  5. The Committee for Implementing Legal Aid Schemes recommended promoting legal literacy, legal aid camps, paralegal training, legal aid clinics, and public interest litigation.
  6. The Faculty of Law at the University of Jodhpur established a Legal Aid Clinic in 1983-84 to disseminate information and settle cases related to social welfare legislation, accidents, and matrimonial disputes.<sup>2508</sup>
  7. National Law School India University (NLSIU) included three compulsory Clinical courses in 1992, reorganized in 1994-95, making two Clinics mandatory and adding one optional.<sup>2509</sup>
  8. The Ahmadi Committee Report of 1994 proposed innovative teaching techniques, making four Practical Papers mandatory, including Public Interest Layering, Legal Aid, and Para-legal Services, resulting in 21 compulsory courses and 2 optional courses.
  9. The Clinical programs were revised in 1996-97 to integrate them with legal aid extension services, and the third and fourth year of study had three Clinics, including the compulsory Clinical.<sup>2510</sup>
  10. The 2002 Law Commission Report highlighted the importance of law schools in fostering the professional skills and values required for future lawyers. In line with the recommendations of a three-member committee appointed by the Supreme Court, the Bar Council of India passed a resolution to establish legal aid clinics in all law schools. These clinics would offer affordable and efficient legal services to marginalized communities.

Although more Law Colleges started offering Clinical legal education during this time period, these programs remained relatively small,

<sup>2505</sup> Madhava Menon, *Legal Aid and Legal Education: A Challenge and an Opportunity*, University of Delhi 25 (1986).

<sup>2506</sup> *Ibid.*

<sup>2507</sup> A.S. Anand, H.L. Sarin Memorial Lecture: *Legal Education in India – Past, Present and Future*, 3 SCC (Jour) 1, 2 (1998).

<sup>2508</sup> S.S. Sharma, *Legal Aid to the Poor: The Law and Indian Legal System* 234 (Deep & Deep Publications 1993).

<sup>2509</sup> N.R. Madhava Menon & V. Nagaraj, *Clinical Legal Education: Concept and Concerns*, a Handbook on Clinical Legal Education 241 (Eastern Book Company, Lucknow 1998).

<sup>2510</sup> *Ibid* at 244-46.

isolated, and voluntary. Limited financial resources made it difficult for these Clinics to operate effectively, and they suffered from a lack of supervision, absenteeism, and a shortage of trained faculty.<sup>2511</sup> Most of these initiatives focused on providing legal aid to the poor, with little emphasis on the practical skills that law students needed to work in Legal Aid Clinics or on the skills they could develop by working there.<sup>2512</sup> Nonetheless, these efforts to develop and implement Clinical legal education programs voluntarily in conditions where infrastructure was deficient at least helped to raise student awareness about socio-economic issues that were previously not discussed in the classroom.

### Supreme Court on Legal Aid

The Indian Constitution's *Article 39A* mandates that the State shall take measures to ensure that the legal system promotes justice equally for all, and that free legal aid should be provided through suitable legislation, schemes or other means to ensure that economic or other barriers do not prevent any citizen from obtaining justice. The Constitution's *Articles 14 and 22(1)* also require the State to ensure equal treatment under the law and a legal system that promotes justice equally for everyone. Legal aid aims to fulfil this constitutional commitment in practice and ensure that the poor, marginalized, and weaker sections of society have access to equal justice.

The connection between Article 21 and the entitlement to receive free legal assistance was established in *Hussainara Khatoon v. State of Bihar*<sup>2513</sup> case, where the court was horrified by the condition of numerous under trials who were imprisoned in Bihar for extended periods without any legal representation. The court ruled that "speedy trial", meaning reasonably prompt trial, was an integral component of the fundamental right to life and liberty as stated in

Article 21. The court highlighted that Article 39-A stressed the importance of free legal assistance as a vital element of a "reasonable, fair, and just" procedure, and that the right to free legal aid was implicit in the assurance of Article 21. Justice Bhagwati opined that legal aid was equal justice in practice and the delivery system of social justice. He also warned that if an accused individual did not receive free legal assistance, there was a possibility that the trial itself could be deemed a violation of Article 21, and every state government would strive to avoid such an outcome.

