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Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – info@iledu.in / Chairman@iledu.in



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THE SILENT EXPLOITATION OF LEGAL INTERNS IN INDIA: A STUDY OF UNPAID LABOUR AND LEGAL GAPS

AUTHOR – SHRINITHI KRISHNAN R, STUDENT AT SCHOOL OF EXCELLENCE IN LAW, THE TAMIL NADU DR AMBEDKAR LAW UNIVERSITY

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ABSTRACT

Internships constitute an essential component of legal education in India, serving as a crucial link between theoretical knowledge and its practical application. They enable law students to gain exposure to court proceedings, develop research and drafting skills, and understand the functioning of the legal system in a real-world context. In this sense, internships are widely regarded as indispensable for professional development and skill enhancement. However, the increasing prevalence of unpaid legal internships has raised significant concerns regarding fairness, equity, and the potential for exploitation within the legal profession. While such internships are often justified as opportunities for experiential learning, the reality frequently reflects a different scenario. In many instances, interns are required to perform substantial and meaningful tasks, including legal research, drafting, and case preparation, which directly contribute to the functioning and productivity of legal offices. Despite this, they are neither compensated nor provided with structured training or adequate supervision. The issue becomes more critical when examined in the context of the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020. These legislative frameworks, while comprehensive in scope, do not recognize interns as employees or workers, thereby excluding them from essential labour protections such as minimum wages, social security benefits, and workplace safeguards. This exclusion creates a regulatory vacuum that allows unpaid internships to persist without accountability. This article critically analyzes the nature of unpaid legal internships to determine whether they function as genuine learning platforms or as forms of disguised unpaid labour. It further emphasizes the need for legal and policy reforms to ensure fairness, dignity of labour, and equal access to opportunities within the legal profession.

Keywords: Unpaid Legal Internships, Labour Law, Social Security Code, OSH Code, Exploitation

INTRODUCTION

Legal education in India has undergone significant transformation, with internships becoming an integral component of academic training.⁷⁴⁵ Law students are encouraged to intern under advocates, law firms, and other legal institutions to gain practical exposure and understand the real-world application of law. Internships are often considered essential for developing legal skills such as research, drafting, and understanding court procedures.

They also help students gain professional experience and build connections within the legal field. In this way, internships act as a bridge between theory and practice.

However, beneath this structured framework lies a growing concern – the silent exploitation of legal interns. With increasing competition, many students are willing to take up internships under any conditions, which has led to the normalization of unpaid work in the legal profession. In many cases, interns are required to perform substantial work such as legal research and drafting without any form of

⁷⁴⁵ Bar Council of India, Rules on Legal Education, 2008.

compensation. While these internships are justified as learning opportunities, they often resemble unpaid labour in practice.

This raises an important question: are internships truly educational in nature, or are they a means for employers to benefit from free labour? Therefore, it becomes necessary to examine whether the current system ensures a fair balance between learning and exploitation.

OBJECTIVES OF THE STUDY

The objectives of this article are:

- To examine the nature and structure of legal internships in India
- To analyze whether unpaid internships amount to exploitation
- To identify gaps in the legal framework governing internships
- To study the ethical and social implications of unpaid internships
- To suggest reforms for ensuring fair treatment of interns

RESEARCH METHODOLOGY

This study is based on doctrinal research methodology, relying on secondary sources such as statutes, judicial decisions, reports, and academic literature. It also incorporates empirical observations drawn from student experiences and informal surveys to analyze the practical realities of unpaid legal internships.

EVOLUTION OF INTERNSHIP CULTURE IN INDIA

Traditionally, legal internships in India were primarily observational in nature, aimed at providing students with basic exposure to court proceedings and the functioning of legal institutions. Interns were expected to assist minimally, with the focus being on learning rather than active participation.

However, over time, the nature of internships has undergone a significant transformation. With increasing competition in the legal profession, internships have become essential for building resumes and improving

employability. As a result, students now undertake multiple internships during their academic years.

