



# LEGAL AID THROUGH LAW SCHOOLS

A REPORT ON WORKING OF LEGAL AID CELLS IN INDIA



Centre for Research and Planning  
**Supreme Court of India**  
October 2024



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## TABLE OF CONTENTS

<b>Foreword.....</b>	<b>1</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>INTRODUCTION.....</b>	<b>11</b>
A. Purpose of the Study.....	13
B. Scope and Limitation of the Study .....	14
<b>I. BACKGROUND AND RELEVANCE OF LAW SCHOOL-BASED LEGAL AID CELLS .....</b>	<b>16</b>
<b>II. GLOBAL EVOLUTION OF CLINICAL LEGAL EDUCATION.....</b>	<b>21</b>
<b>III. LEGAL AID PRACTICES - OBSERVATIONS FROM LAW SCHOOLS ACROSS THE GLOBE .....</b>	<b>33</b>
A. Global Practices on Clinical Legal Education .....	33
B. Best Practices in Legal Aid Clinics at Selected Universities.....	37
<b>IV. REGULATORY FRAMEWORK FOR LAW SCHOOL-BASED LEGAL AID IN INDIA.....</b>	<b>42</b>
A. Evolution of Clinical Legal Education in India .....	42
B. Current Legal Framework.....	52
1. Infrastructure .....	55
2. Clinic Supervisors .....	56
3. Managing Funds.....	56
4. Legal Aid Activities .....	57
5. Role of Legal Services Authorities .....	60
C. Few Issues.....	61
<b>V. LEGAL AID PRACTICES - OBSERVATIONS FROM INDIAN LAW SCHOOLS .....</b>	<b>65</b>
A. Previous Studies.....	65
B. Analysis of the survey conducted by the Supreme Court of India .....	69
1. Supervisors or Coordinators of Legal Aid Cells .....	69
2. Prerequisites for joining Legal Aid Cells.....	71
3. Diversity and Inclusivity in Membership.....	71
4. Accessibility of Legal Aid Cells .....	74
5. Activities undertaken by the Legal Aid Cells .....	76
6. Village Adoption .....	77
7. Legal Representation and Dispute Resolution .....	77
8. Case(s) resolved by the Legal Aid Cells in the last three years .....	78
9. Nature of Cases undertaken by Legal Aid Cells .....	79

10.	Kind of Legal Service extended by Legal Aid Cells .....	80
11.	Initiatives for Prison Reforms.....	81
12.	Practical Exposure of Students .....	84
13.	Empanelment of Lawyers.....	85
14.	Institutional Collaborations .....	86
15.	Incentivizing Members of Legal Aid Cell.....	88
16.	Funding Legal Aid Cells.....	89
17.	Impact Assessment .....	90
18.	Public Interest Litigation .....	91
19.	Working on Contemporary Issues .....	93
20.	Shared Experiences.....	93
<b>VI. CHALLENGES FACED BY LEGAL AID CELLS.....</b>		<b>95</b>
<b>VII. NEED FOR REFORM - SUGGESTIONS AND RECOMMENDATIONS .....</b>		<b>98</b>
<b>VIII. MODEL LEGAL AID CELL.....</b>		<b>106</b>
<b>ANNEXURES.....</b>		<b>109</b>
	Annexure A: List of the Colleges contacted for the Survey .....	109
	Annexure B: List of the Colleges from where Responses were Received.....	117

## **Foreword**

*By Hon'ble Chief Justice of India*

The Constitution of India envisions justice, liberty, equality, and fraternity as its cardinal pillars, aspiring to ensure that every citizen can access justice without being hindered by social, economic, or institutional barriers. The importance of justice for all is further underscored by Article 39A, which was introduced through the forty-second constitutional amendment in 1976. This provision places a constitutional obligation on the State to secure equal justice for all, with particular emphasis on ensuring that the vulnerable and marginalized sections of society are not denied access to justice due to financial or other constraints.

In this context, academic institutions, particularly law schools, have a significant role to play in furthering the constitutional mandate of equal access to justice. Under India's legal framework, every law school is required to establish a legal aid clinic or cell to provide free legal aid to the underprivileged and marginalized communities. Through these cells, law students are not only exposed to the practical dimensions of law but also imbibe the values of empathy, public service, and professional responsibility. It is imperative that law schools, as incubators of future lawyers, ensure robust clinical legal education programs that make a tangible difference in the lives of those who seek justice.

This report, "*Legal Aid Through Law Schools: A Report on Working of Legal Aid Cells in India*," prepared by the Centre for Research and Planning (CRP), Supreme Court of India, analyzes the working of such legal aid cells based in various law schools across India. The report reaffirms that legal aid cells in law schools represent the intersection of legal education and social justice,

allowing future lawyers to engage in service that benefits the broader community. It emphasizes the need for greater institutional support, better resource allocation, and more structured engagement between law schools and legal aid beneficiaries.

I commend the efforts of the research team at CRP for meticulously surveying and analyzing the functioning of these legal aid cells, highlighting areas where law schools have contributed effectively to enhance access to justice, and pointing out where reforms are urgently needed. The recommendations made in this report have the potential to reshape how legal education engages with public service.

As we strive toward a more inclusive justice system, I urge law schools, regulatory bodies, and practitioners to take note of the findings and work collaboratively to empower legal aid cells to reach their full potential. I sincerely hope that this report will serve as a catalyst for meaningful change, fostering a culture where every law student in India can actively contribute to the noble goal of access to justice for all. By doing so, we will not only strengthen our legal education system but also take a significant step toward realizing the constitutional vision of justice for every citizen, irrespective of their socio-economic status.

**Dr Justice D Y Chandrachud**  
**Hon'ble Chief Justice of India**  
**October 2024**

## **LIST OF ABBREVIATIONS**

- ADR - Alternative Dispute Resolution
- AIR- All India Reporter
- BCI - Bar Council of India
- BCI Rules - Bar Council of India Legal Education Rules, 2008
- CRP- Centre for Research and Planning
- DLSA - District Legal Service Authority
- FIR - First Information Report
- IT- Information Technology
- KarLJ - Karnataka Law Journal
- LAC - Legal Aid Cells
- LAB - Legal Aid Bureau
- NALSA - National Legal Service Authority
- NALSA Regulations, 2011 - National Legal Services Authority (Legal Aid Clinics) Regulations, 2011
- NALSA Scheme, 2013 - National Legal Services Authority (Legal Services Clinics in Universities/ Colleges and other Institutions) Scheme, 2013
- NGO - Non-Governmental Organization



- PIL - Public Interest Litigation
- RMLNLU - Dr. Ram Manohar Lohia National Law University, Lucknow
- RTI - Right to Information
- SCC - Supreme Court Cases
- SCI - Supreme Court of India
- SLSA - State Legal Services Authority
- UGC- University Grant Commission
- UNDP - United Nations Development Program
- USA - United States of America
- W.P. - Writ Petition

## **EXECUTIVE SUMMARY**

The Constitution of India recognizes access to justice as the bedrock of justice delivery. The 42nd Constitutional Amendment introduced Article 39A, mandating the State to adopt mechanisms to promote justice for all people. Considering India has a diverse population, it is essential to ensure that every citizen can access justice devoid of any kind of socio-economic constraints. Law students can play a crucial role in significantly contributing to achieving this significant obligation through legal aid. Clinical legal aid is essential in nurturing and shaping law students in their initial years and turning them into well-rounded lawyers. Under the mandate of BCI and NALSA, law schools are required to set up legal aid cells/societies/clinics on their premises. According to the latest data, there are around 1662 law colleges in India.

This Report aims to gauge the working of Indian law school-based legal aid cells in furtherance of their role in ensuring access to justice. The Centre for Research and Planning at the Supreme Court of India conducted a survey among the law schools to understand the organization and structure of legal aid cells in the law schools, activities undertaken therein, compliance with the NALSA regulations and the NALSA scheme, their collaborations for better outreach and challenges faced by them. A questionnaire was circulated among 125 colleges/law universities, of which 81 participated in the survey. As two colleges have two cells each, the total number of participating legal aid cells is 83.

This Report is structured into Eight Parts:

- Part I details the relevance and objectives of legal aid in legal education;
- Part II refers to the global evolution of clinical legal education;
- Part III delineates the legal aid practices in law schools across the globe;

- Part IV deals with the evolution and regulatory framework of clinical legal education in India;
- Part V analyzes the survey conducted by the CRP, Supreme Court of India;
- Part VI documents the challenges faced by the law-school-based legal aid cells;
- Part VII provides suggestive measures and reforms in the organization and operation of legal aid cells and
- Part VIII projects certain features of a model legal aid cell.

### **KEY INSIGHTS:**

1. **Non-implementation of legal mandate:** It is concerning that despite there being regulations and rules of NALSA and BCI on the establishment and operation of law school-based legal aid cells, several law schools are not effectively implementing the rules, leading to their dormant functioning.
2. **No engagement of legal practitioners in supervisory roles at legal aid cells:** The Report reveals that several law school-based legal aid cells are yet to engage any practitioners as supervisors. However, out of 83 cells, 68 claimed that they were being guided, mentored, or assisted by advocates. 49 cells responded that they are being assisted by paralegal volunteers, and 38 cells are being assisted by non-governmental organizations.
3. **Insufficient funding of legal aid cells:** Most law schools highlighted low budgets, stating that lack of funds restricts their scope of activities and accessibility to marginalized sections needing legal assistance. It was claimed that they are either funded by the university or heavily dependent on self-financing. 15 out of 83 legal aid cells stated that they have sometimes received financial assistance through donations, aid, or grants from the State government or private donors.

4. **Dependence on overburdened faculty and students:** The exclusive dependence on faculty members who also teach regular courses and student volunteers, who may be occupied in other academic engagements, leads to volunteer attrition and presents a challenge in maintaining consistency of service delivery. The absence of in-house legal practitioners further strains its capacities.
5. **Inadequate infrastructure and less reliance on technology:** The cells grapple with inadequacies in infrastructure facilities and technological systems that are needed to manage operations and track data effectively. Further, the lack of structured monitoring mechanisms, evaluation procedures, and robust documentation practices hampers transparency, impact audits, and analysis of operational gaps.
6. **Absence of specialized legal aid cells:** Around 33 legal aid cells responded that they had resolved cases ranging from diverse areas, including civil, commercial, criminal, etc. However, only a few of them have specialized legal cells to deal with subject-specific issues, considering the benefits of clear bifurcation, which allows students to gain specialization in a particular subject area.
7. **Lack of accessible infrastructure for persons with disabilities:** Legal aid cells lack structural mechanisms such as physical accessibility to cells and accessibility to websites for persons with disabilities. 22 legal aid cells responded that they lack accessibility facilities for disabled persons, highlighting the need to accelerate progress on inclusivity.
8. **Lack of diversity and inclusion policy in law school-based cells:** Law school-based legal aid cells do not have a comprehensive and inclusive diversity policy to effectively engage students from diverse backgrounds. 77 out of 83 cells said they have members from diverse

backgrounds. However, the cells did not substantiate their claim by highlighting their practice and procedure, which are in place to induct members from diverse backgrounds according to their respective policies.

9. **Limited scope of legal aid activities:** The majority of legal aid cells have only conducted camps for legal aid awareness. These cells provided limited advice and did not give any substantial assistance to lawyers before the court or any administrative authorities. Only 37 out of 83 cells responded that they provided drafting facilities as a means of legal assistance to lawyers in cases related to legal aid.
10. **Adoption of villages and emphasis on legal literacy:** 53 out of 83 legal aid cells have adopted village(s) to conduct legal literacy and awareness programs. Most colleges that have adopted a village are more inclined to conduct legal awareness programs, workshops, and camps to promote legal literacy. However, only a few cells have taken up actual disputes and issues of the local people from the village.
11. **Minimal involvement in prison reform initiatives:** As per the survey, only 10 out of 83 cells are actively involved in conducting prison reform initiatives. These initiatives include conducting legal awareness camps or organizing pre-litigation activities in prisons.
12. **Social justice litigation:** 17 out of 83 legal aid cells responded that they contributed to the filing of PILs with the permission of the concerned Legal Service Authority. This included conducting requisite surveys and assisting with legal work prior to the filing of the PIL.
13. **Inadequacy in the empanelment of lawyers:** Out of 83 cells, 37 have engaged lawyers to assist and supervise the matters taken up by the legal aid cell. While 12 cells have received assistance from SLSA or DLSA, 5 cells have exclusively relied on their alumni

to take upon cases on a pro bono basis. Moreover, 4 cells are in the process of engaging the services of a lawyer. 24 cells have not empanelled any lawyer, para-volunteer, or engaged pro bono services of any lawyer or alumni.

14. **Working of legal aid cells in collaborations with other institutions:** 23 out of 83 cells collaborated with NGOs to work on diverse social goals. Five cells hold regular awareness programs at schools and other colleges. Seven legal aid cells claimed to have assisted various state government departments such as the State Prison Department, the State and the National Commission for Women, the Labour Commission, the Ministry of Law and Justice, the National Cooperative Development Corporation, and the District Child Protection Unit. In addition, four cells have responded that they are working with various judicial machineries, such as consumer forums, district courts, and investigation agencies, to conduct lok adalats and jan-sunwai (out-of-court settlements).

15. **No additional incentives for members of legal aid cells:** The supervisors of 70 out of 83 cells are not given any incentive (for example, a stipend or an additional perk to the supervisor in the form of a bonus, increment, or consideration for promotion) for their work at a legal aid cell. Further, students in 59 legal aid cells do not get accredited academically or in terms of counting experience.

16. **Failure to undertake impact assessment:** 25 out of 83 cells have not undertaken any impact assessments. Very few cells have conducted periodic reviews of their cells. This discloses the lost opportunities for course corrections and strengthening operational gaps.

17. **Minimal insights into clinic operations:** 32 out of 83 cells do not publish any reports of their activities in any manner. This reduces the prospects for cross-learning between peer institutes.

## **INTRODUCTION**

The CRP at the Supreme Court of India conducted empirical research to examine the workings of law school-based legal aid cells. Based on the survey, this Report examines the activities undertaken by the legal aid cells, identifies key issues in their work, and makes recommendations to streamline and improve their operations.

Part I of the Report sets the background by studying the relevance of the legal aid system and the role of law students in the justice delivery system. This part begins with analyzing the social function of legal education, the underlying motivation behind the creation of legal aid cells, and the philosophical and theoretical framework of community engagement for law students and their social responsibility.

In order to situate the content of the Report from a comparative perspective, Part II discusses the trajectory of the evolution and development of legal aid practices globally. It traces the evolution and development of clinical legal aid in different countries.

Part III delineates the worldwide practices of clinical legal education. It details the current leading practices found in universities across the globe, including the operations and functions of clinics in various countries such as the United Kingdom, United States, Canada, Vietnam, and South Africa.

After identifying the key features of legal aid cells around the world in the previous portion, Part IV of the Report deals with the regulatory framework of clinical legal education in India and its evolution through different committees, rules, regulations, and legislation. It also discusses the institutional role of the legal services authorities and presents the evolutionary development of clinical legal aid in India.



Part V of the Report discusses and analyses the results of a survey conducted by the Supreme Court of India, along with the previous studies on the clinical legal education and working of legal aid cells in Indian law schools. It critically analyzes the working of legal aid cells on broad parameters, including supervision by the faculty and the method of engagement of clinical work in law schools, diversity and inclusivity in membership, accessibility of cells for persons with disability, activities undertaken by the legal aid cells, and institutional collaborations done by the clinics/cells.

Part VI documents the challenges faced by the law school-based legal aid cells. These obstacles range from accrediting no academic credit for the legal aid work to financial constraints and limitations in community outreach.

Part VII provides suggestive measures and reforms in legal aid provided by law school-based legal aid cells. The suggestions broadly include the active engagement of bar councils, the grant of academic credit to students, and the effective implementation of regulations that mandate the participation of law students in rendering legal aid services, among other suggestions.

Part VIII projects features of a model legal aid cell based on the regulatory guidelines of NALSA and BCI, analysis of the survey conducted in legal aid cells of Indian law schools, and our observations from legal aid cells at leading law schools outside India.

Annexures are enclosed at the end of the Report, enlisting a list of the colleges that were contacted for the survey by the CRP and a list of the colleges that participated in the survey.

## **A. Purpose of the Study**

Roscoe Pound, the noted American sociologist, considered a “lawyer as a social engineer”.<sup>1</sup> He suggested that law is a social tool and that lawyers are social engineers who use their knowledge and experience of law to create a framework for a better society. Pound’s formulation can also be applied to law students. They can also facilitate justice delivery in society. The role of law students in affording access to justice is primarily shaped through clinical legal education. In that way, access to justice and clinical legal education are interconnected concepts.

The idea of access to justice requires all the stakeholders in the justice delivery system to participate actively. However, the justice delivery system is staggered by limited capacity and resources. Herein, the role of law students becomes significant as a pool of human resources in securing access to justice for all. They are the future architects of the legal profession. Further, the students who actively participate in providing legal aid get to understand and learn the basics of research, drafting, client counseling, and application of law. Therefore, their engagement in legal aid work at an early stage will not only be beneficial for shaping them as professionals but also be crucial for strengthening the institution of access to justice.

The purpose of this study is to understand the status of clinical legal education with a special focus on clinical legal aid and to analyze the functioning of legal aid cells at law schools across India. The Report attempts to study the evolution of the legal and institutional framework of clinical legal education in India and suggest ways for the robust working of the law school-based legal aid cells to effectuate their role in advancing access to justice for the common people.

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<sup>1</sup> Roscoe Pound, “The Lawyer as a Social Engineer” 3 *Journal of Public Law* 292 (1954).

## **B. Scope and Limitation of the Study**

The CRP conducted a survey to collect details of the working of legal aid cells at law schools in India. As per the data provided by the Ministry of Law and Justice in Parliament, currently, in India, there are 1662 law colleges, out of which legal services cells are established in 1095 colleges.<sup>2</sup> A sample size of 125 colleges was taken, representing around 11 percent of the total colleges with legal aid cells. Out of these 125 colleges, 81 responded. Herein, it is pertinent to note that out of 81 colleges that responded, two colleges have two legal aid cells each. Therefore, the total number of legal aid cells for our consideration is 83.

The law schools/colleges were chosen based on different factors, namely, their recognition status by the BCI, the year of establishment, and geographical representation. The sample covers at least two law colleges from each State (including the Union Territories of the National Capital Territory of Delhi and Jammu & Kashmir).

Data was collected from the law schools on five broad parameters: firstly, regarding the composition and structure of the legal aid cells of the law colleges; secondly, about the activities of legal aid cells; thirdly, on incentives given to the faculties/paralegals/students for their work at legal aid cells; fourthly, related to funding and financial challenges; fifthly, the challenges faced by the law school-based clinic while rendering legal service.

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<sup>2</sup> Ministry of Law & Justice Department of Legal Affairs, “Free legal aid by law schools”, *Unstarred Question No. 3955, Rajya Sabha* (April 06, 2023), *available at*: <https://legalaffairs.gov.in/sites/default/files/AU3892.pdf> (last visited on September 27, 2024). See also, as per the statistics maintained by NALSA, there are 1025 legal services clinics maintained by law colleges/universities during the period from April 2023 to September 2023, *available at*: <https://nalsa.gov.in/statistics/legal-service-clinics-report/legal-service-clinics-april-2023-to-september-2023>. (last visited on September 27, 2024).

Although the Report documents the responses of the legal aid cells, for the purpose of anonymity, the names of the legal aid cells/colleges are not highlighted. In this Report, the phrases “Legal Aid Clinics” and “Legal Aid Cells” have been used interchangeably.

## I. BACKGROUND AND RELEVANCE OF LAW SCHOOL-BASED LEGAL AID CELLS

The role of law students in the legal aid system can be considered as what John Dewey termed – the “social function of education”.<sup>3</sup> The characteristics of a lawyer are gradually shaped by the law school through its adopted pedagogy. Clinical legal education is a crucial method for molding students into lawyers. It aims to enable law students to acquire professional skills and assimilate the responsibilities of a public service provider. The purpose necessitates the adoption of clinical legal education, as it fosters an atmosphere where students may apply analysis and use methods to address legal issues in a real-world scenario.<sup>4</sup>

In other words, clinical legal education is a non-conventional method of instruction for law students and is being used by law schools across the globe to achieve dual objectives concurrently, i.e., educating students and helping marginalized communities. It is regarded as a tool that will move the students from studies of black letters of law to encounter real-world experience.<sup>5</sup> It also offers an additional route for law students to bridge the gap between theory and practice.<sup>6</sup>

While clinical legal education is a genus, legal aid, at best, can be referred to as its species. Legal aid entails providing legal advice or assistance at minimal or, sometimes, no cost to clients who are indigent or are from underprivileged sections of society.<sup>7</sup> In the words of Justice P. N. Bhagwati, “Legal aid means providing an arrangement in the society so that the mission of

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<sup>3</sup> John Dewey, *Democracy and Education* (True House Publishing House, Bengaluru, 1st ed., 2022).

<sup>4</sup> Richard J. Wilson, *The Global Evolution of Clinical Legal Education: More than a Method*, 8 (Cambridge University Press, Cambridge, England, 2017). See also, Dr. N.R. Madhava Menon, *Clinical Legal Education* 25 (Eastern Book Company, Lucknow, 1998).

<sup>5</sup> E. Gordon Gee and Donald W. Jackson, “Bridging the Gap: Legal Education and Lawyer Competency” 1977(4) *BYU Law Review* 929 (1977).

<sup>6</sup> Rajesh Ranjan, “Engage Law Students to improve Legal Aid” *The Deccan Herald*, June 6, 2023, available at <https://www.deccanherald.com/opinion/engage-law-students-to-improve-legal-aid-1225181.html> (last visited on September 27, 2024).

<sup>7</sup> Quintin Johnstone, “Law School Legal Aid Clinics” 3(4) *Journal of Legal Education* 535 (Summer, 1951).

administration of justice becomes easily accessible and is not out of reach for those who have to resort to it for enforcement of its given to them by law, the poor and illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the courts. Legal aid should be available to the poor and illiterate, who don't have access to courts. One need not be a litigant to seek aid by means of legal aid.”<sup>8</sup>

The general notion that legal aid is only about providing existing legal representation in courts to underprivileged populations at no or low cost is strongly contested.<sup>9</sup> Legal aid aims to answer broader questions about the delivery of legal services that involve the scope of the structure and organization of legal practice in India. In other words, lawyers in India have primarily constrained themselves to courtroom practice and have failed to expand their roles to serve as negotiators or advisors to meet new demands.<sup>10</sup> Legal aid also addresses the inadequacy and limitations of litigation as the only mechanism for access to justice. It pushes the exploration of ADR methods, especially in cases of underprivileged groups. The expansion of legal aid programs demands changes in organization, collaboration, and specialization in services to mobilize skills and channel service delivery to a larger audience.

Legal aid also involves activities such as raising legal awareness, performing paralegal tasks, and advocating for legal reforms. Although student-centered legal aid might need more technical legal knowledge, it excels in other aspects. The importance of paralegal work was evident during the Delhi Magistracy Compounding of Cases Project in the late 1990s.<sup>11</sup>

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<sup>8</sup> Government of Gujarat, “Report of the Legal Aid Committee” (Government Central Press, Gandhinagar, 1971).

<sup>9</sup> Marc Galanter, *Law and Society in Modern India* 281 (Oxford University Press, New Delhi, 1989).

<sup>10</sup> *Ibid.*

<sup>11</sup> B.B. Pande, “Moral and Ethical Issues Confronting Students’ Legal Aid Clinics in the Outreach of Legal Services to the Resources-Less and the Poor” 1(1) *Journal of National Law University, Delhi* 43 (2013).

The objective of legal aid, thus, is to ensure that the constitutional mandate of “justice to all” is achieved irrespective of the dispute resolution mechanism adopted. Therefore, we accord a broader connotation to legal aid for our Report. It includes all the activities that further its objective:

1. Representing in courts,
2. Conducting legal literacy and awareness programs,
3. Providing legal advice and counseling,
4. Working in collaboration with legal services authorities and social service organizations,
5. Assisting in pre-litigation and alternative dispute resolution mechanisms, and
6. Undertaking relevant research.