*Suk Das v. Union Territory of Arunachal Pradesh*<sup>2514</sup> case established that an individual accused of a crime that may put their life or personal liberty in danger has a fundamental right to free legal assistance at the expense of the state. This right is implicit in the requirement of a fair, just, and reasonable procedure under Article 21. Justice Krishna Iyer also played a significant role in the development of human rights jurisprudence. In *M.H. Hoskot v. State of Maharashtra*<sup>2515</sup>, he stated that if a prisoner cannot exercise their right of appeal due to a lack of legal aid, the Court has the power to provide counsel for the prisoner under Article 142, in conjunction with Articles 21 and 39-A of the Constitution, for the purpose of achieving complete justice.

*Section 304* of the Criminal Procedure Code of India mandates that the provision of legal aid to an accused person is the constitutional duty of the State from the moment the accused is presented before the Magistrate for the first time and whenever he is brought before the court for remand. The government of India has been discussing the issue of legal aid for the poor since 1952 during conferences of Law Ministers and Law Commissions. In 1960, legal aid guidelines were issued by the government and implemented by Legal Aid Boards, Societies, and Law Departments. The Committee for Implementing Legal Aid

<sup>2511</sup> Nigel Duncan, Ethical Practice and Clinical Legal Education, Northumbria Journals, <http://www.northumbriajournals.co.uk/index.php/ijcle/article/download/93/407.html> (last visited Mar. 30, 2023).

<sup>2512</sup> *Ibid.*

<sup>2513</sup> *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1360.

<sup>2514</sup> *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 25 SCC 401.

<sup>2515</sup> *M.H. Hoskot v. State of Maharashtra*, AIR 1978 SC 1548.



Schemes (CILAS) was established in 1980 to monitor legal aid activities nationwide. Lok Adalats provided an additional platform for dispute resolution. The Legal Services Authorities Act was enacted in 1987 to give legal aid programs a statutory base. The Act was amended in 1994 and came into force on November 9, 1995. The report recommended simplifying legal procedures and promoting conciliated settlements outside of court. Eligibility for legal aid was determined through means, prima facie, and reasonableness tests. The report also suggested establishing a National Legal Service Authority accountable to parliament but protected from official control.

### Legal Perspective of Pro Bono Activities

Article 39A of the Indian Constitution guarantees the right to free legal aid, and Part IV (Directive Principles of State Policy) obligates the state to ensure equal justice for all citizens, particularly those who cannot afford it. The state must provide free legal assistance to those who are financially unable to access justice.

The Supreme Court, in the case of *Hussainara Khatoon v. Home Secretary, State of Bihar (1979)*<sup>2516</sup>, ruled that the right to a speedy trial is a fundamental right protected by Article 21 of the Constitution. In addition, Article 22(1) of the Constitution grants the accused the right to be represented by any legal practitioner of their choice. In the case of *State of Maharashtra v. Manubhai Pragaji Vashi and Ors. (1995)*<sup>2517</sup>, the Supreme Court held that denying free legal aid to an accused, unless the accused himself declines it, would undermine the entire trial. Justice Krishna Iyer noted in the case of *M.H Hoskot v. State of Maharashtra (1978)*<sup>2518</sup> that providing free legal aid is the state's responsibility, not an act of government charity. The Indian legal system has several provisions for free legal assistance. The Code of Criminal

Procedure, 1973 and the Code of Civil Procedure, 1908 also have similar rules. As per Section 304 of the Criminal Procedure Code, the state must provide legal aid to anyone charged with an offence that is to be tried in the Court of Sessions. Additionally, Order 33 of the Civil Procedure Code exempts individuals from paying court fees if they cannot afford them.

The Legal Services Authority Act, 1987 (LSA) was enacted on November 9, 1995. It focuses on providing legal assistance to the economically weak, backward sections, and disabled individuals. The Act strives to ensure that economic or other limitations do not deny anyone access to justice. It provides free legal aid, educates people about the law, and organizes Lok Adalats, which have proven successful in providing litigants with a secondary forum for resolving disputes. The Legal Services Authorities (Amendment) Act of 2002 established Legal Service Committees at the Supreme Court and High Courts. Furthermore, at the international level, Article 14(3)(d) of the International Covenant on Civil and Political Rights guarantees the accused the right to choose competent legal representation in the interests of justice.

### Challenges and Implementation Issues of Clinical Legal Education

The state of legal education today is unfortunate, with only a limited number of colleges upholding educational standards. The economics and politics of legal education have hindered academic and professional goals in many educational institutions.<sup>2519</sup> According to a recent UNDP report, which surveyed 39 law schools with legal aid cells, although 82% of these schools had faculty members designated to supervise legal aid cells, only 37% of the schools provided academic credit to participating students. The study also found that faculty members who supervised legal aid cells were not given any workload reduction, and in some cases, communities were not even

<sup>2516</sup> *Hussainara Khatoon v. Home Secretary, State of Bihar*, AIR 1979 SC 1360.