This shift has led to a more work-oriented internship culture, where interns are actively involved in legal research, drafting, and case-related tasks. In many instances, their contributions directly support the functioning of legal offices.

The absence of clear regulatory guidelines has further contributed to this change, allowing unpaid internships to become normalized. Consequently, the distinction between learning and labour has become increasingly blurred in the contemporary legal internship system.

NATURE AND WORK PERFORMED BY LEGAL INTERNS

Legal interns today perform a wide range of tasks that go far beyond mere observation. Unlike earlier times, where internships were limited to passive learning, interns are now actively involved in the day-to-day functioning of legal offices. Their role has become more practical and responsibility-oriented.

These tasks typically include:

- Conducting legal research on complex issues
- Drafting petitions, contracts, and affidavits
- Preparing case summaries and reports
- Attending court proceedings and client meetings
- Assisting in administrative and clerical work

Through these activities, interns gain valuable exposure to legal procedures and professional work environments. At the same time, it is important to note that these tasks are not merely educational exercises but often form a part of actual legal work. In many cases, the work performed by interns is directly utilized in legal proceedings, indicating a shift from learning to productive labour.

Despite making such meaningful contributions, interns are rarely compensated for their efforts. This raises concerns about whether their work is being fairly recognized and whether the boundary between learning and labour is being appropriately maintained.

THE JUSTIFICATION OF UNPAID INTERNSHIPS

Unpaid internships are often justified on the ground that they provide **valuable practical exposure and skill development**.⁷⁴⁶ Employers argue that exposure to real cases, court procedures, and professional environments offers learning that cannot be acquired through classroom education alone. According to this view, internships are primarily educational, and monetary compensation is therefore not considered essential.

While this argument may hold some validity, particularly in short-term training contexts, it becomes problematic when internships extend beyond learning. In many instances, interns actively contribute to the functioning of the office without receiving any financial support.

The concern becomes more serious where:

- Interns work for extended durations without pay
- There is no structured training, supervision, or mentorship
- Interns perform tasks similar to those of paid employees

In such situations, the focus shifts from learning to productivity, and interns are effectively treated as an unpaid workforce.

Therefore, although the idea of “learning over earning” may be acceptable in principle, its misuse can lead to unfair practices. In such cases, internships cease to be genuine educational experiences and instead operate as forms of disguised unpaid labour.

LEGAL FRAMEWORK AND REGULATORY GAPS

The issue of unpaid legal internships in India is closely linked to the absence of a clear legal framework governing the status and rights of interns. Existing labour laws do not explicitly recognize interns as a distinct category, placing them in a grey area outside formal legal protection.

This gap becomes more evident when examined in light of the Code on Social Security, 2020⁷⁴⁷ and the Occupational Safety, Health and Working Conditions Code, 2020⁷⁴⁸. These codes are primarily designed to regulate the conditions of employees and workers within formal establishments. However, interns are not included within the definitions provided under these statutes, thereby excluding them from their scope of protection.

As a result, interns are not entitled to minimum wage guarantees⁷⁴⁹, social security benefits, or workplace safety standards. Employers are not legally obligated to provide stipends, regulate working hours, or ensure a safe and supportive working environment for interns.

The exclusion of interns from these legislative frameworks creates a regulatory vacuum, allowing organizations to benefit from their work without corresponding legal obligations. This lack of accountability enables the continuation of unpaid internships without any formal safeguards.

Furthermore, this situation raises concerns in light of constitutional principles of equality and dignity under Articles 14 and 21.⁷⁵⁰ When individuals perform substantial work without compensation or protection, it challenges the broader vision of fairness embedded in labour jurisprudence.