Legal aid clinics are projected to fulfill the social responsibility of providing access to justice as well as altering power relations.<sup>12</sup> In India, clinical legal education developed with reforms in both legal aid and legal education. It familiarizes law students with the issues of social justice and the rule of law.<sup>13</sup> The idea of imbibing social justice through legal education is outlined by Prof. Sathe in the following words:

*“A lawyer is not only a seller of services, but he is a professional who renders services for maintaining the rule of law. He is supposed to be an officer of the court. He has to have a commitment to certain values such as democracy, individual liberty, social and economic equality, including gender equality and concern for the disadvantaged sections of the society, which will include the poor, women, the physically handicapped, children, the minorities and the dalits. Legal education has to create such a commitment.”*<sup>14</sup>

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<sup>12</sup> Srikrishna Deva Rao, “Paralegal Education in India: Problems and Prospects” 1(1) *Journal of National Law University, Delhi* 103 (2013).

<sup>13</sup> Frank S. Bloch and N. R. Madhava Menon, *Clinical Legal Education: Concept, Goals and Methods*, 3-7 (2007).

<sup>14</sup> S. P. Sathe, *Community Responsive Legal Education: Trends in South Asia*, Keynote address at a Roundtable discussion organized by the United States Educational Foundation of India in collaboration with Pune Law College (November 27-28, 2001).

The scholars stress the need to instill a sense of public service in students through legal education early on. Legal education should create a conducive environment that encourages students to aid and assist underprivileged communities and oblige them to public service.<sup>15</sup> It is thus underscored that engaging students and faculty with the community to resolve real-life disputes adds to educational and societal development.<sup>16</sup>

The legal aid clinic in a law school is a “remarkable device” that gives a window to students for practical training with “the necessary quantity and quality of instruction and supervision”.<sup>17</sup> What is expected of a law school education is not only intellectual development of students but also value addition for the profession as well as the community. This is strengthened by a realistic approach taken by legal aid clinics. Students involved in legal aid get the upper hand by forming acquaintanceships with clients, the courts, and their officers when they start their own practice.<sup>18</sup> It provides students with “professional tools” wherein they deal with real problems and actual clients and develop a sense of self-confidence, self-control, and interprofessional cooperation needed in a professional setting.<sup>19</sup>

Legal aid brings deep satisfaction to young law students who provide free legal assistance to people in need. Within these legal aid clinics, students not only grasp legal concepts but also comprehend their tangible effects on individual lives. In other words, law school-based legal aid clinics play a critical role by building the bridge between law and real-life scenarios faced by disadvantaged

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<sup>15</sup> C. Raj Kumar, “Legal Education, Globalization, and Institutional Excellence: Challenges for the Rule of Law and Access to Justice in India” 20(1) *Indiana Journal of Global Legal Studies* 251 (2013).

<sup>16</sup> Jane Schukoske & Roopali Adlakha, “Enhancing Good Governance in India: Law Schools and Community-University Engagement” 3(2) *Journal of Indian Law and Society* 214 (2012).

<sup>17</sup> John S. Bradway, “Legal Clinics and Law Students: Rocks and Cement for Better Legal Education” 41(5) *American Bar Association Journal* 425, 427 (May 1955).

<sup>18</sup> Leon Thomas David, “The Value of Legal Aid Work to Law Schools” 205 *Frontiers of Legal Aid Work, The Annals of the American Academy of Political and Social Science* 124 (September 1939).

<sup>19</sup> *Ibid.*



clients while promoting human rights and fostering the growth of the rule of law.<sup>20</sup> It is, therefore, crucial to establish legal services clinics in all law schools to enhance clinical legal education. These clinics must be an inherent part of the curriculum, utilizing student's clinic experiences as a basis for future education.

In furtherance of this objective BCI mandated the addition of practical legal courses in the course curriculum of law schools.<sup>21</sup> Additionally, the NALSA regulation and the scheme give directions for organizing legal aid activities for communities, including awareness camps, literacy programs, capacity building, etc.

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<sup>20</sup> Srikrishna Deva Rao, "Paralegal Education in India: Problems and Prospects" 1(1) *Journal of National Law University, Delhi* 100 (2013).

<sup>21</sup> Bar Council of India Legal Education Rules, 2008, rule 18(1)(iii).

## II. GLOBAL EVOLUTION OF CLINICAL LEGAL EDUCATION

Clinical legal education gradually evolved around the globe in a phased manner and steadily secured a permanent spot in the formal law school curriculum of numerous law schools worldwide.<sup>22</sup> Before the advent of clinical legal education, the traditional lecture method, which originated with the European education paradigm, was the predominant form of pedagogy in law school curricula around the globe. This approach to legal education focuses more on the academic study of law rather than imparting training skills or infusing professional values to the budding lawyers in most countries.

The British Empire, particularly England, trained its law students through a system of formal apprenticeship passage into the Bar. This method was also adopted by its colonies around the world.<sup>23</sup> Prior to the adoption of an autonomous system of legal education in Southeast Asia, the European approach to legal education was influential in the region.<sup>24</sup>

The United States and other countries such as Canada were among the first few countries to adopt clinical methodology in their formal law school curriculum and paved the way for the rest of the world.<sup>25</sup> Initially, law students in the United States were only taught comprehensive statements of

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<sup>22</sup> At the beginning of the nineteenth century, legal aid was regarded as a charitable service towards the community through voluntary legal assistance. However, by the end of the nineteenth century, free legal aid and assistance gradually were seen as a mandate. See also, Frank S. Bloch & Mary Anne Noone, "Legal Aid Origins of Clinical Legal Education" in Frank S. Bloch (ed.), *The Global Clinical Movement: Educating Lawyers for Social Justice* 154-155 (Oxford Academic, 2011).

<sup>23</sup> Richard J. Wilson, *The Global Evolution of Clinical Legal Education: More than a Method*. Cambridge 9 (Cambridge University Press, England, 2017).

<sup>24</sup> Bruce Avery Lasky and M. R. K. Prasad, "The Clinical Movement in Southeast Asia and India" in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 37 (Oxford Academic, 2011).

<sup>25</sup> Jeff Giddings, *et. al.*, "The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia" in Frank S. Bloch (ed.), *The Global Clinical Movement: Educating Lawyers for Social Justice* 3 (Oxford Academic, 2011); Richard J. Wilson, *The Global Evolution of Clinical Legal Education: More than a Method* 1-28 (Cambridge University Press, Cambridge, England, 2018); Margaret Martin Barry, Jon C. Dubin, and Peter A. Joy, "Clinical Education for this Millennium: The Third Wave" 7(1) *Clinical Law Review* 1-5 (2000).

current substantive law, and apprenticeship was the prevalent method of training American law students.<sup>26</sup> Around the 1870s, the primary reformation was introduced by Dean Christopher Langdell of Harvard Law School, who substituted the old method of legal instruction with a casebook method.<sup>27</sup> This method gave a particular emphasis to understanding the appellate decisions and the Socratic method.<sup>28</sup> In the late 1890s, the casebook method became the predominant pedagogy of law schools. Dean Langdell believed that “*What qualifies a person to teach law is not experienced in the work of a lawyer’s office, not experience in dealing with law, not experience in the trial or argument of cause - not experience, in short, in using law, but experience in learning law.*”<sup>29</sup> However, in 1901, Alexander Lyublinsky, a Russian professor, suggested a training module for law schools akin to the practical training method offered to medical students, even before clinics were first suggested in the United States.<sup>30</sup>

The initial critique of the casebook method emerged in the United States in the years after World War I, spurred by the rise of the “Realist” school of jurisprudence.<sup>31</sup> According to the realists, the casebook method of teaching law did not effectively prepare future lawyers for real-world scenarios, as it emphasized analytical skills in a competitive and isolated context without

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<sup>26</sup> Bruce Avery Lasky and Shuvro Prosun Sarker, “Introduction: Clinical Legal Education and Its Asian Characteristics” in Shuvro Prosun Sarker (ed.) *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged* 22 (Palgrave Macmillan, United States, 2015).

<sup>27</sup> David R. Barnhizer, “Clinical Education at the Crossroads: The Need for Direction” 1977(4) *BYU Law Review* 1027 (1977).

<sup>28</sup> Margaret Martin Barry, Jon C. Dubin, and Peter A. Joy, “Clinical Education for this Millennium: The Third Wave” 7(1) *Clinical Law Review* 5 (2000).

<sup>29</sup> George S. Grossman, “Clinical Legal Education: History and Diagnosis”, 26(2) *Journal of Legal Education* 164 (1974).

<sup>30</sup> Richard J. Wilson, “Training for Justice: The Global Reach of Clinical Legal Education,” 22(3) *Penn State International Law Review* 421 (2004).

<sup>31</sup> George S. Grossman, “Clinical Legal Education: History and Diagnosis” 26(2) *Journal of Legal Education* 166 (1974).

integrating practical experience for both students and faculty.<sup>32</sup> The jurists from the realist school of thought, such as Karl Llewellyn and Jerome Frank, criticized Dean Langdell's approach of confining students to merely studying appellate judicial decisions and ultimately denying the value of practical exposure and denouncing the emptiness of rules without facts.<sup>33</sup>

To remedy this situation, the idea of clinical legal education was strongly supported by Frank, who had advocated for transforming law schools into "clinical lawyer schools" for law students who would learn the interplay between theory and practice.<sup>34</sup> According to him, "*Students trained under the Langdell system are like future horticulturalists confining their studies to cut flowers, like architects who study pictures of buildings and nothing else. They resemble prospective dog breeders who never see anything but stuffed dogs.*"<sup>35</sup> To address this issue, Frank recommended the establishment of legal clinics to impart skills in "legal dispensaries" necessary to law students for practicing law, in line with the methodology adopted for medical students in medical colleges.<sup>36</sup> He recommended the establishment of clinics in law schools to handle real cases for legal aid groups, government agencies, and quasi-public bodies.<sup>37</sup> Frank's suggestions began gaining attention until World War II disrupted this momentum.

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<sup>32</sup> Bruce Avery Lasky and Shuvro Prosun Sarker, "Introduction: Clinical Legal Education and Its Asian Characteristics" in Shuvro Prosun Sarker (ed.) *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged 2* (Palgrave Macmillan, United States, 2015).

<sup>33</sup> George S. Grossman, "Clinical Legal Education: History and Diagnosis", 26(2) *Journal of Legal Education* 169 (1974).

<sup>34</sup> Yael Efron, "Clinical Legal Education in Israel" in Shuvro Prosun Sarker (ed.) *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged* 95 (Palgrave Macmillan, United States, 2015).

<sup>35</sup> George S. Grossman, "Clinical Legal Education: History and Diagnosis" 26(2) *Journal of Legal Education* 168 (1974).

<sup>36</sup> Maria Concetta Romano, "The History of Legal Clinics in the US, Europe and around the World" *16 Diritto & Questioni Pubbliche* 28 (2016).

<sup>37</sup> *Id.* at 39.

The New York State Bar Association in 1916, through its resolution, mandated the establishment of clinics for legal aid work as a part of the law school curriculum.<sup>38</sup> This decision was clearly crucial in response to the suffering endured during World War I.<sup>39</sup> The significance of clinical legal education in the law school curriculum in the United States was highlighted by William V. Rowe, a lawyer, in 1917 in the following way:

*“It will be the purpose of the clinic, not merely to educate in practice and to develop, in general, the true professional spirit, but, in the interest of the commonwealth and of good citizenship, to lay the foundations in the individual student for sound personal character and business honour, to make clear, in the concrete, the lawyer’s duty to society and to his fellow men”.*<sup>40</sup>

He pressed upon the need to incorporate clinical legal education in the law school curriculum, with a faculty as a supervisor. He also promoted the Bar resolution, which provided that “every law school shall make earnest clinical work, through legal aid societies or other agencies, a part of its curriculum for its full course”.<sup>41</sup>

In the early 1920s and 1930s, the legal realism movement provided support for hands-on training on lawyering skills and instilling professional values in law students by using legal aid dispensaries.<sup>42</sup> In 1921, the Carnegie Foundation for the Advancement of Teaching funded a study on legal education in the United States conducted by Alfred Z. Reed, commonly called the “Reed Report”.<sup>43</sup> The report aligned with the realist school of thought, advocating for a comprehensive

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<sup>38</sup> Bruce Avery Lasky and Shuvro Prosun Sarker, “Introduction: Clinical Legal Education and Its Asian Characteristics” in Shuvro Prosun Sarker (ed.) *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged 2* (Palgrave Macmillan, United States, 2015).

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, “Clinical Education for this Millennium: The Third Wave” 7(1) *Clinical Law Review* 6 (2000).

<sup>42</sup> *Id.* at 42.

<sup>43</sup> Bruce Avery Lasky and Shuvro Prosun Sarker, “Introduction: Clinical Legal Education and Its Asian Characteristics” in Shuvro Prosun Sarker, (ed.) *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged 3* (Palgrave Macmillan, United States, 2015).

approach that includes theoretical legal knowledge alongside training practical skills for law students. The report suggested three components required for preparing law students for the practice of law. The casebook method's focus on legal analysis achieved only one out of the three goals: imparting students with theoretical knowledge of the law.<sup>44</sup>

However, most of the initial clinical programs originated from voluntary student initiatives. Clinical legal education was regarded as critical not only to help indigent people secure justice but also to discharge the social justice responsibility of the legal profession by involving lawyers in legal aid activity.<sup>45</sup> For instance, in the late 1920s, committed students started offering legal aid services at Yale, initially without receiving academic credit.<sup>46</sup> The academic faculty permitted students to engage in legal aid activities but declined to grant academic credit, deeming such activities as beyond the scope of academic pursuits.<sup>47</sup>

During the 1930s and 1940s, the critics of legal education in the United States continued to highlight the inability of law schools to adequately train lawyers to serve competently after graduation.<sup>48</sup> In the resolution, they recommended the need for equipping law students and faculties and to discharge true professional spirit towards society through legal representation for those who required them the most.<sup>49</sup>

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<sup>44</sup> Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, "Clinical Education for this Millennium: The Third Wave" 7(1) *Clinical Law Review* 7 (2000).

<sup>45</sup> Bruce Avery Lasky and Shuvro Prosun Sarker, "Introduction: Clinical Legal Education and Its Asian Characteristics", in Shuvro Prosun Sarker (ed.) *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged* 4 (Palgrave Macmillan, United States, 2015).

<sup>46</sup> Jeff Giddings et al., "The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia" in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 4 (Oxford Academic, 2011).

<sup>47</sup> *Ibid.*

<sup>48</sup> *Id.* at 5.

<sup>49</sup> *Ibid.*

After World War II, a faction of “Neo-Realists” advocated for reforming the teaching methods in law schools in order to make lawyers “policymakers”.<sup>50</sup> While post-war Neo-Realists aligned with realists in principle, they largely neglected practical law training through clinical legal education.<sup>51</sup> Their focus is primarily on training law students as “policy scientists” equipped to counsel and support institutional frameworks.<sup>52</sup>

Clinical legal education was infused into the formal method of instruction with formal credits in the USA and other countries only during the late 1960s.<sup>53</sup> These clinics gained momentum due to the voluntary initiatives taken by the students to serve the poor sections of society through legal representation.<sup>54</sup> The need to incorporate clinical legal education in the law school curriculum was felt, and slowly, almost all the law schools mandated and encouraged students to engage in some clinic programs. Clinical legal education developed in the United States after the social justice movement of the late 1960s and the government’s march toward war against poverty.<sup>55</sup> In the 1960s and 1970s, social issues such as poverty and civil rights, the women’s movement, and the Vietnam War had a significant influence on clinical programs, which led to greater demands for student participation in clinical programs with a special focus on resolving problems related to civil rights, property law, women’s rights, consumer rights, and environment protection.<sup>56</sup>

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<sup>50</sup> George S. Grossman, “Clinical Legal Education: History and Diagnosis” 26(2) *Journal of Legal Education* 167 (1974).

<sup>51</sup> *Id.* at 169.

<sup>52</sup> *Id.* at 170.

<sup>53</sup> Jeff Giddings, *et. al.*, “The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia” in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 5 (Oxford Academic, 2011).

<sup>54</sup> Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, “Clinical Education for this Millennium: The Third Wave” 7(1) *Clinical Law Review* 12 (2000).

<sup>55</sup> George S. Grossman, “Clinical Legal Education: History and Diagnosis” 26(2) *Journal of Legal Education* 173 (1974).

<sup>56</sup> Jeff Giddings, *et. al.*, “The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia”, in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 5 (Oxford Academic, 2011).

Another significant development in clinical education in the United States occurred when the Ford Foundation decided to fund the Council on Legal Education and Professional Responsibility (CLEPR) during the late 1960s and throughout the 1970s.<sup>57</sup> CLEPR's grants enabled many law schools to build a foundation for clinical programs. Inspired by the CLEPR-funded clinical programs, numerous other institutions subsequently launched their own clinical initiatives.<sup>58</sup>

The United States adopted the path of clinical legal education to bridge the long-standing dichotomy between academia and practice. Many scholars even felt that students' manpower should be used to aid the legal profession to meet the new demands of legal professions.<sup>59</sup>

Some scholars noted that students engaged in serving the indigent population should receive incidental educational benefits.<sup>60</sup> However, in the early literature on the clinical movement, community service was prioritized over educational benefits for students.<sup>61</sup> To facilitate student aid to the bar, a significant national lobbying movement was started to permit law students to practice law under certain situations.<sup>62</sup> This campaign met with remarkable success, and by the end of the 1970s, around thirty states had enacted student practice rules, and the law schools were urged to establish new clinics to realize this commitment.<sup>63</sup>

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<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> George S. Grossman, "Clinical Legal Education: History and Diagnosis" 26(2) *Journal of Legal Education* 173 (1974). See also, M.J. Anderson & Guy O. Kornblum, "Clinical Legal Education: A Growing Reform", 57 *American Bar Association Journal* 591 (1971); Henry P. Monaghan, "Gideon's Army: Student Soldiers", 45(4) *Boston University Law Review* 445 (1965); Brown, "The Trumpet Sounds: Gideon - A First Call to the Law Schools", 43 *Texas Law Review* 312 (1955); Council on Legal Education and Professional Responsibility, "Council on Legal Education for Professional Responsibility First Biennial Report" 12 (1971).

<sup>60</sup> George S. Grossman, "Clinical Legal Education: History and Diagnosis" 26(2) *Journal of Legal Education* 174 (1974). See also, Bill D. Etter, "Model Student Practice Rule: Clinical Education for Law Students", 24(3) *Arkansas Law Review* 367 (1970); John J. Cleary, "Law Students in Criminal Law Practice", 16(1) *DePaul Law Review* 1, 2-4 (1966); Cassity, J. Douglas, "Legal Internship in Missouri", 35(3) *Missouri Law Review* 367 (1970).

<sup>61</sup> George S. Grossman, "Clinical Legal Education: History and Diagnosis" 26(2) *Journal of Legal Education* 174 (1974).

<sup>62</sup> *Id.* at 175.

<sup>63</sup> *Ibid.*



From the 1960s to the 1980s, when clinical legal education gained momentum in the United States, clinics were established in other parts of the world, including India, Canada, the United Kingdom, Australia, and South Africa.

Clinical legal education in Canada began in the early 1970s.<sup>64</sup> There were two types of arrangements. Firstly, a student-run legal aid society within the law school, such as the University of Manitoba Legal Aid, Student Legal Services at the University of Alberta, and Community Legal Aid at the University of Windsor. Secondly, local community clinics such as Community Legal Services, Inc. of Point St. Charles in Montréal, Dalhousie Student Legal Aid, Osgoode Hall Law School (for Parkdale Community Legal Services (PCLS), among others.<sup>65</sup> These clinics were funded by either the provincial plans regulating legal aid or by the federal government. The clinics at these law schools were organized on a voluntary basis by law students, and they did not earn any academic credit for their participation in the pro bono work. However, it presented a chance for law students to merge theory into practice. Typically, students offered legal services to low-income demographics under the supervision of at least one attorney, with minimal faculty oversight. Conversely, community clinics were dedicated to a more inclusive mission, aiming to extend legal aid to all rather than exclusively focusing on lower-income individuals.<sup>66</sup>

The inception of clinical legal education in Britain was rooted in a dedication to social reform. Its development was influenced by professionals as well as a range of social phenomena.<sup>67</sup> The social reforms initiated by the post-war labor government in Britain laid the groundwork for substantial

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<sup>64</sup> Jeff Giddings, *et. al.*, “The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia” in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 7 (Oxford Academic, 2011).

<sup>65</sup> *Ibid.*

<sup>66</sup> *Id.* at 8.

<sup>67</sup> *Id.* at 6.

advancements in legal education. Inadequate legal services to meet the demands of the majority prompted the government to undertake a thorough review of legal education in 1971.<sup>68</sup> The survey uncovered that numerous students were offering legal services to the local community despite the complete absence of such provision in the law school curriculum.

In 1973, the University of Kent in the UK pioneered the integration of legal services into its formal curriculum by establishing the first clinic, followed by Warwick in 1975.<sup>69</sup> The legal curriculum of Kent allowed students to provide legal assistance, including representation to legal advice, under the supervision of solicitors and volunteer practitioners who acted as their supervisors.<sup>70</sup> Conversely, the University of Warwick aimed primarily to cultivate specialized skills in law students.<sup>71</sup>

Unlike other parts of continental Europe, clinical legal education has strong roots in the Netherlands.<sup>72</sup> During the 1960s in the Netherlands, the legal aid program expanded and solidified on a national level. Some of these clinical programs, known as “Rechtswinkel” or law shops, were linked to law schools and operated by volunteer student organizations, with minimal faculty guidance and no university credit.<sup>73</sup>

Although formal clinical legal education in Australia was established in 1975, volunteer students at the University of Melbourne earlier initiated a free legal referral service.<sup>74</sup> In Australia, the

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<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> Richard J. Wilson, “The Role of Practice in Legal Education”, (Working Paper) *American University Washington College of Law* 40 (October 21, 2010), available at: [https://digitalcommons.wcl.american.edu/fac\\_works\\_papers/12/](https://digitalcommons.wcl.american.edu/fac_works_papers/12/). (last visited on September 27, 2024).

<sup>73</sup> *Id.* at 40.

<sup>74</sup> Jeffrey Giddings, “Clinical Legal Education in Australia: A Historical Perspective” *International Journal of Clinical Legal Education*, 8 (2014). (last visited on September 27, 2024).

clinical legal movement burgeoned with newly established universities such as Monash University, La Trobe University, and the University of New South Wales (UNSW).<sup>75</sup> Australia's first legal aid program was developed at Monash Law Chambers with the help of students who were committed to the delivery of legal services.<sup>76</sup> Monash University collaborated with Springvale Community Aid and Advice Bureau in 1973 and then established the clinic in 1975.<sup>77</sup> La Trobe University explored the use of paralegal students in client service from the mid-1970s. In 1978, arising from the Henderson Commission of Poverty, it funded a lecturer/solicitor position to establish West Heidelberg Community Legal Service as a clinic. UNSW established its first clinic as a community legal center, Kingsford Legal Centre, in 1981.<sup>78</sup> It enabled law students to combine the academic and practical aspects of their law studies, satisfying the legal training requirements through involvement in a range of clinical activities.<sup>79</sup>

After the end of colonial rule, the structural deficiencies in legal education existing in most of the colonies were slowly done away with. With significant funding support from the Ford Foundation, American professors introduced the Socratic case method into Africa as a legal education reform and assisted in building academic infrastructure. However, their focus did not extend to clinical legal education, which was then emerging in the United States.<sup>80</sup> In 1973, the Ford Foundation organized a legal aid conference in South Africa, which accelerated the clinical movement in both

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<sup>75</sup> Jeff Giddings et al., "The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia" in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 8 (Oxford Academic, 2011).