<sup>2517</sup> *State of Maharashtra v. Manubhai Pragaji Vashi and Others*, AIR 1989 Bom 296.

<sup>2518</sup> *M.H. Hoskot v. State of Maharashtra*, AIR 1978 SC 1548.

<sup>2519</sup> *The Indian Bar Review, Special Issue on the Legal Profession in India*, vol. 13, no. 3 & 4 (1986), Bar Council of India Trust.

aware that the law schools offered free legal services.<sup>2520</sup>

The UNDP study identified several challenges in the development of clinical legal education (CLE) in India, including:

1. The absence of a structured approach towards clinical legal education, with most law schools having an ad hoc approach towards legal aid clinics, which relies heavily on the enthusiasm of the faculty and students for success.
2. Students who participate in these activities are not given any academic credit, which discourages them from getting involved and following through on their commitments.
3. Faculty members who supervise legal aid services are not given any workload reduction.
4. The communities are not aware that the law schools offer free legal services.
5. According to the Advocates Act, full-time law teachers and students are not permitted to represent clients before courts.

Several law schools in India lack formal clinical legal education programs. Instead, they have "legal aid cells," which are often run by student volunteers and not closely monitored or integrated into the curriculum.<sup>2521</sup> Unfortunately, students typically do not receive academic credit for their participation in these cells. As a result, there are issues with supervision and evaluation, as many law schools do not oversee the students' work in lawyers' chambers or during court observation. Consequently, some students submit falsified cases or copy from the work of others.

The 3-Member Committee on Reform of Legal Education was created following orders from the Supreme Court on June 29, 2009 and October 6, 2009, in the case of Bar Council of

India vs. Bonnie FOI Law College & Ors<sup>17</sup>.<sup>2522</sup> The committee has identified various challenges in legal education in India and submitted its report to the Bar Council of India. The report highlights the following major issues:

1. Many institutions are not interested in providing the necessary skills for clinical legal education, despite it being mandatory in the curriculum according to the BCI.
2. Lack of funding for legal education has resulted in inadequate infrastructure, inadequate payment to faculties, and insufficient technical requirements.
3. Communities are not aware that law schools provide free legal services.
4. BCI's inspection and recognition of law colleges have loopholes. There should be a separate accreditation or rating system for legal institutions.
5. Full-time law teachers and students are prohibited from representing clients before courts under the Advocates Act.
6. Law schools have not emphasized practical training for their students due to several problems.
7. Supervising students in the clinic is a difficult task, which poses difficulties in supervision and assessment.

#### **Role of Government:**

The Indian government supports State Legal Services Authorities (SLSAS) financially through the National Legal Services Authority (NALSA) as per the Legal Services Authorities Act, 1987. NALSA distributes funds from central grants-in-aid to SLSAS for providing free legal assistance to eligible individuals, including prisoners awaiting trial and the destitute. Tele-law, Pro Bono legal services, and Nyaya Mitra are three legal empowerment initiatives launched by the government. Tele-law provides free legal assistance to marginalized individuals via video conferencing or telephone with lawyers. Pro Bono legal services offer free legal

<sup>2520</sup> United Nations Development Programme India, Access to Justice for Marginalised People: A Study of Law School Based Legal Service Clinics (2011).

<sup>2521</sup> Mohammad Ghouse, Legal Education in India: Problems and Perspective, 19 J.I.L.I. 337 (1977).

<sup>2522</sup> Bar Council of India v. Bonnie Foi Law College, 2023 SCC OnLine SC 130.

representation to marginalized individuals, and Nyaya Bandhu is a mobile app connecting registered advocates with applicants. Legal services clinics are established in jails to assist under-trial prisoners and convicts, and Under Trial Review Committees have been formed in each district to review cases of under-trials.

### **Role of Jurists, Lawyers, and Students:**

Collaboration among jurists, lawyers, and law students is essential to implement Clinical Legal Education (CLE) throughout India. Jurists should conduct research and publish papers to evaluate the state of CLE in India, much like Madhava Menon did. They must also develop cost-effective methods of imparting CLE, taking into account the limited resources available. Additionally, jurists should advocate for the Bar Council of India to repeal the rule that prohibits practicing advocates from sharing their knowledge in classrooms. Furthermore, they must address the absence of social relevance and humanistic approach in the law school curriculum, which overlooks social values, ethics, gender perspectives, and minority views. Jurists should also advocate for the integration of law curriculum with other disciplines like economics, sociology, anthropology, philosophy, literature, and psychology, as these fields are crucial to the education of future law graduates.