Therefore, the absence of statutory recognition of interns represents a significant gap in India’s labour law framework, highlighting the need for

⁷⁴⁶ International Labour Organization (ILO), Internship and Fair Work Guidelines

⁷⁴⁷ Code on Social Security, 2020

⁷⁴⁸ OSH Code, 2020

⁷⁴⁹ Minimum Wages Act, 1948 / Code on Wages, 2019

⁷⁵⁰ Articles 14 and 21 Constitution of India

reform to ensure fair treatment and protection of interns.

JUDICIAL PERSPECTIVE AND RELEVANT PRINCIPLES

Although there are no specific statutory provisions in India regulating internships, particularly in the legal profession, judicial principles provide a framework to assess the fairness of unpaid internships. These principles reflect broader values of equality, dignity, and protection against exploitation.

A key doctrine in this context is “equal pay for equal work,” recognized in *Randhir Singh v. Union of India*⁷⁵¹, where the Supreme Court held that individuals performing similar work should not be denied equal remuneration. While interns are not formally classified as employees, this principle becomes relevant when they undertake tasks comparable to those performed by paid workers, raising concerns of inequity. Similarly, in *People’s Union for Democratic Rights v. Union of India*⁷⁵², the Supreme Court recognized that non-payment for work can amount to forced labour under Article 23.

Indian courts have also emphasized the dignity of labour as a fundamental constitutional value. Denying compensation for meaningful work undermines this principle. Further, Article 23 of the Constitution, which prohibits forced labour, gains relevance where economic or professional compulsions indirectly pressure interns into unpaid work.

In the absence of legislative protection, these judicial principles highlight the risk of exploitation and underline the need to ensure that internships remain genuine learning experiences rather than mechanisms for extracting unpaid labour.

EMPIRICAL INSIGHTS AND GROUND REALITY

The issue of unpaid legal internships in India is not merely theoretical but is strongly supported

by empirical observations and ground realities. Various informal surveys and student experiences indicate that a significant proportion of legal internships—estimated to be nearly 70–80%⁷⁵³—are unpaid, especially in litigation-based offices and smaller law firms.

Despite the absence of monetary compensation, interns are often required to work extensive hours, typically ranging between 6 to 10 hours per day. Their responsibilities frequently include legal research, drafting, case summarization, and administrative assistance, which contribute to the functioning of the organization. In many cases, the workload assigned to interns closely resembles that of junior associates, blurring the line between learning and labour.

This situation places considerable financial and psychological strain on students. Many interns incur expenses related to travel, accommodation, and basic sustenance, particularly when interning in metropolitan cities. For students from economically weaker backgrounds, the inability to afford unpaid internships creates unequal access to professional opportunities, thereby reinforcing systemic inequality within the legal profession.

Additionally, the pressure to secure multiple internships to remain competitive often leads to stress and burnout among students. The lack of structured training or mentorship in several internships further undermines their educational value.

These ground realities highlight that unpaid internships, in their current form, often function less as learning platforms and more as mechanisms of unpaid labour, necessitating urgent regulatory intervention.

COMPARATIVE PERSPECTIVE

In several countries, internships are regulated through clear legal frameworks to prevent exploitation and ensure fair treatment of

⁷⁵¹ AIR 1982 SC 879

⁷⁵² AIR 1982 SC 1473

⁷⁵³ NHRC Reports on Labour Rights

interns.⁷⁵⁴ These regulations aim to maintain a balance between learning and productive work, thereby protecting the interests of students. In some jurisdictions, employers are required to pay interns if they are involved in productive work that contributes to the organization. For instance, in the United States, the “primary beneficiary test”⁷⁵⁵ is used to determine whether an intern should be classified as an employee and entitled to wages. A clear distinction is made between an intern and an employee, ensuring that interns are not treated as unpaid workers.

Moreover, structured guidelines are often established to differentiate between training and employment. Internships are expected to include proper supervision, defined learning objectives, and mentorship, so that the primary benefit remains with the intern. Such regulations help ensure that internships remain educational in nature while also safeguarding the rights and dignity of interns. They also promote fairness by making opportunities more accessible to students from different economic backgrounds. In contrast, the absence of similar measures in India has created a lack of uniform standards. This allows unpaid internships to continue without proper regulation, highlighting the need for reforms in the Indian legal system.