<sup>76</sup> *Ibid.*

<sup>77</sup> Adrian Evans, Anna Cody, et al., *Australian Clinical Legal Education* 97-122 (Australian National University Press, Australia, 2017).

<sup>78</sup> *Ibid.*

<sup>79</sup> Jeff Giddings et. al., "The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia" in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 9 (Oxford Academic, 2011).

<sup>80</sup> Richard J. Wilson, "Legal Education in South Africa", *The Global Evolution of Clinical Legal Education: More than a Method*. Cambridge 210 (Cambridge University Press, Cambridge, England, 2017).

South Africa and Zimbabwe. This event marked the beginning of a lasting link between legal clinics and the provision of legal aid services in these regions.<sup>81</sup> Two-fold challenges that aided the emergence of African legal education were (i) lack of sufficient legal training and (ii) the desperate need to provide legal aid services to the people in need amidst poverty.<sup>82</sup> In South Africa, the university law clinics were first introduced at the University of Cape Town and Witwatersrand.<sup>83</sup> The early clinics in South Africa were introduced to serve the underprivileged and not to create educational value for law students through clinical programs. In 1981, the University of Zimbabwe established a clinical program, followed by Botswana in 1986.<sup>84</sup> However, from their inception, the Universities of Natal and Witwatersrand incorporated clinical work into practical legal studies.<sup>85</sup>

In several countries (including India), the concept of clinical legal education was fully institutionalized only in the 1990s and later.<sup>86</sup> **(We will discuss the developments in India in Part IV of the Report.)** With the funding and support from the Ford Foundation and CLEPR, a number of legal aid clinics for community service were established in countries other than the United States.<sup>87</sup> For instance, legal aid clinics were established in Bangladesh around the mid-1990s for the first time at the University of Dhaka and the University of Chittagong.<sup>88</sup> The concept of clinical legal education was also supported by the universities in Poland, and the first legal clinic

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<sup>81</sup> *Id* at 212.

<sup>82</sup> *Id.* at 211.

<sup>83</sup> David Mc Quoid- Mason, *An Outline of Legal Aid in South Africa* 4(1982).

<sup>84</sup> *Id.* at 212.

<sup>85</sup> *Ibid.*

<sup>86</sup> Maria Concetta Romano, “The History of Legal Clinics in the US, Europe and around the World” 16 *Diritto & Questioni Pubbliche* 27 (2016).

<sup>87</sup> George S. Grossman, “Clinical Legal Education: History and Diagnosis” 26(2) *Journal of Legal Education* 172-173 (1974).

<sup>88</sup> Stephen Golub, “From Village to University: Legal Activism in Bangladesh” in Mary McClymont, Stephen Golub (ed.) *Many Roads to Justice: The Law-related work of Ford Foundation grantees around the World* 145 (Ford Foundation Publication, United States, 2000).

was established in 1997 at the Jagiellonian University in Kraków with the financial support of the Ford Foundation.<sup>89</sup>

In 2002, the Central Education Council in Japan recommended their universities to recognize “clinics” as a part of their formal law school curriculum in order to fill the vacuum between legal theory and practice.<sup>90</sup> The first law clinic in Singapore was launched by the National University of Singapore in 2010 under the dean Tan Cheng Han in collaboration with Legal Aid Bureau (LAB).<sup>91</sup> To promote pro bono work, the LAB appoints lawyers without the requirement of a bar license as volunteer assistant directors of legal aid.

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<sup>89</sup> Izabela Krasnicka, “Legal Education and Clinical Legal Education in Poland” 13 *International Journal of Clinical Legal Education* 47 (2008).

<sup>90</sup> Takao Suami, “Clinical Legal education and the Foundation of Japanese Law Schools in the context of the Judicial System Reform” 25 *Waseda Bulletin of Comparative Law* 25 (2005).

<sup>91</sup> Shuvro Prosun Sarker, *Clinical legal education in Asia: Accessing Justice for the Underprivileged* 142 (Palgrave Macmillan, US, 2015).

### **III. LEGAL AID PRACTICES - OBSERVATIONS FROM LAW SCHOOLS ACROSS THE GLOBE**

#### **A. Global Practices on Clinical Legal Education**

Clinical legal education is now prevalent globally in several countries as an important component of legal education. The Scholars have argued that the emergence of clinics is often connected to the development of legal education more broadly, but there are several other significant factors, such as social conditions, regulation, as well as influential individuals and groups, that are also relevant factors in the emergence of legal aid clinics.<sup>92</sup> Scholars have also argued that over the years, clinical legal education and legal aid clinics have proven to be a productive environment for law students to learn practical knowledge, practice professional skills, and understand professional responsibility and ethics.<sup>93</sup> This section examines the working of law school-based legal aid clinics in some of the leading countries in this field.

##### ***1. United Kingdom***

In a publication titled “*Mapping Best Practice in Clinical Legal Education*”, Professors Richard Grimes and Hugh Brayne compiled best practices in clinical education in law schools in the United Kingdom.<sup>94</sup> In some of these practices, students were placed into three separate community settings over the course of a year – a school, a community agency, and a solicitor’s office. Damian Carney has noted that the law schools in the United Kingdom have witnessed the expansion of clinical

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<sup>92</sup> Frank S. Baloch, *The Global Clinical Movement* 3-4 (Oxford University Press, 2016).

<sup>93</sup> Ai Nhan Ho, “The future possibilities and perspectives of clinical legal education in Vietnam” 30 *International Journal of the Legal Profession* (2022). See also, MA (Riette) Du Plesis, “The Role of Clinical Legal Education in Developing Ethical Legal Professionals” 54(1) *De Jure Law Journal* 278-297 (2021).

<sup>94</sup> Ira P. Robbins, “Best Practices on ‘Best Practices’: Legal Education and Beyond” 16 *Clinical Law Review* 269 (2009).

legal education programs.<sup>95</sup> A 2014 report titled “Law School Pro Bono and Clinics Report” stated that two-fifths of pro bono clinics in the United Kingdom are run by universities.<sup>96</sup> The law schools in the United Kingdom engage with clinical legal aid work in two ways. One way is to impart general advice, and the other is to impart specialist advice.<sup>97</sup> Students advised and represented the clients on several areas of law, including those relating to employment, family, welfare and housing.<sup>98</sup> Other work included court and tribunal representation, in addition to miscellaneous work such as mentoring and form-filling assistance. The methodology of imparting clinical legal education in the United Kingdom also focuses on the integration of technology into the curriculum to adapt to the digital age.<sup>99</sup>

## ***2. United States of America***

Generally, in the United States, a traditional method of ‘in-house clinic’ was introduced “for-credit curricular offering in which law students represent ‘real clients’ in ‘real situations’ under faculty supervision”.<sup>100</sup> However, with time, the traditional methodology went through several variations. These variations include the emergence of positions of clinicians in the United States, from volunteering to a strong, committed community service focus.<sup>101</sup>

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<sup>95</sup> Damian Carney et. al., “The LawWorks Law Pro Bono and Clinic Report” (2014), *available at*: <https://www.lawworks.org.uk/solicitors-and-volunteers/resources/lawworks-law-school-pro-bono-and-clinics-report-2014> (last visited on September 27, 2024).

<sup>96</sup> *Ibid.*

<sup>97</sup> Emma Jones, Hugh Mcfaul, Hugh & Francine Ryan, “Clinical legal education in the United Kingdom: Origins, Growth and the Technological Innovations and Challenges of its Future” 4 *German Journal of Legal Education* 114 (2017).

<sup>98</sup> *Ibid.*

<sup>99</sup> Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, “Clinical Education for This Millennium: The Third Wave”, 7(1) *Clinical Law Review* 1 (2000).

<sup>100</sup> Douglas A. Blaze, “Déjà Vu All Over Again: Reflections on Fifty Years of Clinical Education” 64 *Tennessee Law Review* 939 (1997).

<sup>101</sup> Jeff Giddings et. al., “The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada, and Australia” in Frank S. Bloch (ed.) *The Global Clinical Movement: Educating Lawyers for Social Justice* 4 (Oxford Academic, 2011).

The law school clinics operate in two different ways. First, law schools may get assistance from an independent legal aid society or public defender system, which assigns cases to students. They also mentor and supervise the students and provide office space. Second, where law school clinics get support from local bar associations. The support generally ranges from financial to personal assistance.<sup>102</sup> Students enrolled in clinics attempt to focus on the substantive legal issues involved. Most schools offer numerous clinics, each focusing on a particular topic such as transactional law, corporate law, social justice, immigration, criminal law, domestic violence, wrongful conviction, international human rights or tax law.<sup>103</sup>

### 3. *Canada*

Legal aid clinics in Canada are housed in law schools and are initially supported by the provincial legal aid plans. Examples of such clinics are the University of Manitoba Legal Aid Clinic, Student Legal Services at the University of Alberta, Downtown Legal Services at the University of Toronto, Community Legal Services Program at Osgoode Hall, and Community Legal Aid at the University of Windsor, among others.<sup>104</sup> The Pro Bono Students Canada (PBSC) is a student-led clinical organization in Canada that started at the University of Toronto and has 22 chapters across Canada.<sup>105</sup> The purpose of PBSC is to provide under-represented and disadvantaged communities with pro bono legal service and to give public interest organizations and agencies access to highly skilled and committed volunteers.<sup>106</sup> Students contribute to the advocacy work, perform public

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<sup>102</sup> Quintin Johnstone, "Law School Legal Aid Clinics" 3(4) *Journal of Legal Education* 535 (Summer, 1951).

<sup>103</sup> Sammy Allen, "Legal Clinics What Law School students should know", *US News*, May 19, 2023, available at: <https://www.usnews.com/education/articles/legal-clinics-what-law-school-students-should-know>. (last visited on September 27, 2024).

<sup>104</sup> Frank S. Baloch, *The Global Clinical Movement* 6-7 (Oxford University Press, 2016). See also, Frederick H. Zemans and Lester Brickman, "Clinical Legal Education and Legal Aid - The Canadian Experience" 6(13) *Council on Legal Education for Professional Responsibility, Inc.*(1974).

<sup>105</sup> Pro Bono Students Canada, available at: <https://www.probonostudents.ca/> (last visited on September 27, 2024).

<sup>106</sup> Information for Students, Faculty of Law, Western University, available at: [https://law.uwo.ca/legal\\_clinics/pro\\_bono\\_students\\_canada/information\\_for\\_students.html](https://law.uwo.ca/legal_clinics/pro_bono_students_canada/information_for_students.html). (last visited on September 27, 2024).



legal education, produce policy or background memorandums, provide legal information for clients, and support pro bono lawyers working on particular cases.<sup>107</sup>

However, clinical training programs are open only to students in their third year of study, and it run for both academic terms.<sup>108</sup> Students are expected to devote one full day each week to staffing the office.<sup>109</sup> The research on clinical legal aid in Canadian law schools reveals that the schools that managed to do well in clinical legal education have greatly benefitted from supportive leadership, especially from the deans' office.<sup>110</sup>

#### **4. Vietnam**

The clinical legal education in Vietnam is modelled on the community legal education model. In Vietnam, students and teachers can use the resources already available at law school, such as classrooms, libraries, the internet, and even open spaces, to plan and prepare for community legal education activities.<sup>111</sup> In addition, partners such as local authorities, high school authorities, prison managers, directors of orphanages, or managers of business parks are often willing to provide assistance and share a part of the expenses with law schools in preparing and delivering clinical legal education programs. However, it does not involve direct representation of clients.<sup>112</sup>

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<sup>107</sup> *Ibid.*

<sup>108</sup> Frederick H. Zemans and Lester Brickman, "Clinical Legal Education and Legal Aid - The Canadian Experience" 6(13) *Council on Legal Education for Professional Responsibility, Inc.* 13 (1974).

<sup>109</sup> *Ibid.*

<sup>110</sup> Gemma Smyth, Samantha Hale & Neil Gold, "Clinical and Experiential Learning in Canadian Law Schools: Current Perspectives" 95(1) *Canadian Bar Review* 169 (2018).

<sup>111</sup> Ai Nhan Ho, "The future possibilities and perspectives of clinical legal education in Vietnam," 30 *International Journal of the Legal Profession* 209 (2023).

<sup>112</sup> *Ibid.*

## 5. *South Africa*

Clinical legal education in South Africa is very community-oriented.<sup>113</sup> Some of the legal aid clinics deal with cases of civil liberty involving police brutality, forced removals, detention without trial, and other breaches of human rights.<sup>114</sup> These clinics also work in collaboration with the Legal Aid Board to provide access to justice to the poor. Legal Aid Board in South Africa is an independent statutory body established by the Legal Aid South Africa Act of 2014.<sup>115</sup>

Students in these clinics assist the Legal Aid Bureau full-time; final-year law students assist government counsel.<sup>116</sup> South African law schools refer the clients to the Legal Aid Board. Clinics generally operate on a variety of subjects like the law of family, gender and child, labor, property, criminal and delict, refugees, as well as a general litigation unit.<sup>117</sup>

### **B. Best Practices in Legal Aid Clinics at Selected Universities**

These practices are selected after examining different colleges abroad and the functioning of their clinics. Broadly, the main takeaways that make them distinct are as follows:

- a. ***Faculty Supervision***: Faculty supervision plays a crucial role in the dispensation of legal aid work by law students. Universities abroad generally have specially designated clinical faculty who supervise students in performing their clinical duties. For instance, ‘In-House Clinics’, which are internal to Harvard Law School with an on-campus office, are taught by Clinical Professors of Law, Clinical Instructors, and Lecturers on Law. The clinics are

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<sup>113</sup> Ralph Madlalate, “Legal Education in South Africa: Racialized Globalizations, Crises, and Contestations” in Bryant Garth & Gregory Shaffer (ed.) *The Globalization of Legal Education* 157 (Oxford University Press, 2022).

<sup>114</sup> Shuvro Prosun Sarker, “Empowering The Underprivileged: The Social Justice Mission for Clinical Legal Education in India” 19 *International Journal of Clinical legal Education* 334-336 (2014).

<sup>115</sup> Legal Aid South Africa, available at: <https://legal-aid.co.za/legalaidsa/> (last visited on September 27, 2024).

<sup>116</sup> University of Pretoria Law Clinic, available at: <https://www.up.ac.za/up-law-clinic-home-page> (last visited on September 27, 2024).

<sup>117</sup> MA (Riette) du Plesis, “Forty-Five years of Clinical Legal Education in South Africa”, 25(2) *Fundamenia Pretoria* 23 (2019).

paired with a classroom component, in which clinical experiences contribute to further discussion in the different areas of law.<sup>118</sup> Faculty supervision does not merely include the professors and academics. An in-house clinic also includes licensed attorneys who are experts in their field.

**b. *Involvement of Students in Addressing Real Disputes:*** One of the remarkable practices that many universities follow abroad is involving students in addressing real disputes. For instance, the working of Anti-Death Penalty Clinics at the University of Monash involves students in both research and advocacy work. Students undertake research and analysis of casework and advocacy briefs, drafting submissions, and assisting legal teams and human rights advocates in numerous jurisdictions.<sup>119</sup> Students work on legal teams with lawyers and anti-death penalty advocates from across Asia.<sup>120</sup> They work in small groups under the close supervision of a clinical supervisor to undertake research and analysis of current death penalty cases, strategic litigation, and advocacy campaigns.

**c. *Compulsory credit course:*** A key feature is awarding academic credit to the clinical legal course. For instance, the law clinic in the National University of Singapore offers an elective course open to third and fourth-year law students.<sup>121</sup> As per the practice, “Students applying to the course have to submit a curriculum vitae, with previous experience in access to justice or community legal service considered in selecting students. Within the law clinic, students collaborate with clinical instructors on real cases involving LAB clients, assisting in client interviews, affidavit preparation, legal research, and court

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<sup>118</sup> In-House Clinics, Harvard Law School, available at: <https://hls.harvard.edu/clinics/in-house-clinics/>. (last visited on September 27, 2024).

<sup>119</sup> Eleos Anti Death Penalty Clinic, Monash University, available at: <https://www.monash.edu/law/future-students/cle/archive/clinics/anti-death-penalty-clinic>. (last visited September 27, 2024).

<sup>120</sup> *Ibid.*

<sup>121</sup> Shuvro Prosun Sarker, *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged* 3 (Palgrave, Macmillan US, 2015).

preparation. Although the LAB focuses on civil matters, students encounter diverse cases, including matrimonial issues and torts. Additionally, students support clinical instructors in providing legal advice before LAB eligibility certificates are issued”.<sup>122</sup> Similarly, in the Clinic at the University of Pretoria, final-year law students are offered a unique opportunity to practice law while being mentored by experienced clinic lawyers.<sup>123</sup> Several clinics in the USA also offer compulsory credit courses.

- d. *Involvement of Community & Paralegal Volunteers:*** The involvement of a robust network of paralegal volunteers and the involvement of the community are two practices that can be emulated in a university-based legal aid system. Take, for instance, the work of a clinic at the University of KwaZulu at Natal in South Africa. This involves a network of paralegal volunteers to provide assistance. Paralegal coordinators help rural communities, especially women and children, to use State services and private organizations to gain access to their legal rights and improve their lives. They enable disadvantaged individuals, who otherwise lack the knowledge or means, to learn about and use the law to solve their problems.<sup>124</sup>
- e. *Representation in the Courtroom:*** In a few clinics, such as at Georgetown University Law Center, students act as lead counsel for their clients. They plan, represent, and do practical engagement, and critical post-performance reflection. While working in the clinic, they internalize both a valuable method for long-term professional improvement and essential skills that transfer across a wide variety of practice areas.<sup>125</sup> Students are able to represent

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<sup>122</sup> *Ibid.*

<sup>123</sup> Government of India & UNDP, “A Study of Law School Based Legal Services Clinic” 69-70 (2011).

<sup>124</sup> *Id.* at 71.

<sup>125</sup> Breanna de Vera, “Georgetown Law Helps Lead National Law School Response to Eviction Crisis”, *Georgetown Law*, February 22, 2022, available at: <https://www.law.georgetown.edu/news/georgetown-law-helps-lead-national-law-school-response-to-eviction-crisis/>. (last visited on September 27, 2024).

the people in the courtroom because of the presence of favorable rules. For instance, the rule of the US District Court allows students to practice. The rule allows a third-year law student at an accredited law school, certified by the Dean or a faculty member, to be competent to practice.<sup>126</sup>

**f. *Variety of cases that Clinics undertake:*** The clinics do not merely focus on legal awareness but also take cases that range from the wide array of disputes from rent, housing, eviction, and the issues that affect the rights of an individual. Harvard Law School has specialized clinics such as Housing, Family, Wage & Labour, Eviction, and Tenancy, Election Law Clinic and Religious Freedom Clinic etc.<sup>127</sup> The Election Law Clinic at the Harvard Law School works on election litigation issues, such as re-districting and voter suppression issues. Students in these cases are involved in litigation, including pre-filing investigations, meeting and retaining clients, engaging in lay and expert discovery, briefing and arguing dispositive motions, pre-trial preparations, and trial practice, as well as in the appellate process.<sup>128</sup> Similarly, the clinics at Stanford Law School take cases of Criminal defense, environmental rights, immigrant rights, international human rights, youth and education law, religious liberty, etc.<sup>129</sup>

**g. *Collaborations for effective change:*** Clinics collaborate with different institutions to further the cause of the legal aid work. Students work in smaller groups at law school clinics. For instance, under the close supervision of the clinical supervisor at the University

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<sup>126</sup> District of Columbia Courts, available at: <https://www.dccourts.gov/sites/default/files/2017-07/DCCA%20Rule%2048%20Legal%20Assistance%20by%20Law%20Students.pdf> (last visited on September 27, 2024).

<sup>127</sup> Harvard Legal Aid Bureau, available at: <https://hls.harvard.edu/clinics/in-house-clinics/harvard-legal-aid-bureau/> (last visited on September 27, 2024).

<sup>128</sup> Election Law Clinic, Harvard Law School, available at: <https://hls.harvard.edu/clinics/in-house-clinics/election-law-clinic/> (last visited on September 27, 2024).

<sup>129</sup> Directory Organizations, available at: [https://law.stanford.edu/organizations/?tax\\_and\\_terms=304&page=1](https://law.stanford.edu/organizations/?tax_and_terms=304&page=1) (last visited on September 27, 2024).

of Monash, the legal aid clinic provides legal support to key partner organizations such as the Global Pro Bono Bar Association, Liberty Shared, and the International Justice Mission.<sup>130</sup> Their activities include weekly meetings and seminars to equip students with key skills relevant to law-related work in the social justice field.<sup>131</sup>

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<sup>130</sup> Monash University Clinical Legal Education, Monash University, *available at*: <https://www.monash.edu/law/research/centres/castancentre/for-students/careers/careers-guide/field-of-law/clinical-legal-education> (last visited on September 27, 2024).

<sup>131</sup> *Ibid.*

#### **IV. REGULATORY FRAMEWORK FOR LAW SCHOOL-BASED LEGAL AID IN INDIA**

The concerns relating to legal education in India appeared even before India gained independence. In 1936, Dr. B.R. Ambedkar, who was then serving as the Principal of Government Law College, Bombay, prepared a note titled “Thoughts on the Reform of Legal Education in the Presidency”. He stressed the importance of interdisciplinary studies. According to him, the main problems relating to legal education were “*due to two things, viz., a faulty curriculum and a faulty method of instruction*”.<sup>132</sup> He proposed reforming the curriculum to include subjects like Sociology, Psychology, Logic, Rhetoric, and English to develop argumentative abilities in students. He wrote, “*From the educationist’s point of view the study of law requires a study of certain other auxiliary subjects without which the study of law alone would be incomplete equipment for the practice of the profession. What these auxiliary subjects should be will not be difficult to enumerate if we remember that a lawyer must have a legal mind*”.<sup>133</sup> Dr. Ambedkar envisioned that the teaching of law should be done by persons drawn from the practicing members of the profession.<sup>134</sup> The later developments focused on the aspects of curriculum and practical training.

##### **A. Evolution of Clinical Legal Education in India**

In 1949, the “Legal Education Committee, Bombay” was established to overhaul law colleges’ curriculum, teaching methods, and evaluation systems across provinces. The Committee recognized the significance of practical training.<sup>135</sup> Educational approaches such as moot courts and group discussions were acknowledged as requisites to prepare students for specialized

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<sup>132</sup> BR Ambedkar, “Thoughts on the Reform of Legal Education in the Bombay Presidency” in Vasant Moon (ed.) 17(2) *Writings and Speeches of Dr. Babasaheb Ambedkar* 9 (Ministry of Social Justice and Empowerment, Government of India, 2020).

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*

<sup>135</sup> Bombay Legal Education Committee, “Report of the Legal Education Committee” (Government Central Press, 1949).

branches like civil, criminal, and constitutional law.<sup>136</sup> The Committee recommended that practical courses be compulsory for students opting for a legal profession. The teaching methodology was proposed to include seminars, group discussions, and moot court competitions, among other practical elements.<sup>137</sup>

In 1958, the 14th Report of the Law Commission of India, titled “Reform of Judicial Administration”, emphasized the need for a balance between formal academic learning and practical knowledge.<sup>138</sup> The Report suggested introducing professional certificate courses and post-university law degrees focused on building skills and courtroom techniques, including simulated exercises. The Commission underscored the importance of professional training after university education, advocating for a curriculum concentrating on practical knowledge. The Report also recommended the incorporation of teaching methods such as seminars, discussions, mock trials, and simulation exercises.<sup>139</sup>

While the Expert Committees of that time recognized the value of practical legal training in enhancing graduates’ litigation capabilities, they also emphasized the foundational role of clinical courses in fostering social responsiveness and justice orientation from the early stages of training.<sup>140</sup>

The 1960s and 1970s witnessed the emergence of the legal aid movement in India. Occasional voluntary legal assistance clinics were initiated in some law schools without formal backing.<sup>141</sup>

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<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*

<sup>138</sup> Law Commission of India, “14th Report on Reforms of Judicial Administration” (1958).

<sup>139</sup> *Ibid.*

<sup>140</sup> Margaret Martin Barry, “Clinical Legal Education in the Law University: Goals and Challenges” 11 *International Journal of Clinical Legal Education* 27-50 (2007).