Advocates should acknowledge their responsibility to contribute to the law schools they attended to ensure the cyclical dissemination of CLE. They should act as educators and counsellors. Law students should be exposed to actual cases and undergo the entire lawyering process, which includes interacting with clients, confronting facts of diverse nature, and presenting cases in court. This experience will help them understand the law in the context of society and its problems, forming opinions about the quality of a particular law and social reform. Students must recognize the value of legal skills and take a sincere interest in comprehending the practical functioning of the Indian judicial system. They

should also be aware of their moral obligations and the code of ethics of lawyers. To provide practical learning, students must be taught ethics, morals, law, justice, human rights, and society in an interrelated manner, so they can identify their duties in serving the people and promoting the progressive development of society.

Street Law Model should be adopted by advocates and legal students. It is nothing but a community-based approach that is intended to educate common people in a non-formal set up through activities like workshop, one on one education via conversation on street, nukkad natak (street plays) etc. Workshop model, a part of street law model is the need of the hour. It is a format of street law model where a workshop setup is built to impart day to day awareness on legal and social issues. Workshop model as per data has proven to have greater retention capabilities in people mainly because they are the direct & active participants of the happenings and non-happenings. It fosters holistic development of a person ranging from cognitive, physical, to emotional behavioural, mental abilities. Bloom's Taxonomy provides a common language to discuss and exchange learning and assessment methods and proves that creation, being at the top of the pyramid, proves that learning is maximum when one uses all their senses and involves directly in the act.

### **Conclusion and Suggestions:**

The primary goal of legal education should be to prepare students for the practice of law, which includes the integration of Clinical Legal Education (CLE) in the curriculum. To promote CLE in India, several changes must be made, such as allowing law professors to practice law while teaching clinical classes, ensuring low student-teacher ratios for clinic classes, and collaborating with NGOs and legal services authorities. Additionally, increased resources should be allocated towards teaching and running clinics, and funding agencies should support law-school-based legal clinics to

engage with communities and improve governance for the advancement of justice and the rule of law. The Street Law model of education can be particularly effective in educating individuals and communities about their legal rights and obligations. Here are some suggestions for implementing this model in India.

Law schools should collaborate with non-governmental organizations (NGOs) to develop and implement Street Law programs. This will help to ensure that the programs are community-focused and designed to address the specific needs of different communities. Law students and lawyers should receive training on how to effectively teach and communicate legal information to individuals and communities. This will help to ensure that the information is delivered in a way that is easy to understand and accessible to everyone. A Street Law curriculum should be developed that is relevant to the needs of the communities being served. The curriculum should cover topics such as human rights, citizenship, and legal rights and responsibilities. The use of technology can help to make Street Law programs more accessible to people in remote or rural areas. This could include the use of online resources, webinars, or mobile applications. Regular evaluation and assessment of the Street Law programs should be conducted to ensure their effectiveness and to identify areas for improvement. Law schools can encourage interdisciplinary collaboration between law and other fields such as social work, public health, and business to provide a holistic approach to legal education. This will prepare students to address complex legal issues that require collaboration with experts in other fields. To promote clinical legal education in India, it is important to increase awareness among students, legal professionals, and the general public about the benefits of clinical legal education. Law schools should organize awareness campaigns and workshops to educate the public about clinical legal education programs and their impact on

society. Clinical legal education programs require funding to provide practical learning experiences for students. Government and private organizations should increase funding for law schools to expand clinical education programs.

By adopting these suggestions, India can effectively implement the Street Law model of education and help to promote legal literacy and access to justice for all. To ensure legal education prepares students for the practice of law, it's important to recognize that society's needs and interests are constantly changing, and law and legal education should adapt accordingly. Although clinical work may be more costly than traditional classroom teaching, it offers invaluable experiential learning opportunities that allow students to understand how the law functions in practice. Access to justice is crucial for societal benefits such as social cohesion and well-being. Although perfect equality is neither feasible nor desirable, the current level of inequality violates principles of fairness and morality. Urgent action is needed to address the desperate state of access to justice, but budget cuts have hindered the restructuring of justice systems. However, if individuals and communities prioritize equality, governments may be motivated to improve access to justice. Community-based solutions include networks of firms committed to equality, pro bono work, and non-profit support. Therefore, clinical education should be integrated into the curriculum, despite potential challenges in maintaining the timeframe of the program as outlined by universities.

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