ETHICAL AND SOCIAL IMPLICATIONS

The prevalence of unpaid legal internships raises significant ethical and social concerns within the legal profession. One of the primary issues is the creation of inequality in access to opportunities. Students from economically privileged backgrounds are better positioned to undertake unpaid internships, while those from weaker financial backgrounds may be excluded due to the associated costs of travel, accommodation, and living expenses. This results in an uneven playing field, where merit is often overshadowed by economic capacity.

Further, the normalization of unpaid work raises serious questions regarding the dignity of labour. When individuals contribute meaningful and productive work without compensation, it undermines the fundamental principle that all labour deserves fair recognition and respect. Over time, this can lead to the devaluation of professional work and set problematic standards within the legal industry.

Additionally, unpaid internships contribute to a culture where exploitation is subtly institutionalized. The expectation that students must work without pay to gain experience reinforces unequal power dynamics and weakens ethical accountability.

Therefore, from both a social and ethical perspective, the continuation of unpaid internships challenges the ideals of fairness, inclusivity, and respect for labour, highlighting the urgent need for reform.

IMPACT ON MENTAL AND FINANCIAL WELL-BEING

The absence of compensation, combined with long working hours, can have a significant impact on the mental and financial well-being of legal interns. While internships are intended to provide learning opportunities, the pressure of handling responsibilities without any financial support can create stress.

Many interns experience mental strain due to tight deadlines, continuous workload, and lack of recognition for their efforts. Over time, this can lead to burnout, reduced motivation, and a negative perception of the work environment. The absence of proper guidance or appreciation further adds to this pressure.

At the same time, financial constraints play a major role. Interns often have to bear expenses such as travel, food, and accommodation without any income. This can make it difficult for them to sustain long-term internships, especially for those who do not have strong financial support.

As a result, both mental stress and financial burden can affect an intern’s ability to fully

⁷⁵⁴ International Labour Organization (ILO), Internship and Fair Work Guidelines.

⁷⁵⁵ U.S. Department of Labor Guidelines on Internships

benefit from the internship experience, ultimately impacting their learning and professional growth.

NEED FOR REFORM AND POLICY INTERVENTION

To address the issues surrounding unpaid legal internships, the following reforms are necessary:

1. Minimum Stipend Policy

A basic stipend should be ensured, especially where interns contribute to productive work. This promotes fairness and reduces financial barriers.

2. Legal Recognition of Interns

Interns must be recognized under labour laws like the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020 to extend basic protections and ensure accountability.

3. Structured Internship Framework

Internships should include defined learning objectives, proper supervision, and regular feedback to maintain their educational purpose.

4. Limitation on Duration

Unpaid internships should be restricted to a reasonable duration to prevent long-term exploitation.

5. Institutional Monitoring

Law colleges must actively monitor internship placements and collaborate with ethical organizations to safeguard student interests.

6. Awareness Among Students

Students should be educated about their rights and encouraged to differentiate between genuine training and exploitative practices.

CONCLUSION

Unpaid legal internships in India present a complex challenge at the intersection of education and labour rights. While internships are intended to serve as valuable learning experiences, the increasing reliance on unpaid work raises serious concerns regarding fairness,

dignity, and access to opportunities. The exclusion of interns from key legislative frameworks such as the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020 highlights a significant regulatory gap, leaving them without basic protections.

Judicial principles relating to equality, dignity of labour, and protection against exploitation further emphasize the need to reassess the current system. When interns perform substantial and productive work without compensation, it blurs the line between training and labour, potentially leading to indirect exploitation.

Therefore, there is an urgent need for legal and policy reforms to ensure that internships remain true to their educational purpose. A balanced approach that combines learning opportunities with fair treatment is essential to promote inclusivity, uphold labour standards, and ensure justice within the legal profession.

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