<sup>141</sup> Frank S. Bloch & M. R. K. Prasad, “Institutionalizing A Social Justice Mission for Clinical Legal Education: Cross-National Currents From India And The United States” 13 *Clinical Law Review* 165, 169 (2006-2007).



Faculty members and students in various institutions began providing pro bono legal assistance to underprivileged litigants on a voluntary basis in the 1960s, even before explicit integration into college programs. For example, in 1969, the faculty of Delhi University voluntarily established a legal aid clinic for prison inmates.<sup>142</sup>

One of the significant cross-national developments in legal education in India was the influence of educational exchanges funded by the Ford Foundation in the late 1960s and early 1970s. It provided opportunities for American and Indian law teachers to share developments in the law and poverty curriculum, including the emerging clinical methodology.<sup>143</sup> This educational exchange also highlighted differences from the United States and major hold-ups in university legal aid programs organized in India. These included a lack of financial assistance to law schools to meet the expenses of running clinical programs and a lack of incentives for faculty, such as reduced teaching loads.

In the early 1970s, Banaras Hindu University started one of India's first clinical law courses, combining legal aid clinic activities guided by a retired judge, court visits, and internships under legal practitioners. This course laid the foundation for clinical legal education and was centered around the institution's legal aid clinic.<sup>144</sup>

In the 1970s, three Expert Committees were formed by the Ministry of Law and Justice that focused on improving access to justice in India. These committees unanimously advocated for the active involvement of law schools and students in legal aid activities.<sup>145</sup> The Expert Committee on Legal Aid, 1973 Report, was chaired by Justice Krishna Iyer. The Committee envisioned legal aid

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<sup>142</sup> *Ibid.*

<sup>143</sup> *Ibid.*

<sup>144</sup> *Ibid.*

<sup>145</sup> *Ibid.*

as a means of sensitizing legal institutions to socio-economic realities. Recognizing the nationwide need and limited resources, the Committee suggested the pragmatic utilization of law student services at low costs.<sup>146</sup> The Report also proposed the inclusion of law teachers and students in legal aid programs. It defined legal aid services as actions that sensitize legal institutions to respond to India's socio-economic realities. Through this Report, Justice Krishna Iyer suggested amending the Advocates Act of 1961 to permit law professors and students to represent indigent clients.<sup>147</sup>

Imperatively, the 42nd Constitutional Amendment of 1976 introduced Article 39A in the Constitution of India, mandating the State to ensure that the legal system should foster justice based on equal opportunities.<sup>148</sup> It emphasized explicitly providing free legal aid through suitable legislation or schemes to guarantee that economic or other disadvantages do not deny any citizen the opportunity to seek justice.

In 1977, the "Committee on National Juridicare: Equal Justice-Social Justice," also known as "The Juridicare Committee", submitted its Report emphasizing reaching vulnerable citizens through legal awareness, literacy workshops, and alternative community initiatives.<sup>149</sup> The Committee noted that the traditional legal service program, which is essentially Court or litigation-oriented,

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<sup>146</sup> Ministry of Law, Justice and Company Affairs, Government of India, "Processual Justice to the People: Report of the Expert Committee on Legal Aid" (1973).

<sup>147</sup> V.R. Krishna Iyer, "The Dynamics of Access to Justice" *The Hindu*, May 29, 2007, available at: <http://www.thehindu.com/todayspaper/tp-opinion/the-dynamics-of-access-to-justice/article1848798.ec>. (last visited on September 27, 2024).

<sup>148</sup> Article 39A of the Constitution of India deals with equal justice and free legal aid. It was added to the Constitution of India through The Constitution (Forty-Second Amendment) Act, 1976. It provides: "Equal justice and free legal aid - 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>149</sup> Ministry of Law, Justice and Company Affairs, Government of India, "Equal Justice-Social Justice: Report of the Juridicare Committee" (1977).

cannot meet the specific needs and the peculiar problems of the poor.<sup>150</sup> Therefore, the Committee formulated recommendations for legal aid schemes, focusing on assisting the most helpless members of society with various types of aid, including education and community development. The Report further discusses how clinical legal education and student efforts in legal aid clinics may contribute to the legal profession.<sup>151</sup>

The reports submitted by the Expert Committee on Legal Aid, 1973 and the Committee on National Juridicare: Equal Justice-Social Justice dedicated entire sections to “Legal Aid Clinics under School of Law”, and presented arguments on why law students should learn law through clinical methods to enhance both legal education and professional service.<sup>152</sup>

The expert committees not only advocated for the establishment of clinics in law schools but also proposed financial support from the central and state governments to ensure the effective functioning of these legal aid clinics in law schools. Funding for law school clinics was viewed as a crucial responsibility of the legal aid authority, serving a dual purpose of facilitating clinical legal education to produce a sensitized cadre of advocates and providing a diverse range of paralegal and legal services to individuals who might otherwise be deprived of the benefits of legal assistance.<sup>153</sup>

The Expert Committee (1973) and the subsequent Juridicare Committee (1977) explicitly dismissed the idea of providing legal services on a case-to-case basis or centered around litigation

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<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> Government of India, Ministry of Law, Justice and Company Affairs, “Processual Justice to the People: Report of the Expert Committee on Legal Aid” (1973) (Also known as Expert Committee Report on Legal Aid); and Government of India, Ministry of Law, Justice and Company Affairs, “Equal Justice-Social Justice: Report of the Juridicare Committee”, (1977) (Also known as National Juridicare Report).

<sup>153</sup> Dr. Suresh V. Nadagoudar, “An Analysis of Clinical Legal Education in India: Initiatives in Karnataka” 4(2) *CMR University Journal for Contemporary Legal Affairs* 8 (August, 2022).

in India. Instead, the committees advocated for services such as educating on select legal matters, developing communities, and implementing informal dispute resolution methods through initiatives like lok adalats or legal aid camps, with the intention to assist the most vulnerable members of society, aiming to identify a wide array of support available under the law.<sup>154</sup>

In 1980, a committee at the national level was constituted to oversee and supervise legal aid programs throughout the country. Mr. Justice P.N. Bhagwati, then a judge of the Supreme Court of India, headed this committee. This Committee came to be known as CILAS (Committee for Implementing Legal Aid Schemes) and started monitoring legal aid activities throughout the country.<sup>155</sup> In 1981, the Committee insisted that court-oriented legal aid programs alone cannot achieve social justice in India.<sup>156</sup> The Committee focused on promoting legal literacy, organizing legal aid camps, training paralegals, establishing legal aid clinics in educational institutions, and initiating class actions through public interest litigations.<sup>157</sup> The Committee Report emphasized expanding legal literacy camps, popularizing informal dispute resolution through lok adalats, and establishing legal aid cells in educational institutions. Prior to this, law school clinics were focused on the legal aid camps and raising awareness among the public. This shift in focus toward legal aid clinics in law schools and greater involvement of students and faculty was instrumental, as recommended by Justice P. N. Bhagwati.<sup>158</sup>

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<sup>154</sup> Frank S. Bloch and Iqbal S. Ishaq, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States" 12(1) *Michigan Journal of International Law* 92-120 (1990).

<sup>155</sup> Indian Institute of Paralegal Studies, "Report on Study of Implementation of National Legal Services Act in the State of Gujarat" 6 (November 2008).

<sup>156</sup> Justice P. N. Bhagwati, "Report of Committee for Implementing Legal Aid Schemes" (1981).

<sup>157</sup> *Ibid.*

<sup>158</sup> Margaret Martin Barry, "Clinical Legal Education in the Law University: Goals and Challenges" 11 *International Journal of Clinical Legal Education* 27-50 (2007).

The initial attempt to introduce legal aid through practical training was initiated by the BCI through its regulations in 1982.<sup>159</sup> The BCI issued directives to universities mandating the inclusion of compulsory practical training and making full-time law training a requirement. This move was particularly significant for the integration of legal aid into legal education.<sup>160</sup> This attempted to address perceived gaps in skills considered essential to effectively practice the legal profession. However, developing social consciousness may not have been the prime consideration driving this reform initially. Emphasis was placed on equipping fresh graduates with procedural knowledge to directly enter courtroom practice without additional apprenticeship.<sup>161</sup>

In 1983-84, the Faculty of Law at the University of Jodhpur established a legal aid clinic, actively involved in disseminating information about social welfare legislation and assisting in settling cases in accidents and matrimonial disputes. These early initiatives, though scattered, laid the organic foundations for more structured interventions in subsequent years. They highlighted the capability and willingness of the academic community to provide legal aid services when equipped with adequate institutional mechanisms.<sup>162</sup>

The judges were also concerned with the scope of legal education. In the 1984 judgment of *Inamdar Vahab Badasha v. Symbiosis Society*,<sup>163</sup> the Supreme Court emphasized that legal education should align with the constitutional goals of advancing social justice and change. It was stated that law should serve as an instrument of social change and should not compromise the standards and objectives of legal education.

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<sup>159</sup> K. Rajashree, "Dissecting the Dichotomy of Skill and Social Justice Theory of Law School Legal Aid Clinics in the USA and India: A Re-look of the Past and the Present" 8(1) *Asian Journal of Legal Education* 79-94 (2021).

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> Frank Bloch and Ishar Iqbal, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States" 12(1) *Michigan Journal of International Law* 92-120 (1990).

<sup>163</sup> AIR 1984 Bom 451.

In 1986, the first national law school, the National Law School of India University, Bangalore, was established with the vision to adopt a clear public interest or justice vision i.e., to train the students to deliver social justice. Further, it introduced a form of clinical education, wherein the activities of the students were to visit local villages or provide basic assistance to those who are unable to afford other legal representation.<sup>164</sup>

The Parliament enacted the Legal Services Authorities Act of 1987 to constitute legal services authorities. The idea was to provide free and competent legal services to the weaker sections of society, and to ensure that no citizen is denied an opportunity to secure justice because of economic or other disabilities.

However, most institutions then lacked adequately sensitized faculty, financial resources, procedural clarity, and orientation to design and implement an impactful clinical curriculum instantly. Teaching practices followed a didactic instructor-led format rather than interactive training in clinical courses. There were gaps between policy vision and outcomes on the ground.<sup>165</sup>

This was sought to be remedied by a committee on legal education, also known as the Ahmadi Committee of 1994, formed by the Supreme Court. The report of the Committee discussed reforming legal training by incorporating interactive methods like moot courts, mock trials, and problem-solving. The committee recommended making these mandatory in the assessed curriculum.<sup>166</sup>

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<sup>164</sup> Badrinarayana, Deepa. "India's State of Legal Education: The Road from NLSIU to Jindal" 63(3) *Journal of Legal Education* 521–23 (2014).

<sup>165</sup> Frank S. Bloch and M.R.K. Prasad, "Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States" 13 *Clinical Law Review* 165-169 (2006-2007).

<sup>166</sup> Law Commission of India, "184th Report on Legal Education & Professional Training and Proposals for amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956" (2002).

The Ahmadi Committee report mainstreamed clinical legal education by recognizing its value in building competencies aligned to professional roles graduates would assume as lawyers and judges. However, visible gaps persisted in training orientation, infrastructure, and evaluator capacities across institutions to actualize robust clinical curriculum instantly.<sup>167</sup> The process has been gradual.<sup>168</sup> This policy intervention marks the formal initiation of clinical teaching practices into mainstream Indian legal education.

In 1997, twenty years after the 42nd Constitutional Amendment enshrined the State's responsibility to provide equal access to justice, the BCI introduced four compulsory practical papers in approved law degrees, which encompassed: (i) Paper I: Moot-court, Pre-trial preparations, and Participation in Trial Proceedings; (ii) Paper II: Drafting, Pleading, and Conveyancing; (iii) Paper III: Professional Ethics, Accountancy for Lawyers, and Bar-bench Relations, (iv) Paper IV: Public Interest Lawyering, Legal Aid, and Para-legal Services.<sup>169</sup> This directive to expose students to realities of legal practice was a milestone in formally cementing clinical legal education. It was regarded as a substantial step towards formally introducing clinical legal education into the academic framework. Law schools have been mandated to include these four papers since the academic year 1998-99.<sup>170</sup>

In 2002, the 184th Law Commission Report, led by Justice M. Jagannadha Rao, proposed joint responsibility between BCI and UGC for setting legal education standards. The Report referred to the American Bar Association's "Mac Crate Report",<sup>171</sup> which attributed a greater role to practice

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<sup>167</sup> Nirmal Kanti Chakrabarti, "Skill Learning In Legal Education: Designing A Systematic Instructional Design For Law Schools In India" 62(1) *Journal of the Indian Law Institute* 52-75 (2020).

<sup>168</sup> Frank S. Bloch, "Access to Justice and the Global Clinical Movement" 28 *Washington University Journal of Law and Policy* 111 (2008).

<sup>169</sup> Bar Council of India, Resolution No. 04/1997.

<sup>170</sup> *Ibid.*

<sup>171</sup> American Bar Association, "Section of Legal Education and Admissions to the Bar, Legal Education and Professional Development – An Educational Continuum", *Report of the Task Force on Law Schools and the*

in legal education for adequately preparing lawyers. The American Report laid down the foundations for the inclusion of requirements in law school accreditation criteria dealing with the teaching of lawyering skills and professional responsibilities as well as a framework dealing with the status of clinical teachers within the law school academic hierarchy.<sup>172</sup> Inspired by the “MacCrate Report”, the Law Commission recommended changes to the Advocates Act, 1961, and the UGC Act, 1956. The Commission suggested to the BCI that rules for law courses focusing on practical legal skills be created and advocated for an accreditation system, improved law libraries, and hiring of experienced lawyers and retired judges as part-time faculties. These recommendations aimed to enhance the quality of legal education and its relevance to professional practice in India.<sup>173</sup>

The BCI then framed the Legal Education Rules, 2008, to govern the different aspects of imparting legal education in the country. Remarkably, in the case of *Bar Council of India v. Bonnie FOI Law College*,<sup>174</sup> the Supreme Court mandated the formation of a three-member Committee- “the Committee on Reform of Legal Education”. It was tasked with addressing issues related to the recognition and affiliation of colleges conducting law courses. Furthermore, the Committee was supposed to identify the areas that required attention, such as the infrastructure and functioning of the college, and submit a comprehensive report. A segment of the report focused on the matter of Legal Aid Clinics, offering recommendations for improvement:<sup>175</sup>

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*Profession: Narrowing the Gap* (Illinois, American Bar Association, July 1992). (Also known as “The MacCrate Report,” named for the chairperson of the Task Force, Robert MacCrate.)

<sup>172</sup> Richard J. Wilson, “The Role of Practice in Legal Education”, (Working Paper) *American University Washington College of Law* 40 (October 21, 2010), available at: [https://digitalcommons.wcl.american.edu/fac\\_works\\_papers/12/](https://digitalcommons.wcl.american.edu/fac_works_papers/12/). (last visited on September 27, 2024).

<sup>173</sup> The Law Commission of India, “184th Report on The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956” (December, 2002).

<sup>174</sup> (2017) 11 SCC 185.

<sup>175</sup> Bar Council of India, “Final Report of the 3-Member Committee on Reform of Legal Education” (2009).



*“II. Establishment of Legal Aid Clinics/Centres: Apropos the principle enshrined under Article 39-A of the Constitution of India, the Bar Council of India, vide Resolution dated [24 October] 2009, resolved that all law schools/colleges should establish a legal aid clinic/centre for the purpose of providing inexpensive and efficient justice to the needy sections of our society. It was also resolved that a lecturer shall be the faculty in-charge of a legal aid clinic/centre, and that final-year students would be trained at such legal aid clinics/centres in imparting professional legal advice and client interaction. This Committee unreservedly endorses the Resolution passed by the Bar Council of India and recommends that the establishment of such legal aid clinics/centres be made a precondition to the recognition of law colleges by the Bar Council.”*

As can be seen, the focus on establishing legal aid clinics in law schools evolved alongside the developments in the legal education curriculum.

## **B. Current Legal Framework**

The Legal Services Authorities Act of 1987 laid out a structural ecosystem for legal aid services in India. Significantly, it specified the criteria for the persons who are eligible to obtain legal aid under Section 12 of the Act:<sup>176</sup>

*“12. Criteria for giving legal services.—Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is—*

*(a) a member of a Scheduled Caste or Scheduled Tribe;*

*(b) a victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;*

*(c) a woman or a child;*

*(d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);*

*(e) a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic, violence, caste atrocity, flood, drought, earthquake or industrial disaster;*  
*or*

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<sup>176</sup> The Legal Services Authorities Act, 1987, s. 12.

*(f) an industrial workman; or*

*(g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or*

*(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.”*

The Act established legal services authorities at the national, state, and district levels that work in coherence with each other and with other institutions to perform their functions. According to Section 4(k) of the Act, NALSA shall collaborate with the BCI to formulate clinical legal education programs. NALSA shall also promote and supervise the formation and activity of legal services clinics established in universities, law colleges, and other institutions.<sup>177</sup> Previously, the engagement of law schools was largely voluntary and irregular for years. However, the statutory obligation of the authorities at the national, state, and district levels proactively led to the development of systematic collaborations with the BCI to establish legal services clinics at the law schools.

Evidently, BCI Rules, 2008 mandated that all law schools shall establish legal aid service clinics within their institutions.<sup>178</sup> Rule 11 states that every institution must set up a legal aid clinic overseen by a senior faculty member. Final-year students should run this clinic and should collaborate with legal aid authorities, involving voluntary lawyers and other NGOs in the locality.<sup>179</sup> However, under the Rules, there is no mention of whether the clinics can represent the

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<sup>177</sup> The Legal Services Authorities Act, 1987, s. 4(k).

<sup>178</sup> Bar Council of India, Standards of Legal Education Rules, 2008, rule 11.

<sup>179</sup> *Ibid.*

client before the Court. Additionally, Rule 24(c) mandates that each student should attend two client interviewing sessions at a lawyer's office or legal aid office as part of moot court exercises and internships.<sup>180</sup>

In the furtherance of the objects of the Act, NALSA issued National Legal Services Authority (Legal Services Clinics) Regulations, 2011, and the National Legal Services Authority (Legal Services Clinics in Universities/ Colleges and Other Institutions) Scheme, 2013. These regulations outline the establishment of authorities, eligibility criteria, and procedures for student-run legal aid clinics via notifications.<sup>181</sup> As captured from the survey conducted by the CRP, the clinics vary in compliance with the regulations. The same is discussed in detail in the later part of this report.

State legal services authorities like Uttar Pradesh, Rajasthan and Karnataka also have framed regulations and implementation models to govern law school clinical legal assistance within their territorial jurisdictions and undertaken facilitative measures.<sup>182</sup>

The NALSA Scheme provides a detailed blueprint of the establishment and function of legal aid clinics through its Scheme. It opts for a holistic approach to a collaborative program of the authorities under the Legal Services Authorities Act, 1987, and the Advocates Act, 1961. It enumerated operational features, effectiveness indicators, monitoring guidelines, and expectations from educational institutions regarding student-run legal clinics across states. The Scheme

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<sup>180</sup> *Id.* at rule 24(c).

<sup>181</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.

<sup>182</sup> Rules and Regulations of Legal Services of Uttar Pradesh, *available at* [https://upslsa.up.nic.in/act\\_rules/legal\\_services.pdf](https://upslsa.up.nic.in/act_rules/legal_services.pdf); Rules and Regulations of Legal Services of Rajasthan, *available at*: [https://rlsa.gov.in/downloads\\_lsrrv1.html](https://rlsa.gov.in/downloads_lsrrv1.html); Rules and Regulations of Legal Services of Karnataka, *available at*: [https://kslsa.kar.nic.in/acts\\_rules.html](https://kslsa.kar.nic.in/acts_rules.html). (last visited on September 27, 2024).

positioned these cells/clinics to develop legal capacities in students while making justice accessible, especially for marginalized and vulnerable populations.<sup>183</sup>

The cumulative reading of the BCI rules, NALSA Regulations, and the Scheme provides a guiding framework for the establishment and functions of the legal aid clinics run by the students at law schools.

A brief outline of mandates and directions on infrastructure, funds, supervisors, legal aid activities, role of legal service authorities is discussed as follows:

### ***1. Infrastructure***

As per NALSA Scheme 2013, every university, law college, and institution must establish one or more legal aid clinics within their premises.<sup>184</sup> Additionally, depending on the local needs, the institution heads can also set up off-campus or temporary legal aid clinics.<sup>185</sup> Consequently, it becomes necessary that adequate publicity, preferably in the local language, is given about the existence, locations, and working hours of these clinics by the respective institutions,<sup>186</sup> so that nearby people can access their legal services.

Every legal aid clinic should have at least one furnished room to facilitate client counseling.<sup>187</sup> It must have a workstation with a computer, internet, and printer for students to conduct research, prepare cases, make presentations, and publish legal aid literature.<sup>188</sup> There should be an adjoining

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<sup>183</sup> National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013.

<sup>184</sup> *Id.* at clause 3(a).

<sup>185</sup> *Id.* at clause 3(b).

<sup>186</sup> *Id.* at clause 3(c).

<sup>187</sup> *Id.* at clause 4(a).

<sup>188</sup> *Id.* at clause 4(b).

classroom where faculty can guide students, address them, and clear their doubts.<sup>189</sup> The clinics should strive to provide a people-friendly environment.<sup>190</sup>

## ***2. Clinic Supervisors***

As per Clause 5 of the NALSA Scheme, each legal aid clinic must have one or more faculty members who possess special skills and interest in clinical legal education to guide and supervise the students.<sup>191</sup> Additionally, the clinics shall also have one or more part-time guest faculty members drawn from experienced lawyers, including those empanelled with legal services institutions, as well as retired judicial officers and functionaries of legal services institutions.<sup>192</sup>

NALSA Scheme also provides that the respective SLSAs shall determine the honorarium payable to the guest faculty members associated with the legal aid clinics, and this shall be paid by the concerned DLSA.<sup>193</sup>

## ***3. Managing Funds***

The management of finances to effectively carry out legal aid activities is a crucial factor in the organization of the clinic. The funds for legal aid clinics can be arranged through multiple sources. As per clause 8 of the NALSA Scheme, every university, law college, or institution must allocate a specific budget grant annually for their legal aid clinics. This can include any grants received from UGC or the affiliated university for legal aid activities.<sup>194</sup>

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<sup>189</sup> *Id.* at clause 4(c).

<sup>190</sup> *Id.* at clause 4(d).

<sup>191</sup> *Id.* at clause 5(a).

<sup>192</sup> *Id.* at clause 5(b).

<sup>193</sup> *Id.* at clause 5(c).

<sup>194</sup> National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013, clause 8(a).

Additionally, DLSA shall also regularly provide a monthly sum not exceeding Rs. 10,000 or as fixed by SLSA for running the Legal Aid Clinics.<sup>195</sup> The clinics can receive donations from individuals or other bodies. Such contributions will be received by the heads of law colleges/institutions, who will issue receipts. The donations can be used for clinic expenses and infrastructure development.<sup>196</sup>

To ensure proper accounting, the heads of colleges/universities/institutions hosting the clinics must furnish a utilization certificate annually for the funds received from DLSA.<sup>197</sup> They should also maintain proper audited accounts of the funds received and spent on the legal aid clinics.<sup>198</sup> Moreover, DLSA has powers to inspect the accounts of the legal services clinics functioning in colleges, universities, and other institutions.<sup>199</sup>

#### ***4. Legal Aid Activities***

As discussed previously, the objective of legal services clinics at law schools is twofold, namely, firstly, skill development, i.e., catalyzing the goal of legal education by improving clinical legal skills of the law students, and secondly, furthering the goals of social justice by inculcating among students the attitude to provide services to poor and marginalized people. In its furtherance, the NALSA Regulations and Scheme provides a guiding outline of the kind of activities that the student-run legal aid clinics can undertake.

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<sup>195</sup> *Id.* at clause 8(b).

<sup>196</sup> *Id.* at clause 8(c).

<sup>197</sup> *Id.* at clause 8(d).

<sup>198</sup> *Id.* at clause 8(e).

<sup>199</sup> *Id.* at clause 8(f).

## - Skill Development

Regulation 24 directs law colleges, universities, and other institutions to set up legal aid clinics as part of clinical legal education. These institutions must inform SLSA about their establishment so that it can provide technical assistance and promote clinic activities.<sup>200</sup> Final-year law students are expected to render legal services in these clinics under faculty supervision.<sup>201</sup> They may organize ADR camps, including lok adalats, to resolve the problems of people seeking legal aid.<sup>202</sup>

NALSA Scheme, however, cautions the students that they are restricted to only providing the initial advice and assistance to the people seeking aid (and no representation in courts).<sup>203</sup> These activities include initial advice on solving a problem, assistance in drafting representations and notices before the authorities and other institutions, filing forms or aiding in resolving procedural errors for availing benefits under any government or social security schemes.<sup>204</sup> Therefore, as the student representation on behalf of the legal aid beneficiaries is considered, it is limited to client interviewing, counselling, follow-ups, and assisting with legal paperwork.

Further, these clinics can organize lok adalats to settle pre-litigation disputes in the nearby areas,<sup>205</sup> preferably in collaboration with the DLSA. These lok adalats shall comply with the procedure laid down in Section 20 of the Legal Services Authority Act, 1987, and the provisions of NALSA (Lok Adalat) Regulations, 2009.

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<sup>200</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 24(2).

<sup>201</sup> *Id.* at regulation 24(4).

<sup>202</sup> *Id.* at regulation 24(5).

<sup>203</sup> National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013, clause 6(f).

<sup>204</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 9(3).

<sup>205</sup> *Id.* at regulation 18.

### - **Administering Legal Aid through Social Initiatives**

NALSA Scheme provides a certain illustrative or guiding list of activities that can mutually benefit law students and society. The Scheme enlists activities that a law school legal aid clinic shall include, namely, client counseling along with follow-up assistance, carrying out field surveys, adopting villages or slum areas for conducting legal service activities, and guiding people for litigation or ADR-related assistance to the legal service institutions.<sup>206</sup> The clinic shall actively raise legal awareness by organizing legal workshops for various government machinery, NGOs, lawyers, students, etc., and performing street plays or poster-making exhibitions on prevalent socio-legal issues.<sup>207</sup>

It is pertinent to note that NALSA Regulations direct law students to adopt a village in remote rural areas to organize legal aid camps, conduct surveys to identify legal troubles faced by the local people and gather information on grievances of local people, details on unresolved litigation and pre-litigation disputes.<sup>208</sup> These survey reports and information are sent to territorial legal service authorities and the SLSA.<sup>209</sup> These are not merely empty formalities, as NALSA is expected to take cognizance of these reports and take necessary steps such as initiating social action litigation.<sup>210</sup>

Under this requirement, a legal aid clinic may list down the activities that it will undertake. Various factors might be considered, such as specific directions from the legal services authorities,

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<sup>206</sup> National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013, clause 6(a).

<sup>207</sup> *Ibid.*

<sup>208</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 23(1), (2), (3).

<sup>209</sup> *Id.* at regulation 23(5).

<sup>210</sup> *Id.* at regulation 23(4).



common legal issues in the nearby areas, the expertise of the supervisor, the strength of student members, available funds, and so on.

### ***5. Role of Legal Services Authorities***

NALSA Regulations mandate that the supervisory authorities at different levels should regularly review and monitor the functioning of legal aid clinics. Particularly, DLSA must collect monthly reports from legal aid clinics under their jurisdiction, including those in law colleges and universities.<sup>211</sup> Further, SLSA must conduct a review of the legal aid clinics at least once every three months or if required, more frequently.<sup>212</sup> They must also issue directions from time to time to improve the clinics' services to weaker sections of society.<sup>213</sup> Furthermore, the SLSAs are required to send quarterly reports on the functioning of clinics to NALSA.<sup>214</sup>

Parallely, as per NALSA Scheme 2013, DLSA must send half-yearly reports on clinic functioning to the SLSA.<sup>215</sup> Further, to encourage and promote legal aid activities, the SLSA must conduct a half-yearly review meeting by inviting clinic heads/representatives and student representatives and commend the best-performing clinics.<sup>216</sup> The SLSA must also furnish yearly details on clinics working with NALSA in a prescribed format.<sup>217</sup> In essence, the legal services authorities at multiple levels are tasked with consistently reviewing, monitoring, and issuing guidance to ensure

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<sup>211</sup> *Id.* at regulation 26(1).

<sup>212</sup> *Id.* at regulation 26(2).

<sup>213</sup> *Id.* at regulation 26(3).

<sup>214</sup> *Id.* at regulation 26(4).

<sup>215</sup> National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013, clause 11.

<sup>216</sup> *Id.* at clause 12.

<sup>217</sup> *Id.* at clause 13.

legal aid clinics are functioning effectively in providing services to underprivileged sections of society.

The legal services authorities shall also provide technical assistance and infrastructure support to the law school-based legal aid clinics. While DLSA may provide staff, infrastructure support like computers, and stationery as feasible for the day-to-day functioning of the legal aid clinics,<sup>218</sup> SLSA shall render required technical assistance for the operation of the clinic.<sup>219</sup> Additionally, para-legal volunteers trained by the legal services authorities may be deputed at the legal services clinic to assist and interact with the faculty and student members.<sup>220</sup>

### **C. Few Issues**

Law clinics in India are facing the conundrum of whether academicians should be allowed to practice in the courts. In this regard, Rule 49 of Chapter II of Part VI of BCI Rules on Professional Standards, 1975 bars the academicians from practicing in the court of law as they are salaried employees under any person, government, corporation, or establishment.<sup>221</sup> Moreover, the Delhi High Court clarified in *Anees Ahmed v. University of Delhi*,<sup>222</sup> that law teachers drawing a regular salary from the university are ineligible to enroll and practice in the courts.

India is one of the few countries with an absolute bar for academicians to practice law. On the contrary, the role of a law faculty in the United States is not limited to teaching but it also includes engaging the faculties in research and public service. It essentially involves legal processes such as the preparation of briefs, rendering service in the American Bar Association, or involvement in

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<sup>218</sup> *Id.* at clause 10.

<sup>219</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 24(3).

<sup>220</sup> *Id.* at regulation 25.

<sup>221</sup> Bar Council of India Rules on Professional Standards, 1975, part VI, chapter II, rule 49.

<sup>222</sup> AIR 2002 Del 440.

pro bono legal work.<sup>223</sup> Universities regulate this part-time practice by academics. For example, Stanford University makes it clear that a faculty member can be involved in professional activities for usually thirteen days per quarter.<sup>224</sup>

In his book “Clinical Legal Education”, Prof. N.R. Madhava Menon suggested that the practice in the court should also be allowed to final year law students under the supervision of the concerned faculty. He wrote,

*“One of the reasons for the expansion of clinical legal services programmes in the United States is the statutory adoption of students’ practice rules in most states, enabling law students to appear in courts on behalf of poor clients. Even in India, suitable provision can be made in the Advocates Act, 1961 so that students of third-year LL.B. class who are participating in the activities of the legal services clinic and who have been certified by the dean or the principal shall be entitled to appear in any court or tribunal on behalf of a poor person, provided, of course, that such representation shall be under the supervision of lawyers associated with the legal services clinic and with the approval of the judge in whose court the student appears”.*<sup>225</sup>

He further suggested the insertion of a provision after Section 37 in the Advocates Act, 1961, on the following lines:

*“Section 37A: Legal Aid by Law Teachers and Students - Notwithstanding anything contained in the preceding section, the following categories of persons may appear in any court or tribunal on behalf of an indigent person, if the person on whose behalf an appearance is to be made has requested in writing to that effect:*  
*i. Teachers of a law school which provides full-time instruction for the professional LL.B. degree and which maintains a legal aid clinic as part of its teaching programme where poor persons receive free legal aid, advice and related services:*

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<sup>223</sup> K. Rajshree, “Practising and Teaching Law in India” 58(2) *Economic and Political Weekly* (January, 2023) available at: <https://www.epw.in/journal/2023/2/letters/practising-and-teaching%C2%A0law-india.html>. (last visited on September 27, 2024).

<sup>224</sup> Stanford University, Faculty Policy on Conflict of Commitment and Interest, available at: <https://doresearch.stanford.edu/policies/research-policy-handbook/conflicts-commitment-and-interest/faculty-policy-conflict-commitment-and-interest>. (last visited on September 27, 2024).

<sup>225</sup> Dr. N.R. Madhava Menon, *Clinical Legal Education* 23-24 (Eastern Book Company, Lucknow, 1998).

ii. *Students of third year LL.B. class of law school as aforesaid who are participating in the clinics' activities and who have been certified by the dean/principal of the law school under rules made therefore by the law school*".<sup>226</sup>

In 2019, the late Prof. Shamnad Basheer wrote to BCI, seeking relaxation in the rule barring legal academicians from practicing in courts.<sup>227</sup> His proposal was supported by the consortium of the national law universities seeking permission for law teachers to practice in the court of law *pro bono* for not more than three times a month or fifteen hours a week.<sup>228</sup> The issue remains unresolved.

Another concern is the incoherence in the directions of the scheme and the regulations with respect to the extent of ADR resolution that the student members in the legal aid clinic can adopt.<sup>229</sup> It is unclear how ADR or lok adalat camps organized by the SLSA for people who seek legal aid in law school-based legal aid clinics will significantly impact the students and the villagers if their activity is limited to directing the legal aid seekers to the legal service authorities.

An issue in NALSA Regulations and the Scheme is the lack of academic credit and certification to students. NALSA Regulations cursorily mention that DLSA may provide certification to students for completing their assignments in the legal service clinics.<sup>230</sup> It is emphasized that legal

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<sup>226</sup> *Ibid.*

<sup>227</sup> A.K. Aditya, "Active engagement with practice enables legal academics to be better teachers: Prof Shamnad Basheer's Petition to BCI", *Bar and Bench*, February 22, 2019, available at: <https://www.barandbench.com/apprentice-lawyer/active-engagement-with-practice-enables-legal-academics-to-be-better-teachers-prof-shamnad-basheers-petition-to-bci>. (last visited on September 27, 2024).

<sup>228</sup> Editorial, "Teachers of Law varsities can now practice in Courts", *Times of India*, February 22, 2019, available at: [http://timesofindia.indiatimes.com/articleshow/68104304.cms?from=mdr&utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/68104304.cms?from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst). (last visited on September 27, 2024).

<sup>229</sup> Refer to National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013, clause 6(a)(vi) and National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 24(5).

<sup>230</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 24(6).

aid is not limited to a co-curricular activity in law schools. While there is a BCI mandate to establish legal aid clinics, their activities are not necessarily academically accredited. The requirement of accrediting legal aid as an academic course would necessitate that the activities of legal aid clinics be structurally and functionally organized. Additionally, academic recognition of legal aid activities may push students to engage with real-life cases and assist legal professionals during their law school, which will eventually help them build their experience portfolio.

## V. LEGAL AID PRACTICES - OBSERVATIONS FROM INDIAN LAW SCHOOLS

### A. Previous Studies

There have been reports by various institutions and academic research that have focused on the working of law school legal aid clinics in India. These reports have featured observations from the ground and made recommendations for restructuring and reformation of these clinics to accomplish the goals of legal education and legal aid.

In 2011, UNDP, in collaboration with the Government of India, released a report titled “A Study of Law School Based Legal Services Clinics”.<sup>231</sup> UNDP conducted a survey of activities undertaken by university-based legal aid clinics in seven States: Orissa, Bihar, Chhattisgarh, Jharkhand, Uttar Pradesh, Madhya Pradesh, and Rajasthan. It highlighted key issues with the working of legal aid clinics, namely, low visibility of clinics, inconsistent and inappropriate patterns of legal literacy programs, no follow-ups, minimal or no collaborations with other clinics or authorities, and no alternate dispute resolution mechanism in place.<sup>232</sup> It also accounted that nearly 82% of the colleges have designated regular faculty to conduct legal aid activity, and only a minuscule of them provide the facility of academic credit.<sup>233</sup> Additionally, it was found that these clinics lack specific faculty, infrastructure, bar, and judiciary involvement.<sup>234</sup> On the other hand, law schools outside India have dedicated faculty involvement and trained lawyers, academic credit accreditation, and Federal funding grants to undertake legal aid activities.<sup>235</sup>

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<sup>231</sup> Government of India & UNDP, “A Study of Law School Based Legal Services Clinics” (2011).

<sup>232</sup> *Id.* at 3.

<sup>233</sup> *Id.* at 20.

<sup>234</sup> *Id.* at 34.

<sup>235</sup> *Id.* at 5.

On the basis of the comparison with best practices in law schools in Australia, the USA, and South Africa, UNDP made several recommendations to universities, concerned authorities, as well as government. It suggested that the universities may take inspiration from street law programs (programs to make the public aware of their legal rights and responsibilities) and community clinics organized by law schools in the USA and South Africa to establish either on-campus or off-campus clinics.<sup>236</sup> They need to organize financial funds for conducting these activities. UNDP recommended that BCI frame a policy on legal aid clinics in law colleges in furtherance of its mandate, while NALSA frame a policy on collaboration, budgeting, and monitoring of law school clinics.<sup>237</sup> Further, UNDP suggested that the government can grant rewards and recognition to the universities to appreciate and encourage better performance in legal aid.

Further, a research study was conducted by academic scholars to correlate the working of law school legal aid clinics in service of access to justice, in which colleges across 14 States participated.<sup>238</sup> It was found that most of these clinics are understaffed, with only a few students and one or two faculty coordinators; consequently, their work hours are also limited. Even though law schools agreed that legal aid clinics facilitate access to justice and can serve as alternate dispute delivery platforms through negotiation or counseling, the major hindrance to the effectiveness of these clinics was the lack of funds. Further, legal aid clinics of many law schools are not known or accessible to a wider audience, which poses a problem in the delivery of legal services. Another adverse finding was the lack of financial or technical assistance from the legal services authorities in establishing these clinics.

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<sup>236</sup> *Id.* at 4.

<sup>237</sup> *Id.* at 5, 6.

<sup>238</sup> David W. Tushaus, Shailendra Gupta & Sumit Kapoor, "India Legal Aid Clinics: Creating Service-Learning Research Projects to Study Social Justice", 2(2) *Asian Journal of Legal Education* 100 (2015).

The collaboration of legal aid clinics with lawyers and judicial machinery was emphasized at the National Judicial Academy colloquium.<sup>239</sup> It was highlighted that the role of legal literacy camps cannot be downplayed in furthering legal aid. These programs fulfill the essential objective of making the population aware of their rights and facilitating access to justice.<sup>240</sup> Notably, it was discussed that the selection of topics for legal literacy camps must be a conscientious process since a legal issue in one State might not be important in another State owing to their stark regional differences.<sup>241</sup> Therefore, it was highlighted that the legal issue raised in these camps should be chosen subjectively based on the locality and if needed, in consultation with the legal service authorities. Further, it was stated that the success of these camps is only possible when, in addition to raising literacy, there is a system to resolve the issues, i.e., where the people who come up with problems can be advised and guided to a proper legal channel to resolve their issues.<sup>242</sup>

Further, at the national conference organized by NALSA on “interlinking legal aid centers and legal service authorities” in 2016, it was emphasized that law colleges should work mandatorily in collaboration with DLSA, SLSA, and NALSA.<sup>243</sup> It was acknowledged that legal aid clinics remain unaware of each other’s activities and have no connection or contact, though they all work with similar objectives. It was suggested that the legal aid clinics of all the law colleges should come at one virtual platform where they can share their workings and learn many things from such sharing. It was realized that if such activities are shared in the public domain, which is easily

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<sup>239</sup> The National Judicial Academy, “Colloquium for Legal Aid Functionaries in Judicial System (P-961)” (14-16th December, 2015), *available at*: [https://nja.gov.in/Concluded\\_Programes\\_2015-16/Verbatim\\_Reports/P-961%20Verbatim%20Report.pdf](https://nja.gov.in/Concluded_Programes_2015-16/Verbatim_Reports/P-961%20Verbatim%20Report.pdf). (last visited on September 27, 2024).

<sup>240</sup> *Ibid.*

<sup>241</sup> *Id.* at 98.

<sup>242</sup> *Id.* at 100.

<sup>243</sup> NALSA, “National Conference on Interlinking of Legal Aid Centres and Legal Services Authorities: in collaboration with National Legal Services Authority” (April 19, 2016).



accessible to all, a number of law colleges could learn and adopt successful working methodologies.

While addressing a national seminar on law school-based legal aid clinics organized by NALSA in 2017, Justice Amitava Roy termed legal aid clinics as “incubation centers” where seeds are sown for a better future. Justice Dipak Misra, then Judge of the Supreme Court of India, added to this proposition that “students are not soldiers; rather, they are czars of social justice”.<sup>244</sup>

Moreover, it was highlighted at the seminar that out of around 1600 law schools across the country, there is a shortage of law faculties in a majority of law schools who could devote their time and energy towards their legal service committees/cells.<sup>245</sup> Further, it was stated that the lack of proper training programs for faculty members and students results in the failure of people to pose their trust in the legal aid services of such cells.<sup>246</sup> It was deliberated that institutional mechanisms must be upgraded.<sup>247</sup> It will not only improve the services but also benefit the students as it will give them an opportunity to understand the letter and the spirit of the law in a better manner.

In the subsequent project undertaken in 2017 by UNDP in collaboration with National Law University, Odisha,<sup>248</sup> the working of legal aid clinics established in three districts of Odisha was analyzed. This social experiment highlighted loopholes in the existing regulations on legal curriculum and the structuring of legal aid clinics in universities. It was stated that the mandatory clinical courses, namely, professional ethics, ADR, drafting, pleading & conveyance, legal aid &

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<sup>244</sup> Gujarat National Law University, Gandhinagar, “Report on National Seminar on Law School Based Legal Services Clinics Organized by National Legal Services Authority, New Delhi” (2017).

<sup>245</sup> *Ibid.*

<sup>246</sup> *Id.* at 18.

<sup>247</sup> *Id.* at 13.

<sup>248</sup> National Law University, Odisha, “Project on Access to Justice for Marginalised People and Socially Relevant Legal Education: An Overview” (September, 2017).

public interest litigation, did not seem to make a productive impact in fulfilling their objectives owing to their irrelevant and general course outline.<sup>249</sup>

At present, legal aid activities undertaken by universities in India focus primarily on legal awareness rather than assisting the poor in the courts. There are statutory limitations on legal aid clinics to be involved in the process of dispute settlement.

### **B. Analysis of the survey conducted by the Supreme Court of India**

CRP conducted a survey to understand the activities undertaken by the various legal aid clinics established and run by the law colleges and universities in India. As per the survey, 47 out of 83 respondents are part of Government colleges/universities, while 31 colleges are private, and 5 colleges are semi-private in nature. The survey considered different parameters to analyze the ongoing activities, namely, engagement of supervisors or coordinators of legal aid clinics, diversity and inclusivity in membership, activities undertaken, adoption of village, legal representation and dispute resolution, visibility and accessibility of legal aid clinics, empanelment of advocates, institutional collaborations, incentivizing members, courtroom exposure to students, funding and assessment of legal aid clinics, public interest litigation, working on contemporary issues, shared experiences and challenges faced by the clinics. The analysis of the responses is discussed below:

#### ***1. Supervisors or Coordinators of Legal Aid Cells***

The supervision by the coordinators/supervisors in the law school clinics is an important indicator of the functioning of the clinics. Neil Gold, a professor from the University of Windsor, Canada, has argued that:

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<sup>249</sup> *Id.* at 40.

*“The importance of the role of a clinic supervisor in explaining and supporting student learning cannot be understated. This interpretive and reflective modelling and methodology can contribute to a student’s lifelong habits of learning and problem-solving. In engaging the whole student, her thoughts, feelings, hopes and fears, the supervisor simultaneously engages the already stimulated affect and intellect of the student in her quest to deliver signal service”.*<sup>250</sup>

Regulation 24(4) of NALSA Regulations, 2011 mandates that legal services in law school clinics shall be rendered under the supervision of the faculty member of their institution.<sup>251</sup> As per the survey, 73 out of 83 clinics responded that their clinics are supervised by regular or permanent faculty. In other clinics, supervisors are employed on a temporary or contractual basis.

Subsequently, Clause 5(b) of the NALSA Scheme, 2013 added this provision that legal service clinics should have one or more part-time guest faculty members who are either experienced lawyers, including those on the panel of the legal service institutions, retired judicial officers or functionaries of the legal service institutions.<sup>252</sup> The survey shows that all 83 clinics are supervised by the respective faculty of the universities/colleges only. No legal aid clinic has a practitioner involved in its supervision, as the mandate of the NALSA Scheme, 2013 requires.

The presence of expert and experienced professionals engaged as faculty members in legal aid clinics has an invaluable impact. They play a crucial role in categorically organizing legal aid activities and developing the practical skills of the students. In addition to this, the practitioner-supervisors aid in filling the gap between legal awareness and access to justice. Imperatively, a law student gets an opportunity to practically be involved in the process while assisting the

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<sup>250</sup> Neil Gold, “Clinic Is the Basis for a Complete Legal Education: Quality Assurance, Learning Outcomes and the Clinical Method” 22(1) *International Journal of Clinical Legal Education* 20-21 (2015).

<sup>251</sup> National Legal Services Authority (Legal Services Clinics) Regulations, 2011, regulation 24(4).

<sup>252</sup> National Legal Services Authority (Legal Services Clinics in Universities/ Colleges and other Institutions) Scheme 2013, clause 5(b).

supervisor. Unfortunately, law schools have not taken the benefit of engaging professionals in the clinics.

## ***2. Prerequisites for joining Legal Aid Cells***

The law school-based legal aid cells in India have different and varied selection criteria to involve students in clinical legal aid activities. The responses received from 81 law schools demonstrate that there is no straightjacket rule regarding the engagement of law students in legal aid activities. The underlying similarities, according to the responses, are (a) knowledge of basic law and zeal and (b) knowledge of the native language and the commitment to voluntary social work. In a few of the colleges, the membership is also chosen through nomination and election.<sup>253</sup>

Some colleges have the procedure of induction through written tests. They also consider experience in volunteer work, knowledge of the native language, interest in the work, and knowledge of basic law, such as family law, property, and tort law, as foremost considerations. As per the responses, there is no bar on minimum or maximum year requirement for student members, except in particular cases where the student must have completed one year in a three-year law degree program or have completed two years in a five-year law degree program.<sup>254</sup>

## ***3. Diversity and Inclusivity in Membership***

Diversity plays a vital role in every sphere. Research shows that diversity in the field improves performance and outcomes.<sup>255</sup> A report by the Indian Institute of Management, Ahmedabad,

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<sup>253</sup> As per the response received from Hidayatullah National Law University, Raipur.

<sup>254</sup> As per the response received from V.M. Salgaocar College of Law, Goa.

<sup>255</sup> L.E.Gomez and Patrick Bernet, "Diversity improves performance and outcomes" 111 *Journal of the National Medical Association* 388 (2019).

further reinforces that diversity allows a variety of perspectives. It promotes innovativeness and superior work outcomes and performance.<sup>256</sup>

David J Luke, American Scholar, in his book “Affirmative Action and Black Student Success” comprehensively explored the diversity programs on college campuses and their impact on Black Student success and outcomes.<sup>257</sup> His research shows that diverse groups bring innovative and creative ideas. He stated, “In a controlled experimental study of performance during a brainstorming session compared ideas generated by ethnically diverse groups composed of Asians, Blacks, Whites, and Latinos to those generated by ethnically homogenous groups composed of Whites only. Evaluators who were unaware of the source of the ideas found no significant difference in the number of ideas generated by the two types of groups. However, when applying measures of feasibility and effectiveness, they rated the ideas generated by diverse groups as being of higher quality”.<sup>258</sup> Similarly, Paola Cecchi Dimeglio, in her work “Diversity Dividend”, has argued that “the experiments, nudges, interventions, and changes in law and policy that benefit women, people of color, individuals with disabilities and people who identify as LGBTQIA+ benefits everyone”.<sup>259</sup>

Clinical legal education is premised on the idea that law schools should connect their substantive education to professional practice, and this connection should include a firm understanding of and

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<sup>256</sup> Nisha Nair and Neharika Vohra “Diversity and Inclusion at the Workplace: A Review of Research and Perspectives” *Indian Institute of Management, Ahmedabad* 5 (2014).

<sup>257</sup> David J. Luke, *Affirmative Action and Black Student Success* (Routledge Taylor Francis, New York and London, 2024).

<sup>258</sup> Eve Fine and Jo Handlesman “Benefits and Challenges of Diversity in Academic Setting”, *WISELI University of Wisconsin*, (2010), available at:

<https://diversity.ucdavis.edu/sites/g/files/dgvnsk731/files/inline-files/Fine%20and%20Handlesman%2C%20Benefits%20and%20Challenges%20of%20Diversity.pdf>. (last visited on September 27, 2024).

<sup>259</sup> Paola Cecchi Dimeglio, *Diversity Dividend* (MIT University Press Cambridge, Massachusetts, London, 2023).

commitment to responding to the needs of underserved members of the community.<sup>260</sup> In the Indian context, clinical legal education does not effectively engage with caste, gender, and other forms of marginalization. Research shows that Indian law schools do not effectively teach caste and gender in the curriculum, let alone consider it in clinical legal education. Sameena Dalwai, a law professor, has argued that caste and gender must be mainstreamed in legal education to foster insightful and socially conscious lawyering.<sup>261</sup> Mari Matsuda, an American lawyer and scholar, urges the lawyer to consider the world from the viewpoint of the oppressed. She states,

*“The multiple consciousness I urge lawyers to attain is not a random ability to see all points of view, but a deliberate choice to see the world from the standpoint of the oppressed. The World is accessible to all of us. We can choose to know the lives of others by reading, studying, listening, and venturing into different places. For lawyers, our pro bono work may be the most effective means of acquiring a broader consciousness of oppression. Holding on to a multiple consciousness will allow us to operate both within the abstractions of standard jurisprudential discourse and the details of our own special knowledge.”*<sup>262</sup>

As per the responses received from the law schools, 77 cells have responded that they have members from diverse backgrounds, while 6 cells have responded that they do not have members from diverse backgrounds. However, the cells have failed to substantiate their claim in the absence of any diversity policy. The majority of responses from the clinics have not mentioned the relevant procedure prescribed for including members from diverse backgrounds. One of the responses, outrightly negated the provision of the inclusion of members from diverse backgrounds. The response reads, “Yes, we have members from different backgrounds, but we don’t agree with this hypothesis that for providing legal aid, we should consider caste, religion, etc. It is the inner interest

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<sup>260</sup> Margaret Martin Barry, “Clinical Legal Education in the Law University: Goals and Challenges” *International Journal of Clinical Legal Education*, 27-50 (2007).

<sup>261</sup> Sameena Dalwai, “Making a case for Teaching Caste and gender in Law Schools” 10(2) *Asian Journal of Legal Education* 127-139 (2023).

<sup>262</sup> Mari J. Matsuda, “When the First Quail Calls: Multiple Consciousness as Jurisprudential Method” 11(1) *Women’s Rights Law Reporter* 7, 9 (1989).

of a student or faculty member. We don't promote artificial diversity but promote the object of the clinic".

The responses received from the law school based legal aid cells show a negligible/fewer student from diverse backgrounds. As per the responses, all the cells lack clear rules and procedures for diversity and inclusion.

The systematic lack of representation of members from diverse backgrounds in law schools impacts the social contribution of lawyers. The diversity in the law clinics is interlinked and inseparable from the diversity in the law schools. The diversity in the law schools in India is not encouraging.<sup>263</sup>

#### ***4. Accessibility of Legal Aid Cells***

One of the critical considerations for the success of legal aid clinics is their accessibility to the communities. Accessibility to the legal aid clinic can be determined through various factors such as its strategic location, responsiveness, public interaction, and ease of access. Notably, clause 3(b) of the NALSA Scheme, 2013 provides for setting up off-campus legal aid clinics depending on the needs of the locality. V.M. Salgaocar College of Law in Goa has established 26 permanent off-campus legal aid cells in different villages in Goa, and each cell conducts a legal literacy program every year.<sup>264</sup> The arrangement of having dual clinics inside and outside campus is encouraged as it tends to bring notable changes in the community.

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<sup>263</sup> Increasing Diversity and Increasing Access to Education, "IDIA Diversity Survey Report", 5-6 (2020-21), available at: <https://www.idialaw.org/wp-content/uploads/2022/07/idia-diversity-survey-report-2020-21.pdf> (last visited on September 27, 2024).

<sup>264</sup> As per the response received from V.M. Salgaocar College of Law, Goa. See also, V.M. Salgaocar College of Law, "Prospectus For The Academic Year 2023– 2024", available at: <https://vmslaw.edu.in/wp-content/uploads/2024/04/Prospectus-2023-24.pdf>. (last visited on September 27, 2024).

Further, 75 out of 83 law school legal aid cells stated that they facilitate accessibility to the public through direct access to their office within the college premises or through their college website. Additionally, 61 cells outlined efforts to assist persons with disabilities, ranging from physical infrastructure like ramps for wheelchair access, lifts, and ease of navigation to process improvements such as flexible appointment scheduling, volunteer assistance for queries or guidance, customized documentation in accessible formats, and assistive devices. A law school in Jodhpur shared that it collaborated with organizations to develop accessible web portals such as “screen readers, resizable text, and technologies to facilitate interaction”. However, the details of the claim could not be verified as the cell does not have its own website.

According to the survey, the standard measures taken by the various legal aid cells in order to achieve accessibility for the person with a disability are website portals with accessible design features compatible with screen readers, resizable text, regional language translations, high contrast options, and clear navigation to facilitate access. However, the fact that 22 legal aid cells admitted a lack of facilities to provide access for persons with disabilities highlights the urgent need to accelerate progress in this area rather than treating it as an optional endeavor.

The clinics at some law schools stated that they use “WhatsApp for query assistance”. A few legal aid cells also claimed to have conducted door-to-door campaigns in rural areas to identify accessibility gaps. Some reported undertaking online publicity using mail/SMS, facilitating village visits, and local transportation arrangements.

However, it is also suggested that occasional attempts cannot substitute structured plans stemming from an intrinsic culture of inclusiveness. Besides reasonable accommodations in infrastructure to conform with disability-friendly benchmarks, staff sensitization, real-time navigational assistance



either in-person or digitally, and sustaining access infrastructure should become year-round priorities rather than one-off activities. As pioneers of social justice, legal aid cells need to view accessibility as an unconditional obligation rather than an optional charity.

### ***5. Activities undertaken by the Legal Aid Cells***

NALSA Scheme, 2013 lists several activities to be undertaken by the law school-based cells. Clause 6 of the NALSA Scheme includes client counseling and follow-up assistance to special reference to marginalized communities, carrying out field surveys adopting villages, and arranging workshops for various functionaries.<sup>265</sup> As per the survey, all the law schools are engaged in legal awareness or legal literacy programs (including camps, seminars, or workshops). A majority, i.e., 71 legal aid cells out of 83 cells, are engaged in legal advice or counseling (including engagement with real-life disputes). Around 70 legal aid cells also responded that they assist legal services authorities or social service organizations. As per the responses received from the legal aid cells, less than half, i.e., 39 out of 83 cells, are involved in mediation, negotiation, or any other ADR methods. One clinic is undertaking activities like assisting the local government, two clinics are intervening through conference workshops, etc. The majority of the legal aid cells, i.e., 69 out of 83 cells, have considered geographical proximity as the factor of consideration while taking up legal aid activities. Around 67 legal aid cells target institutions such as old age homes, educational institutions, orphanages, etc., for conducting legal aid camps and programs.

Clause 7 also provides that students may file social justice litigation in the name of their legal service clinic with the approval of the concerned legal service institutions.<sup>266</sup> The response

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<sup>265</sup> National Legal Services Authority (Legal Services Clinics in Universities/Colleges and other Institutions) Scheme, 2013, clause 6.

<sup>266</sup> *Id.* at clause 7.

received from the law colleges provides that very few colleges have pursued social justice litigation.

### ***6. Village Adoption***

Regulation 23 of NALSA Regulations, 2011 directs legal aid clinics of the law schools to organize legal aid camps in association with their respective legal aid clinics. For this purpose, any legal aid clinic may adopt a village, especially in rural areas.<sup>267</sup> The data from the survey suggests that 53 out of 83 legal aid cells have adopted village(s) for conducting legal aid activities. The cells who have adopted a village(s) have also provided the names of the village(s) that they are closely associated with, along with the name of the district they are situated in.

### ***7. Legal Representation and Dispute Resolution***

Clinical legal education acts as a bridge between lack of access to justice and free legal representation, allowing students to gain exposure to the legal problems of local people and learn from their real-life experiences. The survey suggests that more than half, i.e., 50 out of 83 legal aid cells, have never assisted any lawyers in actual cases. The other 33 law school-based legal aid cells have remotely assisted lawyers in actual cases in a court of law. Additionally, 72 out of 83 legal aid cells responded that they promote alternative dispute resolution as per Section 89, Code of Civil Procedure of 1908 while resolving the disputes.

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<sup>267</sup> National Legal Service Authority (Legal Service Clinics) Regulations, 2011, regulation 23(1).

### ***8. Case(s) resolved by the Legal Aid Cells in the last three years***

More than half of the legal aid cells that have adopted a village responded that they had resolved some issues/ disputes in the concerned village(s) over the last three years.<sup>268</sup> Despite the number of cases referred by all the cells that they claimed to have handled, the complete details of the cases have not been provided to substantiate their respective claims.

For instance, one of the legal aid cells in Lucknow claimed that they had resolved around several cases relating to land disputes, domestic disputes, partition, etc., in the last three years by organizing legal aid camps. Another cell in Jodhpur claimed to have dealt with approximately 133 cases encompassing issues spanning land and rent, as well as matrimonial disputes. According to the survey, subject-specific clinics are being operated in a few law schools. For instance, a law school claimed that its consumer rights clinic has dealt with 21 cases in the last three years, and its Center for the Rights of Persons with Disability has dealt with 3 cases. Although, the details specific to these cases were not provided.

As clause 6(f) of the NALSA Scheme provides, the students shall always be conscious that they are only to provide the initial advice and assistance.<sup>269</sup> For some of these cells, adopting a village meant conducting legal awareness and literacy camps in a particular village(s) only, while for others, it was confined to client counseling and follow-up assistance with special reference to marginalized committees, as mentioned in clause 6(a)(1) of the NALSA Scheme, 2013.<sup>270</sup> The colleges that actively provide initial aid and advice can take assistance from para-legal volunteers,

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<sup>268</sup> 53 out of 83 clinics adopted a village under the National Legal Service Authority (Legal Service Clinics) Regulations, 2011.

<sup>269</sup> National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other institutions) Scheme, 2013, clause 6 (f).

<sup>270</sup> *Id.* at clause 6(a)(i).

and panel lawyers empaneled with DLSA.<sup>271</sup> After providing consultancy services, some of the cells duly directed the matter to DLSA for appropriate action. It has been found in the survey that a number of legal aid cells at law schools are more inclined towards conducting legal awareness programs, workshops, or camps for promoting legal literacy, and fewer take up actual disputes/issues of local people from the village.

### ***9. Nature of Cases undertaken by Legal Aid Cells***

The survey shows that 33 cells have dealt with cases relating to domestic violence, property, and matrimonial disputes, etc. 6 cells also helped in the resolution of cases related to family disputes, and approximately 5 cells dealt with cases pertaining to labor disputes. A few cells claimed to have assisted in cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Protection of Children from Sexual Offences Act, 2012, Negotiable Instruments Act, 1881, bail applications, rent and service matters.

In addition to the above categories, the survey highlights that a legal aid cell in Kashmir had taken around 12 cases connected to children in conflict with the law. The legal aid cell of National Law University, Delhi, reported to have initiated cases before the labor courts through advocates and provided assistance in research. They also extended their assistance to the workers to reach a conciliation settlement.<sup>272</sup>

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<sup>271</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 25.

<sup>272</sup> As per the response received from the National Law University, Delhi. See also, LiveLaw News Network, “University Cannot ‘Shrug Responsibility’ at this Stage: NLU Workers-Students Solidarity Group on Alleged Illegal Termination of Sanitation Workers” *Live Law*, 24 June 2020, available at [https://www.livelaw.in/news-updates/university-cannot-shrug-responsibility-at-this-stage-nlu-workers-students-solidarity-group-on-alleged-illegal-termination-of-sanitation-workers-read-statement-158831?infinite\\_scroll=1](https://www.livelaw.in/news-updates/university-cannot-shrug-responsibility-at-this-stage-nlu-workers-students-solidarity-group-on-alleged-illegal-termination-of-sanitation-workers-read-statement-158831?infinite_scroll=1). (last visited on September 27, 2024).

Few legal aid clinics are working on specific social welfare legislation. One of the cells reported to have taken steps to implement the Right to Education Act in Jodhpur's government schools. Another cell responded that they have filed cases, including issues related to persons with a disability before the State Human Rights Commission and Disability Commission. A cell in Sonipat also "dealt with disputes relating to marginalization faced by the transgender community, especially on issues relating to identity documents".

In addition, a few responses show that although members of the legal aid cell have not dealt with legal disputes in the court of law, they actively participated in Lok Adalats to resolve disputes. Sub-regulation (5) of Regulation 24 provides that SLSA may organize ADR camps, including Lok Adalats, to resolve the problems of the people who seek legal aid in clinics.<sup>273</sup> A number of cells have only assisted DLSA in Lok Adalat, while other cells make arrangements for students' participation in National Lok Adalat regularly in the district courts.

#### ***10. Kind of Legal Service extended by Legal Aid Cells***

According to the survey, more than half of the cells provided limited advice and made no representations before the court or any administrative authorities. About 70 cells claimed that they conduct counseling for the resolution of disputes. The survey suggests that 56 legal aid cells opted for paralegal services for the said purpose. The survey also reveals that only 37 out of 83 cells, provide drafting facilities as a means of legal assistance.

A law school mentioned that in their legal aid cell, pre-litigation assistance is extended through a battery of lawyers and social workers. The survey shows that a legal aid cell also "connects people

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<sup>273</sup> The National Legal Service Authority (Legal Service Clinics) Regulations, 2011, regulation 24(5).

who are eligible for certain schemes with the nodal authorities, which might help them avail the schemes”. Another legal aid cell has been involved in data collection and survey for governmental projects such as public toilets, prevention of child beggary, and child hawking, among other issues.

### ***11. Initiatives for Prison Reforms***

India has a huge number of undertrial prisoners languishing in prisons due to various reasons, including procedural delays, trial pendency, and poor coordination between investigation and law enforcement agencies.<sup>274</sup> Dealing with similar difficulties, the legal aid clinic at Brooklyn Law School formed the “Second Look Program”, wherein the students investigated and litigated on behalf of innocent inmates in New York.<sup>275</sup> Law students can play a pivotal role in increasing access to justice in prison administration in India via legal aid clinics in law schools. Unlike in the USA, law students are not eligible to litigate or represent clients in court. However, they can assist clients as well as agencies with pre-litigation awareness and counselling.

Previously, the Commonwealth Human Rights Initiative (CHRI) released a report on the role of law school-based legal aid clinics in providing legal aid to persons in custody.<sup>276</sup> It substantially suggested the working of clinics in collaboration with the stakeholders of the criminal justice system, namely, police stations, prisons, and legal services committees and authorities. The student legal aid clinic, with due permission of the superintendent of police, can appraise arrested persons

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<sup>274</sup> Rama Murthy v. State of Karnataka, (1997) 2 SCC 642; *In Re: Inhuman Conditions in 1382 Prisons*, 2016 INSC 144.

<sup>275</sup> Daniel S. Medwed, *Barred: Why the Innocent Can't Get Out of Prison* 3 (Basic Books, New York, 2022).

<sup>276</sup> Commonwealth Human Rights Initiative, “University based Legal Aid Clinics and Persons in Custody - A Guide” (2019).

or the family members of their rights and procedure involved and assist the unrepresented with representation at the initial stages of arrest and interrogation.<sup>277</sup>

Moreover, student legal aid clinics can enter into a memorandum of understanding with DLSA to set up a clinic at the prison. Although the clinics organize prison visits and prison camps, it is pertinent that they record post-prison visit observations and share them with authorities, who can take appropriate actions based on the report. Further, students can assist the under-trial or convicted prisoners with necessary filings such as default bail, availing special privileges for pregnant women inmates, ensuring benefits of the right to education initiative for children inside prison, and transferring children to child care institutions.<sup>278</sup> Here, the CHRI, in its report, underscored the efficacy of the collaboration of law school legal aid clinics with legal service institutions such as the Supreme Court and the High Court Legal Service Committee, DLSA or Taluk Legal Services Committees. It suggested that students sign up for front desk responsibilities at legal service institutions on a rotational basis.<sup>279</sup> They can guide and assist family members of prisoners seeking legal aid by helping in procuring documents from the courts, maintaining records, drafting replies or documents, acting as a bridge between beneficiary and panel lawyers, and so on.<sup>280</sup>

At present, some law school-based legal aid clinics have undertaken activities to raise legal awareness for prison reforms. As per the survey, four law school-based legal aid clinics stated that

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<sup>277</sup> *Id.* at 23.

<sup>278</sup> *Id.* at 29.

<sup>279</sup> Refer to The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, regulation 4.

“4. Legal Services Institution to have a front office.- (1) All Legal Services Institutions shall have a front office to be manned by a Retainer Lawyer on a rotational basis and one or more para-legal volunteers available during office hours.”

<sup>280</sup> Commonwealth Human Rights Initiative, “University based Legal Aid Clinics and Persons in Custody - A Guide” 31, 32 (2019).

they are working in association with prison authorities to conduct prison camps.<sup>281</sup> A legal aid clinic in Pune is working in collaboration with CHRI to begin regular legal awareness and assistance to prisoners and to conduct prison empowerment programs at Yerawada Central Jail, Pune. Another legal aid clinic in Jodhpur undertook the Open-Air Prison project to instigate favorable reforms aimed at the rehabilitation and well-being of the inmates at the Open-Air Prison in Mandore, Jodhpur.<sup>282</sup>

Another legal aid clinic has started a collaboration with the Justice Project, an organization working on prison reforms and rehabilitation of prisoners across Karnataka. The key activities include research on women's life convicts who have been convicted of murdering their husbands to understand the socio-economic factors surrounding such cases; conducting holistic well-being workshops for female prisoners focused on vocational skills and self-esteem; and reviewing discrepancies in the Prison Statistics of India report. Further, one of the legal aid clinics in Lucknow initiated a Project named ASHA to offer legal assistance to women prisoners on their rights and conducted prison visits to the district jail and women's prison to survey the concerns of prisoners.<sup>283</sup>

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<sup>281</sup> As per the response received from Community Legal Care and Literacy Cell, Symbiosis Law School, Pune. See also, Social Initiatives, Symbiosis Law School, Pune, *available at*: <https://www.symlaw.ac.in/social-initiatives>. As per the response received from ILS Legal Aid Centre, ILS Law College, Pune; ILS Legal Aid Centre, "Legal Aid Centre Report – 2022-23", *available at*: <https://ilslaw.edu/wp-content/uploads/2024/06/7-ILS-LEGAL-AID-CENTER-1.pdf>. As per the response received from Legal Aid Committee as well as Legal Services Clinic & a Legal Aid Committee, Dr. Ram Manohar Lohia National Law University, Lucknow; Dr. Ram Manohar Lohia National Law University, Lucknow, "Campus Recruitment 2023 (Placement Brochure)", 10-11, *available at*: [https://www.rmlnlu.ac.in/placement/placement\\_brochure22-23.pdf](https://www.rmlnlu.ac.in/placement/placement_brochure22-23.pdf). (last visited on September 27, 2024).

<sup>282</sup> As per the response received from the National Law University, Jodhpur. See also, Legal aid and Awareness Committee, National Law University, Jodhpur, "Annual Report 2023-24" 26 (2024), *available at*: [https://nlujodhpur.ac.in/public/front/nlu\\_files/Annual%20Committee%20Report-min.pdf](https://nlujodhpur.ac.in/public/front/nlu_files/Annual%20Committee%20Report-min.pdf). (last visited on September 27, 2024).

<sup>283</sup> As per the response received from Dr. Ram Manohar Lohia National Law University, Lucknow. See also, Dr Ram Manohar Lohia National Law University, Lucknow, "Campus Recruitment 2023 (Placement Brochure)", 10-11 (2023), *available at*: [https://www.rmlnlu.ac.in/placement/placement\\_brochure22-23.pdf](https://www.rmlnlu.ac.in/placement/placement_brochure22-23.pdf). (last visited on September 27, 2024).



Prominently, it has been found in the survey that legal aid clinics are involved in the interaction and counseling of prisoners, conducting legal awareness workshops focused on under-trial prisoners and training prisoners as paralegal volunteers to advise and assist inmates on legal rights and procedures. Other activities by university legal aid clinics include clinical programs focused on prison reforms, surveys on legal aid awareness and living conditions of prisoners, training of paralegal volunteers, awareness drives on prisoners' rights, and visits to central, district, and other jails across various states.

### ***12. Practical Exposure of Students***

Most law school-based legal aid cells (70 out of 83 cells) have responded that they give practical exposure to their students. As per the responses received from the colleges, these cells take their students for courtroom experience through visits to the district court, moot court and trial advocacy. The other common methods the colleges adopt are participation in lok adalats, prison and police station visits, field visits, etc.

Different law schools involve different methods to provide practical exposure to their students. One law school responded that they send students to the courtroom on the date of hearing in the PIL that they have filed before the High Court. Another law school responded that it has subject-specific clinics on child rights, consumer rights, senior citizens, and persons with disability. These clinics work in collaboration with NGOs, departments, or commissions. Some clinics provide practical exposure to their students by allowing them to draft petitions and interact with the members of the bar.

### ***13. Empanelment of Lawyers***

Legal aid clinics need to be watchful that they do not turn “clients as legal guinea pigs”.<sup>284</sup> That is, clients should receive substantial benefits and not fall prey to legal blunders. While legal advice forms a significant portion of clinical activities, court representation is necessary for some issues. It is important that the clinics can direct and assist the clients to get adequate service from the advocates wherever required. At this stage, it is feasible to seek supervision from the lawyers empaneled with the clinic, who offer or volunteer legal services to the beneficiaries at minimal or no fees.

NALSA Scheme, 2013, provides that the DSLA shall assign a panel or retainer lawyer to attend legal services clinics, and the authority shall meet ensuing expenses.<sup>285</sup> In addition to this, NALSA Regulations, 2011 provides for the deputation of panel or retainer lawyers at the legal services clinics,<sup>286</sup> and arranges for frequent visits of lawyers as per the requirements and availability of financial resources.<sup>287</sup> Moreover, legal aid clinics can engage the services of para-legal volunteers trained by DLSA.<sup>288</sup>

As per the survey, 32 out of 83 clinics have engaged at least one lawyer. There are five clinics that have empaneled more than ten lawyers. While 13 clinics have taken assistance from state and district legal services authorities to allot lawyers, five clinics have exclusively relied on their

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<sup>284</sup> Leon Thomas David, “The Value of Legal Aid Work to Law Schools”, 205 *Frontiers of Legal Aid Work*, *The Annals of the American Academy of Political and Social Science* 121-128 (September 1939).

<sup>285</sup> National Legal Services Authority (Legal Services Clinics in Universities/ Colleges and other Institutions Scheme, 2013, clause 6(d) and (e).

<sup>286</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 6 read with regulation 22. See also, National Legal Services Authority (Legal Services Clinics in Universities/ Colleges and other Institutions Scheme, 2013, clause 6(d).

<sup>287</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 7 read with regulation 22.

<sup>288</sup> *Id.* at regulation 25. See also, National Legal Services Authority (Legal Services Clinics in Universities/ Colleges and other Institutions Scheme, 2013, clause 6(c).

alumni to take up pro bono cases. Only two clinics have mentioned that they seek assistance from paralegal volunteers of DLSA, in addition to empaneled lawyers. Moreover, four clinics have either previously engaged or are in the process of engaging the services of a lawyer. It is concerning that 24 out of 83 clinics have not empaneled any lawyer, para-volunteer, or engaged pro bono services of any lawyer or alumni at any given point.

#### ***14. Institutional Collaborations***

Legal aid clinics can make a meaningful impact on the ground through their collaborations with other institutions such as gram sabhas, gram nyayalayas, consumer forums, welfare and revenue officials, forest departments, media outlets, NGOs, legal aid communities, and legal service authorities.<sup>289</sup> An effective legal aid system could combine state-driven, NGO-facilitated, and student-led legal assistance initiatives.<sup>290</sup> It is vital that initiative-specific collaboration is made between these institutions, keeping in mind their respective functions for a productive outcome.

The law universities/colleges establishing legal aid clinics need to intimate the same to SLSA,<sup>291</sup> and the latter shall render necessary assistance to the clinic.<sup>292</sup> As per the survey, most colleges have collaborated with legal services authorities at different levels, of which 38 out of 83 clinics are working closely with DLSA and 24 clinics with the SLSAs. Additionally, three clinics have partnered with sub-divisional or taluk-level legal services authorities, and only one clinic has

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<sup>289</sup> Dr. N.R. Madhava Menon, “Innovative Clinical Curriculum for Enabling Law Graduates to Become Practice-Ready” 1(1) *CMR University Journal for Contemporary Legal Affairs* 9-17 (2019).

<sup>290</sup> B.B. Pande, “Moral and Ethical Issues Confronting Students’ Legal Aid Clinics in the Outreach of Legal Services to the Resources-Less and the Poor” 1(1) *Journal of National Law University, Delhi* 40 (2013).

<sup>291</sup> National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, regulation 24(2).

<sup>292</sup> *Id.* at regulation 24(3).

collaborated with NALSA. Further, 18 clinics are actively collaborating with the third tier of the government, i.e., panchayats, gram sabhas, zila parishad, and municipalities.

According to the survey, 23 clinics have collaborated with non-governmental organizations/committees and worked in furthering diverse goals such as human rights, social justice, transgender rights, and women's rights. Further, five clinics have undertaken constant awareness programs at schools and other colleges. In comparison, seven clinics assist various state government departments such as the State Prison Department, State Commission for Women and National Commission for Women, Labour Commission, Ministry of Law and Justice, National Cooperative Development Corporation, and District Child Protection Unit. In addition, four clinics are working with judicial machinery, such as consumer forums, district courts, Central Bureau of Investigation, and Central Investigation Department to conduct lok adalats and jan-sunwai.

Law operates in a social dynamic, so interdisciplinary collaborations with other fields of study become propitious. These interdisciplinary associations not only widen the horizons of the clinics' activities and outreach but also add to the student's knowledge bank. As per the survey, 12 out of 83 clinics are working with either different departments of the parent university or other colleges, and 8 clinics are working in unison with other university committees to further a joint legal aid initiative. For example, one such legal aid clinic is working with a committee of litigation studies to organize programs on public interest litigation and with a committee on gender studies to conduct a workshop on LGBTQIA+ rights. Another legal aid clinic is working with a technology legal cell to organize cyber awareness lectures and with an animal liberation committee to conduct fundraising, feeding, rescue, and vaccination drives. One legal aid clinic also collaborates with pro bono clubs to organize camps at villages and prisons, on-site work, and follow-up on the applications received during the camps.

It has been reported that Jindal Global Law School, West Bengal National University of Juridical Sciences, in collaboration with King's College, London, has received the British Council Exploratory Grant for the creation of a transnational clinical legal education model on issues to raise awareness and seek remedies for climate change.<sup>293</sup>

### ***15. Incentivizing Members of Legal Aid Cell***

While these legal aid initiatives are launched in compliance with the BCI regulations,<sup>294</sup> the aim was not to limit legal aid to a mere co-curricular activity. It is preferable that a clinical legal aid faculty is specifically employed for meticulous professional supervision of substantive and procedural aspects of legal aid. However, in reality, a regular faculty volunteers to lead the legal aid initiatives at the university/college. The faculty member usually does not receive additional perks or incentives for the same. Incentives may not have a direct impact on the nature and kind of clinic activities. However, they may add to the accountability and responsibility of the supervisors and students for the activities undertaken. The lack of incentives undermines the expansion of understanding and response to societal needs.

It is found that in 70 out of 83 legal aid cells, the supervisors are not given incentives (for example, stipends or additional perks to the head in the form of bonuses or increments or consideration for promotion) for their work at a legal aid clinic. The supervisors of these clinics are existing faculty members of the university who either volunteer or are appointed to chair the clinic activities. These

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<sup>293</sup> As per the response received from Jindal Global Law School, O.P. Jindal Global University, Sonipat, the three institutions have designed a course titled "Transnational Remedies for Environmental Harm with Clinical Legal Education", focusing on environmental issues in the Sunderbans area in India. Also see: O.P. Jindal Global University, "External Grant: Transnational Remedies for Environmental Harm with Clinical Legal Education", *available at*: <https://jgu.edu.in/odr/transnational-remedies-for-environmental-harm-with-clinical-legal-education/>. (last visited on September 27, 2024).

<sup>294</sup> Bar Council of India, Standards of Legal Education Rules, 2008, schedule III, rule 11.

activities usually form a part of a co-curricular structure of the curriculum and add to the responsibility of the faculty members. They do not have any material incentive from the university besides suggestive moral satisfaction.

Further, 59 out of 83 legal aid clinics stated that the participation of students from their law school is not compulsory. This surmises that legal aid does not form part of the course curriculum or does not yield academic credit to the students. While a voluntary effort from a student fulfills the social justice component of clinical legal education at the university, experiential learning for every student, especially those who do not participate in legal aid activities, is not promised. It can be said that academic credits encourage students to devote their time to experiential learning, which has a social impact. In alternative to academic credits, considering legal aid work as relevant experience encourages students to participate and take responsibility for their work.

### ***16. Funding Legal Aid Cells***

Law schools need to prioritize legal aid, and in its furtherance, the infrastructure of these cells must be positively developed. This initiative demands that the legal aid clinics have the requisite funds at their disposal. Funding for legal aid activities is often seen as a hindrance to the functioning of the cell. As discussed above, clause 8 of the NALSA Scheme, 2013 provides regulations for funding of legal aid clinics in law schools.

Regardless of the scheme in place, legal aid clinics of law colleges/universities do not receive adequate funds from UGC, affiliated universities, legal services authorities, or donations from individuals or other bodies.

As per the survey, most law universities and colleges are either funded by the university or depend on the funds raised by the clinics. Only 15 out of 83 clinics at different colleges receive financial assistance as donations, aid, or grants from external authorities such as the state government. These clinics usually run on a low budget, and the lack of finance hinders activities that the clinic can shoulder. For example, universities have identified that with less funds at their disposal, they can only carry out legal literacy programs such as *nukkad nataak* (street shows) or camps.

Even though the clinics have identified various issues in the surrounding villages such as non-implementation of the welfare schemes, they cannot assist the villagers with the resolution due to the lack of funds. In addition to this, a publicly accessible legal aid clinic needs the establishment of a reachable setup or, otherwise, a proper communication channel that requires funds. Therefore, the lack of funds hampers the establishment, operation, and fulfilment of the objectives of the clinics.

The clinics funded by the university are generally low-budgeted as legal aid clinics form one of the many initiatives that the university has to cater to. It may not be wrong to say that a university does not allot enough funds for institutionalizing legal aid processes, as compared to its expenditure on other academic events such as organizing seminars or conferences

### ***17. Impact Assessment***

As discussed earlier, NALSA regulations require oversight and accountability of legal aid clinics. SLSAs are obligated to gather monthly performance reports from all legal aid clinics run by district authorities, law colleges and universities.<sup>295</sup> Similarly, under the 2013 Scheme, district authorities operating legal aid clinics must submit half-yearly reports on their activities and performance to

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<sup>295</sup> National Legal Services Authority (Legal Services Clinics) Regulations, 2011, regulation 26.

their respective State authority.<sup>296</sup> The legal service authorities must ensure due compliance with these requirements.

58 out of 83 legal aid clinics claimed to conduct periodic self-assessments based on customized criteria, while 25 admitted to not undertaking any impact analysis so far. However, no material was provided to substantiate the same. Self-assessment methods could include beneficiary surveys, one-on-one interactions, focus group discussions, telephonic reviews, and email/SMS follow-ups to capture experiences.

### ***18. Public Interest Litigation***

Among the clinics facilitating or steering impactful PILs, the initiatives are predominantly student-driven, whether through conducting methodical grass-root level research or leveraging RTIs for data.<sup>297</sup>

Out of 83 legal aid clinics, 17 have confirmed being directly or indirectly engaged in PILs on diverse issues. In contrast, a majority, i.e., 66 legal aid clinics, have not undertaken any public interest litigation so far.

The legal services clinic of the National Law School of India University, Bengaluru (NLSIU) filed a public interest litigation in the case of *Basavanagouda Patil v. State of Karnataka*,<sup>298</sup> and a writ of mandamus was sought to ensure effective implementation of the Consumer Protection Act, 1986 and timely recruitment to the district forum and other commissions. Similarly, in a petition raising the concern of poor implementation of the Juvenile Justice (Care and Protection of Children) Act,

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<sup>296</sup> National Legal Services Authority (Legal Services Clinics in University, Law Colleges and other Institutions) Scheme, 2013, clause 11.

<sup>297</sup> As per the responses received in the survey.

<sup>298</sup> 2013 (4) KarLJ 183.



2015, and the inadequacy of infrastructural efficiency of various juvenile homes, NLSIU was made part of the high committee to conduct a study on the same.<sup>299</sup>

National Law University, Jodhpur, in its response, stated that “the committee had aimed to bring to the notice of the Rajasthan High Court the dilapidated condition of infrastructure in the government schools and the lack of basic amenities therein and the low level of learning outcomes from the school due to substandard education being imparted to the students. The Committee surveyed in July 2016 to assess the implementation of the RTE Act in Jodhpur district. The survey covered 107 government schools over 20 days and identified irregularities in school infrastructure and facilities that did not comply with the Act’s mandate. The findings were compiled in a letter petition addressed to the Chief Justice of the Rajasthan High Court, Jodhpur Bench, which was subsequently treated as a writ petition in the public interest in the Court in the matter of legal aid and awareness committee, *NLU Jodhpur v. State of Rajasthan* (D.B. Civil Writ Petition No. 6815/2017).<sup>300</sup> Further, V.M. Salgaocar College of Law, Goa, has filed several public interest litigations.<sup>301</sup>

In 2016, the Supreme Court gave directions for reforms in prison administration and prison management in the case of *In re. Inhuman Conditions in 1382 Prisons*.<sup>302</sup> Subsequently, in 2017, the legal aid and services clinic at the Law School of Banaras Hindu University filed criminal public interest litigation in Allahabad High Court seeking implementation of the eleven specific

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<sup>299</sup> *Ashraya v. State of Karnataka*, W.P. No. 4840/2012 c/w W.P. No. 11271/2012, available at: <http://www.clarkcunningham.org/PIL/AshrayaVKarnataka.pdf>. (last visited on September 27, 2024).

<sup>300</sup> As per the response received from National Law University, Jodhpur.

<sup>301</sup> A. Nagarathna and Rhea Roy Mammen, “Legal Academia and Legal Aid Clinics: The Two Invisible Pillars for Dispute Resolution” 12(1) *Christ University Law Journal* 31-55 (2023). See also, V.M. Salgaocar College of Law, Prospectus for the Academic Year 2023-2024, available at: <https://vmslaw.edu.in/wp-content/uploads/2024/04/Prospectus-2023-24.pdf>. (last visited on September 27, 2024).

<sup>302</sup> (2017) 10 SCC 658.

directions of the Supreme Court in *In re. Inhuman Conditions in 1382 Prisons*.<sup>303</sup> Based on orders passed by the Court, “the government of Uttar Pradesh increased the daily wages provided to prisoners. The state government also committed to constructing additional prisons in Uttar Pradesh to address overcrowding and inadequate facilities”.<sup>304</sup>

Moreover, clinics backed by government funding may face bottlenecks in securing approvals for litigation.

### ***19. Working on Contemporary Issues***

Research and analysis on contemporary issues provide unparalleled interdisciplinary learning for student volunteers to align theoretical legal knowledge with societal realities and use legal acumen as a catalyst for the public good. Mentorship from faculty members with domain expertise and exposure guides raw enthusiasm toward more structural interventions. It helps in advocacy, including litigation assistance to affected areas, submitting recommendations to government ministries for policy reforms, conducting training workshops to build capacities of law enforcement agencies in tackling new age crimes, and community outreach.

However, 19 out of 83 legal aid clinics stated that they do not undertake any research, advocacy, or litigation efforts around emerging crises, highlighting the scope for improvement.

### ***20. Shared Experiences***

The survey reveals a fair degree of intent across most legal aid clinics to actively share best practices, experiences, and learnings with peer institutes. 51 legal aid clinics acknowledged specific mechanisms spanning newsletters, annual reports, and social media updates to showcase

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<sup>303</sup> Legal Aid and Service Clinic Law School, B.H.U v. Union of India, Criminal W.P. PIL No. 21033 of 2017.

<sup>304</sup> As per the response received from Banaras Hindu University, Varanasi.

key accomplishments and awareness drives to peer cells and external ecosystems. However, efficacy may be diluted due to the predominantly one-way communication nature of such channels that serve more as achievements in broadcast mediums rather than encouraging detailed peer learning opportunities.

Joint conferences, seminars, and dedicated legal aid events also facilitate valuable interfaces, but these events are conducted irregularly, thereby limiting knowledge sharing. Moreover, it has been seen in the survey that participation often involves delegates presenting success stories rather than earnest troubleshooting or coordination efforts around cases, limiting the potential for deeper coordination. This is reinforced by the responses to the survey, wherein 32 clinics admitted that there is a lack of formal avenues for cross-learning, indicating lost opportunities and knowledge containment rather than leverage. There are evident gaps in the absence of structured coordination platforms, dedicated cells of excellence around key issue areas, benchmarking through standardized metrics, and continuity forums focused on addressing operational bottlenecks from workforce shortages to enhancing technological integration.

While showcasing accomplishments has merits for visibility, the current state mirrors more isolated pockets of sound practices rather than an interconnected ecosystem that allows legal aid clinics to benefit through mutual strength consolidators to boost productivity and outreach optimally. The findings underscore the need for more systematic engagement platforms facilitating regular interface among universities.

## **VI. CHALLENGES FACED BY LEGAL AID CELLS**

The survey provides insight into the key challenges confronted by these cells. Most university-based legal aid cells face capacity limitations, severe financial constraints, over-dependence on faculty and over-burdened student volunteers, inadequate infrastructure, and the absence of robust monitoring systems.

*Lack of Supervision:* The UNDP Report, 2011 reveals that the Law School clinics lack supervision and evaluation of clinical programs by dedicated faculty member.<sup>305</sup> Even after more than a decade, the shortcomings of lack of supervision have not changed and has also been found during the survey of law schools by the CRP. Therefore, we are reiterating this challenge.

*Financial Limitations:* The survey disclosed that most legal aid clinics frequently cited funding constraints. Consequently, lack of finance hinders existing initiatives, boosting community engagement and sustaining long-term projects beyond ad-hoc legal awareness camps or drives. With no dedicated budget allocations and complete dependence on limited college funds or sporadic charitable grants, clinics are severely restricted in scope and accessibility to the most socio-economically backward beneficiaries.

*Stress on Volunteers:* Overworked faculty members voluntarily manage operations on top of their academic commitments, while student volunteers struggle to balance educational, co-curricular, and personal responsibilities. This combination leads to stress and reduced willingness to volunteer. As a result, clinics face challenges in maintaining long-term activities or providing

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<sup>305</sup> Government of India & UNDP, “A Study of Law School Based Legal Services Clinics” (2011).

consistent assistance. Moreover, the absence of financial incentives or adequate weightage for academic credits demotivates sustaining voluntary engagement.

*Procedural and Local Coordination Struggles:* Legal aid cells revealed procedural struggles in collaborations with government agencies or navigating institutions to secure permissions or clearances for student-led local community initiatives that significantly affect their operations.

*Community Outreach Limitations:* Many legal clinics want to improve legal literacy and access. However, they admit they have not had much success. This is because most people do not have knowledge about clinics and how to access it. This lack of knowledge is more prevalent among females, persons with disabilities, and poor people. Furthermore, there is also an issue of language barrier, as the people who need legal aid generally use their vernacular language. Clinics also have difficulty building trust with the people.<sup>306</sup> This makes it hard to understand their problems and find good solutions.

*Infrastructural Inadequacies:* Legal aid cells often lack the dedicated infrastructure and amenities required to deliver services and manage operations effectively. Many cells function in addition to university legal departments without independent office spaces. The lack of proper case documentation systems, information technology infrastructure for tracking case data, etc., severely undermines their capabilities. Resource constraints deprive them of essential office equipment or facilities for client interactions. The lack of proper training facilities, meeting spaces for community engagements, and conveyance facilities for outreach activities prove detrimental.

*Capacity Limitations:* The voluntary participation of students without a comprehensive understanding of ground realities poses significant capacity challenges. Social, cultural, and

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<sup>306</sup> As per the responses received in the survey.

economic disconnects between students and marginalized clients seeking legal aid often hinder effective advocacy. The absence of contextual training focused on client sensitization and localized legal nuances limits informed student engagement. Further, the sole dependence on external lawyers without in-house legal expertise also severely constrains organizational capacities. The lack of full-time trained staff or coordinators overburdens faculty members managing operations as an additional charge.

*Monitoring and Evaluation:* With no structured impact assessment, the cells struggle to track the degree of problems solved or lives transformed through legal aid. It becomes difficult to analyze operational gaps due to a lack of documented outcomes, success benchmarks, and process efficiencies. In addition to this, client feedback capture remains random, depriving future strategy enhancements. Robust monitoring and evaluation structures can enhance transparency, efficiency, and accountability.

## **VII. NEED FOR REFORM - SUGGESTIONS AND RECOMMENDATIONS**

Unlike clinical legal education, which had become much better integrated into the structure of Indian legal education, the adoption of legal aid clinics has been lackadaisical. As a result, even today, most law schools have set up clinics that are not adequately functional. Moreover, there is a growing conundrum of legitimate objectives of legal aid clinics in law schools, i.e., social justice and skill development.<sup>307</sup>

Since such clinics were neither set up under any Central or State legislation nor designed to follow any standardized model, we can find significant variation in their objectives, structures, organization, finances, mode of operation, activities, policies, and so on. These differences reflect the need for more clarity in interpreting the objectives of establishing and functioning legal aid clinics in law schools.

While legal aid aims to fulfill social responsibilities in the course of developing the lawyering skills of law students, it is found that the working of legal aid clinics has not been able to serve either purpose adequately. The initiatives taken under various legal aid clinics do not include imparting important skills like drafting, briefing, etc. At the same time, social justice initiatives are very limited. At some universities, more funds are spent on organizing client counseling competitions rather than on initiating an actual legal aid project. In other words, social justice has become a yearly or half-yearly activity catering to proximate or reachable audiences only. The ill-utilization of “students as effective instrumentalities for ushering social change”<sup>308</sup> is attributed to multiple reasons, such as lack of institutional vision, low or no budget allocation or grants, lack of

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<sup>307</sup> K. Rajashree, “Dissecting the Dichotomy of Skill and Social Justice Theory of Law School Legal Aid Clinics in the USA and India: A Relook of the Past and the Present” 8(1) *Asian Journal of Legal Education* 79-94 (2021).

<sup>308</sup> National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013, Background.

incentives for faculty members, inadequate work recognition of student members, no moral compulsion or other lucrative career prospects, and most important, lack of commitment.

To adapt to societal realities, considering the country's diverse experiences, it is necessary to revisit the models of law school-based legal aid clinics in India. The analysis of data received in the survey has led us to arrive at the following suggestions for the reformation of legal aid clinics:

- **Compliance Mechanism:** NALSA Regulations, 2011, and NALSA Scheme, 2013, provide for periodic review of activities conducted by legal aid cells to ensure their efficiency. Legal aid cells are obligated to submit monthly reports to DLSA, while SLSA shall conduct a review of the legal aid clinics at least once every three months and are required to send quarterly reports on the functioning of clinics to NALSA. Parallely, as per NALSA Scheme 2013, DLSA must send half-yearly reports on clinic functioning to the SLSA must conduct a half-yearly review meeting by inviting clinic heads/representatives and student representatives and commend the best-performing clinics. SLSA must also furnish yearly details on clinics working with NALSA in a prescribed format.

Law school authorities should be held accountable for laying down objectives, conducting, and determining the outcome of legal aid cells.<sup>309</sup> It is suggested that legal aid cells should maintain a publicly accessible website that covers pinpoints like student and faculty responsibilities, work diversity, language, and cultural competencies (for instance, requiring first-year law students to learn the local language or practices or sensitizing the faculty and students to make the clinic inclusive on diverse factors), village adopted and so on. Further, in addition to reviewing reports required to be sent to legal service

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<sup>309</sup> K Rajashree and Sonika Bhardwaj, "India's Law School Legal Aid Clinics: The Gaps Between Aspiration and Practice" 28(2) *International Journal of Clinical Legal Education* 38-65 (2021).



authorities, legal aid cells shall release a yearly compliance report analyzing the work done, and the impact created by cells in furtherance of their objectives on its website. Further, cells at different law schools can also introduce peer learning programs annually or bi-annually to exchange ideas and learn the best practices from each other.

- **A National Conference of All Stakeholders:** Even with the guiding framework for operating legal aid clinics in law schools in place, there are persistent issues regarding lack of faculty expertise, funding, empaneled lawyers, assistance from authorities, periodic review, and so on. The pressing priority is effectively implementing the existing acts, rules, regulations, and schemes rather than introducing new laws.<sup>310</sup> The enforceability of the existing schemes must be discussed and acted upon by the authorities. In this regard, NALSA may organize a conference with the stakeholders to discuss effective solutions.
- **Academic Credits for Legal Aid Activities:** It is observed that legal aid in Indian law schools is conducted majorly as a co-curricular activity. It limits the number of work hours or weekly engagements of students. It affects the quality of work and reduces the essence of the objectives of legal aid to a mere formality. In contrast, it is observed that the legal aid clinic at Georgetown University engages students for 25–30 hours per week, which gets adjusted to their academic credits. This academic engagement would encourage students to be involved and commit to legal assistance to underprivileged communities.<sup>311</sup> The recommendation thus is to integrate legal aid in the course curriculum with due academic credits.

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<sup>310</sup> Dr. G. Mallikarjun, “Legal Aid in India and the Judicial Contribution” 7(1) *NALSAR Law Review* 241 (2013).

<sup>311</sup> K Rajashree and Sonika Bhardwaj, “India’s Law School Legal Aid Clinics: The Gaps Between Aspiration and Practice” 28(2) *International Journal of Clinical Legal Education* 38-65 (2021).

- **Establishing Specialized Law Clinics:** It would be beneficial to introduce specialized skill courses that identify issues specific to Indian communities and develop skills around them.<sup>312</sup> Some of the relevant considerations could be the accessibility of the population, the determination of what community is to be served, and, accordingly, what service is needed in the community. In this regard, it is pertinent to utilize the available resources in the university, namely, what service the university is particularly interested in providing and what area of practice the clinical faculty is best qualified to teach or most interested in pursuing. Legal aid cells should prioritize establishing specialized law cells based on the above-mentioned factors.

A diverse range of options exists, including disputes related to human rights, protection of the environment, property, consumer protection, rent, employment, and service disputes, for *instance*, special clinics to deal with atrocities against scheduled castes and scheduled tribes. Law schools can manage multiple cells on separate days, assigning faculty experts to lead each cell according to their specialization.<sup>313</sup> The cells in universities in the United States, Australia, and Canada are also specifically designed to meet the community's needs. For instance, the Supreme Court Litigation Clinic at Stanford University works specifically to represent the people at the United States Supreme Court. In addition to clarity in the provision of specified services, the distinction in cells enables the students to gain experience and expertise in their chosen field.

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<sup>312</sup> Margaret Martin Barry, "Clinical Legal Education in the Law University: Goals and Challenges" 11 *International Journal of Clinical Legal Education* 27-50 (July, 2007).

<sup>313</sup> David W. Tushaus, Shailendra Gupta and Sumit Kapoor, "India Legal Aid Clinics: Creating Service-Learning Research Projects to Study Social Justice" 2(2) *Asian Journal of Legal Education* 100-118 (2015).

- **Exploring Initiatives for Legal Aid and Reforms in Prisons:** Law students can play a vital role in strengthening the criminal justice delivery system and achieving equal access to justice for persons in custody, with a particular focus on prison reforms. Law school-based legal aid cells can act as a medium to achieve this goal with the assistance of legal aid student volunteers. For this purpose, the cells may engage students with the State, district, or taluka legal aid services authorities or similar committees, and it is advisable to have a memorandum of understanding between the respective parties.<sup>314</sup> It is suggested that the legal aid cells should serve as a bridge between inmates, those who need legal assistance in custody, and legal service authorities. Legal aid cells should share the reports of prison visits or prison camp observations with the authorities, who can then take appropriate actions.
  
- **Providing Ancillary Services:** Legal assistance to underprivileged communities is not limited to litigation. The legal needs of the rural and tribal communities are generally related to education, health, housing, employment, livelihood, and freedom from atrocities and exploitation. However, they are not aware of their rights, nor are they able to access justice systems that are easily accessible to the upper and middle classes.<sup>315</sup> Here, court-centric litigation is not advisable due to limited access to justice for these communities because of the cost, delay, and uncertainty in litigation processes. Most problems require

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<sup>314</sup> Commonwealth Human Rights Initiative, “University based Legal Aid Clinics and Persons in Custody - A Guide” (2019).

<sup>315</sup> Discussion in conferences conducted by Global Alliance for Justice Education (GAJE). GAJE is a non-profit organization, established in 1999 at Thiruvananthapuram, by an association of clinical law teachers from across 26 countries, with Prof. Dr. Madhava Menon as one of the delegates. GAJE conferences, as well as other GAJE activities described on their website, are aimed at promoting the exchange of information and experience among persons involved in Justice Education around the world, available at: <https://resources.gaje.org/wp-content/uploads/2011/01/1999-GAJE-Conference-Report-Thiruvananthapuram.pdf>. (last visited on September 27, 2024).

intervention before administrative bodies, regulatory agencies, public service providers, and the like, and the approach is conciliatory rather than adversarial. It is suggested that the clinics take up such issues.

In addition, the competencies and work of student-run legal aid cells can be utilized in surveying legal checks and balances in industrial relations.<sup>316</sup> The organization of literacy camps to educate industrial employees and workers about their rights and obligations under different legislations is, undoubtedly, an impactful activity. The students can also take up problem-identification tasks by conducting surveys to identify the dissipation of minimum wages and other social insurance benefits, mapping factory working conditions, tabulating industrial mishaps, and corresponding employee compensation. Further, they can assist industrial workers in representation before administrative authorities through drafting and counseling.

- **Ensuring Professional Supervision:** Globally, the clinics at universities such as Harvard, Georgetown, and the University of New South Wales engage professionals and specialized professionals from diverse areas of law to lead the clinic. This is also the mandate under the NALSA Regulations and Scheme. Law schools in India should thus engage a full-time clinical faculty. This requires the hiring of faculties who are experts in law and practice or professional coordinators who can identify and correct procedural defects. Alternatively, skilled practitioners can be employed, or assistance from volunteer attorneys can be sought to aid and supervise procedural accuracy and substantive application of the law, wherever required.

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<sup>316</sup> Baidyanath Choudhury, "Legal Aid Programme as an Instrument for Social Justice - An Inroad in Industrial Adjudication" 38 *Journal of the Indian Law Institute* 248 (1996).

- **Funding of Legal Aid Clinics:** Previously, at the National Seminar organized by the NALSA in 2017, it was suggested that the Chancellors of national law universities make state budgetary provisions for legal services.<sup>317</sup> Universities other than national law universities should approach the member secretary of SLSA, concerned bar councils, and other authorities for assistance and support in establishing and operating these clinics.<sup>318</sup> Since funding remains a major issue, it is recommended that universities, in coordination with the legal services authorities, prepare yearly budgets for legal aid clinics.
  
- **Maintaining Comprehensive Records of the Legal Action Taken:** It is observed that the law school clinics usually have a rotating staff (including coordinators and students), i.e., the existing members retire, and new members are inducted usually every semester. This rotation obstructs continuity in work, where matters are carried on for a considerable period. Clinics need to address this issue in their operations and devise methods where details of legal action are recorded so that it is continued without prejudice to the cause or the client.<sup>319</sup>
  
- **Branding and Boosting Visibility of Legal Aid Clinics:** It is noteworthy that clause 3(c) of the NALSA Scheme, 2013 provides that there should be adequate publicity of the legal aid clinic, and the university must share its location and working hours, preferably on a website. Legal aid clinics must be promoted in pursuit of common good and justice. The

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<sup>317</sup> Gujarat National Law University, Gandhinagar, “Report on National Seminar on Law School Based Legal Services Clinics Organised by the National Legal Services Authority, New Delhi” (2017).

<sup>318</sup> *Ibid.*

<sup>319</sup> Leon Thomas David, “The Value of Legal Aid Work to Law Schools”, 205 *Frontiers of Legal Aid Work*, *The Annals of the American Academy of Political and Social Science* 121-128 (September 1939).

strategic branding of a legal aid clinic shall be based on its competencies, experiences, and services that meet the needs of the individuals.<sup>320</sup>

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<sup>320</sup> Uday Shankar, “Legal Aid Clinic in India: Does Branding Matter?” *Private Lawyer* 73 (December 2022).

### **VIII. MODEL LEGAL AID CELL**

Based on existing literature and analysis of the survey, we are chalking out certain compliances and parameters that a model legal aid cell of a law school should take into consideration:

1. Every legal aid cell shall have a charter indicating the objectives of the cell, criteria for selection of the members, activities to be undertaken, subject areas for conducting initiatives, geographical areas for conducting camps, adoption of villages, empanelment of lawyers, funding of cell, and so on. Some of the activities could include facilitating legal aid activities in prisons, identifying local issues such as help in securing government identity cards for villagers, surveying the implementation of the Right to Education Act, 2009, etc.
2. Every legal aid cell shall appoint at least one professional clinical supervisor or coordinator of a legal aid cell who can guide the student/volunteer on the appropriate course of action in matters of legal representation.
3. Additionally, every legal aid cell shall have designated full-time faculty members or if the cell is headed by a faculty supervisor, they may be specifically trained or have had expertise on the subjects dealt with or some experience working in legal aid.
4. Every legal aid cell must have a policy for inclusion and diversity for membership in place. It must be mindful of the accessibility of cells for persons with disabilities.
5. Every legal aid cell should empanel the services of lawyers or para-volunteers to aid and assist clients with legal representation wherever required.
6. Legal aid cell should work in collaboration with other institutions such as gram sabhas, gram nyayalayas, consumer forums, welfare and revenue officials, forest department,

media outlets, NGOs, judicial machineries such as police and prison authorities, legal aid communities and legal service authorities at taluk, district, state or national level.

7. Students should be accredited for their legal aid work with academic credits or accounting experience for similar endeavors. It is advisable that faculty supervisors are duly credited in terms of remuneration or other perks.
8. Every legal aid cell shall prepare an annual budget and accounts for conducting legal aid activities. It shall make an application for funds to DLSA and act in compliance with respective funding guidelines.
9. Every legal aid cell shall have a functional website that indicates their location, working hours, and point of contact. They shall ensure accessibility of their cell to nearby communities through advertising or other methods.
10. Every legal aid cell shall give periodical reports to DLSA in accordance with the guidelines or publish them on the website. It shall also share the records of legal aid camp observations like prison camps to the legal service authorities, who can take appropriate action based on such reports.
11. Legal aid cells of different colleges/universities may collaborate and coordinate their activities and practices to expand the impact and outreach of legal aid.
12. Legal aid cells may also set up video-conferencing platforms or telephonic set-up between empaneled lawyers, students, and persons seeking legal aid in their proximities but unable to access the clinic physically. This would not only promote accessibility but also ensure privacy. The legal aid cells can also refer to the initiative known as Tele-Law, a national



platform for providing legal aid, set up by the Department of Justice in collaboration with NALSA and CSC e-Governance Service India.<sup>321</sup>

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<sup>321</sup> Department of Justice, Overview of Tele-Law, *available at*: <https://www.tele-law.in/overview-of-tele-law.html#:~:text=Department%20of%20Justice%20has%20partnered,of%20legal%20information%20and%20advice>. (last visited on September 21, 2024). Tele-Law refers to the use of communication and information technology to provide legal information and advice. This electronic interaction between lawyers and individuals is facilitated through the video-conferencing infrastructure available at Common Service Centers (CSCs). The purpose of Tele-Law is to streamline the delivery of legal advice by connecting citizens with a panel of lawyers based at the front offices of Legal Services Authorities and CSCs. The project aims to link citizens with these panel lawyers via video conferencing or telephone services, facilitated by Village Level Entrepreneurs across 2,50,000 gram panchayats.

## ANNEXURES

### Annexure A: List of the Colleges contacted for the Survey

#### **1. Andhra Pradesh**

- (a) Damodaram Sanjivayya National Law University, Visakhapatnam
- (b) Mahatma Jyotirao Phule College of Law, Dept. of Law of Dr. B.R. Ambedkar University, Srikakulam
- (c) University Law College (Dr B R Ambedkar College of Law), Waltair
- (d) School of Law, GITAM University, Visakhapatnam

#### **2. Arunachal Pradesh**

- (a) Jarbom Gamlin Government Law College, Jote, Itanagar
- (b) Faculty of Law, Arunachal University of Studies, Namsai
- (c) Department of Law, Rajiv Gandhi University of Law, Doimukh

#### **3. Assam**

- (a) National Law University and Judicial Academy, Guwahati
- (b) Centre for Juridical Studies, Dibrugarh University, Dibrugarh
- (c) University Law College, Gauhati University, Gauhati
- (d) Deshbandhu Chittaranjan School of Legal Studies, Department of Law, Assam University, Silchar

#### **4. Bihar**

- (a) Chanakya National Law University, Patna
- (b) School of Law, Central University of South Bihar, Gaya
- (c) Patna Law College, Patna University, Patna
- (d) Rohtas Vidhi Mahavidyalaya, Sasaram

## **5. Chhattisgarh**

- (a) Hidayatullah National Law University, Raipur
- (b) Department of Law, Guru Ghasidas University, Bilaspur
- (c) Dr. C. V. Raman Institute of Law, Dr. C.V. Raman University, Bilaspur
- (d) Faculty of Law, Kalinga University, Raipur

## **6. Delhi**

- (a) National Law University, Delhi
- (b) Campus Law Centre, University Campus, Delhi University, Delhi
- (c) Faculty of Law, Jamia Millia Islamia, Delhi
- (d) University School of Law and Legal Studies, GGSIPU, Delhi
- (e) Vivekananda Institute of Professional Studies, Delhi

## **7. Goa**

- (a) V.M. Salgaocar College of Law, Panaji

## **8. Gujarat**

- (a) Gujarat National Law University, Gandhinagar
- (b) Faculty of Law, M.S. University, Vadodara
- (c) Institute of Law, Nirma University of Science & Technology, Ahmedabad
- (d) Department of Law, Veer Narmad South Gujarat University, Surat

## **9. Haryana**

- (a) Dr. BR Ambedkar National Law University Sonapat
- (b) Jindal Global Law School, O. P. Jindal Global University, Sonapat
- (c) Department of Law, Maharshi Dayanand University, Rohtak

(d) Department of Law, Kurukshetra University, Kurukshetra

#### **10. Himachal Pradesh**

(a) Himachal Pradesh National Law University, Shimla

(b) Faculty of Law, Himachal Pradesh University, Shimla

(c) University Institute of Legal Studies, H. P. University, Shimla (old name- School of Legal Studies)

(d) School of Law, Faculty of Liberal Arts and Management Sciences, Shoolini University, Solan

#### **11. Jammu & Kashmir**

(a) Department of Law, Kashmir University, Srinagar Faculty of Law, Kashmir University

(b) Department of Law, School of Legal Studies, Central University of Kashmir

(c) Dogra Law College, Jammu University, Jammu

(d) K.C. Law College, Jammu University, Jammu

#### **12. Jharkhand**

(a) National University of Study and Research in Law, Ranchi

(b) Institute of Legal Studies, Ranchi University, Ranchi

(c) Chotanagpur Law College, Ranchi

(d) University College of Law, Vinoba Bhave University, Hazaribag

#### **13. Karnataka**

(a) National Law School India University, Bengaluru

(b) School of Law, Christ University, Bengaluru

(c) University College of Law, Bangalore University, Bengaluru

(d) Ramaiah College of Law, Bengaluru

(e) SDM Law College, Mangalore

(f) School of Law, Alliance University, Bengaluru

#### **14. Kerala**

(a) National University of Advanced Legal Studies, Cochin

(b) Govt. Law College, Calicut University, Kozhikode

(c) Govt. Law College, Thiruvananthapuram

(d) Govt. Law College, Ernakulam

#### **15. Madhya Pradesh**

(a) National Law Institute University, Bhopal

(b) Dharmashastra National Law University, Jabalpur

(c) Department of Law, Barkatullah University, Bhopal

(d) Government New Law College, Indore

(e) Indore Institute of Law, Indore

(f) School of Law, Jagran Lake City University, Bhopal

#### **16. Maharashtra**

(a) Maharashtra National Law University, Mumbai

(b) Maharashtra National Law University, Nagpur

(c) Maharashtra National Law University, Aurangabad

(d) Government Law College, Mumbai

(e) ILS law College, Pune

(f) Symbiosis Society's Law College, Pune

(g) Bharati Vidyapeeth's New Law College, Erandwana, Pune

(h) School of Law, SVKM's Narsee Monjee Institute of Management Studies (NMIMS Deemed University), Juhu, Mumbai

## **17. Manipur**

- (a) L.M.S Law College, Imphal
- (b) Vishal Law Institute, Imphal

## **18. Meghalaya**

- (a) Department of Law, North-Eastern Hill University, Shillong
- (b) Shillong Law College, Shillong
- (c) University School of Law & Research, University of Science and Technology, Ri-Bhoi

## **19. Mizoram**

- (a) Government Mizoram Law College, Aizwal (Old name is Aizwal Law College)

## **20. Nagaland**

- (a) Kohima Law College, Kohima

## **21. Odisha**

- (a) National Law University, Cuttack
- (b) University College of Law, Utkal University, Vani Vihar, Bhubaneswar
- (c) Madhusudan Law College, Utkal University, Cuttack
- (d) KIIT School of Law, KIIT University, Bhubaneswar
- (e) Sambalpur University, Department of Law, Sambalpur

## **22. Punjab**

- (a) Rajiv Gandhi National University of Law, Patiala, Punjab
- (b) Dept. of Law, Punjab University, Chandigarh
- (c) Lovely Institute of Law, Lovely Professional University, Phagwara, Jalandhar
- (d) Army Institute of Law, Mohali

### **23. Rajasthan**

- (a) National Law University, Jodhpur
- (b) Faculty of law, Jai Narayan University Jodhpur
- (c) Government College, Ajmer
- (d) School of Law, NIMS University, Jaipur
- (e) Faculty of Law, Mewar University, Chittorgarh
- (f) School of Law, Manipal University, Jaipur

### **24. Sikkim**

- (a) Sikkim Government Law College, Gangtok
- (b) Department of Law and Legal Jurisprudence Studies, Sikkim University, Gangtok
- (c) Faculty of Law, ICFAI University, Gangtok

### **25. Tamil Nadu**

- (a) Tamil Nadu National Law School, Tiruchirapalli
- (b) Dr Ambedkar Government Law College, Chennai
- (c) Saveetha College of Law, Saveetha University, Chennai
- (d) School of Law, Sastra University, Thanjavur

### **26. Telangana**

- (a) National Academy of Legal Study & Research (NALSAR) University of Law, Hyderabad
- (b) University College of Law, Osmania University, Hyderabad
- (c) University College of Law, Kakatiya University, Warangal
- (d) ICFAI Law School, Hyderabad
- (e) Symbiosis Law School, Hyderabad

## **27. Tripura**

- (a) Tripura Govt. Law College, Agartala
- (b) ICFAI Law College, Agartala

## **28. Uttarakhand**

- (a) Department of Law, Hemwanti Nandan Bahugana Garhwal University, S.R.T. Parisar, Tehri
- (b) IMS School of Law, IMS Unison University, Dehradun
- (c) College of Legal Studies, University of Petroleum Energy Studies, Dehradun
- (d) School of Law I.C.F.A.I University, Dehradun

## **29. Uttar Pradesh**

- (a) Dr Ram Manohar Lohiya National Law University, Lucknow
- (b) Faculty of Law, Allahabad University, Allahabad
- (c) Faculty of Law, Lucknow University, Lucknow
- (d) Faculty of Law, Banaras Hindu University, Varanasi
- (e) Department of Law, Babasaheb Bhimrao Ambedkar University, Lucknow
- (f) Faculty of Law, Aligarh Muslim University, Aligarh
- (g) Amity Law School, Noida
- (h) Amity Law School, Lucknow
- (i) Lloyd Law College, Greater Noida
- (j) Bennett University, Greater Noida
- (k) Symbiosis Law School, Symbiosis International Deemed, University, Greater Noida

## **30. West Bengal**

- (a) West Bengal National University of Juridical Sciences, Kolkata
- (b) Department of Law, Calcutta University, Kolkata



(c) Rajiv Gandhi School of Intellectual Property Law, Kharagpur

(d) School of Law, JIS University, Kolkata

## **Annexure B: List of the Colleges from where Responses were Received**

### **1. Andhra Pradesh**

- (a) Mahatma Jyothirao Phule Department of Law, Dr B R Ambedkar University, Srikakulam
- (b) School of Law, GITAM (Deemed to be University), Visakhapatnam
- (c) Damodaram Sanjivayya National Law University, Visakhapatnam

### **2. Assam**

- (a) National Law University and Judicial Academy, Guwahati

### **3. Bihar**

- (b) Rohtas Vidhi Mahavidyalaya, Sasaram
- (c) Chanakya National Law University, Patna
- (d) School of Law and Governance, Central University of South Bihar, Gaya
- (e) Patna Law College, University of Patna, Patna

### **4. Chhattisgarh**

- (a) Hidayatullah National Law University, Nava Raipur, Chhattisgarh

### **5. Delhi**

- (a) University School of Law and Legal Studies, GGSIPU, Delhi
- (b) Faculty of Law, Jamia Millia Islamia, Delhi
- (c) Campus Law Centre, Faculty of Law, University of Delhi, Delhi
- (d) Vivekananda School of Law and Legal Studies, Delhi
- (e) National Law University, Delhi

### **6. Goa**

- (a) V M Salgaocar College of Law, Panaji

## **7. Gujarat**

- (a) Shah K.M. Law College, Valsad
- (b) Institute of Law, Nirma University, Ahmedabad
- (c) Maharaja Sayajirao University of Baroda, Vadodara
- (d) Gujarat National Law University, Gandhinagar

## **8. Haryana**

- (a) Dr. B.R. Ambedkar NLU, Sonapat
- (b) Jindal Global Law School, OP Jindal Global University, Sonapat

## **9. Himachal Pradesh**

- (a) H.P. National Law University, Shimla
- (b) Department of Law, Himachal Pradesh University, Shimla

## **10. Jammu and Kashmir**

- (a) School of Legal Studies, Central University of Kashmir, Ganderbal
- (b) Dogra Law College, Jammu

## **11. Jharkhand**

- (a) National University of Study and Research in Law, Ranchi

## **12. Karnataka**

- (a) School of Law, Christ University, Bengaluru
- (b) Shree Dharmasthala Manjunatheshwara Law College, Mangalore
- (c) Ramaiah College of Law, Bengaluru
- (d) Alliance school of law, Bengaluru
- (e) National Law School of India University, Bengaluru
- (f) SVKM's Narsee Monjee Institute of Management Studies, Bengaluru

### **13. Kerala**

- (a) National University of Advanced Legal Studies, Kochi
- (b) Government Law College, Thiruvananthapuram
- (c) Government Law College, Thrissur

### **14. Madhya Pradesh**

- (a) Faculty of Law, Jagran Lakecity University, Bhopal
- (b) Department of Legal Studies and Research, Barkatullah University Bhopal
- (c) SVKM's Narsee Monjee Institute of Management Studies, Indore
- (d) National Law Institute University, Bhopal
- (e) Dharmashastra National Law University, Jabalpur

### **15. Maharashtra**

- (a) Maharashtra National Law University, Aurangabad
- (b) Kirit P. Mehta School of Law, NMIMS University, Mumbai
- (c) ILS Law College, Pune
- (d) Maharashtra National Law University, Nagpur
- (e) NMIMS School of Law, Navi Mumbai
- (f) Symbiosis Law School, Pune
- (g) Government Law College, Mumbai
- (h) SVKM's Narsee Monjee Institute of Management Studies, Mumbai
- (i) Maharashtra National Law University, Mumbai
- (j) School of Law, Rights and Constitutional Governance Tata Institute of Social Science,  
Mumbai

## **16. Meghalaya**

- (a) Department of Law, North Eastern Hill University (NEHU), Shillong

## **17. Mizoram**

- (a) Government Mizoram Law College, Aizawl

## **18. Odisha**

- (a) National Law University Odisha, Cuttack
- (b) KIIT School of Law, KIIT University, Bhubaneswar

## **19. Punjab**

- (a) Army Institute of Law, Mohali
- (b) Rajiv Gandhi National University of Law, Patiala
- (c) SVKM's Narsee Monjee Institute of Management Studies, Chandigarh

## **20. Rajasthan**

- (a) NIMS School of Law, Jaipur
- (b) Manipal University Jaipur
- (c) Faculty of Law, JNVU, Jodhpur
- (d) National Law University, Jodhpur

## **21. Tamil Nadu**

- (a) School of Law, SASTRA Deemed to be University, Thanjavur
- (b) Tamil Nadu National Law University, Tiruchirappali

## **22. Telangana**

- (a) K. P. Mehta School of Law, NMIMS, Jadcherla
- (b) NALSAR University of Law, Hyderabad
- (c) Symbiosis Law School, Hyderabad

### **23. Tripura**

- (a) Tripura Government Law College, Agartala

### **24. Uttarakhand**

- (a) School of Law, IMS Unison University, Dehradun
- (b) ICFAI law school, the ICFAI university Dehradun
- (c) School of Law, UPES, Dehradun
- (d) Hemwati Nandan Bahuguna Garhwal University

### **25. Uttar Pradesh**

- (a) School of Law, Bennett University, Noida
- (b) Amity Law School, Noida (*has two legal aid clinics*)
- (c) Faculty of Law, Banaras Hindu University, Varanasi
- (d) University of Lucknow
- (e) School of Legal Studies, Babasaheb Bhimrao Ambedkar University (Central University),  
Lucknow
- (f) Faculty of Law, Aligarh Muslim University, Aligarh
- (g) Dr. Ram Manohar Lohiya National Law University, Lucknow (*has two legal aid clinics*)
- (h) Symbiosis Law School, Noida
- (i) Lloyd Law College, Noida

### **26. West Bengal**

- (a) West Bengal National University of Juridical Sciences, Kolkata
- (b) Rajiv Gandhi School of IP Law, IIT Kharagpur

